

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. \_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING A GENERAL PLAN AMENDMENT (PZ NO. 03-620-03) TO CHANGE THE LAND USE MAP FOR THE PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF HUENEME ROAD, EAST OF EDISON DRIVE, WEST OF OLDS ROAD, AND SOUTH OF THE SOUTHERLY EXTENSION OF ROSE AVENUE (APNs 223-03-030-125, -145, -185, -195, -205, -225, -255, -275, -285, -295, -300, -310, -320; 224-0-043-155 AND 224-0-054-355) FROM LOW MEDIUM DENSITY RESIDENTIAL, GENERAL COMMERCIAL, SCHOOL AND PARK TO LOW, LOW MEDIUM AND MEDIUM DENSITY RESIDENTIAL, NEIGHBORHOOD COMMERCIAL, LIGHT INDUSTRIAL, SCHOOL, PARK, RECREATIONAL AREA, AND OPEN SPACE BUFFER; AND TO AMEND OTHER GENERAL PLAN ELEMENTS TO SUPPORT APPROVAL OF THE SOUTHSORE SPECIFIC PLAN PROJECT. THE APPLICATION WAS FILED BY HEARTHSHORE HOMES/ITO FARMS, LLC., 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2011-14 recommending approval of a General Plan Amendment for property located on the North side of Hueneme Road, East of Edison Drive, West of Olds Road, and South of the Southerly extension of Rose Avenue (APNs 223-03-030-125, -145, -185, -195, -205, -225, -255, -275, -285, -295, -300, -310, -320; 224-0-043-155 and 224-0-054-355), filed by Hearthside Homes/Ito Farms; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of General Plan Amendment No. 03-620-03; and

WHEREAS, on March 23, 2010, the City Council certified Final Environmental Impact Report (FEIR) No. 05-03 (SCH #2005091094) for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects (Ormond Beach Development Projects), and

WHEREAS, the City Council finds that the FEIR was completed for this project in compliance with the California Environmental Quality Act, Cal. Public Resources Code Section 21000 *et seq.*, (CEQA) and reflects the independent judgment of the City; and

WHEREAS, the FEIR has been certified for this project, and the City Council has considered the FEIR before making its decision herein; and

WHEREAS, Section 21081 of the CEQA Statute and Section 15091 of the State CEQA Guidelines (14 Cal. Code of Regs. Section 15000 *et seq.*) require that this City Council make one or more of the findings set forth in Section 21081 of the CEQA Statute, prior to approval of a

project for which an EIR has been prepared identifying one or more significant effects of the project, together with a statement of facts in support of each finding; and

WHEREAS, Section 15093(a) of the State CEQA Guidelines requires the City Council to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project;

WHEREAS, Section 15093(b) of the State CEQA Guidelines requires that where the decision of this City Council allows the occurrence of significant effects which are identified in an EIR, but are not at least substantially mitigated, the City Council must state in writing the reasons to support its action based on the FEIR or other information in the record;

WHEREAS, Section 21091.6 of CEQA requires that where an EIR has been prepared for a project for which mitigation measures are adopted, that a mitigation monitoring or reporting program be adopted for said project;

WHEREAS, the documents and other material that constitute the record of proceedings are located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the Applicant agrees as a condition of approval of this resolution and at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this resolution or any actions or proceedings, acts or determinations taken, done or made before the approval of this resolution that were part of the approval process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OXNARD DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council approves of Planning and Zoning Permit No. 03-620-03 (General Plan Amendment – see Exhibit A) to: 1) amend the 2020 General Plan Land Use Map (Land Use Element Figure V-5) in accordance with the land use designations identified within the SouthShore Specific Plan Land Use Plan; 2) revise the 2020 General Plan Specific Plan Map (Land Use Element Figure V-1) to include the SouthShore Specific Plan and redraw the parameters of the Ormond Beach Specific Plan area; and 3) make other minor map and text amendments to the City of Oxnard 2020 General Plan, as identified in Exhibit B, to accommodate the SouthShore land use designations and associated increase in planned parkland and open space areas and decrease in potential high school and junior high locations identified in the 2020 General Plan.

2. The City Council adopts the findings set forth in Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines with respect to each significant environmental effect identified in the Final, and each alternative considered in the FEIR, and the explanation of its reasoning with respect to each such finding set forth in the document entitled, "Findings of Fact and Statement of Overriding Considerations," attached hereto as **Exhibit C**.

3. The City Council finds that although the FEIR identifies certain significant environmental effects that may occur if the General Plan Amendment is approved, all significant effects that can feasibly be mitigated or avoided have been reduced to an acceptable level by the imposition of mitigation measures, all of which have been identified and set forth in the FEIR, and described in the Mitigation Monitoring and Reporting Program attached to the FEIR, and all of which are fully enforceable pursuant to CEQA (Public Resources Code) Section 21081.6(b) and is hereby adopted by the City Council as conditions of approval.

4. The City Council finds that the unavoidable significant environmental effects identified in the FEIR that have not been reduced to a level of insignificance have been substantially lessened in their severity by the imposition of the mitigation measures described in the Findings of Fact, and that the remaining unavoidable significant impacts are clearly outweighed by the economic, social, and other benefits as set forth in the "Findings of Facts and Statement of Overriding Considerations," attached hereto as **Exhibit C**, which the City Council hereby adopts pursuant to Section 21081 of CEQA and Section 15091 of the State CEQA Guidelines.

PASSED AND ADOPTED this 14<sup>th</sup> day of June 2011, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden  
Mayor

ATTEST:

---

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

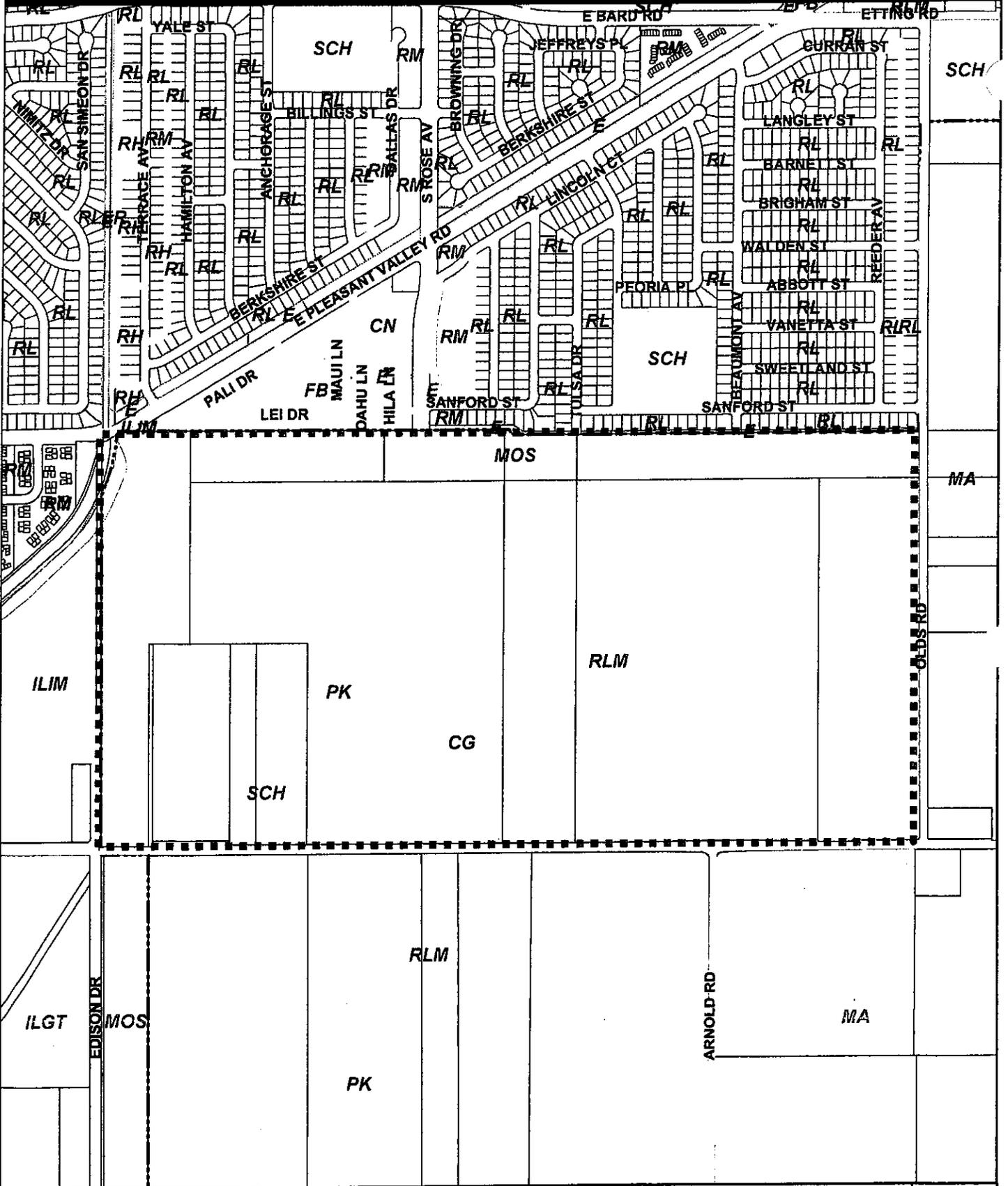


---

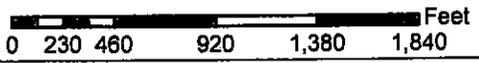
Alan Holmberg, City Attorney

EXHIBIT 'A'  
General Plan Amendment

# General Plan Map



PZ 03-620-03, 03-640-01, 03-560-01  
07-300-16, 05-670-03  
Southshore Specific Plan



General Plan Map  
EXHIBIT     A    



# EXHIBIT 'B'

## General Plan Elements General Plan Map and Text Amendments SouthShore Specific Plan

### LAND USE ELEMENT (2020)

#### Figures/Tables and Map Amendments

- Figure V-1, Specific Plan Map. Add the "SouthShore Specific Plan" to the Specific Plan Areas map key and add the boundaries of the SouthShore area on this map.
- Figure V-5, 2020 General Plan Land Use Map. Revise the Land Use designations on this map to be consistent with the land use designations shown on Exhibit 2-3 Alternative Land Use Plan (without High School) in the SouthShore Specific Plan.
- Table V-5, Existing Land Use and General Plan Designations for Major Study Areas (pgs. V-35 to V-36). Add SouthShore Specific Plan to line 16 under "Ormond Beach" and corresponding acreage.
- Table V-6, Residential Specific Plan Areas (pg. V-37). Revise the acres in Area 16 Ormond Beach column to be consistent with the SouthShore Specific Plan land use plan.
- Table V-7, 2020 General Plan Land Use Inventory (pgs. V-48 to V-49). Revise the acres under the "Acreage to be Developed" column and the "2020 General Plan Acreage" column to be consistent with the SouthShore Specific Plan land use plan.

#### Text Amendments

- Pg. V-8, Setting Section A.9 Parks. Revise to be consistent with the SouthShore Specific Plan.
- Pg. V-8, Setting Section A.12 Schools. Revise the number of proposed schools to be consistent with the SouthShore Specific Plan.
- Pg. V-14, Setting Section B.2. Add the SouthShore Specific Plan and associated description as item "g" under this section.
- Pg. V-41, Development Policies Section C.4.16 (Policies, Major Study Areas Policies, Ormond Beach). Include a paragraph with the following SouthShore project information: The SouthShore project is generally located on the north side of Hueneme Road, east of Edison Drive, west of Olds Road, and south of the Tierra Vista and Villa Capri Neighborhoods. This area (approximately 322 acres) proposes a mix of uses including up to 1,545 residential dwelling units of varying types and densities; a 9.6 acre elementary school; a 28.5 acre community park; 15.5 acres of neighborhood parks and greenbelts; a 34 acre lake and open space areas; a 4.2 acre mixed-use commercial marketplace; and

approximately 37.2 acres of light industrial uses. The tentative tract map will allow for phased development within the project area over a 30 years period from the date of approval.

- Pg. V-47, Table V7 (text explanation of Table V7). Update acreage figures to be consistent with the SouthShore Specific Plan.

## **PUBLIC FACILITIES ELEMENT (2020)**

### **Figure Amendment**

- Figure V11-2, Schools and School Districts. Remove the proposed High School and Junior High from this figure to be consistent with the SouthShore Specific Plan.

## **PARKS AND RECREATION ELEMENT (2020)**

### **Figure/Table Amendments**

- Figure XIII-1, 2020 Parks and Recreation Map. Revise the boundary of proposed parks in the SouthShore Specific Plan area to be consistent with the SouthShore Specific Plan.
- Table XIII-3, Potential Park Sites (pg. XIII-7). Revise acreage and park type for the SouthShore Specific Plan Area to be consistent with the SouthShore Specific Plan.

### **Text Amendment**

- Pg. XIII-10, Section 2 Neighborhood Parks & Section 4 Community Parks. Revise calculations of park shortfall in each category to be consistent with the SouthShore Specific Plan.

## **OPEN SPACE/CONSERVATION ELEMENT (2020)**

### **Figure Amendment**

- Figure VIII-10, Open Space and Conservation Map. Revise open space and park locations in SouthShore Specific Plan area to be consistent with the SouthShore Specific Plan.

## **CIRCULATION ELEMENT (2020)**

### **Figure Amendment**

- Figure VI-4, Bicycle and Trail Facilities Map. Revise the locations of planned bicycle facilities within the SouthShore Specific Plan area and the location of the Rose Avenue extension between Pleasant Valley Road and Hueneme Road to be consistent with the SouthShore Specific Plan/Circulation Plan.
- Figure VI-5, 2020 Circulation. Revise the location of Rose Avenue between Pleasant Valley Road and Hueneme Road to be consistent with the SouthShore Specific Plan/Circulation Plan.

## **HOUSING ELEMENT (2000 - 2005)**

### **Figures/Tables and Map Amendments**

- Figure 1, Regional Location Map.
- Figure 2, Residential Communities Map. Revise the boundaries of the Southeast Community to include the SouthShore Specific Plan area.
- Figure 4, Renter Overcrowding Map. Revise the boundaries of the Southeast Community to include the SouthShore Specific Plan area.
- Figure 5, Specific Plan Areas Map. Add the SouthShore Specific Plan to this map.
- Figure 6, Vacant Residential Land Map. Revise the residential land use designation in the SouthShore Specific Plan area to be consistent with the SouthShore Specific Plan.
- Figure 7, Potential Affordable Residential Sites Map. Chart 1, Oxnard Residential Communities (pg. II-1). Add SouthShore Specific Plan acreage to line #4 Southeast Community.

**EXHIBIT C**

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING  
CONSIDERATION**

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND  
STATEMENT OF OVERRIDING CONSIDERATIONS PREPARED  
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
AND ADOPTED BY THE CITY COUNCIL FOR THE  
CITY OF OXNARD**

**FOR THE**

**SOUTHSHORE SPECIFIC PLAN PROJECT  
SPA NO. \_\_\_\_\_**

**AND**

**FINAL ENVIRONMENTAL IMPACT REPORT NO. 05-03  
STATE CLEARINGHOUSE NO. 2005091094**

**CITY OF OXNARD FINDINGS REQUIRED UNDER  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code Section 21000 *et seq.*)**

**CITY OF OXNARD FINDINGS REQUIRED UNDER  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code Section 21000 et seq.)  
FOR THE SOUTHSHORE SPECIFIC PLAN PROJECT**

**I. INTRODUCTION**

The City of Oxnard ("City") is considering the approval of applications filed by Hearthside Homes/Ito Farms for the development of 321.9 acres (the "Project Site") bounded by Hueneme Road on the south, Edison Drive on the west, Olds Road on the east, and the terminus of Rose Avenue to the north with Pleasant Valley Road running along the northwest corner. A mix of uses is proposed including up to 1,283 residential dwelling units of various types and densities; an elementary school; a high school; a community park; neighborhood parks; an 18-acre lake; a mixed-use commercial marketplace; light industrial uses; and open space and trails. Development of the Project Site would be governed by the SouthShore Specific Plan (also referred to herein as the "Project").

In compliance with the California Environmental Quality Act, Cal. Public Resources Code Sections 21000-21177 ("CEQA") and the Guidelines for California Environmental Quality Act, 14 Cal. Code of Regs. Sections 15000-15387 ("CEQA Guidelines"), the City prepared the Ormond Beach Specific Plan Environmental Impact Report which addressed the environmental impacts of two proposed specific plans: the SouthShore Specific Plan and the South Ormond Beach Specific Plan, also referred to in the document as the Northern Subarea and Southern Subarea, respectively. The SouthShore Specific Plan encompasses the northernmost 321.8 acres, and the South Ormond Beach Specific Plan encompasses a 595 acre area south of Hueneme Road. These are two separate specific plans for two separate development projects and the City is considering the two specific plans independently.

These findings and facts in support of findings are adopted by the City in accordance with the requirements of CEQA and the CEQA Guidelines and pertain only to the City's consideration of the project proposed for the Northern Subarea which is also referred to as the SouthShore Specific Plan Project.

**A. CEQA Requirements**

CEQA and the CEQA Guidelines require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Section 21081 requires:

*[N]o 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 on the environment that would occur if the project is approved or carried out unless both of the following occur:*

- (a) *The public agency makes one or more of the following findings with respect to each significant effect:*
- (1) *Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
  - (2) *Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
  - (3) *Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*
- (b) *With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological or other benefits of the project outweigh the significant effects on the environment.*

The findings required by subsection (a) shall be supported by substantial evidence in the record. The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

CEQA Guidelines Section 15093 further provides:

*CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable".*

Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.

If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

Having received, reviewed and considered the Final Ormond Beach Specific Plan Final EIR (EIR No. 05-03), SCH No. 2005091094 ("FEIR" or "Final EIR"), as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings ("Findings") and Statement of Overriding Considerations ("SOOC") are hereby adopted by the City of Oxnard in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for current discretionary actions to be undertaken by the City for the implementation of the SouthShore Project.

## **B. Document Format**

These Findings have been organized into the following sections:

- Section 1 provides an introduction to these Findings and sets forth the requirements of CEQA for a lead agency to make the following Findings.
- Section 2 provides General Findings and Overview, including a description of the Specific Plan, provides a summary of the Project and identifies the discretionary actions required for approval of the Project, and a statement of the Project's objectives, Description of the EIR, the Record of Proceedings and Custodian of Record, Consideration of the EIR, and Severability.
- Section 3 sets forth the findings regarding those significant environmental impacts identified in the FEIR which will or which may result from the Project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- Section 4 sets forth the findings regarding significant or potentially significant environmental impacts identified in the FEIR which the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of project design features, standard conditions, and/or mitigation measures. In order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program ("MMRP") for the Project.
- Section 5 sets identifies those environmental impacts which were determined as a result of the Initial Study, Notice of Preparation ("NOP") and consideration of comments received during the NOP comment period either not to be relevant to the Project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the Project-specific level.

- Section 6 sets forth findings regarding beneficial impacts of the Project.
- Section 7 sets forth findings regarding alternatives to the proposed Project considered in the FEIR.
- Section 8 consists of the Statement of Overriding Considerations which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the Project outweigh the Project's potential unavoidable environmental effects.

## II. GENERAL FINDINGS AND OVERVIEW

### A. The SouthShore Specific Plan.

The proposed SouthShore Specific Plan encompasses 321.8 acres bounded by Hueneme Road on the south, Edison Drive on the west, Olds Road on the east, and the terminus of Rose Avenue to the north with Pleasant Valley Road running along the northwest corner. A mix of uses is proposed including up to 1,283 residential dwelling units of various types and densities; an elementary school; a high school; a community park; neighborhood parks; an 18-acre lake; a mixed-use commercial marketplace; light industrial uses; and open space and trails.

Applicant, Hearthside Homes/Ito Farms, is requesting from the City the following approvals:

- Approval of General Plan Amendment No. [REDACTED];
- Adoption of the SouthShore Specific Plan by Ordinance No. [REDACTED] which will provide zoning for the Project site;
- Adoption by Ordinance No. [REDACTED] of a statutory Development Agreement in accordance with Government Code Section 65864 et seq., between the City and [REDACTED];
- Approval of Tentative Tract Map No. [REDACTED]; and
- Annexation of the Project Site to the City.

These requested entitlements and approvals are collectively referred to herein as the "Project Approvals."

### B. Description of the City's CEQA Process and Environmental Impact Report

On September 16, 2005, the City determined that an Environmental Impact Report ("EIR") would be required for the Project and published and distributed a Notice of Preparation ("NOP") to public agencies and interested persons for a 30-day comment period from September 16, 2005 to October 17, 2005. A Draft EIR was prepared and distributed for public review for a period of sixty (60) days from May 21, 2007 to July 20, 2007. The City published a Notice of Availability/Notice of Completion regarding the availability of the Draft EIR on May 18, 2007. The Draft EIR addressed the following areas of potentially significant impacts: geology and geologic hazards, water resources, air quality, hazards and hazardous materials, biological

resources, land use and planning, agricultural resources, public facilities and services, transportation and circulation, noise, cultural resources and visual/aesthetic resources. The City subsequently decided to revise and recirculate the Draft EIR and on July 23, 2008, published a Notice of Availability/Notice of Completion for a public review period starting on July 24, 2008 and ending on September 22, 2008 for the Ormond Beach Specific Plan Recirculated Draft EIR, dated July 2008.

The City prepared written responses to the comments received on the Recirculated Draft EIR, and included those responses in the FEIR, dated November 2009. The FEIR for the Project consists of the following:

- Draft EIR, dated May 2007, and all appendices thereto;
- Recirculated Draft EIR, dated July 2008, and all appendices thereto;
- Comments received on the Draft EIR;
- Comment received on the Recirculated Draft EIR;
- Responses to the comments received on the Recirculated Draft EIR; and
- FEIR, Volumes I and II, and all appendices thereto.

A copy of the FEIR was made available for public review and provided to all public agencies commenting on the Draft EIR on November 23, 2009, at least 10 days prior to FEIR certification as required by CEQA Guidelines Section 15088.

On December 10, 2009, the Planning Commission held a public hearing at which it received and considered oral and written testimony on the FEIR. The Planning Commission reviewed the FEIR and recommended that the City Council certify the FEIR. On March 2, 2010, the City Council considered the FEIR for the Ormond Beach Specific Plan Projects and held a public hearing at which it received and considered oral and written testimony on the FEIR, and voted to certify the FEIR, and on March 23, 2010, the City Council adopted Resolution No. 118 certifying the FEIR for the Ormond Beach Specific Plan Projects, including the SouthShore Project.

### **C. Record of Proceedings and Custodian of Record**

For purposes of CEQA and for the Findings set forth herein, the record of proceedings for the City's Findings and determinations include, but are not limited to, the following documents:

- The City's General Plan, as amended, and all environmental documents relating thereto;
- The SouthShore Specific Plan;
- The Ormond Beach Specific Plan Draft EIR, dated May 2007, including all Appendices thereto and all supporting materials referenced therein;
- The Ormond Beach Specific Plan Recirculated Draft EIR, dated July 2008, including all Appendices thereto and all supporting materials referenced therein;

- The Ormond Beach Specific Plan Final EIR, dated November 2009, including all comments received on the Draft EIR [are we planning to include these?], comments received on the Recirculated Draft EIR and the responses thereto, all Appendices, and all supporting materials referenced therein;
- All testimony and written comments received at any public hearing relating to the Project, including the December 10, 2009, Planning Commission hearing, and the March 23, 2010, City Council hearing;
- All reports of the City relating to the Project, including reports, opinions and analysis submitted to the City by expert consultants, and all supporting materials referenced therein;
- All information submitted to the City by the Applicant and its representatives relating to the Project and/or the Final EIR;
- These Findings made by the City and the Mitigation Monitoring and Reporting Program ("MMRP") adopted by the City for the Project;
- All final City Staff reports relating to the Draft EIR, the Recirculated Draft EIR, the FEIR and/or the Project; and
- All other public reports, documents, studies, memoranda, maps, or other planning documents relating to the Project, the Draft EIR, the Recirculated Draft EIR, or the FEIR, prepared by the City, consultants to the City, or responsible or trustee agencies.

The documents described above and any other materials which constitute the administrative record for the City's action related to the Project are available for review at the City of Oxnard, Planning Division, located at 214 South "C" Street, Oxnard, CA 93030. The City Planning Department is the custodian of the administrative record for the Project.

#### **D. Consideration of the Environmental Impact Report**

City Staff has worked with the City's EIR consultant and other outside expert consultants to ensure that the Final EIR discloses and analyzes all of the Project's potentially significant adverse environmental effects, as well as mitigation measures and Project alternatives that may reduce or avoid these effects to the maximum extent feasible.

In adopting these Findings, the Planning Commission and City Council find that the FEIR was presented to the Planning Commission at its hearing on December 10, 2009, and City Council at its hearing on March 2, 2010, and that the City Council has determined in adopting Resolution No. 119 on March 23, 2010 that the FEIR was completed for this project in compliance with CEQA and reflects the independent judgment of the City. By adopting these Findings, the Planning Commission and City Council ratifies, adopts and incorporates the

analysis, explanation, findings, responses to comments and conclusions of the FEIR along with the Mitigation Monitoring and Reporting Program, and the mitigation measures specified therein.

**E. Severability**

If any term, provision or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

**III. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS**

The FEIR identified the proposed Northern Subarea (SouthShore) Specific Plan would result in the following significant impacts which, even after application of feasible mitigation, cannot be mitigated to a less than significant level and therefore remain significant and unavoidable:

- **Air Quality:** Exceedance of thresholds from construction- and project-related operational ROC and NOX emissions, resulting from heavy equipment used during construction, residential and non-residential sources including vehicular traffic, space and water heating, and consumer products. These impacts are considered significant and unavoidable Project impacts.
- **Agricultural Resources:** The proposed development of the Northern Subarea would convert approximately 322 acres of prime farmland currently used for agricultural operations to urban and open space uses. The proposed Project when taken into consideration with development of the Southern Subarea and other pending urban development projects in the City of Oxnard, would result in a cumulative effect on agricultural resources that is considered significant and unavoidable. This impact is considered by a Project and cumulative significant and unavoidable impact.
- **Noise:** Significant increases in traffic noise levels at noise-sensitive receivers located along several roadway segments. Along Pleasant Valley Road, City's Noise Ordinance standards would be exceeded for existing residential development. This impact is a Project-related significant and unavoidable impact.
- **Visual/Aesthetic Resources:** The transition of land from agricultural to urban uses constitutes a substantial change in the visual character of the area. The City of Oxnard views agricultural lands as an important visual resource, and loss of this resource is an unavoidable consequence of development. The EIR determined that this was a significant and unavoidable cumulative impact of the proposed Project.

The City makes the following findings with respect to each of these significant impacts.

**A. Air Quality: Construction-Related Emissions.**

1. **Potential Impact: Construction-Related Emissions.** Construction of the project will result in short-term emissions from the operation of heavy equipment and application of architectural coatings that will exceed NOX and ROG emissions.

2. **Mitigation Measures.** The EIR identified one mitigation measure (AQ-2) which sets forth measures to minimize ROG and NOx emissions.

**AQ-2: Construction-Related Control Measures.** ROG and NOX emissions generated by project construction shall be kept to a minimum by following these control measures:

1. Minimize equipment idling time.
2. Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
3. Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
4. Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.
5. Use low VOC architectural coatings to reduce evaporative ROG emissions.

The applicant shall include these measures as notes on a separate sheet attached to the grading plans to be reviewed and approved prior to approval of any Coastal Development Permit or land use or grading permit for development.

3. **Findings.** The City hereby makes the findings set forth in CEQA Section 21081(a)(1) and 21081(3) with respect to this significant impact.

a. **Effects of Mitigation.** The mitigation measure will help to generally reduce the amount of NOx and ROG that is produced from construction vehicular emissions and architectural coatings; however, despite these reductions, compliance with these measures will not be able to reduce the emissions to below the thresholds of significance. No other feasible mitigation measures or acceptable Project alternatives are

proposed or recommended that could feasibly reduce this significant air quality effect to less than significant.

b. **Remaining Impacts.** The Project's impacts to air quality with respect to ROG and NOx from construction-related emissions will remain significant and unavoidable. The FEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. With the exception of Alternatives 3 and 4, the rest of the alternatives involve some degree of development that would generate construction and operational emissions, and the exceedances are expected to occur even if these alternatives were implemented. Alternative 4 may substantially reduce air quality emissions, however, it would not achieve most of the project objectives and its feasibility was questioned in terms of whether funding exists to implement this alternative. Alternative 3 which would retain the Project site under the jurisdiction of the County would avoid this impact, but was rejected by the City because it would not achieve any of the objectives of the City as set forth in its 2020 General Plan. The City finds that specific economic, legal, social, technological or other considerations make the above-described alternatives infeasible, as described more fully in the FEIR and Sections VII and VIII of these Findings.

c. **Overriding Considerations.** Any remaining significant Project-specific and cumulative adverse impacts to construction-related air quality emissions are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section VIII below.

## B. Air Quality: Project-Related Air Emissions.

1. **Potential Impact.** Operations of the project would produce significant ROG and NOX emissions from all combined residential and non-residential project sources, including vehicular traffic, space heating, water heating, and consumer products. Project-related emissions were estimated using the URBEMIS2007 model, and assumed that the project would be fully built-out by the year 2020.

2. **Mitigation Measures.** The EIR identified two mitigation measures to reduce operational and vehicle emissions, as follows:

**AQ-3: Operational Control Measures.** Measures to reduce operational and vehicle emissions to the extent feasible shall be identified and incorporated in conditions of approval for any Tentative Tract Map or development permit within the Specific Plan. These measures may be

drawn from the following list provided by the Ventura County APCD in Table 3.4-13 [of the Recirculated Draft EIR and FEIR].

Prior to approval of any Tentative Tract Map, Coastal Development Permit or land use or grading permit for construction of residential dwelling units and/or accessory habitable structures, the City of Oxnard shall review the project plans and confirm the inclusion of feasible mitigation measures.

**AQ-4: TDM Fee Program.** Transportation Demand Management (TDM) Fee Program shall be developed for the project and approved by the City of Oxnard prior to the issuance of the first building permit for any project within the Study Area. This program shall determine the total TDM fee to be paid for individual projects within the Study Area, consistent with City standards and the methodology identified in Section 7.5.3 of the Ventura County APCD Guidelines

3. **Findings.** The City hereby makes the findings set forth in CEQA Section 21081(a)(1) and 21081(3) with respect to this significant impact.

a. **Effects of Mitigation.** The mitigation measures will help to generally reduce the amount of NOx and ROG that is produced from operational vehicular emissions through reducing project-related vehicular trips, as feasible; however, despite these measures, compliance with these measures will not be able to reduce the operational emissions to below the thresholds of significance. No other feasible mitigation measures or acceptable Project alternatives are proposed or recommended that could feasibly reduce this significant air quality effect to less than significant.

b. **Remaining Impacts.** The Project's impacts to air quality with respect to ROG and NOx from operational emissions will remain significant and unavoidable. The FEIR identifies no other feasible mitigation measures or alternatives that would reduce this impact to a less than significant level. With the exception of Alternatives 3 and 4, the rest of the alternatives involve some degree of development that would generate construction and operational emissions, and the exceedances are expected to occur even if these alternatives were implemented. Alternative 4 may substantially reduce air quality emissions, however, it would not achieve most of the project objectives and its feasibility was questioned in terms of whether funding exists to implement this alternative. Alternative 3 which would retain the Project site under the jurisdiction of the County would avoid this impact, but was rejected by the City because it would not achieve any of the objectives of the City as set forth in its 2020 General Plan. The City finds that specific economic, legal, social, technological or other considerations make the above-

described alternatives infeasible, as described more fully in the FEIR and Sections VII and VIII of these Findings.

c. **Overriding Considerations.** Any remaining significant Project-specific and cumulative adverse impacts to operational air quality are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section VIII below.

**C. Agricultural Resources: Direct Farmland Conversion (Project and Cumulative) [Impact AG-5 and AG-9].**

1. **Potential Impact.** Development of the SouthShore Project would convert approximately 322 acres of land currently used for agricultural operations to urban and open space uses. All 322 acres are designated as Prime Farmland or Farmland of Statewide Importance as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The City as part of its CEQA analysis of this issue prepared a California Agricultural Land Evaluation and Site Assessment analysis. Under the LESA analysis, the SouthShore Project scored a total of 70.7 points which was considered potentially significant. This score was arrived at by evaluating soil quality, availability of water, acreage, and surrounding agricultural lands, including land protected by the City of Oxnard SOAR ordinance.

From a cumulative perspective, when considered in combination with other pending urban development projects in the City, the cumulative effect could be an overall loss in agriculturally viable land in an area that has historically been largely dedicated to agricultural uses.

In conclusion, the project is considered to have a significant, unavoidable impact on the direct conversion of farmland from the project-level as well as from a cumulative impact level.

2. **Mitigation Measures.** No mitigation measures or acceptable Project alternatives are proposed or recommended that could feasibly reduce the Project's significant impact on agricultural resources with respect to the conversion of farmland on the Project site. The City of Oxnard has reviewed a variety of actions that might offset the effects of the loss of productive agricultural land. This includes requirements for direct preservation of agricultural land elsewhere in the region and/or financial contribution to efforts to acquire conservation easements or deed restrictions on land currently used for production. The City has also considered imposition of other requirements such as stockpiling of high quality topsoil and offering it as soil amendments for marginally viable agricultural land; converting nearby areas not used for farmland to farmland (e.g., open space or industrial lands); and/or financially contributing to an organization

that performs agricultural conservation. Based on its evaluation of these and other potential measures, the City has concluded that they would not be feasible to mitigate the impacts of the SouthShore project on direct farmland conversion.

3. **Findings.** The City hereby makes the findings set forth in CEQA Section 21081(a)(1) and 21081(3) with respect to this significant impact.

a. **Effects of Mitigation.** No mitigation measures are proposed or recommended that could feasibly reduce the Project's significant agricultural resource impacts related to farmland conversion and the cumulative significant adverse impact on agricultural resources. .

b. **Remaining Impacts.** The Project's impacts to agricultural resources in connection with direct farmland conversion will remain significant and unavoidable. The FEIR identifies no feasible mitigation measures or alternatives that would reduce this Project or cumulative impact to a less than significant level. With the exception of Alternatives 3 and 4, none of the other alternatives would avoid this impact entirely as each of the alternatives anticipates some level of development that would result in the conversion of agricultural resources. While Alternative 4 would leave the Project site in agricultural production, thus avoiding direct project impacts, it proposes to convert the area south of McWane Boulevard to open space uses and would still result in a cumulatively significant impact due to the proposed conversion. Moreover, the feasibility of Alternative 4 is questionable due to the lack of identified funding sources and it fails to achieve a majority of the project objectives. Alternative 3 which would retain the Project site under the jurisdiction of the County would avoid this impact, but was rejected by the City because it would not achieve any of the objectives of the City as set forth in its 2020 General Plan. The City finds that specific economic, legal, social, technological or other considerations make the above-described alternatives infeasible, as described more fully in the FEIR and Sections VII and VIII of these Findings.

c. **Overriding Considerations.** Any remaining significant Project-specific impacts and cumulative impacts related to the direct conversion of farmland on the Project site, and the loss of farmland through development of other pending urban development projects in the City, are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section VIII below.

D. **Noise: Operational (Traffic) Noise Along Pleasant Valley Road to Existing Residential Development (Project and Cumulative).**

1. **Potential Impact.** Compared with existing conditions, the changes in traffic associated with future development of the SouthShore project would result in significant increases in traffic noise levels at noise-sensitive receivers located along several roadway segments, according to either the exceedance standard or the change standard or both. Along Pleasant Valley Road, existing residential development would be exposed to exceedances of the City's Noise Ordinance standards and the opportunities for mitigation are limited. This is both a significant project impact as well as a significant cumulative impact of the SouthShore project.

2. **Mitigation Measures.** The following four mitigation measures were identified in the FEIR to address operational noise impacts of the proposed project. However, these measures are directed to mitigating vehicular noise impacts on the proposed residences that will be constructed as part of the SouthShore project. As noted in the DEIR, the project will contribute to additional traffic noise impacts on City streets, including Pleasant Valley Road. The predicted project noise levels along Pleasant Valley Road were set forth in Table 3.11-8 and Table 3.11-9. As shown on Table 3.11-9, the SouthShore project would result in a potentially significant increase in traffic noise levels along Pleasant Valley Road. Because the existing residences on Pleasant Valley Road front onto the Road, it is not feasible to construct noise reducing measures such as berms, soundwalls or other types of noise barriers typically used to minimize increases in traffic noise from residences. Therefore, for these residences, the increased traffic noise on Pleasant Valley Road is considered significant and unmitigable.

**NOISE-1: Rose-SouthShore Drive Exterior Noise.** The required setbacks to ensure compliance of new residential areas with the City of Oxnard exterior noise standard of 60 dB Ldn would be in the range of 140 feet from the centerline of Rose-SouthShore Drive. With the proposed cross-section, the distance from the centerline to the edge of the right-of-way would be 55 feet. The applicants have also proposed 34-foot landscape buffer along SouthShore Drive. Thus, the proposed total distance from the centerline to the edge of the attached residential parcels along SouthShore Drive would be 89 feet. The site layout and structural design of the attached residential areas along SouthShore Drive would, thus, need to incorporate features to mitigate exterior noise levels to City standards.

**NOISE-2: Outdoor Activity Areas.** The project should be designed to ensure that outdoor activity areas are shielded from direct view of major roadways. Shielding could be achieved by building orientation (so that the back yards are shielded by the homes), or by the use of noise barriers. The proposed layout of the Northern Subarea calls for outdoor activity areas to be separated from SouthShore Drive by attached residential buildings. The project should also be designed to ensure satisfaction of the exterior noise

standards for traffic generated by traffic on internal roads. The specific design of noise barriers, berms or combinations thereof will depend upon the final roadway and lot designs, and upon the grading plans. To achieve a meaningful amount of noise reduction using barriers or berms, these should be designed to break line of sight between the source and receiver. Generally, a barrier 6 feet high located on level ground will provide about 5 dB noise level reduction for traffic noise. An improvement of about 1 dB would be expected for each 1-foot increase in barrier height beyond breaking line of sight.

**NOISE-3: Interior Noise Exposure.** The methods required to mitigate interior noise exposures would depend on the locations of the residences relative to the roadways. In general, if the exterior traffic noise exposure is 65 dB Ldn or less, no exceptional construction techniques would be required. Where the exterior traffic noise level is between 65 dB and 75 dB Ldn, it is usually feasible to achieve the interior noise standard of 45 dB Ldn by installing acoustically-rated glazing, using stucco or brick siding, and by minimizing the surface area of glazing that faces the roadways. Where the exterior traffic noise exposure exceeds 75 dB Ldn, it is usually more difficult to achieve the interior noise standard in residences.

**NOISE-4: Post-Design Acoustical Analysis.** To ensure satisfaction of the exterior and interior traffic noise standards for the noise sensitive land uses within the Study Area, an acoustical analysis should be prepared after the roadway and lot designs and grading plans have been finalized. The recommendations prepared as a result of that analysis should be implemented so that the noise standards are achieved.

3. **Findings.** The City hereby makes the findings set forth in CEQA Section 21081(a)(1) and 21081(3) with respect to this significant impact.

a. **Effects of Mitigation.** Because the existing residences on Pleasant Valley Road front onto the Road, it is not feasible to construct noise reducing measures such as berms, soundwalls or other types of noise barriers typically used to minimize increases in traffic noise from residences as described in Mitigation Measures Noise 1-4 set forth above. Therefore, for these residences, the increased traffic noise on Pleasant Valley Road is considered significant and unmitigable. With the exception of Alternatives 3 and 4, the rest of the alternatives involve some degree of development that would generate additional vehicular traffic and traffic noise and it is not anticipated that this impact could be avoided entirely or reduced to less than significant levels. Alternative 4 may reduce noise impacts, however, it would not achieve most of the project objectives and its feasibility was questioned in terms of whether funding exists to implement this alternative. Alternative 3 which would retain the

Project site under the jurisdiction of the County would also avoid this impact, but was rejected by the City because it would not achieve any of the objectives of the City as set forth in its 2020 General Plan.

b. **Remaining Impacts.** The Project's operational project noise impacts, whether considered by itself or together with development of the Southern Subarea, to the residences that front on Pleasant Valley Road will remain significant and unavoidable.

c. **Overriding Considerations.** Any remaining significant Project adverse impacts resulting from operational noise (increase in traffic noise) to the residential development located along Pleasant Valley Road are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section VIII below, which is incorporated herein by this reference.

**E. Visual/Aesthetic Resources: Visual Character.**

1. **Potential Impact.** The Specific Plan Study Area is predominantly used for agricultural operations. The approval of the two specific plans and development of all of the proposed land uses would result in the transition of the area from a rural agricultural area to an urban area. When compared to existing conditions, the transition of land use intensity to an urban area would have a substantial change in the visual character.

2. **Mitigation Measures.** No mitigation measures or acceptable Project alternatives are proposed or recommended that could feasibly reduce the Project's significant cumulative aesthetic impacts to the visual character of the Project site.

3. **Findings.** The City hereby makes the findings set forth in CEQA Section 21081(a)(1) and 21081(3) with respect to this significant impact.

a. **Effects of Mitigation.** No mitigation measures are proposed or recommended that could feasibly reduce the Project's significant cumulative aesthetic impacts to the visual character of the Project site.

b. **Remaining Impacts.** The Project's cumulative impacts to the visual character of the Project site will remain significant and unavoidable.

With the exception of Alternatives 3 and 4, the rest of the alternatives involve some degree of development that would result in development that would change the visual character of the area and would not reduce this impact to less than significant. Alternative 4 may substantially reduce this aesthetic impact, however, it would not achieve

most of the project objectives and its feasibility was questioned in terms of whether funding exists to implement this alternative. Alternative 3 which would retain the Project site under the jurisdiction of the County would avoid this impact, but was rejected by the City because it would not achieve any of the objectives of the City as set forth in its 2020 General Plan. Further, the Draft EIR identifies no mitigation measures that would reduce this impact to a less than significant level. The City finds that specific economic, legal, social, technological or other considerations make the above-described alternatives infeasible, as described more fully in Section VIII of these Findings.

c. **Overriding Considerations.** Any remaining significant Project-specific and cumulative adverse impacts to the visual character of the Project site are determined to be acceptable because they are substantially outweighed by the overriding social, economic, environmental and other benefits of the Project, as more fully set forth in the Statement of Overriding Considerations in Section VIII below, which is incorporated herein by this reference.

#### IV. FINDINGS REGARDING SIGNIFICANT IMPACTS AND POTENTIALLY SIGNIFICANT IMPACTS WHICH ARE AVOIDED OR MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS.

##### A. Geology: Erosion

1. **Potential Impact. GEO-1: Erosion.** The proposed project would result in development of residential housing and mixed uses in the Northern Subarea. Development of residential, mixed use and light industrial structures and improvements to open space could result in substantial soil erosion or the loss of topsoil. This impact is discussed in the Final EIR beginning on page 3.2-33.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**GEO-1: Erosion Control Measures. Mitigation Measure GEO-1: Erosion Control Measures.** In order to mitigate potential soil erosion and loss of topsoil, grading and drainage plans, construction plans, including the Grading and Drainage Plan, Construction SWPPP, and/or Post-Construction Erosion and Sediment Control Plan for development projects in the Northern Subarea or the Southern Subarea shall incorporate, but not be limited to, the following measures, as appropriate, to minimize erosion (addresses impacts GEO-1 and GEO-2):

- The City shall require that construction-level soils and geologic evaluation reports consistent with City standards be prepared by registered

soils engineers and engineering geologists, respectively. Such reports shall adequately address erosion and erosion control measures and be reviewed by a registered soils engineer and engineering geologist.

- Temporary berms and sedimentation traps shall be installed in association with project grading to minimize erosion of soils into the Oxnard Industrial Drain and nearby wetland areas. The sedimentation basins shall be cleaned after large rain events, and as further directed by the City, and the silt shall be removed and disposed of in an appropriate location.
- Revegetation or restoration shall be completed, including measures to minimize erosion and to reestablish soil structure and fertility, as appropriate. Revegetation shall include native, fast-growing vined plants that shall quickly cover drainage features. Local native species shall be emphasized. A landscape revegetation plan shall be included as part of the Development Plan submittal.
- Graded areas shall be revegetated, as appropriate, immediately after completion of installation of improvements with deep-rooted, native, drought-tolerant species, as specified in a landscape revegetation plan to minimize slope failure and erosion potential. Geotextile binding fabrics shall be used as necessary to hold soils until vegetation is established.
- Drains shall be designed to cause exiting flow of water to enter sub-parallel downstream (60 degrees or less) to existing drainage flow to avoid eddy currents that would cause opposite erosion.
- An energy dissipater or similar device such as trash racks or baffles shall be installed at the base end of drainage outlets to minimize erosion during storm events.
- Hand equipment shall be utilized during any ground disturbances adjacent to drainages, and wetlands.
- Excavation and grading shall be restricted to the dry season (April 15<sup>th</sup> to October 15<sup>th</sup>) unless a Building and Safety-approved erosion control plan is in place and all measures therein are in effect.
- Storm drains shall be designed to minimize environmental damage and shall be shown on drainage plans.
- With the exception of limited ground disturbance in association with construction of the proposed walls, grading shall be prohibited within 50 feet of the Oxnard Industrial Drain or adjacent wetland buffer areas. Hand equipment shall be utilized during any ground disturbances adjacent to creeks, wetlands, and beach areas.
- The applicant shall limit excavation and grading to the dry season (April 15<sup>th</sup> to October 15<sup>th</sup>) unless a Building and Safety-approved erosion control plan is in place and all measures therein are in effect.
- Best Management Practices (BMPs) will be employed to control erosion, including temporary siltation protection devices such as silt fencing, straw bales, and sand bags. These shall be placed at the base of all cut and fill slopes and soil stockpile areas where potential erosion may occur. The final grading plan will include erosion control measures

including types and locations of BMPs. The plan shall be approved by the City prior to the commencement of grading operations.

If improvements are planned near the Oxnard Industrial Drain or nearby wetlands, improvements shall be designed to minimize erosion or siltation to these areas. Construction shall take place in the dry season.

Construction methods shall include appropriate BMPs to prevent erosion and sedimentation. Structures shall be periodically inspected during the wet season to ensure structural integrity and avoidance of flood hazards or scouring. Maintenance and repairs shall be performed as needed.

If boardwalks, stairs, or other public access improvements are constructed in or across wetland areas, these structures shall be designed so as to avoid impacts related to erosion and sedimentation to wetland areas. Construction shall take place in the dry season. Construction methods shall include appropriate Best Management Practices to prevent erosion and sedimentation. Structures shall be periodically inspected during the wet season to ensure structural integrity and avoidance of flood hazards or scouring. Maintenance and repairs shall be performed as needed. Project plans shall include provisions for construction in wetlands in consultation with appropriate State, federal, and local agencies, including the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers (ACOE). Work plans and project design details shall minimize the footprint of structures in the creek bed, as feasible for public safe access.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potential geology impact related to erosion will be substantially lessened to less-than-significant levels through implementation of mitigation measure GEO-1. This mitigation measure will require that construction plans be submitted for review and approval by the City prior to approval of Land Use Permits/Coastal Development Permits. Grading and design plans for improvements must also be submitted for approval by the City. The qualifications of the designated registered Civil or Geotechnical Engineer shall also be provided to the City prior to approval of Grading Permits. These requirements will minimize the potential for substantial soil erosion and/or the loss of topsoil such that these impacts will be less than significant.

b. **Remaining Impacts.** Any remaining geology impacts related to erosion will be less than significant.

**B. Geology: Slope Stability**

1. **Potential Impact. GEO-2: Slope Stability.** Project grading is not likely to include the placement of cut and fill slopes. Given the gently sloping nature of the site, any final slopes included in the project would not be anticipated to create an unstable slope. However, though not thought of as a "slope" in the traditional sense of the word, excavations have many similarities to slopes when evaluating stability of excavation sidewalls. Some deep excavations may be necessary for the installation of improvements such as the proposed Lake SouthShore in the Northern Subarea, and deep excavations may be susceptible to failure. The presence of high groundwater conditions and potential for encountering collapsible soils are two contributing factors to excavation instability. In any case, engineered slopes or excavations included in the project would be required to meet established standards in the CBC and City Grading Ordinance. This impact is discussed in the Final EIR on page 3.2-35.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**GEO-1: Erosion Control Measures.** Construction plans, including the Grading and Drainage Plan, Construction SWPPP, and/or Post-Construction Erosion and Sediment Control Plan, shall incorporate measures, as appropriate, to minimize erosion. (See full text of measure as set forth above.)

**GEO-2: Excavation Oversight.** In order to avoid slope stability hazards, all temporary excavations shall be designed according to CBC, OSHA, and City standards for temporary construction excavations and slopes. All plans submitted for approval of a Development Permit for development projects in the Northern Subarea and the Southern Subarea shall incorporate design recommendations for mitigation of unstable temporary construction slopes and excavations as investigation by registered soils engineers and engineering geologists.

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potential geology impact related to slope stability will be substantially reduced to less-than-significant levels through implementation of the mitigation measures described above. These mitigation measures will require that construction plans be submitted for review and approval by the City prior to approval of Land Use Permits. Grading and design plans for improvements must also be submitted for approval by the City. The qualifications of the designated registered Civil or Geotechnical Engineer shall also be provided to the City prior to approval of Grading Permits. In addition, the mitigation measures described above will require that construction-level, site-specific geotechnical report(s) identify soil conditions and present appropriate mitigation measures for slopes and excavations. All grading plans for the SouthShore project shall incorporate the recommendations of the geotechnical report(s) and be submitted for review and approval by the City prior to approval of Land Use Permits. The plans shall indicate that all slopes and excavations and their respective mitigation measures, as necessary, are designed for the appropriate soil conditions. As a result of these requirements, slope stability hazards will be minimized to less than significant.

b. **Remaining Impacts.** Any remaining geology impacts related to slope stability will be less than significant.

C. **Geology: Seismic Hazards**

1. **Potential Impact. GEO-3: Seismic Hazards.** An earthquake on a nearby fault could result in strong ground shaking. Ground shaking has the potential to cause fill material to settle, instigate liquefaction, and cause physical damage to structures, property, utilities, and road access. Ground shaking has the potential to cause injury and death to humans. This impact is discussed in the Final EIR beginning on page 3.2-35.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**GEO-3: Seismic Design.** In order to avoid seismic hazards, all structures shall be designed to earthquake standards for CBC Seismic Zone 4, and appropriate building setbacks from active and potentially active faults shall be applied. All plans submitted for approval of a Development Permit shall incorporate design recommendations contained in the geotechnical and geological studies for mitigation of seismic hazards.

Design-level geotechnical and geological studies shall be performed as part of the final design effort for the project. Significant soil improvement

measures may be needed to mitigate potential for liquefaction and ground settlement, as determined by the design-level geotechnical studies. Seismic design criteria will be refined by the applicant's geotechnical consultant. All grading and earthwork recommendations shall be incorporated into the final project design, including the Final Grading Plan. A Registered Civil Engineer or Certified Engineering Geologist shall supervise all grading activities. The project shall be designed and constructed in compliance with all applicable codes and regulations.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potential geology impacts related to seismic hazards will be substantially reduced to less-than-significant levels through implementation of mitigation measure GEO-3. Mitigation Measure GEO-3 will require that all grading and structural plans for the SouthShore project shall be submitted for review and approval by the City prior to issuance of a building permit. The plans shall indicate that all structures are designed to earthquake standards for CBC Seismic Zone 4 for all above-ground structures, and that appropriate CBC seismic design parameters are identified for the respective types and distance to pertinent faults. Building plans consistent with City building standards and which meet CBC Zone 4 standards shall be provided to the Building Division prior to issuance of Building Permits. As a result of these measures, seismic hazards will be minimized to less than significant.

**b. Remaining Impacts.** Any remaining geology impacts related to seismic hazards will be less than significant.

**D. Geology: Expansive Soils**

**1. Potential Impact. GEO-4: Expansive Soils.** Soils with moderate shrink-swell (expansive) potential have been identified in the SouthShore project area. Soils with expansion potential contain clay minerals that expand when wet and shrink when dry. Repeated shrinking and swelling of the soil can result in damage to foundations, fill slopes, utilities, and other associated facilities, as well as such structures as Lake SouthShore on the project site. Site specific geotechnical studies will be required to identify areas underlain by expansive soils and provide appropriate mitigation measures. This impact is discussed in the Final EIR on page 3.2-36.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is

hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**GEO-4: Detailed Soils Analysis.** In order to avoid soil-related hazards, the project applicant shall investigate and implement recommendations set forth by the applicant's geotechnical engineer and refine the project design through detailed soils analysis. The design of the proposed foundation systems and floor slabs of the proposed structures, and Lake SouthShore shall consider the likely presence of expansive soil conditions, as well as collapsible and compressible soil conditions that have a high potential for both short- and long-term settlement and compression.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potential geology impacts related to expansive soils will be substantially reduced to less-than-significant levels through implementation of mitigation measure GEO-4. That mitigation measure will require that final building foundation plans incorporate and accommodate soil engineering recommendations made by the geotechnical consultant. All grading and structural plans for the SouthShore Specific Plan area must be submitted for review and approval by Development Services Department prior to issuance of a building permit. As a result of these measures, soil-related hazards will be minimized to less than significant.

**b. Remaining Impacts.** Any remaining geology impacts related to expansive soils will be less than significant.

**E. Geology: Collapsible Soils and Sensitive Soils**

**1. Potential Impact. GEO-5: Collapsible Soils and Sensitive Soils.** The surface soils may be dry and porous to depths of 12 to 24 inches below existing grade, and may be susceptible to collapse, compression, and settlement with increasing moisture content. This impact is discussed in the Final EIR beginning on page 3.2-36.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**GEO-4: Detailed Soils Analysis.** In order to avoid soil-related hazards, the project applicant shall investigate and implement recommendations set forth by the applicant's geotechnical engineer and refine the project design through detailed soils analysis. The design of the proposed foundation systems and floor slabs of the proposed structures, and Lake SouthShore shall consider the likely presence of expansive soil conditions, as well as collapsible and compressible soil conditions that have a high potential for both short- and long-term settlement and compression.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potential geology impacts related to collapsible soils and sensitive soils will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above. That mitigation measure will require that final building foundation plans incorporate and accommodate soil engineering recommendations made by the geotechnical consultant. All grading and structural plans for the Ormond Beach Specific Plan Study Area, must be submitted for review and approval by Development Services Department prior to issuance of a building permit. As a result of these measures, soil-related hazards – including collapse, compression, and settlement – will be minimized to less than significant.

**b. Remaining Impacts.** Any remaining geology impacts related to collapsible soils and sensitive soils will be less than significant.

**F. Water Resources: Water Supply Availability.**

**1. Potential Impact. WATER-1: Water Supply Availability.** As documented in the North Ormond Beach Water Supply Assessment & Verification (July 2008) and its Addendum (November 2009), development of the Northern Subarea (in accord with the SouthShore Specific Plan) would generate estimated water demand of about 833 acre feet per year (AFY). Of this total, 443 AFY would be for potable needs and the balance (390 AFY) would be for landscaping and other non-potable needs. Based on the WSA, the project would have to develop a program to offset a minimum of 402 AFY of demand through some combination of additional water supply contributions through extraordinary facilities development, extraordinary conservation measures, in-City retrofits, contributions to the development of recycled water facilities, or similar measures. This impact is discussed in the Final EIR beginning on page 3.3-101.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program. In adopting these findings and mitigation measures, the City has identified certain errors that were in the text of MM WATER-1 and MM WATER-2 in the Final EIR. These errors include references to elements that were not a part, and never were a part of the proposed SouthShore Specific Plan, such as high rise residential towers, and geographic references which are in error, such as the reference to Ventura Road which is not within the vicinity of the proposed SouthShore Specific Plan project. Therefore, the City hereby adopts WATER-1 and WATER-2 with the following corrections:

**WATER-1: On-site Domestic Water System.** The on-site domestic water system shall include a:

- A public pipeline systems which feeds into separate water meters for each ownership. In addition, there shall be separate water meters for each multi-family unit townhouses, but not apartment units. ~~The high rise residential towers may be master metered.~~
- A separate water meter (1) for the common landscape areas that would be connected to the future recycled water system.
- All domestic water pipelines shall adhere to DOHS requirements for separation between water and recycled water/wastewater pipelines.
- The developer shall be responsible for payment of capital improvement/connection fees, including all related "installation fees."
- Developer shall provide the City any approvals necessary to dedicate to the City all [Fox Canyon Groundwater Management Agency ("FCGMA")] allocation associated with the project site, whether such allocation is associated with the conversion of agricultural to urban uses, or otherwise.
- Developer shall provide to the City additional water rights, water supplies, or water offsets in the form of recycled water facilities, conservation retrofits, financial contributions towards City programs which generate in-City water conservation, or participation in other similar programs with cumulatively result in a total water supply contribution, taken together with other water rights or FCGMA allocation provided to the City, which offset the entire estimated water demand associated with the project

**WATER-2: On-site Recycled Water System.** An on-site recycled water system shall include the following:

- The developer will be responsible for ~~its pro rata share of~~ the pipeline extension from the mainline in ~~Ventura Perkins~~ Road to the property (either to construct the line or to reimburse the City if

~~the City constructs the pipeline as part of the RWBS project, a service extension is made to the Oxnard Village property).~~

- The developer shall be responsible for the design and construction of the recycled water main pipeline system within the Oxnard Village SouthShore development. The main pipeline shall be a public system with meters, as appropriate, to recycled water customers. Construction will be per City standard requirements with applicable fees. ~~The design must allow for connection to the domestic water system until the time when recycled water is available. At that time the system will be switched from domestic water to recycled water.~~
- The developer shall provide a recycled water system that serves all practical irrigated areas and which is: (1) separated from the domestic water system, (2) constructed per the City's Recycled Water Construction Standards (being developed), (3) irrigated at night and (4) properly signed. Note that the signs shall be installed once the system is fully operational.
- The portion of the irrigation intended for the future recycled water system shall be separately metered from that portion of the system that will not be connected to the future recycled water system, if any.
- Until the recycled water system is operational, the common area irrigation system shall be connected to the domestic system. Once recycled water is available, and connection to the recycled water system is made, the developer shall remove the connection to the domestic water system. No domestic water back-up is needed, since the City will provide such back-up including an appropriate air gap facility as part of the City's system.
- Prior to the availability of recycled water, the developer shall be responsible for payment of the Recycled Water Connection Fee or the water connection fee, whichever is greater for facilities constructed.
- At such time as recycled water is available, the developer shall be responsible for all costs involved with the re-connection of the applicable portions of the irrigation system to the public recycled water system, including appropriate signage. Credits for connection fees shall be given by the City based on the size of the meter(s). Under no circumstance will there be a refund of water connection fees already paid.
- The developer shall be responsible for appropriate CCR's covering the use of recycled water within the property and for proper disclosures.
- ~~Prior to submittal of subdivision improvement plans, the developer shall review with the City the potential for dual plumbing for the high-rise towers, whereby toilet facilities would be served by the recycled water system. No determination has yet been made~~

~~regarding whether the City will desire to proceed with this plan. However, should the City decide that it is desired, all costs associated with the dual plumbing shall be borne by the developer.~~

**WATER-3: Exterior Water Conservation.** The developer shall incorporate exterior water conservation features, as recommended by the State Department of Water Resources, into the project. These shall include, but are not limited to:

- Landscaping of common areas with low water-using plants
- Minimizing the use of turf by limiting it to lawn dependent uses
- Wherever turf is used, installing warm season grasses

**WATER-4: Grey Water.** The developer shall, to the extent feasible, use reclaimed water for irrigation of landscaping and other uses if or when such water is available at the project site.

**WATER-5: Drought-Tolerant Landscaping.** The developer shall predominantly use vegetation that requires minimal irrigation (i.e., drought tolerant plant species) in all site landscaping where feasible for new plantings.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potential water resources impacts related to water supply availability will be substantially lessened to less-than-significant levels through implementation of mitigation measures WATER-1 to 5. Those mitigation measures will require, among other things, implementation of an on-site domestic water system and an on-site recycled water system; incorporation of exterior water conservation features, as recommended by the State Department of Water Resources, into the project; use reclaimed water for irrigation of landscaping and other uses if or when such water is available at the project site, to the extent feasible; and predominant use of vegetation that requires minimal irrigation (i.e., drought tolerant plant species) in all site landscaping where feasible for new plantings. As a result of these requirements, potential impacts to water supply availability would be minimized to less than significant.

**b. Remaining Impacts.** Any remaining water resources impacts related to water supply availability will be less than significant.

**G Water Resources: Construction-Related Surface Water Quality**

1. **Potential Impact. WATER-4: Construction-Related Surface Water Quality.** According to the Environmental Site Assessment (SEA) prepared for the SouthShore Project site, at least two adjoining offsite properties have reported subsurface petroleum releases and contamination. It is likely that construction/demolition will require dewatering and that groundwater will be encountered. Dewatering could result in the discharge of groundwater contaminated with petroleum products. Pesticide contaminants from agricultural runoff have been found in samples obtained from sediment and wildlife in the Oxnard Drain. Indications are that the contaminant levels are decreasing due to changes in agricultural practices, but contaminant levels remain a concern. Another concern would be increased mobilization of contaminated sediments due to increased runoff to the Oxnard Drain from the new development, ultimately impacting Mugu or Ormond Beach lagoons. This impact is discussed in the Final EIR beginning on page 3.3-104.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**WATER-6: Environmental Site Assessment.** An environmental site assessment shall be conducted to identify potential sources of stormwater contaminants and areas that may require remediation. The assessment must include the location and condition of areas used for the storage of pesticides and herbicides, petroleum storage tanks or fueling areas, septic tanks, and underground storage tanks. Areas of soil staining should be noted and the potential contaminant identified. Soil shall be excavated to determine the exact vertical extent of contamination. During soil removal, if staining indicates petroleum contamination continuing below the ground surface, sampling shall be performed to characterize the extent of contamination and identify appropriate remedial measures.

Septic tanks shall be removed and stained soils underneath sampled to determine remedial activity.

**WATER-7: DeWatering.** Dewatering operations during construction will utilize established BMPs for limiting the discharge of sediment. Prior to the discharge of waterflows from shallow groundwater dewatering operations, water quality sampling will be performed to determine if the groundwater to be dewatered is contaminated with pesticides or petroleum products. If levels of pollutants are present in quantities exceeding applicable water quality standards, the water collected from dewatering will be pumped and removed for proper disposal offsite.

**WATER-8: Stormwater Pollution Prevention Plan.** The applicants shall submit to the City evidence of County review and approval of the receipt letter of a completed Notice of Intent (NOI) and waste discharge identification number to obtain coverage under the NPDES General Permit for Discharges Associated with Construction Activity issued by the California State Water Resources Control Board. Along with the NOI, the applicant shall submit to the County a Stormwater Pollution Prevention Plan (SWPPP) and monitoring program consistent with SWRCB rules for the construction phase of the project prior to initiating construction. At a minimum, the SWPPP shall contain the following specific measures designed to reduce or eliminate construction site runoff pollution, which can be grouped into four classes of BMPs:

- Construction Site Planning BMPs, including but not limited to:
  - Development planning shall fit the topography, soils, drainage patterns, and natural vegetation of the site
  - Only the minimum amount of vegetation necessary for construction shall be removed
  - The clearing limits, setbacks, protected habitat areas, trees, drainage courses, and buffer zones shall be delineated on plans and in the field to prevent excessive or unnecessary soil disturbance and exposure
  - The amount of cuts and fills shall be minimized
  - Temporary and permanent roads and driveways shall be aligned along slope contours
  - Grading operations shall be phased to reduce the extent of disturbed areas and length of exposure
  - Excavation and grading shall be avoided during the rainy season
  - Impervious surface areas shall be minimized and permeable paving materials shall be used whenever possible
- BMPs to Minimize Soil Movement including but not limited to:
  - Soil stockpiles shall be covered
  - Stabilized access roads and entrances shall be constructed in the initial phase of construction
  - Tire wash stations, gravel beds, and/or rumble plates will be installed at site entrance and exit points to prevent sediment from being tracked onto adjacent roadways
  - Sediments and construction materials shall be dry-swept from finished streets the same day they are deposited
  - Site runoff control structures, such as earth berms, drainage swales, and ditches that convey surface runoff during construction into temporary or permanent sediment detention basins shall be installed and made operational in the initial phase of construction, as necessary
- BMPs to capture sediment including but not limited to:
  - Storm drain inlets shall be protected from sediment-laden runoff with inlet protection devices such as gravel bag barriers, filter fabric fences,

block and gravel filters, excavated inlet sediment traps, sand bag barriers, and/or other devices

Sediment shall be removed from dewatering discharge with portable settling and filtration methods, such as Baker tanks or other devices

• Good Housekeeping BMPs, including but not limited to the following requirements:

All storm drains, drainage patterns, and creeks located near the construction site prior to construction shall be identified to ensure that all subcontractors know their location to prevent pollutants from entering them

Washing of concrete trucks, paint, equipment, or similar activities shall occur only in areas where polluted water and materials can be contained for subsequent removal from the site; wash water shall not be discharged to the storm drains, street, drainage ditches, creeks, or wetlands; areas designated for washing functions shall be at least 100 feet from any storm drain, waterbody or sensitive biological resources; the location(s) of the washout area(s) shall be clearly noted at the construction site with signs; the applicant shall designate a washout area, acceptable to Building and Safety and P&D staff; the wash-out areas shall be shown on the construction and/or grading and building plans and shall be in place and maintained throughout construction

All leaks, spills, and drips shall be immediately cleaned up and disposed of properly

Vehicles and heavy equipment that are leaking fuel, oil, hydraulic fluid or other pollutants shall be immediately contained and either repaired immediately or removed from the site

One or more emergency spill containment kits shall be placed onsite in easily visible locations. Personnel will be trained in proper use and disposal methods

Vehicles and heavy equipment shall be refueled and serviced in one designated site located at least 500 feet from creeks and drainage swales

Temporary storage of construction equipment shall be limited to an area approved by the City of Oxnard, and shall be located at least 100 feet from any water bodies

Dry clean-up methods shall be used whenever possible

Clean site runoff shall not be contaminated with polluted water through the use of berms or ditches to divert surface runoff around the construction site

Exposed stockpiles of soil and other erosive materials shall be covered during the rainy season

Trash cans shall be placed liberally around the site and properly maintained

All subcontractors and laborers shall be educated about proper site maintenance and stormwater pollution control measures through periodic "tailgate" meetings

- Roadwork or pavement construction, concrete, asphalt, and seal coat shall be applied during dry weather only
- Storm drains and manholes within the construction area shall be covered when paving or applying seal coat, slurry, fog seal, etc.

**WATER-9: Stormwater Pollution Control Plan.** Prior to issuance of any construction/grading permits a Stormwater Pollution Control Plan (SWPCP) will be prepared. The SWPCP will include erosion and sediment control BMPs for both active and inactive (previously disturbed) construction areas.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potential water resources impacts related to construction-related surface water quality will be substantially lessened to less-than-significant levels through implementation of the mitigation measures described above. Those mitigation measures will require, among other things, preparation of an environmental site assessment adequate to identify potential sources of stormwater contaminants and areas requiring remediation; the use of de-watering operations during construction that incorporates established BMPs for limiting the discharge of sediment; submission to the City of evidence of County review and approval of the receipt letter of a completed Notice of Intent and waste discharge identification number to obtain coverage under the NPDES General Permit for Discharges Associated with Construction Activity issued by the California State Water Resources Control Board; and preparation of a Stormwater Pollution Control Plan. As a result of these measures, water resources impacts related to construction-related surface water quality will be minimized to less than significant.

**b. Remaining Impacts.** Any remaining water resources impacts related to construction-related surface water quality will be less than significant.

#### **H. Water Resources: Post-Construction Surface Water Quality.**

**1. Potential Impact. WATER-5: Post-Construction Surface Water Quality.** The SouthShore project would incorporate an 18-acre lake for water retention. Stormwater from within the SouthShore project area will be routed by internal stormwater culverts and drains to the lake. The lake would retain all dryweather non-stormwater runoff and temporary storage for up to a 100- year

storm event. The lake will retain the 25-year storm event and discharge it slowly to the Oxnard Industrial Drain. Based on a meeting between the RWQCB and the City of Oxnard on January 22, 2007, the lake would be required to retain the runoff of any storm event up to a 25-year storm event without discharging. If this is done, a discharge permit would not be required. However, the lake surcharge capacity of 54 AF may not be adequate to retain the runoff from a 25-year storm without discharge. The discharge from the lake to the OID of any stormwater resulting from runoff up to the 25-year storm event would require an individual stormwater discharge permit. This impact is discussed in the Final EIR beginning on page 3.3-105.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**WATER-10: SQUIMP Development Guidelines.** A combination of non-structural and structural BMPs (e.g., bioswales, permeable pavement, etc.) shall be installed to effectively prevent the discharge of pollutants from the residential units, roads, equestrian facilities, and open space easements and, their conveyance, either directly or through storm drain systems into natural watercourses and the Pacific Ocean.

Because long term water quality impacts are most effectively minimized or eliminated through proper site design and planning in the early stages of project development, the stormwater pollution control plan must focus on initial project design. Measures that can effectively mitigate impacts associated with occupancy-generated stormwater runoff pollution fall into three classes of BMPs. The Plan shall address these three classes of BMPs in order of priority:

**1. Site Planning Measures** that minimize directly-connected impervious surfaces and maximize infiltration, including the following required measures: using permeable paving materials to the maximum extent practicable; directing runoff from roofs and driveways into either a subsurface infiltration trench, French drains, adjacent landscaped areas, or into the site's irrigation system, and mandating creation of open space areas.

The following additional site planning design BMPs shall be incorporated to the maximum extent practicable: clustering development; preserving natural drainages; reducing sidewalk and roadway widths; avoiding curbs and gutters along roadways where appropriate; and, shortening or otherwise reducing the amount of impervious surfaces on driveways (e.g., paving only under wheels, use of permeable surfaces).

**2. Pollution Prevention/Source Control Measures** that avoid polluting stormwater over the long term by eliminating sources, including the following required measures: creating berms around waste receptacle areas; labeling all storm drains in both English and Spanish to discourage dumping; incorporating low- or no-irrigation landscape plantings; and, employing Integrated Pest Management techniques in landscape maintenance.

The following additional pollution prevention/source control BMPs shall be incorporated to the maximum extent practicable: providing green areas where pets can be exercised; constructing designated vehicle wash areas that are connected to the sanitary sewer system; installing landscaping or other cover to all disturbed surfaces; and using low-maintenance landscaping.

**3. Treatment Control Measures** that capture, treat, and/or filter water to remove pollutants from onsite runoff before it enters the storm drain system or other receiving waters must meet the design standards of the County of Ventura SMP and the City of Oxnard Department of Public Works. These measures may include, but not be limited to: infiltration, evapotranspiration, and storage/reuse (e.g., rooftop catchment systems, vegetated filter strips and bioswales, stormwater detention basins, storm drain filters/inserts, and in-line clarifiers or separators).

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potential water resources impacts related to post-construction surface water quality will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above. That mitigation measure will require installation of a combination of non-structural and structural BMPs (e.g., bioswales, permeable pavement, etc.) to prevent the discharge of pollutants from the residential units, roads, and open space easements and, their conveyance, either directly or through storm drain systems into natural watercourses and the Pacific Ocean. The Plan will address the following three classes of BMPs in order of priority: (1) Site Planning Measures that minimize directly-connected impervious surfaces and maximize infiltration; (2) Pollution Prevention/Source Control Measures that avoid polluting stormwater over the long term by eliminating sources; and (3) Treatment Control Measures that capture, treat, and/or filter water to remove pollutants from onsite runoff before it enters the storm drain system or other receiving waters that meet the

design standards of the County of Ventura SMP and the City of Oxnard Department of Public Works. As a result of these measures, water resources impacts related to post-construction surface water quality will be minimized to less than significant.

**b. Remaining Impacts.** Any remaining water resources impacts related to post-construction surface water quality will be less than significant.

**I. Water Resources: Surface Runoff Erosion.**

**1. Potential Impact. WATER-7: Surface Runoff Erosion.** Increased surface runoff from the Study Area during construction and occupation could result in short-term and long-term erosion and sedimentation impacts to the watercourses and water bodies in the Study Area. This impact is discussed in the Final EIR on page 3.3-108.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**WATER-11: Drainage Plan.** A drainage plan including a detailed hydraulic analysis will be necessary to determine the needed capacity of new drainage and detention facilities. The volume of runoff for design storms must be estimated according to the standards provided in the VCWPD's Hydrology and Design manuals. Storm drain systems must be designed to comply with the requirements of the City of Oxnard Master Plan of Drainage by incorporating adequate capacity to convey a 10-year frequency storm. Sumps must be designed for a 50-year storm and provided with an emergency overflow escape path.

**WATER-12: Stormwater Control Structures and Devices.** The projects in both the Northern and Southern Subarea Specific Plans propose to construct detention basins to attenuate peak stormwater runoff flows. In the case of the Northern Subarea Specific Plan, the detention basin will take the form of an artificial lake. Due to the amount of water collected and the presence of shallow groundwater, these basins will require relatively large footprints to provide enough volume to perform their desired function. Detention Basin storage volume should be based on VCWPD hydrographs and the requirements of the VCWPD Hydrology Manual. Stormwater retention and protection structures (i.e., detention basins, outlet dissipaters, etc.) and other industry standard erosion protection devices (i.e., silt fences, jute netting, straw bales, bioswales, etc.) shall be constructed, installed, and made operational during the initial phases of site grading. Pre-and post-construction surface runoff from the new residential developments shall not exceed existing conditions. A

registered civil engineer specializing in flood control or other qualified professional shall design stormwater structures to ensure that adequate flood control capability is met.

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potential water resources impacts related to surface runoff erosion will be substantially lessened to less-than-significant levels through implementation of the mitigation measures described above. That mitigation measure will require preparation of a drainage plan, including a detailed hydraulic analysis, to determine the needed capacity of new drainage and detention facilities. It will also require construction of detention basins to attenuate peak stormwater runoff flows. As a result of these measures, water resources impacts related to surface runoff erosion will be minimized to less than significant.

b. **Remaining Impacts.** Any remaining water resources impacts related to surface runoff erosion will be less than significant.

**J. Water Resources: Wastewater Collection and Treatment**

1. **Potential Impact. WATER-9: Wastewater Collection and Treatment.** The 2005 Wastewater Master Plan Update for the City of Oxnard includes the proposed Ormond Beach Study Area in its wastewater flow projections. Therefore, build out of the Study Area has been accounted for in the analysis of future wastewater infrastructure needs. Additional studies are, however, needed to assess the impact to the existing sewer and wastewater treatment infrastructure. This impact is discussed in the Final EIR on page 3.3-109.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**WATER-15: Downgradient Sewer Study.** Prior to issuance of building permits for the Northern Subarea, the City of Oxnard shall complete a sewer study and implement the recommended upgrades to the downgradient wastewater system to ensure that the existing system is adequate to convey sewage flows from the proposed Project.

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potential water resources impacts related to wastewater collection and treatment will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above. That mitigation measure will require completion of a sewer study and implementation of any recommended upgrades to the downgradient wastewater system to ensure that the existing system is adequate to convey sewage flows from the proposed Project. As a result of these measures, water resources impacts related to wastewater collection and treatment will be minimized to less than significant.

b. **Remaining Impacts.** Any remaining water resources impacts related to wastewater collection and treatment will be less than significant.

K. **Air Quality: Soil Import in the Northern Subarea**

1. **Potential Impact. AQ-1: Soil Import in the Northern Subarea.** The Northern Subarea would require import of fill from an offsite source. The import material will be transported to the site during the rough grading operation and will be deposited into fills as part of the grading operations. This impact is discussed in the Final EIR on page 3.4-14.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**AQ-1: Dust Control Measures.** Dust generated by project construction shall be kept to a minimum by following the dust control measures listed below.

1. The area disturbed by clearing, grading, earth moving, or excavation operations shall be minimized to prevent excessive amounts of dust.
2. Pre-grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water (preferably reclaimed, if available) should penetrate sufficiently to minimize fugitive dust during grading activities.
3. Fugitive dust produced during grading, excavation, and construction activities shall be controlled by the following activities:

a. All trucks shall cover their loads as required by California Vehicle Code §23114.

b. All graded and excavated material, exposed soil 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.

4. Graded and/or excavated inactive areas of the construction site shall be monitored at least weekly for dust stabilization. Soil stabilization methods, such as water and rollcompaction, and environmentally safe dust control materials, shall be periodically applied to portions of the construction site that are inactive for over four days. If no further grading or excavation operations are planned for the area, the area should be hydroseeded and watered until growth is evident, or periodically treated with environmentally safe dust suppressants, to prevent excessive fugitive dust.

5. Signs shall be posted onsite limiting traffic to 15 miles per hour or less.

6. During periods of high winds (i.e., wind speed sufficient to cause fugitive dust to impact adjacent properties), all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite. The site superintendent/supervisor shall use his/her discretion in conjunction with the APCD in determining when winds are excessive.

7. Adjacent streets and roads shall be swept at least once per day, preferably at the end of the day, if visible soil material is carried over to adjacent streets and roads.

8. Personnel involved in grading operations, including contractors and subcontractors, should be advised to wear respiratory protection in accordance with California Division of Occupational Safety and Health regulations.

These measures shall be included as conditions of approval for Tentative Tract Maps, Coastal Development Permits, or land use permit for grading or development within the Specific Plan.

In addition, the following measures should be considered to minimize the Valley Fever risk during project construction:

1. Restrict employment to persons with positive coccidioidin skin tests (since those with positive tests can be considered immune to reinfection).
2. Hire crews from local populations where possible, since it is more likely that they have been previously exposed to the fungus and are therefore immune.

3. Require crews to use respirators during project clearing, grading, and excavation operations in accordance with California Division of Occupational Safety and Health regulations.
4. Require that the cabs of grading and construction equipment be air-conditioned.
5. Require crews to work upwind from excavation sites.
6. Pave construction roads.
7. Where acceptable to the fire department, control weed growth by mowing instead of discing, thereby leaving the ground undisturbed and with a mulch covering.
8. During rough grading and construction, the access way into the project site from adjoining paved roadways should be paved or treated with environmentally-safe dust control agents.

**AQ-2: Construction-Related Control Measures.** ROC and NOX emissions generated by project construction shall be kept to a minimum by following these control measures:

1. Minimize equipment idling time.
2. Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
3. Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
4. Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.
5. Use low VOC architectural coatings to reduce evaporative ROC emissions.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant air quality impacts related to soil import in the SouthShore project area will be substantially lessened to less-than-significant levels through implementation of the mitigation measures described above, which will minimize the amount of dust generated by project construction and will require implementation of measures that will minimize ROC and NOX emissions generated by project construction. As a result of these measures, air quality impacts related to soil import will be minimized to less than significant.

b. **Remaining Impacts.** Any remaining air quality impacts related to soil import in the Northern Subarea will be less than significant.

L. **Air Quality: Construction-Related Particulates**

1. **Potential Impact. AQ-2: Construction-Related Particulates.** Ground disturbances and equipment operation during construction activities produce potentially significant, but feasibly mitigated short-term PM10 emissions. Implementation of the proposed project would generate construction related air pollutant emissions from two general activity categories: entrained dust, and vehicle and equipment emissions. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM10 emissions. This impact is discussed in the Final EIR on page 3.4-15.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**AQ-1: Dust Control Measures.** Dust generated by project construction shall be kept to a minimum by following dust control measures. (See full text of AQ-1 in Section IV.K.2, above.)

**AQ-2: Construction-Related Control Measures.** ROC and NOX emissions generated by project construction shall be kept to a minimum by following these control measures:

1. Minimize equipment idling time.
2. Maintain equipment engines in good condition and in proper tune as per manufacturers' specifications.
3. Lengthen the construction period during smog season (May through October), to minimize the number of vehicles and equipment operating at the same time.
4. Use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric, if feasible.
5. Use low VOC architectural coatings to reduce evaporative ROC emissions.

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potentially significant air quality impacts related to construction-related particulates will be substantially lessened to less-than-significant levels through implementation of the mitigation measures described above, which will minimize the amount of dust generated by project construction and will require implementation of measures that will minimize ROC and NOX emissions generated by project construction. As a result of these measures, air quality impacts related to construction-related particulates will be minimized to less than significant.

b. **Remaining Impacts.** Any remaining air quality impacts related to construction-related particulates will be less than significant.

**M. Hazards: Impacts from Potentially Contaminated Soils Resulting from Agricultural Operations**

1. **Potential Impact. HM-1: Impacts from Potentially Contaminated Soils Resulting from Agricultural Operations.** Although the area has been used for agriculture for several decades, the specifics of these operations are unknown. The Phase I ESA prepared for the Northern Subarea identified superficial stains and odor in several locations, which may be indicative of soil contamination. There is also a potential for pesticides, herbicides, fuels, and other chemicals used in various agricultural operations to be present onsite. These substances may have resulted in soil and/or groundwater contamination at concentrations above regulatory action levels. Potentially significant adverse health impacts to construction workers and/or future project site residents could occur if high levels of residual pesticides are present. In addition, due to the rural nature of the Study Area, septic systems may be present. This impact is discussed in the Final EIR beginning on page 3.5-13.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**HM-1: Soil Sampling:** The majority of the Study Area has been utilized for agricultural purposes for several decades and may contain pesticide residues in the soil. Soil sampling shall occur throughout the subject site, as part of a Phase II ESA, including any known pesticide mixing areas. In order to adequately assess the extent of any existing soil contamination affecting the site, a Phase II ESA complying with ASTM standards shall be completed before recordation of any Tract Maps for the proposed Study Area. The sampling and the comprehensive Phase II ESA will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that may be required.

If the sampling program identifies pesticide concentrations that exceed regulatory requirements, the contaminated areas could be mitigated through: 1) removal of all contaminated soils that exceed regulatory limits and disposal at a Class II facility; 2) remediation of the site through mixing contaminated soils with clean fill material; 3) placement of contaminated soils under roads; 4) or some combination of the above. Implementation of the preceding measures will reduce the level of contamination such that impacts will be less than significant.

The following measures, identified in the Phase I ESAs prepared for the Study Area, will also be implemented to reduce potential impacts from contaminated soils resulting from agricultural operations:

All miscellaneous debris (e.g., irrigation piping, 55-gallon drums, portable out-houses, paint cans, etc.), vehicles, maintenance equipment, and materials (e.g., fertilizer, lubricants, grease, waste oil, gasoline, etc.), construction/irrigation materials, miscellaneous stockpiled debris, storage tanks, and 5-gallon drums, shall be removed offsite and properly disposed of at an approved landfill facility. Once removed, a visual inspection of the areas beneath the removed materials and sampling shall be performed by a qualified hazardous materials consultant. Results of the sampling (if necessary) would indicate the level of remediation efforts that may be required.

All wells (and associated concrete pipes) present within the site shall be properly closed and abandoned pursuant to state and federal guidelines and pursuant to the latest procedures required by the local agency with closure responsibilities for the wells. Any associated equipment (e.g., diesel fuel tank, concrete, piping, and associated materials) should be removed and properly disposed of at a permitted landfill. A visual inspection of the areas beneath the removed materials (if present) should be performed by a qualified hazardous materials consultant.

Due to visible evidence of dark surface soil staining of oil/petroleum products located within the immediate vicinity of the onsite petroleum ASTs, soil should be excavated and sampled to determine the vertical extent of the contamination. If during soil removal a qualified hazardous materials consultant identifies staining (evidence of petroleum products) that appears to continue below the ground surface, sampling should be performed to characterize the extent of the contamination and identify appropriate remedial measures.

The interior of individual onsite structures and storage trailers within the subject site should be visually inspected and sampled by a qualified hazardous materials consultant prior to demolition or renovation activities, with particular attention to all garage/farm equipment maintenance uses. Should hazardous materials be encountered with any onsite structure, the materials should be tested and properly disposed of in accordance with State and Federal regulatory requirements. Any stained soils or surfaces underneath the removed materials should be sampled. Results of the

sampling (if necessary) would indicate the level of remediation efforts that may be required.

- Any removal or relocation of transformers during site construction/demolitions should be conducted under the purview of the local utility purveyor to identify properly handling procedures regarding potential Polychlorinated Biphenyl (PCBs).
- If unknown wastes or suspect materials are discovered during construction by the contractor which he/she believes may involve hazardous waste/materials, the contractor shall:
  - Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area
  - Notify the Project Engineer of the implementing Agency
  - Secure the areas as directed by the Project Engineer
  - Notify the implementing Agency's Hazardous Waste/Materials Coordinator
- Due to the rural nature of the subject site, the presence of septic tanks is considered likely. Building Department Records should be reviewed to indicate any documented septic tanks. If present, septic tanks should be removed and properly disposed of at an approved landfill facility. Once the tanks are removed (if any), a visual inspection of the areas beneath and around the removed tank(s) should be performed. Soils underneath the septic tank(s) should be sampled. Results of the sampling (if necessary) would indicate the level of remediation efforts that may be required.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant hazards impacts related to potentially contaminated soils resulting from agricultural operations will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which will require preparation of a Phase II ESA before recordation of any Tract Maps for the proposed Study Area to determine if pesticide concentrations exceed established regulatory requirements and to identify proper handling procedures that may be required. As a result of these measures, hazards impacts related to potentially contaminated soils will be minimized to less than significant.

**b. Remaining Impacts.** Any remaining hazards impacts related to potentially contaminated soils resulting from agricultural operations will be less than significant.

**N. Hazards: Impacts from Hazardous Materials Leaks and Spills Recorded Onsite and on Adjacent Properties.**

**1. Potential Impact. HM-2: Impacts from Hazardous Materials Leaks and Spills Recorded Onsite and on Adjacent Properties.** The Phase I ESAs prepared for the Study Area identified occurrences of spills and leaks within the Study Area and adjacent properties. This impact is discussed in the Final EIR beginning on page 3.5-14.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**HM-2: Groundwater Evaluation.** At least two facilities adjoining the Northern Subarea have reported subsurface petroleum releases and contamination. The properties have impacted soil and groundwater; however, the extent of lateral contamination remains undefined. In order to adequately assess the extent of any existing hazardous materials contamination affecting the site, a groundwater evaluation complying with ASTM standards shall be completed before recordation of any Tract Maps for the proposed Study Area. The groundwater should be sampled for the contaminants of concern and the direction of groundwater flow determined. Groundwater is expected at depths of approximately 3 to 4 feet that are at an elevation above the elevation of the proposed lake at approximately 8 feet. Because of this difference, dewatering is likely and knowledge of conditions will help in evaluating the disposition of pumped groundwater. Upon completion of testing, if contamination is detected and dewatering is required, the contaminated groundwater must be kept separate and disposed of in accordance with state and federal regulations.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant hazards impacts related to hazardous materials leaks and spills recorded onsite and on adjacent properties will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which will require completion of a groundwater evaluation complying with ASTM standards before recordation of any Tract Maps for the SouthShore Specific Plan area. As a result of these measures, hazards impacts related to leaks and spills will be minimized to less than significant.

b. **Remaining Impacts.** Any remaining hazards impacts related to hazardous materials leaks and spills recorded onsite and on adjacent properties will be less than significant.

O. **Hazards: Impacts from Asbestos-Containing Materials and Lead-Based Paints.**

1. **Potential Impact. HM-3: Impacts from Asbestos-Containing Materials and Lead-Based Paints.** Based upon the period during which the existing onsite structures were built (prior to 1978), it is likely that ACMs and LBPs are present onsite and would have to be handled properly prior to demolition activities. This impact is discussed in the Final EIR on page 3.5-15.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**HM-3: Phase II ESA.** Based on the period during which the existing structures in both the Northern and Southern subareas were built (prior to 1978), ACM and LBP may be present within the existing onsite structures and shall be handled properly prior to remodeling or demolition activities. In order to adequately assess the presence of ACMs and LBPs affecting the site, a Phase II ESA complying with ASTM standards shall be completed before recordation of any Tract Maps for the proposed Study Area. If either ACMs or LBPs are identified in the structures, then removal of these materials in compliance with state and federal requirements shall be undertaken prior to demolition of the structure, and the removed materials will be disposed of at an approved landfill.

All activities involving ACMs and LCPs will be required to comply with the California Code of Regulations Title 22, the California Health and Safety Code, and the Code of Federal Regulations Title 29 (Department of Labor), and Title 49 (Department of Transportation).

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potentially significant hazards impacts related to Asbestos-Containing Materials and Lead-Based Paints will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which will

require removal of either material from structures prior to demolition of the structure. As a result of these measures, hazards impacts related to Asbestos-Containing Materials and Lead-Based Paints will be minimized to less than significant.

**b. Remaining Impacts.** Any remaining hazards impacts related to Asbestos-Containing Materials and Lead-Based Paints will be less than significant.

**P. Hazards: Impacts to Public Health from Migration of Contaminants from the Halaco Superfund Site**

**1. Potential Impact. HM-6: Impacts to Public Health from Migration of Contaminants from the Halaco Superfund Site.** Based on current information, the Halaco site is not expected to present a hazard to human health at the Ormond Beach Specific Plan Study Area because the proposed Project would not use groundwater, and because limited sampling in a residential area near the Halaco site did not show elevated levels of site contaminants. However, since the Study Area is located less than 4 miles from the Halaco site, this preliminary assessment must be confirmed upon completion of USEPA's and CDPH's Health Risk Assessments prior to issuance of any building permits. This impact is discussed in the Final EIR on page 3.5-16.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**HM-4: Halaco Site HRAs.** The City must affirm that the USEPA's and CDPH's Health Risk Assessments conclude that the Halaco site presents no risk to future development in the Study Area before issuing any building permits for the proposed Project.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant hazards impacts related to the migration of contaminants from the Halaco Superfund site will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which will require completion of USEPA's and CDPH's Health Risk Assessments regarding human health hazards at the Halaco site prior to issuance of any building permits. As a result of these measures, hazards

impacts related to public health from migration of contaminants from the Halaco Superfund site will be reduced to less than significant.

b. **Remaining Impacts.** Any remaining hazards impacts related to the migration of contaminants from the Halaco Superfund site will be less than significant.

**Q. Biology: Direct Impacts to Common Wildlife Species--Bird Foraging Habitat**

1. **Potential Impact. BIO-4: Direct Impacts to Common Wildlife Species--Bird Foraging Habitat.** The SouthShore project area provides marginal habitat for foraging birds and raptors such as Red-tailed Hawk, Red-shouldered Hawk, and American Kestrel, as well as a variety of other common passerines and shorebirds listed in Appendix A-1. The habitat is marginal because it consists of agricultural crops and is adjacent to residential development. An estimated 295.5 acres of agricultural land and 6.5 acres of agricultural ditches will be impacted as a result of the SouthShore Specific Plan project in the Northern Subarea. With respect to the 6.5 acres of agricultural ditches, the Final EIR at page 3.6-11 determined that these ditches are not wetlands and concluded that "Wetland habitats are not present within the Northern Subarea." This impact is discussed in the Final EIR on page 3.6-47.

2. **Mitigation Measures.** The FEIR identified the following mitigation measure to mitigate or avoid this potentially significant impact:

**BIO-2: Foraging Habitat Creation/Restoration.** In order to mitigate this impact, coastal native grassland/dune foraging habitat for raptors and other birds in the vicinity of the project site near coastal wetlands must be restored or enhanced at a mitigation ratio of 0.1 to 1 resulting in a total of 30.2 acres for the Northern Subarea.

However, at its hearing on March 23, 2010, the City Council adopted by Resolution the following action: "4. The City Council shall, at the time it considers approving the Ormond Beach Specific Plan Projects, consider adopting an Adaptive Management Plan which identifies mitigation that is comparable to Biology Mitigation Measure No. 2 recommended in the EIR regarding the creation and/or restoration of raptor foraging habitat. Specific mitigation identified in the Adaptive Management Plan shall consist of open space and/or fees to be determined by the Development Agreements for the Ormond Beach Specific Plan projects and the City shall be designated the agency responsible for carrying out said mitigation." In approving the SouthShore Specific Plan, the City Council hereby determines to replace BIO-2 as it was set forth in the FEIR with the mitigation measure stated in Resolution No. [REDACTED], adopted on March 23, 2010, which shall be made a part of the Mitigation Monitoring/Reporting Program. Additionally, the City further finds that as originally proposed MM BIO-2 required that at least 6.8 acres of open mud flat and/or low herbaceous

wetland habitat for shorebirds be provided as part of the mitigation lands that would be provided by this measure, as implemented through the Adaptive Management Plan. Implementation of this measure, however, requires clarification. Because "Wetland habitats are not present within the Northern Subarea," the SouthShore Specific Plan is not required to provide mitigation for wetland habitat. On the other hand, wetland habitats were identified within the Southern Subarea at Final EIR page 3.6-18, and therefore, these findings clarify that the responsibility for providing the 6.8 acres of open mud flat and/or low herbaceous wetland habitat for shorebirds is a mitigation requirement imposed on the Southern Subarea only.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant hazards impacts related to bird foraging habitat can be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires restoration or enhancement of coastal native grassland/dune foraging habitat for raptors and other birds in the vicinity of the project site at a mitigation ratio of 0.1 to 1, or the measure adopted by the City Council on March 23, 2010 providing for the adoption of an Adaptive Management Plan regarding the creation and/or restoration of raptor foraging habitat. As a result of implementation of either of these measures, biology impacts related bird foraging habitat will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining biology impacts related to bird foraging habitat will be less than significant.

**R. Biology: Direct Impacts to Common Wildlife Species**

**1. Potential Impact. BIO-6: Direct Impacts to Common Wildlife Species--Nesting Birds.** Activities associated with grading and construction have the potential to disturb nesting birds on and adjacent to the site to the degree that the nests may be abandoned, resulting in a direct loss of an active bird nest. This impact is discussed in the Final EIR beginning on page 3.6-47.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**BIO-3: Pre-Construction Survey for Nesting Birds.** A pre-construction survey for nesting birds will be conducted by a qualified biologist to determine if active nests of special-status birds, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, are present in the construction zone or within 100 feet (200 feet for raptors) of the construction zone. The survey shall be conducted no earlier than 45 days and no sooner than 20 days prior to construction or site preparation activities that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through July). If active nests are found, a minimum 50-foot (this distance may be greater depending on the bird species and construction activity, as determined by the biologist) fence barrier shall be erected around the nest site and clearing and construction within the fenced area shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The biologist shall serve as a construction monitor during the breeding season to ensure that there are no inadvertent impacts to nesting birds.

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potentially significant biology impacts related to nesting birds will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires that a pre-construction survey for nesting birds be conducted by a qualified biologist to determine if active nests of special-status birds, or common bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code, are present in the construction zone or within 100 feet (200 feet for raptors) of the construction zone. As a result of these measures, biology impacts related to nesting birds will be minimized to less than significant.

b. **Remaining Impacts.** Any remaining biology impacts related to nesting birds will be less than significant.

S. **Biology: Direct Impacts to Special Status Wildlife—Special-status Bird Foraging Habitat**

1. **Potential Impact. BIO-7: Direct Impacts to Special Status Wildlife—Special-status Bird Foraging Habitat.** Impacts to special-status wildlife are limited to sensitive bird species that are known to occur or could potentially occur

in the Northern Subarea. The project site has the potential to be used by these sensitive species for foraging only, and breeding is not expected, except for the low possibility of breeding burrowing owls. Evaluating the loss of foraging habitat to one single species as a result of the proposed project would be considered less than significant because it would not reduce the foraging opportunities to a point that would significantly impact the foraging opportunities for these species; however, evaluating collectively the loss of this foraging habitat to a large diversity of sensitive birds of prey, raptors, and shorebirds would be a significant impact. This impact is discussed in the Final EIR on page 3.6-48.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**BIO-2: Foraging Habitat Creation/Restoration.** In order to mitigate this impact, coastal native grassland/dune foraging habitat for raptors and other birds in the vicinity of the project site near coastal wetlands must be restored or enhanced at a mitigation ratio of 0.1 to 1 resulting in a total of 30.2 acres for the Northern Subarea.

However, at its hearing on March 23, 2010, the City Council adopted by Resolution the following action: "4. The City Council shall, at the time it considers approving the Ormond Beach Specific Plan Projects, consider adopting an Adaptive Management Plan which identifies mitigation that is comparable to Biology Mitigation Measure No. 2 recommended in the EIR regarding the creation and/or restoration of raptor foraging habitat. Specific mitigation identified in the Adaptive Management Plan shall consist of open space and/or fees to be determined by the Development Agreements for the Ormond Beach Specific Plan projects and the City shall be designated the agency responsible for carrying out said mitigation." In approving the SouthShore Specific Plan, the City Council hereby determines to replace BIO-2 as it was set forth in the FEIR with the mitigation measure stated in ~~Resolution No. 118~~, adopted on March 23, 2010, which shall be made a part of the Mitigation Monitoring/Reporting Program.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant hazards impacts related to bird foraging habitat can be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires restoration or

enhancement of coastal native grassland/dune foraging habitat for raptors and other birds in the vicinity of the project site at a mitigation ratio of 0.1 to 1, or the measure adopted by the City Council on March 23, 2010 providing for the adoption of an Adaptive Management Plan regarding the creation and/or restoration of raptor foraging habitat. As a result of implementation of either of these measures, biology impacts related bird foraging habitat will be minimized and reduced to less than significant.

b. **Remaining Impacts.** Any remaining biology impacts related to special-status bird foraging habitat will be less than significant.

T. **Biology: Direct Impacts to Special Status Wildlife--Burrowing Owl (*Athene cunicularia*).**

1. **Potential Impact. BIO-8: Direct Impacts to Special Status Wildlife--Burrowing Owl (*Athene cunicularia*).** The burrowing owl is a federal and state species of concern. The decline of this species was recognized as early as the 1940s. The decline is attributable to the conversion of grasslands and pasturelands to agriculture and to the destruction of ground squirrel colonies by plowing and poisoning. The burrowing owl is unique because it lives in the abandoned burrows of ground squirrels. They modify the burrows to suit their needs by digging. It is one of the few diurnal owls and can be seen in the day perched on fence posts or near the entrance to their burrow. While no burrowing owls were observed during the survey and they are not known to occur in the Northern Subarea, there is a low potential for this owl to occur to forage onsite since it has been observed in the adjacent sod farms. This impact is discussed in the Final EIR on page 3.6-51.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**BIO-2: Foraging Habitat Creation/Restoration.** In order to mitigate this impact, coastal native grassland/dune foraging habitat for raptors and other birds in the vicinity of the project site near coastal wetlands must be restored or enhanced at a mitigation ratio of 0.1 to 1 resulting in a total of 30.2 acres for the Northern Subarea.

However, at its hearing on March 23, 2010, the City Council adopted by Resolution the following action: "4. The City Council shall, at the time it considers approving the Ormond Beach Specific Plan Projects, consider adopting an Adaptive Management Plan which identifies mitigation that is comparable to Biology Mitigation Measure No. 2 recommended in the EIR regarding the creation and/or restoration of raptor foraging habitat. Specific mitigation identified in the Adaptive Management Plan shall consist of open space and/or fees to be determined by the Development Agreements for the Ormond Beach

enhancement of coastal native grassland/dune foraging habitat for raptors and other birds in the vicinity of the project site at a mitigation ratio of 0.1 to 1, or the measure adopted by the City Council on March 23, 2010 providing for the adoption of an Adaptive Management Plan regarding the creation and/or restoration of raptor foraging habitat. As a result of implementation of either of these measures, biology impacts related bird foraging habitat will be minimized and reduced to less than significant.

b. **Remaining Impacts.** Any remaining biology impacts related to special-status bird foraging habitat will be less than significant.

**T. Biology: Direct Impacts to Special Status Wildlife--Burrowing Owl (*Athene cunicularia*).**

1. **Potential Impact. BIO-8: Direct Impacts to Special Status Wildlife--Burrowing Owl (*Athene cunicularia*).** The burrowing owl is a federal and state species of concern. The decline of this species was recognized as early as the 1940s. The decline is attributable to the conversion of grasslands and pasturelands to agriculture and to the destruction of ground squirrel colonies by plowing and poisoning. The burrowing owl is unique because it lives in the abandoned burrows of ground squirrels. They modify the burrows to suit their needs by digging. It is one of the few diurnal owls and can be seen in the day perched on fence posts or near the entrance to their burrow. While no burrowing owls were observed during the survey and they are not known to occur in the Northern Subarea, there is a low potential for this owl to occur to forage onsite since it has been observed in the adjacent sod farms. This impact is discussed in the Final EIR on page 3.6-51.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**BIO-2: Foraging Habitat Creation/Restoration.** In order to mitigate this impact, coastal native grassland/dune foraging habitat for raptors and other birds in the vicinity of the project site near coastal wetlands must be restored or enhanced at a mitigation ratio of 0.1 to 1 resulting in a total of 30.2 acres for the Northern Subarea.

However, at its hearing on March 23, 2010, the City Council adopted by Resolution the following action: "4. The City Council shall, at the time it considers approving the Ormond Beach Specific Plan Projects, consider adopting an Adaptive Management Plan which identifies mitigation that is comparable to Biology Mitigation Measure No. 2 recommended in the EIR regarding the creation and/or restoration of raptor foraging habitat. Specific mitigation identified in the Adaptive Management Plan shall consist of open space and/or fees to be determined by the Development Agreements for the Ormond Beach

Specific Plan projects and the City shall be designated the agency responsible for carrying out said mitigation.” In approving the SouthShore Specific Plan, the City Council hereby determines to replace BIO-2 as it was set forth in the FEIR with the mitigation measure stated in Resolution No. \_\_\_\_\_, adopted on March 23, 2010, which shall be made a part of the Mitigation Monitoring/Reporting Program.

**BIO-4: Pre-Construction Survey for Burrowing Owl.** Since burrowing owls are known to forage in the Study Area and are likely to nest near the Southern Subarea, the following measures shall be implemented in order to avoid take of burrowing owls. A qualified biologist will survey for burrowing owl activities within the Study Area and a 250-foot buffer area 30 days prior to the commencement of grading to assess burrowing owl presence and need for further mitigation. If owls are found nesting in or near the Study Area, the nest will be protected by establishing a minimum of a 250-foot buffer where no construction activities will occur. A biological monitor would be present to ensure the nest is not disturbed by construction activities until it is fledged and determined inactive. Burrowing owls typically breed from late March to July. The burrowing owl protection areas will be marked with temporary construction fencing. Where avoidance cannot be fully implemented, additional measures may need to be implemented consistent with CDFG approved methods. Occupied burrows will not be disturbed during the nesting season. If necessary, occupied burrows may be removed only if a qualified biologist determines through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from occupied burrows are foraging independently and are capable of independent survival. If it is determined that the burrow is meeting either of these conditions and must be removed, suitable burrows for burrowing owls would be installed in nearby suitable habitat at least 250 feet from the construction zone as determined by a qualified biologist to mitigate for the loss of potential nesting habitat in the proposed development portions of the Study Area.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project’s potentially significant biology impacts related to the Burrowing Owl will be substantially lessened to less-than-significant levels through implementation of the mitigation measures described above, which require a 250 foot buffer area around a Burrowing Owl nest until fledgling has occurred, as well as restoration or enhancement of coastal native grassland/dune foraging

habitat for raptors and other birds in the vicinity of the project site at a mitigation ratio of 0.1 to 1, or the measure adopted by the City Council on March 23, 2010 providing for the adoption of an Adaptive Management Plan regarding the creation and/or restoration of raptor foraging habitat. As a result of these measures, biology impacts related to the Burrowing Owl will be minimized and reduced to less than significant.

b. **Remaining Impacts.** Any remaining biology impacts related to the Burrowing Owl will be less than significant.

**U. Biology: Indirect Impacts to Sensitive Offsite Habitats.**

1. **Potential Impact. BIO-10: Indirect Impacts to Sensitive Offsite Habitats.** Indirect impacts to adjacent sensitive habitats are possible as a result of the proposed project. The Ormond Beach and Point Mugu areas support a wide array of sensitive plant and wildlife species and sensitive habitat that could be impacted indirectly by increased development in the adjacent upland areas. Sensitive habitats that could be indirectly impacted by the proposed project include southern coastal saltmarsh, freshwater and brackish water marsh, tidal flats, foredune and coastal dune scrub. Industrial development close to these areas would likely result in higher human use of the area which would cause negative impacts to habitat such as trampling and introduction of non-native and invasive plant populations. Since these sensitive habitats support several special status plant and wildlife species, there is a potential for these indirect impacts to be significant. The proposed project incorporates some physical measures to reduce indirect impacts such as lighting, noise, and human intrusion by including an 18.3 acre lake that would inhibit domestic cats from crossing Hueneme Road and eventually reaching habitat areas in the southern part of the Southern Subarea and areas farther to the south. Also, pursuant to a Development Agreement with the City, the developer is required to contribute to implementation of an "Ormond Beach Natural Resource Management Program." The purpose of the Natural Resource Management Program would be to reduce or avoid impacts to sensitive natural resources, particularly Western snowy plovers and California least terns at Ormond Beach, that would result from expected increased visitation. The program would provide adequate funding for the following resource protection measures at Ormond Beach: (a) Fencing; (b) Signage; (c) Predator Management; (d) Invasive Plant Control; (e) Public Information; and (f) Enforcement. This impact is discussed in the Final EIR beginning on page 3.6-51.

2. **Mitigation Measures.** The SouthShore Specific Plan Project in the Northern Subarea has been modified to mitigate or avoid this potentially significant indirect impact by requiring its participation in the "Ormond Beach Natural Resource Management Program." It should be noted that, if approved, the Southern Subarea Project, which is also addressed in the Final EIR, will be required to implement Mitigation Measure BIO-5 as set forth at page 3.6-69 of the Final EIR which requires

the installation of trash traps at all entrances to bioswales and a maintenance program to remove trash on a routine basis from the Southern Subarea, but because of its participation in the "Ormond Beach Natural Resource Management Program," the Northern Subarea is not required to implement Mitigation Measure BIO-5.

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potentially significant indirect biology impacts related to sensitive offsite habitats will be substantially lessened to less-than-significant levels through participation in the implementation of the Ormond Beach Natural Resource Management Program. As a result of its participation in the Ormond Beach Natural Resource Management Program, indirect biology impacts related to sensitive offsite habitats will be minimized and reduced to less than significant.

b. **Remaining Impacts.** Any remaining biology impacts related to sensitive offsite habitats will be less than significant.

V. **Biology: Indirect Impacts to Special Status Wildlife Western Snowy Plover (*Charadrius alexandrinus nivosus*)**

1. **Potential Impact. BIO-11: Indirect Impacts to Special Status Wildlife Western Snowy Plover (*Charadrius alexandrinus nivosus*).** Snowy plovers are present at Ormond Beach and are not expected to occur in the Northern Subarea. Therefore, no direct impacts as a result of the proposed project would result; however, indirect impacts, including increased human presence and domestic animals, would be reduced by the lake and associated open space/greenbelt buffer included in the proposed project and implementation of the Ormond Beach Natural Resource Management Program. This impact is discussed in the Final EIR beginning on page 3.6-52.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by requiring its participation in the "Ormond Beach Natural Resource Management Program." It should be noted that, if approved, the Southern Subarea Project, which is also addressed in the Final EIR, will be required to implement Mitigation Measure BIO-5 as set forth at page 3.6-69 of the Final EIR which requires the installation of trash traps at all entrances to bioswales and a maintenance program to remove trash on a routine basis from the Southern Subarea, but because of its participation in the "Ormond Beach

Natural Resource Management Program," the Northern Subarea is not required to implement Mitigation Measure BIO-5.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant indirect biology impacts related to the Western Snowy Plover will be substantially lessened to less-than-significant levels through participation in the implementation of the Ormond Beach Natural Resource Management Program. As a result of its participation in the Ormond Beach Natural Resource Management Program, indirect biology impacts related to the Western Snowy Plover will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining biology impacts related to the Western Snowy Plover will be less than significant.

**W. Biology: Indirect Impacts to Special Status Wildlife California Least Tern (*Sterna antillarum browni*).**

**1. Potential Impact. BIO-12: Indirect Impacts to Special Status Wildlife California Least Tern (*Sterna antillarum browni*).** The California Least Tern is a state and federally endangered species. The historical breeding range of this species is along the Pacific coast from Monterey County, California to southern Baja California, Mexico. Nesting locations are in dry sand or dirt near lagoons or estuaries with a dependable food supply. Due to decreasing habitat, terns are often forced to nest on manmade structures such as airports or landfills. They usually arrive around mid-April and breed in colonies from mid-May to early August and then migrate south over the winter. This species is known to forage along the Oxnard Canal No. 3 adjacent to the Southern Subarea and to breed at Ormond Beach. Indirect impacts, including increased human presence and domestic animals, would be reduced by the lake and associated open space/greenbelt buffer included in the proposed project and implementation of the Ormond Beach Natural Resource Management Program. This impact is discussed in the Final EIR on page 3.6-53.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by requiring its participation in the "Ormond Beach Natural Resource Management Program." It should be noted that, if approved, the Southern Subarea Project, which is also addressed in the Final EIR, will be required to implement Mitigation Measure BIO-5 as set forth at page 3.6-69 of the Final EIR which requires the installation of trash traps at all entrances

to bioswales and a maintenance program to remove trash on a routine basis from the Southern Subarea, but because of its participation in the "Ormond Beach Natural Resource Management Program," the Northern Subarea is not required to implement Mitigation Measure BIO-5.

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potentially significant biology impacts related to the California Least Tern will be substantially lessened to less-than-significant levels through participation in the implementation of the Ormond Beach Natural Resource Management Program. As a result of its participation in the Ormond Beach Natural Resource Management Program, indirect biology impacts related to the California Least Tern will be minimized and reduced to less than significant.

b. **Remaining Impacts.** Any remaining biology impacts related to California Least Tern will be less than significant.

#### X. **Agriculture: Dust Impacts to Local Crops**

1. **Potential Impact. AG-4: Dust Impacts to Local Crops.** Dust generated during construction could be deposited on adjacent agricultural lands with planted crops, temporarily reducing productivity. In addition, increase in traffic may result in permanent increase in emissions that could affect crops in adjacent agricultural lands. This impact is discussed in the Final EIR beginning on page 3.8-22.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**AQ-1: Dust Control Measures.** Dust generated by project construction shall be kept to a minimum by following dust control measures. (See text of AQ-1 above, in Section IV.K.2.)

**AG-1. Buyer Notification.** The following buyer notification shall be recorded on a separate information sheet with the final map pursuant to City of Oxnard Standard Conditions:

**IMPORTANT: BUYER NOTIFICATION**

*The property was formerly used for agricultural purposes, and is near or adjacent to, land that is currently used for agricultural operations; and The buyers may be subject to inconvenience or discomfort arising from agricultural operations on such nearby or adjacent land including, but not limited to, frost protection measures, noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) at any hour of the day or night, storage of equipment and materials necessary to agricultural operations, slow-moving farm equipment, and spraying or other application of chemical fertilizers, soil amendments (such as manure, compost materials and mulches) and pesticides (such as herbicides, insecticides and fumigants); and If the buyers complete the purchase of the property, the buyers should be prepared to accept such inconvenience and discomfort as a normal and necessary aspect of living near or adjacent to agricultural operations.*

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant agricultural impacts related to the effects of dust on crops will be substantially lessened to less-than-significant levels through implementation of the mitigation measures described above, which will minimize the amount of dust generated by project construction. As a result of these measures, agricultural impacts related to the effects of dust on crops will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining agricultural impacts related to the effects of dust on crops will be less than significant.

**Y. Transportation: Peak Hour Traffic Conditions—Northern Subarea**

**1. Potential Impact. TRANS-1: Peak Hour Traffic Conditions—Northern Subarea.** Based on City of Oxnard established thresholds of significance, the addition of trips generated by development in the Northern Subarea is forecast to result in a potentially significant impact at only two study intersections: Ventura Road/Hueneme Road and Saviers Road/Channel Islands Boulevard. This impact is discussed in the Final EIR beginning on page 3.10-35.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**TRANS-1: Northern Subarea Traffic.** To eliminate the significant impacts associated with development of the Northern Subarea (Impact Trans-1), the following measures, designed in accordance with City standards, are recommended (also depicted in Figures 3.10-14 and 15):

- **Ventura Road/Hueneme Road** – Modify the Ventura Road/Hueneme Road intersection traffic signal to include a westbound right-turn overlap, which will preclude u-turn movement from southbound to northbound Ventura Road.
- **Saviers Road/Channel Islands Boulevard** – Widen the northbound Saviers Road approach from one left-turn lane, two through lanes, and one shared through/right-turn lane to consist of two left-turn lanes, two through lanes, and one shared through/right turn lane.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant transportation impacts related to Peak Hour traffic conditions in the SouthShore Specific Plan area will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires improvements—including traffic signal modification and road widening—at key area intersections. As a result of these measures, transportation impacts related to Peak Hour traffic conditions in the SouthShore Specific Plan area will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining transportation impacts related to Peak Hour traffic conditions in the SouthShore Specific Plan area will be less than significant.

**Z. Transportation: Peak Hour Traffic Conditions—Combined Subareas**

**1. Potential Impact. TRANS-2: Peak Hour Traffic Conditions—Combined Subareas.** Based on City of Oxnard established thresholds of significance, the combination of trips generated by the proposed SouthShore Specific Plan project and the proposed development of the Southern Subarea is forecasted to result in potentially significant impacts at 15 study intersections. This impact is discussed in the Final EIR beginning on page 3.10-44.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is

hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**TRANS-2: Combined Subarea Traffic.** To eliminate the significant impacts associated with development of the Combined Subareas, mitigation measures designed in accordance with City standards are recommended for the following facilities:

- Ventura Road/Hueneme Road
- Saviers Road/Channel Islands Boulevard
- Saviers Road/Pleasant Valley Road
- Saviers Road/Hueneme Road
- Rose Avenue/Gonzales Road
- Rose Avenue/Cesar Chavez Drive
- Rose Avenue/Camino Del Sol
- Rose Avenue/Santa Lucia Avenue
- Rose Avenue/Eastman Avenue
- Rose Avenue/Oxnard Boulevard
- Rose Avenue/Channel Islands Blvd/SR-1 Southbound Ramps
- Rose Avenue/Pleasant Valley Road
- Rose Avenue/Sanford Street
- Rice Avenue (SR-1)/Pleasant Valley Road
- SR-1 Southbound Ramps/Hueneme Road

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant transportation impacts related to Peak Hour traffic conditions in the Combined Subareas will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires improvements—including restriping, signalization, traffic signal modification and road widening—at key area intersections. As a result of these measures, transportation impacts related to Peak Hour traffic conditions in the Combined Subareas will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining transportation impacts related to Peak Hour traffic conditions in the Combined Subareas will be less than significant.

**AA. Transportation: Northern Subarea Soil Import Traffic**

**1. Potential Impact. TRANS-3: Northern Subarea Soil Import Traffic.** Soil import access to the SouthShore project site is planned to last 11 weeks at a temporary soil import driveway on Hueneme Road west of Olds Road. The source of the import soil is the Calleguas Creek dredging project planned and operated by Ventura County Watershed Protection District. The addition of temporary soil import-related trips is forecast to result in a potentially significant impact at two intersections. This impact is discussed in the Final EIR beginning on page 3.10-53.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**TRANS-3: Northern Subarea Soil Import Traffic.** To eliminate the identified temporary significant impacts forecast to occur during the 11 week soil import, the following measures are offered for consideration:

- **SR-1 Southbound Ramps/Hueneme Road** – The project applicant shall make a fair share contribution to install a temporary traffic signal during the 11-week soil import. It should be noted signalization of the SR-1 Southbound Ramps/Hueneme Road intersection is planned by County of Ventura and Caltrans staff but has been delayed due to funding deficiencies.
- **Wood Road/Hueneme Road** – The project applicant shall make a fair share contribution to install a temporary traffic signal during the 11-week soil import
- **Hueneme Road from City Limits to Laguna Road** – The project applicant shall make a pro-rata contribution to the cost of repaving or rehabilitating Hueneme Road to account for damage cause by hauling of soil.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant transportation impacts related to soil import traffic in the Northern Subarea will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires the applicant to make fair share and pro rata contributions to road

segments and intersections affected by the 11-week soil import. As a result of these measures, transportation impacts related to soil import traffic in the Northern Subarea will be minimized and reduced to less than significant.

b. **Remaining Impacts.** Any remaining transportation impacts related to soil import traffic in the Northern Subarea will be less than significant.

**BB. Noise: Traffic Noise with Northern Subarea Development**

1. **Potential Impact. NOISE-1: Traffic Noise with Northern Subarea Development.** Compared with existing conditions, the changes in traffic associated with future development of the Northern Subarea would result in significant increases in traffic noise levels at noise-sensitive receivers located along several roadway segments, according to either the exceedance standard or the change standard or both. This impact is discussed in the Final EIR beginning on page 3.11-16.

2. **Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measures, which are hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**NOISE-1: Rose-SouthShore Drive Exterior Noise.** The required setbacks to ensure compliance of new residential areas with the City of Oxnard exterior noise standard of 60 dB Ldn would be in the range of 140 feet from the centerline of Rose-SouthShore Drive. With the proposed cross-section, the distance from the centerline to the edge of the right-of-way would be 55 feet. The applicants have also proposed 34-foot landscape buffer along SouthShore Drive. Thus, the proposed total distance from the centerline to the edge of the attached residential parcels along SouthShore Drive would be 89 feet. The site design of the attached residential areas along SouthShore Drive would, thus, need to accommodate another 50 feet between the front edge of the parcels and outdoor living areas to achieve the recommended setback of 140 feet from the centerline. With proper site design of the residential areas along SouthShore Drive, mitigation to this standard would be feasible.

**NOISE-2: Outdoor Activity Areas.** The project should be designed to ensure that outdoor activity areas are shielded from direct view of major roadways. Shielding could be achieved by building orientation (so that the back yards are shielded by the homes), or by the use of noise barriers. The proposed layout of the Northern Subarea calls for outdoor activity areas to be separated from SouthShore Drive by attached residential buildings. The project should also be designed to ensure satisfaction of the exterior

noise standards for traffic generated by traffic on internal roads. The specific design of noise barriers, berms or combinations thereof will depend upon the final roadway and lot designs, and upon the grading plans. To achieve a meaningful amount of noise reduction using barriers or berms, these should be designed to break line of sight between the source and receiver. Generally, a barrier 6 feet high located on level ground will provide about 5 dB noise level reduction for traffic noise. An improvement of about 1 dB would be expected for each 1-foot increase in barrier height beyond breaking line of sight.

**NOISE-3: Interior Noise Exposure.** The methods required to mitigate interior noise exposures would depend on the locations of the residences relative to the roadways. In general, if the exterior traffic noise exposure is 65 dB Ldn or less, no exceptional construction techniques would be required. Where the exterior traffic noise level is between 65 dB and 75 dB Ldn, it is usually feasible to achieve the interior noise standard of 45 dB Ldn by installing acoustically-rated glazing, using stucco or brick siding, and by minimizing the surface area of glazing that faces the roadways. Where the exterior traffic noise exposure exceeds 75 dB Ldn, it is usually more difficult to achieve the interior noise standard in residences.

**NOISE-4: Post-Design Acoustical Analysis.** To ensure satisfaction of the exterior and interior traffic noise standards for the noise sensitive land uses within the Study Area, an acoustical analysis should be prepared after the roadway and lot designs and grading plans have been finalized. The recommendations prepared as a result of that analysis should be implemented so that the noise standards are achieved

3. **Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

a. **Effects of Mitigation.** The Project's potentially significant noise impacts related to traffic noise with the Northern Subarea Development will be substantially lessened to less-than-significant levels through implementation of the mitigation measures described above, which requires, among other things, that the project be designed to ensure that outdoor activity areas are shielded from direct view of major roadways and that the layout and structural design of the attached residential areas along SouthShore Drive incorporate features to mitigate exterior noise levels. In addition, recommendations from an acoustical analysis prepared after the roadway and lot designs and grading plans have been finalized should be implemented so that noise standards are achieved. As a result of

these measures, traffic noise impacts related to the Northern Subarea Development will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining noise impacts related to traffic noise with the Northern Subarea Development will be less than significant.

**CC. Noise: Point Mugu Naval Air Station Noise**

**1. Potential Impact. NOISE-2: Point Mugu Naval Air Station Noise.** Although the 65 CNEL noise contour for the installation is outside the Ormond Beach project border, the southeast part of the project is subject to aircraft overflights operating to and from the facility, with temporary high peak noise levels. While the installation's operations do not constitute a significant impact on the project site, any potential noise-sensitive land uses located in the Northern Subarea should be informed that the area is subject to military aircraft overflights. This impact is discussed in the Final EIR beginning on page 3.11-20.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**NOISE-5: Point Mugu Naval Air Station Noise.** The project shall incorporate noise attenuation measures (e.g., double-paned window or higher grade windows, HVAC) and shall disclose to purchasers the potential for peak noise levels that exceed standards.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant noise impacts related to Point Mugu Naval Air Station will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires noise disclosure to purchasers as well as incorporation of noise attenuation measures (e.g., double-paned window or higher grade windows, HVAC). As a result of these measures, noise impacts related to Point Mugu Naval Air Station will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining noise impacts related to Point Mugu Naval Air Station will be less than significant.

**DD. Cultural Resources: Construction-related Grading**

**1. Potential Impact. CULTURAL-1: Construction-related Grading.**

Grading activities associated with site preparation at the proposed development site (including residential, mixed-use commercial, light industrial, developed open space uses) in the Study Area could impact previously undiscovered cultural resources. This impact is discussed in the Final EIR on page 3.12-16.

**2. Mitigation Measures.** The Project has been modified to mitigate or avoid this potentially significant impact by the following mitigation measure, which is hereby adopted and will be implemented as provided in the Mitigation Monitoring/Reporting Program.

**CULTURAL-1: Construction Period Monitoring.** An archaeologist will monitor Less than all initial grading or excavation. An archaeologist will monitor all initial construction grading or excavation. If unanticipated resources are discovered, they will be evaluated according to the procedures set forth at CEQA Section 15064.5. If the evaluation determines that such resources are either unique or significant archaeological or historical resources and that the project would result in significant effects on those resources, then further mitigation would be required. In cases where the resources are unique, then avoidance, capping, or other measures, including data recovery, would be appropriate mitigation. If the resources are not unique, then recovery, without further mitigation, would be appropriate.

**3. Findings.** Based upon the Draft EIR, the Final EIR and the entire record of proceedings, the City makes the findings set forth in CEQA Section 21081(a)(1) and finds that the above described 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.

**a. Effects of Mitigation.** The Project's potentially significant cultural resources impacts related to construction grading will be substantially lessened to less-than-significant levels through implementation of the mitigation measure described above, which requires that an archaeologist monitor initial construction grading or excavation and implement appropriate measures if a resource uncovered during grading or excavation is unique (e.g., avoidance, capping, or other measures, including data recovery.) As a result of these measures, cultural resources impacts related to construction grading will be minimized and reduced to less than significant.

**b. Remaining Impacts.** Any remaining cultural resources impacts related to Project construction will be less than significant.

**V. FINDINGS REGARDING IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT.**

**A. Geology. GEO-6: Coastal Flooding, Tsunami, and Sea-Level Rise.**

**1. Potential Impact.** Coastal flooding associated with tsunamis and/or sea level rise could affect the coastal areas of Oxnard. The Study Area is not within 100- or 500-year floodplain and is not expected to be inundated by a tsunami. While there is research suggesting that sea-level rise could exacerbate the probability of coastal flooding in the Study Area by the end of the 21st century, additional local research and analysis are required to more fully understand how local circumstances would affect such probability. This impact is discussed in the Final EIR on page 3.2-37.

**2. Findings.** According to FEMA and Cal EMA, the Study Area is not within 100- or 500-year floodplain and is not expected to be inundated by a tsunami. While there is research suggesting that sealevel rise could exacerbate the probability of coastal flooding in the Study Area by the end of the 21st century, additional local research and analysis are required to more fully understand how local circumstances would affect such probability. In the meantime, the City will continue to enforce development standards concerning the placement of structures in areas prone to flooding, based on the best available information published by FEMA or Cal EMA. In addition, the City will continue to implement the recommendations of the Operational Area Tsunami Evacuation Plan and "Tsunami Emergency Information: How to Prepare, React, and Survive," a brochure that identifies evacuation routes and reunification areas for evacuees. With the application of the City's development standards and continued focus on effective emergency management planning, the potential for coastal flooding is deemed to be less than significant. No mitigation measures are required for this less than significant impact.

**B. Water Resources. WATER-2: Water Facility Construction.**

**1. Potential Impact.** The Northern Subarea will require the construction of facilities associated with Phase 1 of the GREAT program to ensure a 20-year supply of potable and recycled water. The City of Oxnard has adopted a project level EIR/EIS for the GREAT program. Most of the infrastructure for Phase 1 and Phase 2 of the GREAT program is proposed for construction at existing water facilities or involves replacement and expansion of existing water service pipelines within existing right-of-ways. The GREAT EIR/EIS includes a Monitoring, Mitigation, and Reporting Plan which addresses the construction impacts of Phase 1 and Phase 2. This impact is discussed in the Final EIR beginning on page 3.3-103.

**2. Findings.** Preliminary review of the GREAT program under the EIR/EIS has indicated that, with the exception of the wetlands element, there are no

identifiable issues that could represent significant permitting challenges. The wetlands element could be covered under the environmental document for the GREAT program at a program level and developed to a project-specific level as that element is developed more substantially. The GREAT EIR/EIS includes a Monitoring, Mitigation, and Reporting Plan (MMRP) which addresses the construction impacts of Phase 1 and Phase 2. Potential construction-related effects associated with onsite water infrastructure within the Northern Subarea is covered on a subject-by subject basis elsewhere throughout this EIR. The construction of the offsite water facilities associated with the City's ongoing GREAT Program will have a less than significant impact. No mitigation measures are required for this less than significant impact.

**C. Water Resources. WATER-3: Wasteful Use of Water.**

**1. Potential Impact.** Individual building projects within the Northern Subarea would be required to meet standard requirements of the City, State, and Uniform Building Code. These requirements act to conserve potable water, ensure adequate water flow, and pay for the construction of improvements to the water distribution system as outlined in the City's Water Master Plan. This impact is discussed in the Final EIR on page 3.3-104.

**2. Findings.** Individual building projects within the Northern Subarea would be required to meet standard requirements of the City, State, and Uniform Building Code. These requirements act to conserve potable water, ensure adequate water flow, and pay for the construction of improvements to the water distribution system as outlined in the City's Water Master Plan. In addition, the SouthShore Specific Plan, which will govern development in the Northern Subarea, calls for the development of separate pipeline systems for potable and reclaimed water. The potential for wasteful use of water as a result of development in the Southern Subarea is, therefore, considered less-than significant. No mitigation measures are required for this less than significant impact.

**D. Water Resources. WATER-6: Flood Control and Stormwater Drainage.**

**1. Potential Impact.** During construction, the proposed lake (Lake SouthShore) would function as an interim water quality management system reducing silts from plugging existing downstream drainage facilities. Since the lake would collect and subsequently treat runoff, it would reduce the amount of sediment running off from the site in comparison to existing conditions. At the onset of rough grading, interim water quality basins (used prior to lake completion) would be required in the event rainfall occurs prior to completion of the lake grading. The interim water quality basins would be sized appropriately to mitigate any potential release of sediment to downstream drainage facilities. With onsite detention of runoff being handled through the lake, the project would not release flow at a greater rate than currently leaves the site based on the 10-year,

24-hour storm event. Runoff from a 10-year storm will be captured in the storm drain system and directed to the lake, thereby reducing any overflow of runoff that currently exists at Arnold, Hueneme, and Olds Roads. Localized flooding in the Northern Subarea during a 10- or 100-year event will not flood building pads in the development as building pads will be constructed above the peak 100-year water surface elevation. This impact is discussed in the Final EIR beginning on page 3.3-106.

**2. Findings.** During construction, the proposed lake (Lake SouthShore) would function as an interim water quality management system reducing silts from plugging existing downstream drainage facilities. The proposed bottom of lake is elevation 5 feet; the breakout elevation on Hueneme Road is approximately elevation 17 feet. As the lake would be approximately 8 feet deep upon completion of grading, it would function as a low point for the entire site including the Edison property (during construction). The lake volume would be sufficient to contain the first ¼ inch of runoff during a storm event as required by the Ventura County SMP. Since the lake would collect and subsequently treat runoff, it would reduce the amount of sediment running off from the site in comparison to existing conditions.

At the onset of rough grading, interim water quality basins (used prior to lake completion) would be required in the event rainfall occurs prior to completion of the lake grading. The interim water quality basins would be sized appropriately to mitigate any potential release of sediment to downstream drainage facilities (RBF Consultants, November 2006). Implementation of additional erosion and sediment control BMPs during construction would also serve to reduce the levels of sediment discharged to the lake.

The project would not release flow at a greater rate than currently leaves the site in the existing condition based on the 10-year, 24-hour storm event. Additionally, the project will not increase the runoff rate to the Arnold Road Drain. Flow to the Arnold Road Drain would be reduced in the built-out condition because the elevation of the Arnold Road Drain is at elevation 16.3 feet, which is higher than the peak 10-year water surface in the lake. The project will also reduce the amount of runoff to the culvert at Hueneme and Olds roads which is at elevation 16.1 feet. Catch basins and storm drain pipe will be installed in Hueneme and Olds roads and onsite. Runoff from a 10-year storm will be captured in the storm drain system and directed to the lake, thereby reducing any overflow of runoff that currently exist today at these intersections (RBF Consulting, November 2006).

Based on the above considerations, the impact to localized flooding during construction and after construction is considered to be less than significant. No mitigation measures are required for this less than significant impact.

**E. Water Resources. WATER-8: Changes in Flow Directions.**

1. **Potential Impact.** Construction activities within the Northern Subarea have the potential for increasing the runoff flow rate of stormwater from the site. Depending on the phase of construction, the flow directions and volume of stormwater flow could change, exceeding the capacity of existing drainage channels. This could result in sheet flow flooding on adjacent streets. However, the Northern Subarea will incorporate onsite retention and detention and would not increase runoff during the construction period of this project. This impact is discussed in the Final EIR beginning on page 3.3-108.

2. **Findings.** The Northern Subarea will incorporate onsite retention and detention and would not increase runoff during the construction period of this project. The hydrology report for the Northern Subarea used hydrologic modeling to assess current runoff quantities associated with 10-year and 100-year 24-hour storm events. The development would use the Lake SouthShore as a retention basin for all onsite storm flows. Discharges from the Northern Subarea post-development would be controlled to predevelopment levels and a maximum discharge rate equal to the 10-year 24-hour storm event during any storm event. The 100-year 24-hour storm event containment capacity of the Lake SouthShore would reduce the impact from significant storm events resulting in peak runoff flow rates.

The following is a summary of the potential changes in the flow directions of onsite and offsite stormwater runoff (RBF Consulting, November 2006).

1. In the developed condition runoff from the site would not be directed to the Arnold Road Drain or the existing shallow 1-foot-high by 4-foot-wide box culvert at Hueneme and Olds roads. This will be accomplished by installing a storm drain system and catch basins in Olds and Hueneme roads. As stated previously, the project incorporates retention and detention, limiting runoff to downstream facilities.

2. Runoff from the Sanford Tract north of the Northern Subarea in a 100-year storm currently overflows the northern tract boundary and flows onto the Northern Subarea and further onto Hueneme Road. Runoff in the developed condition would be detained in the park area (north of A Street, east of Rose) on the surface. This runoff will be routed through the 66-inch storm drain (Sanford Street Storm Drain).

3. Runoff from the fields east of Olds Road (the Taylor Drain, currently an interim connection to the Sanford Storm Drain) will be relocated. Currently, this storm drain collects runoff east of Olds Road and north to Highway 1 and conveys it to the 66-inch Sanford Storm Drain and further to the OID. Ten-year flows will be re-directed in a pipe or open channel south on Olds Road, west on Hueneme Road, and then south on Arnold Road.

Based on the above, the Project will result in a net reduction in stormwater discharges during significant storm events so impacts would be considered less-than-significant. No mitigation measures are required for this less than significant impact.

**F. Air Quality. AQ-10: CO hotspots.**

1. **Potential Impact.** Implementation of the proposed project would lead to increased traffic volumes on local roadways. An analysis of potential CO concentrations based on 2020 project conditions using CALINE4 was conducted to estimate potential exposure of sensitive receptors to substantial CO concentrations (or "hotspots"). The results show that implementation of the project would not expose sensitive receptors to substantial CO concentrations. This impact is discussed in the Final EIR on page 3.4-22.

2. **Findings.** Implementation of the proposed project would lead to increased traffic volumes on local roadways. An analysis of potential CO concentrations based on 2020 project conditions using CALINE4 was conducted to estimate potential exposure of sensitive receptors to substantial CO concentrations (or "hotspots"). The results show that implementation of the project would not expose sensitive receptors to substantial CO concentrations. Table 3.4-12 shows that CO concentrations are well below established state and federal thresholds. This impact would be less than significant. No mitigation measures are required for this less than significant impact.

**G. Hazards. HM-4: Impacts Associated with Radon.**

1. **Potential Impact.** Based on the State of California Department of Health Services Radon Database for California, the proposed project site does not have a predicted average indoor screening level greater than 4.0 pCi/l. USEPA recommends remedial actions only when radon levels exceed 4.0 pCi/l. This impact is discussed in the Final EIR on page 3.5-15.

2. **Findings.** Based on the State of California Department of Health Services Radon Database for California (2002), the proposed project site does not have a predicted average indoor screening level greater than 4.0 pCi/l. The database shows that eight radon tests were performed within the zip code that includes the Study Area (93033) and none of these tests showed radon levels equal to or higher than 4.0 pCi/l. USEPA recommends remedial actions only when radon levels exceed 4.0 pCi/l. The impacts associated with radon are, thus, considered to be less than significant. No mitigation measures are required for this less than significant impact.

**H. Hazards. HM-5: Impacts from Future Accidental Release of Hazardous Materials.**

1. **Potential Impact.** The proposed project will include residential, commercial, and light industrial uses. Since any facilities using hazardous substances will have to be designed, constructed, and operated in accordance with applicable regulations, no significant impacts are expected to occur. This impact is discussed in the Final EIR beginning on page 3.5-15.

2. **Findings.** The proposed project will include residential, commercial, and light industrial uses. Since any facilities using hazardous substances will have to be designed, constructed, and operated in accordance with applicable regulations, no significant impacts are expected to occur. Businesses that handle hazardous materials or generate hazardous waste would need a CUPA permit from the City of Oxnard Fire Department. The impacts associated with accidental release of hazardous materials from the proposed uses are considered to be less than significant. Other than compliance with existing regulations, no mitigation measures are required for this less than significant impact.

**I. Hazards. HM-11: Electromagnetic Fields.**

1. **Potential Impact.** Electromagnetic fields occur independently of one another as electric and magnetic fields at the 60-Hz frequency used in transmission lines, and both are created by electric charges. Electric fields exist when these charges are not moving. Magnetic fields are created when the electric charges are moving. The magnitude of both electric and magnetic fields falls off rapidly as the distance from the source increases (proportional to the inverse of the square of distance). However, the existing transmission line is located within a 250-foot-wide easement area. In addition both specific plans have proposed commercial and/or industrial uses within the easterly portion of the existing transmission right-of-way. Potential impacts associated with EMF exposure to residential areas are less than significant (Class III) and no mitigation is necessary. This impact is discussed in the Final EIR on page 3.5-17.

2. **Findings.** This impact was determined to be less than significant and no mitigation measures are required. Because the existing transmission line is located within a 250-foot-wide easement area it is sufficiently set apart from proposed residential development areas. In addition both specific plans have proposed commercial and/or industrial uses within the easterly portion of the existing transmission right-of-way. As a result of these project design features to separate residential uses from potential sources of EMF, the impact is determined to be less than significant (Class III) and no mitigation is necessary.

**J. Hazards. HM-14: Offsite Contaminated Soil Disposal.**

1. **Potential Impact.** There is the potential for cumulative impacts resulting from disposal of contaminated soil associated with remediation activities at an appropriate offsite disposal facility, which will be determined by the type and concentration of the contaminant. This potential impact would occur if site

remediation is required, and actual impacts will only be determined after completion of a comprehensive Phase II ESA. The amount of contaminated soil generated by this project is expected to be relatively minor and no significant contribution to cumulative effects associated with potential reduced landfill capacity is anticipated. All necessary remediation activities, including transport and disposal of contaminated soil, would be in compliance with the regulating agencies' requirements. This impact is discussed in the Final EIR beginning on page 3.5-18.

**2. Findings.** There is the potential for cumulative impacts resulting from disposal of contaminated soil associated with remediation activities at an appropriate offsite disposal facility, which will be determined by the type and concentration of the contaminant. This potential impact would occur if site remediation is required, and actual impacts will only be determined after completion of a comprehensive Phase II ESA. The amount of contaminated soil generated by this project is expected to be relatively minor and no significant contribution to cumulative effects associated with potential reduced landfill capacity is anticipated. All necessary remediation activities, including transport and disposal of contaminated soil, would be in compliance with the regulating agencies' requirements. This impact is considered to be less than significant. No mitigation measures are required for this less than significant impact.

**K. Biology. BIO-1: Direct Impacts to Habitat and Vegetation--Invasive Species.**

**1. Potential Impact.** The Northern Subarea does not contain native vegetation; however, impacts to nearby native vegetation at Ormond Beach could potentially include invasive species used in landscaping that could escape into natural areas and out-compete native vegetation. This impact is discussed in the Final EIR on page 3.6-46.

**2. Findings.** The Northern Subarea does not contain native vegetation; however, impacts to nearby native vegetation at Ormond Beach could potentially include invasive species used in landscaping that could escape into natural areas and displace native vegetation. The master plant palette from the specific plan for the Northern Subarea specifically excludes several invasive species, including Australian saltbush (*Atriplex semibaccata*), pampas grass (*Cortaderia selloana*), myoporum (*Myoporum laetum*), and olive (*Olea europaea*). With implementation of Mitigation Measure BIO-1, impacts from invasive plant species are, therefore, considered less than significant.

**L. Biology. BIO-1: Invasive Plant Species Control.**

**1. Potential Impact.** To reduce the impacts of non-native plants colonizing adjacent native habitats, the landscaping plan for the proposed Northern Subarea shall be revised so as to exclude invasive plants that frequently escape into native

habitats, particularly those identified on the California Invasive Plant Council's website under the current Invasive Plant Inventory.

**M. Biology. BIO-2: Direct Impacts to Habitat and Vegetation Stormwater Runoff.**

1. **Potential Impact.** An increase in impervious area in the developed portions of the project site would likely cause increased runoff into wetlands and waters of the U.S. and could potentially contain higher amounts of pollutants such as oil and gas runoff. Most of the stormwater runoff will be filtered and captured in the manmade lake that will connect with the Oxnard Industrial Drain as proposed in the specific plan for the Northern Subarea. This impact is discussed in the Final EIR beginning on page 3.6-46.

2. **Findings.** An increase in impervious area in the developed portions of the project site would likely cause increased runoff into wetlands and waters of the U.S. and could potentially contain higher amounts of pollutants such as oil and gas runoff. Most of the stormwater runoff will be filtered and captured in the manmade lake that will connect with the Oxnard Industrial Drain as proposed in the specific plan for the Northern Subarea. Since most of the runoff will be required to be detained and filtered by wetland vegetation in the lake, increased runoff and pollution associated with the proposed project is expected to be less than significant. No mitigation measures are required for this less than significant impact.

**N. Biology. BIO-5: Direct Impacts to Common Wildlife Species.**

1. **Potential Impact.** In addition to the loss of bird foraging habitat, the proposed development would directly disturb wildlife on the project site and potentially those areas adjacent to the site. Most species are expected to be displaced to adjacent areas of similar habitat, provided it is available at the onset of construction activity. However, wildlife that emigrate from the site are vulnerable to mortality by predation and unsuccessful competition for food and territory. In addition, species of low mobility (particularly burrowing mammals, amphibians, and reptiles) are expected to be destroyed during site preparation and construction. This impact is discussed in the Final EIR on page 3.6-47.

2. **Findings.** Other than the diverse bird population that inhabits the project site, it has relatively low biological value for other wildlife species, so only a small number of wildlife species other than birds is expected to be displaced or destroyed as a result of construction. Since the wildlife species that would be displaced or inadvertently destroyed by construction activities are relatively common and low in number, implementation of the proposed project is not expected to reduce current populations of common wildlife species in the region to below self-sustaining levels or otherwise substantially affect common fish or wildlife species populations on or adjacent to the project site. Therefore, these

impacts are less than significant. No mitigation measures are required for this less than significant impact.

**O. Biology. BIO-10. Direct Impacts to Wildlife Corridors.**

1. **Potential Impact.** The Northern Subarea is positioned adjacent to existing residential development and is bordered by a major road to the south. Although it provides some connectivity to other wildlife habitat south of Hueneme Road, the connectivity is limited by Hueneme Road and surrounding development. This impact is discussed in the Final EIR beginning on page 3.6-51.

2. **Findings.** The Northern Subarea is positioned adjacent to existing residential development to the north and is bordered by a major road to the south. Although it provides some connectivity to other wildlife habitat south of Hueneme Road, the connectivity is limited by Hueneme Road and surrounding development. Therefore, the disruption to wildlife movement in the area would be less than significant. No mitigation measures are required for this less than significant impact.

**P. Land Use. LAND-1: Consistency with General Plan Land Use Policy.**

1. **Potential Impact.** Table 3.7-2 outlines a series of policies from the General Plan Land Use Element that are focused specifically on the Ormond Beach Study Area. These include Balanced Development, Historical Functional Issues/Management Problems, Aesthetic Appearance, Recreational and Open Space Amenities, and the Regional Airport Facility. This impact is discussed in the Final EIR beginning on page 3.7-23.

2. **Findings.** The specific plans for the Northern and Southern subareas would be consistent with the policies of the City of Oxnard 2020 General Plan Land Use Element. Therefore, under CEQA and City of Oxnard thresholds for assessment of Land Use Planning impacts, the projects' impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

**Q. Land Use. LAND-2: Consistency with General Plan Land Use Map.**

1. **Potential Impact.** The proposed land use map for the Northern Subarea provides a higher level of articulation in terms of location and specification of use type than the General Plan Land Use Map, but is generally consistent with the General Plan, with one notable exception. The light industrial uses (self-storage and commercial/incubator) west of Rose Avenue along the northern and western edges of the Study Area designations are not consistent with the General Plan's Open Space Buffer designation. This impact is discussed in the Final EIR beginning on page 3.7-25.

2. **Findings.** Since the project includes a proposal to amend the City's General Plan Land Use Map to reflect proposed designations, under CEQA and City thresholds for assessment of Land Use Planning impacts, the Northern Subarea impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

**R. Land Use. LAND-3: Consistency with Zoning Ordinance and Map.**

1. **Potential Impact.** The specific plan for the Northern Subarea calls for the application of six City zoning categories: R-1 (Detached Residential); R-2 (Detached Residential); R-3 (Attached Residential); C-2 (General Commercial); M-L (Light Manufacturing); and C-R (Community Reserve). None of these zones, as applied in this subarea, would be consistent with the County's current zoning for the area. As part of the project approval process, the applicants are seeking annexation of most of the Study Area to the City of Oxnard. With annexation, the applicants will need to establish zoning for the annexed land consistent with the above description, which, in response to State Planning Law, will also establish consistency with the proposed General Plan amendments. This impact is discussed in the Final EIR on page 3.7-27.

2. **Findings.** Because the Study Area lies outside of the current City limits, the City of Oxnard has not yet zoned the area according to its Zoning Ordinance. Instead, it is under the jurisdiction of Ventura County and its Zoning Ordinance, which designates the area Agricultural Exclusive (A-E).

The specific plan for the Northern Subarea calls for the application of six City zoning categories: R-1 (Detached Residential); R-2 (Detached Residential); R-3 (Attached Residential); C-2 (General Commercial); M-L (Light Manufacturing); and C-R (Community Reserve). None of these zones, as applied in this subarea, would be consistent with the County's current zoning for the area. As part of the project approval process, the applicants are seeking annexation of most of the Study Area to the City of Oxnard. With annexation, the applicants will need to establish zoning for the annexed land consistent with the above description, which, in response to State Planning Law, will also establish consistency with the proposed General Plan amendments. With such zoning, under CEQA and City thresholds for assessment of Land Use Planning impacts, the Northern Subarea impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

**S. Land Use. LAND-4: Land Use Compatibility.**

1. **Potential Impact.** The determination of the compatibility of land uses can be very subjective. For purposes of this analysis, the concept focuses on the interaction between uses, both existing and proposed, and the extent to which one use might adversely affect another. The areas immediately adjacent to the

Southern Subarea consist of agricultural uses (to north and east), industrial uses (to the southwest and west), and open space (to the southeast). Except for the area to the north, which would convert to residential uses, all neighboring areas are expected to retain their existing development types. This impact is discussed in the Final EIR beginning on page 3.7-27.

**2. Findings.** The areas immediately adjacent to the Northern Subarea consist of residential neighborhoods (to the north), agricultural uses (to the east and south), and industrial uses (to the west). Except for the area to the south, which would convert to light industrial uses, all neighboring areas are expected to retain their existing development types. Along the northern edge of the Northern Subarea, east of Rose Avenue, the Tierra Vista neighborhood will be adjacent to the proposed community park, which could pose compatibility problems associated with potential spillover of activity into the residential area. The park's sports fields will not be night-lighted, so potential impacts associated with evening activity will be minimized. The neighborhood west of Rose Avenue on the northern edge of the Study Area, Villa Capri, will be adjacent to the self-storage uses to the immediate south, but the specific plan includes provisions to control lighting in a manner that avoids effects on nearby residents. On the eastern edge of the Northern Subarea, along Olds Road, there is potential for incompatibility between the proposed high school and the ongoing agricultural uses east of Olds Road. The design for the Northern Subarea, however, includes an agricultural shelterbelt on the west side of Olds Road to buffer future uses from the agricultural uses, which would ensure the protection of future uses on both sides of Olds Road. On the southern edge of the Northern Subarea, the proposed lake and Hueneme Road Scenic Corridor will ensure sufficient separation between the proposed residential uses to the north and proposed light industrial and business park uses to the south. On the western edge of the Northern Subarea, the proposed uses are similar to the existing uses, so there should be no impacts associated with incompatibility. Based on CEQA and City thresholds for assessment of Land Use Planning impacts, the Northern Subarea impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

**T. Land Use. LAND-5: Consistency with Housing Element.**

**1. Potential Impact.** The City's Housing Element includes a variety of policies and programs concerning housing, including identification of suitable sites to accommodate the City's regional fair share of affordable housing for the five-year period covered by the Element. Since there is no housing proposed within the Southern Subarea, there would be no issues related to policy consistency with the Housing Element. The project will, however, result in the reduction in housing potential as a result of the substitution of residential designations with business park and light industrial designations. This reduction will not, however, affect the attainment of the Housing Element's quantified regional fair share objectives because the Study Area was not included the

analysis of adequate sites. This impact is discussed in the Final EIR beginning on page 3.7-28.

**2. Findings.** The specific plan for the Northern Subarea includes a policy commitment to complying with the City's Affordable Housing Ordinance. As noted in Section 3.7.1 under General Plan, the Housing Element's evaluation of sites does not include the Ormond Beach area, so there would be no effect on the Element's fair share objectives. Based on CEQA and City thresholds for assessment of Land Use Planning impacts, the Northern Subarea impacts are considered less than significant. No mitigation measures are required for this less than significant impact.

**U. Land Use. LAND-6: Consistency with LAFCO Policy.**

**1. Potential Impact.** The Northern Subarea and all but 220 acres of the Southern Subarea will be seeking annexation to the City of Oxnard and the Calleguas Municipal Water District. In October 2007, Ventura LAFCO published an updated LAFCO Commissioner's Handbook. Pursuant to state law, the Handbook is "a compilation of all of the written policies and procedures adopted by the Ventura LAFCO." Annexation of the Northern Subarea to the City of Oxnard would conform with the LAFCO's standards and the Guidelines for Orderly Development. This impact is discussed in the Final EIR beginning on page 3.7-29.

**2. Findings.** Annexation of the Northern Subarea to the City of Oxnard would conform to LAFCO's standards and the Guidelines for Orderly Development. As stated in Section 3.9, urban services will be provided by the City of Oxnard to the Study Area. The specific plan is consistent with state law and, as stated above, is within the City's adopted SOI and consistent with the City of Oxnard General Plan. The exceptions to conformity with LAFCO's standards would be with those related to imminence of urban development (Item ii under "Factors favorable to approval") and premature intrusion of urban uses into an agricultural or rural area (Item ii under "Factors unfavorable to approval"). While the Study Area cannot be characterized as "urban," it is within the City's SOI and Urban Restriction Boundary (CURB). The Study Area has been designated for urban development since adoption of the current General Plan in 1990. It is thus reasonable to characterize the urban development of the area as imminent. The conversion of land from agricultural uses is addressed in Section 3.8 of the Final EIR. Based on CEQA and City thresholds for assessment of Land Use Planning impacts, the Northern Subarea impacts are, thus, considered less than significant. No mitigation measures are required for this less than significant impact.

**V. Land Use. LAND-7: Consistency with SCAG Goals and Policies.**

**1. Potential Impact.** Policies of SCAG's Regional Comprehensive Plan and Guide, Regional Transportation Plan (RTP), and Compass Growth Vision may be

applicable to this project. This impact is discussed in the Final EIR beginning on page 3.7-32. This impact is discussed in the Final EIR beginning on page 3.7-32.

**2. Findings.** Development under the specific plans would comply with the SCAG's regional planning goals and policies, to the extent that they apply. Thus, from a CEQA standpoint, the impacts of the proposed projects as they relate to consistency with SCAG goals and policies are considered less than significant. No mitigation measures are required for this less than significant impact.

**W. Land Use. LAND-8: Long-Term Changes in Land Use Patterns and Growth Inducement.**

**1. Potential Impact.** From a land use perspective, the Ormond Beach specific plans, including the required general plan amendments and rezonings, in combination with other proposed development in South Oxnard, would potentially affect the existing regional land use setting by displacing agricultural uses with residential, commercial, industrial, public, and open space uses. This impact is discussed in the Final EIR beginning on page 3.7-37.

**2. Findings.** From a land use perspective, the Ormond Beach specific plans, including the required general plan amendments and rezonings, in combination with other proposed development in South Oxnard, would potentially affect the existing regional land use setting by displacing agricultural uses with residential, commercial, industrial, public, and open space uses. Because the area is within the City Urban Restriction Boundary (CURB) and the immediately adjacent areas are not, there is little potential for inducement of new urban growth as a result of approval of and development under the specific plans. The potential long-term impacts of the Ormond Beach specific plans on land use patterns and potential growth-inducing effects of the project are considered less than significant. No mitigation measures are required for this less than significant impact.

**X. Agriculture. AG-1: Ag Zoning/ Williamson Act Conflicts.**

**1. Potential Impact.** The proposed project is not under a Williamson Act Contract. The existing zoning within most of the Study Area is Agricultural Exclusive (A-E) (Ventura County Non-Coastal Zoning Ordinance, 12-06-05 Edition). The Study Area also includes a small portion of land in its extreme southern portion designated as Coastal Agricultural (C-A). This impact is discussed in the Final EIR beginning on page 3.8-21.

**2. Findings.** The Study Area has been within the City of Oxnard Sphere of Influence since 1981, and the City's 2020 General Plan has designated the area for a broad mix of urban uses since 1990. The adoption of the specific plans and the other approvals required for implementation will reconcile the City's General Plan and zoning with the proposed projects. Impact AG-1 would be less than

significant. No mitigation measures are required for this less than significant impact.

**Y. Agriculture. AG-2: Induced Farmland Conversion.**

1. **Potential Impact.** The proposed project is not expected to directly or indirectly result in conversion of adjacent farmlands to non-agricultural use. This impact is discussed in the Final EIR beginning on page 3.8-21.

2. **Findings.** The proposed project is not expected to directly or indirectly result in conversion of adjacent farmlands to non-agricultural use. Agricultural lands east of the Study Area would be protected from conversion to urban or other uses by the existing SOAR ordinance. Although the existing SOAR ordinance expires on December 31, 2020, the City of Oxnard 2020 General Plan indicates that the area at the southeast corner of Hueneme Road and Arnold Road, between the Study Area and Naval Air Station Point Mugu, is considered a potential greenbelt expansion area, which would further protect this area from conversion to urban uses. Thus, the potential inducement of farmland conversion resulting from the project is considered a less than significant impact. No mitigation measures are required for this less than significant impact.

**Z. Agriculture. AG-3: Ag Water Supply.**

1. **Potential Impact.** Existing active water wells within the Study Area would no longer be used for agricultural irrigation and the groundwater pumping rights would be transferred to the City of Oxnard for M&I uses. The transfer of the groundwater allocation to the City for urban uses is not expected to result in a significant impact to agricultural water supply, as it would follow GMA's allocation transfer restrictions. This impact is discussed in the Final EIR on page 3.8-22.

2. **Findings.** Prior to issuance of site improvement permits, the City of Oxnard applies a standard condition of approval requiring demonstration that water rights and groundwater allocations have been appropriately transferred. Thus the existing active water wells within the Study Area would no longer be used for agricultural irrigation and the groundwater pumping rights would be transferred to the City of Oxnard for M&I uses. The transfer of the groundwater allocation to the City for urban uses is not expected to result in a significant impact to agricultural water supply, as it would follow FCGMA's allocation transfer restrictions. Water resources allocated to meet the City's needs would have a less than significant impact on groundwater to the agricultural interests, located generally outside the City. No mitigation measures are required for this less than significant impact.

**AA. Agriculture. AG-4: Dust Impacts to Local Crops.**

1. **Potential Impact.** Dust generated during construction could be deposited on adjacent agricultural lands with planted crops which may temporarily reduce productivity. In addition, the increase in traffic from the project may result in a permanent increase in emissions that could affect crops in adjacent agricultural lands.

2. **Findings.** Dust mitigation measures are required for all discretionary construction activities regardless of the significance in impacts. This impact is potentially significant, but feasibly mitigated to less than significant through implementation of the dust control measures included in Section 3.4 (Air Quality) and with implementation of shelter belts along Olds Road for the Northern Subarea and Arnold Road for the Southern, consistent with Agricultural Commissioner policy and City of Oxnard Standard Conditions. The SouthShore Specific Plan proposes a minimum 150-foot "shelter belt" as a buffer between the existing adjacent agricultural operations and new development. The Northern Subarea shelter belt would extend the length of the project boundary along Olds Road and would include the 78-foot Olds Road right of way. The shelter belt would include trees, a meandering trail, and landscaped medians along and within the roadway.

**BB. AG-6: Land Use Conflicts.**

1. **Potential Impact.** The Northern Subarea is presently used for agricultural operations. Properties east of the Northern Subarea are also used for agriculture and would remain in agricultural use after completion of the proposed SouthShore Specific Plan project. The development of urban uses close to the agricultural operations adjacent to the proposed project site could create conflicts between these land uses, including but not limited to dust, noise, odor and other nuisances associated with commercial agriculture, as well as vandalism and theft of farm equipment. This impact is discussed in the Final EIR on page 3.8-24.

2. **Findings.** Land use conflict impacts can be mitigated through the implementation of buffer and/or fencing requirements at the perimeter of urban development areas, and through implementation of the Standard City of Oxnard buyer notification condition. Prior to issuance of site improvement permits, the City applies a standard condition of approval requiring that new residents are made aware that the surrounding land will remain in commercial agriculture. In addition, the Northern Subarea includes a "shelter belt" – a buffer between the urban uses and the adjacent agricultural uses – that would further reduce land use conflict impacts. Therefore, the potential impacts related to land use conflicts are considered less than significant. No mitigation measures are required for this less than significant impact.

**CC. Public Facilities and Services. PFS/Schools-1: Elementary Schools.**

1. **Potential Impact.** Development of the Ormond Beach Specific Plan Study Area may generate a partial need for a new elementary school within the area. An 8-acre (net) potential elementary school site has been designated within the proposed Northern Subarea development, pending approval by OVSD. Either execution of an agreement between OVSD and the developer to complete the school at this site, or payment of the statutory development fees pursuant to Government Code Section 65995 would reduce these impacts to a level considered less than significant. This impact is discussed in the Final EIR beginning on page 3.9-26.

2. **Findings.** Development of the Ormond Beach Specific Plan Study Area may generate a partial need for a new elementary school. An 8-acre (net) elementary school site has been designated as a potential use within the SouthShore Specific Plan area, adjacent to West Park. The applicant for the SouthShore Specific Plan, which includes the new residential units and thus generates the demand for schools, and OVSD are working cooperatively on a mitigation agreement to facilitate the land acquisition, site improvements and construction of a new school. If OVSD and the applicant do not reach a mutually satisfactory agreement, the project will be subject to the statutory requirement to pay developer fees pursuant to Government Code Section 65995, which would thus reduce the impacts of the SouthShore Specific Plan Project to less than significant.

Based on the foregoing analysis, implementation of the specific plans would generate additional students in the OVSD. Payment of the statutory development fees pursuant to Government Code Section 65995 or the agreements between OVSD and the project applicants to execute mitigation agreements would reduce these impacts to a level considered less than significant. No mitigation measures are required for this less than significant impact.

**DD. Public Facilities and Services. PFS/Schools-2: High Schools.**

1. **Potential Impact.** Current school capacity does not adequately accommodate the anticipated number of students generated from the Ormond Beach Study Area. This impact would be reduced to a level considered less than significant through payment of state mandated new development fees (Government Code Section 65995) by both the developers of the Northern and Southern Subarea projects. This impact is discussed in the Final EIR beginning on page 3.9-27.

2. **Findings.** Current school capacity does not adequately accommodate the anticipated number of students generated from the Ormond Beach Study Area, resulting in a potentially significant impact. This impact would be reduced to a level considered less than significant through payment of state-mandated new development fees (Government Code Section 65995) by the applicants for

development of the Northern and Southern Subareas of the Ormond Beach Study Area.

Based on the foregoing analysis, implementation of the proposed project would generate additional students in the OUHSD. Payment of required new development fees pursuant to Government Code Section 65995 would reduce these impacts to a level considered less than significant. No mitigation measures are required for this less than significant impact.

**EE. Public Facilities and Services. PFS/Fire Protection-4: Construction-related Fire Hazards.**

1. **Potential Impact.** A large amount of wood framing would occur within the Study Area during construction. In association with the framing operations, electrical, plumbing, communications, and ventilation systems would be installed in each structure. Given that these systems would be subject to City Codes and inspection by City personnel it is assumed they would be properly installed. In addition, construction sites would also be subject to City requirements relative to water availability and accessibility for fire fighting equipment. Adherence to City Codes and requirements during construction would reduce the potential for fire hazards within the Study Area to less than significant levels. This impact is discussed in the Final EIR beginning on page 3.9-28.

2. **Findings.** There are no special fire protection problems associated with the proposed projects. A large amount of wood framing would occur within the Study Area during construction. In association with the framing operations, electrical, plumbing, communications, and ventilation systems would be installed in each structure. It is expected that these systems would be properly installed during framing operations, as they would be subject to City Codes and inspection by City personnel. In addition, construction sites would also be subject to City requirements relative to water availability and accessibility for firefighting equipment. Therefore, adherence to City Codes and requirements during construction would reduce the potential for fire hazards within the Study Area to less than significant levels. Future office and industrial uses will also be required to comply with all City Codes and fire safety requirements, which would also reduce the potential for fire hazards within the Study Area to less than significant levels. No mitigation measures are required for this less than significant impact.

**FF. Public Facilities and Services. PFS/Fire Protection-5: Delays in Emergency Response.**

1. **Potential Impact.** Construction of the proposed project would increase traffic both on and adjacent to the Study Area during work hours. This impact is considered less than significant given the periodic and short-term nature of construction related traffic. With regard to emergency plans and evacuation routes, the proposed project would be required to comply with all standards and

policies included in the City of Oxnard General Plan Safety Element and Zoning Ordinances. Therefore, no impacts to emergency plans and evacuation routes would occur. This impact is discussed in the Final EIR beginning on page 3.9-29.

**2 Findings.** Construction of the proposed project would increase traffic both on and adjacent to the Study Area during work hours. Slow-moving construction-related traffic on local adjacent roads may temporarily affect traffic flows on local roadways and delay emergency vehicles traveling through the area. The use of flagmen and other standard construction practices would also contribute to reduce the potential for emergency vehicle delay. This impact is considered less than significant given the periodic and short-term nature of construction-related traffic.

All development within the city must comply with the guide's requirements. All development will also be subject to a detailed review by Fire Department staff to ensure compliance with the requirements. Specific measures for individual development projects would be identified during the review of development plans by the Fire Department.

With regard to emergency plans and evacuation routes, the proposed project would be required to comply with all standards and policies included in the City of Oxnard General Plan Safety Element and appropriate sections of the City's Zoning Ordinance. Therefore, no impacts to emergency plans and evacuation routes would occur. No mitigation measures are required for this less than significant impact.

**GG. Public Facilities and Services. PFS/Fire Protection-6: Community Fire Protection Service.**

**1. Potential Impact.** The demand for fire protection services would increase as the Northern Subarea develops over time. This impact is discussed in the Final EIR on page 3.9-30.

**2. Findings.** The demand for additional fire protection services would increase as the Northern Subarea develops over time. The Development Agreement calls for the developer of the Northern Subarea to contribute a percentage of the funds for the construction of a new fire station to ensure that the development of the SouthShore Specific Plan does not adversely affect the City's ability to provide adequate fire protection services. Compliance with the Development Agreement will reduce impacts to less-than significant levels. Therefore, this impact is considered less than significant. No mitigation measures are required for this less than significant impact.

**HH. Public Facilities and Services. PFS/Police Protection-9: Construction-related Police Service.**

1. **Potential Impact.** The proposed project would require police protection services. The City of Oxnard Police Department will be responsible for police protection service to the project area. The construction phase of the proposed project would not normally require police protection services, except in cases of trespassing, theft, and vandalism. These are not unusual at a construction site, but are occasional, and the impact to police services would be less than significant. In addition, construction sites usually hire private security firms, further reducing the need for police services during construction. This impact is discussed in the Final EIR on page 3.9-32.

2. **Findings.** The proposed project would require police protection services. The City of Oxnard Police Department will be responsible for police protection service to the project area. The construction phase of the proposed project would not normally require police protection services, except in cases of trespassing, theft, and vandalism. Such activities are not unusual at a construction site, but are only occasional, and the impact to police services would be less than significant. In addition, construction sites usually hire private security firms, so which would further reduce the need for police services during construction. No mitigation measures are required for this less than significant impact.

## II. **Public Facilities and Services. PFS/Police Protection-10: Construction-related Traffic.**

1. **Potential Impact.** Construction of the proposed project would increase traffic both on and adjacent to the Study Area during work hours. Slow-moving construction-related traffic on local adjacent roads may temporarily impact traffic flows on local roadways, contribute to vehicle accidents, and delay emergency vehicles traveling through the area. This impact is discussed in the Final EIR on page 3.9-32.

2. **Findings.** Construction of the proposed project would increase traffic both on and adjacent to the Study Area during work hours. Slow-moving construction-related traffic on local adjacent roads may temporarily impact traffic flows on local roadways, contribute to vehicle accidents, and delay emergency vehicles traveling through the area. This impact is considered less than significant given the periodic and short-term nature of construction-related traffic. In addition, the use of flaggers and other standard construction practices would contribute to reduce the potential for emergency vehicle delay to less than significant levels.

All proposed development is subject to a detailed review by the Police Department staff for conformance with the Police Department's design standards to reduce demands for police protection services onsite. No mitigation measures are required for this less than significant impact.

**JJ. Public Facilities and Services. PFS/Police Protection-11: Community Police Service.**

1. **Potential Impact.** The demand for additional police protection services would increase as the Northern Subarea develops over time. The specific plan for the Northern Subarea includes an approximately 1,000 square foot police substation to be included within the recreation center that will be provided with the proposed attached residential housing developed in Phase I of the SouthShore Specific Plan. This impact is discussed in the Final EIR on page 3.9-33.

2. **Findings.** The demand for police protection services would increase as the Northern Subarea develops over time. With the projected addition of the approximately 1,000-square-foot police substation included with the proposed attached residential housing developed in Phase I of the Northern Subarea Specific Plan, the development permitted under the proposed project would not adversely affect the City's ability to provide adequate police protection services. Therefore, this impact is less than significant. No mitigation measures are required for this less than significant impact.

**KK. Public Facilities and Services. PFS/Parks and Recreation-14: Parkland Standards.**

1. **Potential Impact.** The Northern Subarea would allow for the development of up to 1,283 residences, along with commercial buildings, school facilities, parks and light industrial uses. Based upon the typical household size, the proposed development will add approximately 4,940 people to the area. Based upon the City's park planning standards, approximately 7.5 acres of neighborhood parkland and 7.5 acres of community parkland would be required. This impact is discussed in the Final EIR on page 3.9-34.

2. **Findings.** The Northern Subarea plans for approximately 8.0 acres (net) of neighborhood parkland, a 25.6 acre (net) community park, a 17.5 acre lake and 7.3 acres of other open space. Therefore, the proposed SouthShore Specific Plan project meets or exceeds park and recreation area requirements, and therefore this impact is considered less than significant.

**LL. Public Facilities and Services. PFS/Solid Waste-16: Construction Waste.**

1. **Potential Impact.** Site preparation and construction activities would generate approximately 18,245 cubic yards of construction waste for residential development, assuming no diversion of construction wastes. In addition, construction activities would generate 16,686 cubic yards of construction waste for commercial, office and light industrial development. Construction waste would be processed at the MRF, which can adequately handle the waste from construction of the proposed project. This impact is discussed in the Final EIR beginning on page 3.9-36.

2. **Findings.** Based on the proposed number of residential units within the Northern Subarea and the proposed square footage of commercial, office and light industrial development, total waste generated would be approximately 8,266 tons/year. All waste generated by the Northern Subarea project will be transported and handled at the Del Norte Transfer Station, which has more than sufficient capacity, and therefore the impacts of the proposed project to solid waste disposal and management would be less than significant. No mitigation measures are required for this less than significant impact.

**MM. Public Facilities and Services. PFS/Library Services-19: Libraries.**

1. **Potential Impact.** The proposed SouthShore Specific Plan project would allow for development of up to 1,283 residences along with schools, parks, commercial, office and light industrial development. The increase in residents would result in an increase in the demand for library materials and space. This impact is discussed in the Final EIR on page 3.9-38.

2. **Findings.** The City's Public Library system currently has adequate capacity to serve the City. The impact to library services is expected to be less than significant. No mitigation measures are required for this less than significant impact.

**NN. Public Facilities and Services. PFS/Utilities-22: Electricity Consumption (Construction).**

1. **Potential Impact.** Electrical energy would be consumed temporarily during construction activities. Construction activities are not expected to consume significant amounts of energy, because the proposed project would be developed in phases over 10 to 15 years. No significant construction-related impacts on electrical supply or service will result from the proposed project. This impact is discussed in the Final EIR on page 3.9-39.

2. **Findings.** Electrical energy would be consumed on a temporary basis during construction activities. Construction activities are not expected to consume significant amounts of energy, because the proposed project would be developed in phases over 10 to 15 years. Development of the uses allowed by the project would place new demands on electrical service provided by SCE, and would require new or upgraded delivery infrastructure to transmit the energy to uses within the Study Area.

Anticipated growth within the State of California is expected to increase the total demand to approximately 309,868 GWh in 2010 (California Energy Commission [CEC] Technical Report to California Energy Outlook 2000). A total of 14 large-scale power plants have been approved by the CEC throughout the state to meet future demand. The additional electrical demand of the project can be

accommodated within the long-term source and distribution planning. In addition, individual building projects within the proposed project Study Area will be required to comply with the Energy Building Regulations adopted by the CEC. The construction-related electricity consumption impact is thus expected to be less than significant. No mitigation measures are required for this less than significant impact.

**OO. Public Facilities and Services. PFS/Utilities-23: Natural Gas Consumption (Construction).**

**1. Potential Impact.** Due to the nature of construction activities, natural gas would not be consumed during development of the proposed project. The proposed project is not expected to result in significant impacts to natural gas service. This impact is discussed in the Final EIR beginning on page 3.9-39.

**2. Findings.** Due to the nature of construction activities, natural gas would not be consumed during development of the proposed project. As the proposed project is built and occupied, new demands for natural gas would occur.

The total resource base for the lower 48 states is estimated to be 975 trillion cubic feet, enough to continue current production levels for more than 50 years. Technology enhancements will continue to enlarge the resource base; however production capacity remains less certain. The proposed project can be accommodated within the long-term source and distribution planning of TGC. Future uses within the project site will be required to comply with Title 24 of the California Administrative Code. The construction-related electricity consumption impact is thus expected to be less than significant. No mitigation measures are required for this less than significant impact.

**PP. Public Facilities and Services. PFS/Utilities-24: Electricity Consumption (Project).**

**1. Potential Impact.** Considering that residential uses consume 10,000 watts per unit per year, and commercial, office, and light industrial uses consume 10 watts per square foot per year, it is estimated that the proposed project would consume a total of 19,137,780 watts per year (see Table 3.9-9). Given the existing and planned electrical facilities, no significant impacts are expected to result from the proposed project. This impact is discussed in the Final EIR on page 3.9-40.

**2. Findings.** Given the estimated impacts for Northern Subarea only, Southern Subarea only, or Northern and Southern subareas combined, the project-related electricity consumption impact is expected to be less than significant. No mitigation measures are required for this less than significant impact.

**QQ. Public Facilities and Services. PFS/Utilities-25: Natural Gas Consumption (Project).**

1. **Potential Impact.** Total natural gas consumption at project build-out is estimated at 79,327,947 cubic feet per year. The proposed project is not expected to result in significant impacts to natural gas service. This impact is discussed in the Final EIR beginning on page 3.9-40.

2. **Findings.** Total natural gas consumption at project build-out is estimated at 79,327,947 cubic feet per year (see Table 3.9-10). As mentioned above, the impact of the project on natural gas consumption is expected to be less than significant. No mitigation measures are required for this less than significant impact.

**RR. Public Facilities and Services. PFS/Utilities-29: Other Utilities.**

1. **Potential Impact.** Verizon Communication's and Adelphia/Time Warner's projections indicate that telephone, internet, and cable service will be available to accommodate the needs of the proposed Northern and Southern subarea developments. Therefore, no significant impacts to these utilities are expected to occur. This impact is discussed in the Final EIR on page 3.9-42.

2. **Findings.** Verizon Communication's and Adelphia/Time Warner's projections indicate that telephone, internet, and cable service will be available to accommodate the needs of the proposed Northern and Southern subarea developments. Therefore, the impact on these utilities is expected to be less than significant. No mitigation measures are required for this less than significant impact.

**SS. Transportation. TRANS-4: Freight Movement.**

1. **Potential Impact.** As described in the existing setting description, the Study Area, because of its proximity to the Port of Hueneme, plays a significant role in the transport of freight and goods. As a result, both freight rail and trucking are key features of the overall transportation system. While there is no existing or planned rail access to the Study Area, the City of Oxnard has designated Hueneme and Arnold Roads and Edison Drive as truck routes. Each of these roadways is expected to continue to serve freight movement needs, as well as accommodating new traffic associated with residential and commercial development in the Northern Subarea and light industrial and business park uses in the Southern Subarea. As discussed under Impacts Trans-1 and Trans-2 and their associated mitigation measures, the specific plans for these areas have identified roadway improvements that will accommodate all traffic associated with development in the area, including truck-based freight movement. This impact is discussed in the Final EIR beginning on page 3.10-56.

2. **Findings.** As described in the existing setting description, the Study Area, because of its proximity to the Port of Hueneme, plays a significant role in the

transport of freight and goods. As a result, both freight rail and trucking are key features of the overall transportation system. While there is no existing or planned rail access to the Study Area, the City of Oxnard has designated Hueneme and Arnold roads and Edison Drive as truck routes. Each of these roadways is expected to continue to serve freight movement needs, as well as accommodating new traffic associated with residential and commercial development in the Northern Subarea and light industrial and business park uses in the Southern Subarea. As discussed under Impacts Trans-1 and Trans-2 and their associated mitigation measures, the specific plans for these areas have identified roadway improvements that will accommodate all traffic associated with development in the area, including truck based freight movement. The impacts of the proposed specific plans on freight movement are thus considered less than significant. No mitigation measures are required for this less than significant impact.

**TT. Transportation. TRANS-5: Transit Services.**

1. **Potential Impact.** Future development in both the Northern and Southern subareas will generate increased demand for transit services. In recognition of this fact, the specific plans for each subarea include commitments to accommodation of public transit. This includes designing connections to primary arterials which are likely to serve as future transit routes (e.g., Rose Avenue, SouthShore Drive, and Hueneme Road); roadway layouts that maximize opportunities for designated public transportation stops; pedestrian-oriented neighborhoods that encourage pedestrian and bicycle connections with transit stops; transit supportive land uses to enhance the viability of transit; and commitment to quality design for public transportation stops, including benches and graphics that address all transit system standards. The project developers will work with public transportation providers within the throughout the engineering and build out of the specific plans. The specific design of the public transportation system will be determined based on the service provider's routes and technical requirements. With such coordination, the impacts of development under the specific plans will result in a less than significant impact on transit services in the Study Area. This impact is discussed in the Final EIR on page 3.10-57.

2. **Findings.** Future development in both the Northern and Southern subareas will generate increased demand for transit services. In recognition of this fact, the specific plans for each subarea include commitments to accommodation of public transit. This includes: designing connections to primary arterials which are likely to serve as future transit routes (e.g., Rose Avenue, SouthShore Drive, and Hueneme Road); roadway layouts that maximize opportunities for designated public transportation stops; pedestrian-oriented neighborhoods that encourage pedestrian and bicycle connections with transit stops; transit supportive land uses to enhance the viability of transit; and commitment to quality design for public transportation stops, including benches and graphics that address all transit system standards. The project developers will work with public transportation providers throughout the engineering and build out of the specific plans. The specific design

of the public transportation system will be determined based on the service providers' routes and technical requirements. With such coordination, the impacts of development under the specific plans will result in a less-than-significant impact on transit services in the Study Area. No mitigation measures are required for this less than significant impact.

**UU. Transportation. TRANS-6: Non-motorized Transportation (Bike and Pedestrian).**

1. **Potential Impact.** With development under the specific plans for the Northern and Southern subareas, there will be increased demand for non-motorized transportation facilities to connect work, shopping, residential, and recreational uses. Both specific plans include a variety of on- and off-street bike and pedestrian facilities to ensure that non-motorized transportation needs are accommodated. This includes accommodation of the Pacific Coast Bike Route in the design of Hueneme Road. This impact is discussed in the Final EIR on page 3.10-57.

2. **Findings.** With development under the specific plans for the Northern and Southern subareas, there will be increased demand for non-motorized transportation facilities to connect work, shopping, residential, and recreational uses. Both specific plans include a variety of on- and off-street bike and pedestrian facilities to ensure that non-motorized transportation needs are accommodated. This includes accommodation of the Pacific Coast Bike Route in the design of Hueneme Road. As a result, the impacts of development in the Study Area on non-motorized transportation are considered less than significant. No mitigation measures are required for this less than significant impact.

**VV. Noise. NOISE-3: UPRR Railroad Noise.**

1. **Potential Impact.** The UPRR Railroad runs diagonally adjacent to the northwest corner of the project boundary.

2. **Findings.** The planned land uses along the section of railroad tracks is light industrial. Since no noise sensitive land uses are planned near this noise source, the noise sources is less than significant. No mitigation measures are required for this less than significant impact.

**WW. Noise. NOISE-8: Pacific Vehicle Preparation Facility Noise.**

1. **Potential Impact.** Noise from truck loading operations at the Pacific Vehicle Preparation Facility would have potential to be a significant noise impact, as the facility operates 24-hours per day. Vehicles are driven from the Port of Hueneme to the facility, and then are sent out via trucks and trains. The planned adjacent land use near the facility is light industrial. Since no noise sensitive land

uses are planned near the facility, the impacts of noise originating from Pacific Vehicle Preparation operations is considered less than significant. This impact is discussed in the Final EIR on page 3.11-23.

**2. Findings.** Noise from truck loading operations at the Pacific Vehicle Preparation Facility would have potential to be a significant noise impact, as the facility operates 24-hours per day. Vehicles are driven from the Port of Hueneme to the facility, and then are sent out via trucks and trains. The planned adjacent land use near the facility is light industrial. Since no noise sensitive land uses are planned near the facility, the impacts of noise originating from Pacific Vehicle Preparation operations is considered less than significant. No mitigation measures are required for this less than significant impact.

**ZZ. Aesthetics/ Visual Resources. AES-1: Scenic Vistas – Rose Avenue.**

**1. Potential Impact.** The Northern Subarea would utilize an extension of Rose Avenue as the main north/south entrance to the Study Area. Following the buildout of the Northern Subarea, Rose Avenue would be extended and improved with a roundabout approximately 300 feet to the south of the northern boundary of the Study Area. This impact is discussed in the Final EIR beginning on page 3.13-18.

**2. Findings.** The existing terminus of Rose Avenue does not provide any direct view of the southern coastline or mountain and foothill backdrops that are considered scenic vistas according to the City's General Plan. While the area would be converted from agricultural operations to developed urban land uses, from the vantage point of Rose Avenue, the development of the Northern Subarea would not obstruct scenic vistas based on the fact that scenic vistas would not be affected. The impact is thus considered less than significant. No mitigation measures are required for this less than significant impact.

**AAA. Aesthetics. AES-2: Scenic Vistas – Hueneme Road.**

**1. Potential Impact.** Hueneme Road is identified as a scenic roadway according to the City of Oxnard's 2020 General Plan. The proposed man-made lake separating the residential uses from Hueneme Road would act as a visual buffer, separating homes that could visually impair views of the Santa Monica Mountains to the east from the perspective of an eastbound motorist. Presently, motorists traveling in the westbound direction on Hueneme Road have views of the existing urban areas. No views of the coastline are visible from this perspective. This impact is discussed in the Final EIR beginning on page 3.13-18.

**2. Findings.** As the man-made lake would provide a separation of the proposed residential neighborhoods from Hueneme Road, the existing views of the Santa Monica Mountains to the east from the perspective of eastbound motorists and pedestrians would be preserved. There are no scenic vistas from the

perspective of a westbound motorist traveling on Hueneme Road. The impact is thus considered less than significant. No mitigation measures are required for this less than significant impact.

**BBB. Aesthetics. AES-3: Scenic Vistas – Pleasant Valley Road.**

1. **Potential Impact.** Pleasant Valley Road is also identified as a scenic roadway in the City's General Plan. Only a small section of Pleasant Valley Road passes along the northwestern portion of the Specific Plan area. This impact is discussed in the Final EIR beginning on page 3.13-19.

2. **Findings.** Because the eastward viewshed from Pleasant Valley Road is so limited and because the buildings within the Study Area will be set-back from the road, the potential impacts of project development on scenic vistas to the Santa Monica Mountains are considered less than significant. No mitigation measures are required for this less than significant impact.

**CCC. Aesthetics. AES-4: Scenic Vistas – Olds Road.**

1. **Potential Impact.** The landscaped buffer area/shelterbelt separating Olds Road from the high school will create a visual buffer that will prevent view obstruction of the distant mountain views to the north from the perspective of northbound motorists or pedestrians. This impact is discussed in the Final EIR beginning on page 3.13-19.

2. **Findings.** The coastline to the south is obstructed from view by sand dunes to the south. Thus, there are no important scenic vistas from the vantage point adjacent to Olds Road facing the southerly direction, so the proposed development in the Northern Subarea would not impact scenic vistas. No mitigation measures are required for this less than significant impact.

**DDD. Aesthetics. AES 8: Scenic Highways.**

1. **Potential Impact.** The closest State Scenic Highway to the Specific Plan area is Highway 1, which is located approximately two miles to the east of the Specific Plan Area. While views from Highway 1 would be slightly altered as the Specific Plan area would be developed with urban uses, the predominant visual features visible from the highway are the coastal areas to the south and agricultural lands and the Santa Monica Mountains to the east and northeast. Based on the distance of Highway 1 from the Specific Plan Area and the fact that no scenic vistas would be obstructed. This impact is discussed in the Final EIR beginning on page 3.13-21.

2. **Findings.** The closest State Scenic Highway to the Study Area is Highway 1, which is located approximately two miles to the east of the Study Area. While views from Highway 1 would be slightly altered by the development of urban

uses within the Study Area, the predominant visual features visible from the highway are the coastal areas to the south and agricultural lands and the Santa Monica Mountains to the east and northeast. From the perspective of a motorist on Highway 1, the area would be converted from an agricultural area to an urban extension of the City of Oxnard. Based on the distance of Highway 1 from the Specific Plan Area and the fact that no scenic vistas would be obstructed, the development of the Specific Plan area would not impact views from the perspective of a passing motorist traveling on Highway 1. This impact is considered to be less than significant. No mitigation measures are required for this less than significant impact.

**EEE. Aesthetics. AES-10: Daytime Light and Glare.**

**1. Potential Impact.** Development of the SouthShore Specific Plan Project would increase the amount of glare (indirect reflected light) generated in the immediate area during the daytime. Daytime sources of glare would primarily be generated by the activities of people, and the sun reflecting off glass windows of structures, automobiles, and trucks. This impact is discussed in the Final EIR on page 3.13-22.

**2. Findings.** Development of the SouthShore Project and the Southern Subarea project would increase the amount of glare (indirect reflected light) generated in the immediate area during the daytime. Daytime sources of glare would primarily be generated by the activities of people, and the sun reflecting off glass windows of structures, automobiles, and trucks. From observation points located on the roadways adjacent to the project area, daytime sources of glare generated by the developed lands uses would be partially screened through the use of landscaping and buildings fronting the roadways. The increased light and glare that would be generated by the development of the Project would not be out of character with urbanized land uses within the City of Oxnard to the north and northwest of the site. As a result, daytime light and glare impacts are considered to be a less than significant impact. No mitigation measures are required for this less than significant impact.

**FFF. Aesthetics. AES-11: Nighttime Light and Glare.**

**1. Potential Impact.** The development of the SouthShore Project would also introduce new sources of nighttime light and glare. Nighttime sources of light would include vehicle headlights and lights used within buildings located throughout the project site. This impact is discussed in the Final EIR on page 3.13-22.

**2. Findings.** The development of the SouthShore Project and the Southern Subarea would introduce new sources of nighttime light and glare. Nighttime sources of light would include vehicle headlights and lights used within buildings located throughout the project site. As these sources of light and glare have the

ability to affect adjacent land uses, potentially significant impacts could result. The specific plans include provisions to limit or avoid light spillage onto adjacent properties. The impact of nighttime light and glare generated by the development of the specific plans is, thus, considered to be less than significant. No mitigation measures are required for this less than significant impact.

### **GGG. Global Climate Change**

**1. Potential Impact.** Climate change refers to any significant change in measures of climate (such as temperature, precipitation, or wind) lasting for an extended period (decades or longer). The regulation of greenhouse gas emissions (GHG) has been the focus of recent laws enacted by the State of California in response to growing scientific and political concern with global climate change. A summary of the laws and regulations at both the state and federal level are set forth in FEIR at 3.4-34 to 3.4-40. The DEIR described the City's efforts to analyze the project's potential effect on global climate change. To that end, the DEIR modeled the GHG emissions associated with construction activities and concluded that approximately 163,111 tons of CO<sub>2</sub> would be emitted as a result of development of the Northern and Southern Subareas. Emissions of other GHGs would also occur but at substantially lower levels. The FEIR also analyzed the GHG emissions expected to occur as a result of occupation and operation of the development proposed in the Northern and Southern Subareas of the site and concluded that those emissions associated with energy use from area source emissions would be 5,008 tons/year of CO<sub>2</sub> and 1,237 tons/year of NO<sub>x</sub> and 569 tons/year of methane. Project vehicular use would generate approximately 64,136 tons/year of CO<sub>2</sub> for total project GHG emissions of 70,950 tons/year (64,365 metric tons/year). See Tables 3.4-14 and 3.4-15 in the FEIR. In addition to quantifying the GHG emissions anticipated to be generated by development of the Northern and Southern Subareas, the FEIR also examined the project's consistency with the applicable 2006 Climate Action Team Report Greenhouse Gas Emissions Strategies and determined that the project was consistent with the policies to reduce GHG emissions. The analysis also noted that while no significant impacts have been identified due to the speculative nature of GHG cumulative impact assessment, a number of the mitigation measures that were developed to reduce criteria pollutants (i.e., Mitigation Measures AQ-2, AQ-3 and AQ-4) would reduce the amount of GHG emissions generated during construction and operation of the Northern and Southern Subarea projects.

**2. Findings.** Because the Northern Subarea's development proposes residential use, the FEIR acknowledged and recognized that new residential development standing alone does not necessarily create entirely new GHG emissions, as most of the persons who will visit or occupy new development will come from other locations where they were already causing such GHG emissions. The FEIR also recognized that an individual project cannot generate enough GHG emissions to influence global climate change because it is the increased accumulation of GHGs globally which may result in global climate change.

Therefore the FEIR noted that it is difficult if not impossible to demonstrate that new GHG emissions caused by a new residential development (as opposed to those that are “relocated” from an existing residence to the new residential area) can affect global climate change or that its net increase when coupled with other activities in the region would be cumulatively considerable. Because the FEIR noted that there is no current agreed-upon methodology to adequately identify, under CEQA, when project-level GHG emissions contribute considerably to this cumulative impact, it found that it would be speculative to determine if the potential GHG emissions associated with the proposed project would or would not contribute considerably to the cumulative impact of global climate change. This impact is discussed at FEIR pages 3.4-29 to 48.

### **HHH. Growth Inducing Impacts. Growth-1: Growth Inducement.**

**1. Potential Impact.** The proposed project would be considered growth inducing if it would induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). This impact is discussed in the Final EIR beginning on page 5-3.

**2. Findings.** The proposed Project is not expected to result in growth-inducing impacts. The City of Oxnard 2020 General Plan shows that the Study Area is designated Specific Plan, including a mix of uses such as residential, commercial, light industrial, open space, and schools. The City of Oxnard 2020 General Plan Land Use Elements includes the following Goal: “1. A balanced community meeting housing, commercial and employment needs consistent with the holding capacity of the City.” The proposed Project meets this goal, since it would offer a mix of uses consistent with the holding capacity of the City as detailed in the General Plan. Therefore, the proposed Project would accommodate future growth as planned in the General Plan.

In addition, land uses under the proposed Project would be less intensive than the maximum development allowed within the Study Area by the 2020 General Plan, as shown in Table 5-2. Accordingly, infrastructure would be sized and built to support land uses as specified in this document, which would be a reduction from the infrastructure needed if the maximum development allowed by the General Plan was built.

Implementation of the proposed project would not require further extension or expansion of infrastructure or services that could induce or serve additional growth beyond the project. Future development of the proposed residential units would not result in a substantial growth or concentration of population; instead, it would accommodate the current local population growth. Although the proposed roads would provide access to the project site, the potential development of the area east of the Study Area is limited due to the City of Oxnard SOAR Ordinance and the CURB line, as detailed in Section 3.7, Land Use, and Section 3.8,

Agriculture. Thus, the project is not expected to induce substantial growth in this area. No mitigation measures are required for this less than significant impact.

## VI. FINDINGS REGARDING BENEFICIAL IMPACTS

### A. Biology. BIO-16: Direct Impacts to Habitat and Vegetation.

1. **Potential Impact.** Waters of the U.S. The agricultural ditches will be replaced with bioswales that capture runoff from the proposed residential development. The bioswales will be vegetated with native wetland species and will be part of a 51-acre open space/greenbelt area including pedestrian trails and outdoor eating areas. This would improve the habitat quality and increase the acreage of wetlands and waters of the U.S. from 5 to just under 50 acres. This would be a beneficial impact. This impact is discussed in the Final EIR on page 3.6-54.

2. **Findings.** The agricultural ditches will be replaced with bioswales that capture runoff from the proposed industrial development. The bioswales will be vegetated with native wetland species and will be part of a 51-acre open space/greenbelt area including pedestrian trails and outdoor eating areas. This would improve the habitat quality and increase the acreage of wetlands and waters of the U.S. from 5 to just over 50 acres. This would be a beneficial impact.

## VII. FINDINGS REGARDING ALTERNATIVES ANALYZED IN THE DRAFT EIR AND REJECTED.

CEQA Guidelines Section 15126.6 requires an EIR to describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Alternatives to the SouthShore Project were considered in the Draft EIR and Recirculated Draft EIR.

The following alternatives to the proposed project were evaluated in the Draft EIR circulated in 2007:

- **Alternative 1:** Proposed Project with High School located East of Olds Road, instead of within Northern Subarea
- **Alternative 2:** No Project/Existing City Plan (General Plan 2020)
- **Alternative 3:** No Project/Continuation of Existing Uses (Existing County Zoning)
- **Alternative 4:** Conservation

In addition to these four alternatives, a fifth alternative was added in response to comments received on the May 2007 DEIR. This alternative reflects a lower level of development intensity in the interest of including an alternative that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects, as required by CEQA.

- **Alternative 5: Less Intensive Development Alternative**

Alternatives to the location of the proposed project were considered as suggested in CEQA Guidelines Section 15126.6, but offsite alternatives were screened from further consideration as any offsite alternative would fail to meet the basic objectives identified in the 2020 General Plan for the development of the Ormond Beach area (see below), including the SouthShore Specific Plan Project site.

#### **A. Project Objectives**

The City's objectives for the Ormond Beach area which includes the SouthShore Specific Plan Project site, were set forth in the City's 2020 General Plan Land Use Element and are as follows:

- New development shall be comprehensively planned in a balanced and orderly manner, providing for housing, employment, retail, and recreation opportunities, while assuring timely and cost-effective provision for needed public services and infrastructure facilities.
- New development shall address historic functional issues and management problems, including:
  - Scattered, uncoordinated industrial and residential uses in the area
  - Inappropriate and environmentally damaging use of ocean front area
  - The lack of public access to beach areas suited to public use and enjoyment
  - Poor water management in the Study Area and related adverse effects on wetlands resources
- New development shall be designated and located to improve the appearance and function of this area by provisions for:
  - Buffering and landscaping adjacent to the Southern California Edison (now Reliant Energy) power plant site
  - Relocation or removal of the Halaco Engineering Company facility and restoration of the site
  - A broad mix of residential, commercial and open space uses that will create an overall appearance comparable to, or superior to the northern portion of the City
- New development shall protect existing public access to the shoreline, create new opportunities for access and enhance recreational opportunities for residents and visitors by:
  - Providing for a broad range of public recreation and visitor-serving commercial activities for residents and visitors

- Creating new coastal access ways and public use areas
- Improving access to the beachfront consistent with resource protection needs
- New development shall minimize adverse impacts on sensitive coastal resources, and protect significant coastal resources within the Study Area by:
  - Restoration and enhancement of wetlands and other sensitive habitats
  - Mitigating wetland resources and resource impacts, in a manner consistent with Coastal Act policies and U.S. Army Corps of Engineers 404 requirements (e.g., "no net loss")
  - Preparing a long-term habitat management program consistent with CEQA monitoring, Coastal Act and U.S. Army Corps 404 requirements.
- New development shall be located and designed to minimize or avoid adverse impacts on regional resources (e.g., air and water quality) and facilities (e.g., roadway, waste treatment facilities) consistent with regional growth management goals and objectives.
- New development shall be sited and designed in a manner that will mitigate potential use conflicts and protect the ongoing operations of Southern California Edison (now Reliant Energy) Ormond Beach power station and the Navy's Point Mugu facilities.
- New development shall be located and designed so as to assure continued consideration of the development of a new regional airport facility in the area if further analysis indicates that such a facility would be appropriate in this location.
- New development shall provide a diversity of housing types to allow for a greater range of housing than currently is typical in the City, including mixed-use residential/commercial areas such as those in Mandalay Beach and Channel Islands Marina.

The Project Objectives for the SouthShore Specific Plan Project were set forth in Table 2-3 of the Recirculated DEIR and the FEIR:

- Provide a comprehensive land use plan that designates the distribution, location, and extent of all land uses, roadways and public facilities within the community
- Create a cohesive community by providing a variety of housing, recreation, and neighborhood commercial opportunities so that families and individuals can live, work, and play within the community
- Provide strong pedestrian connections between the Northern Subarea and compatible surrounding land uses, in particular, walkways to the existing neighborhoods to the north
- Provide housing that is compatible with the existing character of the area and reflects the range of housing opportunities sought by the City's General Plan
- Provide for a variety of housing types and sizes, connected to a variety of parks and open space experiences
- Improve the visual character of this portion of the City, in particular as viewed from Hueneme Road, a designated scenic corridor
- Plan this edge of the City in a manner that is complementary to and compatible with the agricultural areas east of Olds Road and south of Hueneme Road

- Provide a pedestrian-oriented community that encourages walking and bicycling, reduces resident reliance upon the automobile, and fosters a traditional “small town” atmosphere
- Provide community facilities – including an elementary school, a community park, and an open space corridor along Hueneme Road – that will serve the needs of the Oxnard residents both within and outside of the Northern Subarea
- Provide a system of neighborhood parks, mini parks, and open space areas that will satisfy the needs of the residents of the Specific Plan Area
- Provide both the opportunity to establish a new high school within the community, as well as an alternative to use this same land for other residential and public community facilities if the high school site is not acquired by the school district
- Include planning areas and concepts that will encourage the creative use of technology to reduce energy and water consumption
- Provide design guidelines and development regulations to promote consistent, high quality future community improvements
- Provide for entry landscaping and signage suitable for the gateway entry to the City and to identify the project
- Provide implementation programs that address phasing and financing necessary to carry out the successful build-out, operation and maintenance of the project
- Provide a fiscally-sound community that will generate sufficient revenues to cover the cost of City services
- Provide a Specific Plan that is “user friendly,” in the sense of being both functional for city staff to administer and understandable to future builders and the general public

**B. Alternative 1: Proposed Project with High School located East of Olds Road, instead of within Northern Subarea**

*Description:* This alternative is nearly identical to the SouthShore Specific Plan as proposed, except the high school site proposed on the SouthShore site would be located to the east, just outside of the Study Area, and residential uses would replace the high school within the SouthShore Specific Plan area. This alternative would result in an increase in the number of residential units from 1,283 to 1,545, but the square footage of non-residential uses would remain the same at 630,778 square feet.

*Environmental Impacts:* For the most part, this alternative would have environmental impacts similar to the proposed project and would not avoid or substantially lessen any of the significant, unmitigable impacts of the proposed project. Project-related (operational) air emissions generated by the proposed project was determined to an unavoidable adverse impact. While this impact will not be reduced to less than significant by this alternative, there will be a slight reduction in operational air emissions from this alternative as a result of the replacement of the high school with residential uses which would result in less traffic during peak hours. Although traffic impacts were determined to be significant, but mitigable to less than significant by the project, the replacement of the high school with residential uses will have a similar reduction in the overall number of trips. Noise impacts were also determined to be significant

and unavoidable with the project. Although this impact will be reduced under this alternative due to the reduction in peak hour trips, this alternative cannot reduce this impact to less than significant and the impact would remain significant and unavoidable similar to the proposed project. Because this alternative would result in development of additional agricultural land east of the project, this alternative would have greater impacts on agricultural resources than the project. Finally, indirect impacts to sensitive habitats and special status bird species would be greater with the high school located off-site and these impacts would be greater than the proposed project.

**Ability to Achieve Project Objectives:** This alternative would meet all of the basic project objectives except one. The placement of the high school on agricultural land outside of the Study Area would negatively affect this regionally important agricultural resource and would conflict with the City's project objective of protecting regional resources, and the project's objective of planning this edge of the City in a manner that is complementary and compatible with the agricultural uses east of Olds Road.

**Finding:** The City finds that this alternative would not avoid or substantially reduce any of the significant environmental impacts of the proposed project, and could result in an increase in the severity of environmental impacts with respect to biological and agricultural resources. In addition, this City finds that this Alternative 1 would not achieve the City's and the project's objectives of protecting agricultural resources and maintaining compatibility with the agricultural areas east of Olds Road and south of Hueneme Road. For these reasons, the City finds the proposed project is preferred over this alternative.

**C. Alternative 2: No Project/Development In Accordance with the Existing City Plan (General Plan 2020)**

**Description:** Alternative 2 presents the CEQA "no project" alternative that is required to be considered under CEQA Guidelines Section 15126.6(e) which states that the alternatives should consider what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. When the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the "no project" alternative would be the continuation of the existing plan, policy, or operation into the future. Under Alternative 2, the proposed SouthShore Specific Plan would not be implemented and, in the short-term, the land would remain in its existing uses (predominantly agricultural) under the County of Ventura General Plan and zoning jurisdiction. For the SouthShore project site, development in accordance with the existing General Plan 2020 assumes that the project site would be annexed to the City and developed with a residential community consisting of 1,964 residential dwelling units in a uniform low-medium density. The SouthShore project site would also include just over 200,000 square feet of general commercial uses, as compared to approximately 63,000 square feet of mixed-use commercial and nearly 570,000 square feet of light industrial uses proposed by the project. A potential consequence of this No Project alternative, however, would be future annexation to the City of Oxnard and development in accordance with the existing land use designations of the Oxnard General Plan 2020 Land Use Element.

Environmental Impacts: Because the City's General Plan would result in substantially more residential development than the proposed Project (1,964 units under this alternative compared to 1,293 units under the Project), and since there would be no assurance that the open space benefits of the Project would be provided, Alternative 2 was determined to have greater environmental impacts as compared to the proposed Project. Alternative 2 would have greater impacts for all impacts associated with human occupation of the site, such as air quality, noise, traffic, and public services and facilities, since there would be more housing units and more residents. The impact on the visual character of the site would also be worsened due to the absence of assurance of the Project's open space benefits. Impacts on biological resources was determined to be greater under this alternative than the proposed Project. Construction-related impacts, would be similar, but probably greater due to the additional number of houses that would be built which would generate additional impacts in the area of noise, air quality and short-term traffic.

Ability to Achieve Project Objectives: This objective would meet all of the City of Oxnard General Plan 2020 objectives. The achievement of many of the SouthShore Specific Plan Project's objectives might, however, not be assured under this alternative. First, development under this alternative assumes a more uniform-type of tract development providing low-medium density across the project site. This would not accomplish the project proponent's objective of provide a variety of housing types and recreational opportunities that a variety of residential densities developed under a comprehensive plan would provide. Also, the project will provide more non-residential uses which provides a greater opportunity mixed use development and job creation. Also, design objectives such as pedestrian-oriented design, energy efficient development, and developing a City gateway entrance landscaping and signage would not be achieved.

Finding: With respect to this alternative's environmental impacts, because the City's General Plan would result in substantially more residential development than the proposed Project and there would be no assurance that the open space benefits of the Project would be provided, Alternative 2 would substantially increase and worsen all of the significant impacts of the Project associated with human occupation of the area. Because this alternative would have greater environmental impacts and would worsen as opposed to avoid or minimize the significant impacts of the proposed Project, the City finds that this alternative should be rejected. Although this alternative would meet the City's General Plan 2020 objectives, it would not meet as many of the project proponent's objectives as the proposed project. Because of its greater impacts, the City finds the proposed project is preferred over this alternative.

**D. Alternative 3: No Project/Continuation of Existing Uses (Existing County Zoning)**

Description: Under this No Project alternative, the project site would not be annexed to the City and the existing agricultural uses in both subareas would continue indefinitely under the existing County of Ventura General Plan (Agriculture) and zoning ordinance (Agriculture-Exclusive). The current agricultural uses of the area are dominated by sod farming, with some strawberries or other row crops in the northeast corner of the project site. It is possible that other agricultural crops may be planted consistent with the existing Agricultural zoning designation.

Environmental Impacts: This alternative would avoid the direct physical changes caused by the proposed project or the previously described alternatives. It would also preserve the current agricultural uses and the habitat provided by those uses. This No Project Alternative would also leave a large area of the City of Oxnard 2020 General Plan without implementation. The demand for the uses proposed under the General Plan would, thus, have to be accommodated in other areas of the City of Oxnard or elsewhere. This might lead to pressure for development beyond the CURB limit of Oxnard, with adverse effects in other areas similar to those under Alternatives 1 and 2. Further, environmental impacts associated with continued agricultural uses would occur and may increase compared to the environmental baseline. For instance, impacts from new drainage facilities and use of fertilizers and other hazardous materials may cause environmental impacts.

Ability to Achieve Project Objectives: Most of the basic objectives of the City of Oxnard 2020 General Plan would not be met. The specific objectives that would not be met include: providing a comprehensively planned development including housing, employment, retail, and recreation opportunities, open space and supporting infrastructure; providing a diversity of housing types including mixed-use residential/commercial areas; and addressing the historic functional issues and management and improving the appearance of the area.

None of the project proponent's objectives would be met under this alternative, including the ability to: provide a pedestrian-oriented community; provide both the opportunity to establish a new high school within the community, as well as an alternative to use this same land for other residential and public community facilities if the high school site is not acquired by the school district; reduce energy and water consumption; provide entry landscaping and signage suitable for the gateway entry to the City and the project; and to provide a fiscally balanced community.

Findings: Although the proposed project would reduce many of the environmental impacts of the proposed project and would avoid or minimize the significant unavoidable impacts of the proposed project, it would not accomplish the objectives of the City's 2020 General Plan to see this area annexed to the City and to develop in accordance with the goals and objectives of the General Plan. From a policy perspective, the inability to annex the land to the City and to implement the City's goals and objectives set forth in its General Plan make this alternative less preferred as compared to the proposed project. This alternative would also not accomplish any of the project objectives of the proponent.

#### **A. Alternative 4: Conservation**

Description: Under this alternative, all of the Ormond Beach Study Area north of McWane Boulevard (approximately 563 acres), including the SouthShore Project site, would remain in agricultural uses. As described and analyzed in the FEIR, this alternative would also propose that the area south of McWane Boulevard and outside of the SouthShore project boundaries (approximately 350 acres) would be set aside for resource protection. The area south of McWane is, and has been, part of a larger area considered by both the Coastal Conservancy and the Nature Conservancy for acquisition for inclusion in the larger Ormond Beach park and

open space complex. Both conservancies have completed acquisitions in the area and it is likely that a substantial part of the area south of McWane may be acquired for conservation purposes.

*Environmental Impacts:* This alternative would avoid most of the physical changes and impacts that would result from development of the SouthShore Specific Plan, and would avoid the significant adverse impacts of the proposed project. Impacts would still be anticipated related to water quality during construction of enhancement measures, but operational water quality impacts would be much less than those of the proposed Project. Cultural resources could be encountered during restoration activities, but these impacts would be similar to the proposed Project. It would also provide a much larger buffer area and conservation of agricultural uses north of the potential Ormond Beach restoration area. Indirect effects of this alternative would be similar to those described above for Alternative 3, in that it may lead to proposals to accommodate development demand in areas of the City not currently planned for that purpose and could result in impacts to other areas of the City in order to accommodate the development envisioned by the Project and needed to accomplish the goals of the City's 2020 General Plan.

*Ability to Achieve Project Objectives:* None of the City's urban development-related objectives would be met, including provision of a comprehensively planned community that provides new housing, employment and recreation opportunities together with supporting infrastructure; provision of a diversity of housing types; and addressing historic functional issues and management and improve appearance of area. Many of the important resource protection objectives of the 2020 General Plan would, however, be met with this alternative. The economic feasibility of this alternative is questionable as implementation of this alternative would require funding from sources which have not been identified and are speculative at this time. The project proponent's development objectives would not be met including being able to create a cohesive community by providing a variety of housing, recreation, and neighborhood commercial opportunities so that families and individuals can live, work, and play within the community; providing strong pedestrian connections between the SouthShore development and compatible surrounding land uses, in particular, walkways to the existing neighborhoods to the north; providing housing that is compatible with the existing character of the area and reflects the range of housing opportunities sought by the City's General Plan; and providing for a variety of housing types and sizes, connected to a variety of parks and open space experiences.

*Finding:* Although Alternative 4 would reduce or avoid the significant impacts of the proposed Project, from a policy perspective this alternative would not accomplish many of the City's objectives with respect to providing a comprehensively planned development with new employment and housing opportunities, and addressing the historic functional issues of this area and improving the appearance of the area. The City finds this alternative less desirable in that it could also lead to increasing the density of development elsewhere in the City which would result in indirect environmental impacts. This alternative would also not accomplish any of the project objectives of the project proponent. Finally, the City finds the feasibility of this alternative to be questionable at this point in time due to the lack of identifying firm funding sources needed to acquire land to fully implement this alternative. For these reasons, the City finds that the proposed project is preferred over this alternative.

#### **F. Alternative 5: Less Intensive Development**

Description: This alternative was added in response to comments received on the May 2007 Draft EIR. Those comments expressed concern that the four alternatives evaluated in that document did not include an alternative that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects, as required by CEQA. In response, the City worked with the project applicants to identify development alternatives that would satisfy those criteria. The result is Alternative 5, which is a composite of the alternatives for the Northern and Southern Subareas and reflects a lower level of intensity than the other alternatives that call for development (i.e., the Project and Alternatives 1 and 2).

Under Alternative 5, the footprint of development on the SouthShore project site would be reduced in size as compared to the proposed project, the amount of residential acreage would be increased, and the density of proposed residential development would be reduced. The reduction in size of approximately 60 acres would occur along the northern and eastern edges of the project site, where it is assumed that the existing agricultural uses would remain. These changes would result in the elimination of the community park and the high school proposed as part of the SouthShore project. Approximately 10 acres of the site proposed for the high school under the project would be converted to residential uses. In addition, the densities in the remaining residential areas would be reduced, primarily along the eastern side SouthShore Drive and the northern edge of Lake SouthShore. This alternative would provide a total of 979 residential units and 630,778 square feet of non-residential uses.

Environmental Impacts: Impacts in the Northern Subarea would be similar to those of the proposed Project and Alternative 1 (see FEIR Tables 4-10 and 4-11). Impacts under Alternative 5 would, however, be less due to decreased intensity of development compared to the proposed Project. The reduction would be manifest principally with traffic, air quality, noise, and indirect offsite habitat and species impacts, all of which are related to human occupation. In addition, because less land would be developed, direct impacts such as agricultural land conversion and direct habitat and species disturbance would be slightly lower.

Ability to Achieve Project Objectives: Although Alternative 5 would lessen the significant impacts of the Project, it would not avoid or substantially reduce any of the unmitigable impacts of the Project and the impacts would remain unavoidable and adverse even with implementation of Alternative 5. Moreover, Alternative 5 would not achieve the public facility benefits of the project in that it eliminates the opportunity to establish a new high school within the community. Even if the land were not acquired for a high school this alternative would not provide the opportunity to use this area for other residential and public community facilities. The reduction in the number of units would also not allow the City or the project proponent to provide the same level and diversity of housing that could be provided under the proposed project. From a policy perspective, the ability to provide a greater number and diversity of housing to meet the City's needs for future housing and provision of a community park make the proposed project the preferred option when compared to this alternative.

*Finding:* As this alternative would not eliminate or substantially reduce any of the significant unavoidable impacts of the proposed project, and would frustrate accomplishment of several project objectives, the City finds that the proposed project is preferred over Alternative 5.

#### **F. Additional Findings Regarding Alternatives.**

The results of the comparative analysis of the proposed project and the alternatives indicate that the Conservation Alternative is the Environmentally Superior Alternative. However, this alternative does not meet most of the basic objectives of the City of Oxnard and the SouthShore project proponent. Where a "no development" alternative is determined to be the Environmentally Superior Alternative, CEQA requires that the EIR identify the environmentally superior development alternative. In this case, Alternative 5 would be the Environmentally Superior Build Alternative.

### **VIII. STATEMENT OF OVERRIDING CONSIDERATIONS.**

#### **A. Introduction**

The City is the Lead Agency under CEQA for preparation, review and certification of the FEIR for the SouthShore Specific Plan Project. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed Project and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the decisionmaking body of the Lead Agency, the City Council, to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination the City Council is guided by CEQA Guidelines Section 15093 which provides as follows:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

### **B. Significant Unavoidable Adverse Environmental Impacts**

The City Council hereby declares that, pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed SouthShore Specific Plan Project against the unavoidable environmental impacts associated with the proposed Project in determining whether to approve the proposed Project. If the benefits of the proposed Project outweighs the unavoidable adverse environmental impacts, those impacts may be considered "acceptable."

The City also has examined alternatives to the proposed Project, none of which both meet the Project objectives and is environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings.

The City Council having reviewed the FEIR for the SouthShore Project, and reviewed all written materials within the City's public record and heard all oral testimony presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the project.

The City Council hereby declares that the FEIR has identified and discussed significant effects which may occur as a result of the Project. With the implementation of the mitigation measures identified in the FEIR, these effects can be mitigated to a level of less than significant except for certain unavoidable significant impacts as discussed in the Findings of Fact adopted by the City Council.

The FEIR identified the following unavoidable adverse impacts of the proposed Project:

- **Air Quality:** Exceedance of thresholds from construction- and project-related operational ROC and NOX emissions, resulting from heavy equipment used during construction, residential and non-residential sources including vehicular traffic, space and water heating, and consumer products. These impacts are considered significant and unavoidable Project impacts.
- **Agricultural Resources:** The proposed development of the Northern Subarea would convert approximately 322 acres of prime farmland currently used for agricultural operations to urban and open space uses. The proposed Project when taken into consideration with development of the Southern Subarea and other pending urban development projects in the City of Oxnard, would result in a cumulative effect on agricultural resources that is considered significant and

unavoidable. This impact is considered both a Project and cumulative significant impact.

- **Noise:** Significant increases in traffic noise levels at noise-sensitive receivers located along several roadway segments. Along Pleasant Valley Road, the City's Noise Ordinance standards would be exceeded for existing residential development. This impact is a Project-related significant impact.
- **Visual/Aesthetic Resources:** The transition of land from agricultural to urban uses constitutes a substantial change in the visual character of the area. The City of Oxnard views agricultural lands as an important visual resource, and loss of this resource is an unavoidable consequence of development. The EIR determined that this was a significant and unavoidable cumulative impact of the proposed Project.

### C. Overriding Considerations

The FEIR for the proposed Project recognizes that certain specified adverse environmental impacts may be caused by the approval and construction of the proposed Project, which may not be mitigated to a level of insignificance by the application of feasible mitigation measures or a feasible alternative to the Project. Despite the finding in the FEIR that such unavoidable adverse environmental impacts may be caused by the Project, the City Council nevertheless finds, after a thorough and independent review and consideration of such potentially adverse environmental impacts, that certain economic, legal, social, technological and other benefits of the Project, as more specifically identified herein, outweigh those unavoidable adverse environmental impacts. Those impacts are therefore deemed to be acceptable to the City. Each of the benefits and objectives set forth below constitutes an independent overriding consideration, warranting approval of the Project despite its unavoidable impacts.

In general, the Project site provides an appropriate location for the envisioned residential, and commercial uses that will provide employment, housing, and increased property and sales tax revenue opportunities to the City, its residents, and visitors, and includes the following specific benefits for the SouthShore Specific Plan project:

1. **New Elementary School.** The SouthShore Specific Plan proposes an 8-acre elementary school site that will be developed in conjunction with the 3.7 acre West Park that will be developed with playing fields for the elementary school. In accordance with a proposed school mitigation agreement, the project proponent will fund construction of the SouthShore Elementary School for the benefit of the City and the Ocean View School District. Pursuant to California Government Code Section 65995, payment of the statutory development fees provides full and complete mitigation of the project's impacts on school facilities. Funding the construction of a new elementary school far exceeds the statutory development fees that would be required under the Government Code for the SouthShore project.

2. **Provide Affordable Housing in Excess of City Requirements.** As part of its objectives to provide new and diverse housing opportunities for all population segments within

the City, the SouthShore project will provide affordable housing in excess of City requirements. The City requires that new residential project provide 10% of its units as affordable units. The SouthShore project will provide 15% of its units as affordable units. All of the affordable units will be rental units.

3. **Contribute to Habitat Protection at Ormond Beach.** Pursuant to the development agreement that will be entered into between the City and the project proponent, the SouthShore project will contribute funding for the implementation of the Ormond Beach Natural Resource Management Program. The purpose of the Program would be to reduce or avoid indirect impacts to sensitive natural resources, particularly federal and state listed species such as the Western snowy plover and the California least terns. A qualified biologist would be hired to prepare the Natural Resource Management Program. Although this program would be implemented specifically for Ormond Beach, it would have the effect of benefiting other nearby sensitive habitat areas such as Point Mugu, Ormond Lagoon and the Nature Conservancy's property. The project will be funded through a community facilities district that will be organized by the project proponent of the SouthShore project together with the developer of the Southern Subarea. Once formed, the CFD will provide a means by which annual funding for the program will be provided. The Program will include fencing of nesting areas at Ormond Beach, signage to direct and inform the public regarding the sensitive resources at Ormond Beach, predator management, invasive plant control, dissemination and education of the public and enforcement through a docent and ranger program.

4. **Parks/Open Space.** The SouthShore project will provide considerable parks and open space areas for the benefit of the public. The project will provide an approximately 25 acre community park located along the northern portion of the project site which will contain pedestrian connections to and from the existing Tierra Vista neighborhood. In addition, the project will provide approximately 8 acres of neighborhood parks, including West Park which will be integrated with the elementary school and will provide playing fields for joint use, and 12 acres of park areas adjacent to Lake SouthShore. The project will also provide a Class I multi-use trail within the open space along Hueneme Road that provides a link to the community pedestrian sidewalks and the Class II bike trail system along Hueneme Road, SouthShore Drive, "A" Street, and part of Rose Avenue. A Class I multi-use trail and Class II bike trail is also proposed for the agricultural buffer area, designated on the SouthShore Specific Plan as the Olds Road Trail Corridor.

5. **Reclaimed Water Infrastructure.** The City is currently developing the Groundwater Recovery Enhancement and Treatment (GREAT) program as part of its Capital Improvement Program, which will provide approximately 20,000 acre feet per year of highly treated recycled water for regional use. The City has initiated construction of the program's first groundwater desalter element. In order to minimize project use of potable water, the SouthShore project will install infrastructure so that reclaimed water can be used – when it is available – to water front yard landscaping for the new homes to be constructed at SouthShore. It is anticipated that the City will construct the backbone infrastructure to make reclaimed water available, but the installation of reclaimed water lines that can be used for watering private residential landscaping is a project element that will assist the City in meeting its water conservation goals and enhances the water conservation efforts of the proposed project. In

addition, the project will pay its fair share of the costs of the reclaimed water pipeline project on Hueneme Road.

6. **Acceleration of Infrastructure Improvements.** If the SouthShore project is developed in advance of the Southern Subarea project, the SouthShore project will initiate construction of the widening of Hueneme Road which was identified as a required circulation improvement. The acceleration of circulations improvements and the advancement of the funds to do so provides circulation benefits to the City in advance of when they would have occurred under normal circumstances of project development.

7. **Contribution to Development of College Park.** Pursuant to the development agreement that will be entered into between the City and the project proponent, the SouthShore project will contribute funding in the amount of \$1.5 million for improvements for the City's College Park.

8. **Fire Station.** The City is currently proposing to construct a new fire station in the south Oxnard area that will accommodate future development, including the SouthShore project. Pursuant to the development agreement that will be entered into between the City and the project proponent, the SouthShore project will contribute funding in the amount of \$2 million towards the new fire station prior to the issuance of the 750th building permit for the SouthShore project. This payment represents one-half of the City's current estimate of the cost to fully construct and equip the new fire station that will serve the SouthShore project area. If the actual cost to construct and equip the fire station is less than \$4 million, the City will reimburse the project proponent the difference.

9. **Waste Management Vehicles.** Pursuant to the development agreement that will be entered into between the City and the project proponent, the SouthShore project will contribute funding to the City for the purchase of three new waste management trucks.

#### **D. Conclusion**

These findings are based upon all documents and records contained within the City's files with respect to the proposed Project, including but not limited to the entire record of proceedings as defined in the Findings of Fact.

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the SouthShore Specific Plan outweighs the identified significant adverse environmental impacts of the proposed Project, which cannot be mitigated. The City Council finds that each of the Project's benefits outweighs the unavoidable adverse environmental effects identified in the FEIR and therefore finds those impacts to be acceptable.