



Planning Division

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Contract Planner

DATE: April 7, 2011

SUBJECT: SouthShore Specific Plan, Planning & Zoning Permit Nos. 03-620-03 (General Plan Amendment), 03-640-01 (Specific Plan), 03-560-01 (Prezoning), 07-300-16 (Tentative Subdivision Map for Tract No. 5427), 05-670-03 (Development Agreement) and Findings and Statement of Overriding Consideration

1) Recommendation: That the Planning Commission, in accordance with the CEQA Findings of Fact and Statement of Overriding Consideration for the SouthShore Specific Plan project:

- a)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 03-620-03 for a general plan amendment, subject to certain findings;
- b)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 03-640-01 for a specific plan, subject to certain findings;
- c)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 03-560-1 for prezoning, subject to certain findings;
- d)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 07-300-16 for Tentative Subdivision Map for Tract No. 5427, subject to certain findings and conditions; and
- e)** Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 05-670-03 for a Development Agreement.

2) Project Description and Applicant: 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 (see Attachment A – Vicinity and General Plan Maps). 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; 15.3 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. A general plan amendment is proposed to change the 2020 Land Use Map for the specific plan area from low-medium density residential, general commercial, parks, and open

space buffer to specific plan. The tentative tract map will allow for phased development within the project area over the next 30 years. The City Council certified the Final Environmental Impact Report for the SouthShore project on March 23, 2010 (FEIR No. 05-03). SouthShore application filed by Hearthside Homes/Ito Farms, 6 Executive Circle, Suite 250, Irvine, CA 92614.

The project requires City approval of several entitlement actions listed below:

- Annexation of the specific plan area to the City and the simultaneous detachment of the same areas from the Ventura County Resource Conservation District and the Ventura County Fire Protection District. Annexation of the SouthShore Specific Plan area to the City of Oxnard is subject to approval by LAFCO.
- Approval of a General Plan Amendment consisting of changes to the 2020 Land Use Map for the specific plan area and changes to the text of the 2020 Land Use Element with minor changes to other elements (see discussion at Section 6)b) below).
- Establishment of zoning for the specific plan according to the City's Zoning Ordinance, since the property is not currently within the City limits.
- Approval of a tentative tract map for the subdivision of the specific plan area.
- Approval of a development agreement between the City of Oxnard and the property owners for the specific plan area.

3) Existing & Surrounding Land Uses: The SouthShore Specific Plan encompasses approximately 321.8 acres of vacant land within the unincorporated portion of south Oxnard. The subject property is located within the City of Oxnard's City Urban Restriction Boundary (CURB) limits. The property is located adjacent to but not part of the Ormond Beach Redevelopment Area.

The SouthShore Specific Plan area is currently made up of flat agricultural fields with drainage ditches and several existing farm structures and residential buildings. The agricultural land within the specific plan area is almost exclusively devoted to the cultivation of row crops. The northerly and westerly edges of the site are owned by Southern California Edison (SCE) and contain transmission towers and 220 KV overhead transmission lines. The ground around the transmission towers is currently used for agriculture activities. An underground high-pressure gas line runs within the most westerly portion of the SCE transmission corridor.

**TABLE 1
 SOUTHSORE SPECIFIC PLAN
 EXISTING AND SURROUNDING USES**

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	County of Ventura Agricultural Exclusive (A-E)	Low Medium Density Residential (R-2), General Commercial (C-2), School, Park and Open Space Buffer	Agriculture

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
North	Manufactured Home Planned Development (MHPD), Multifamily Residential Planned Development (R-2-PD), and Single Family Residential (R-1)	Factory Built, Medium Density Residential (R-3), Low Density Residential (R-1)	Mobile home park (Villa Capri), Single family residential (Tierra Vista Neighborhood)
South	County of Ventura	R-2, Open Space Buffer	Agriculture (South Ormond Beach Specific Plan area)
East	County of Ventura	County of Ventura	Agriculture
West	Garden Apartment Planned Development (R-3-PD), Limited Manufacturing Planned Development (M-L-PD)	R-3, Limited Industrial (M-L)	Multifamily Residential (Terrace Estates), Vehicle Preparation Facility (Pacific Vehicle Processors)

4) Background Information: The applicant Hearthside Homes/Ito Farms, is requesting the City of Oxnard adopt the SouthShore Specific Plan (see Attachment B – SouthShore Specific Plan). The property is located immediately adjacent to the current City limits to the north and west and is located in unincorporated Ventura County, but is within the City of Oxnard’s Sphere of Influence (SOI) as defined by the Ventura County Local Area Formation Commission (LAFCO) and within the City of Oxnard’s City Urban Restriction Boundary (CURB) limits. Annexation of the SouthShore Specific Plan area to the City of Oxnard is subject to approval by LAFCO. In addition to LAFCO approval, the Metropolitan Water District of Southern California and the Calleguas Municipal Water District must approve the annexation of the specific plan area into their respective jurisdictions. The ownership and affected assessor parcel numbers (APN) for the subject property are shown in the below table.

**TABLE 2
 SOUTHSORE SPECIFIC PLAN
 PROPERTY OWNERS AND PARCEL NUMBERS**

PROPERTY OWNER	GROSS ACRES	APN
Southern California Edison	60.5	223-0-030-125, -145, -185, -195, -205
Pacific Lighting Service Co.	0.7	223-0-030-225
SouthShore Land Company LLC	14.7	223-0-030-255
Ruby Ishimoto	5.0	223-0-030-275
Ruby Katsuda	9.8	223-0-030-285
Ritsuo & Kazuko Ito/Sachiko Ito	85.3	223-0-030-295
SouthShore Land Company LLC	24.5	223-0-030-300
ITO Farms, Inc.	84.0	223-0-030-310
Plum Vista	35.4	223-0-030-320
City of Oxnard	1.8	224-0-043-155, 224-0-054-355
Total	321.7	

Source: FEIR, Ormond Beach Specific Plans, Table 2-1

According to the applicant¹, the SouthShore Specific Plan is the result of an 8-year process beginning in 2003. Prior to submitting an application, the applicant reviewed the 2020 Oxnard General Plan and a 1999 Study of Ormond Beach prepared by the Urban Land Institute (ULI). According to the applicant, the ULI study was very influential in designing the SouthShore Specific Plan, as it recommended high-quality planning, a mix and range of housing, a pedestrian-oriented community with connections to surrounding neighborhoods, a series of parks, commercial services, and a corridor to connect Rose Avenue and Hueneme Road. Between 2004 and 2011 the applicant also received substantial input from City staff, districts and other public agencies, Point Mugu Naval Air Station, various community groups and residents through a series of community workshops and eight Development Advisory Committee (DAC) meetings. DAC meetings and Community workshops are listed in Sections 7 and 8 of this staff report.

On July 26, 2005 the City Council approved the pre-application process to initiate staff review of the proposed project. The City Council also directed that the project should proceed with a development agreement.

On March 23, 2010 the City Council certified the Environmental Impact Report (EIR) for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects. Environmental review of the project is discussed further in Section 5 of this staff report.

Individual builders/project developers will be required to obtain discretionary permits through the Development Design Review (DDR) process, which is an administrative process that does not involve a public hearing. These permits will be subject to review for consistency with the SouthShore Specific Plan and approval by the Planning Manager, unless they are appealed to the Planning Commission.

- 5) Environmental Determination:** The proposed development is subject to review in accordance with the California Environmental Quality Act (CEQA)². In accordance with Section 15080 et seq. of the State CEQA Guidelines, the City of Oxnard prepared an EIR (SCH #2005091094) for the Ormond Beach Specific Plan area, which included the proposed SouthShore Specific Plan and the South Ormond Beach Specific Plan (referred to as the Northern Subarea and the Southern Subarea in the EIR.) The EIR comprehensively analyzed the environmental impacts caused directly and/or indirectly by both the SouthShore and South Ormond Beach Projects, and identified mitigation measures for each potentially significant impact (see Attachment C – FEIR; the document is available on line or a CD is available for the public; a CD for the Planning Commission is included with this staff report packet)..

¹ Ed Mountford, Heathside Homes, Planning Commission Regular Meeting, Item G1, Study Session, Presentation on the SouthShore Specific Plan, March 3, 2011.

² Public Resource Code, Section 21000 et seq.

In accordance with Section 15060 of the State CEQA Guidelines, the City of Oxnard Planning and Division determined in its initial review that there was a potential for the projects to cause significant environmental impacts and that an EIR was clearly required for the projects. Therefore, an initial study was not required to be prepared, pursuant to Section 15063 (a) of the State CEQA Guidelines. The City did, however, conduct scoping meetings in May and June 2004 to inform interested stakeholders about the proposed projects and to solicit comments regarding the proposed projects.

On September 16, 2005, the City issued a Notice of Preparation (NOP) with a 30-day public review period from September 16, 2005 to October 17, 2005, advising the public and responsible agencies that an EIR would be prepared (EIR No. 05-03). The City received a number of written comments on the NOP.

On May 18, 2007, the City of Oxnard published a Notice of Availability/Notice of Completion for the Ormond Beach Specific Plan Draft EIR (DEIR). The May 2007 DEIR was circulated for public review and comment for a period of 60 days, ending on July 20, 2007. During the public review process, the City accepted approximately 65 written and/or oral communications with comments on the proposed projects and the DEIR. The City also hosted two Planning Commission hearings (June 21 and July 19, 2007) and a separate community workshop on July 16, 2007. The City reviewed the comments and determined that several subjects addressed in the DEIR warranted additional analysis. These sections included: water resources; biological resources; air quality; and alternatives analysis.

The Recirculated Draft EIR (RDEIR) was published on July 23, 2008, initiating a 45-day public review period; the public comment period was later extended to September 22, 2008. The City accepted approximately 60 written communications regarding the July 2008 RDEIR. The City prepared written responses to the comments received on the RDEIR, and included those responses in the Final Environmental Impact Report (FEIR), dated November 23, 2009.

The FEIR for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects (Ormond Beach Development Projects) was published 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 considered the FEIR and made a recommendation to the City Council to certify the FEIR document.

On March 23, 2010 the City Council certified FEIR No. 05-03 (City Council Resolution No. 13,775) and required the preparation of an Adaptive Management Plan (AMP) that would identify mitigation comparable to FEIR Biology Mitigation Measure No. 2 regarding creation and/or restoration of raptor foraging habitat. The City Council also required that specific mitigation in the AMP consist of open space and/or fees to be determined by the Development Agreements for each Ormond Beach Development Project. In accordance with the City Council's requirements, the Ormond Beach Specific Plan area Raptor Foraging Habitat Restoration Project AMP is being considered for review in conjunction with the SouthShore Specific Plan (see Attachment D – Adaptive Management Plan).

The purpose of the AMP is to provide a cohesive plan that will mitigate the coastal raptor and general avian foraging habitat impacts identified in the FEIR and outline the necessary steps for property owners to achieve required mitigation within the project areas or within adjacent qualifying habitat areas. To this purpose, the Ormond Beach AMP includes mitigation requirements, a habitat restoration implementation plan, a maintenance schedule, mitigation monitoring, adaptive responses to be implemented if the initial program is unsuccessful, and review of funding requirements. Consistent with the FEIR, the AMP addresses both the SouthShore and South Ormond Beach Projects independently as well as collectively.

Based upon the analysis contained in the FEIR, the SouthShore Specific Plan would result in one or more Class I potentially significant and unavoidable impacts in the following four impact sections: aesthetic/visual resources, air quality, agricultural resources, and noise. The EIR also concluded that one or more potentially significant but mitigable (Class II) impacts would result with the implementation of the SouthShore Specific Plan in the following nine impact sections: air quality, agricultural resources, biological resources, cultural resources, geology, hazards and hazardous materials, noise, transportation, and water resources. Less than significant (Class III) impacts were identified for the SouthShore Specific Plan within the following eleven sections: aesthetic/visual resources, air quality, agricultural resources, biological resources, geology, hazards, water resources, land use and planning, noise, public facilities and services, and transportation.

CEQA Section 21081 and the State CEQA Guidelines require that a public agency make specific findings before a project is approved if the project involves Class I significant and unavoidable environmental impacts. These findings are required to include consideration of benefits of the project such as economic, legal, social, technological or other benefits that may outweigh the potential significant effects on the environment. As discussed above, the project 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:** The project exceeds thresholds from construction- and project-related operational ROC and NOX emissions resulting from heavy equipment used during construction, vehicular traffic, space and water heating, and consumer products.
- **Agricultural Resources:** The proposed development would convert approximately 321.8 acres of prime farmland currently used for agricultural operations to urban and open space uses. When taken into consideration with other pending urban development projects in the City of Oxnard, the proposed project would result in a cumulative effect on agricultural resources that is considered significant and unavoidable.
- **Noise:** Along Pleasant Valley Road, the City's Noise Ordinance standards would be exceeded for existing residential development.
- **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.

Accordingly, findings and a Statement of Overriding Considerations (SOC) were prepared pursuant to the CEQA and are included within the resolution of approval approving the SouthShore Specific Plan. State law stipulates that approval of the findings and SOC are not required until action is taken on a project. In addition to the general project benefits such as employment, housing, and increased property and sales tax revenue, the specific project benefits and overriding considerations identified with the findings for the SouthShore Specific Plan Project include the following public benefits:

1. New Elementary School.
2. Provide Affordable Housing in Excess of City Requirements.
3. Contribute to Habitat Protection at Ormond Beach.
4. Parks/Open Space.
5. Reclaimed Water Infrastructure.
6. Acceleration of Infrastructure Improvements.
7. Maintenance Yard Improvements.
8. Contribution to Development of College Park.
9. Fire Station.
10. Waste Management Vehicles.

A discussion of the public benefits associated with the project is provided in Section 6 (m) (Section 6.5 of the Development Agreement) of this staff report and is detailed on pages 106 through 108 of the findings and SOC. The Development Agreement would remain in effect for thirty years from the approval date, and would lock the Growth Requirement Capital Fees for this project for five years at the rate in effect at the time of City Council's approval of the first final map and adjusted annually. The Planning Commission is advisory to the City Council on this issue.

6) Analysis:

a) General Discussion: The Land Use Plan in Attachment B and the Land Use Designations in the below table show the proposed distribution of uses within the SouthShore Specific Plan Project area. The SouthShore Specific Plan also proposes a system of public facilities and service infrastructure to support the proposed development.

**TABLE 3
 SOUTHSORE SPECIFIC PLAN
 LAND USE DESIGNATIONS**

Land Use Designation	Land Use District	Gross Acres	DU or SF
Residential-Low	R-1 (SSP)	71.9	369 DU
Residential-Low Medium	R-1 AND R-2 (SSP)	59.3	407 DU
Residential-Medium	R-3 (SSP)	44.5	749 DU
Mixed-Use (Residential)	C-2 (SSP)		20 DU*
Mixed-Use (Commercial)	C-2 (SSP)	4.2	62,726 SF

Land Use Designation	Land Use District	Gross Acres	DU or SF
Light Industrial	M-L (SSP)	37.2	381,000 SF
School	R-2 (SSP)	9.6	
Park and Open Space	C-R AND SSP	77.6	
Arterial Roadway		17.5	
Total Acreage		321.8	
Residential Units			1,545 DU
Non-Residential Building Floor Area			443,726 SF

SSP = refers to SouthShore Specific Plan

DU = Dwelling Unit

SF = Square Feet

* = 20 units to be deducted out of cumulative du total = not to exceed 1,545 du for entire SSP

Residential: Proposed residential densities will range from single-family homes from approximately 4.5 to 7.6 and up to 12 dwelling units per gross acre (du/ac) to multifamily with a density of up to 18 du/ac. The average density for all proposed residential areas within the Southshore Specific Plan is approximately 8.8 du/ac³, which is consistent with the 2020 General Plan's zoning designation of Residential Low-Medium (8 to 12 du/ac.) A maximum of 1,545 dwelling units can be built in the SouthShore Specific Plan⁴. A minimum of ten percent (10%) of the total residential units within the SouthShore Specific Plan will be designated as affordable housing. As discussed in Section 6.2.8 of the SouthShore Specific Plan, an additional five percent (5%) of residential units may either be provided as affordable rental units on-site or accommodated through payment of an affordable housing in-lieu fee. If the additional units are provided on-site, they will not count towards the total number of housing units⁵. Affordable housing is discussed further under Section 6(k) of this staff report.

Mixed-Use: The Land Use Plan for the SouthShore Specific Plan proposes 4.2 gross acres of mixed-use residential and commercial development at the northwest corner of SouthShore Drive⁶ and Hueneme Road. The anticipated commercial uses could include retail and personal service businesses. Up to 20 attached residential units may be incorporated within the mixed-use area.

Light Industrial: The 37.2 gross acre area that forms the westerly and northerly edge of the specific plan area west of Rose Avenue is owned by Southern California Edison (SCE). The zoning purposed for this portion of the SCE property would allow for self-storage, boat and recreational vehicle storage, and commercial/incubator development (uses that are generally permitted in the City's M-L Limited Manufacturing Zone). When the specific plan was initially drafted, SCE proposed these industrial uses under their transmission lines as a means of generating revenue. More recently, SCE has modified its corporate real estate policies to prohibit the construction of permanent structures directly under transmission lines. Given

³ SouthShore Specific Plan Exhibit 2-4, 1,545 dwelling units divided by 175.9 gross acres = 8.8 du/ac.

⁴ SouthShore Specific Plan, Section 8.4.3(a)

⁵ SouthShore Specific Plan, Section 6.2.8

⁶ Final street names will be clarified as part of the future final map and are subject to approval by the City of Oxnard Street Naming Committee.

that this policy may change in the future and SCE may elect to again pursue development of higher revenue generating uses under their transmission lines, the specific plan allows for light industrial land uses on the SCE property. The most likely use of the property in the foreseeable future is growing nursery stock. To accommodate the continuing agricultural use of the SCE property, the specific plan also includes the requirement for eight to eight and one half-foot high, solid, decorative, masonry zone walls between the M-L District (SCE property) and the adjacent Commercial/Mixed-Use District and/or Residential District⁷. Furthermore, the City of Oxnard requires the inclusion of notification within the deeds of the abutting residential properties to let the residential property owners know that their properties are located next to agricultural use.

Schools: A public elementary school site is planned within the SouthShore Specific Plan; this 9.6-acre elementary school would be developed in conjunction with West Park. At the time that the FEIR was certified, a 53.9-acre high school site was proposed along the easterly edge of the specific plan near the northwest corner of Hueneme Road and Olds Road. However, the Oxnard High School District has recently indicated that they are no longer interested in constructing a high school in this location and therefore, 262 residential units will be constructed in this location. The specific plan includes an Alternative Land Use Plan and the environmental impacts associated with this alternative were fully evaluated and certified in the FEIR.

Parks and Open Space: The specific plan includes 77.6 gross acres of park land and open space. The park names provided in the SouthShore Specific Plan and referenced in this staff report are placeholders; the final park names will be determined at a future date and are subject to approval by the City of Oxnard Parks and Recreation Commission. An approximately 28.5-acre Community Park is proposed along the northern portion of the SouthShore Specific Plan and would provide pedestrian connections to and from the existing Tierra Vista neighborhood located to the north of SouthShore. West Park (3.7 acres) would be integrated with open play turf area for the proposed elementary school and would contain amenities compatible with elementary-school-age users, such as a "tot lot" and elementary age play equipment. Central Park (5.2 acres) would be located in the center of the SouthShore Specific Plan and would provide a moderately-sized amphitheatre. East Park (1.8 acres) would be located in the east portion of the specific plan, and tie into the Olds Road Trail Corridor. Other park and open space areas proposed for the Southshore Specific Plan include Rose Green, Arnold Green, the Olds Road Trail Corridor, and the Lake SouthShore open space area. The Olds Road Trail Corridor (Agricultural Buffer) would serve as a community landscape buffer and would incorporate a Class I multi-use pedestrian/bicycle trail as well as a Class II bike lane. The Community Park is located under the SCE power lines east of the Rose Avenue extension and immediately south of the Tierra Vista neighborhood. Under the terms of the development agreement, the developer is required to: 1) finance a lease with SCE (with the City as the lessee) and; 2) finance and construct the park improvements. If these terms aren't met, then the owners are required to

⁷ SouthShore Specific Plan, Section 6.9.6, Item 8

pay park fees to the City with no credit or offset for public parks and recreational facilities dedicated or constructed in accordance with the Specific Plan.

Lake SouthShore, a proposed 18-acre man-made lake within a larger 33.8 gross acre open space area, would be constructed along the north side of Hueneme Road. Lake SouthShore would serve a variety of functional purposes including an aesthetic feature and open space along Hueneme Road, storm water detention, a water quality Best Management Practice (BMP), and a storage facility for reclaimed water. A 10-foot-wide Class I multi-use trail is proposed within the open space area along Hueneme Road. The trail would provide a link to the community pedestrian sidewalks, and a Class II bike lane system is proposed along Hueneme Road, SouthShore Drive, "A" Street, Olds Road and part of Rose Avenue.

Soil Import: Development of the SouthShore Specific Plan would require net import of approximately 450,000 cubic yards of fill material. The source of the fill material is most likely sediment that was removed from Calleguas Creek channel and is currently stockpiled adjacent to the channel. The import of the material is projected to occur over an approximate 11-week timeframe.

Development Phases: The applicant proposes to develop the SouthShore Specific Plan in four phases. The phases are primarily divided by 1st Avenue, 2nd Avenue and 17th Street from west to east and are depicted within the Phasing Plan in the SouthShore Specific Plan. The four phases are described below:

Phase I includes:

- Rose Avenue extension, roundabout, and SouthShore Drive⁸ to Hueneme Road;
- Hueneme Road removal and reconstruction to full required paved width from Edison Drive to Olds Road;
- Elementary school (as determined by the Ocean View School District);
- West Park;
- Rose Green;
- Westerly portion of Lake SouthShore to Arnold Road;
- Improvement of the westerly portion of the Lake SouthShore trails and open space area;
- Collector/local streets west of 1st Avenue and the northerly extension of Arnold Road to "C" Street and easterly extension of "C" Street to Arnold Road;
- Single-family detached residential units west of 1st Avenue;
- Attached residential units and private recreation facilities in AR-1 through AR-5, all adjacent to SouthShore Drive;
- Attached residential units and private recreational facilities in AR-6 west of Arnold Road and south of "C" Street; and
- Self Storage, Boat/RV Storage, and Commercial/Incubator areas on SCE property.

⁸ Final street names will be clarified prior to City Council consideration of the project and are subject to review by the City of Oxnard Street Naming Committee.

Phase II includes:

- Westerly portion of the Community Park between Rose Avenue and 2nd Avenue;
- Central Park; and
- Single-family detached residential units between 1st Avenue and 2nd Avenue;

Phase III includes:

- Additional portion of the Community Park;
- Arnold Green; and
- Single-family detached residential units between 2nd Avenue and 17th Street.

Phase IV includes:

- The balance of the Community Park;
- Olds Road widening removal and reconstruction to full required paved width, including enhanced parkway adjacent to Olds Road from the northerly project boundary to Hueneme Road;
- Single-family detached residential units and attached residential (AR-7) east of 17th Street;
- The Commercial/Mixed-Use development;
- Collector/local streets east of 17th Street;
- East Park;
- Easterly portion of Lake SouthShore (east of Arnold Road); and
- Improvement of the easterly portion of the Lake SouthShore trails and open space area.

- b) General Plan Consistency:** The SouthShore Specific Plan area is currently designated Agricultural under the Ventura County General Plan. However, the area is within the SOI of the City of Oxnard and is depicted within the “Ormond Beach Proposed Specific Plan area” on the City of Oxnard 2020 General Plan. The City’s 2020 General Plan states that a “specific plan will be required for any development in this area”.⁹

Approval of General Plan map and text amendments are requested to facilitate the project. A number of General Plan Elements are proposed to be amended as part of the project; a summary of the Elements to be amended is contained in Attachment F (General Plan Amendment resolution.)

The 2020 General Plan designates the SouthShore Specific Plan site as predominately Low-Medium Density Residential (8-12 du/ac), with the southwest corner of the property designated Schools, General Commercial and Park; and the eastern and northern perimeter of the property (SCE) designated Open Space Buffer. Minor refinements are required to some General Plan maps to reflect the more detailed location of land uses and roadways within the SouthShore Specific Plan Area, and to change the land use designation for the SCE lands along the western and northern edge of the specific plan area from Open Space Buffer to Limited

⁹ City of Oxnard 2020 General Plan, Land Use Element, p. V-41

Industrial to allow development of light industrial uses (self-storage and commercial/incubator). Corresponding refinements to the General Plan text are necessary to accommodate the specific plan. The 2020 General Plan Land Use Element and other General Plan Elements¹⁰ shall be amended as part of this project to reference City approval of the SouthShore Specific Plan.

The proposed land use map provides a higher level of specification of use type than the General Plan Land Use Map, but is generally consistent with the 2020 General Plan. An amendment to the 2020 land use map is required for the self-storage and commercial/incubator uses. The light industrial uses (self-storage and commercial/incubator) west of Rose Avenue along the northern and western edges of the SouthShore Specific Plan are not consistent with the General Plan's Open Space Buffer designation, and will be subject to a General Plan amendment. However, the proposed project is consistent with the policies and goals of the City of Oxnard 2020 General Plan Land Use Element. The project was reviewed for consistency with applicable City General Plan Elements as follows: Land Use, Growth Management, Community Design, Parks and Recreation, Open Space and Conservation, Public Facilities, Circulation, Safety, Noise and Economic Development.

**TABLE 4
 SOUTHSORE SPECIFIC PLAN
 GENERAL PLAN CONSISTENCY**

POLICY	DISCUSSION
<p>Land Use Element Goals</p> <p>Goal 1 - A balanced community meeting housing, commercial and employment needs consistent with the holding capacity of the City.</p> <p>Goal 2 - Preservation of scenic views, natural topography, natural physical amenities, and air quality.</p> <p>Goal 3 - A balance between jobs and housing within a reasonable commuting distance from each other.</p> <p>Land Use Element Objectives</p> <p>Objective 1 - Limit the urbanized area of the City and facilitate a permanent greenbelt between Oxnard and neighboring cities.</p>	<p>The proposed project provides a range of housing opportunities, including detached single-family units and attached multi-family residential neighborhoods. Existing and projected infrastructure, including transportation networks, water, wastewater treatment, and solid waste capacity would accommodate the additional residential, mixed-use commercial and light industrial development consistent with the City's holding capacity as detailed in the General Plan and reviewed within the Ormond Beach Specific Plans FEIR. As discussed in FEIR Sections 3.3 (Water Resources) and 3.9 (Public Facilities and Services), the project will have sufficient water supply and other public facilities and services to meet the needs of the development. Therefore, the project is consistent with Land Use Goal #1 and Objective #2.</p> <p>The proposed residential, mixed-use commercial and light industrial land uses would be compatible with the height, mass, and scale of surrounding residential and limited industrial development. The proposed single family homes would share a similar zoning to the Tierra Vista neighborhood to the north, and accordingly a similar size,</p>

¹⁰ A list of the Elements to be amended is contained in Attachment F (General Plan Amendment resolution.)

POLICY	DISCUSSION
<p>Objective 2 - Provide a variety of housing types throughout the City.</p> <p>Objective 4 - Provide for adequate space for schools, libraries, park and recreation areas, and the expansion needs of public facilities to enhance the quality of life for all citizens.</p> <p>Objective 6 - Ensure that all new development will be consistent with the Ventura County Air Quality Management Plan and other regional plans.</p> <p>Objective 10 - Encourage the development of mixed uses in appropriate areas to reduce commuting.</p>	<p>bulk, and scale. As discussed in Section 3.13 (Visual/Aesthetic Resources) of the FEIR, the development of the SouthShore Specific Plan would have a less than significant impact on scenic vistas. The proposed project is also consistent with the policies and analysis direction of the Ventura County Air Quality Management Plan, which is ensured by the environmental documentation and review process. Additionally, Mitigation Measure AQ-4, which includes contributions to the Transportation Demand Management (TDM) fund, would reduce impacts on air quality. Therefore, the project as mitigated is consistent with Land Use Goal #2 and Land Use Objective #6.</p> <p>The SouthShore Specific Plan will provide a range of housing, including affordable housing, within close proximity of the proposed South Ormond Beach Industrial Park, which was reviewed under the same EIR as the proposed project. South Ormond Beach Industrial Park would provide approximately 217 acres of light industrial space and 62 acres for business/research park development. SouthShore also includes 4.2 acres of mixed-use commercial development and 37.2 acres of light industrial space. Therefore, the project is consistent with Land Use Goal #3 and Objective #10.</p> <p>The property adjoins the corporate limits of the City of Oxnard to the north and west, is within the City of Oxnard's SOI and within the City of Oxnard's CURB limits. The proposed project additionally includes a 150-foot-wide agriculture buffer on the east edge of SouthShore to protect adjacent agricultural land from urban encroachment. No greenbelts would be impacted by the proposed project. Therefore, the project is consistent with Land Use Objective #1.</p> <p>The proposed project includes a new public school. It also provides 39.2¹¹ gross acres of park land, which exceeds the city requirement of 17.8 acres of parkland for this project. Therefore, the project is consistent with Land Use Objective #4.</p>
Growth Management Element Goals	The property adjoins the corporate limits of the City of Oxnard to the north and west, is serviced by City

¹¹ Community Park 28.5 gross acres + West Park 3.7 gross acres + Central Park 5.2 gross acres + East Park 1.8 gross acres = 39.2 gross acres parkland.

POLICY	DISCUSSION
<p>Goal 1 - Sensible urban growth based on the ability to provide the necessary governmental services and municipal utilities.</p> <p>Goal 2 - Maintain the quality of life desired by the residents of Oxnard.</p> <p>Goal 3 - Orderly growth and development that is consistent over the life of the 2020 General Plan, fostered by the CURB.</p> <p>Growth Management Element Objectives</p> <p>Objective 1 - Insure that public services and facilities are in place at the time of need or prior to the time new development occurs.</p> <p>Objective 2- Insure that new development avoids or fully mitigates impacts on air quality, traffic congestion, noise, and resource protection.</p> <p>Objective 3 - Monitor the pace of growth and development throughout the City to assure achievement of the goals and policies of this 2020 General Plan.</p> <p>Objective 5 - Create an appropriate balance between urban development and preservation of agricultural uses within the Planning Area. Development exclusively within the CURB while leaving the balance in Resource Protection, Open Space or Agricultural designations is presumptively an appropriate balance.</p>	<p>municipal services and utilities, and would not significantly impact the ability of the utility and service providers to meet demand created by the project. Therefore, the project is consistent with Growth Management Goal #1.</p> <p>The proposed project would provide a desirable quality of life by increasing local housing opportunities and providing recreational amenities for future residents. The project area is also in close proximity to schools, parks and commercial opportunities, thereby providing for a high quality of life for residents. Therefore, the project is consistent with Growth Management Goal #2.</p> <p>Public services and facilities presently serve the land uses to the north and west of the project site. Only connections to existing infrastructure would be necessary to provide such services to the proposed project. All public services, including fire and police protection, can adequately support the proposed project at current staff capacity. Additionally, as outlined in the FEIR and the Development Agreement, the developer will contribute \$2,000,000 towards the construction of a new fire station, and will pay fees to support both capital improvements and operating costs of the new station. Therefore, the project is consistent with Growth Management Objective #1.</p> <p>All available and feasible mitigation measures to reduce potential impacts on air quality, traffic, noise, and other resources are incorporated into the proposed project. Therefore, the project as mitigated is consistent with Growth Management Objective #2.</p> <p>The property adjoins the corporate limits of the City of Oxnard to the north and west, is within the City of Oxnard's SOI and within the City of Oxnard's CURB limits. Agricultural lands east of the Study Area would be protected from conversion to urban or other uses by the existing SOAR ordinance. Additionally, the project would not require further extension or expansion of infrastructure or services that could induce or serve additional growth beyond the project. The proposed project also includes a 150-foot-wide agriculture buffer on the east edge of SouthShore to protect adjacent agricultural land from urban encroachment. Accordingly, the project would not be a catalyst for new surrounding development. Therefore the project is consistent with</p>

POLICY	DISCUSSION
	Growth Management Objectives #3 and #5.
<p>Housing Element Goals</p> <p>Goal 1 - Maintain and improve the quality of existing housing and neighborhoods.</p> <p>Goal 2 - Provide increased opportunities for the construction of quality new housing.</p> <p>Goal 3 - Expand and protect housing opportunities for lower-income households and special needs groups.</p> <p>Goal 5 - Ensure Fair and Equal Housing opportunity.</p> <p>Housing Element Policies</p> <p>Policy 2.2 - Encourage the production of housing that meets all economic segments of the population, including lower-, moderate- and upper income housing to achieve a balanced community.</p> <p>Policy 2.3 – Ensure that sites for residential development have appropriate services and facilities, including sewage collection and treatment, domestic water supply, and other needed infrastructure.</p> <p>Policy 3.3 – Continue to require new housing developments to reserve a portion of units for lower-income households through the Affordable Housing Ordinance. Establish the following priorities for fulfillment of Ordinance requirements: 1st priority – affordable units on-site, 2nd priority: affordable units off-site; and 3rd priority: in-lieu housing fee.</p> <p>Policy 5.4 – Encourage the production and dispersal of new affordable housing for lower-income households throughout the City to promote wider choice and avoid an over-concentration in any one</p>	<p>The Southshore Specific Plan proposes 1,545 residential dwelling units. These dwellings are designed as a mix of high quality single-family homes and multi-family building types that will help meet the existing and projected housing needs of the City of Oxnard. The housing mix includes 776 single-family detached homes in 5 residential lot sizes (3,738 sf to 5,820 sf), and 749 multi-family attached homes, all proposed at various sales prices and rental rates, and 20 mixed use units. A minimum of ten percent (10%) of the total residential units will be designated affordable housing. An additional five percent (5%) of residential units may either be provided as affordable rental units on-site or accommodated through payment of an affordable housing in-lieu fee. Therefore, the project is consistent with Housing Goals #1, 2, 3 and 5, and Policies #2.2, 3.3 and 5.4.</p> <p>Public services and facilities presently serve the land uses to the north and west of the project site. Only connections to existing infrastructure would be necessary to provide such services to the proposed project. As discussed in FEIR Sections 3.3 (Water Resources) and 3.9 (Public Facilities and Services), the project will have sufficient water supply and other public facilities and services to meet the infrastructure needs of the development. Therefore, the project is consistent with Housing Element Policy #2.3.</p>

POLICY	DISCUSSION
residential community.	
<p>Community Design Element Goals</p> <p>Goal 1 - A unified and high quality visual image for the City.</p> <p>Goal 2 - A thoughtful and sympathetic relationship between the built environment and the natural environment.</p> <p>Community Design Element Objectives</p> <p>Objective 1 - Maintain the unique coastal and agricultural character of Oxnard.</p> <p>Objective 2 - Preserve the visual identity and character of existing neighborhoods.</p> <p>Objective 3 - Preserve the City's unique natural features and historic structures.</p> <p>Objective 5 - Achieve quality architectural and landscape architectural design that recognizes its surrounding natural environment.</p> <p>Objective 6 - Upgrade major entryways to the City with landscaping and/or signage to enhance the City's image and sense of place.</p>	<p>The development regulations in the specific plan establish development standards for orderly development of the specific plan, including setbacks, building heights, landscape requirements, public art requirements, regulations on lighting, and other unifying features. The specific plan further establishes design guidelines for architecture and landscaping that can be consistently applied to the SouthShore community, thereby maintaining a cohesive high design quality for the community. Therefore, the project is consistent with Community Design Goal #1.</p> <p>The SouthShore community was designed based on the Ahwanhee Principles, which seek to establish a better quality of life through thoughtful, attractive and sustainable design. Examples within SouthShore include the provision of a central park as a community gathering place, the hierarchy of public parks and open space, and the Lake Southshore coastal setting of dunes, grasses, and native and non-invasive plantings, which is carried through the streetscapes, parks and other open space areas of the community. Therefore, the project is consistent with Community Design Goal #2.</p> <p>The specific plan incorporates architectural themes that are drawn from Oxnard's historic residential areas near downtown and from other coastal areas in California. Proposed residential, mixed-use and light industrial land uses are compatible with the surrounding developed land uses, which include single-family residences, multifamily residences, and a vehicle preparation facility. The proposed single family homes would share a similar zoning to the Tierra Vista neighborhood to the north, and accordingly a similar size, bulk, and scale. Light industrial development on the western portion of the specific plan would be compatible with the existing light industrial facility to the west of the subject property. Therefore, the project is consistent with Community Design Objectives #1, 2, and 3.</p> <p>The project site does not presently contain substantial natural habitat, and the proposed project would integrate a substantial amount of native landscaping to recognize the surrounding natural environment. Therefore, the project is consistent with Community Design Objective #5.</p>

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	<p>The SouthShore community is located at a gateway to south Oxnard from Hueneme Road, which is a designated scenic route. The 150- to 400-foot-wide Lake SouthShore Open Space area on the northern side of Hueneme road is designed to create a thematic southern edge for the SouthShore Community and become the cornerstone of the City of Oxnard's "Image Corridor/Scenic Highway" for Hueneme Road as identified in the 2020 Community Design Map. Therefore, the project is consistent with Community Design Objective #6.</p> <p>The project has been reviewed by City of Oxnard's Development Advisory Committee (DAC), and the proposed design meets with DAC's approval. Therefore, the project is consistent with the Community Design Element Goals and Objectives. DAC review is discussed under Section 7 of this staff report.</p>
<p>Parks and Recreation Element Goals</p> <p>Goal 1 - A variety of quality recreation facilities and resources for Oxnard residents.</p> <p>Parks and Recreation Element Objectives</p> <p>Objective 1 - Expand the variety of park types developed by the City.</p> <p>Objective 2 - Build sufficient Neighborhood Parks, Community Parks and Special Purpose Facilities to meet the needs of the future residents of the City by the year 2020.</p> <p>Objective 7 - Create a physical link for pedestrian and bicycle traffic between facilities.</p>	<p>The SouthShore Specific Plan proposes the construction of a wide variety of passive and active recreational areas to meet the needs of future residents and the greater Oxnard community by the year 2020. The SouthShore Specific Plan includes 39.2¹² gross acres of park land, and 38.4¹³ gross acres of open space. A 28.5 acre Community Park on the northern portion of the project would contain turf fields, picnic areas, and pedestrian connections to and from the existing Tierra Vista neighborhood. The 33.8-acre Lake SouthShore open space area would include a 10-foot wide multi-use trail along with a variety of footpaths, seating areas, gazebos, trellises and other passive amenities. West Park would be located next to a public elementary school and provide opportunities for potential joint use (if agreed upon with School District) of playfields and hard court areas. Central Park, as the largest neighborhood park, would also serve as a focal point for the community, with a moderate sized amphitheater as a venue for local community events. East Park would serve as a third focal point for the community and links to the Olds Road Trail Corridor. The future recreational needs of Oxnard residents would also be addressed with enhanced pedestrian parkways on SouthShore Drive and Hueneme Road. Therefore, the project is consistent with Parks and Recreation Goal #1 and Objectives #1, 2 and 7.</p>

¹² Community Park 28.5 gross acres + West Park 3.7 gross acres + Central Park 5.2 gross acres + East Park 1.8 gross acres = 39.2 gross acres parkland.

¹³ Lake SouthShore Open Space area 33.8 gross acres + Olds Road Trail Corridor/agricultural buffer 2.4 gross acres + Rose & Arnold Greens 2.2 gross acres = 38.4 gross acres open space.

POLICY	DISCUSSION
<p>Open Space and Conservation Element Goals</p> <p>Goal 1 - Maintenance and enhancement of natural resources and open space.</p> <p>Open Space and Conservation Element Objectives</p> <p>Objective 2 - Manage water resources to prevent overdraft and loss of water quality.</p> <p>Objective 3 – Protect agricultural lands from premature and unnecessary urbanization.</p> <p>Objective 5 - Provide adequate open space areas to satisfy the current and future recreation needs of the City.</p> <p>Objective 6 - Manage urban development to protect open space areas that provide for public health and safety.</p>	<p>The SouthShore Specific Plan proposes 38.4¹⁴ gross acres of open space on land within the Oxnard CURB. The project includes an approximately 18-acre lake, which will serve as a natural filtration system for any runoff from the site and as a potential reservoir for reclaimed water for reuse in the parks and open space areas. Lake SouthShore has also been specifically designed to accommodate peak storms and reduce downstream impacts on City and County Flood Control Facilities to levels acceptable to the agencies. The project will include a 150-foot-wide agricultural buffer along the eastern boundary of the site to protect adjacent agricultural land from urban encroachment. The plant palettes exclude invasive species that could have downstream impacts on riparian habitat, wetlands, and beaches and dunes. Therefore, the project is consistent with Open Space and Conservation Goal #1 and Objectives #3 and 6.</p> <p>The North Ormond Water Supply Assessment and Verification study was completed for the proposed plan (Kennedy/Jenks Consultants, July 2009 and addenda November 2009) and reviewed within Section 3.3 of the FEIR for the project. The study concluded that the City of Oxnard has a sufficient supply of water for the project under all hydrologic conditions. Based upon this study, the SouthShore development project represents approximately two percent of the year 2030 projected water demand in the City. Onsite storm drain facilities are designed to direct storm flows to an onsite man-made lake (Lake SouthShore), which will store post-development runoff and meter outlet flow amounts to the Oxnard Industrial Drain. The specific plan also proposes a system of Best Management Practices (BMPs) that employ multiple layers of water quality management, including low impact storm water management techniques such as bio-filtration and aeration, water quality filters and wetland planter areas, and lake retention of stormwater runoff are proposed to improve water quality. Therefore, the project is consistent with Open Space and Conservation Objective #2.</p> <p>The SouthShore Specific Plan proposes to construct approximately 39.2¹⁵ gross acres of active and passive</p>

¹⁴ ibid

¹⁵ Community Park 28.5 gross acres + West Park 3.7 gross acres + Central Park 5.2 gross acres + East Park 1.8 gross acres = 39.2 gross acres parkland.

POLICY	DISCUSSION
	<p>recreation park areas and 38.4¹⁶ gross acres of open space. These figures include a community park, neighborhood parks, greens, and trail corridors with bicycle and pedestrian trails. The project also includes an 18-acre man-made lake within a larger 33.8-acre open space area. Open space areas around the lake will offer multi-use pedestrian and bicycle trails around the lake, and passive recreation areas in various locations along its edge. Therefore, the project is consistent with Open Space and Conservation Objective #5.</p>
<p>Public Facilities Element Goals</p> <p>Goal 1 - Public facilities and services are adequate to serve existing and future development within the City's Urban Service Area.</p> <p>Public Facilities Element Objectives</p> <p>Objective 1 - Ensure a water distribution and storage system adequate for existing and future development.</p> <p>Objective 2 - Ensure adequate sanitary sewer and waste water treatment plant capacity to accommodate existing and future development.</p> <p>Objective 3 - Reduce solid waste requiring disposal at local landfills and encourage recycling.</p> <p>Objective 4 - Provide adequately sized storm drain systems to accommodate existing and future needs.</p> <p>Objective 5 - Provide adequate police and fire facilities.</p>	<p>The project includes a public school and approximately 77.6 acres of public parks and open space. Future development of the subject site will be phased to ensure that adequate infrastructure and municipal services are in place prior to issuance of an occupancy permit. Waste disposal facilities within SouthShore will be provided consistent with City of Oxnard standards, which encourage recycling through the use of household recycling bins. Therefore, the project is consistent with Public Facilities Goal #1 and Public Facilities Objectives #1, 2, and 3.</p> <p>The subject site is relatively flat and consists of minimal drainage improvements. Stormwater from the agricultural fields currently flows from northeast to southwest across the site and exits the site at three locations: Hueneme Road at Edison Drive, Arnold Road and Olds Road. Development of the SouthShore Specific Plan will establish a formal storm drain system, including onsite above and below ground detention facilities and drainage diversion and conveyance facilities, and will provide the required storm water treatment facilities to ensure compliance with the City's drainage requirements and the water quality requirements established by the Clean Water Act. Therefore, the project is consistent with Public Facilities Objective #4.</p> <p>Development of the SouthShore Specific Plan will conform with Fire Department access and building separation requirements. All structures will be oriented toward the street to discourage crime and vandalism, and constructed pursuant to current building codes, thereby reducing the potential project related burden on the Oxnard Police and Fire Departments. Additionally, as</p>

¹⁶ Lake SouthShore Open Space area 33.8 gross acres + Olds Road Trail Corridor/agricultural buffer 2.4 gross acres + Rose & Arnold Greens 2.2 gross acres = 38.4 gross acres open space.

POLICY	DISCUSSION
	<p>outlined in the FEIR and the Development Agreement, the developer will contribute \$2,000,000 towards the construction of a new fire station, and will pay fees to support both capital improvements and operating costs of the new station. Therefore, the project is consistent with Public Facilities Objective #5.</p>
<p>Circulation Element Goals</p> <p>Goal 1 - A transportation system that supports existing, approved and planned land uses throughout the City while maintaining a level of service "C" on all streets and at all intersections.</p> <p>Goal 2 - A public transportation system that serves the needs of residents and workers of Oxnard.</p> <p>Circulation Element Objectives</p> <p>Objective 1 - Minimize conflicts between automobiles, bicycles and pedestrians.</p> <p>Objective 2 - Reduce congestion at major intersections within the City of Oxnard.</p> <p>Objective 3 - Minimize vehicle miles traveled.</p> <p>Objective 4 - Improve access to the Port of Hueneme and the Ventura Freeway.</p> <p>Objective 5 - Achieve a level of service "C" on all City roads where feasible, subject to necessary environmental review.</p> <p>Objective 6 - Reduce dependency on automobile use for travel needs and increase the use of alternative forms of transportation as a means of reducing energy consumption and vehicle emissions.</p> <p>Objective 7 - Increase transit ridership through improved local transit service.</p> <p>Objective 8 - Develop street designs,</p>	<p>The SouthShore Specific Plan includes a Master Roadway Plan that accommodates proposed uses and provides connection with existing land uses in Oxnard. The SouthShore Specific Plan was designed to encourage pedestrian activity by including a centrally located elementary school, recreational amenities within ¼ to ½ mile of all planned residential dwellings, and an interconnected, pedestrian friendly street and bicycle trail network. According to the traffic analysis within the FEIR, with the implementation of the mitigation measures, SouthShore traffic would not significantly impact area intersections. Therefore the proposed transportation system will support existing, approved and planned uses, and is consistent with Circulation Goal #1.</p> <p>To promote the use of mass-transit, the circulation plan for SouthShore has been designed to facilitate connections to public transportation in the Oxnard area. This includes connections to primary arterials, a logical roadway layout that maximizes opportunities for designated public bus stops, locations of the school and higher-density residential and mixed-use along major arterials, and inclusion of quality design guidelines for public transportation stops. Therefore, the project is consistent with Circulation Goal #2 and Circulation Objective #7.</p> <p>The SouthShore Specific Plan was designed with a mix of commercial, light industrial and residential uses within a comfortable walking distance of one another and a variety of interconnected, pedestrian friendly streets, off-street and on-street bike paths including Class II bike lanes along Hueneme road, "A" Street, Olds Road and Rose Avenue/SouthShore Drive to facilitate citywide bicycle commuting. The project also includes an efficient hierarchy of streets utilizing traffic calming measures at key intersections. Therefore, the project is consistent with Circulation Objectives #1, 3, 6 and 9.</p> <p>Hueneme Road serves as the main east-west access route to the Port of Hueneme. Hueneme Road will be improved between Edison Drive and Olds Road to meet or exceed</p>

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<p>install signals and signs, and remove unnecessary all-way stops to minimize interruption in traffic flow.</p> <p>Objective 9 - Provide a City wide system of safe, efficient and attractive bicycle routes for commuter, school and recreational use.</p>	<p>the City's Primary 4-lane Divided Arterial Standards as set forth in the Circulation Element of the City's General Plan, including roadway width. Therefore, the project is consistent with Circulation Objectives #4.</p> <p>Traffic impacts were analyzed at 40 intersections surrounding the subject property and likely to be used for commuting between the subject property and Highway 101 and Highway 1. Under existing traffic conditions, two intersections, Saviers Road/Channel Islands Boulevard and Rose Avenue/Cesar Chavez Drive, operate below Level of Service (LOS) "C". Under the existing projects plus pending projects traffic conditions (without project traffic), seven intersection are projected to operate at LOS "F", and fourteen intersections are projected to operate at LOS "D" or "E" during the p.m. peak hour; eight of the intersections operate below LOS "C" during the a.m. peak hour. The FEIR requires the project to implement specific traffic mitigation measures at Ventura Road/Hueneme Road and Saviers Road/Channel Islands Boulevard and improvements at 15 additional intersections in combination with development of the South Ormond Beach Specific Plan. Implementation of these mitigation measures will reduce both project specific and cumulative traffic impacts to less than significant levels. Therefore, the project is consistent with Circulation Objectives #2 and #5.</p> <p>The project integrates a variety of traffic-calming measures to minimize interruption in traffic flow. These features include enhanced intersection details and a neighborhood traffic circle at the intersection where Rose Avenue becomes SouthShore Drive. Therefore, the project is consistent with Circulation Objective #8.</p>
<p>Safety Element Goals</p> <p>Goal 1 - Maintenance and enhancement of a safe community.</p> <p>Safety Element Objectives</p> <p>Objective 3 - Minimize damage to public and private property from flooding.</p> <p>Objective 5 - Provide effective and efficient fire protection services.</p> <p>Objective 6 - Provide effective and</p>	<p>The SouthShore Specific Plan was designed to maintain and enhance the safety of the community for residents and visitors through a variety of community planning and design components aimed at traffic-calming, "eyes on the street," and similar Traditional Neighborhood Design elements discussed in Section 6(d) Site Design of this staff report and described in SouthShore Specific Plan Chapter 4 (Circulation) and Section 7.6 (Community Streetscapes). Therefore, the project is consistent with Safety Goal #1.</p> <p>The SouthShore Specific Plan proposes drainage improvements that will avoid or reduce potential flooding impacts through the design of the Lake SouthShore and</p>

POLICY	DISCUSSION
<p>efficient police protection services.</p>	<p>related community drainage system. Lake SouthShore will provide necessary storm water storage for post development runoff, and will also meter outlet flow amounts to the Oxnard Industrial Drain. SouthShore does not lie within any City-designated 100-year-flood area or area subject to tsunami as designated in Exhibit IX-3 of the Safety Element. Therefore, the project is consistent with Safety Objective #3.</p> <p>Development within SouthShore will meet current Fire and Police Department service requirements. As such, building design, building orientation and vehicle circulation will comply with the applicable fire and police development standards. All public park and open space site plans and facility designs, including parking areas and restrooms, will be submitted to and approved by the City of Oxnard Police and Fire Departments. Additionally, as outlined in the FEIR and the Development Agreement, the developer will contribute \$2,000,000 towards the construction of a new fire station, and will pay fees to support both capital improvements and operating costs of the new station. Therefore, the project is consistent with Safety Objectives #5 and #6.</p>
<p>Noise Element Goals</p> <p>Goal 1 - A quiet environment for the residents of Oxnard.</p> <p>Noise Element Objectives</p> <p>Objective 1 - Provide acceptable noise levels for residential and other noise-sensitive land uses consistent with State guidelines.</p> <p>Objective 2 - Protect noise sensitive uses from areas with high ambient noise levels.</p> <p>Objective 3 - Integrate noise considerations into the community planning process to prevent noise/land use conflicts.</p>	<p>The project is located near the Point Mugu Naval Air Station, Union Pacific Railroad (UPRR) track, and is adjacent to Hueneme road, which is a City-designated truck route. The project incorporates a 150- to 400-foot-wide open space corridor between residences and Hueneme Road as part of the project design in order to reduce and/or avoid significant noise impacts. Light industrial/storage uses have been planned adjacent to the UPRR, separating railroad noises from residences. In addition, the FEIR prepared for the project concluded that with incorporation of mitigation measures designed to reduce noise from the construction phases of the project, and mitigation measures designed to reduce noise levels affecting future residents of SouthShore, noise impacts can be reduced to less than significant levels. Therefore, the project is consistent with Noise Goal #1 and Noise Objectives #1, #2 and #3.</p>
<p>Economic Development Element Goals</p> <p>Goal 1 - A stable, diversified, and well-balanced economy.</p>	<p>The SouthShore Specific Plan provides a variety of land uses intended to: (1) stimulate balanced growth without impacting undeveloped land outside of the City's CURB or impacting the City's downtown businesses, (2) generate employment opportunities (such as retail and light industrial) adjacent to residential uses, (3) provide a</p>

POLICY	DISCUSSION
<p>Goal 2 - Optimum utilization of natural and man-made resources.</p> <p>Goal 3 - A variety of economic opportunities throughout the City.</p> <p>Economic Development Element Objectives</p> <p>Objective 1 - Enhance the City's quality of life through better career opportunities, increased diversity of leisure, cultural, and recreational opportunities and upgraded level of public facilities and amenities.</p> <p>Objective 2 - Enhance Oxnard's image as a progressive city that is responsive to quality growth.</p> <p>Objective 3 - Identify and attract high quality commercial, retail and industrial businesses to Oxnard that are compatible with the community's business climate and that are not detrimental to the existing local economy.</p> <p>Objective 4 - Stimulate small businesses.</p> <p>Objective 5 - Improve transportation for the Oxnard Plain, including air, land and water.</p> <p>Objective 9 - Reduce the unemployment and under employment of Oxnard residents by providing a variety of local jobs.</p>	<p>range of housing, including affordable housing, within close proximity of the proposed South Ormond Beach Industrial Park to be located to the south of the subject property, and (4) generate revenue for the City of Oxnard in the form of sales tax revenue and payment of development fees. Therefore, the project is consistent with Economic Development Goal #1, and Objectives #2, #3, #4 and #9.</p> <p>The SouthShore Specific Plan will provide a range of housing opportunities, schools, recreational amenities, mixed-use commercial and light industrial business opportunities, infrastructure and arterial roadway improvements, and revenue for the City. Therefore, the project is consistent with Economic Development Goals #2 and 3, and Objective #5.</p> <p>The above listed amenities will enhance the quality of life for all residents of Oxnard by creating opportunities for leisure, recreation, public gatherings, education, and high quality housing. Therefore, the project is consistent with Economic Development Objective #1.</p>

c) Conformance with Zoning Development Standards: The property is presently zoned Agricultural Exclusive (A-E) under the Ventura County Zoning Ordinance. The SouthShore Specific Plan proposes a land use plan and map, development standards and design guidelines for six proposed Land Use Districts (i.e., zones). Each Land Use District includes a specific set of permitted land uses, densities, lot sizes and dimensions, setbacks from streets and property lines, building heights, maximum floor area ratios, and other development regulations. Adoption of the specific plan establishes the land plan and development standards for the specific plan area; the specific plan will function as the zoning regulations

for development within the project area. Where applicable development standards and regulations are not specified in the specific plan, the provisions of the City of Oxnard Zoning Ordinance will be used to regulate development. A copy of the SouthShore Land Use District Map is provided in Attachment B to this staff report.

Chapter 6.0 of the SouthShore Specific Plan provides development standards applicable to each of the six Land Use Districts including:

- Detached Residential [R-1 (SSP SouthShore Specific Plan)];
- Residential [R-2 (SSP)];
- Attached Residential [R-3 (SSP)];
- General Commercial [C-2 (SSP)], which allows auxiliary development of attached residential;
- Limited Manufacturing [M-L (SSP)]; and
- Community Reserve [C-R (SSP)].

Chapter 6.0 also provides specific regulations for signs, parking and public art. Chapter 7.0 of the SouthShore Specific Plan contains the Design Guidelines for the specific plan area, including guidelines for landscape architecture, architecture of buildings, and development of community entries, streetscapes, parks and open space.

d) Site Design: The site design of the SouthShore Specific Plan is characterized by a rectilinear street system with visual focal points and landmarks. All arterials and perimeter collector roads¹⁷ have parkways and/or landscaped lots 30 feet wide or wider, and accommodate 10-foot-wide multi-use trails. The circulation pattern incorporates traffic-calming elements within a Traditional Neighborhood Design (TND) framework. SouthShore will incorporate the following TND features:

- Pedestrian-oriented neighborhoods;
- Neighborhood commercial and mixed-use residential uses, if practicable;
- Variety of housing types (a range of low to high densities);
- Homes oriented to the street;
- Safe and defensible spacing (“eyes on the street”);
- Mix of architectural styles but with complementing site lines and streetscapes;
- Interconnected street patterns both within the neighborhood and beyond; and
- Homes that identify with a community amenity (e.g., park, school, or open space).

The specific plan incorporates architectural and landscape themes that are drawn from Oxnard's historic residential areas near downtown and from other coastal areas in California and to a lesser extent throughout the United States. The perimeter of the specific plan will be enhanced with wide landscape areas and a perimeter trail system. The trees selected for these areas will be consistent with the SouthShore Specific Plan plant palette.

¹⁷ Arterials and perimeter collector roads include Rose Avenue, SouthShore Drive, Hueneme Road, Olds Road and “A” Street. Final street names will be clarified as part of the future final map and are subject to approval by the City of Oxnard Street Naming Committee.

The Hueneme Road Scenic Corridor, which borders the southern edge of SouthShore, will be enhanced by a 150- to 400-foot-wide setback with the 18-acre Lake SouthShore and surrounding open space areas. The Lake SouthShore open space area will include a meandering multi-use trail that will accommodate both pedestrians and bicyclists. The Hueneme Road Scenic Corridor Concept Plan and Corridor Cross Sections are depicted in Exhibits 7-13 and 7-14 of the SouthShore Specific Plan.

Olds Road, which borders the SouthShore Specific Plan on the east, will incorporate a 150-foot-wide agricultural buffer in accordance with the Ventura County Agricultural Policy Advisory Committee (APAC) guidelines to alleviate agricultural-urban interface conflicts. As discussed in Section 2.3.5 of the specific plan, the landscape areas along Olds Road will be predominately composed of evergreen trees, and a Class I multi-use trail that runs along the west side of Olds Road. This Trail Corridor/Agricultural Buffer design was reviewed and approved by the APAC.

The northern perimeter of SouthShore Specific Plan adjacent to the Tierra Vista neighborhood will be developed with the 28.5-acre Community Park. The park would contain pedestrian connections to and from the Tierra Vista neighborhood.

The western perimeter of the SouthShore Specific Plan will also exhibit landscaping enhancements. The Development Regulations for the M-L (SSP) Land Use District mandates a 30 to 50-foot landscaped setback from Hueneme Road to accommodate lake and pathway uses. Commercial uses abutting a public street or alley are also required to have a six to eight-foot high decorative masonry walls with a combination of tree and high shrub landscaping. Commercial properties abutting residential areas are required to maintain a 25-foot setback with 15 feet of landscaping that will provide an opaque screen within 18 months of installation. Additionally, a maximum 8.5-foot-high Land Use District Security Fence will be provided on the boundary of the M-L (SSP) District that abuts the Sanford Drain Storm Drain Easement, adjacent to the Villa Capri Neighborhood.

The primary entrance to the SouthShore Specific Plan is from the intersection of SouthShore Drive and Hueneme Road. This entrance will include an enhanced faux bridge, a community monument sign, landscaping, and a trail connection from the Hueneme Road Scenic Corridor Trail to the trail system along the west side of SouthShore Drive. The Arnold Road entry from Hueneme Road will be similar to the SouthShore Drive entry, though slightly smaller. The Arnold Road entrance will have a community monument sign and a faux bridge that will appear to span Lake SouthShore. The specific plan entrance at Rose Avenue will be highlighted by a "roundabout" intersection with "A" Street. Vehicles can either exit immediately onto SouthShore Drive toward Hueneme Road, or continue around and exit onto "A" Street going east toward Olds Road. The interior of the roundabout will be landscaped in a coastal dunes theme, and contain a community monument sign. An open space area (Rose Green) will back the southern edge of the roundabout and provide both a landscape buffer and pedestrian trellises into the residential neighborhood beyond.

All street furniture elements in the specific plan, which include street signs, traffic control signs, bollard lights and other items shown, were custom designed for the project to accent the project's coastal location and identity. The thematic street lighting fixtures and street signage elements are depicted on Exhibit 7-7 of the SouthShore Specific Plan.

The SouthShore Specific Plan includes up to five different single-family detached residential neighborhoods (a.k.a. Planning Areas) and up to seven attached residential neighborhoods (AR-1 through AR-7.) These neighborhoods are shown on the Land Use Plan and Alternative Land Use Plan of the SouthShore Specific Plan. The single-family detached residential neighborhoods will generally be located within the interior of the SouthShore community, where homes are focused on and around a series of parks and open space areas. The multi-family attached residential neighborhoods will generally be located in the western portion of the specific plan along SouthShore Drive and on the southeastern portion of the specific plan adjacent to Lake SouthShore.

Planned single-family detached residential densities range from approximately 4.5 to 7.6 and up to 12 du/ac. A total of approximately 776 detached single-family homes are planned in up to five residential lot sizes ranging from 3,738 square feet up to 5,820 square feet.

Approximately 749 multi-family homes are anticipated in attached residential neighborhoods AR-1 through AR-7, with an approximate density of up to 18 du/ac. The multi-family neighborhoods will incorporate their own private recreation buildings (e.g. meeting areas and exercise rooms) and/or outdoor facilities (e.g., swimming pools and play equipment.) Such recreational facilities would be shown as part of future detailed development plans.

A mixed-use commercial and residential Land Use District [C-2 (SSP)] is planned at the southwest corner of the specific plan. The allowable commercial uses in this Land Use District will include retail and personal service businesses similar to the City of Oxnard's C-2 General Commercial Zone (permitted uses are outlined in Section 6.8.2 of the SouthShore Specific Plan.) Up to 20 attached residential units may also be incorporated within the commercial district.

The M-L (SSP) Limited Industrial Land Use District encompasses the SCE property located on the westerly and northerly edges of the SouthShore Specific Plan area. This district will incorporate three compatible uses: a 15.0-acre Self Storage facility, a 12.9-acre Boat and Recreational Vehicle Storage Facility and a 9.3-acre Commercial/Incubator Development. These uses were designed to be compatible with the primary (i.e., overhead electrical transmission) functions of this property. However, SCE has recently changed their policies regarding development of permanent structures under transmission lines and therefore, the uses allowed in the specific plan may not occur. In the event that development contemplated in the specific plan is precluded, and alternative uses and development standards are desired by SCE, a specific plan amendment may be required.

Since no permanent structures are proposed for the community park, the recreation program contained in the specific plan for the community park is consistent with the current SCE policy.

SouthShore contains a variety of public facilities that are integrated within and among residential and commercial uses in the project. The following table lists the public facilities found within SouthShore Specific Plan and denotes the gross and net acreage of each public facility.

**TABLE 5
 SOUTHSHORE SPECIFIC PLAN
 PUBLIC FACILITIES**

Public Facility	Acres	
	Gross	Net
SCHOOL		
Elementary School	9.6	8.1
School Subtotal	9.6	8.1
PARKS AND OPEN SPACE		
Community Park	28.5	25.6
Lake SouthShore and Surrounding Open Space	33.8	30.3
West Park	3.7	3.0
Central Park	5.2	3.7
East Park	1.8	1.0
Olds Road Trail Corridor	2.4	0.7
Rose Green	1.4	0.9
Arnold Green	0.8	0.4
Parks and Open Space Subtotal	77.6	65.6
TOTAL PUBLIC FACILITIES	87.2	73.7

The proposed new elementary school is planned on a 9.6-acre site adjacent to West Park, allowing for joint-use of turf play areas and play equipment for both school and neighborhood recreation activities. The Parks and Open Space Plan and Alternative Parks and Open Space Plan in the SouthShore Specific Plan illustrate the location of the public parks and open space area.

- e) **Circulation and Parking:** The Ormond Beach FEIR includes a traffic analysis that concluded that with implementation of the mitigation measures, the SouthShore Specific Plan traffic would not significantly impact area intersections.

Regional access to the site is provided by the Ventura (U.S. Highway 101) Freeway and Oxnard Boulevard (State Route 1). The primary access to the site will be from Hueneme Road via the proposed SouthShore Drive internal arterial roadway, which will connect with Rose Avenue. Rose Avenue currently terminates at the northern boundary of the specific

plan area, near the east-west midpoint of the project. Secondary access will be provided at the intersection of Arnold Road and Hueneme Road, at "A" Street and Olds Road at the northeastern portion of the property, and at "C" Street and Olds Road just north of Lake SouthShore. Primary access to the non-residential development on the SCE property [M-L (SSP) Land Use District] would be provided via Edison Road from the south and Pleasant Valley Road to the northwest of the subject property.

Final street names will be approved by the City Council prior to Council approval of the tentative map. Proposed roadway improvements are described in the SouthShore Specific Plan and as follows:

- Hueneme Road. Hueneme Road will be improved as a Secondary Arterial and Scenic Highway along the entire southern frontage of the SouthShore Specific Plan, from Edison Drive to Olds Road. Hueneme Road will be improved to meet or exceed the City's Primary 4-lane Divided Arterial standards as set forth in the Circulation Element of the City's General Plan¹⁸, including roadway width. In conjunction with development of the South Ormond Beach Specific Plan, Hueneme Road will include a total 107- to 160-foot-wide right-of-way, with two travel lanes in each direction, acceleration/deceleration lanes at the major intersections, a 16-foot landscaped median, Class II bike lanes, and landscape parkways with Class I multi-use trails on both sides. Signalized intersections along Hueneme Road will be provided at Edison Drive, SouthShore Drive, Arnold Road, and Olds Road. Should South Ormond Beach not be developed, the developer will be responsible for the full cost of all roadway improvements with reimbursement occurring as part of a reimbursement agreement.
- Rose Avenue/SouthShore Drive¹⁹. This arterial roadway is also designed to meet or exceed the requirements in the General Plan Circulation Element. Rose Avenue will be extended south from its current terminus, becoming SouthShore Drive at the traffic-calming roundabout and connecting to Hueneme Road at the southern limit of the SouthShore Project. This roadway will serve as the primary entry to SouthShore. Rose Avenue/SouthShore Drive will include a 140-foot-wide right-of-way with two travel lanes in each direction, Class II bike lanes, a 16-foot-wide landscaped median and landscape parkways with sidewalks on both sides. SouthShore Drive will be similarly designed, except a 10-foot-wide multi-use trail will take the place of a sidewalk along the west side of the roadway. The SouthShore Drive entry from Hueneme Road will include community monument signage and bridge elements to create a sense of arrival and separation from Hueneme Road.
- Olds Road. Between Sanford Street and Hueneme Road, Olds Road will remain a 2-lane collector, but will be widened as a custom roadway with a 14-foot wide landscaped median offset to the west, a travel lane in each direction and 8-foot wide bicycle lanes on each side of Olds Road. As discussed above under the Site Design section of this report, in accordance with the APAC guidelines to alleviate agricultural-urban interface

¹⁸ City of Oxnard General Plan, Circulation Element, Table VI-2, Circulation System Improvements.

¹⁹ Final street names will be clarified as part of the future final map and are subject to approval by the City of Oxnard Street Naming Committee.

conflicts, a 150-foot-wide Agricultural Buffer will be developed (inclusive of Olds Road) on the eastern edge of SouthShore.

- **Arnold Road.** Arnold Road will extend from Hueneme Road north into the SouthShore community as a thematic entry, similar to SouthShore Drive, but smaller. Arnold Road will be improved as an expanded collector with an 82-foot wide right-of-way, a travel lane in each direction, a 16-foot-wide landscaped median, bike lanes and pedestrian parkways on each side of Arnold Road. As with the SouthShore Drive entry, the Arnold Road entry will include community monument signage and bridge elements to create a sense of arrival and separation from Hueneme Road.
- **Edison Drive and Pleasant Valley Road.** These roadways would be improved to provide access to the Self Storage, Boat/RV, and Commercial/Incubator land uses planned for the SCE property along the westerly and northerly edges of the specific plan area. As shown on Exhibit 4-12 in the SouthShore Specific Plan, Edison Drive will be improved with a 79-foot-wide right-of-way which will include three travel lanes, a turn lane, a parking lane on one side, a 12-foot-wide median, and sidewalks on each side. Access improvements would be made from Pleasant Valley Road to the SCE property.
- **Collector Roadways.** Collector roadways within the SouthShore Specific Plan include "A", "B" and "C" Streets and 1st, 2nd and 3rd Avenue. These collector roadways range in right-of-way width from 66 feet to 80 feet and include a travel lane in each direction, sidewalks and landscaped parkways. "A" Street will also include parking and a 10-foot multi-use trail on the north side of the street and Class II bike lanes in each direction.
- **Neighborhood Streets.** Local roadways are planned within each residential neighborhood to provide direct access from collector roadways to individual homes and/or attached residential developments. Neighborhood streets would have a 62-foot wide right-of-way with a travel lane in each direction, and sidewalks and landscaped parkways on each side.

Traffic calming roadway improvements have been incorporated into the SouthShore circulation plan to include the following:

- Community entries and intersection details – use of monument signage and architectural elements as visual focal points.
- Chokers – at intersection corners, the street narrows extending the sidewalk and planting strip, which slows cars moving through the intersection.
- Closures – used along the northern and southern project boundaries to make travel through neighborhoods circuitous. The closures will make movement through the neighborhood less attractive than driving on the external road, Hueneme Road, or "A" Street.
- Traffic circle/roundabout – a raised island planned at the intersection where Rose Avenue becomes SouthShore Drive. Motorists must slow down and yield as traffic circulates.
- Enhanced Paving – flat raised areas at the intersection of "A" Street and 1st, 2nd, and 3rd avenues. These areas are visually and physically different from the main street, which causes motorists to reduce speed.

Pedestrian walkways and trails will connect to existing and future offsite walkways at the Rose Avenue entry, at the SouthShore Drive and Arnold Avenue entries, at Edison Drive and Olds Road, and at the west and east ends of Hueneme Road as it leaves the SouthShore Specific Plan area. Trails within the Community Park will connect SouthShore with two existing streets (Tulsa Drive and Beaumont Avenue) in the Tierra Vista neighborhood to the north. The locations of planned trails, walkways and bike lanes are shown on the Master Public Transit, Walkways and Trails Plan in the SouthShore Specific Plan.

SouthShore will not be a gated community and will provide both Class I off-street multi-use trails and Class II on-street bike lanes. The Class I multi-use trail will form a continuous 3-mile loop within the SouthShore Specific Plan and is planned within the Community Park, along the west sides of SouthShore Drive and Olds Road and within the Lake SouthShore open space area. Class II bike lanes will be located on both sides of Hueneme Road, SouthShore Drive and "A" Street, and on the west side of Olds Road. Offsite bicycle linkages will be provided at the Rose Avenue community entry; at the intersection of Olds Road at Sanford Street; west and east along Hueneme Road; and at the locations where SouthShore Drive, Edison Drive, and Arnold Road intersect with Hueneme Road.

As outlined in the parking regulations of the SouthShore Specific Plan, parking for all Land Use Districts within the SouthShore Specific Plan Area is required to conform to the City of Oxnard Municipal Code, Chapter 16, Article 10, Off-Street Parking. Therefore, sufficient parking is anticipated for residential, commercial, limited industrial and school uses in the SouthShore Specific Plan. Compact parking spaces are not allowed to be counted towards satisfying the required number of parking spaces. The SouthShore Specific Plan will allow tandem parking spaces to be provided within all Land Use Districts; however, such tandem spaces cannot be counted toward satisfying the minimum required parking spaces.

Public off-street parking areas will be provided within both the Community Park and West (Neighborhood) Park. Conceptual plans for these parking areas are illustrated on the Community Park Concept Plan and West Park Concept Plan in the SouthShore Specific Plan. Three off-street parking areas in the Community Park will provide approximately 182 total parking spaces to accommodate convenient access to Community Park and reduce visitor parking along local residential streets within both SouthShore and the existing Tierra Vista Neighborhood. West Park will include a single 24-space parking lot. This parking provision is for visitors to West Park, and is separate from the school parking provision of 60 parking spaces, located on the school property.

Given that it may be a number of years until the SouthShore Specific Plan Project is constructed, as part of the first discretionary permit to be issued, an updated traffic study will be required prior to the first phase of development and for each subsequent phase.

- f) **Building Design:** The specific plan incorporates architectural themes that are drawn from Oxnard's historic residential areas near downtown and from other coastal areas in California and to a lesser extent throughout the United States. Tree-lined streets and generous open

spaces will frame a variety of architecture that is based on the historic palette of residential styles. The following three architectural styles were chosen for SouthShore to create visual interest and diversity along each street:

- California Craftsman;
- European Cottage; and
- Monterey (or California Ranch)

The SouthShore Specific Plan Design Guidelines provide an outline of bulk, scale, massing, color, façade treatments, and other architectural features of each architectural style, and specific guidelines for each of the Land Use Districts [R-1 (SSP), M-L (SSP), etc.].

The maximum building heights for single-family detached homes [R-1 (SSP) and R-2 (SSP)] would be two stories, not to exceed 28-feet, with an additional allowance of up to 35-feet for architectural features such as a tower or turret. The multi-family attached [R-3 (SSP)] District would allow a maximum building height of three stories, not to exceed 38 feet for the principal building, with exception of architectural features which could be up to 43 feet. The permissible maximum building height in the General Commercial [C-2 (SSP)] District and the Limited Manufacturing [M-L (SSP)] District would be 38 feet for principal buildings and 43 feet for architectural features, which is consistent with the maximum allowable height in the R-3 (SSP) attached multi-family residential district located adjacent to the north and east of the C-2 (SSP) District. The SCE property is also subject to SCE policies regarding development design compatible with overhead electrical transmission.

- g) Signs:** The SouthShore Specific Plan contains sign standards and regulations for the project area. The sign regulations are additive to the specific requirements of the City of Oxnard Municipal Code, Chapter 16, regulating signage. For any regulatory inconsistencies between the specific plan and the City's Municipal Code, the more restrictive regulations apply as determined by the City's Planning Manager.

The regulations within the SouthShore Specific Plan cover all permanent and temporary signage within the SouthShore Specific Plan area, including signs on public rights-of-ways, in parks, and within each development component. Allowable signage addressed by the specific plan includes, but is not limited to, freestanding monument signs, project identity signs which identify groups of commercial or residential development, on-building business identification signs, public transportation signs, traffic control signs, directional signs, way-finding signs, and temporary advertising signs.

Monument signage of appropriate scale and character will be provided at key intersections or obvious points of transition to identify and/or differentiate the residential neighborhoods. The SouthShore Specific Plan proposes monument signs at the two community entrances along Hueneme Road, in the roundabout at the Rose Avenue and SouthShore Drive, and within each public park within SouthShore. The SouthShore Specific Plan also recommends City monumentation signage at the northwest corner of the intersection of Hueneme Road

and Olds Road, and/or within the Hueneme Road median west of Olds Road. The location and design of the monument signs will be subject to review and approval by the City of Oxnard.

- h) Landscaping and Open Space:** The SouthShore Specific Plan contains a Landscape Architecture Program that establishes the guidelines and standards for landscaping in the SouthShore Specific Plan. The Landscape Architecture Program provides a Landscape Master Plan, and a Master Landscape Zone Map, establishes a Master Plant Palette, and outlines proposed amenities for open space areas, including the Hueneme Road Scenic Corridor, entries, streetscapes, parks, and greenbelts. The project includes approximately 77.6 acres (24% of total acres) of green space in the form of parks, open space, streetscape landscaping, corridors, and perimeter landscaping.

Key landscaping elements of the specific plan link SouthShore to the existing Tierra Vista Neighborhood to the north, including off-site landscape enhancement at Tulsa Drive and Beaumont Avenue, and along Rose Avenue from the northern project entry north to Pleasant Valley Road.

The SouthShore Landscape Architecture Program builds upon its coastal setting, which begins along the southern edge of the site with the 18-acre Lake SouthShore and surrounding 33.8-acre open space area. The area adjacent to Hueneme Road will include native and non-invasive grasses and dunes. The coastal setting of dunes, grasses, and native and non-invasive plantings will be carried through the design and planting of the streetscapes, parks, and open space areas of the community. In the interior of the community, the landscape palette will emphasize selected palms as focal elements, with City-approved conifer trees to provide year-round green, gray, and color-accented aesthetic plantings.

The Master Plant Palette in the SouthShore Specific Plan was developed in cooperation with the City's Parks and Facilities Division, and identifies plant species that are permitted and excluded in five Landscape Zones depicted on the Landscape Zones Map and Alternative Landscape Zones Map without the High School.

The Master Plant Palette specifically excludes several invasive species such as Australian saltbush, pampas grass, myoporum, and olive. Additionally, the Ormond Beach FEIR reviewed the Master Plant Palette (Impact Bio-1), and determined that the project would have a less than significant impact with implementation of mitigation measures, which specifically exclude all invasive plants identified on the California Invasive Plant Council's California Invasive Plant Inventory (http://www.cal-ipc.org/pest_plant_list/).

The SouthShore Specific Plan includes 39.2²⁰ gross acres of park land, and 38.4²¹ gross acres of open space. The proposed acreage of parks and recreation in the SouthShore Specific Plan

²⁰ Community Park 28.5 gross acres + West Park 3.7 gross acres + Central Park 5.2 gross acres + East Park 1.8 gross acres = 39.2 gross acres parkland.

²¹ Lake SouthShore Open Space area 33.8 gross acres + Olds Road Trail Corridor/agricultural buffer 2.4 gross acres + Rose & Arnold Greens 2.2 gross acres = 38.4 gross acres open space.

exceeds the City of Oxnard's Municipal Code Section 15-99 requirement of 3.0 acres of local park dedication for every 1,000 residents, which is the normal City requirement authorized for land subdivisions pursuant to California Government Code Section 66477 (Quimby Act).

The Parks and Recreation Element of the 2020 General Plan further specifies a standard for the provision of 1.5 acres of neighborhood parks and 1.5 acres community parks per 1,000 persons. Based on development of up to 1,545 residences and the typical household size in Oxnard of 3.85 persons²², the proposed development will add up to approximately 5,948 people to the area. This figure equates to a requirement of approximately 8.9 acres of neighborhood parkland and 8.9 acres of community parkland in the SouthShore Specific Plan. The specific plan includes approximately 10.7²³ gross acres of neighborhood parks, a 28.5-acre community park, a 33.8-acre open space lake area, and 4.6²⁴ gross acres of other open space ("Greens and Trail Corridor"; Table 3-6) Therefore, the proposed project meets or exceeds park and recreation area requirements.

The applicant will also construct an 18 to 30-foot-wide parkway along Hueneme Road with a Class II on-street bike lane, a 10-foot-wide multi-use trail along the southerly edge of Lake SouthShore, and a 10-foot-wide decomposed granite trail along the northerly edge of Lake SouthShore. The multi-use trail on the southerly edge of Lake SouthShore will link with multi-use trails along Olds Road, SouthShore Drive, "A" Street and within the Community Park. Arnold Road, "B" and "C" Streets, 1st, 2nd and 3rd Avenues, and all neighborhood streets will include 5 to 6-foot-wide sidewalks within 13-foot wide parkways.

- i) **Drainage & Grading:** The agricultural fields that comprise the existing project site are relatively flat with approximately 11 feet of relief, northeast to southwest with elevations ranging from 14 to 25 feet. These fields are approximately one to 2.5 feet below the finished surface elevation of Hueneme Road. Drainage from the neighborhoods north and northeast of the site is intercepted by City of Oxnard storm drains that convey water to the west and to the Oxnard Industrial Drain. The Sanford System collects runoff from the farm fields northeast of Olds Road and Sanford Street through two recently installed connections to this system.

Stormwater from the agricultural fields exits the site at three locations. The first location is a 42-inch reinforced concrete pipe (RCP) at the corner of Edison Drive and Hueneme Road maintained by the City of Oxnard. The second is a 24-inch box culvert at Hueneme Road and Arnold Road which will also be maintained by the City of Oxnard. The final location is an 18-inch-high by 48-inch-wide concrete box culvert at the corner of Olds Road and Hueneme Road maintained by the County of Ventura.

Irrigation for crops on the subject property is provided by existing agricultural water lines. The 14-inch Mugu line and 16-inch Ocean View water lines bisect the project site. These

²²Ormond Beach Specific Plan Final EIR, Section 3.9.3.3.2, November 2009

²³West Park 3.7 gross acres + Central Park 5.2 gross acres + East Park 1.8 gross acres = 10.7 gross acres neighborhood parks

²⁴Rose Green 1.4 gross acres + Arnold Green 0.8 acres + Olds Road Trail Corridor 2.4 gross acres = 4.6 gross acres other open space.

lines serve as the distribution infrastructure for private water districts. They run in parallel west of Rose Avenue, along the north edge of the SCE property, then extend south to Hueneme Road, bisecting the SouthShore Specific Plan.

The Schematic Grading and Drainage Plans and Schematic Storm Drain Plans in the SouthShore Specific Plan depict the proposed grading and drainage patterns as well as anticipated conduit sizes required for the project.

In order to minimize impact to the City and County storm drain facilities downstream of the proposed development, SouthShore drainage improvements include onsite above and below ground detention facilities and drainage diversion conveyance facilities. Lake SouthShore will provide necessary storm water storage for post development runoff, and will also meter outlet flow amounts to the Oxnard Industrial Drain. New on-site storm drains will be provided to convey drainage to Lake SouthShore. Pipe sizes will range in size from 18- to 48-inch and will meet City storm drain standards. Outflows from Lake SouthShore will be conveyed to the Hueneme Drain via the SouthShore Lake's principal outlet structure, and a secondary spillway will be provided to the south near Arnold Road.

The watersheds draining into the Community Park within the SCE Property will be detained underground. The watershed runoff draining towards the public storage sites will be detained with a below ground detention basin. This detention basin will discharge into the Hueneme Drain. The commercial/incubator site drainage will be detained within a small below ground detention basin, which will drain into a new second barrel of Hueneme Drain at Edison Drive. Permeable pavements may be used in the public storage and Commercial/Incubator sites to reduce the overall required detention volumes.

The project will generate approximately 530,000 cubic yards of raw cut (maximum cuts of 17 feet in the area of the proposed lake) and 620,000 cubic yards of raw fill (maximum fills of up to 5 feet). It is anticipated that development on the SCE property will not significantly change the estimated import amounts. Allowing for five feet of remedial over-excavation and 20 percent shrinkage, the net import required for the overall development of SouthShore is approximately 450,000 cubic yards of soil. Temporary import of the 450,000 cubic yards of fill material is forecast to generate 1,280 daily truck trips. Soil import is planned to last 11-weeks at a temporary soil import driveway on Hueneme Road west of Olds Road. The soil will be trucked from a County of Ventura borrow site near the intersection of Laguna and Hueneme roads, just over five miles from SouthShore. All import material will be tested for contamination to ensure compliance with Cal-EPA soil standards for residential developments. To eliminate the temporary significant impacts during the 11-week soil import, the FEIR requires temporary traffic signals at two intersections (Wood Road/Hueneme Road and the Highway 1 southbound ramps at Hueneme Road), and repaving or rehabilitating Hueneme Road from City Limits to Laguna Road.

- j) **Quimby, School Fees, Traffic Impact Fees, and Art in Public Places:** As a residential project, the developer must either dedicate land for public parks, or pay a Quimby

fee to offset the project's impact on local parks. The proposed dedicated land acreage for parks and recreation in the SouthShore Specific Plan exceeds the City of Oxnard's Municipal Code Section 15-99 requirement of 3.0 acres of local park dedication for every 1,000 residents, as authorized for land subdivisions pursuant to California Government Code Section 66477 (Quimby Act). Additionally, the FEIR determined that due to the park dedications, the cumulative impact to parks²⁵ was "less than significant." The applicant therefore fulfills the requirement through park dedication. In the event that the applicant does not develop the Community Park, the Applicant will pay the applicable Quimby fee.

School fees to the Oxnard Union High School District and the Ocean View School District are required to offset the project's impacts on local schools. Traffic Impact fees are required to offset effects on local and county roads. Additionally, the project must pay into the Art in Public Places fund. All of these fees will be calculated at the time of building permit issuance based on adopted formulas.

k) Affordable Housing: The SouthShore Specific Plan includes an Affordable Housing Program that is consistent with the City of Oxnard's Affordable Housing Ordinance. A minimum of ten percent (10%) of the total residential units within the SouthShore Specific Plan will be designated as affordable housing. The units will be located in the R-3 (SSP) District in the SouthShore Specific Plan. According to the SouthShore Specific Plan, an additional five percent (5%) of residential units may either be provided as affordable rental units on-site or accommodated through payment of an affordable housing in-lieu fee, increasing the total number of affordable housing units up to fifteen percent (15%) of the total residential units. The affordable housing units may be located anywhere within the R-3 (SSP) Land Use District²⁶. The affordable housing units will be available for occupancy prior to the City's issuance of occupancy permits for the 750th market rate unit within the SouthShore Project Area.

l) Tentative Tract Map for Tract No. 5427: Approval of a Tentative Tract Map for Tract No. 5427 is proposed to implement the SouthShore Specific Plan.

m) Development Agreement: A Development Agreement (DA) for the subject project is proposed between the City of Oxnard and the property owners identified in the DA. A copy of the DA is provided in Attachment E to this staff report. The following is a partial list of provisions and public benefits identified within the DA.

- Development of Property in accordance with the SouthShore Specific Plan;
- Phasing of the construction;
- Construction of the man-made lake (i.e., Lake SouthShore) and associated storm drain facilities;

²⁵ Ormond Beach Specific Plan Final EIR, Public Facilities and Services, Impact PSF-124, November 2009

²⁶ SouthShore Specific Plan, Section 6.2.8

- Construction of master planned water, recycled water, and wastewater-related infrastructure improvements;
- Roadway and Associated improvements as identified within the DA, including road widening, signalization, landscaping, hardscaping, pedestrian circulation network, lighting, directional signage and other improvements on perimeter and interior public roadways. Any additional road right-of-ways necessary to construct the parkways and sidewalks will be dedicated in fee to the City concurrent with construction of the project. In the event that the widening of Hueneme Road is initiated by the City or other public agency prior to the start of the project, the Owners will dedicate in fee to the City the right-of-way across their respective Properties necessary to widen the north side of Hueneme Road as depicted on TTM 5427;
- Payment of processing and inspection fees;
- Payment to the City of \$2,000,000 prior to the issuance of the 750th building permit for the project. This payment represents one-half of the City's current estimate of the cost to fully construct and equip a proposed fire station that will serve the project;
- Payment to the City of \$1,500,000 by the Master Developer in equal installments of \$500,000 at the issuance of the 500th, 1,000th, and 1,400th building permit for residential units (excluding affordable housing units). This payment is for construction of needed public facilities at College Park;
- Payment to the City of \$795,000 for the purchase of three Environmental Resource vehicles to be used solely by the City for trash collection, payable in increments of \$265,000 each upon the issuance of the 250th, 500th, and 750th residential building permits issued for the project;
- Payment to the City of \$300,000 to construct, repair or remodel a maintenance yard to maintain public infrastructure provided for in the DA and Development Approvals;
- Reimbursement to the City of \$332,000 for the cost of constructing storm drain improvements in Hueneme Road adjacent to the project that will benefit the project once the Properties are developed;
- Payment annually to the City of \$190,000 for ongoing maintenance costs for the Ormond Beach Natural Resource Management Program described in Section 3.6.3.3 of the EIR;
- Participation in the City's Art in Public Places Program as provided within the Specific Plan. The Public Art Element in Section 6.12 of the Specific Plan provides requirement for public art such as value of art to be provided, "candidate" locations and design concepts;
- Regional traffic improvements;
- Sewer and water improvements. All on-site and off-site improvements located within the public right-of-way shall be dedicated to the City upon completion of construction and final acceptance by the City;

- Construction of Affordable Housing in accordance with Section 6.2.8 of the SouthShore Specific Plan;
- Designation of 9.6-acre site for a new elementary school within an early phase of the project. Additionally, the Owners agree to pay in advance all funds needed to hire an architect and process development plans for this school through the state Department of Education; and
- Provision of public recreation areas including a 28.5 acre community park, 10.7 acres of neighborhood parks, and passive open space area adjacent to a lake within the specific plan area. This provision includes the acquisition, improvement, and maintenance of the Public Recreation Areas, as well as the ongoing operation and maintenance and permitting of the lake and associated storm water quality systems. All park and open space facilities will be open to all residents of the City, not just those living within the specific plan area.

As a benefit to the developer, the Development Agreement will remain in effect for thirty years as an approval or entitlement. The Growth Requirement Capital Fees for the project will be fixed for five years at the rate in effect at the time of City Council's approval of the first final map and adjusted annually by a percentage equal to the percentage change in the 20-Cities Construction Cost Index. The Planning Commission is advisory to the City Council on the Development Agreement.

7) Development Advisory Committee: The Development Advisory Committee (DAC) reviewed this project on May 3, 2006, March 7, 2007, August 8, 2007, October 1, 2007, September 23, 2009, February 24, 2010, August 2, 2010 and January 26, 2011. Changes have been made to address DAC's concerns. Recommendations of the DAC are included in the attached resolution(s).

8) Community Workshop: The City hosted two Planning Commission hearings (June 21 and July 19, 2007) and separate community workshops on May 20, 2004 (Tierra Vista Community Meeting/Neighborhood Council), June 3, 2004 (Ormond Beach Task Force Presentation/Meeting), March 20, 2006 (Saviers Road Design Presentation), July 16, 2007 and June 21, 2010. The applicant mailed notices of the Community Workshop and hearings to property owners within the Tierra Vista and Villa Capri Neighborhoods. Notices of these meetings were also posted on the project site with a brief description and contact information.

On March 3, 2011 the applicant presented a project briefing to the Planning Commission. The presentation provided an overview on the project location, entitlements sought, background that influenced the design of the proposed community, and an overview of the plan. The purposed of the presentation was informational only; the Planning Commission did not take any action on the project at the March 3, 2011 meeting. The applicant answered questions at this meeting. Comments from the public were also received at this meeting.

9) Appeal Procedure: The Planning Commission's actions are recommendations to the City Council and the matter will be considered by the City Council at a later date.

Attachments:

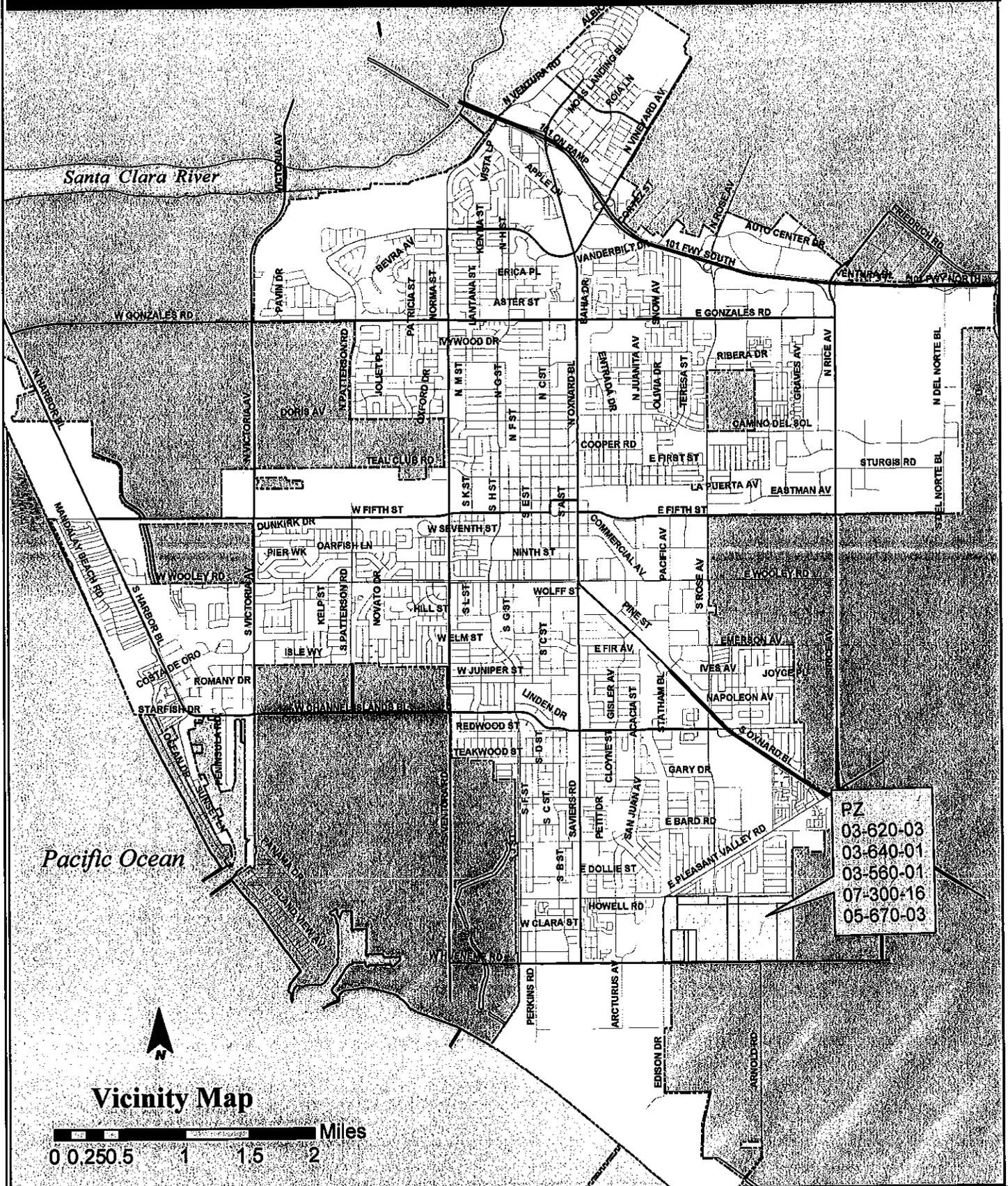
- A. Maps (Vicinity and General Plan)
- B. SouthShore Specific Plan, March 2, 2011 (previously distributed at the March 3, 2011 Planning Commission meeting)
<http://developmentservices.cityofoxnard.org/Uploads/Planning/DRAFTSouthshore SP 02.11web.pdf>
- C. Final Environmental Impact Report No. 05-03, November 2009 (previously distributed)
[http://developmentservices.cityofoxnard.org/Uploads/Planning/FEIR_vol_1/Ormond Beach SP FEIR Vol I \(November 2009\).pdf](http://developmentservices.cityofoxnard.org/Uploads/Planning/FEIR_vol_1/Ormond Beach SP FEIR Vol I (November 2009).pdf)
- D. Ormond Beach Adaptive Management Plan
- E. Resolution - Development Agreement
- F. Resolution – General Plan Amendment
- G. Resolution – Specific Plan
- H. Resolution – Rezoning
- I. Resolution – Tentative Tract Map

Prepared by: KM
KM

Approved by: SM
SM

ATTACHMENT A
VICINITY AND GENERAL PLAN MAPS

Vicinity Map



Oxnard Planning

March 2, 2011

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

ATTACHMENT B

SOUTHSHORE SPECIFIC PLAN

Provided to the Planning Commission

On March 3rd; Available on the City's website

<http://developmentsservices.cityofoxnard.org/Uploads/Planning/DRAFTSouthshore SP 02.11web.pdf>

or

on CD by Contacting the Planning Department

ATTACHMENT C

ORMOND BEACH FINAL EIR

Available on the City's website

Certified by the City Council on March 23, 2010

(City Council Resolution No. 13,775)

[http://developmentsservices.cityofoxnard.org/Uploads/Planning/FEIR_vol_1/Ormond
Beach SP FEIR Vol I \(November 2009\).pdf](http://developmentsservices.cityofoxnard.org/Uploads/Planning/FEIR_vol_1/Ormond_Beach_SP_FEIR_Vol_I_(November_2009).pdf)

or

on CD by Contacting the Planning Department

ATTACHMENT D

ORMOND BEACH SPECIFIC PLAN ADAPTIVE MANAGEMENET PLAN

City of Oxnard

**Ormond Beach Specific Plan Area
Raptor Foraging Habitat
Restoration Project**

**Adaptive
Management
Plan**

February 24, 2011

ADAPTIVE MANAGEMENT PLAN

CITY OF OXNARD
ORMOND BEACH SPECIFIC PLAN AREA
RAPTOR FORAGING HABITAT RESTORATION PROJECT

Prepared for:

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February 24, 2011

ADAPTIVE MANAGEMENT PLAN
CITY OF OXNARD ORMOND BEACH SPECIFIC PLAN AREA
RAPTOR FORAGING HABITAT RESTORATION PROJECT

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1.0 INTRODUCTION

This Adaptive Management Plan for biological mitigation is required as part of the Ormond Beach Specific Plan (OBSP) Area that is proposed to be annexed to the City of Oxnard (City). Per City Resolution No. 13,775, dated March 23rd, 2010, the City certified the OBSP Final Environmental Impact Report (FEIR) No. 05-03 (SCH #2005091094) and added Item No. 4, which requires the preparation of an Adaptive Management Plan to be comparable to FEIR Biology Mitigation Measure No. 2 regarding creation and/or restoration of raptor foraging habitat. Specifically, Item No. 4 of said Resolution states that:

"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."

The Adaptive Management Plan outlines the necessary requirements and procedures to meet the biological mitigation necessary to offset impacts to biological resources, specifically coastal raptor and general avian foraging habitat. The purpose of this document is to create a cohesive plan that will mitigate the raptor foraging habitat impacts identified in the OBSP by the FEIR and to outline the necessary steps for property owners to achieve required mitigation within the OBSP area or within adjacent qualifying habitat areas. This plan provides the detail for addressing elements commonly found in adaptive management programs used for natural biological resource management (Lee 1999) and ecosystem restoration (Thom 1997). Accordingly, this plan includes information and instruction regarding adaptive contingency measures should the initial program be unsuccessful. In addition, this plan addresses a possible fee structure to be implemented as part of the development agreements. Consistent with the OBSP, this Adaptive Management Plan addresses the northern and southern portions of the plan area independently as well as collectively.

Ormond Beach Specific Plan Area Overview

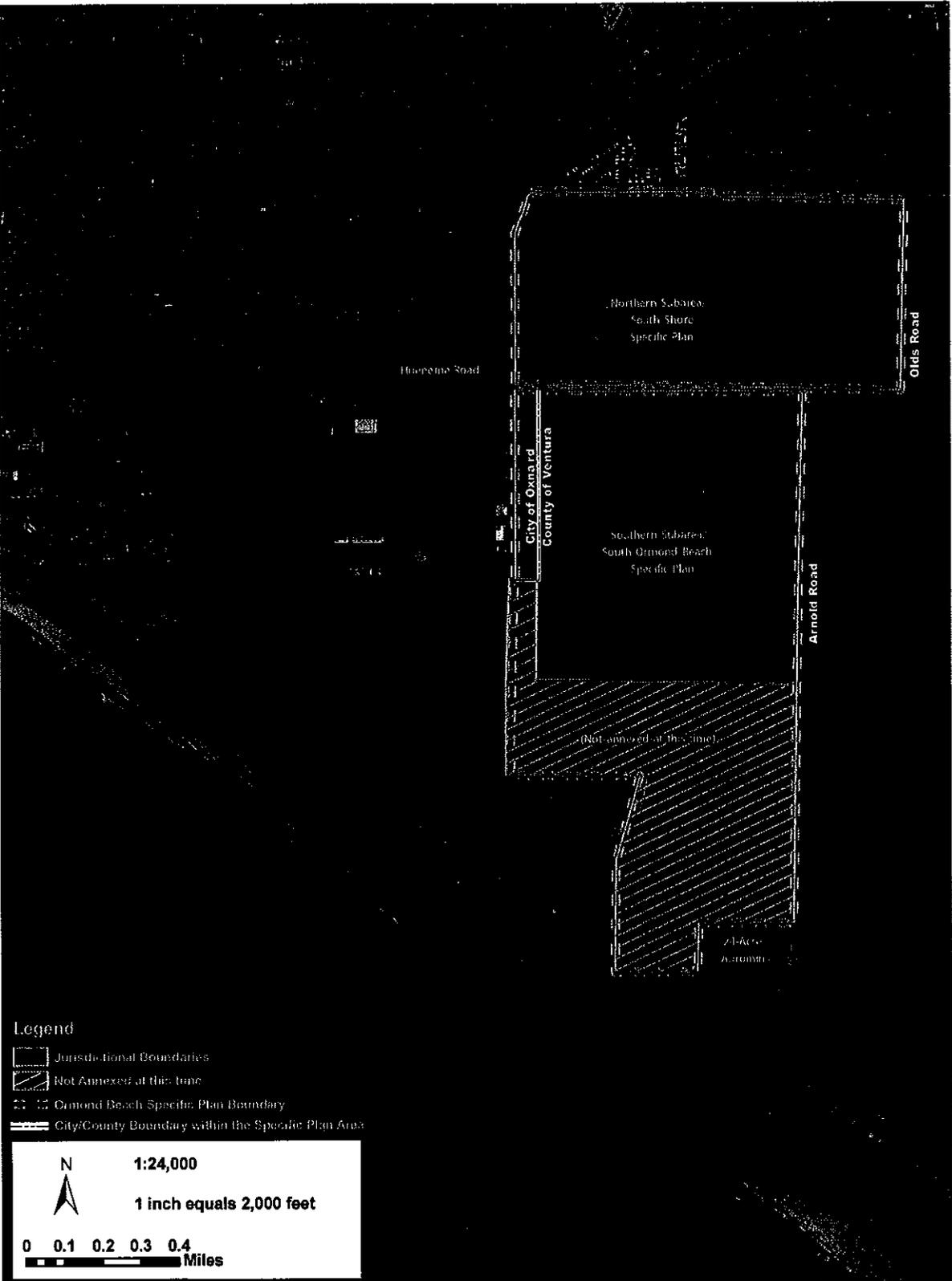
The 917-acre OBSP area consists of two planning subareas, all of which is currently in agricultural production and is regularly tilled (Figure 1).

The northerly portion of the greater OBSP area is termed the SouthShore OBSP Area (herein referred to as the Northern Subarea). This Northern Subarea is approximately 321.8 acres and encompasses unincorporated land in south Oxnard. SouthShore adjoins the corporate limits of the City of Oxnard to the north and west, and lies within the City's Sphere of Influence as determined by the Ventura County Local Area Formation Commission (LAFCO).

The southerly portion of the greater OBSP area is termed the South OBSP Area (herein referred to as the Southern Subarea), and covers the area south of Hueneme Road. This Southern Subarea is approximately 595 acres. Approximately 230 acres at the southernmost area of the Southern Subarea are currently in agricultural production as sod farms and are adjacent to sensitive wetland and dune habitat at Ormond Beach. This 230-acre area is proposed to continue in agricultural use and would not be annexed to the City. Together, these specific plans comprise the larger OBSP area, yet remain distinct from one another to reflect different land ownerships, land uses, and development schedules.



Ormond Beach Specific Plan Area Raptor Foraging Habitat Restoration
 Adaptive Management Plan



Location Map

Figure 1
 City of Oxnard

Existing Condition of Subareas

The Northern Subarea consists of row crop agriculture and has adjacent residential development to the north. It provides only some limited habitat value due to these disturbances, and Hueneme Road along the southern boundary serves as a partial deterrent to wildlife entering the Northern Subarea from habitats south of Hueneme Road. Besides the agricultural crops, vegetation in the Northern Subarea includes drainage ditches containing predominantly weedy, non-native species such as cheeseweed (*Malva parviflora*), London rocket (*Sisymbrium irio*), black mustard (*Brassica nigra*), white sweet clover (*Melilotus albus*), and non-native grasses. The ditches draining the Northern Subarea are located along the north side of East Hueneme Road and the east side of Olds Road.

The Southern Subarea consists of sod farms that provide some habitat for foraging raptors, and it is adjacent to sensitive habitats at Ormond Beach. Habitat value in the Southern Subarea is substantially limited by the agricultural disturbances associated with sod farming. Besides the cultivated sod, ruderal vegetation occurs along the margins of the cultivated areas and roads, usually in connection with the drainage ditches that convey water through the area. The drainage ditches are vegetated with weedy, non-native herbs and grasses. The ditches draining the Southern Subarea are located east of Arnold Road and east of Edison Drive. Oxnard Drainage District (ODD) Canal #3, a larger channel, flows along the southern boundary of the Southern Subarea between the agricultural fields and Ormond Beach. ODD Canal #3 will remain in the active agricultural land. The drainage along Arnold Road has some trimmed cattails on the southern end, and along the southern end of Edison Drive the ditch becomes dominated by California bulrush (*Schoenoplectus californicus*) as it joins the California bulrush-dominated channel that traverses along the southern end.

Project Impacts

The Final OBSP EIR states that the long term buildout of the Specific Plan will result in the urban development of 677 acres of agricultural lands that function as limited foraging habitat for raptors, shorebirds, migratory waterfowl, and other birds. The habitat value of the agricultural lands is similar to that which grasslands and open shrublands can provide, but because of the ongoing disruptions associated with agricultural practices, the actual value in terms of native vegetation and available prey is substantially reduced. Accordingly, the EIR judged this value as one-tenth (0.1) of which a typical open grassland could provide.

Per the FEIR, 302 acres of the Northern Subarea agricultural lands (Figure 2), and 375 acres of the Southern Subarea agricultural lands (not including the portions of the development planned as open space) (Figure 3), will be converted to urban development as a result of the long term buildout of the Specific Plan. It should be noted that since the certification of the FEIR, the Southern Subarea no longer includes the Edison parcel; therefore, the conversion of agricultural lands in the Southern Subarea has since been reduced to 367 acres. Therefore, the total conversion of agricultural lands that function as limited foraging habitat within both subareas is also reduced herein to 669 acres. The acreage of agricultural fields anticipated to be converted to urban development in the Southern Subarea could decrease further if a land conservancy purchases land in this subarea.

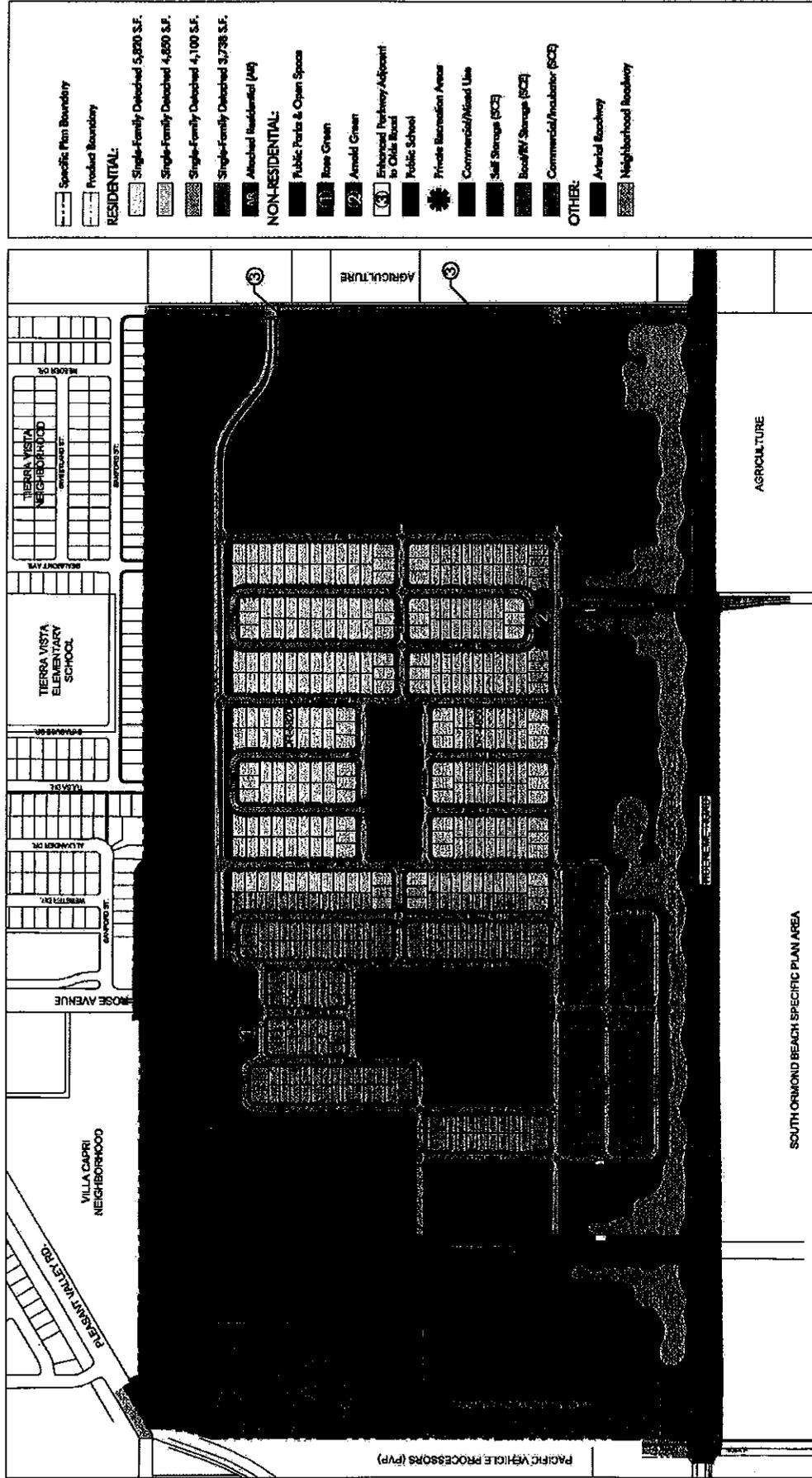


Adaptive Management Concept

Adaptive management is a structured, iterative process of optimal decision making in the face of uncertainty, with an aim to reducing uncertainty over time via system monitoring. In this way, decision making simultaneously maximizes one or more resource objectives and, either passively or actively, accrues information needed to improve future management (http://en.wikipedia.org/wiki/Adaptive_management). Adaptive management is a suite of assessment and management tools most appropriately applied where uncertainty exists and where decisions are best made on the basis of accumulated information. Adaptive management is the process by which ecological processes are fostered to assist habitat replacement and reconstruction following the "hard engineering" of the remedial action.

In adaptive management, the goal of achieving a desired range of habitat characteristics is met by applying site-specific habitat information in an iterative framework of measurement and response (Holling 1978; Thom 1997). In this framework, no single goal determines success or failure. Rather, if certain goals are not being met, additional analysis is conducted and decisions are made regarding the need for and approach to particular adaptive responses. Flexibility is an important component of adaptive management, so the potential responses cover a broad range of possibilities. These potential responses include additional monitoring, literature research, experiments, consultations with discipline experts, re-evaluation, and restatement of goals and success criteria, and/or active intervention (such as planting desired species or removing invasive species).

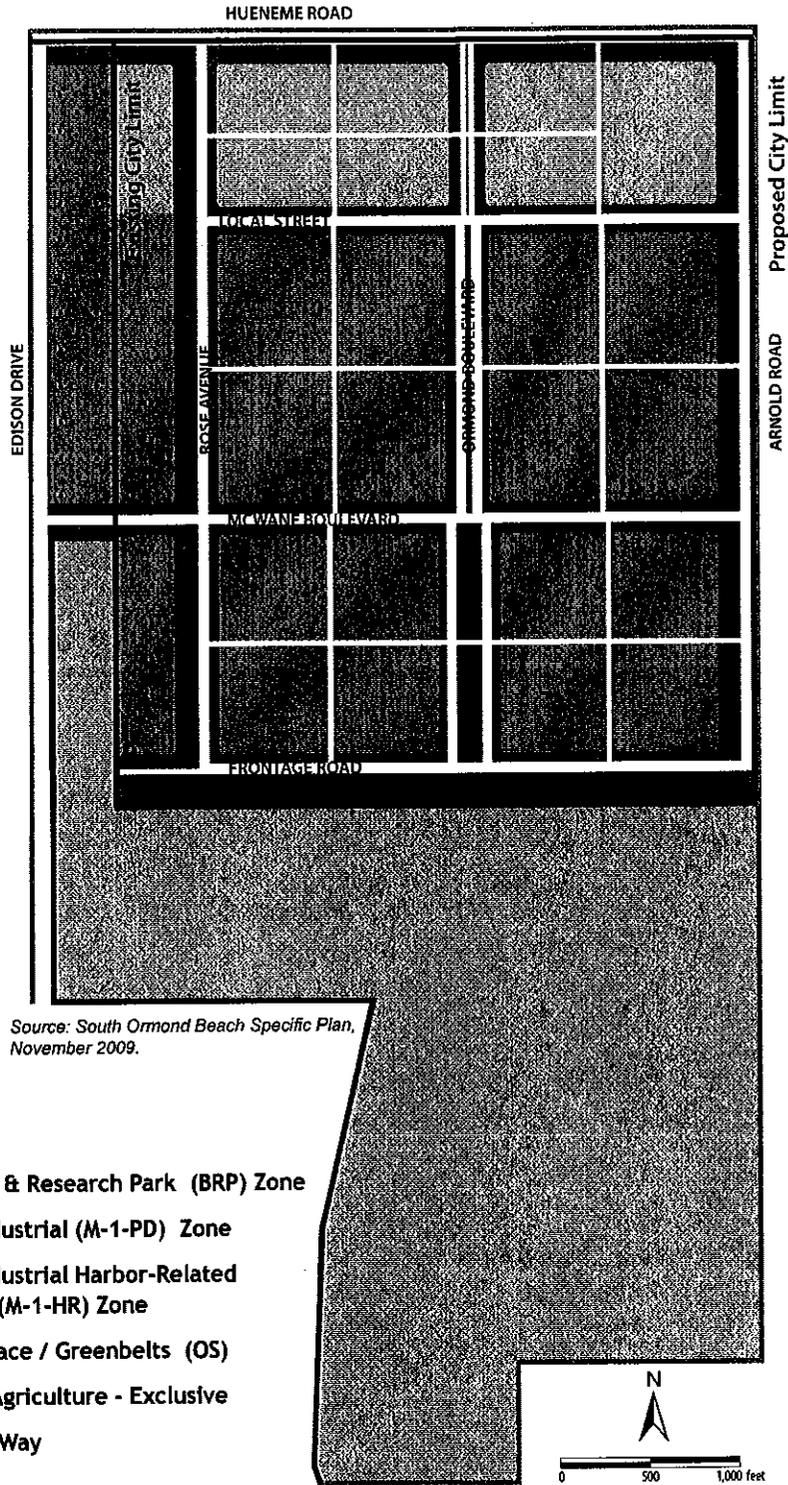




Proposed SouthShore Ormond Beach Specific Plan (Northern Subarea)

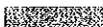
Figure 2
City of Ormond

Source: City of Ormond, SouthShore Specific Plan, August, 2009.



Source: South Ormond Beach Specific Plan, November 2009.

LEGEND

-  Business & Research Park (BRP) Zone
-  Light Industrial (M-1-PD) Zone
-  Light Industrial Harbor-Related Overlay (M-1-HR) Zone
-  Open Space / Greenbelts (OS)
-  County Agriculture - Exclusive
-  Right of Way

Proposed South Ormond Beach Specific Plan
 (Southern Subarea)

Figure 3
 City of Oxnard

2.0 TARGET RESTORATION INDICATOR SPECIES

Life History of Target Raptor Species

Raptors play important roles in ecosystems, in regulating prey populations, and in nutrient cycling. Because of their top position in the food-chain, raptors serve as barometers of environmental change and overall ecosystem health. The quality of raptor health is a measure of environmental health. They typically require large areas and healthy prey populations for survival. As such, measures that conserve raptors can provide an umbrella of protection for many other plant and animal species. Raptors are also important components of biological diversity. The variation among different species and the genetic variation within individual species of raptors (i.e., the "gene pool") contribute to the biodiversity of a region. Because research into raptors is ongoing, the full range of ecological values will not likely be known for many years. Thus, it is prudent to conserve raptors to retain both their known and presently unknown ecological values.

Raptors observed in the agricultural fields within the Northern Subarea during the 2004 reconnaissance survey conducted by URS for the OBSP FEIR (2009) included red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*). White-tailed kites are known to forage in both the Northern and Southern Subareas, and burrowing owls have been observed in the Southern Subarea, which provides generally higher quality habitat than the Northern Subarea. In addition to these raptors known to occur in the Specific Plan area, red-shouldered hawk is also expected in the vicinity and are likely to forage in the restored habitats, including within urban landscaping areas depending on the density of vegetation and distance from structures. Osprey are also included as a target species as this species may be attracted by the development of Southshore Lake. These target raptor species that will be used as indicators of habitat function and restoration success are discussed in more detail below.

White-tailed kite (*Elanus leucurus*) has no federal status, but is fully protected under the California Fish and Game Code. Kites are considered uncommon to locally fairly common residents along the coastal slope of California. In northern California, winter densities range from 1 kite per 15 acres to 1 kite per 28 acres (Birds of North America Online). Population sizes appear to fluctuate in synchrony with fluctuating rodent populations. Nonbreeding populations of this species are limited primarily by food, whereas breeding populations appear limited both by food and nest-site availability. Territory size in this kite is a function of both prey and competitor abundance (Poole 2005). Daily energy budgets during the nonbreeding season equal roughly 3 prey items, or 2.7 ounces killed/day (mass after evisceration) (Koplin et al. 1980). Kites prey almost exclusively on small rodents, specifically California vole, house mouse, and harvest mouse (Waian 1973 and Stendell 1967). Since voles are larger and diurnal, they provide more food per hunting effort. Thus, although voles are considered the favored prey of kites, they will opportunistically prey upon the two other species when vole numbers decline or when alternate prey is more abundant and relatively easy to capture.

Kites are often recognized for their hunting behavior known as "kiting" or hovering. Kites hover with shallow-beating wings, falling with quick dives and strikes upon locating prey. Hovering may occur as high as 80 feet, making the behavior conspicuous to observing humans. Although kite pairs may be found year round, more pairs are observed December through



September. Nest building typically begins in January and may continue through August. Eggs may be laid throughout the spring and into the summer months depending on the number of nests built by a pair. Kites primarily nest in riparian areas with sycamores, oaks, willows, and cottonwoods, and hunt in adjacent open spaces.

Burrowing owl (*Athene cunicularia*) (Species of Special Concern under the California Fish and Game Code – burrow sites and some wintering sites) were once widespread and fairly common over western North America. In recent decades, however, a number of populations appear to have declined, or in some cases, disappeared altogether. The range of the burrowing owl in California extends through the lowlands south and west from north central California to Mexico, with small, scattered populations occurring within the Great Basin and the desert regions of the southwestern part of the state (DeSante et al. 1996). Burrowing owl frequents open, low, dry grasslands, deserts, and scrublands, typically around small mammal colonies (ground squirrels). Owls generally avoid thick, tall vegetation and brush (Rich 1986; Green and Anthony 1989; Plumpton and Lutz 1993a). The distribution of burrowing owls in western North America coincides with that of California ground squirrels and prairie dogs (Coulombe 1971). Ground squirrels provide excavations which the owls can modify into nest burrows. These mammals further alter the environment in the vicinity of holes by grazing vegetation near burrows, thereby increasing horizontal visibility which can increase the probability of nest use by owls (MacCracken et al. 1985; Green and Anthony 1989).

During the breeding season, the owls' activity is tightly centered around the nest burrow. Owls defend the area immediately around the nest burrow (Martin 1973; Zarn 1974; Gervais and Rosenberg, unpubl. data). During the nonbreeding season, burrowing owls remain closely associated with burrows, as they continue to use them as refuges and roost sites throughout the year. Foraging distances from the nest burrow range from 9.5 to 42.4 meters. Reuse of nest burrows occurs in both migratory and resident owl populations. Small mammals tend to dominate as prey items in terms of biomass although insects make up the majority of individual prey items (Thompson and Anderson 1988, Green et al. 1993, Plumpton and Lutz 1993b).

Red-shouldered hawk (*Buteo lineatus*) (no special status) is a common yearlong resident along the California coast in low-elevation riparian woodlands up to 5,000 feet. This species inhabits a variety of topographic areas in California, preferring riparian and oak (*Quercus spp.*) woodlands, but also found in eucalyptus groves and suburban areas with nearby woodlots. Nests are typically found in dense riparian habitats, about half way up a tall tree. Nest height averages 50 feet (range 20 to 80 feet). The nest is located next to the main tree trunk, or on old nests of squirrels, hawks, or crows; lined with strips of bark, dry leaves, and sprigs of evergreens (Call 1978 in Zeiner 1990).

A study of home ranges for red-shoulders in southern California, found the home ranges were between 298 acres for six males and 249 acres for seven females (95% HM method; Bloom 1989, Bloom et al. 1993). Mean spacing between nests was over 2,000 feet (Wiley 1975). The diet of the red-shouldered hawk is highly varied; including small mammals, snakes, lizards, amphibians, small or young birds, large insects, and carrion. Mainly a perch hunter, the red-shouldered hawk perches on trees, snags, and posts, dropping into flight when prey is located. Occasionally hunting takes place when the bird is flying.



Red-tailed hawk (*Buteo jamaicensis*) (no special status) is a common, permanent breeding and winter resident and migrant found in almost all California habitats, from lowest to highest elevations. It is the most common hawk readily observed by the general public. The species breeds throughout California, and winters in all areas without heavy snow cover. Red-tail feed on small mammals up to hares in size, small birds, reptiles, amphibians, and some carrion (Orians and Kuhlman 1956). In winter, the species is largely dependent upon mice, but also takes medium to fairly large birds on the ground. Hunting occurs while soaring and from perches. Red-tail pounce on prey from low, quartering flights, sometimes hovering on wind or air currents.

Red-tailed hawk is highly territorial during the breeding season in all three dimensional. Boundaries often follow well-defined physical features (road, waterway, forest edge; Fitch et al. 1946) and remain remarkably stable year-to-year, and even decades, regardless of turnover of individuals (Janes 1984b 2003; Moorman et al. 1999). Minimum inter-nest distance was reported to be 1,050 feet (Seidensticker and Reynolds 1971). Nesting densities may be related to perch distribution as well as food availability. Highest breeding densities in North America are reported in mixed wooded and open environments in California at 321 acres/pair (Fitch et al. 1946) and in Colorado at 494 acres/pair (McGovern and McNurney 1986).

American kestrel (*Falco sparverius*) (no special status) is a common resident throughout California. American kestrel winters in all habitats except high elevations. Open habitats in a variety of shrub and early successional forest habitats, forest openings, and various ecotones are utilized by this species. American kestrels seek cover in a variety of cavities in trees, snags, rocky areas, banks, and buildings. They nest in cavities in trees, snags, rock crevices, cliffs, banks, and buildings. Bent (1938) reported nests in cavities in sycamores, willows, and cottonwoods. In some areas, good foraging habitat exists, but there is a lack of nesting cavities. The placement of nest boxes has allowed kestrels to use such areas.

American kestrels forage in open and partially open areas of most habitats where cavities are nearby. Much of the time American kestrels search for prey by perching on elevated sites such as telephone poles and wires, trees, fence posts, buildings, and communication towers. Where there is no suitable perch, kestrels will hover. Kestrels forage by facing into the wind and, with alternating bouts of flapping and gliding, stay stationary over the ground while scanning for prey. Large insects and small rodents are the main prey, but amphibians, reptiles, and birds are also taken.

Osprey (*Pandion haliaetus*) (Watch List under the California Fish and Game Code) breed in northern California and are considered an uncommon winter visitor along the coast of southern California (Garrett and Dunn 1981). Suitable osprey habitat only occurs in areas with accessible, live fish. Salt, brackish and fresh water in many habitats are used for foraging. Osprey capture their prey near the surface of the water. As a result, they are most abundant in areas with shallow waters that improve access to fish (Poole et al. 2002). Osprey require open, clear waters for foraging: rivers, lakes, reservoirs, bays, estuaries, and surf zones. Ospreys feed nearly exclusively on live fish, at least 80 fish species have been recorded in their diet. Prey fishes usually weigh about 5.3 to 10.6 ounces and are about 9.8 to 13.8 inches in length. Other foods, though very rarely noted, include; snakes, birds, small mammals, amphibians and carrion (Poole et al. 2002), and the take of small reptiles and invertebrates has also been observed.



Life History of Target Prey Species

A variety of birds, small mammals, reptiles, amphibians, and insects constitute the bulk of the prey base for raptor species (Steenhof 1983, Palmer 1988). Some species will forage on carrion as well as live prey, some are specialists that primarily take fish, while others are generalists (Steenhof 1983). Construction of facilities, transportation infrastructure, power lines, and other accoutrements of urban development contribute to habitat loss and fragmentation and can directly and indirectly affect diversity, abundance, and availability of raptor prey populations. Road developments in particular have been shown to restrict movements of small mammals and birds which may affect their dispersal and population levels (Oxley et al. 1974). Management and mitigation efforts should be focused on maintaining and improving habitats sufficient to support healthy prey populations.

The following summarizes elements of the basic life history for the target prey species important to the survival of white-tailed kite, burrowing owl, and other raptors. This information is summarized from the life histories provided by the California Department of Fish and Game (CDFG) California Wildlife Habitat Relationship System (CWHRS) (Zeiner, 1990) and NatureServe Explorer (2009).

California vole (*Microtus californicus*) feed mainly on leafy parts of grasses, sedges, and herbs, seeking cover in dense grass, beneath plant residues, in brush piles, beneath logs, and in underground burrows. They prefer meadows and grasslands with friable soils, where their foraging and movement behavior often form a network of above ground runways in grass leading from burrows constructed in soft soils. Voles are active year-round and are generally diurnal. Population densities are variable. A California population ranged from about 2 to 7 voles per acre (Smolen and Keller 1987). Their mean home range varies from a radius of 16 feet up to 49 feet or more (Pearson 1960 in Zeiner 1990). Breeding is throughout the year, reaching peaks whenever food and cover are abundant. Gestation is 21 days, litter size averages 4 young (ranging between 1 and 9), and between 2 to 5 litters of up to 8 to 20 young may be produced each year. Weaning occurs at around 21 days. Females reach sexual maturity at 29 days on average. Length for this species ranges between roughly 6 to 8 inches and weight averages between 1 to 2.5 ounces (Jameson and Peeters 2004).

Western harvest mouse (*Reithrodontomys megalotis*) is omnivorous, eating seeds, insects, fruits, and shoots from the ground surface and in bushes. The species prefers thick grass or shrub cover for foraging and nesting, and is typically ubiquitous, but most abundant in grasslands, shrublands, and early seral stages of forest habitats, usually near water. Harvest mice are nocturnal and crepuscular, staying active year-round, and are most active on moonless and rainy nights. Density commonly may be about 5 to 10 per acre, up to 60 per acre in optimum habitat (Gray 1943, Whitford 1976). The species' home range is variable, but was shown to average 1.0 to 1.38 acres in California coastal scrub (Brant 1962, Meserve 1977 in Zeiner 1990). Harvest mice breed year-round, peaking in April, mid-summer, and October (Smith 1936; Fisler 1965, 1971 in Zeiner 1990). Litter size averages 2 to 4 young (ranging between 1 and 9) with up to 14 litters per year. Females become sexually mature at 4 months with multiple breeding cycles during the year. Length (including a long tail) for this species ranges between roughly 4.5 to 6 inches, and weight between 0.3 and 0.5 ounces (Jameson and Peeters 2004).



House mouse (*Mus musculus*) usually forage beneath or near cover, on a wide variety of foods, including grains, fruits, seeds, vegetables, fleshy roots, meat, arthropods, glue, paste, soap, and other household articles. This species may eat about 10% of its body weight daily, feeding 15-20 times a day. House mice rarely occur far from cover (buildings, rubbish piles, slash, vegetation) and are found near human habitation and surrounding riparian habitats. Optimal habitat includes refuse piles, debris or vegetation for cover, and accessible free water. House mice are predominately nocturnal and active year-round. They live in colonies and densities vary greatly. Peak densities reach 300 or more individuals per acre (Lidicker 1966). Their home range is known to vary throughout California from 0.03 acre to 0.28 acre (DeLong 1967 in Zeiner 1990). House mice breed year-round, with peaks in early spring and late summer. Litter size averages 4 to 5 young (ranging between 3 and 12); with 5 to 8 litters per year. Weaning occurs at 3 weeks and females reach sexual maturity at 8 weeks. The average length for the species is between roughly 6 to 8 inches. The average weight is between 0.4 and 0.8 ounces (Jameson and Peeters 2004).

Big-eared woodrat (*Neotoma macrotis*) is common in California, and is found in both the Coast Ranges and interior. Woodrats live in a variety of habitats, both arboreal and terrestrial (English 1923). Habitats include chaparral, hardwood, conifer, and mixed forests, and riparian woodlands (NatureServe 2008). In most instances, nests are constructed in inaccessible areas, such as thorny thickets, poison oak patches, or nettles (English 1923). Abundance is probably limited by availability of nest-building materials, and nests are defended against competitors. *N. macrotis* are mostly nocturnal and are active year-round. *N. macrotis* is a solitary species (Linsdale and Tevis 1951), but lives in stable social groups (Hamm et al 2002, Wallen 1982). Colonies are made up of 3 to 15 houses (English 1923). The majority of woodrats present in a colony are permanent residents (Wallen 1982). While *N. macrotis* does have a home range, it also exhibits territorial behavior in its core area and will actively defend its nest against conspecifics (Sakair and Noon 1997). The density of houses in an area also varies in the literature and ranges from 5 individuals per acre (Cranford 1977) to 18 individuals per acre (Matocq 2004). Woodrats are herbivores and eat grasses, leaves, fresh fruits, small bulbs, bark, and flowers. Woodrats also store dry foods like hazel nuts and acorns (English 1923). Since *N. macrotis* is a medium-sized rodent, it is a popular prey item for a number of predatory species.

The houses of *N. macrotis* provide shelter to a range of other species. The presence of these commensals suggests that woodrats increase biodiversity. *N. macrotis* live for 2 to 3 years. The species is nocturnal and spends the majority, but not necessarily all, of the daylight hours resting within its house (English 1923). Woodrats are most active 2 to 3 hours after dark (Wallen 1982). Average length of an individual is 4.7 inches and average mass is 9.4 ounces (NatureServe 2008).

Botta's pocket gopher (*Thomomys bottae*) is found in a wide variety of habitats from valleys to high mountain meadows. It inhabits a wide variety of soils from soft sands to friable loams to hard clays. *T. bottae* is primarily solitary. This species is fossorial but commonly active above ground. Young are born in underground burrows. Among 6 populations in California, the average adult density per acre ranged from 24 in valley grassland to 30 in alfalfa monocultures (Patton and Smith 1990). Botta's pocket gopher is active throughout the year and active intermittently day and night. Pocket gophers are ecologically important as prey items and in influencing soils, microtopography, habitat heterogeneity, diversity of plant species, and primary productivity (Huntly and Inouye 1988). They eat roots, bulbs, tubers, and other



vegetable matter. In southern coastal California, forb shoots appeared to be preferred, particularly during reproduction; grass shoots, corms, and roots increased in importance during plant dormancy (Hunt 1992). *T. bottae* may feed underground, pulling plants into burrows by roots, and forages above ground at night or on overcast days. Their average length is 11 inches and average weight is 8.8 ounces.

California ground squirrel (*Spermophilus beecheyi*) occurs in south-central Washington south through California and extreme west-central Nevada to Baja California, Mexico. This species is found in a wide variety of habitats, usually in open areas in many plant communities. It sleeps and rears young in underground burrows. *Spermophilus beecheyi* digs deep burrow usually under protective object (log, rock, building, bush) if available, or in the open. California ground squirrel is omnivorous. During spring and summer, it feeds primarily on green vegetation: leaves, flowers, bulbs, roots, etc. In late summer and fall, this species may eat more seeds, berries, and nuts. *S. beecheyi* also eats insects and occasional small vertebrates, including young conspecifics (done mainly by breeding adult females). The approximate adult density per acre is 5 squirrels. In west-central California, mean home range size was 985 to 1,310 square feet in males, 1,970 to 2,950 square feet in females with overlapping home ranges (Boellstorff and Owings 1995). This species may hibernate in some areas; winter inactivity is more pronounced at higher latitudes and elevations (Dobson and Davis 1986). California ground squirrel is active throughout the day during warmer months and in good weather. The average length is 19 inches, and the average weight is 26 ounces.

Target Shorebird Species

The Southern Subarea has greater bird use and diversity of bird species than the Northern Subarea due to its larger area and proximity and connectivity to Ormond Beach. The sod farm operation functions somewhat similarly to a grassland habitat interspersed with freshwater wet areas. Birds observed along the Oxnard Drain channel at the southern end of the Southern Subarea and the wetland habitats on the south side of the drainage include mallard, American coot (*Fulica americana*), snowy egret (*Egretta thula*), great egret (*Ardea alba*), white-faced ibis (*Plegadis chihi*), greater yellowlegs (*Tringa melanoleuca*), black-necked stilt (*Himantopus mexicanus*), dunlin (*Calidris alpina*), and least/western sandpiper (*Calidris minutilla/mauri*). Most shorebirds are foraging on surface and subsurface invertebrates, while egrets, herons, and raptors feed on small birds and rodents found mostly on the edges of the Southern Subarea.

A number of rare or uncommon species occur nearly annually, including Pacific golden plover (*Pluvialis fulva*), American golden plover (*Pluvialis dominica*), buff-breasted sandpiper (*Tryngites subruficollis*), red-throated pipit (*Anthus cervinus*), McCown's longspur (*Calcarius mccownii*), Lapland longspur (*Calcarius lapponicus*), and chestnut-collared longspur (*Calcarius ornatus*). In addition, the fields are used regularly by migrating and wintering species such as black-bellied plover (*Pluvialis squatarola*), horned lark (*Eremophila alpestris*), and savannah sparrow (*Passerculus sandwichensis*). Belding's savannah sparrow, a state-listed endangered bird, has been sighted on or immediately adjacent to the Southern Subarea (Pereksta, 2005; USFWS, 2005; BioSystems Analysis, 1993 in URS 2009); however, it is noted that this species is a resident upper saltmarsh species, preferentially nesting in pickleweed.



3.0 RAPTOR COMPATIBILITY WITH HUMAN LANDSCAPES

Evidence suggests that some falcons, ospreys, Cooper's hawk, and owls are generally more tolerant of human-induced disturbance and human environments. Golden eagle, northern harrier, northern goshawk, and sharp-shinned hawk appear much less tolerant of disturbances. Buteos (ferruginous hawk, red-tailed hawk, Swainson's hawk) exhibit a wide range of acceptance levels (Thomsen 1971, Martin 1973, Herron et al. 1985, Hayward 1994, Bloom and McCrary 1996); however, some have speculated that the ferruginous hawk should be considered the most sensitive raptor to human disturbance (Woffinden and Murphy 1977, Olendorff 1993). Additional disturbances within already altered environments may be less disruptive than disturbances associated with isolated breeding pairs of raptors in unaltered habitats (Romin and Muck 1999).

The goal of this plan is to create functional raptor foraging habitat; however, designing such habitat within the confines of a large human landscaped development creates constraints to the success of the mitigation effort. It should be noted though that many raptors readily forage in unsuspecting places such as road medians and freeway onramps. Although portions of this plan proposes to create raptor foraging habitat along roads and between structures, the overall success should be determined by actual usage by raptors, not just by the habitat created.

Raptor tolerance levels to disturbance are generally species-specific, but it is important to note that tolerance levels also vary amongst individuals of a particular species. For example, within an urban nature preserve, Cooper's hawk has been documented nesting 35 feet from a 4-lane road, and 75 feet from a parking lot, and was completely comfortable with the level of human disturbance. Meanwhile, another Cooper's hawk located a few hundred feet deeper into open space in the same nature preserve (away from human landscapes) was extremely agitated by human presence and actively protecting its nest from passer-bys.

For the purpose of this report, the following discussion presents raptor compatibility with human landscapes on a species-specific level.

Burrowing owl can nest close to human developments, but nesting burrows are susceptible to predation (cat and dog) and disturbance. Activity budgets do not differ significantly between rural and urban land uses, and there is high variation between owls and between sites within land-use types. Activity budgets of burrowing owl appear to be highly variable and affected by weather, time of day, habitat, available prey, and other factors. Hunting success does not vary with land use, although the type of prey taken does differ between urban and rural sites. Land-use conditions at a Texas panhandle study site did not have an effect on adult male burrowing owl activity budgets. Botelho and Arrowood (1996) found that although mortality factors were higher in urban than natural sites in New Mexico, nesting success was also higher. Similarly, although nest density and nesting success were higher at agricultural than urban sites in Washington, natal recruitment and adult annual return rate were higher at the urban locations (Conway et al. 2006). Furthermore, Conway et al. (2006) found that mean clutch size and number of fledglings per successful nest did not differ with land use, suggesting that site-specific traits may be more influential than land-use context. Any determination of effects of human activities on owls will have to account for these effects, and thus, will likely require large sample sizes. Given that land use varies with local socioeconomic, climatic, and topographic factors, effects on burrowing owl will likely vary by region (Chipman et al. 2008).



White-tailed kite require an approximate 75-foot buffer from human landscapes and structures for foraging, with greater distances typical for nesting, but dependent on the overall context of the nest site. For example, a 200-foot wide low grassland vegetated area between structures would include the 75-foot buffer on each side, with the remaining 50 feet in the middle providing actual foraging habitat. However; the entire 200 feet provides habitat for raptor prey as long as enough connectivity is available for recruitment of prey species.¹

Red-tailed hawk is compatible with several different urban environments that support populations of suitably sized prey, including various reptiles, snakes, voles, ground squirrels, and woodrats. Red-tailed hawk can coexist with humans in the rural environment if they have open grassy or shrubby areas to hunt in, large trees to nest in, and are not subject to disturbance at the nest. Red-tailed hawk is beneficial to landowners as they reduce small mammal populations. A nesting red-tailed hawk is very wary during construction, and will often abandon the nest during this period if disturbed, though this can vary substantially with the individual (one has nested for at least 17 years on a building adjacent to New York's Central Park [http://en.wikipedia.org/wiki/Pale_Male]). At the local level, red-tailed hawk populations are limited by both nest sites and food supply. The relative importance of each factor may be variable throughout the year. For example, competition with great horned owl for nest sites and food may depress red-tailed hawk populations. Leading causes of death of this species include collisions with automobiles and starvation. Mortality from shooting and trapping also occurs (Demarchi and Bentley 2005).

Red-shouldered hawk exhibit a broad range of adaptability to human altered environments in California. The western subspecies of the red-shouldered hawk appears to be the most adaptable of the 10 North American breeding buteos, with some pairs using urban habitats almost exclusively (Bloom et al. 1993). Red-shouldered hawks are a regular component of the urban nesting avifauna in coastal southern California where land managers have preserved adequate open space and habitat. Red-shouldered hawk is compatible with several different urban environments that support populations of rodents such as voles, gophers, and field mice. Red-shouldered hawk can coexist with humans in the rural environment if they have grassy or shrubby areas to hunt in, fairly large trees to nest in, and are not subject to disturbance at the nest. At the local level, red-shouldered hawk populations are limited by both nest sites and food supply. The relative importance of each factor may be variable throughout the year. Leading causes of death of this species include collisions with automobiles, shooting, trapping, and starvation (Demarchi and Bentley 2005).

American kestrel eat many small prey animals that occur in urban and rural areas. Large insects such as dragonflies and grasshoppers, and small rodents such as voles and mice, make up much of their diet. Like most raptors, kestrels will take advantage of any food source. Other prey species in their diet include, but are not limited to, many types of small birds, reptiles, and amphibians. Human-related mortality is the most commonly reported cause of death for this species, but not necessarily the leading cause of death. Collisions with wires, vehicles and windows, electrocution, drowning in tanks and pools, and attacks by domestic pets are commonly reported. Removal of young and eggs by snakes, crows, and mammals occur; other raptors are known to kill adults. While known to have been affected by pesticide

¹ These findings are based on internal confidential studies conducted by Rincon Consultants.



contamination, American kestrel may be affected more by reduced numbers of insect prey following pesticide applications (Demarchi and Bentley 2005).

Osprey readily build nests on human-made structures, often in close association with human activity. Their frequent use of power poles at some locations for nest sites has spurred the placement of alternate poles with nesting platforms attached so as to avoid electrocutions and interference with power supplies. Local declines of fish resources may also impact local populations of osprey. Several human-induced factors benefit osprey, including the creation of reservoirs increasing habitat, intensive fisheries management programs that stock lakes with trout or bolster natural productivity, erection of artificial nest platforms in suitable areas, improved water quality and clarity in fish-bearing lakes, nest guards to deter predators, and maintaining large trees (Demarchi and Bentley 2005).

4.0 DEFINING SUITABLE RAPTOR FORAGING HABITAT

Suitable raptor foraging habitat is relative to the natural habitat requirements of a particular raptor species and the amount of human pressure that species can withstand. The definition of suitable raptor foraging habitat is presented here as a baseline for comparing the current conditions and raptor habitat available onsite (agricultural fields) against predicted post-project conditions (restoration sites within and amongst highly developed areas with significant human influences). Understanding raptor habitat requirements along with raptor tolerance of humans will dictate the delineation of appropriate restoration areas within proposed open space for the restoration effort, and will guide in value-ranking areas that may be worth partial credit towards the restoration effort.

For the purpose of this adaptive management plan, suitable raptor foraging habitat is generally defined here as habitat consisting of the following:

- Predominantly low-growing native and naturalized grassland;
- Braided shelterbelts of native coastal sage scrub for perching and prey habitat;
- Small clusters of large wind-firm trees for perching and nesting;
- Small mammal colonies;
- Habitat connectivity to other open space areas for prey recruitment; and
- Open space land at least 75 feet wide that is vegetated with native plants, provides suitable habitat for prey species and is connected to adjacent suitable foraging areas.

For the purpose of this report, suitable foraging habitat, as defined above, is assigned a value of 1.0 based on typical prey species abundance and ability of raptors to successfully hunt for food. Certain locations that contain a high density of small mammals or other prey with insufficient cover can at times greatly exceed this value, but the focus of this plan is on suitable foraging habitat that is typical of the open spaces in coastal southern California. The current foraging condition onsite (agricultural fields) has been assigned a value of 0.1 (per the FEIR Mitigation Measure BIO-2). Restored foraging habitat as discussed below is intended to reach the 1.0 value by the third year. With these foraging habitat characteristics and foraging habitat values in mind, Rincon delineated those areas within the OBSP subareas that may be suitable as raptor foraging restoration sites.



The Northern Subarea open space land provides for restoration areas that undulate from 50 to 150 feet wide around Lake SouthShore, and so portions of habitat would not strictly meet the criteria above. However, these 50-foot wide areas nonetheless maintain connectivity between the larger areas and the lake itself provides buffer from the more intense urban development; therefore these areas are included as suitable foraging/prey habitat. The open space areas within the Southern Subarea provides for restoration areas that vary from 70 to 150 feet wide. Although areas with widths as low as 70 feet may not actually provide foraging habitat for low urban tolerant raptor species, these areas do provide habitat for other avian species and raptor prey species as long as sufficient connectivity is provided for recruitment of prey species.

Although several proposed areas within the Northern Subarea are proposed as open space, Rincon has determined that open space areas proposed as community sod parks, windrow tree breaks adjacent to roads and structures, and areas lacking sufficient buffer from human landscapes are not appropriate to restore raptor foraging habitat. A value of 0.001 to 0.01 could be credited towards such areas, but such is insignificant towards the overall restoration goals of creating grasslands with native scrub adjacent to open space areas for small mammal recruitment, and suitable buffers from human landscapes.

5.0 HABITAT RESTORATION DESIGN

The goal of this habitat restoration project is to restore raptor foraging habitat to mitigate for impacts to foraging habitat associated with the proposed project. This section discusses the existing design plans for the northern and southern subareas, conceptual restoration options for both subareas, the wildlife habitat functions that are anticipated to be created by the general restoration effort, the expected viability and sustainability of the restored habitat, and the time lapse between the proposed impacts and expected success of the restoration effort.

In highly modified landscapes, such as urban areas, restoration, enhancement, and maintenance measures are often required to maintain viable populations of raptors. Habitat restoration includes re-establishing habitat features and ecological conditions that have been modified by human activities. The goal of restoration and enhancement should be to re-establish natural habitat features providing excellent foraging habitat for raptors, such as restoring habitats where natural vegetation has been removed or altered. Achievement of this goal will be facilitated by planting native grassland habitat with emergent trees using native species of grasses, herbs, and trees; creating scrub thickets and natural hedgerows using native shrub species; and controlling introduced invasive plants.

Mitigation Requirements

The OBSP, as currently designed, will result in the conversion of up to 669 acres of agricultural lands that provide limited habitat function and foraging resources for raptors, shorebirds, migratory waterfowl, and other native birds. The existing foraging habitat acreage consists of 302 acres in the Northern Subarea and 367 acres in the Southern Subarea.

Based on mitigation typically required by CDFG, the City in its OBSP FEIR determined that a mitigation ratio of 0.1 : 1.0 is warranted (0.1 acre shall be restored for every 1.0 acre converted to urban development). This ratio recognizes the degraded value of the foraging habitat, and thus,



the ration is lower than would be appropriate from a habitat standpoint for undisturbed natural foraging areas. The application of the 0.1:1.0 ratio results in a mitigation requirement of 30.2 acres (10 percent of 302 acres) for planned urban development in the Northern Subarea. Currently planned development in the Southern Subarea would result in the conversion of up to 367 acres of habitat; therefore, the total mitigation requirement for this subarea is 36.7 acres of foraging habitat. Please note that at the time of this report preparation portions of the Southern Subarea are under consideration for conversion to natural habitat, and the mitigation ratio would not be applicable to those lands. At this time, a total of 66.9 acres of raptor foraging habitat is required to compensate for habitat loss that would occur from urban development within the two subareas.

As part of the total foraging habitat mitigation requirement, the City is also requiring the restoration of 6.8 acres of open mud flat and/or low herbaceous wetland habitat specifically for shorebirds to mitigate for loss of agricultural drainages. This adaptive management plan proposes to restore 6.8 acres of low herbaceous wet habitat for shorebirds as mitigation for the loss of the agricultural drainages. While the main use of this wet herbaceous habitat is intended for shorebirds, other organisms associated with this habitat will also serve as prey for several raptor species (such as California voles). All 6.8 acres of required wet herbaceous habitat restoration will be implemented within the Southern Subarea. As such, the 6.8 acres of wet herbaceous habitat restoration was subtracted from the Southern Subarea's total restoration requirement to determine the balance that will need to be implemented as upland foraging habitat restoration.

The subarea development plans for the OBSP were reviewed to determine the amount of restoration that could potentially be implemented within the open space portions of the two subareas, and then the balance of offsite mitigation (if any) was determined. Table 1 provides a summary of the restoration requirements, the area potentially available within the subareas for restoration of suitable habitat for foraging raptors and other birds, and the amount that would be required offsite if the proposed restoration is implemented.

Table 1. Summary of Mitigation Requirements and Proposed Onsite/Offsite Mitigation (acres)

Subarea	A Total Avian Foraging Habitat Mitigation Required	B Required Wet Herbaceous Habitat Mitigation	C Required Upland Mitigation (A - B) ¹	D Area Available Onsite for Wet Habitat Mitigation (Figure 6)	E Area Available Onsite for Upland Mitigation (Figures 4 & 5)	F Offsite Area Needed to Fulfill Upland Mitigation Requirement (C - E) ¹
Northern	30.2	0.0	30.2	0.0	10.2	20.0
Southern	36.7	6.8	29.9	6.8	30.4	0.0
Totals	66.9	6.8	60.1	6.8	40.6	20.0

¹ Based on current design. Use of portions of Southern Subarea for other native habitat restoration would reduce foraging habitat mitigation requirement.



Mitigation Measure BIO-2 of the certified OBSP FEIR states that suitable mitigation includes the restoration or enhancement of coastal native grassland and open shrubland foraging habitat for raptors and other birds. The habitat restoration is to focus on improving foraging habitat for sensitive avian species. BIO-2 encourages that the mitigation should be in the vicinity of the project site and near coastal wetlands, and that the mitigation should result in habitat with higher functional quality. With these criteria considered, onsite mitigation is preferred; however, this section provides two options to fulfill the mitigation requirement.

It is noted that proposed development within areas identified as jurisdictional waters and/or wetlands may be subject to the permit requirements of the U.S Army Corps of Engineers (Corps) pursuant to Section 404 of the Clean Water Act (CWA), Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act and Porter-Cologne Water Quality Act, and a CDFG Streambed Alteration Agreement pursuant to Section 1600 et. seq. of the California Fish and Game Code. To date, no delineation has been conducted of either subarea agricultural drainages to determine the location and extent of waters and wetlands within the subareas that are potentially subject to these jurisdictions. Such jurisdictional areas are determined by the state and federal authorities at the time that permits are requested.

This plan includes the restoration of 6.8 acres of low herbaceous "wetland" habitat that is intended for avian foraging habitat, and is not specifically intended to mitigate for possible impacts to wetlands subject to the jurisdiction of these regulatory agencies. During the permitting process and prior to construction, the subarea applicants shall consult with applicable regulatory agencies to determine if restored areas under this adaptive management plan can also be credited towards mitigation for impacts to potential jurisdictional waters (including wetlands). If permit conditions require different or additional onsite mitigation requirements that alter the design concepts or acreages of this adaptive management plan, this plan may be amended based on final permit conditions.

Mitigation Option 1: All or Partial Onsite Restoration

Northern Subarea. Under Mitigation Option 1, a portion of the Northern Subarea proposed open space areas will be used to fulfill a portion of the Northern Subarea requirement for raptor foraging habitat restoration (Figure 4). The following three measures would meet the *30.2-acre* upland restoration requirement:

1. All upland open space land immediately west, south, and east of the shoreline of Lake SouthShore will be planted with native transitional species near the shoreline, transitioning to upland grassland species with patches/hedgerows of native shrubs and trees. This will be implemented in three specific sections of open space areas adjacent to Lake SouthShore:
 - o 1.8 acres surrounding the southern and western corner of the western lake section.
 - o 4.1 acres between the southern margin of the middle lake section and Hueneme Road.
 - o 2.4 acres surrounding the southern and eastern corner of the eastern lake section.

These areas provide a total of approximately *8.3 acres* of upland raptor foraging habitat restoration area.



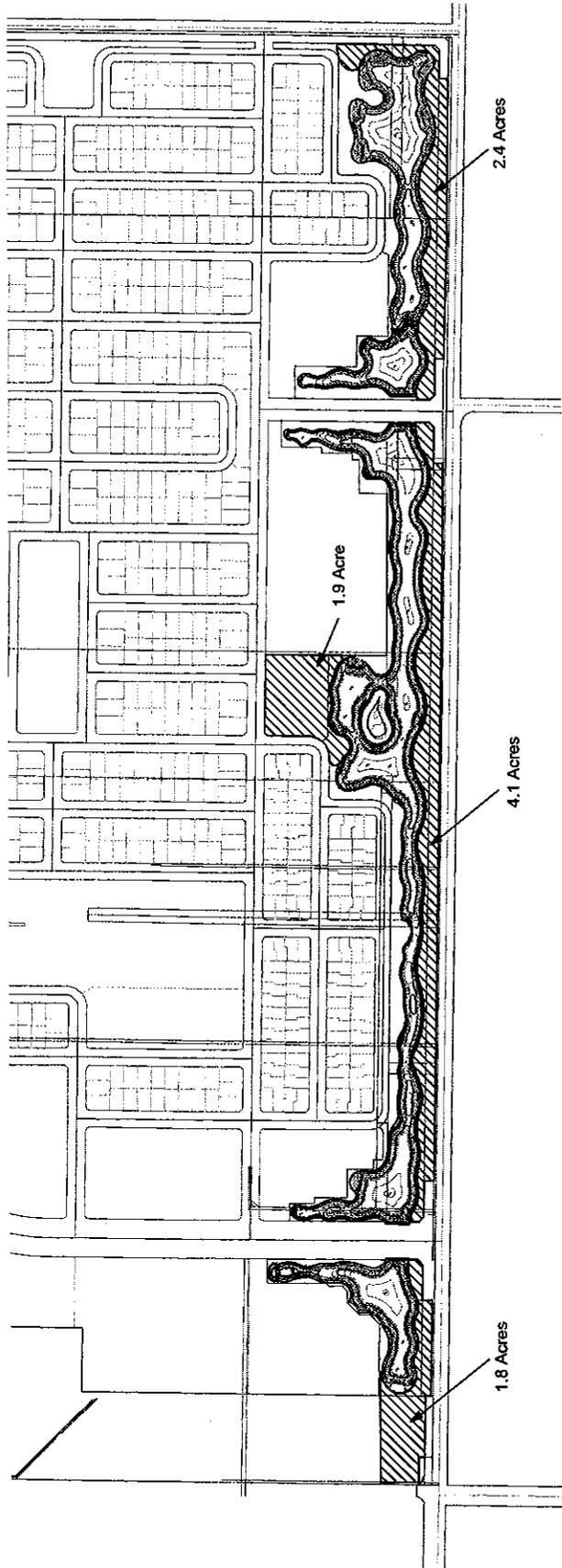
2. In addition to the three locations mentioned above, the detention basin proposed north of the middle lake section island will also be used as a restoration area for upland raptor foraging habitat. Per the applicant, this area has been designed to receive overflow from the lake only when storm events reach a 10-year magnitude recurrence interval or greater. Lake overflow is designed to spill into the basin, which would then drain back into the lake as the lake level recedes. The basin, as proposed, will not require any dredging or vegetation clearing because the drainage system routed to it is not expected to transport significant amounts of sediment. Lake overflow into the basin is designed to reside only for a short time. The total area of this detention basin therefore available for upland raptor foraging habitat is approximately *1.9 acres*.
3. The remaining *20 acres* required to meet the mitigation requirement of 30.2 acres of upland raptor foraging habitat for the Northern Subarea will need to be implemented at an offsite location (offsite mitigation is discussed in detail in Mitigation Option 2 below).

Southern Subarea. Under Mitigation Option 1, most of the Southern Subarea proposed open space will be used for raptor/bird foraging habitat restoration (Figure 5). The following two measures will meet the requirement for the restoration of *36.7 acres* of avian foraging habitat:

1. At least *6.8 acres of wet herbaceous* foraging habitat restoration will be implemented in the detention basin area where bioswales terminate at the south end of Rose Avenue, Ormond Boulevard, and Arnold Road along the south side of Frontage Road.
2. The remaining *29.9 acres of upland* foraging habitat restoration will be implemented within the proposed South Ormond Beach Specific Plan open space areas within planned landscape areas of approximately 70 to 150 feet wide. The following describes the locations of the 29.9 acres of upland restoration areas proposed within this subarea:
 - All open space area along the south side of Hueneme Road between Rose Avenue and Arnold Road
 - All open space along the entire west side of Rose Avenue between Hueneme Road to the north and the Frontage road to the south
 - The southern widest extent between the lanes of Ormond Boulevard between McWane Boulevard and Frontage Road
 - All open space west of Arnold Road between Hueneme Road to the north and the Frontage road to the south
 - All open space along the south side of the Frontage Road, excluding the proposed wet herbaceous habitat restoration area

Under this option, no offsite mitigation would be necessary for the Southern Subarea to fulfill their portion of the City's mitigation requirement based on current urban development plans. As previously noted, the mitigation requirement may be reduced if a portion of this area is instead restored to other native habitat. However, if the Southern Subarea as-built conditions ultimately do not provide adequate open space acreage needed to fulfill the upland restoration requirement, any residual upland restoration remaining shall be implemented at a suitable offsite location, as discussed in Mitigation Option 2 (below).

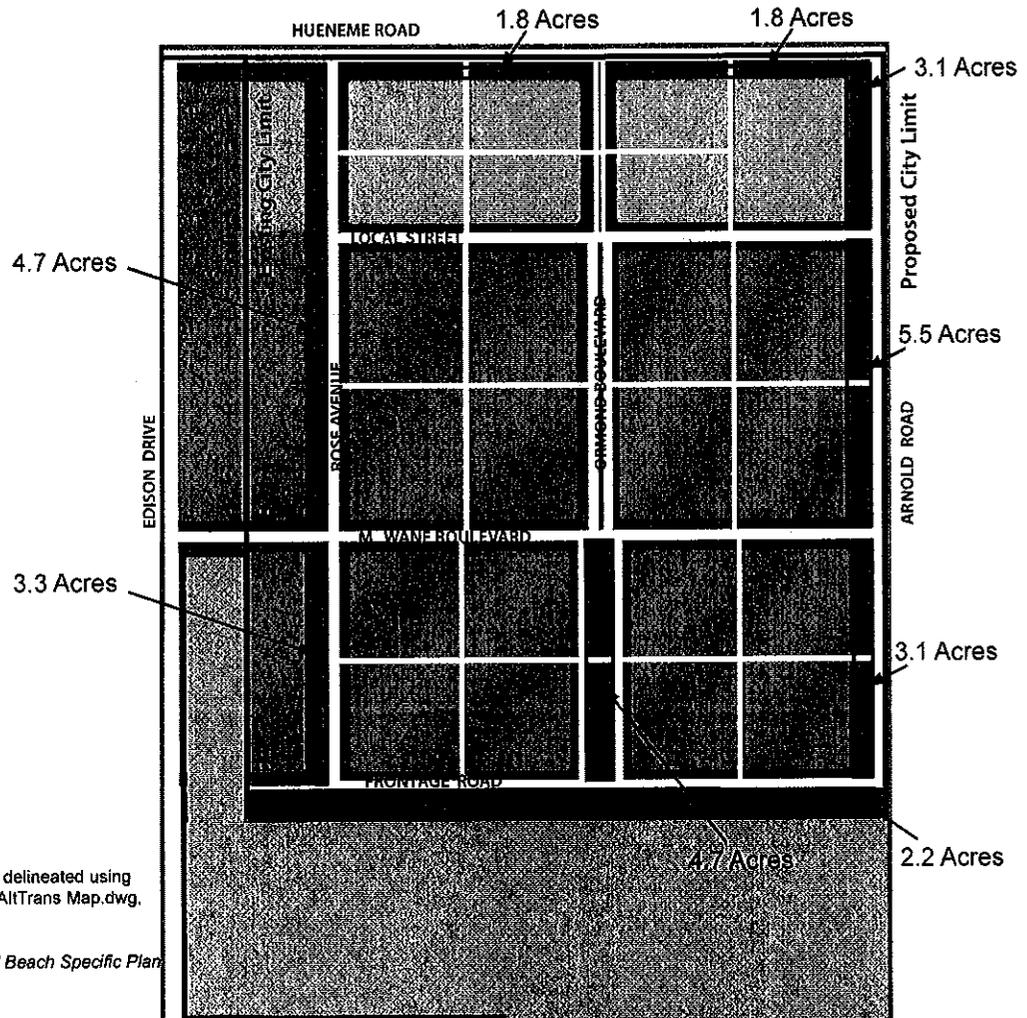




▨ Suitable Upland Restoration Areas = 10.2 acres
(Balance of 20.0 acres upland restoration is needed offsite to meet requirement of 30.2 acres total.)

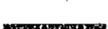
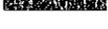
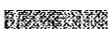
Lake SouthShore
Open Space Forging Habitat
Restoration Areas
Figure 4
City of Oxnard

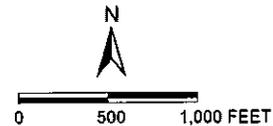
Ormond Beach Specific Plan Area Raptor Foraging Habitat Restoration
Adaptive Management Plan



Note: Restoration was delineated using AutoCAD, 3720TM01 AllTrans Map.dwg, Aug 2010

Source: South Ormond Beach Specific Plan, November 2009.

- LEGEND**
-  Business & Research Park (BRP) Zone
 -  Light Industrial (M-1-PD) Zone
 -  Light Industrial Harbor-Related Overlay (M-1-HR) Zone
 -  Open Space / Greenbelts (OS)
 -  County Agriculture - Exclusive
 -  Right of Way
 -  Detention Basin Area suitable for all required Wet Herbaceous Habitat Restoration (6.8 acres)
 -  Upland Restoration Areas suitable for all required Upland Habitat Restoration (29.9 acres)



South Ormond Beach Open Space Foraging
 Habitat Restoration Areas

Figure 5
 City of Oxnard

Mitigation Option 2: All Offsite Restoration

Under Mitigation Option 2, all 30.2 acres of raptor foraging habitat restoration required for impacts associated with the SouthShore Specific Plan, and all 36.7 acres of restoration required for impacts associated with the South Ormond Beach Specific Plan, would be implemented at an offsite location, such as within a portion of the approximate 230-acre southernmost area of the Southern Subarea that is not proposed for annexation. This offsite mitigation option is proposed to ensure that the total mitigation requirement is fulfilled. In addition, if the onsite portion of this mitigation requirement cannot be fulfilled, or if it is determined that no onsite raptor foraging habitat mitigation is feasible due to constraints from development or proximity to human landscapes and influences, this option outlines measures necessary to implement sufficient and successful compensatory offsite mitigation.

The most viable current option for providing compensatory mitigation offsite is through the private purchase of mitigation lands. This process typically entails the following tasks:

1. Identification of parcels that contain at minimum suitable raptor habitat characteristics.
2. Purchase of an adequate acreage to compensate for project-specific impacts.
3. Preparation of a long-term Habitat Management Plan to maintain and enhance the conservation values of the conserved land in perpetuity.
4. Recordation of a conservation easement or similar instrument that provides legal preservation of the conserved land in perpetuity.
5. Identification of a funding assurance mechanism, such as a letter of credit and/or endowment, for the purchase and long-term management of the conserved land in perpetuity.
6. Coordination with the regulatory agencies, including CDFG and the USFWS, to obtain approval of the proposed compensatory mitigation approach, including the mitigation lands, Habitat Management Plan, conservation easement, and funding assurances.

Habitat Functions Expected to be Restored

In order to restore raptor/bird foraging habitat function as required, all on- and off-site mitigation will be implemented in accordance with this adaptive management plan and installation program. The restoration areas would be maintained and monitored for a minimum of three years and would be subject to success criteria and triggers for adaptive responses detailed herein.

The habitat functions expected to be restored within the restoration sites include those characteristics discussed above in Section 4, Defining Suitable Raptor Foraging Habitat. Specifically, the habitat functions that are expected to be replaced onsite/offsite include attributes and/or key components that are essential to maintaining the long-term use and integrity of the mitigation area by the target raptor species, and they include the following:

- Maintain habitat viability in terms of normal growth/development of functional habitat.
- Increase resources without resource depletion so that the habitat can continue to thrive into the future without external infusions of resource.



- Increase native cover and species richness with the creation of low-growing native and naturalized grassland habitat with native shrub shelterbelts.
- Increase perching and nesting opportunities with the establishment of small clusters of large trees.
- Maintain some habitat connectivity to other open space areas for prey recruitment.
- Increase small mammal populations in particular as prey for the target raptors. It is noted that natural vegetation will also provide for increases in the abundance of other prey animals (reptiles, invertebrates, birds), but the focus of the mitigation effort is on small mammals.

Due to the proximity of the available open space areas to human landscapes onsite (within both the Northern and Southern Subareas), the required 75-foot buffer protecting foraging habitat limits the amount of space suitable for the mitigation effort. Appropriate open space upland areas at least 100 feet wide were included in the available restoration area. Most upland areas included are not much wider than 100 feet. A 100-foot area would include the 75-foot buffer; therefore the remaining 25 feet provides for the actual foraging habitat. However; it should be noted that if a 100-foot wide area requires the 75-foot buffer on either side due to development on either side of the 100-foot restoration site (leaving a 50-foot overlap), no space is left for actual foraging activities. Ultimately, the 100-foot wide area (technically all buffer) still provides habitat for raptor prey as long as enough connectivity is available for recruitment of prey species. Prey species from these areas will likely move into other wider adjacent and connected restoration sites that would be used as foraging habitat for the target raptor species.

Time Lapse Between Impacts and Expected Restoration Success

The restoration project shall be initiated prior to the completion of the proposed development to ensure there is no significant temporal loss of foraging habitat for raptors and shorebirds. Each individual restoration effort must be monitored and maintained for a minimum of a three-year period and until success criteria are met. The OBSP development is anticipated to require approximately two years with construction anticipated to begin in 2014. If it is assumed that mitigation would be implemented in the fall of 2016, it should be monitored for a minimum of three years (fall of 2017, 2018, and 2019) to ensure success of habitat establishment and usage by raptors. Assuming this schedule, the time lapse between impacts and expected restoration success would be a minimum of approximately five years (2014 to 2019).

6.0 HABITAT RESTORATION IMPLEMENTATION PLAN

The implementation of this habitat restoration plan focuses on offsetting impacts to raptor/avian foraging habitat resulting from the proposed development and meeting the required criteria and thresholds for a successful restoration effort. This habitat restoration plan is subject to review and approval by the City of Oxnard prior to implementation.

Please note that the term "hydrophytic plant species" is used herein to (1) describe plant species that are recommended to be planted to create the wet herbaceous foraging habitat, (2) is intended only to imply that such plants require more water than upland species, and (3) is not intended to imply that the habitats being restored are Corps or CDFG jurisdictional wetlands.



Implementation Schedule

Per Mitigation Measure BIO-2 of the certified OBSP FEIR, the restoration project should be initiated prior to the completion of the development. Site preparation and irrigation system installation will be conducted prior to planting implementation. All restoration planting installation should be conducted during the first wetting rains from October 1 to February 1. The timing of winter/spring installation will allow for taking advantage of the rainy season, dormancy of foliage, and rooting period to maximize the potential for successful establishment of new plantings. All planting installation will occur when the top six inches of soil are moist following a series of winter/spring storms, or as supplemented by temporary irrigation. As-built conditions will be reported immediately following the completion of installation.

Site Preparation

Any non-native invasive plant species within the restoration site will be removed prior to planting of native vegetation. Use of herbicides will likely not be needed if the restoration areas are maintained frequently to prevent colonization of undesirable species. Immediately following irrigation installation, the restoration areas will be planted with native species by direct planting methods and broadcast seeding methods. A project restoration biologist should be contracted to identify specific planting locations of native vegetation for optimal establishment and longevity based on anticipated hydrology, edaphic factors, exposure, and slope aspect. A vegetative cover consisting of appropriate native plant species will develop slowly from the planted material over a minimum of three growing seasons with proper management.

Planting Plan

Planting plans to be developed by the subarea applicants shall include an assemblage of native plant species, such as those recommended in Table 2, that are known to occur within raptor foraging grassland, scrub, transitional, and wet herbaceous habitats. Establishment of the recommended plant species would significantly increase the raptor habitat functions by providing foraging, nesting, and refuge areas for raptor prey species. Several species are recommended to accommodate the possibility of some species not being available. The landscape plant palettes currently proposed in each subarea's Specific Plan were reviewed and referenced for the development of the plant palette in Table 2; however, several additional native species are recommended herein. In general, the planting plan includes container plantings in addition to broadcast seeding of native species. Approximately 90% of the total restoration required for both the Northern and Southern Subareas combined will concentrate on the development of native grassland habitat, and will include clusters and hedgerows of native scrub stands and emergent isolated native trees. Low herbaceous wet and transitional habitats will also be created for shorebirds and raptors. Container plantings to be installed in the restoration area are to be spaced irregularly and in clusters to emulate natural conditions. A restoration biologist should provide advice for the implementation of the plantings and to aid the subareas in achieving the goals of FEIR Mitigation Measure BIO-2.



Table 2. Recommended Planting Palette

Scientific Name	Common Name	Habit	Planting Material
Planting Zone A – Hrophytic Herbaceous Species			
<i>Cyperus eragrostis</i>	Umbrella-sedge	Perennial herb	Container
<i>Eleocharis macrostachya</i>	Common spike-rush	Perennial herb	Container/seed (3 lb/ac)
<i>Heliotropium curassavicum</i>	Alkali heliotrope	Perennial herb	Container
<i>Juncus bufonius</i>	Toad rush	Perennial herb	Container/seed (3 lb/ac)
<i>Juncus mexicanus</i>	Mexican rush	Perennial herb	Container/seed (3 lb/ac)
<i>Juncus patens</i>	Spreading rush	Perennial herb	Container/seed (3 lb/ac)
<i>Rorippa nasturium-aquaticum</i>	Water cress	Perennial herb	Container/seed (5 lb/ac)
<i>Salicornia virginica</i>	Pickleweed	Perennial herb	Container
<i>Salix exigua</i>	Narrow-leaved willow	Shrub	Container
<i>Schoenoplectus [Scirpus] californicus</i>	California bulrush	Perennial herb	Container
<i>Typha domingensis</i>	Southern cattail	Perennial herb	Container
Planting Zone B - Transitional Species			
<i>Agrostis exarata</i>	Western bentgrass	Perennial grass	Seed (4 lb/ac)
<i>Ambrosia psilostachya</i>	Western ragweed	Perennial herb	Seed (4 lb/ac)
<i>Artemisia douglasiana</i>	Mugwort	Perennial herb	Container
<i>Distichlis spicata</i>	Saltgrass	Perennial grass	Container/seed (8 lb/ac)
<i>Leymus triticoides</i>	Alkali rye grass	Perennial grass	Container/seed (5 lb/ac)
<i>Mimulus cardinalis</i>	Scarlet monkeyflower	Perennial herb	Seed (5 lb/ac)
<i>Muhlenbergia rigens</i>	Deer grass	Perennial grass	Container/seed (6 lb/ac)
<i>Platanus racemosa</i>	California sycamore	Tree (isolated)	Container
Planting Zone C - Upland Grassland Species			
<i>Asclepias fascicularis</i>	Narrow-leaved milkweed	Perennial herb	Container/seed (3 lb/ac)
<i>Bromus carinatus</i> var. <i>carinatus</i>	California brome	Annual grass	Seed (5 lb/ac)
<i>Elymus glaucus</i> ssp. <i>Glaucus</i>	Blue wild rye	Perennial grass	Seed (5 lb/ac)
<i>Eschscholzia californica</i>	California poppy	Annual herb	Seed (3 lb/ac)
<i>Lupinus bicolor</i>	Miniature lupine	Annual herb	Seed (3 lb/ac)
<i>Melica imperfect</i>	Coast range melic	Perennial grass	Seed (5 lb/ac)
<i>Nassella pulchra</i>	Purple needlegrass	Perennial grass	Seed (8 lb/ac)
<i>Quercus agrifolia</i>	Coast live oak	Tree (isolated)	Container
Planting Zone D - Upland Scrub Species (comprising <10% of upland habitat)			
<i>Artemisia californica</i> *	California sagebrush	Shrub	Container
<i>Baccharis pilularis</i> *	Coyote brush	Shrub	Container
<i>Encelia californica</i>	California bush sunflower	Shrub	Container
<i>Eriogonum cinereum</i>	Ashy-leaf buckwheat	Shrub	Container
<i>Eriogonum fasciculatum</i>	California buckwheat	Shrub	Container
<i>Heteromeles arbutifolia</i> *	Toyon	Shrub	Container
<i>Leymus condensatus</i>	Giant wild-rye	Perennial grass	Container
<i>Lotus scoparius</i>	Deerweed	Shrub	Container
<i>Mimulus aurantiacus</i>	Bush monkeyflower	Shrub	Container
<i>Rhamnus californica</i>	Coffeberry	Shrub	Container
<i>Rhus integrifolia</i> *	Lemonade berry	Shrub	Container
<i>Salvia leucophylla</i>	Purple sage	Shrub	Container
<i>Salvia mellifera</i>	Black sage	Shrub	Container
<i>Solanum xanthii</i> *	Purple nightshade	Shrub	Container



Northern Subarea. The restoration proposed within the Northern Subarea includes upland mitigation areas (1) south of Lake SouthShore and north of Hueneme Road, and (2) within the proposed detention basin (Figure 4). Mitigation areas along the *lake shoreline* will be planted with transitional plant species (Planting Zone B [Table 2, Figure 6]), including western ragweed, scarlet monkeyflower, mugwort, saltgrass, alkali rye grass, and deer grass. Grassland species (Planting Zone C) will be planted where the mitigation site progresses from the lake margin to the north edge of Hueneme Road, and will include species such as narrow-leaved milkweed, blue wild rye, California poppy, and purple needlegrass. The lower elevations within the Northern Subarea *detention basin* will be planted with transitional species (Planting Zone A), and the higher elevations of the detention basin will be planted with grassland and shrub species (Planting Zones B and C).

Scrub shelterbelts with native emergent trees (Planting Zone D) will also be designed within the Northern Subarea habitat mitigation areas. Specifically, scrub shelterbelts will be implemented to create cover and foraging resources for raptor prey species and to create low perches for raptors. The scrub species recommended in these shelterbelts include California sagebrush, coyote brush, ashy-leaf buckwheat, deerweed, bush monkeyflower, lemonade berry, and sages. Less than 10% of the total foraging habitat being created shall be comprised of shrubs to maintain the goal of creating open foraging habitat.

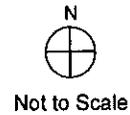
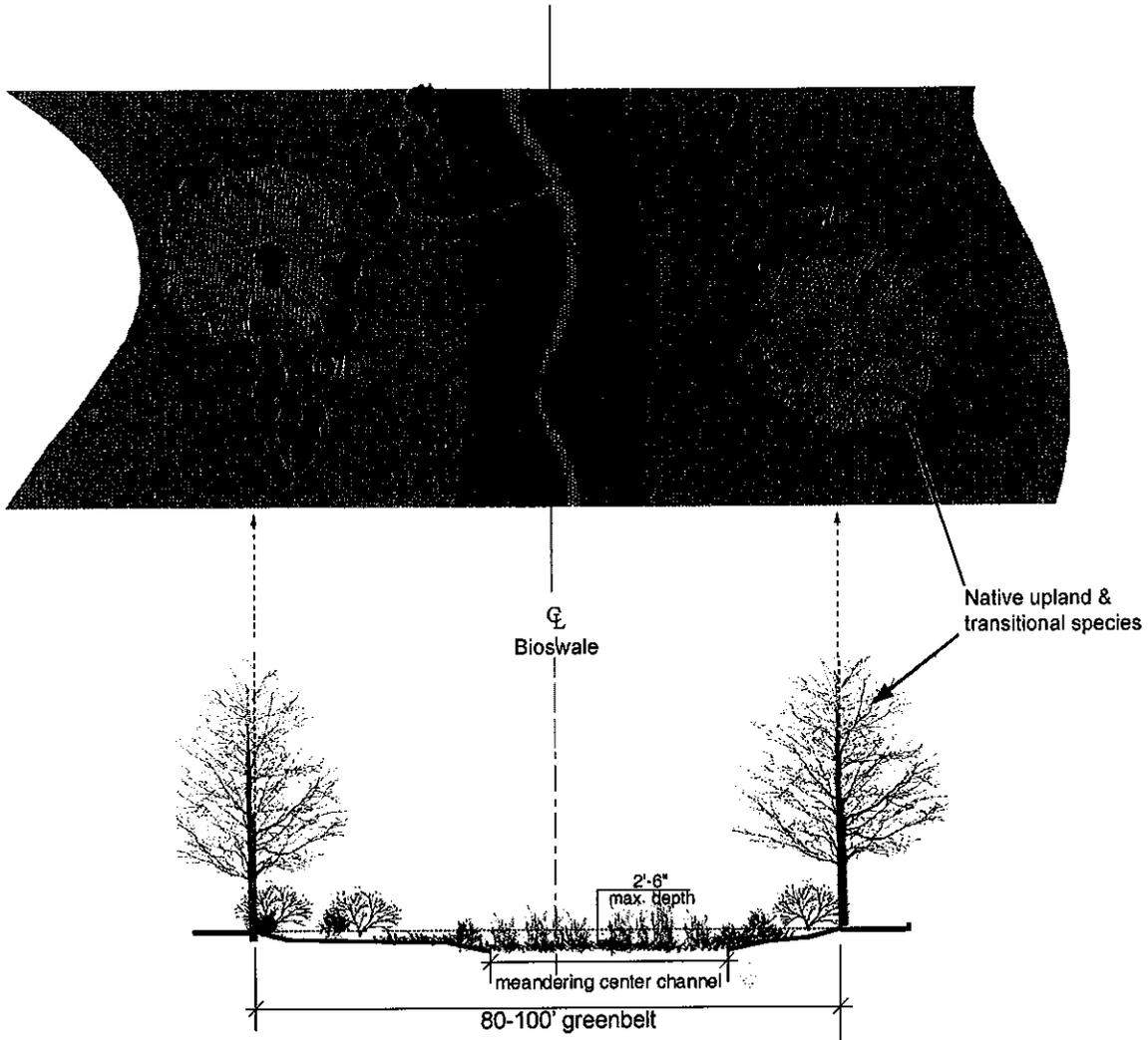
Southern Subarea. The restoration proposed within the Southern Subarea includes (1) provision of wet herbaceous habitat within the proposed detention basin, and (2) transitional and upland mitigation areas within open space designated along several roads throughout the Southern Subarea (Figure 5). The planting plan for the *wet herbaceous foraging habitat* mitigation (Planting Zone A [Table 2, Figure 6]) includes establishing hydrophytic plant in the delineated wet foraging habitat mitigation areas (Figure 5) within the detention basin along the frontage road in the southern portion of the Southern Subarea. Example hydrophytic plant species to be planted in the detention basin include umbrella-sedge, alkali heliotrope, toad rush, water cress, scarlet monkeyflower, and pickleweed. *Transitional mitigation areas* (Planting Zone B) along the proposed bioswales (Figure 7) will be planted with species including western ragweed, mugwort, saltgrass, alkali rye grass, and deer grass. The *upland mitigation areas* adjacent to the bioswales will be planted with predominantly grassland species (Planting Zone C), including California brome, blue wild rye, miniature lupine, Coast Range melic, and purple needlegrass.

Scrub shelterbelts will also be designed within portions of the transitional and upland habitats to create cover and foraging resources for raptor prey species and clusters of native oak trees will be established for raptor perches (Planting Zone D).

Planting Installation Specifications

Planting installation, maintenance, monitoring, and reporting activities will be overseen by a restoration biologist familiar with restoration of native plants and habitats. All plantings will be planted in randomly spaced, naturally clumped patterns. The planting density should be augmented by approximately 25% to compensate for anticipated planting mortality. The size, location, and variety of the plantings shall be based on professional judgment of a qualified biologist, and will depend on the available mitigation area and opportunity for survival of planted species.





Not to Scale

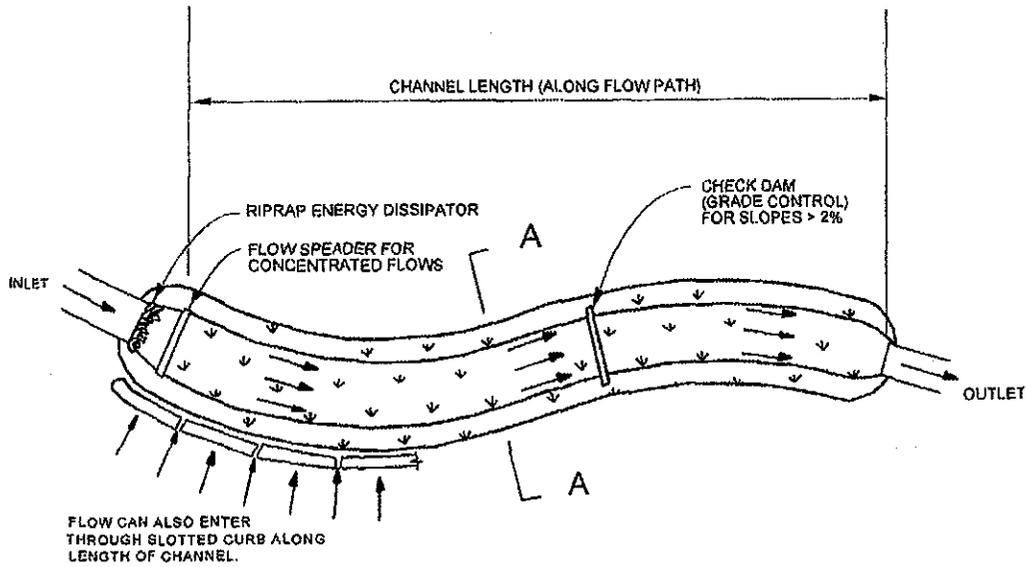
Planting Zone

- A = Hydrophytic-Herbaceous
- B = Transitional
- C = Upland Grassland
- D = Upland Scrub (Refer to Table 2 for Plant Palette)

Example Planting Zone Schematic

Figure 6
City of Oxnard

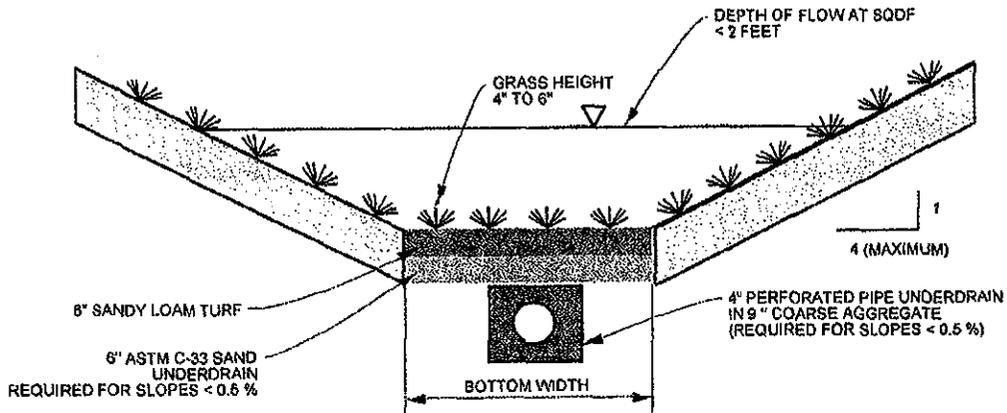




TRAPEZOIDAL GRASS-LINED CHANNEL – PLAN

NOT TO SCALE

ADAPTED FROM URBAN STORM DRAIN CRITERIA MANUAL
 VOL. 3 - BEST MANAGEMENT PRACTICES
 URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, 1/199



TRAPEZOIDAL GRASS-LINED CHANNEL – SECTION

NOT TO SCALE

South Ormond Beach Grass-lined Channel
 (Bioswale Typical Design)

Figure 7
 City of Oxnard

Container Stock Specifications and Installation Methods. Spacing of native grasses and herbs, if obtained as container plantings and not by seeds, will be approximately 3 feet-on-center. Spacing of native shrubs will be approximately 8 feet-on-center and will be planted in scattered patches and/or hedgerows. Any trees will be scattered and spaced no less than 20 feet-on-center. All container stock plant material shall be purchased from a native plant nursery approved by the restoration biologist, and selected from one-gallon container sizes. All container stock shall be weed- and ant-free, and shall not be inoculated to prevent heart rot. Container stock will be planted as follows:

- Excavate a hole 2 times the diameter and 1.5 times the height of the container.
- Add water to the hole, and let drain.
- Remove existing exposed roots from the hole.
- Clip root mass, if necessary, to relieve root binding.
- Place root ball in hole and cover with native soil. Root ball should be slightly elevated to accommodate settling. Care should be taken to not pile soil against the plant's crown.
- Create a waterwell around the hole of each container planting to focus supplemental irrigation toward the root system.
- Place organic mulch 3 inches deep on top of soil around plant.
- Irrigate immediately to saturate surrounding soil.

Seed Broadcast Methods. Seed will be broadcast-spread within the more upland and transitional mitigation areas along with appropriate container plantings to achieve an appropriate level of canopy cover for raptor foraging habitat. Seed mixes will include only species native to the southern California coastal area. All seed will be obtained from a commercial supplier. One part seed will be mixed with three parts sand and applied using a broadcast seeder. The seeded areas will be raked immediately prior to and following seeding.

Herbivore Protection. As currently planned, no herbivore protection or exclusion fencing will be required at this time. If browse damage is detected within the restoration areas, caging of individual plants or fencing of the entire restoration area will occur.

Mulch. Mulch may be placed around container plantings to minimize water loss and discourage weed growth. If used, it will consist of sterile rice straw or chipped material and will be added at a 1:5 ratio (one part mulch to five parts topsoil). Mulch would be applied to three or four inches deep and no more than two feet in diameter at each planting, but would not be placed directly against the main stem of a planting. All mulch shall be free of noxious weed seed, mold, and deleterious materials. Mulch will be prevented from entering flowing water.

Irrigation Plan

A detailed landscape irrigation plan shall be prepared specifically for the various planting zones within each mitigation site. Depending on seasonal timing, the restoration areas will rely predominantly on rainfall and inundation by surface flow for irrigation. However, initial watering will be conducted to establish the plantings.



A temporary above-ground irrigation system will be provided to initiate seed germination and promote proper container/cutting root establishment. The mitigation areas will be watered by an irrigation system, made up of multiple impact sprinkler or gear driven overhead sprinklers, to mimic the natural water cycle in the region. The intent of irrigation is to reduce mortality and increase the growth rate of plant materials during the first few months following planting and during the dry season. Irrigation will be provided for a period of approximately two years from planting (depending on climatic conditions), with irrigation being phased out during the fall/winter of the second year, unless unusually severe conditions threaten planting survival.

As-Built Conditions

Following plant installation, the project restoration biologist will assist in the preparation of a general as-built restoration and planting plan and will oversee the implementation of the monitoring program. As-built planting plans will be used as baseline information to track the success of container plantings and seeded areas throughout the monitoring period. The as-built plan will document any changes made during implementation, and will outline any modification made that deviate from this implementation plan to reflect as-built conditions.

7.0 MAINTENANCE ACTIVITIES

Each mitigation site must be monitored and maintained for a minimum of a three-year period and until success criteria are met. If success criteria are not achieved by the end of the third year, maintenance and monitoring shall continue a maximum of two additional years for a total monitoring period of five years.

Maintenance of the mitigation sites is essential to achieve restoration objectives and performance criteria. Failure to perform adequate maintenance is likely to result in non-attainment of the performance criteria. Although the vegetation proposed for the restoration areas is intended to be self-sustaining, its establishment and growth will be encouraged by aggressive maintenance, including a weed abatement program, irrigation upkeep and adjustments, and remedial/supplemental plantings, as necessary, for the duration of a three-year monitoring period. Other maintenance measures include trash removal, plant protection, erosion control, and monitoring visits. A qualified biologist/botanist will train maintenance workers in the identification of native plants to ensure only non-native plants are removed during weeding. General hand weeding will focus on control of invasive species. Weeds may be controlled with herbicides or hand pulling. Spraying of herbicides is only permitted in areas where noxious weeds are present, and may not be used where young native forbs are present.

Maintenance Schedule

The maintenance schedule for the habitat restoration sites will be monthly for the first year, and every other month for the second and third year. Weeding will be conducted, as needed, to prevent displacement of native species, which may include treatment or removal several times per year. All trash and foreign material will be removed regularly from the restoration site. Irrigation system maintenance will occur as needed to meet the goals of this plan.



Weed Abatement Program

According to The California Invasive Plant Council (CALIPC; <http://www.cal-ipc.org/ip/definitions/index.php>), invasive plants are plants that evolved in one region of the globe are moved by humans to another region. Some of them flourish, crowding out native vegetation and the wildlife that feeds on it. Some invasives can even change ecosystem processes, such as hydrology, fire regimes, and soil chemistry. These invasive plants have a competitive advantage because they are no longer controlled by their natural predators, and can quickly spread out of control. In California, approximately 3% of the plant species growing in the wild are considered invasive, but they inhabit a much greater proportion of the landscape. Cal-IPC focuses on plant species that impact natural areas, sometimes called "wildland weeds." Table 3 provides a list of example common invasive plant species that shall be removed from the project site during site preparation and throughout the maintenance period.

Table 3. Invasive Plant Species of Concern

Scientific Name	Common Name	Habit
<i>Arundo donax</i> L.	Giant reed	Perennial grass
<i>Brassica nigra</i>	Black mustard	Annual herb
<i>Carduus pycnocephalus</i>	Italian thistle	Annual herb
<i>Centaurea melitensis</i>	Tocalote	Annual herb
<i>Centaurea solstitialis</i>	Yellow star-thistle	Annual herb
<i>Conium maculatum</i>	Poison hemlock	Biennial herb
<i>Euphorbia peplus</i>	Petty spurge	Annual herb
<i>Foeniculum vulgare</i>	Sweet fennel	Perennial herb
<i>Hirschfeldia incana</i>	Summer mustard	Perennial herb
<i>Malva parviflora</i>	Cheeseweed	Annual herb
<i>Medicago polymorpha</i>	Common burclover	Annual herb
<i>Melilotus alba</i>	White sweetclover	Annual herb
<i>Nicotiana glauca</i>	Tree tobacco	Shrub
<i>Oxalis pes-caprae</i>	Bermuda buttercup	Perennial herb
<i>Pennisetum clandestinum</i>	Kikuyu grass	Perennial grass
<i>Picris echioides</i>	Bristly ox-tongue	Annual herb
<i>Piptatherum miliaceum</i>	Smilo grass	Perennial grass
<i>Raphanus sativus</i>	Wild radish	Annual herb
<i>Ricinus communis</i>	Castor bean	Shrub
<i>Salsola tragus</i>	Russian thistle/tumbleweed	Annual herb
<i>Sonchus asper</i>	Prickly sow-thistle	Annual herb
<i>Sonchus oleraceus</i>	Common sow-thistle	Annual herb
<i>Sylibum marianum</i>	Milk thistle	Annual herb
<i>Tamarix ramosissima</i>	Tamarisk	Tree/shrub
<i>Tribulus terrestris</i>	Puncture vine	Annual herb



It should be noted that many naturalized introduced plant species exist within natural ecosystems that are not necessarily invasive. For example, introduced annual grasses (wild oat, barley, and brome grasses) should not be considered invasive for the purpose of this restoration effort, since annual grasslands (void of invasive forbs) provide functional habitat for prey species and foraging raptors.

In the initial years of habitat establishment, emphasis will be placed on control of invasive exotic plants in the restoration sites, and on monitoring the success of the new plantings. Invasive species control is important to ensure decreased competition levels for the new plantings, and the control efforts will continue throughout the three-year monitoring period. The restoration site will be examined for the presence of undesirable invasive plant species. Control of invasive plant species will be overseen by qualified individuals experienced with habitat restoration techniques, and experienced with native-versus-nonnative plant species identification, to aid in the establishment of habitat function onsite.

Weeding will be conducted by hand monthly the first year and every other month during the last two years of the three-year monitoring period, or until it is determined that the installed plantings are not at risk from competition by invasive plants. Weed control activities will be intensified during the spring and early summer prior to the development of mature seeds produced by the target weed species (Table 3). Invasive plant materials will be disposed of in a manner and location as to prevent re-establishment.

8.0 MITIGATION MONITORING

Rational for Expecting Success

This mitigation effort is expected to be successful since the implementation plan and adaptive management plan proposed herein focuses on working with physical attributes to guide the restoration, and natural biological processes of the created system to aid in completing the project. The restoration areas have been selected in locations providing a minimum 75-foot buffer from human landscapes, which is generally required by the target raptor species. The wet herbaceous foraging habitat restoration areas have been selected in a location where surface flows will be directed via bioswales (post-project), and where water appears to naturally accumulate (pre-project); therefore, runoff and/or some degree of natural hydrology will be provided to the wetter mitigation area to create the desired site conditions and hydrologic regime over time. The plant palette is representative of the species and types of habitats known to be used by raptor prey species and raptors, and the native species selected for the plant palette will create the species richness and structural diversity beneficial to this mitigation effort. In addition, an intensive maintenance effort is planned to ensure that invasive exotic plant species do not create competitive conditions for the mitigation plantings, the temporary irrigation is providing adequate water during various seasonal changes, and any planting mortalities are replaced efficiently to maintain survival rates within required thresholds. This mitigation effort is also expected to be successful since a proactive monitoring program is developed herein to closely observe activities and circumstances that might decrease planting growth or habitat functions, such as changes in site conditions, planting mortalities, potential nutrient deficiencies, excessive coverage by invasive plant species, irrigation malfunctions, and non-use by raptor prey species and raptors. Regular and frequent monitoring will compare



growth patterns, survival rates, species richness, and structural diversity with established success criteria to ensure that each milestone is met to reach the ultimate goal of compensating for impacts to raptor foraging habitat.

Evaluating Design Uncertainties

The habitat restoration plans include certain aspects of design, implementation, and habitat recovery uncertainties, and monitoring will be conducted to evaluate those uncertainties. For example, hydrophytic vegetation is expected to become established within the Southern Subareas detention basin; however, it is uncertain as to whether the survival/expansion or mortality of hydrophytic vegetation that may occur within this area would be related to planting method (adult plants, tubers, or natural recolonization), soil saturation, and/or backfill type. Another example is that the as-built detention basin in the Northern Subarea may ultimately have increased hydrologic conditions than what is expected, which may not allow for the restoration of upland foraging habitat as required for that subarea. Yet another example is that this adaptive management plan is intended to provide functional habitat to attract the target raptor species discussed in Section 2 above, including special-status raptors. However, the conceptual mitigation designed herein does not provide assurance that special-status raptors, such as white-tailed kite and burrowing owl, will use the restoration areas created onsite or offsite. Monitoring information on such uncertainties will be used in evaluating adaptive responses.

Monitoring Schedule

As-built planting plans will be prepared for container plants and seeded locations immediately following plant installation to assist in tracking the success of the plantings over the minimum three-year monitoring period. For a minimum of three years after installation of this restoration plan, a biological monitor will monitor the mitigation area twice yearly, beginning in the spring or fall after installation of the vegetation and raptor enhancements have been completed (whichever season comes first). Sampling of the replaced and reconstructed habitats shall be conducted during those seasons for assessing peak growth for upland, transitional, and hydrophytic vegetation, accurate identification of plant species, and site conditions such as drought and inundation. Recommendations for irrigation will be provided upon monitoring visits. Ongoing coordination between restoration biologist and maintenance contractor regarding maintenance requirements/needs will be conducted frequently as part of the monitoring process. An annual monitoring report documenting the results of each fall mitigation monitoring session will be submitted by December 1st for the years 2017, 2018, and 2019. If success criteria are not achieved by the end of the third year, monitoring shall continue a maximum of two additional years for a total monitoring period of five years.

Overall Approach and Methods

The most important activity after the installation of plant material is the monitoring of the planted and seeded vegetation. Monitoring is very important for several reasons. First, time and resources may be wasted on measures that are ineffective or even counter-productive; monitoring can detect problems at an early stage and prevent the waste of resources. Second, refinements of mitigation measures are often needed to adjust them optimally to particular



settings; monitoring will help direct these adjustments and identify problem areas; this process is known as adaptive management.

A basic tenet of adaptive management is that collecting information and learning about the system while the program is underway are continuous activities, and that revisions and modifications should be made as suggested by project needs and findings. A qualified restoration biologist will monitor the installed plantings as part of this restoration and adaptive management plan for the proposed project for a minimum of a three-year period to determine if success criteria are being met. The data collection will include habitat monitoring to assess the adaptive management benchmarks and success criteria, as well as monitoring to collect data to evaluate design, implementation, and habitat recovery uncertainties. Monitoring will include qualitative assessments of general improvement of habitat function and planting vigor, as well as quantitative assessments of planting survivorship, native absolute percent canopy cover, species richness, and accounts of raptors and prey species/individuals that are foraging or inhabiting the restored habitats.

Botanical surveys will be conducted to document the increase in the number and proportion of native species over time. Botanical surveys will be conducted by identifying each plant species in the restoration area and preparing a list of native and non-native species found. The development of a native plant community and eradication of invasive non-native plant species that do not provide suitable habitat will be documented by the percent cover and percent native species in the restoration area as it changes over time and approaches that of undisturbed adjacent vegetation. Monitoring will also include an evaluation of the adequacy of irrigation, extent of weed infestation, and herbivory losses.

Permanent photo points will be established throughout the restoration areas to assist in tracking the success of the restoration program. Permanent photo points will be established during the preparation of the as-built planting plan, and ground view photos will be taken during each monitoring year from the same vantage point. The boundary of the as-built restoration areas will be mapped using GPS. An initial planting guide mapping the plantings onsite will be prepared using GPS data points and GIS interface.

Specific procedures the monitoring biologist shall perform during monitoring visits include:

1. Assess vegetation cover (species, structure) and progress toward meeting success criteria.
2. Record environmental factors (such as precipitation at the time of surveys and precipitation levels for months of the current year).
3. Assess the success of weed control program and recommend remedial action, if needed.
4. Assess the survival rate and growth of planted trees, shrubs, and grasses. At the time of planting, new plantings will be marked for the purpose of monitoring. The monitor shall select several planted clusters for photo monitoring and shall take close-up and long-distance digital images of each selected cluster during each monitoring visit.
5. Record observations of any special-status plant or wildlife species (federal or state threatened or endangered species and state sensitive species) during field monitoring.
6. Apply results of monitoring to refinement of mitigation and management measures on a continuing basis, as needed.



Performance Standards and Success Criteria

Appropriate success criteria are the single most important elements in the development of a successful compensatory habitat restoration plan and to document increases or decreases in target functions. These criteria provide a reliable and objective means of evaluating the capacity of the area to perform ecosystem functions.

Two types of success criteria will be used to determine whether habitat replacement is complete: (1) a general narrative criterion, and (2) the final quantitative criteria. The narrative success criterion simply describes when the overall program will be considered successful. As applied to a given habitat type, the narrative success criterion is a general statement of attainable or attained conditions of biological integrity for that habitat and establishes a positive statement about what should occur within a given biological entity. This adaptive management plan includes the general narrative criterion, as well as general descriptions of success criteria. In addition, this plan provides a general description of the quantitative criteria that will be used to implement the narrative criterion for the habitat type.

The following criteria will be used to aid in determining success over the three-year monitoring period:

- No more than 10% cover by weedy/invasive plant species after three years.
- 50% cover by native plant species after two years and 70% percent native cover after three years.
- At least 5 native plant species comprising dominant vegetative cover after three years.
- Observations or detections of rodents and/or raptors inhabiting or foraging within the restoration sites every monitoring year.

Species seeded onsite and observed colonizing the restoration areas will be monitored based on the extent of aerial cover compared to the total area planted as delineated on the as-built planting plans. Natural recruitment of indigenous plant species will be monitored at a reconnaissance-level, and those dominant species observed colonizing the restoration area will be qualitatively described. Native grasses, forbs, shrubs, and trees that colonize the restoration areas and aid in the reestablishment of habitat function during the monitoring program will be counted towards the overall success criteria for the restoration program.

Triggers for Adaptive Responses

In addition to the success criteria, triggers for adaptive responses were developed for the restored foraging habitats and to assist in achieving the primary success criteria. These triggers consist of a series of specific objectives for certain parameters of the habitats being restored at certain specified years after the restoration implementation. The triggers are based on measurements to determine if response actions may be required. Triggers are not alternative success criteria, but rather tools for managing the restored habitats, and taking corrective action where appropriate to assist in achieving success.



The triggers for remedial adaptive actions include the following:

- Greater than 25% planting mortality after planting or in any monitoring year in any mitigation area
- Greater than 10% cover by invasive plant species in any monitoring year in any mitigation area
- Less than 50% native cover in any monitoring year in any mitigation area
- Pest problem (house/feral cats, raccoons, etc. hunting or feeding on target prey species) detected or observed in any monitoring year in any mitigation area
- Insufficient rodent recruitment after the first monitoring year in any mitigation area
- No raptors frequenting/foraging anywhere within the mitigation sites after the second monitoring year

9.0 ADAPTIVE RESPONSES

Under this adaptive management approach, if success criteria are not being met, the three general management alternatives include:

1. Continuing the current monitoring for additional years
2. Implementing response actions that will help the recovery process
3. Re-evaluating the goals of the restoration project

This section discusses the response actions necessary for a successful recovery, documentation of any necessary response actions, when to re-evaluate the restoration goals, and when to determine success and determine project closure.

Response Actions

Monitoring for restoration criteria success will begin the first spring or fall after implementation (whichever season comes first). If the success criteria are not achieved in a given year, the available adaptive management options will include the continuation of monitoring (without other action) to assess trends over time, the performance of immediate response actions, and consideration of additional responses. Annual success thresholds will be compared to restoration performance and annual maintenance activities will be integrated to resolve any problems where performance of the restored habitat areas does not achieve expected goals. Based on the comparisons of monitored data with performance standards provided in annual reports, a qualified biologist or restoration specialist will recommend remedial actions to meet the performance standards. Additional responses, and the results of those responses, may require a re-evaluation of the monitoring results. In other instances, prior response actions conducted over several years may demonstrate, to the satisfaction of the City, that the habitat in such areas is unlikely to meet the success criteria even with further action.



The following presents the specific response action that should be implemented when one or more triggers are set.

Trigger 1: Greater than 25% of the planted and seeded material fails to germinate or dies after planting or in any year, and/or the native percent coverage within the restoration sites is less than 50% during any monitoring period.

Response Action 1: To attempt to increase planting survival and native percent cover, maintenance and remediation will include, but are not limited to, replanting problem areas with seed and plant mixtures specifically designed to overcome the identified problem; identifying and controlling invasive plant species; and modifying the irrigation program. The recommended planting palette and restoration plan provided above will be reinstalled where needed to increase survivability and native percent cover. Because supplemental irrigation will be available within the restoration areas, remedial seeding and planting can take place near the end of the first growing season or at the start of the second growing season, depending on the extent of the activity. Any replacement plantings installed to achieve the requirements will be monitored with the same survival and growth requirements for two years after planting. Any implemented remedial measures will be fully documented in the annual reports.

Trigger 2: The weedy/invasive vegetative cover within the restoration sites is greater than 10%.

Response Action 2: Weed abatement will be increased to a monthly schedule for the remaining monitoring years. Depending on the level of disturbance by invasives, and the species of concern, the weed abatement program would be intensified to attempt to eradicate the species from the restoration sites.

Trigger 3: Evidence of a substantial pest problem (i.e. house/feral cats or raccoons) is observed (pest observed hunting or feeding on target prey species) or detected (numerous remains of prey species found) during any monitoring year.

Response Action 3: To address a pest problem affecting target prey species, trapping of such pests will be conducted to either eradicate or relocate pests from restoration areas, if feasible.

Trigger 4: Natural small mammal recruitment and foraging by target raptor species is not evident in the restoration areas. No target prey species are being observed or detected (i.e. burrows or scat) within the restoration areas.

Response Action 4a: Response Action 1 would be implemented to enhance the restoration effort to attract the raptor prey mammal to the restoration areas.

Response Action 4b: If after one year of increasing maintenance and implementing remediation measures no natural recruitment of target prey species is observed/detected, trapping will be conducted within the restoration areas onsite and/or offsite to determine presence/absence and to quantify small mammal populations inhabiting the restoration areas.



Response Action 4c: If after remediation measures conducted under Response Action 4a yields no target raptor prey species, and if trapping conducted under Response Action 4b within the restoration areas yield no or insufficient prey species, then small mammal trapping of such species would be conducted in an offsite location (such as an area with a predetermined native rodent problem). Those captures would be relocated into restoration areas. Once introduced onsite, prey species would likely flourish in the unoccupied restored habitats. This would provide a prey base for target raptor species.

Trigger 5: It is demonstrated after five years of maintenance and monitoring (including the three initially required years plus two additional remediation years) that onsite mitigation is infeasible due to the constraints associated with urban development, and/or that ultimately a higher level of ecological functioning would result from offsite mitigation.

Response Action 5: The portion of the restoration effort that failed, or the entire restoration effort, shall be re-implemented entirely offsite at an appropriate and superior location. The new restoration effort will be implemented in accordance with this adaptive management plan and implementation plan and will be maintained and monitored for a minimum three-year monitoring period. Partial credit may be given for portions of the initial restoration effort onsite and/or offsite, depending on the status and function of the habitats created at the end of five years.

Documentation Requirements and Reporting

Annual Adaptive Management Reports will be submitted to the City of Oxnard by January 31 of each year following habitat restoration implementation. Reports will be prepared by the project restoration biologist conducting the onsite monitoring. Each report will present the habitat monitoring data collected during the prior calendar year, including the database used to develop the report, and the results of the adaptive management evaluations conducted, including an analysis of habitat trends and recovery trajectories. In addition, collected data shall be evaluated on an ongoing basis (at a minimum, annually) to determine if modifications to the sampling design are warranted. Each Annual Adaptive Management Report will document evaluations of the triggers for adaptive responses (where relevant), assess progress toward meeting success criteria, and summarize any adaptive responses taken during the spring and fall monitoring sessions of the previous year. Each report will also include recommendations, as appropriate, for additional adaptive response actions, continuation or revision of the data collection program, termination of monitoring in successful habitats, or revisiting the habitat goals for specific areas.

The format of the Annual Adaptive Management Report should include the following:

- Introduction
 - Specific purpose/ goals for the habitat restoration site for the specific year
 - Applicant, consultant, designer, and responsible parties contact information
 - Location, size, and type of habitat proposed for restoration (including map of restoration site and photo stations)
 - Dates of restoration implementation, previous maintenance, and monitoring
 - Summary of work completed



- **Methods**
 - Monitoring methodology
 - Detailed schedule of work performed
 - Location and number of stations sampled
 - Statistical methods used for data evaluation
 - Summary of field data taken to determine compliance with performance standards
 - List of approved success criteria
 - Methods used for any adaptive responses
- **Results**
 - Summary of maintenance activities, remedial actions, and adaptive responses (if implemented)
 - Graphs and/or tables summarizing data collection results and comparing monitoring results against performance standards for target dates
 - Photographic record of site during most recent monitoring visit at record stations
- **Discussion**
 - Discussion of the results and an overview of the restoration effort
 - Summary of progress towards success criteria
 - Effectiveness of any adaptive responses (if implemented)
 - Recommendations that will assist in meeting the overall success criteria
 - Recommendations for adaptive responses for the following year(s) (if necessary)

Re-Evaluation of Goals

Site-specific goals (i.e., designated habitat types for specific areas or even success criteria themselves) may turn out to be unrealistic for some locations. Re-evaluating the appropriateness of such goals may occur when monitoring has shown that the triggers or success criteria have not been met or are not likely to be met, despite efforts to achieve the benchmarks and success criteria. For example, if a portion of the restoration is determined not to be suitable for aquatic vegetation or if a portion of the restoration is determined not to be suitable for upland restoration, the goals for that area may need to be altered.

Success and Closure

When habitat conditions within the onsite and offsite restoration areas achieve the success criteria for each habitat type and are sustained for the number of years specified by those criteria, adaptive management and its associated habitat monitoring will end. The habitat restoration will only be considered complete after a minimum period of three years or until restoration success has been achieved and documented for a maximum of five years. If any portion of the onsite and/or offsite mitigation effort fails after a maximum of five years of maintenance, monitoring, and contingency measures, the portion that failed shall be implemented offsite at an appropriate or superior location and be maintained and monitored for a three-year monitoring period. The final monitoring report shall evaluate the success of the restoration effort in achieving the final success criteria. The final monitoring report will be notification of when the monitoring period has been completed and the approved success criteria have been met. The habitat restoration will only be considered complete by the City of Oxnard when they provide written verification of habitat restoration success.



10.0 FUNDING REQUIREMENTS

Habitat Restoration Implementation Plan Cost Estimate

The estimated cost of implementing 30.2 acres of onsite and/or offsite raptor foraging habitat restoration for the Northern Subarea, and 37.5 acres for the Southern Subarea, is approximately \$10,000 to \$15,000 per acre. Therefore, the cost for implementation for the Northern Subarea would cost approximately \$302,000 to \$453,000, and the cost for implementation for the Southern Subarea would cost approximately \$375,000 to \$562,000.

Offsite Mitigation Costs

Costs associated with offsite mitigation include the following:

- Potential Mitigation Site Identification/Biological Resources Assessment: \$10,000 to \$20,000
- Purchase Land/Record Conservation Easement/Funding Assurance: \$5,000 to \$10,000 per acre
- Prepare Long-Term Habitat Management Plan: \$10,000 to \$25,000
- Regulatory Agency Coordination/Approvals: \$10,000 to \$15,000

Long Term Maintenance and Monitoring Costs

The approximate cost of maintaining the onsite and offsite mitigation areas is estimated at \$2,000 to \$3,000 per acre, per year. Therefore, maintenance for the Northern Subarea mitigation requirement would cost approximately \$181,200 to \$271,800 for three years, and maintenance for the Southern Subarea mitigation requirement would cost approximately \$225,000 to \$337,500 for three years.

The approximate cost of monitoring the onsite and offsite mitigation areas is estimated at \$3,000 to \$5,000 per year. Monitoring for the Northern Subarea and Southern Subarea mitigation requirement would cost approximately \$9,000 to \$15,000 each over three years.

Endowment Requirements

If a conservation easement is required, a third party monitoring agency will require an endowment to manage the properties in perpetuity primarily to ensure the mitigation areas are being protected from any illegal actions, such as farming. Specifically, the endowment cost would pay for the third party to check on the condition of the properties, but is not intended for maintenance, annual monitoring, or repairs of damage to the mitigation sites. The endowment would cost approximately \$20,000. The \$20,000 invested at 4% interest would be \$800 per year.

Cost Recovery for Contingency Actions

If the restoration effort begins to fail and adaptive responses are triggered, the cost recovery for the contingency/response actions shall be the responsibility of the property owner in which the response actions were implemented. A performance bond shall also be established for the cost of full re-installation as presented above under the Habitat Restoration Implementation Plan Cost Estimate subsection in the event that the restoration project fails and is required to be re-installed.



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ATTACHMENT E

**RESOLUTION APPROVING
SOUTHSHORE DEVELOPMENT AGREEMENT**

PLANNING COMMISSION OF THE CITY OF OXNARD

RESOLUTION NO. 2011-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT (PLANNING AND ZONING PERMIT NO. 05-670-03) FOR PLANNING AND ZONING PERMIT NOS. 03-620-03 (GENERAL PLAN AMENDMENT); 03-640-01 (SPECIFIC PLAN); 03-560-01 (PREZONING); AND 07-300-016 (TENTATIVE SUBDIVISION MAP FOR TRACT NO. 5427) FOR THE CONSTRUCTION OF 776 SINGLE FAMILY DETACHED RESIDENCES AND 749 ATTACHED RESIDENTIAL UNITS, COMMERCIAL/MIXED-USE DEVELOPMENT (20 UNITS) AND LIGHT INDUSTRIAL DEVELOPMENT, 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). FILED BY HEARTHSIDE HOMES/ITO FARMS, LLC., 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614

WHEREAS, on December 10, 2009, the Planning Commission of the City of Oxnard considered Final Environmental Impact Report (FEIR) No. 05-03 for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects (Ormond Beach Development Projects) and made a recommendation to the City Council to certify the FEIR; and

WHEREAS, on March 23, 2010, the City Council certified FEIR No. 05-03 (SCH #2005091094), and the Planning Commission has considered the FEIR before making its decision herein; and

WHEREAS, the Planning Commission considered an application for Planning and Zoning Permit No. 05-670-03, filed by Hearthside Homes LLC/Ito Farms to approve a Development Agreement for the above-described property; and

WHEREAS, on April 7, 2011 the Planning Commission held a public hearing and received and reviewed written and oral comments concerning the Development Agreement associated with the following development project: 03-620-03 (General Plan Amendment); 03-640-01 (Specific Plan); 03-560-01 (Prezoning); 07-300-16 (Tentative Subdivision Map for Tract No. 5427), herein known as the SouthShore Specific Plan; and

WHEREAS, the Planning Commission finds after due study, deliberation and public hearing, that the Development Agreement conforms to the City's 2020 General Plan as amended as by PZ 03-620-03 and elements thereof and California Government Code Section 65864 et seq; and

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 Planning Commission finds the Applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this permit as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety and welfare of the constituency in general and the persons who work, visit, or live in the proposed development in particular; 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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council adoption of an Ordinance approving Planning and Zoning Permit No. 05-670-03 for the Development Agreement for the SouthShore Specific Plan, as shown in Exhibit "A", attached hereto and incorporated herein by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of April 2011, by the following vote:

AYES: Commissioners
NOES: Commissioners
ABSENT: Commissioners

Patrick Mullin, Chairman

ATTEST:

Susan L. Martin, Secretary

EXHIBIT A

DEVELOPMENT AGREEMENT FOR

SOUTHSHORE SPECIFIC PLAN

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF SOUTHSORE SPECIFIC PLAN DEVELOPMENT AGREEMENT

PER TITLE REPORT PREPARED BY CHICAGO TITLE COMPANY, DATED JUNE 27, 2002, AS ORDER No. 24015701-J01

TITLE TO SAID ESTATE AT THE DATE OF SAID REPORT IS VESTED IN;

PARCEL A: ORMOND BEACH COMPANY, LLC (SOUTHSORE LAND COMPANY, LLC, AND DAVID O. WHITE, AS OF FEBRUARY 28, 2011)

PARCEL B: JOHN M. KATSUDA, JAMES TUDASHA KATSUDA TRUST, JAMES KATSUDA RUBY MITSULCO KATSUDA 1992 TRUST, KENNETH K. KATSUDA

PARCEL C: ITO FAMILY TRUST, SACHIKO ITO TRUST, TADAAKI TOMMY ITO HEIRS

PARCEL D: RAYMOND E. SWIFT TRUST (SOUTHSORE LAND COMPANY, LLC, AS OF FEBRUARY 28, 2011)

PARCEL E: ITO FARMS, INC

PARCEL F: PLUM VISTA, L.P.

PARCEL A:

PARCEL 2 IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS SHOWN ON THE PARCEL MAP RECORDED IN BOOK 15, PAGE 37 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT A ONE-HALF INTEREST IN AND TO ALL OIL, GAS, COAL, ASPHALTUM AND OTHER MINERALS AND MINERAL SUBSTANCES OF EVERY KIND AND CHARACTER, AS RESERVED BY LENA SINCLAIR, A MARRIED WOMAN, FORMERLY KNOWN AS LENA KOHLER AND AUGUSTA LEACH, A MARRIED WOMAN, IN DEED RECORDED APRIL 1, 1955 AS DOCUMENT NO. 11500 IN BOOK 1278 PAGE 123 OF OFFICIAL RECORDS.

PARCEL B:

PART OF SUBDIVISION 83, AS THE SAME IS DESIGNATED AND DELINEATED UPON THAT CERTAIN MAP ENTITLED "MAP OF RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA, PARTITIONED BY ORDER DIST. COURT 1ST JUD., DIST. CALIFORNIA," AND FILED IN THE OFFICE OF THE COUNTY CLERK OF VENTURA COUNTY, IN THAT CERTAIN ACTION ENTITLED "THOMAS A. SCOTT, ET AL., PLFFS. VS. RAFAEL GONZALES, ET AL., DEFTS.," BROUGHT FOR THE PURPOSE OF PARTITIONING SAID RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA SAID REAL PROPERTY BEING DESIGNATED AND DELINEATED AS "ESTATE OF J. RASMUSSEN" UPON THAT CERTAIN MAP ENTITLED "MAP OF LANDS IN SUBDIVISIONS NOS. 72, 82 AND 83 OF RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA, VENTURA COUNTY, CAL.," AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF VENTURA COUNTY, IN BOOK 3 OF MISCELLANEOUS RECORDS (MAPS) AT PAGE 48, SHOWN AND DEFINED IN EXHIBIT A ON PARCEL MAP WAIVER NO. 652, RECORDED DECEMBER 22, 1992, AS INSTRUMENT NO. 92-232624, OFFICIAL RECORDS.

LEGAL DESCRIPTION CONTINUED...

EXCEPTING THEREFROM ONE-HALF OF THE MINERALS, OIL, GAS, OR OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND, WITHOUT, HOWEVER, ANY RIGHT OF SURFACE OR ANY RIGHT OF ENTRY IN AND TO THE SUBSURFACE THEREOF, AT A DEPTH OF LESS THAN 500 FEET BENEATH THE SURFACE FOR THE DEVELOPMENT OR REMOVAL OF SAID SUBSTANCES.

PARCEL C:

ALL OF LOTS 2 AND 5 AND A PART OF LOTS 3 AND 8 OF THE SUBDIVISION NOS. 72, 82 AND 83 OF THE RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, AS PER MAP RECORDED IN BOOK 3, PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, PARTICULARLY DESCRIBED AS AN ENTIRETY AS FOLLOWS:

BEGINNING AT A 4" X 4" REDWOOD POST SET IN THE NORTH LINE OF HUENEME ROAD AT THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO FRITZ BRUNS BY DEED DATED DECEMBER 7, 1905, AND RECORDED IN BOOK 105, PAGE 358 OF DEEDS; THENCE FROM SAID POINT OF BEGINNING;

1ST: NORTH 19.60 CHAINS ALONG THE EAST LINE OF SAID LANDS OF FRITZ BRUNS TO A 4" X 4" REDWOOD POST SET IN THE SOUTH LINE OF SAID LOT 5 AND AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE AT RIGHT ANGLES

2ND: WEST 11.56 CHAINS TO A 4" X 4" REDWOOD POST SET IN THE NORTH LINE OF LOT 1 AT THE CORNER COMMON TO LOTS 4 AND 5 AS SHOWN UPON THE ABOVE DESCRIBED MAP; THENCE AT RIGHT ANGLES,

3RD: NORTH 20.62 CHAINS ALONG THE EAST LINE OF SAID LOT 4 TO A 4" X 4" REDWOOD POST SET AT THE CORNER COMMON TO LOTS 4 AND 5; THENCE AT RIGHT ANGLES,

4TH: EAST 30.796 CHAINS; AT 22.67 CHAINS 4" X 4" REDWOOD POST SET AT THE CORNER COMMON TO LOTS 5 AND 6; AT 29.93 CHAINS A 4" X 4" REDWOOD POST SET AT THE SOUTHWEST CORNER OF LOT 9 AS SHOWN UPON THE ABOVE DESCRIBED MAPS; AT 30.798 CHAINS THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS CONVEYED TO JAMES H. OLD BY DEED DATED DECEMBER 1, 1910, RECORDED IN BOOK 120, PAGE 287 OF DEEDS; THENCE AT RIGHT ANGLES,

5TH: SOUTH 40.22 CHAINS; AT 20.62 CHAINS THE SOUTHWEST CORNER OF SAID PARCEL OF LAND CONVEYED TO JAMES H. OLD, AND THE NORTHEAST CORNER OF LAND CONVEYED TO JAMES H. OLD, AND THE NORTHEAST CORNER OF LAND CONVEYED TO JAMES H. OLD, AND THE NORTHEAST CORNER OF LAND

LEGAL DESCRIPTION CONTINUED...

CONVEYED TO JOSE YRIGOYEN AND ANNIE YRIGOYEN, HIS WIFE, BY DEED DATED DECEMBER 1, 1910, RECORDED IN BOOK 120, PAGE 285 OF DEEDS; AT 40.22 CHAINS A POINT IN THE NORTH LINE OF SAID HUENEME ROAD; THENCE ALONG SAME,

6TH: WEST 19.2365 CHAINS; AT 8.0065 CHAINS A 4" X 4" REDWOOD POST SET IN THE SOUTHERLY TERMINUS OF THE CENTER LINE OF A PRIVATE ROAD 50 FEET WIDE, LYING EQUALLY ON EACH SIDE OF THE BOUNDARY LINE BETWEEN SAID LOTS 2 AND 3; AT 19.2365 CHAINS THE POINT OF BEGINNING.

EXCEPT THOSE PORTIONS AS CONVEYED IN THE DEED TO SOUTHERN CALIFORNIA EDISON COMPANY, BY DOCUMENTS RECORDED SEPTEMBER 8, 1966, IN BOOK 3040, PAGE 272, AND JULY 7, 1969, IN BOOK 3514, PAGE 208, OFFICIAL RECORDS

PARCEL D

A PART OF LOTS 3 AND 6 OF RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP OF LANDS IN SUBDIVISIONS NUMBERS 72, 82 AND 83 OF SAID RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA, RECORDED IN BOOK 3, PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO RICHARD W. SERVICE AND VENIE E. SERVICE, HIS WIFE, BY DEED DATED SEPTEMBER 7, 1923, RECORDED IN BOOK 29, PAGE 88 OF OFFICIAL RECORDS, AT THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO JOHN EASTWOOD BY DEED DATED SEPTEMBER 14, 1911, RECORDED IN BOOK 128, PAGE 131 OF DEEDS; AND RUNNING THENCE,

1ST: SOUTH 39.75 CHAINS TO A POINT IN THE NORTH LINE OF HUENEME ROAD; THENCE,

2ND: WEST 7.044 CHAINS TO A 4" X 4" REDWOOD POST SET IN THE NORTH LINE OF SAID HUENEME ROAD; THENCE,

3RD: NORTH 40.22 CHAINS TO A 4" X 4" REDWOOD POST FROM WHICH THE SOUTHWEST CORNER OF LOT 9, AS SHOWN UPON SAID MAP, BEARS WEST 0.827 OF A CHAIN DISTANT; THENCE,

4TH: EAST 0.553 OF A CHAIN TO A POINT; THENCE,

LEGAL DESCRIPTION CONTINUED...

5TH: SOUTH 30 45' EAST 0.55 OF A CHAIN TO A POINT; THENCE,

6TH: EAST 6.21 CHAINS TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION GRANTED TO SOUTHERN CALIFORNIA EDISON COMPANY IN DEED RECORDED FEBRUARY 3, 1967 IN BOOK 3100 PAGE 456 OF OFFICIAL RECORDS.

PARCEL E:

ALL OF LOT 7 AND A PART OF LOTS 3, 6 AND 8 OF SUBDIVISION NOS. 72, 83 AND 82 OF THE RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED IN BOOK 3, PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID REAL PROPERTY PARTICULARLY DESCRIBED AS AN ENTIRETY AS FOLLOWS:

BEGINNING AT A 3/4 INCH IRON PIPE SET AT A POINT IN THE NORTH LINE OF "HUENEME ROAD:", DISTANT WEST 663.23 FEET FROM A 4" X 4" POST SET AT THE POINT OF INTERSECTION OF SAID NORTH LINE OF "HUENEME ROAD: WITH THE WEST LINE OF THE ROAD LOCALLY KNOWN AS AND CALLED "OLDS ROAD", THENCE FROM SAID POINT OF BEGINNING,

1ST: NORTH 39.75 CHAINS TO A 3/4 INCH IRON PIPE SET AT A POINT IN THE NORTH LINE OF SAID LOT 8; THENCE ALONG THE NORTH LINE OF SAID LOTS 8, 7 AND 6,

2ND: WEST 23.891 CHAINS TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED BY RICHARD W. SERVICE AND WIFE, TO JOHN EASTWOOD, BY DEED DATED NOVEMBER 14, 1923, RECORDED IN BOOK 32, PAGE 185 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE,

3RD: SOUTH 39.75 CHAINS ALONG THE EAST LINE OF THE LAND SO CONVEYED TO SAID EASTWOOD TO A POINT IN THE NORTH LINE OF SAID "HUENEME ROAD"; THENCE ALONG SAME,

4TH: EAST 23.889 CHAINS ALONG THE NORTH LINE OF SAID "HUENEME ROAD" TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION CONTINUED...

EXCEPT THE NORTHERLY THREE HUNDRED (300) FEET OF LOTS 7 AND 8 OF SUBDIVISION NOS. 72, 83 AND 82 OF THE RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA, ACCORDING TO THE MAP RECORDED IN BOOK 3, PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND THE NORTHERLY THREE HUNDRED (300) FEET OF THAT PORTION OF LOT 6 OF SAID SUBDIVISION NOS. 72, 83 AND 82 WHICH LIES EASTERLY OF THE WESTERLY LINE OF THE LAND CONVEYED TO A. M. BARNARD BY DEED RECORDED IN BOOK 149, PAGE 495 OF OFFICIAL RECORDS OF SAID VENTURA COUNTY.

ALSO EXCEPT AN UNDIVIDED ONE-HALF INTEREST IN ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES INCLUDING GEOTHERMAL RESOURCES LYING IN AND UNDER SAID LAND ABOVE DESCRIBED, OR PRODUCED AND SAVED THEREFROM; AND FURTHER EXCEPTING AND RESERVING TO GRANTOR THE SOLE AND EXCLUSIVE RIGHTS TO DRILL INTO, FROM AND THROUGH SAID LAND, AND ALL SUBSURFACE EASEMENTS NECESSARY OR CONVENIENT TO PROSPECTING FOR; PRODUCING AND DEVELOPING OIL, GAS AND OTHER HYDROCARBON SUBSTANCES AND MINERALS BY MEANS OF SLAT DRILLING OPERATIONS CONDUCTED FROM SURFACE LOCATIONS OUTSIDE OF SAID LAND, INTO OR THROUGH SAID LAND, TO PRODUCING INTERVALS EITHER WITHIN OR BEYOND SAID LAND, ALL SUBJECT, HOWEVER, TO THE CONDITIONS, THAT, IN THE ENJOYMENT OF SAID RESERVED AND EXCEPTED RIGHTS AND INTEREST GRANTOR SHALL NOT ENTER UPON THE SURFACE OF SAID LAND OR INTO THE UPPER 500 FEET THEREOF MEASURED VERTICALLY FROM SAID SURFACE, AS RESERVED BY FIRST INTERSTATE BANK OF CALIFORNIA, A CALIFORNIA CORPORATION, ET AL., IN DEED RECORDED MARCH 23, 1984 AS DOCUMENT NO. 31725 OF OFFICIAL RECORDS.

PARCEL F:

A PART OF LOTS 3 AND 8 OF SUBDIVISION NOS. 72, 82 AND 83 OF THE RANCHO EL RIO DE SANTA CLARA 0' LA COLONIA, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 3, PAGE 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

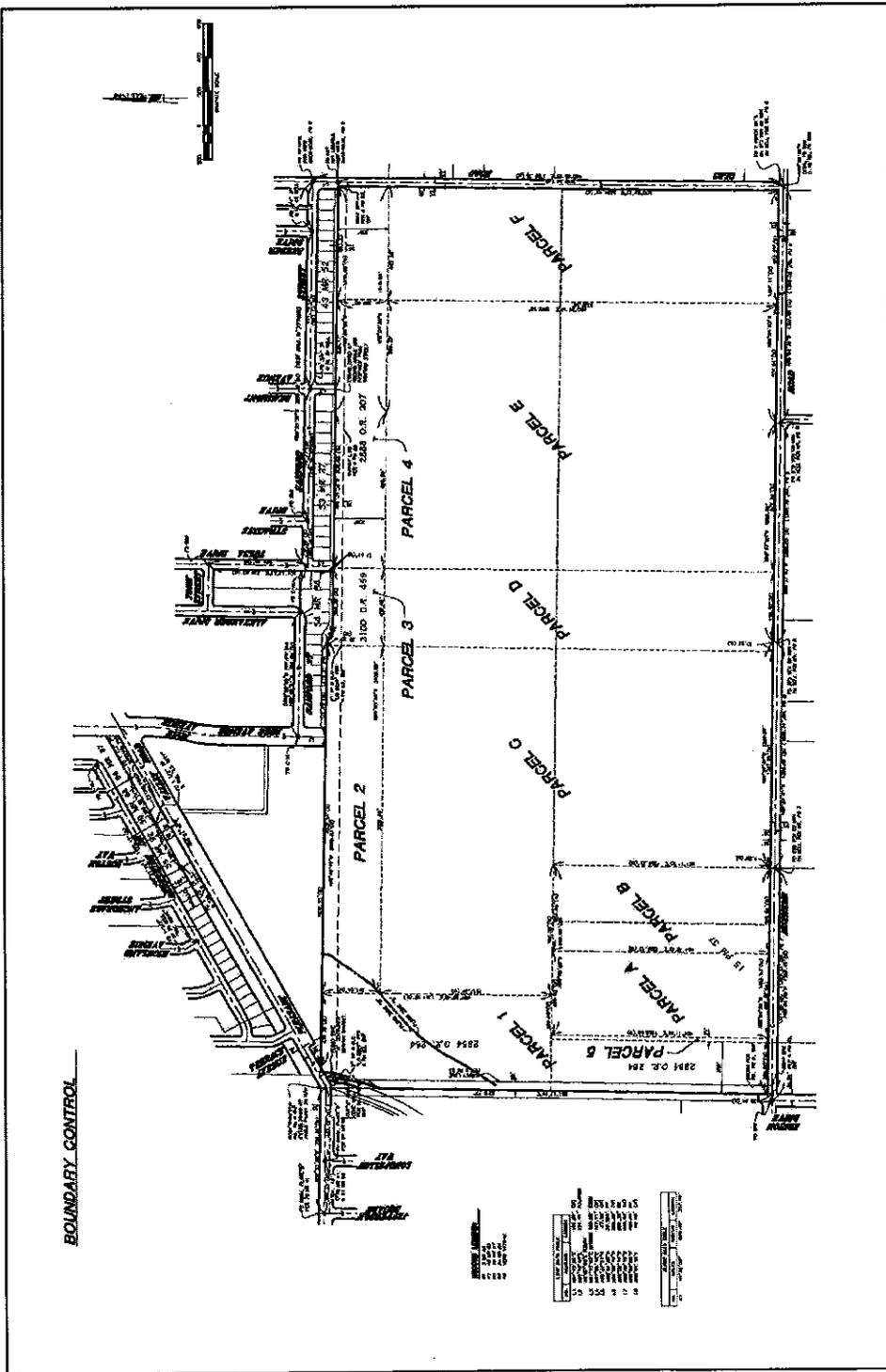
BEGINNING AT A 4" X 4" POST, SET AT THE POINT OF INTERSECTION OF THE NORTH LINE OF HUENEME ROAD AND THE WEST LINE OF OLDS ROAD, 50 FEET WIDE, SAID POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF SAID LOT 3, AS DELINEATED UPON THE ABOVE-DESCRIBED MAP; THENCE FROM SAID POINT OF BEGINNING,

LEGAL DESCRIPTION CONTINUED...

1ST: WEST 663.23 FEET ALONG THE NORTH LINE OF SAID HUENEME ROAD TO A 3/4-INCH IRON PIPE; THENCE,

2ND: NORTH 2323.50 FEET TO THE SOUTHERLY LINE OF THE LAND CONVEYED TO SOUTHERN CALIFORNIA EDISON COMPANY BY DEED RECORDED OCTOBER 29, 1965 IN BOOK 2888, PAGE 307 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THENCE ALONG SAID SOUTHERLY LINE,

3RD: EAST 663.23 FEET ALONG SAID LINE TO A POINT WHICH BEARS SOUTH, ALONG THE WEST LINE OF SAID OLDS ROAD, 300.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 8, THENCE CONTINUING ALONG SAID WESTERLY LINE,



SHEET
2 of 3

REDF
CONSULTANTS

DEVELOPMENT CONSTRAINTS MAP

PROJECT NO. 2014/001

DATE: 10/20/14

SCALE: 1:1000

DRAWN BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]

DATE: 10/20/14

PROJECT NO. 2014/001

DATE: 10/20/14

EXHIBIT B

DRAFT DEVELOPMENT AGREEMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Oxnard
305 West Third Street
Oxnard, California 93030
Attention: City Clerk

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made as of _____, 2011, by and between the CITY OF OXNARD, a municipal corporation of the State of California (the "City"), and the following parties (collectively, the "Owners"):

1. Ito Farms, Inc., a California Corporation ("Ito Farms");
2. Ritsuo Ito and Kazuko Ito, Trustees of the Ito Family Trust dated August 26, 1993, as to an undivided 11/16 interest, and Sachiko Ito, Trustee of the Sachiko Ito Trust dated September 2, 1993, as to an undivided 5/16 interest (the "Ito Trusts");
3. Plum Vista, L.P., a California limited partnership ("Plum Vista");
4. South Shore Land Company, LLC, a California limited liability company ("SSLC/LLC");
5. SSLC/LLC, Dave O. White, Trustee of the Realty Services Defined Benefit Pension Plan, and Frank E. White, Trustee of the Frank E. White Sole Proprietorship Defined Benefit Plan (collectively, the "SSLC Group");
6. John M. Katsuda, James Tadashi Katsuda Trust, James Katsuda, Ruby Mitsuko Katsuda 1992 Trust, and Kenneth K. Katsuda (collectively, "Katsuda"); and
7. Ruby Ishimoto, as Trustee of the Mae Katsuda Trust ("Ishimoto").

The City and the Owners shall be referred to collectively within this Agreement as the "Parties."

RECITALS

- A. California Government Code Sections 65864 through 65869.5 and City Council Resolution No. 10,448 authorize the City to enter into binding development agreements with persons or entities owning legal or equitable interests in real property located within the sphere of influence of the City.

B. The property which is the subject of this Agreement (the “**Specific Plan Area**”) consists of the real property located within the boundaries of the SouthShore Specific Plan (the “**Specific Plan**”) in the unincorporated area of south Oxnard. The Specific Plan Area consists of approximately 323 acres and is within the sphere of influence of the City. The Specific Plan was adopted by the City Council on _____, 2011.

C. Each of the Owners is the legal or equitable owner of a portion of the Specific Plan Area. The boundaries of the ownership interest of each of the Owners are more particularly described in Exhibit A and depicted on Exhibit B and reflect that:

1. Ito Farms own approximately 83.78 acres of the Specific Plan Area, as depicted on Exhibit B (the “Ito Farms Property”).
2. The Ito Trusts own approximately 83.98 acres of the Specific Plan Area, as depicted on Exhibit B (the “Ito Trust Property”).
3. Plum Vista owns approximately 35.29 acres of the Specific Plan Area, as depicted on Exhibit B (the “Plum Vista Property”).
4. SSLC/LLC owns approximately 24.69 acres of the Specific Plan Area, as depicted on Exhibit B (the “SSLC/LLC Property”).
5. The SSLC Group owns approximately 14.35 acres of the Specific Plan Area, as depicted on Exhibit B (the “SSLC Group Property”).
6. Katsuda owns approximately 9.8 acres of the Specific Plan Area, as depicted on Exhibit B (the “Katsuda Property”).
7. Ishimoto owns approximately 4.97 acres of the Specific Plan Area, as depicted on Exhibit B (the “Ishimoto Property”).

The Ito Farms Property, the Ito Trust Property, the Plum Vista Property, the SSLC/LLC Property, the SSLC Group Property, the Katsuda Property, and the Ishimoto Property shall be referred to collectively within this Agreement as the “Properties.”

D. Although the City, Southern California Edison, and the Southern California Gas Company are legal or equitable owners of portions of the Specific Plan Area, neither is an Owner for purposes of this Agreement and their portions of the Specific Plan Area are not Properties as defined in this Agreement.

E. The Parties desire to enter into this Agreement in conformance with California Government Code Sections 65864, *et seq.*, and all applicable City ordinances in order to achieve the mutually beneficial development of the Properties as expressly provided in this Agreement.

F. It is the intention of the Owners, but not a requirement of this Agreement, that they will identify and enter into an agreement with a “Master Developer” (the “Master Developer Agreement”) which will allow the Master Developer to develop the Properties in the manner contemplated by this Agreement. The Master Developer Agreement will allow the

Master Developer to either (1) succeed to the respective interests of each of the Owners under this Agreement by acquiring a legal or equitable interest in each of the Properties or (2) represent the collective interests of all of the Owners in the implementation of this Agreement pursuant to a management, development, partnership, or other agreement jointly entered into by each of the Owners.

- G. The development contemplated by this Agreement consists of residential development, public recreation areas, and potential school uses all in accordance with the Specific Plan (collectively for all Properties, the "Projects").
- H. To facilitate implementation of the Projects, Owners have obtained approval from the City of the following Existing Land Use Regulations and Development Approvals (as those terms are defined in Section 1 below):
1. Approval of the Specific Plan;
 2. Approval of an amendment to the 2020 General Plan (the "**General Plan**") Land Use Map designation for the Properties and changes to the text of the Land Use Element of the General Plan (together, the "**General Plan Amendment**");
 3. Certification of an environmental impact report for the Projects (the "**EIR**") pursuant to the California Environmental Quality Act ("**CEQA**");
 4. Approval of annexation of the Properties to the City by the Ventura County Local Agency Formation Commission;
 5. Zone changes for the Properties; and
 6. Approval of a master tentative subdivision map for the Properties ("Master Tentative Map").
- I. This Agreement will provide specific and valuable public benefits to the City and its residents, some of which are set forth in Section 6.5 below, and will likewise provide substantial benefits to the Owners for which consideration the Owners agree to provide the public benefits, including affordable housing as set forth herein.
- J. The Planning Commission of the City (the "**Planning Commission**") and the City Council each have (1) given notice of their intention to consider this Agreement, (2) conducted public hearings on this Agreement as required by the California Government Code, and (3) found that, as of the Effective Date, the provisions of this Agreement will be consistent with the General Plan, City zoning ordinances, and the Specific Plan. The City Council also has specifically considered the impacts and benefits of the Projects upon the welfare of the residents of the City and the surrounding region. The City has determined that this Agreement is beneficial to the residents of the City and is consistent with the public health, safety, and welfare needs of the residents of the City and the surrounding region. Additionally, the City Council has certified the EIR.

- K. On _____, 2011, the Planning Commission held a duly noticed public hearing at which the Planning Commission recommended that the City Council enter into this Agreement.
- L. On _____, 2011, the City Council adopted Ordinance No. _____ approving this Agreement.

AGREEMENT

The Parties agree as follows:

1. Definitions.

- 1.1 **"Affordable Unit"** means a unit of housing that meets the criteria for an affordable housing unit as set forth in the Specific Plan.
- 1.2 **"Agreement"** shall mean this Development Agreement between the Parties. The term "Agreement" shall include any amendment properly approved and executed pursuant to Section 11.
- 1.3 **"Approval Date"** means the date on which the City Council conducted the first reading of the ordinance adopting this Agreement. That date is _____, 2011.
- 1.4 **"Applicable Rules"** means this Agreement, the Existing Land Use Regulations, the Master Tentative Map, and all Subsequent Development Approvals.
- 1.5 **"City"** shall mean the City of Oxnard, California.
- 1.6 **"City Council"** refers to the City Council of the City.
- 1.7 **"City Manager"** shall mean the City Manager of the City.
- 1.8 **"County"** means the County of Ventura, California.
- 1.9 **"Day"** refers to a calendar day unless specifically stated as a "business day."
- 1.10 **"Development Approvals"** shall mean all permits and other entitlements approved or issued by the City for the use of, construction upon, and/or development of one or more of the Properties. For the purposes of this Agreement, Development Approvals shall be deemed to include the following actions, including revisions, addenda, amendments, and modifications to these actions:
- (a.) tentative and final subdivision and parcel maps;
 - (b.) special use permits, use permits, and site development permits;

- (c.) planned development permits;
- (d.) zoning;
- (e.) site plans and preliminary and final development plans;
- (f.) sewer and water connection permits and agreements;
- (g.) grading, stockpiling, encroachment, and building permits;
- (h.) certificates of compliance, lot line adjustments, and boundary adjustments;
- (i.) street, drainage, utility, stormwater, landscape and other improvement permits and agreements;
- (j.) design review;
- (k.) occupancy permits; and
- (l.) environmental review documents for a Project.

1.11 **“Effective Date”** means the date on which the City Ordinance _____ approving this Agreement becomes operative under California Government Code Section 36937.

1.12 **“Exhibit”** refers to an exhibit to this Agreement unless otherwise specified. All Exhibits are deemed incorporated within this Agreement.

1.13 **“Existing Impact Fees”** refers to those impact fees and impact fee programs set forth within the Applicable Rules and uniformly applied to all development projects within the City as of the Approval Date. The Existing Impact Fees include, but are not limited to, the following: Growth Requirement Capital Fees, Planned Drainage Facilities Fees, Planned Water Facilities Fees, Sewer Connection Fees, Sewer Conveyance Fees, Traffic Impact Fees, Wastewater Treatment Fees, Water Resource Development Fees, Capital Facility Charges (water), and Water System Connection Fees.

1.14 **“Existing Land Use Regulations”** means all Land Use Regulations in effect on the Effective Date, including the General Plan Amendment and the Specific Plan. However, changes to Land Use Regulations occurring between the Approval Date and the Effective Date shall be considered part of the Existing Land Use Regulations only for those Properties whose Owner has consented in writing to such changes. Each of the Owners has consented to the General Plan Amendment and the Specific Plan, both of which shall be considered part of the Existing Land Use Regulations.

1.15 **“Financing District”** refers to a community facilities district, assessment district, infrastructure financing district, or other form of district or bond financing authorized by California as a means to fund public improvements and/or the

maintenance of those improvements. A Financing District includes, but is not limited to, the community facilities capital improvement and maintenance districts described in Section 6.9 below.

- 1.16 **“General Plan”** shall mean the general plan of the City as of the Effective Date.
- 1.17 **“General Plan Amendment”** shall refer to the general plan amendment for the Properties adopted by the City Council on _____, 2011, through Resolution No. _____. The General Plan Amendment modified the City’s 2020 General Plan Land Use Map designation for the Properties and the text of the Land Use Element of the General Plan. A copy of Resolution No. _____ is attached as Exhibit C.
- 1.18 **“Grading Plan”** refers to any rough or mass grading plan for all or any portion of any of the Properties.
- 1.19 **“Include”** and its derivatives such as “including” shall be deemed to incorporate the phrases “without limitation,” “but not limited to,” or their grammatically correct equivalents, unless specifically set forth as “includes only,” “include only,” “included only,” including only,” or equivalent phrases.
- 1.20 The **“Ishimoto Property”** refers to those portions of the Specific Plan Area in which Ishimoto has a legal or equitable interest as of the Approval Date as set forth in Exhibits A and B.
- 1.21 The **“Ito Farms Property”** refers to those portions of the Specific Plan Area in which Ito Farms has a legal or equitable interest as of the Approval Date, as set forth in Exhibits A and B.
- 1.22 The **“Ito Trust Property”** refers to those portions of the Specific Plan Area in which the Ito Trusts have a legal or equitable interest as of the Approval Date, as set forth in Exhibits A and B.
- 1.23 The **“Katsuda Property”** refers to those portions of the Specific Plan Area in which Katsuda has a legal or equitable interest as of the Approval Date as set forth in Exhibits A and B.
- 1.24 **“Land Use Regulations”** shall mean all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement, construction, initial occupancy standards and specifications applicable to the development of land within the City. Land Use Regulations include the General Plan, the Specific Plan, and the City zoning ordinance.

- 1.25 **“Major Default”** refers to the material and substantial failure by (1) an Owner to timely meet that Owner’s obligations to pay fees, provide reimbursement, or provide public facilities pursuant to this Agreement, or (2) the City to honor an Owner’s Vested Right, or (3) the City to provide the agreed upon cooperation needed to implement the development of the Properties. This definition is not intended to expand or limit the legal definition of “materiality,” but only to establish the agreement of the Parties as to the limited nature of a default which could lead to an early termination of this Agreement with respect to one or more of the Properties.
- 1.26 **“Master Developer”** refers to a party who, in order to develop the Properties in a manner consistent with the Specific Plan and this Agreement, either (1) obtains a legal or equitable interest in each of the Properties or (2) represents the collective interests of all of the Owners pursuant to a management, development, partnership, or other agreement jointly entered into by each of the Owners. A Master Developer who obtains a legal or equitable interest in each of the Properties shall be deemed a “Transferee” under this Agreement.
- 1.27 **“Master Developer Agreement”** refers to an agreement between all of the Owners and a Master Developer which allows the Master Developer to either (1) succeed to the respective interests of each of the Owners under this Agreement by acquiring a legal or equitable interest in each of the Properties or (2) represent the collective interests of all of the Owners in the implementation of this Agreement pursuant to a management, development, partnership, or other agreement jointly entered into by each of the Owners.
- 1.28 **“Master Tentative Map”** means Tentative Map No. 5427 of the City which was approved by the City before the Effective Date and referenced in Recital H6 above.
- 1.29 **“Owners”** refers to Ito Farms, the Ito Trusts, Ishimoto, Katsuda, SSLC/LLC, the SSLC Group, and Plum Vista, who may be referred to individually as an **“Owner.”** To the extent consistent with the provisions of Section 18 of this Agreement, **“Owners”** also shall include any **“Transferee”** of an Owner who succeeds to that Owner’s legal or equitable interest in a portion of the Specific Plan Area, including a Master Developer.
- 1.30 An **“Owner’s Vested Right”** refers to the guaranteed right of each of the Owners to develop its respective Property according to the terms set forth in this Agreement, with particular reference to Section 4.
- 1.31 The **“Parties”** means the City and the Owners. A **“Party”** refers to either the City or one of the Owners.
- 1.32 **“Periodic Review”** refers to the City’s review of an Owner’s good faith compliance with the terms of this Agreement pursuant to California Government Code Section 65865.1, as set forth in Section 10 below.
- 1.33 **“Planning Commission”** refers to the Planning Commission of the City.

- 1.34 The **“Plum Vista Property”** refers to those portions of the Specific Plan Area in which Plum Vista has a legal or equitable interest as of the Approval Date as set forth in Exhibits A and B.
- 1.35 A **“Project”** or an **“Owner’s Project”** refers to the development of one of the Properties to the extent determined by the Owner of that Property in a manner consistent with the Specific Plan. **“Projects”** refers to all the Owners’ Projects, collectively.
- 1.36 The **“Properties”** refers to, collectively, the Ito Farms Property, the Ito Trust Property, the Ishimoto Property, the Katsuda Property, the SSLC/LLC Property, the SSLC Group Property, and the Plum Vista Property, as identified in Exhibits A and B.
- 1.37 A **“Property”** or an **“Owner’s Property”** refers to the specific one of the Properties in which an individual Owner has a legal or equitable interest, as identified in Exhibits A and B.
- 1.38 **“Qualified Lender”** shall have the meaning assigned to such term in Section 13.1.
- 1.39 The **“SCE Property”** refers to those portions of the Specific Plan Area which are owned by the Southern California Edison Company and designated by the Specific Plan for community park uses.
- 1.40 The **“Signing Date”** is the date on which the last of the Parties has signed this Agreement.
- 1.41 **“Specific Plan”** means the SouthShore Specific Plan of the City as of the Effective Date, plus any amendments to the Specific Plan approved by the City which have been agreed to prior to their adoption in writing by all of the Owners.
- 1.42 **“Specific Plan Area”** refers to the real property located within the boundaries of the SouthShore Specific Plan in the unincorporated area of south Oxnard, consisting of approximately 323 acres within the sphere of influence of the City. The Specific Plan was adopted by the City Council on _____, 2011.
- 1.43 The **“SSLC Group Property”** refers to those portions of the Specific Plan Area in which the SSLC Group has a legal or equitable interest as of the Approval Date as set forth in Exhibits A and B.
- 1.44 The **“SSLC/LLC Property”** refers to those portions of the Specific Plan Area in which SSLC/LLC has a legal or equitable interest as of the Approval Date as set forth in Exhibits A and B.
- 1.45 **“Subsequent Development Approvals”** means all Development Approvals for one or more of the Properties which (1) implement the Specific Plan, (2) are approved, granted, or issued after the Effective Date, and (3) are required or permitted by either

the Existing Land Use Regulations, Subsequent Land Use Regulations applicable to a Property to which the Owner of that Property has consented in writing, or this Agreement. Subsequent Development Approvals include all development review approvals required under the City Code, site development permits, excavation, grading, building, construction, encroachment or street improvement permits, occupancy certificates, utility connection authorizations, drainage, landscape, or other permits or approvals necessary for the grading, construction, marketing, use and occupancy of one or more of the Projects.

1.46 **“Subsequent Land Use Regulations”** means those Land Use Regulations which are both adopted and effective after the Approval Date and which are *not* incorporated within the definition of Existing Land Use Regulations.

1.47 **“Term”** means the term of this Agreement as set forth in Section 2 below.

1.48 **“Transferee”** refers to one or more persons and/or entities who acquire an interest in an Owner’s Property as set forth in Section 18.1 of this Agreement.

2. **Term of Agreement.** This Agreement shall be deemed entered into, binding upon the Parties, and applicable to the Properties upon the later of the Effective Date and the date upon which it has been signed by all of the Owners. While binding upon the Parties, it shall not become operative as to an individual Owner’s Property until after (1) the Effective Date and (2) the annexation of that Owner’s Property to the City, provided that such annexation occurs on or before December 31, 2020. Irrespective of the Approval Date, the Signing Date, or the date upon which the Agreement is operative as to an individual Owner’s Property, the term of this Agreement shall commence for all of the Properties upon the Effective Date and shall remain in effect for a term of thirty (30) years (the **“Term”**), unless the Term is modified by mutual written consent of the City and each of the Owners. However, the City and an individual Owner may agree to extend the term of this Agreement as to that Owner’s Property without (1) extending the Term for any other Owner’s Property or (2) obtaining the consent of all Owners. Upon the expiration of the Term for a Property, this Agreement shall be deemed terminated and of no further force and effect for that Property, but shall continue in effect for all other Properties not subject to that termination.

3. **Legal or Equitable Interest of the Owners.** Each of the Owners represents to the City, for itself alone, that it owns legal or equitable title to the Property as described and depicted in Exhibits A and B.

4. **Vested Right to Develop the Project.** This Agreement binds the City to the terms of this Agreement and limits, to the degree specified in this Agreement and under State law, the City’s ability to regulate development of the Projects and the Properties during the Term.

4.1 **Applicable Rules.** Each of the Owners shall have the vested right (**“Owner’s Vested Right”**) to complete development of the Project on its Property to the extent and in the manner provided in this Agreement, the Existing Land Use Regulations, the Master Tentative Map, and all Subsequent Development Approvals (the **“Applicable Rules”**). An Owner’s Vested Right includes the right to build on that Owner’s

Property such residential, commercial, retail, and other development and appurtenant facilities as are permitted by the Specific Plan. To enable each Owner to complete its Project, an Owner's Vested Right shall include the rights to (1) develop the maximum amount of residential, commercial, retail, and other development and appurtenant facilities permitted by the Applicable Rules, (2) the timely issuance by the City of all Subsequent Development Approvals, and (3) the timely taking by the City of such other actions that are (i) requested by that Owner and (ii) consistent with the terms of this Agreement. Where the Applicable Rules permit the development of some or all of an Owner's Property within a specified range of dwelling units, that Owner's Vested Right shall include the right to develop to the maximum level of that range, provided that that Owner can comply with all development standards contained in the Applicable Rules. Any change in the Applicable Rules, whether enacted by ordinance, resolution, initiative, referendum, policy adoption, or otherwise, adopted or becoming effective after the Approval Date shall not be applicable to or binding upon any Owner, any of the Projects, or any of the Properties, except under either of the following circumstances:

- (a.) All Owners have agreed in writing to the change in the Applicable Rules.
- (b.) The Owner of an individual Property has agreed in writing to the change in the Applicable Rules, in which case the change will apply only to that individual Owner's Property. Under no circumstances, however, may such a change modify that Owner's share or obligation with respect to any financial obligation related to this Agreement, including those related to (1) the participation in infrastructure and maintenance costs, (2) Financing Districts formed or to be formed to implement this Agreement, and (3) reimbursement obligations for infrastructure improvement expenses.

4.2 No Conflicting Enactments. Except as provided in Section 9.2 and without limiting any Owner's Vested Right, after the Approval Date, the City shall not apply to any Project or any Property any condition, requirement, or restriction of any nature which is not included within the Applicable Rules, whether by (1) specific reference to the development of that Project or Property or the Specific Plan Area as a whole, or (2) a general enactment applicable to some or all other properties within the City. This limitation applies to any action of the City, including those (1) of the Planning Commission, the City Council, the electorate, or otherwise, and (2) adopted or implemented by ordinance, resolution, policy, initiative, referendum, or otherwise, which would directly or indirectly:

- (a.) Limit or reduce the permitted density or intensity of that Project or Property, or otherwise require any reduction in the height, number, size or square footage of lots, structures or buildings;
- (b.) Expand or increase that Owner's obligations with respect to the provision of parking spaces, streets, roadways and/or any other public or private improvements, structures or dedications of land;

- (c.) Limit, delay, or control the timing or phasing of the construction or development of that Project in any manner; or
 - (d.) Limit the design, improvement or construction standards or specifications or the location of buildings, structures, grading or other improvements relating to the development of that Project or Property in a manner which is inconsistent with or more restrictive than the Applicable Rules.
- 4.3 Master Developer. The Parties anticipate that development of the Properties as contemplated by the Specific Plan shall be implemented through either the services of a Master Developer or the acquisition of legal and/or equitable interests in each of the respective Properties by a Master Developer.
- 4.4 Obligations Contingent Upon Master Developer Agreement. Other than the obligations to dedicate rights-of-way and easements as set forth in Section 6.5(g)(iii), 6.5(h)(i), and 6.5(h)(ii) below, all obligations of all Owners under this Agreement shall be contingent upon the filing of the first application for a Subsequent Development Approval by a Master Developer. This contingency may be waived in a writing signed by each of the Owners without the need for an amendment to this Agreement.
- 4.5 Owner's Vested Right Not Contingent Upon Master Developer Agreement. Owner's Vested Right is not subject to the execution of a Master Developer Agreement. Nonetheless, the City shall not be obligated to issue grading or building permits for implementation of the Specific Plan until (1) each of the Owners has consented to the formation of the Financing Districts described in Section 6.9(a) and (b) below¹ and (2) City has received notice from the Owners stating that a Master Developer Agreement has been signed by each of the Owners. Thereafter, the City shall be obligated to issue to the Master Developer or its successors all Subsequent Development Approvals needed to implement the Specific Plan. However, none of the Owners may implement development of an Owner's Project independent of the development of the remaining Properties unless all of the Owners have consented in writing to allow that Owner or Owners to proceed independently and have waived the contingency set forth in Section 4.4 above.
5. Development, Impact, Processing, and Other Fees.
- 5.1 Impact Fees and Dedication and Reservation Requirements. Notwithstanding any other provisions of this Agreement which limit the obligations of Owners with respect to specific fee, dedication, and reservation requirements:
- (a) Owners shall pay the Existing Impact Fees applicable to the Projects, the rates of which may be adjusted by the City from time to time, and such other fees the

¹ Unless the City has either (i) failed to approve those Financing Districts after a request from Owners or (ii) stated in writing that those Financing Districts are not required by the City. In either of those cases, the City shall be obligated to issue all Subsequent Development Approvals necessary to implement the Specific Plan.

City may adopt in the future in accordance with applicable law that offset or reimburse City for the cost of public improvements related to development. Notwithstanding the preceding sentence, for a period ending five (5) years after the City Council's approval of the first final map for the Project, the Growth Requirement Capital Fees shall be fixed at the rate in effect at the time of approval of the first final map and adjusted annually by a percentage equal to the percentage change in the 20-Cities Construction Cost Index in the Engineering News Record from the index for December of the preceding calendar year to the index for December of the adjustment year. Except for the aforementioned annual Construction Cost Index adjustment, the Growth Requirement Capital Fees shall not be subject to adjustment during said five (5) year time period. After expiration of said five (5) year time period, the Projects shall be subject to the Growth Requirement Capital Fees at the rate then in effect.

- (b) Only those requirements for the dedication or reservation of land which are set forth within either (1) the Applicable Rules and uniformly applied to all development projects within the City as of the Approval Date or (2) this Agreement may be imposed upon one or more of the Owners, Project, or Properties.

5.2 Processing and Inspection Fees. After the Effective Date, the Projects shall be subject to all lawful nexus-based fees which reimburse the City for the cost of processing development applications or reimburse the City for the cost of building inspection or plan checking, provided that those fees are applied consistently and proportionately to all development projects within the City.

5.3 Storm Drain Improvements. The City has constructed storm drain improvements in Hueneme Road adjacent to the project (Hueneme Storm Drain) that will benefit the Project once the Properties are developed. Prior to the issuance of the first residential building permit for the Project, the Master Developer will reimburse the City for the cost of constructing the storm drain improvement (\$332,000), which amount shall be adjusted at the time of payment by a percentage equal to the percentage change in the 20-Cities Construction Cost Index as reported in the Engineering News Record. The percentage change shall be the change in the index between the Effective Date of this Agreement and the index reported in the month preceding the payment. .

5.4 Park Fees. Except as otherwise provided in this Agreement, because the reasonable value of the Public Recreation Areas being provided pursuant to this Agreement is well in excess of the park and recreation fees that the City is authorized to levy against the Owners pursuant to California Government Code Section 66477 or any similar statute ("**Park Fees**"), the Owners shall not be required to pay any Park Fees. Notwithstanding any other provision of law, as partial consideration for the City entering into this Agreement, the City shall not be liable to any of the Owners for any amount by which the value of the Public Recreation Areas exceeds the amount of Park Fees that would otherwise be due.

- 5.5 Fire Facilities and Services. Notwithstanding any other provision of this Agreement, the obligation of the Projects or Properties to contribute to the provision of fire facilities or services shall be limited to the requirements of Section 6.5 below.
- 5.6 Public Art. Notwithstanding any other provision of this Agreement, Owners shall each participate in the City's Art in Public Places Program solely as provided within the Specific Plan.
- 5.7 Affordable Housing. Notwithstanding any other provision of this Agreement, City policies, or any Land Use Regulation, the Specific Plan shall exclusively define the obligations of the Properties and the Projects with respect to the provision of affordable housing. No other existing or future affordable housing fee or program shall apply to the Properties or the Projects.

6. **Development of the Property.**

- 6.1 Permitted Uses. Each Owner agrees that its Project shall be developed in accordance with the Specific Plan and the Applicable Rules.
- 6.2 Development Standards. All development and design requirements and standards applicable to a Project shall conform to the Applicable Rules.
- 6.3 Maximum Height and Size. The maximum height of any buildings constructed within a Project shall not exceed the standards set forth in the Applicable Rules.
- 6.4 Density and Intensity of Use. The maximum number of units permitted within a Project shall be as set forth in the Applicable Rules.
- 6.5 Public Benefits. In consideration for their respective Owner's Vested Rights, the Owners agree to provide the public benefits listed in this subsection (the "**Public Benefits**") and to comply with the reimbursement requirements set forth in Section 6.12 below. The Public Benefits exceed the exactions which the City could legally impose upon the Projects. Acknowledging this fact, the Owners waive any objections they may have to providing the Public Benefits as consideration for this Agreement. The Public Benefits are:
- (a.) Elementary School. The Ocean View School District currently operates at near capacity three elementary schools and one middle school. The Specific Plan designates a 9-acre site for a new elementary school within an early phase of the Projects. Through negotiations with the Ocean View School District, the Owners anticipate a mitigation agreement which will provide for the formation of a Financing District in which all of the Owners will participate and which will finance the acquisition of the school site and the construction of an elementary school to house no more than 600 students. Additionally, the Owners agree to pay in advance all funds needed to hire an architect and process development plans for this school through the state Department of Education. These contributions toward providing school facilities far exceed

any contributions which could be imposed on the Owners under state law and assure that the Projects will not unduly impact the existing elementary schools within the City. The failure of the Owners and the Ocean View School District to complete their mitigation agreement on the terms set forth within this Section, or at all, shall not constitute a default under this Agreement.

- (b.) Affordable Housing. The Projects shall contribute to the affordable housing stock of the City as set forth in Section 5.7 above.
- (c.) Parks. The Projects will provide public recreation areas including, among other things, parks, and trails (collectively the “**Public Recreation Areas**”), including a twenty-five (25) acre community park, eight (8) acres of neighborhood parks, and passive park area adjacent to a lake within the Specific Plan Area. The Owners agree that these park facilities will be open to all residents of the City, not just those within the Specific Plan Area. This obligation shall be contingent upon the formation of a Financing District by the City, if requested by the Master Developer, to fully finance the acquisition, improvement, and maintenance of the Public Recreation Areas, as well as the ongoing operation and maintenance and permitting of the lake and associated stormwater quality systems as set forth in Section 5.3 of the Specific Plan.

The amount of parkland and park facilities and improvements to be provided by the Projects exceeds the City’s requirement for local parks. By this Agreement, the Owners waive any claims they may have against the City with respect to the requirement to contribute parkland in excess of the maximum amount established by state and local law.

- (d.) Facilities at College Park. The City owns land located north of the Specific Plan Area which is known as College Park. At the present time, the City does not have funds to construct needed public facilities at College Park. Through development of their respective Projects, each of the Owners shall contribute toward the costs of building community facilities at the College Park property owned by the City. The combined contribution of the Owners toward these facilities shall be \$1,500,000 and shall be allocated among the Owners as provided in Section 8.3.2 of the Specific Plan and paid by the Master Developer in equal installments of \$500,000 at the issuance of the 500th, 900th, and 1200th building permit for residential units (excluding affordable housing units).
- (e.) Fire Station. In addition to the allocation of Growth Requirement Capital Fees for fire-related facilities, the Owners shall pay to the City the sum of Two Million Dollars (\$2,000,000) to be used by the City to construct and equip a new fire station to serve, among other areas, the Specific Plan Area. This amount shall be allocated among the Owners as provided in Section 8.3.2 of the Specific Plan.

The principal amount of this payment is fixed at a maximum amount of \$2,000,000, which represents one-half of the City’s current estimate of the cost

to fully construct and equip this proposed fire station. If the actual cost to construct and equip the fire station is less than Four Million Dollars (\$4,000,000), the City shall reimburse the Owners in an amount equal to one-half of the amount by which the actual cost is less than \$4,000,000. Such reimbursement shall be made on a pro rata basis to those Owners who have actually made the payments to the City, even if such payment was advanced on behalf of other Owners as provided below. The principal amount of the Owners' obligation shall be adjusted at the time of payment to reflect any increase from the Effective Date in the most recently published Consumer Price Index, All Urban Consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor.

Upon the issuance of the 750th residential building permit for the Projects (excluding affordable housing units), the Master Developer shall pay the combined \$2,000,000 contribution of the Owners, subject to Section 6.12. This obligation shall be contingent upon the formation of a Financing District by the City, if requested by the Master Developer, to fully finance these improvements and services.

(f.) Ormond Beach Natural Resource Management Program. In addition to compliance with project conditions of approval imposing resource protection measures to mitigate potential environmental impacts identified by the EIR, each of the Owners shall contribute toward the payment of ongoing maintenance costs for the Ormond Beach Natural Resource Management Program described in Section 3.6.3.3 of the EIR. The annual combined contribution of the Projects shall be \$190,000. This obligation shall be contingent upon the formation of a Financing District by the City, if requested by the Master Developer, to fully finance such maintenance costs and the costs of the resource mitigation measures imposed as conditions of approval.

(g.) Roadways and Associated Improvements. The Master Developer shall be responsible for the construction of the following improvements, a significant portion of which, absent this Agreement, either exceeds the Owners' nexus-based obligations, will be provided earlier than required on a nexus basis, or both:

- (i) The arterial backbone roadway system and related signalization, which includes SouthShore Drive (Rose Avenue), reconstruction of Hueneme Road between Edison Road and Olds Road, and the reconstruction of Olds Road, as required by the Master Tentative Map and the Specific Plan; and
- (ii) Landscaping, hardscaping (including the pedestrian circulation network), and lighting and directional signage associated with the arterial backbone roadway system; and
- (iii) In the event that the reconstruction of Hueneme Road is initiated by the City or other public agency prior to the start of the Project, the Owners

will dedicate in fee to the City the right-of-way across their respective Properties necessary to reconstruct the north side of Hueneme Road as depicted on the Master Tentative Map. The City will be responsible for preparing the legal descriptions for the right-of-way dedications and any other documentation that may be necessary. The dedication of right-of-way will occur not more than ninety (90) days prior to commencement of the road reconstruction project. The right-of-way necessary for the City-initiated road reconstruction project will terminate at the back of the north curb on Hueneme Road. The Owners will grant a temporary license to the City for the portions of their respective Properties located adjacent to the dedicated right-of-way as may be needed by the City during construction of the road. The specific dimensions of the property subject to the license will be determined by the City in consultation with the Owners during the preparation of the legal descriptions for the right-of-way dedications. Any additional road right-of-way necessary to construct the parkway and sidewalk will be dedicated in fee to the City concurrent with construction of the Project. The City will cooperate with owners of the Katsuda Property in mitigating adverse impacts to the residence at 1531 East Hueneme Road caused by the City-initiated road reconstruction project. Should any Owner not dedicate its portion of the Hueneme Road right-of-way as required by this Section, the City may initiate eminent domain proceedings to acquire that Owner's portion of the right-of-way. The Parties agree that in any eminent domain proceeding, the cost of acquisition of the right-of-way shall be \$0.00 (zero dollars), provided that the interest acquired is consistent with the intent of this Section. The failure of that Owner to dedicate its respective portion of the Hueneme Road right-of-way shall not be a default under this Agreement.

(h.) Water, Recycled Water and Wastewater. Master planned water, recycled water, and wastewater-related infrastructure improvements (collectively, "**Master Planned Water and Wastewater Improvements**") will be constructed in conjunction with development of the Properties. As of the Approval Date, the City is in the process of updating its master plans for the Master Planned Water, Recycled Water, and Wastewater Improvements and will subsequently adopt or update its fees to reflect those facilities included in the updated master plans. Connection fees related to the Master Planned Water, Recycled Water, and Wastewater Improvements shall be paid on a per unit (for residential) and a per square foot (for commercial) basis at the time of the issuance of each building permit at the rates then in effect for either a residential unit or commercial building within the Projects.

(i) *Recycled and Potable Water Easements.* If the City initiates construction of recycled water and/or potable water improvements on the north side of Hueneme Road and north from Hueneme Road across the Project area to Rose Avenue prior to the issuance of the first grading permit for the Project, the City will need to acquire additional right-of way on the

Properties to construct and maintain the water improvements. SouthShore Property LLC, Ishimoto Property, Katsuda Property and the Ito Trust Property will grant to the City at no cost a 20 foot wide easement across their respective properties adjacent to Hueneme Road for the purpose of constructing and maintaining recycled and/or potable water pipelines. In addition, the Ito Trust Property will grant to the City a second 20 foot wide easement for installation and maintenance of both recycled and potable water pipelines to be constructed across its property from Hueneme Road to the southern terminus of Rose Avenue. The purpose of the easement is to allow the City to construct and maintain recycled and potable water pipelines that will eventually serve the Projects, prior to the construction of the Projects. The general alignment of this easement is shown on Exhibit D. The precise alignment of the easement shall be located within the boundaries of the general alignment shown on Exhibit D and will be determined by the City in consultation with the Owner of the Ito Trust Property at the time the City is preparing the design of the pipelines. The City will be responsible for the cost of constructing and maintaining the pipelines. The City will coordinate with the Owner of the Ito Trust Property to minimize the impact on surface use during construction of the pipelines. The City will install the pipelines at a depth that will allow agricultural operations to continue unimpeded after the pipelines are in place. The easement will be extinguished at the time the Projects are completed and the water pipelines within the easement area have been relocated to SouthShore Drive as shown on Exhibit 5-7 of the Specific Plan. The cost of relocating the water pipelines will be borne by the Master Developer. Should any Owner not grant the easement required by this Section, the City may initiate eminent domain proceedings to acquire that easement. The Parties agree that in any eminent domain proceeding, the cost of acquisition of the easement shall be \$0.00 (zero dollars), provided that the interest acquired is consistent with the intent of this Section. The failure of that Owner to grant the required easement shall not be a default under this Agreement.

- (ii) *ASR Wells.* An essential component of the city's Groundwater Recovery Enhancement and Treatment Program ("GREAT Program") is the installation of aquifer storage and recovery (ASR) wells. As discussed in Section 5.4.2 of the Specific Plan, ASR well sites shall be located on the Properties included within the Specific Plan Area. If the City desires to construct these ASR wells prior to the issuance of the first grading permit for the Projects, Ito Farms will grant an exclusive easement to the City for construction and operation of the ASR well on its property at no cost to the City. The easement for each ASR well site shall be approximately 62 feet by 34 feet and located in the same position as shown on the Master Tentative Map. The easement will include adequate access, including but not limited to potable and recycled water lines, to facilitate the City's construction, operation, and maintenance of the ASR well. The City will

be responsible for any costs associated with adjusting the elevation of the well and the well site so that it is compatible with the finished grade of the surrounding area as shown on the Master Tentative Map. Should Ito Farms not grant the easement required by this Section, the City may initiate eminent domain proceedings to acquire that easement. The Parties agree that in any eminent domain proceeding, the cost of acquisition of the easement shall be \$0.00 (zero dollars), provided that the interest acquired is consistent with the intent of this Section. The failure of Ito Farms to grant the required easement shall not be a default under this Agreement.

- (iii) *Recycled Water.* GREAT Program generated recycled water shall be used on the Property for all purposes amenable for recycled water uses.
- (iv) *Water Supply.* In order to comply with City's Water Neutral Policy, the Projects shall comply with all mitigation measures set forth in Section 3.3.3.4.1 of the EIR.
- (i) Environmental Resource Vehicles. The Master Developer will pay to the City a total of \$795,000 for the purchase of three Environmental Resource vehicles to be used solely by the City for trash collection, payable in increments of \$265,000 each upon the issuance of the 250th, 500th, and 750th residential building permits issued for the Projects. The payment increment amount shall be adjusted on July 1 of the fourth (4th) year following the Effective Date, and each July 1 thereafter, according to the percentage change in the Consumer Price Index, all items, prepared by the Bureau of Labor Statistics for the Los Angeles, Riverside, Orange County area relating to all urban consumers (CPI-U), index base 1967 + 100, comparing May of the previous year to May of the current year. The Master Developer's payment shall be subject to reimbursement from the other Owners as provided below. This obligation shall be contingent upon the formation of a Financing District by the City, if requested by the Master Developer, to fully finance these improvements.
- (j) Acceleration of Public Improvements. By providing greater infrastructure than is required for development of the Projects and/or by doing so at an earlier date than could be required without this Agreement, the Projects will provide a significant benefit to the public. One example of such accelerated infrastructure is the improvement of Hueneme Road to a primary arterial.
- (k) Orderly Development of the Property. This Agreement will further benefit the public by eliminating uncertainty in planning and providing for the orderly development of the Specific Plan Area. Specifically, this Agreement (1) eliminates uncertainty about the validity of exactions to be imposed by the City, (2) allows installation of necessary public improvements, in some cases earlier and/or in excess of the improvements which could be provided without this Agreement, (3) provides for the implementation of the Specific Plan, which includes significant development and dedication of land for public park and open space uses, with a value in excess of the fees that would otherwise be due

with respect to the Projects pursuant to California Government Code Section 66477, (4) provides for public services and infrastructure appropriate to the development of the Properties, (5) assures long-term maintenance of public features of the Projects by providing for the establishment of one or more Financing Districts to maintain certain landscaping and lighting, community lake and storm drain facilities, and community and neighborhood parks constructed as part of the Projects, (6) provides for the orderly development by the Master Developer of the Specific Plan Area as a comprehensive unit, and (7) generally serves the public interest within the City and the surrounding region.

- (l.) Standards for and Dedication of Improvements. All grading, paving, curbs and gutters, pathways, bikeways, water distribution systems, storm water drains, storm water drainage systems and associated collection facilities, waste water collection and sanitary sewers, utilities, street lights, traffic safety devices and ornamental "street trees", landscaping and landscaping maintenance, and Offsite and Onsite Improvements that are associated with the Project shall be designed, constructed and completed in accordance with City standards and Applicable Law. All Onsite and Offsite Improvements located within the public right-of-way shall be dedicated to the City upon completion of construction and final acceptance by the City.
- (m.) Maintenance Yard Improvements. Upon completion of each phase of public improvements to be completed within the Specific Plan Area, City shall assume maintenance responsibilities for those improvements. No earlier than nine months before its estimated date of completion of the first phase of those public improvements, Master Developer shall (1) give notice to the City of that estimated date and (2) pay to the City \$300,000, which amount shall be adjusted annually from the first December 31 after the Effective Date by a percentage equal to the percentage change in the 20-Cities Construction Cost Index in the Engineering News Record from the index for December of the preceding calendar year to the index for December of the adjustment year. The City will use these funds solely to construct, repair, or remodel a maintenance yard on City-controlled property to support City staff and store equipment and supplies necessary to maintain public infrastructure provided for in this Agreement, the Development Approvals, and the Subsequent Development Approvals.

6.6 Community Park. The Community Park as shown on Exhibit 2-1 in the Specific Plan is on property owned by Southern California Edison (SCE). As a part of the Owners' obligation to provide the Community Park improvements on the SCE Property, the Owners shall have the right to be present and cooperate with the City in negotiations for a lease between the City and SCE granting the City the right to use and improve the SCE Property for public park purposes. The Owners shall pay costs of leasing the SCE Property and constructing the Community Park improvements on the SCE Property, which obligations shall be contingent upon the formation of a

Financing District by the City, if requested by the Master Developer. If the City is unable to lease the SCE Property by the time the first residential building permit is issued for the Projects, then, notwithstanding Section 5.4, Owners shall pay Park Fees to the City with no credit or offset for public parks and recreational facilities dedicated or constructed in accordance with the Specific Plan.

- 6.7 Rough Grading Prior to Recordation of the Final Maps. For any grading of any of the Properties, the City shall issue a grading permit subject to (1) the City's receipt, review, and approval of a Grading Plan, geotechnical report, and engineering geologic report for the applicable portion of that Property and (2) the Grading Plan's compliance with all Applicable Rules, including the satisfaction of the City's bonding requirements. The City agrees that the reports and the Grading Plan will be promptly reviewed by the City, that a grading permit with respect to the Grading Plan may be issued, and that the respective Owner may grade the Property in accordance with the approved Grading Plan without that Owner first recording final maps for the portion of the Property which is the subject of the grading permit. Where a tentative subdivision map has been approved, only rough grading of that tract may be completed before a final map is recorded for that tract.
- 6.8 Fee Credits and Reimbursement for Roadway Improvements. As stated above, the Master Developer may construct, improve, or install onsite and offsite facilities and improvements which are greater in scope than the Projects' "rough proportional" share of those facilities and improvements (collectively, "**Excess Improvements**"). The Excess Improvements include the public benefits listed above. For Excess Improvements to Hueneme Road and Rose Avenue, the Master Developer shall receive reimbursement as provided in City Resolution No. 10,272. With respect to all other Excess Improvements, the Master Developer's obligation to provide the Excess Improvements shall be contingent upon the formation of a Financing District by the City, if requested by the Master Developer, to fully finance such costs. Alternatively, at its sole discretion, the Master Developer may elect to be reimbursed to the full extent permitted by California law.
- 6.9 Financing Districts. At the Master Developer's request² and to the extent permitted by State law and the Existing Land Use Regulations, the City shall consider (1) establishing one or more community Financing Districts (see Section 1.15) to fund public improvements and/or the maintenance of those improvements and (2) creating bonded indebtedness to finance the construction, acquisition, and/or maintenance of facilities associated with the Projects. If any of the proceeds of such bonded indebtedness are not used or if any reimbursement is received by the Financing District that is not used for the purpose for which the Financing District was established, then such unused proceeds or any such reimbursement shall be used to retire or defease (as applicable) a portion of such bonded indebtedness.

² The Master Developer's request must be accompanied by proof that all Owners have consented in writing to the establishment of the Financing District(s).

City's failure to form a Financing District pursuant to the Master Developer's request shall relieve Master Developer from the obligations set forth in Sections 6.5.(d), (f), (i), and (m).

It is presently anticipated that these Financing Districts will consist of:

- (a.) A "**Capital Improvement Community Facilities District**" created pursuant to California Government Code Section 53311, *et seq.*, to establish a community facilities district and create bonded indebtedness for the purpose of financing the construction or acquisition cost of a portion of community facilities associated with the Projects, including the Excess Improvements. The establishment and maintenance of the Capital Improvement Community Facilities District shall be in accordance with City Council Resolution No. 11,630 adopted on September 14, 1999.
- (b.) A "**Maintenance Community Facilities District**" created pursuant to California Government Code Section 53311, *et seq.*, to establish a community facilities district for the purpose of funding the cost of maintaining certain community facilities, improvements, and other services, including the Excess Improvements, authorized pursuant to Section 53313 *et seq.* of the California Government Code, including, but not limited to, landscaping, Public Recreation Areas, recreation trails, water features, and related equipment. The establishment and maintenance of the Maintenance Community Facilities District shall be in accordance with City Council Resolution No. 11,630 adopted on September 14, 1999.

6.10 Property Acquisition for Public Improvements. City shall cooperate with Owners in coordinating all onsite and offsite public facility improvements, including, but not limited to, roads, water supply facilities, sewers, and other infrastructure, constructed or enhanced under this Agreement or in connection with the development of the Properties. All requirements for such improvements contained in this Agreement, the Specific Plan, and/or the General Plan shall be implemented only by including those requirements as conditions of approval to the applicable subdivision maps for the Projects. These conditions shall then be governed by the provisions of the California Subdivision Map Act, including Government Code Section 66462.5. The waiver of any condition pursuant to Section 66462.5 or any other applicable provision of the Subdivision Map Act shall also constitute the waiver of the Owner's corresponding obligation under this Agreement.

6.11 Construction Phasing and Sequencing. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal. 3d 465 (1984), that the failure of the parties in that case to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the specific intent of the Parties to provide for the timing of development of the Projects in this Agreement. To do so, the Parties acknowledge and provide that each of the Owners shall have the right, but not the obligation, to complete its Project in such order, at such rate, at such times, and in as many

development phases and sub-phases as that Owner deems appropriate in its sole subjective business judgment, provided that such development phases and sub-phases comply with the Phasing Program set forth in the Specific Plan and all conditions of the Master Tentative Map. It also is the intent of the Parties that under Section 4 above any initiative which would restrict the timing or phasing of development of one or more of the Projects will not apply to any of the Projects or Properties.

6.12 Development Expenses. The Master Developer will incur substantial expenses (“**Development Expenses**”) related to the development of the Properties, including, but not limited to the acquisition of property necessary for infrastructure improvements, the payment of fees and other expenses, contributions to the maintenance of public facilities, and construction of infrastructure, all of which will significantly benefit the future development of other land both within and potentially outside of the Specific Plan Area. To the extent that these Development Expenses are subject to reimbursement through fee credits and/or other reimbursement pursuant to City Council Resolution No. 10,272, City shall reimburse Master Developer upon the terms and conditions of Resolution No. 10,272 as it existed on the Approval Date, plus whatever later amendments, if any, have been agreed to by Master Developer.

7. Subsequent Land Use Regulations and Development Approvals. The Parties shall cooperate and diligently work to process all Subsequent Development Approvals (Section 1.44) and Subsequent Land Use Regulations (Section 1.45) needed, in each Owner’s judgment, to implement development of that Owner’s Project. Each Owner may apply for multiple planned development permits and subdivision maps in connection with the development of its Project. Any tentative map prepared for the subdivision will comply with the provisions of Government Code Section 66473.7.

7.1 Expeditious Processing. The City shall not unreasonably withhold, condition, or delay any Subsequent Development Approvals or Subsequent Land Use Regulations needed, in an Owner’s sole judgment, to implement development of that Owner’s Project. Upon the filing of a complete application and payment of appropriate processing fees by an Owner, the City shall promptly commence and diligently:

- (a.) Process all such Subsequent Development Approvals and Subsequent Land Use Regulations in an expeditious manner, and
- (b.) Schedule and convene all required public hearings in an expeditious manner consistent with the law.

7.2 Incorporating Vested Project Approvals. Upon approval of any of such Subsequent Development Approvals or Subsequent Land Use Regulations for a Project as provided in this Agreement, the Owner of that Project shall have a “vested right,” as that term is defined under California law, in and to such Subsequent Development Approvals and Subsequent Land Use Regulations by virtue of this Agreement.

7.3 Decisions of Development Services Director. Any decision of the Development Services Director or any other staff-level decision with respect to Subsequent Development Approvals shall be in writing and may be appealed directly to the City Council by the Owner of the affected Project within ten (10) days after the written determination of the Development Services Director.

8. **Term of Map(s) and Other Project Approvals.**

8.1 Subdivision Maps. Pursuant to Government Code Section 66452.6 and any other applicable provisions of the Government Code, the term of all subdivision or parcel maps, including the Master Tentative Map, that are approved for all or any portion of the Properties shall be extended to a date coincident with the Term and, where not prohibited by state law, with any extension of the Term, unless a longer term would result under otherwise applicable State law or, in the absence of such State law, under otherwise applicable local law.

8.2 Site Plan Approvals and Site Development Permits. Site plan approvals and site development permits for each Project shall have terms that coincide with the term of the subdivision or parcel map for the portion of the Property to which a particular site plan approval or site development permit pertains.

8.3 Other Development Approvals. Pursuant to Government Code Section 65863.9, any and all other Development Approvals for any of the Projects shall automatically be extended for a term ending concurrently with the applicable tentative maps for that Project. Pursuant to Section 8.1, those terms shall be the same as the Term of this Agreement.

9. **Public Services.**

9.1 Adequacy of Services. Subject to the terms of this Agreement, City acknowledges and agrees that City has and will have sufficient capacity for sewer collection, sewer treatment, sanitation service, and water treatment, distribution and service, and once available, recycled water, to accommodate all of the Projects, as each final map for each Project is recorded. Specifically in connection with the Master Tentative Map, the City has been provided with all necessary studies required for City to make a determination as to the availability of public facilities, utilities, and services which are necessary for the Projects.

9.2 Issuance of Hookups. To the extent that City renders the services or provides the utilities referenced in Section 9.1 above, City agrees to timely grant or issue upon request hookups or service to all development in the Projects. The City may delay the granting of any or all requested water hookups for the Projects if and only if the City declares a water shortage emergency and adopts a moratorium on issuance of new water services pursuant to Water Code section 350 *et. seq.* When the City lifts any such restrictions, it shall adopt nondiscriminatory rules for issuance of new water service connections, giving priority to those development projects with development

agreements, including this Agreement, which had already received full development approval prior to the adoption of the water shortage emergency.

- 9.3 Other Governmental Permits and Fees. The City shall cooperate with each Owner's efforts to obtain such other permits and approvals as may be required by or from any other local, regional, state, or federal governmental or quasi-governmental agencies (including, but not limited to, the County of Ventura and districts and special districts providing flood control, sewer, and fire protection and the Regional Water Quality Control Board) having jurisdiction over that Owner's Project in connection with the development of, or provision of services to, that Owner's Property. The City shall, when requested by an Owner, attempt with due diligence and in good faith to enter into binding agreements with any such entity necessary to assure the availability of such permits and approvals or services, provided such agreements are reasonable. The City shall use its best efforts to work with other governmental and quasi-governmental agencies so as to limit to the maximum extent possible the imposition of additional fees, dedications, or exactions by or through such other agencies.

As one specific example of the cooperation to be provided, City shall assist the Owners in obtaining all required permits from the Regional Water Quality Control Board for maintenance of the lake within the Specific Plan Area and in employing best management practices, including the delivery of recycled water for the irrigation of public areas within the Specific Plan Area.

10. Periodic Review.

- 10.1 Timing of Review. Pursuant to Government Code Section 65865.1, at least once during every twelve (12) month period of the Term, City shall review the good faith compliance of each Owner with the terms of this Agreement (the "Periodic Review").

- 10.2 Independent Compliance / No Cross Defaults. The rights and obligations of each of the Owners are independent of those of every other Owner. The good faith compliance of one Owner with the provisions of this Agreement does not establish the good faith compliance of any other Owner. Likewise, a default under this Agreement, including a Major Default, by one Owner does not constitute a default by any other Owner. A default by an Owner applies only to the Property in which that Owner has a legal or equitable interest and shall not affect the rights or obligations of any other Owner. Similarly, an Owner shall not have the right to enforce the obligations of the City or any other Owner with respect to any Property in which the "enforcing" Owner does not have a legal or equitable interest.

- 10.3 Standards for Periodic Review. During the Periodic Review, each Owner shall be required to demonstrate good faith compliance with the terms of this Agreement. "Good faith compliance" shall be established for each Owner if that Owner is not in "Major Default" under this Agreement, as that term is defined in Section 12.1. If the City Council or its designee finds and determines, based on substantial evidence, that

an Owner is in Major Default, then City may proceed in accordance with Section 12 pertaining to the potential Major Default of that Owner – and only that Owner - and the opportunities for cure. In any legal action by an Owner challenging the City’s determination of Major Default, the court shall conduct a *de novo* review of that Owner’s compliance based on the administrative record and determine if the preponderance of evidence supports the City’s determination.

10.4 Procedures for Periodic Review. The Periodic Review shall be conducted by the City Council or its designee. Each Owner shall be given a minimum of sixty (60) days’ notice of any³ date scheduled for a Periodic Review, and shall be provided sixty (60) days’ notice of the last date on which information shall be submitted to City staff for inclusion with City staff’s report to the City Council regarding the Periodic Review. No Owner shall be limited in the information it presents to the City Council for the Periodic Review and may, if needed, provide information to the City Council in the first instance at the City Council hearing on the Periodic Review. Within ten (10) days’ prior to the Periodic Review, each Owner shall be provided with all staff reports and other information to be used by the City Council in conducting the Periodic Review.⁴ Any such information not provided to each Owner shall not be considered during the Periodic Review and shall not be part of the administrative record unless that information could not have been obtained and/or provided to each Owner with reasonable diligence prior to the date of the Periodic Review. Should the City Council designate a party other than itself to conduct the Periodic Review, these same notice and procedural requirements shall apply to the conduct by the designee of the Periodic Review.

10.5 Certificate of Compliance. At any time during any year that the City Council or its designee finds that an Owner is not in Major Default under this Agreement, City shall, upon written request by that Owner, provide that Owner with a written certificate of good faith compliance within fifteen (15) days of City’s receipt of that request.

11. Modification, Amendment or Cancellation by Mutual Consent.

11.1 General. Pursuant to California Government Code Section 65868, this Agreement may be amended or canceled, in whole or in part, by mutual written consent of the City and the Owners or their successors in interest. Public notice of the Parties’ intention to amend or cancel any portion of this Agreement shall be given in the manner provided by California Government Code Section 65867. Any amendment to this Agreement shall be subject to the provisions of California Government Code Section 65867.5. Any amendment to or change in the Applicable Rules shall not

³ A continuance of a properly noticed scheduled Periodic Review shall not require additional notice, provided that the continuance itself is deemed adequate under California law to provide the Owners with notice of the time and place of the continued hearing.

⁴ This requirement shall not apply to oral public comments made at the Periodic Review, nor to written public comments which are received by the City less than ten days prior to the date of the Periodic Review. Such written comments shall, however, be provided to the Owner by the earlier of (i) twenty-four (24) hours after receipt by the City and (ii) the start of the Periodic Review.

require an amendment to this Agreement, provided that each Owner of Property affected by the amendment or change has consented in writing to such amendment or change. Additionally, for purposes of this Agreement, the resubdivision of any of the Properties or the filing of an amended subdivision map which creates new legal lots (including the creation of new lots within any designated remainder parcel) or which reflects a merger of lots, shall not require an amendment to this Agreement.

11.2 Independent Amendments. An amendment described in Section 11.1 above may be agreed to by one or more individual Owners and the City without the agreement of the other Owners, provided that the amendment does not affect, in any manner, the rights or obligations of each Owner not agreeing to the amendment. To the extent that California Government Code Section 65868 is interpreted to require the consent of all Owners to such an amendment, this Section 11.2 shall constitute the written agreement of all Owners to such an amendment.

11.3 Minor Modifications. The provisions of this Agreement require a close degree of cooperation between the Parties and "Minor Changes" to the Projects may be required from time to time to accommodate design changes, engineering changes, and other refinements related to the details of the Parties' performance. "Minor Changes" shall mean changes to a Project that are otherwise consistent with the Applicable Rules, and which do not result in a change in the type of use, an increase in density or intensity of use, significant new or increased environmental impacts that cannot be mitigated, or violations of any applicable health and safety regulations in effect on the Effective Date. Accordingly, the Parties may mutually consent to adopting "Minor Changes" through the signing of an "Operating Memorandum" between the City and one or more Owners reflecting the Minor Changes. To be effective, an Operating Memorandum must be signed by the City and each Owner of Property affected by the amendment or change. Neither the Minor Changes nor any Operating Memorandum shall require public notice or hearing. The City Attorney and City Manager shall be authorized to determine whether proposed modifications and refinements are "Minor Changes" subject to this Section 11.3 or more significant changes requiring amendment of this Agreement. The City Manager may execute any Operating Memorandum without City Council action.

12. Defaults, Notice and Cure Periods, Events of Default and Remedies.

12.1 Major Default Defined. Only a "Major Default" in the context of the core consideration of this Agreement may establish cause for early termination of this Agreement. Therefore, such a "Major Default" is limited to the material and substantial failure by (1) an Owner to timely meet that Owner's obligations to pay fees, provide reimbursement, or provide public facilities pursuant to this Agreement, or (2) the City to honor an Owner's Vested Right, or (3) the City to provide the agreed upon cooperation needed to implement the development of the Properties. This definition is not intended to expand or limit the legal definition of "materiality," but only to establish the agreement of the Parties as to the limited nature of a default which could lead to an early termination of this Agreement with respect to one or

more of the Properties. This provision does not limit the right of any Party to pursue other non-termination remedies permitted by this Section 12 for material defaults which do not constitute a "Major Default" as defined in this Section 12.1.

- 12.2 Cross Defaults. The obligations of each of the Owners under this Agreement are either (1) contingent upon the filing of the first application for a Subsequent Development Approval by a Master Developer, (2) not subject to default as set forth in Sections 6.5(g)(iii), 6.5(h)(i), and 6.5(h)(ii) above, or (3) in the case of Section 6.5(a), both. Therefore, this Agreement is not subject to default for the failure of any Owner to perform any obligation before the filing of the first application for a Subsequent Development Approval by a Master Developer. After the filing of the first application for a Subsequent Development Approval by a Master Developer, the rights and obligations of each of the Owners shall be independent of those of every other Owner, and a default under this Agreement, including a Major Default, by one Owner does not constitute a default by any other Owner. A default by an Owner applies only to the Property in which that Owner has a legal or equitable interest and shall not affect the rights or obligations of any other Owner. Similarly, an Owner shall not have the right to enforce the obligations of the City or any other Owner with respect to any Property in which the "enforcing" Owner does not have a legal or equitable interest.
- 12.3 Notice and Cure. Before any Party may declare a Major Default or termination of this Agreement or bring a legal action to terminate this Agreement, the procedures of this Section must be followed. In the case of a Major Default arising from the conduct of a Periodic Review, the procedures of this Section shall be strictly followed and shall constitute a second and independent review of the good faith compliance of the Owner whose compliance is at issue. The Party asserting a Major Default (the "Non-Defaulting Party") may elect to do so by providing written notice to the Party alleged to be in Major Default (the "Defaulting Party") setting forth the nature of the Major Default and the actions, if any, required by the Defaulting Party to cure the Major Default. The Defaulting Party shall be deemed in Major Default if the Defaulting Party fails to cure the Major Default within thirty (30) business days after the date of such notice (for monetary defaults) or within sixty (60) business days after the date of such notice (for non-monetary defaults) ("cure periods"). If the nature of the alleged Major Default is such that it cannot reasonably be cured within the applicable cure period, the Defaulting Party shall not be deemed to be in Major Default if it has commenced efforts to cure the Major Default within the applicable cure period and continues to diligently pursue completion of the cure.
- 12.4 Major Default Remedies. A Party who complies with the notice of Major Default and opportunity to cure requirements of Section 12.3 may, at its option, institute legal action to cure, correct, or remedy the alleged Major Default, enjoin any threatened or attempted violation, enforce the terms of this Agreement by specific performance, or pursue any other legal or equitable remedy. These remedies shall be cumulative rather than exclusive, except as otherwise provided by law. Furthermore, the City, after first following the procedures set forth in Section 12.3, may give

notice of its intent to terminate or modify this Agreement for an uncured Major Default, in which event the matter shall be scheduled for consideration and review by the City Council, using the notice and procedure provisions set forth in Section 10.4 for a Periodic Review. The “preponderance of evidence” standard of review set forth in Section 12.5, however, shall be employed rather than the substantial evidence standard set forth in Section 10.3.

- 12.5 Standard of Review. Any determination by City that an Owner is in Major Default shall be based on the preponderance of evidence before the City. In any legal action by an Owner challenging the City’s determination of Major Default, the court shall conduct a *de novo* review of that Owner’s compliance based on the administrative record and determine if the preponderance of evidence supports the City’s determination.
- 12.6 Owners’ Exclusive Remedy. City and Owners acknowledge that neither City nor Owners would have entered into this Agreement if they were to be liable in damages under or with respect to all or any part of this Agreement. Accordingly, except as stated below, none of the Parties shall sue the other for damages or monetary relief for any matter related to this Agreement. City may, however, sue an Owner for the payment of sums due from that Owner to City under provisions of this Agreement which are expressly stated to survive termination of this Agreement. An Owner may sue the City for (1) the non-performance of the City’s obligations to provide public facilities or services to benefit that Owner’s Project and/or for the monetary equivalent, (2) the non-performance of any City obligations related to any Financing District and/or for the monetary equivalent, and (3) failure to implement the reimbursement provisions of this Agreement under the limited circumstances set forth in Section 6.12 above. With these exceptions, an Owner’s litigation remedies shall be limited to declaratory and injunctive relief, mandate, and specific performance.
- 12.7 Termination of Agreement. The City may terminate this Agreement as to one or more individual Owners or Properties only as provided in this Section 12. Any termination shall be automatically stayed by the filing of a petition for writ of mandate as provided in Section 12. The Parties intend that a termination pursuant to this Section 12 shall apply only to the Owner, Property, and Project which are in Major Default and shall not apply to:
- (a.) Any other Owner, Property, or Project; and
 - (b.) The successor or assign of any Owner with respect to any portion of the Properties (1) which that successor or assign has acquired in connection with a sale of some or all of a Property and (2) as to which there is no Major Default.
- 12.8 Delay for Events Beyond the Parties’ Control. Performance by any Party of its obligations under this Agreement shall be excused, and the Term shall be extended, for periods equal to the time during which a delay is caused by reason of any event beyond the control of City or an Owner which prevents or delays performance by

City or an Owner of its respective obligations under this Agreement. Such events shall include, by way of example and not limitation, acts of nature, enactment of new conflicting federal or state laws or regulations (example: listing of a species as threatened or endangered or the imposition of new regulations pertaining to the generation of greenhouse gas emissions), judicial actions such as the issuance of restraining orders and injunctions, delay in the issuance of bonds or formation of any Financing Districts, and riots, strikes, or damage to work in process by reason of fire, mud, rain, floods, earthquake, or other such casualties.

If City or an Owner seeks excuse from performance, it shall provide written notice of such delay to all other Parties within thirty (30) days of the commencement of such delay. If the delay or default, whether material or immaterial, is beyond the control of City or the Owner it shall be excused, and an extension of time for such cause shall be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon. Any disagreement between the Parties with respect to whether this Section 12 applies to a particular delay or default is subject to the filing by any Party of an action for judicial review of the matter, including requests for declaratory and/or injunctive relief.

13. **Lender Protection Provisions.**

13.1 **Notice of Default.** In addition to the notice provisions set forth in Section 12, the City shall send a copy of any notice of a default, including a Major Default, it sends to the Owner or any of its successors or assigns to any lender that has made a loan then secured by a deed of trust against all or a portion of that Owner's Property (a "Secured Lender"), provided that the Secured Lender shall have (1) delivered to the City written notice in the manner provided in Section 19.1 of the Secured Lender's election to receive a copy of any such written notice of default and (2) provided to the City a recorded copy of any such deed of trust. Any Secured Lender that delivers such written notice to the City and provides the City with a recorded copy of its deed of trust as provided above is referred to within this Agreement as a "Qualified Lender." A Qualified Lender does not include the maker of a loan to the owner of a single family dwelling unit (whether a detached single family home, a townhome or a condominium) who is not a developer of all or a portion of one or more of the Properties.

13.2 **Right of a Qualified Lender to Cure a Default.** If an Owner, or any of its applicable successors or assigns, fails to timely cure any default, including a Major Default, within the time periods set forth below, then the City shall send a written notice to each Qualified Lender of such failure to timely cure the default. From and after receipt of any such written notice of failure to cure, each Qualified Lender shall have the right to cure any such default on the same terms as the defaulting Owner has the right to cure a default under Section 12 above. For purposes of this Section, the Qualified Lender's time in which to commence a cure begins on the date of its receipt of the written notice from the City required by this Section. If the nature of any such default is such that a Qualified Lender cannot reasonably cure any such

default without being the owner of all or the applicable portion of the Property in question, such Qualified Lender shall be deemed to be diligently pursuing the cure of any such default provided that (1) the Qualified Lender(s) is (are) proceeding to foreclose the lien of its deed of trust against all or the applicable portion of the Property in question and (2) after completing any such foreclosure, promptly commences the cure of any such default and thereafter diligently pursues the cure of such default to completion.

- 13.3 Exercise of City's Remedies. Notwithstanding any other provision of this Agreement, the City shall not exercise any right or remedy it may have under this Agreement or otherwise arising out of a default under this Agreement by an Owner or any of an Owner's successors or assigns during the cure period provided by this Agreement.
- 13.4 No Impairment of Development Agreement to Mortgage. No default by an Owner (or any successor or assign) under this Agreement shall subordinate, invalidate, or defeat the lien of any mortgage held by a Secured Lender. Neither a breach of any obligation secured by any mortgage held by a Secured Lender or other lien against the mortgaged interest, nor a judicial foreclosure, trustee's sale or acceptance of a deed in lieu of foreclosure (a "Foreclosure") under any mortgage or other lien, shall defeat, diminish, render invalid or unenforceable or otherwise impair an Owner's rights or obligations, or constitute a default, under this Agreement. In no event shall a Foreclosure or other exercise by a Secured Lender of its pre- or post-Foreclosure rights in connection with a mortgage require any consent or approval by the City.
- 13.5 Secured Lender's Obligations With Respect to a Property. Notwithstanding anything to the contrary in this Agreement, no Secured Lender shall have any obligations or other liabilities under this Agreement unless and until that Secured Lender acquires title to the portion of a Property that was subject to the applicable security interest. Without limiting the foregoing, no Secured Lender shall have any obligations or other liabilities under this Agreement solely because it holds either a security interest or an interest in an Owner or a Transferee.
14. Administration of Agreement and Resolution of Disputes. Each Owner shall at all times have the right to appeal to the City Council any decision or determination made by any employee, agent, or other representative of the City concerning that Owner's Project or the interpretation and administration of this Agreement with respect to that Owner's Project. All City Council decisions or determinations regarding a Project or the administration of this Agreement shall, except as expressly provided within this Agreement, also be subject to judicial review pursuant to California Code of Civil Procedure Section 1094.5. Pursuant to California Code of Civil Procedure Section 1094.6, any such action must be filed in a court of competent jurisdiction not later than ninety (90) days after the date on which the City Council's decision becomes final.
15. Recordation of this Agreement. Pursuant to California Government Code Section 65868.5, the City Clerk shall cause a copy of this Agreement to be signed by the appropriate representatives of the City and recorded with the Office of the County Recorder

of Ventura County, California, within ten (10) days following the Signing Date. The failure of the City to sign and/or record this Agreement shall not affect the validity of the binding obligations set forth within this Agreement.

16. **No Third Party Beneficiaries.** This Agreement is made and entered into for the sole protection and benefit of the City, the Owners, and their respective successors and assigns. No other person or entity shall have any right of action based upon any provision of this Agreement.

17. **Changes in Federal and State Law.** The Properties may be subject to subsequently enacted state or federal laws or regulations which preempt local regulations, mandate the adoption of local regulations that conflict with the Applicable Rules, or otherwise impose new burdens upon development of the Projects. Upon discovery of such a subsequently enacted federal or state law, City or one or more of the Owners shall provide the other Parties with written notice, a copy of the state or federal law or regulation, and a written explanation of the legal or regulatory conflict created. Within ten (10) days thereafter, City and the Owners shall meet and confer in good faith in a reasonable attempt to modify this Agreement, as necessary, to comply with such federal or state law or regulation. In such negotiations, City and the Owners agree to preserve the terms of this Agreement and the rights of the Owners as derived from this Agreement to the maximum feasible extent while resolving the conflict. City agrees to cooperate with Owners in resolving the conflict in a manner which minimizes any financial impact of the conflict upon each of the Owners. Any delays caused by such changes in state or federal law shall toll the Term of this Agreement and the time periods for performance by Owners and City set forth in this Agreement.

18. **Assignment.**

18.1 **Owners' Right to Assign.** Each Owner shall have the right to sell, lease, assign, hypothecate, or otherwise transfer (a "Transfer") all or any portion of that Owner's Property (the "Transferred Property"), and to assign part or all of its rights, title and interest in and to this Agreement (an "Assignment"), to one or more persons or entities (a "Transferee") at any time and from time to time during the term of this Agreement, subject to the following terms and conditions:

- (a.) That Owner's rights and obligations under this Agreement may be transferred only in conjunction with the Transfer of the portion of the Transferred Property to which the rights and obligations apply;
- (b.) That Owner shall give written notice to the City after the closing or other completion of a Transfer, and shall concurrently deliver to the City a fully executed Assignment and Assumption Agreement between that Owner and the Transferee pursuant to which that Owner shall assign and delegate to the Transferee, and the Transferee shall accept, assume and agree to perform, all of that Owner's rights and obligations under this Agreement that are allocable to the Transferred Property (the "Assignment and Assumption Agreement"); and

- (c.) Except as otherwise provided within this Agreement, upon recordation of the deed conveying title to the Transferred Property to the Transferee and delivery to the City of the fully executed Assignment and Assumption Agreement (the date of delivery to be the “**Transfer Date**”), the Transferee shall succeed to all of that Owner’s rights and obligations under this Agreement which relate to the Transferred Property (including the right to Transfer), and that Owner shall have no further rights or obligations under this Agreement with respect to the Transferred Property, except for any such rights and obligations that accrued prior to the Transfer Date.

18.2 Transfer of Obligations. If a transferring Owner so elects in its sole discretion, the transferring Owner may enter into a separate agreement with a Transferee (a “**Transfer Agreement**”) concerning the allocation of rights and obligations between the transferring Owner and its Transferee with respect to the Transferred Property. Without limiting the foregoing, a Transfer Agreement may contain provisions: (1) assigning to the Transferee any obligations that otherwise would not relate to the Transferred Property (provided the Transferee expressly assumes all such obligations); (2) releasing the Transferee from any obligations that otherwise could relate to the Transferred Property; (3) reserving to the transferring Owner certain rights that relate to the Transferred Property which otherwise would be assigned in the Assignment and Assumption Agreement; (4) assigning to the Transferee any of the transferring Owner’s other rights under this Agreement; and (5) defining and describing the extent to which the Transferee will be deemed to be an “Owner” under this Agreement. To the extent a Transfer Agreement reserves obligations to the transferring Owner that otherwise would be allocable to the Transferred Property, the Transferee shall have no liability with respect to such reserved obligations and the transferring Owner shall remain liable with respect to all reserved obligations.

To the extent a Transfer Agreement delegates obligations to a Transferee that otherwise would not be allocable to the Transferred Property, the Transferee shall be liable for the performance of such delegated obligations on and after the Transfer Date and the transferring Owner shall have no further liability with respect to those delegated obligations. Such Transfer Agreement shall not be binding upon or amend the City’s rights or obligations under this Agreement unless the City agrees to such assignment of rights and obligations in writing. The City’s agreement shall not be unreasonably withheld.

18.3 Non-Assuming Transferees. The burdens, obligations, and duties of an Owner under this Agreement shall terminate with respect to any single parcel improved with either (1) a completed residential structure which is either leased for a period of longer than one year or conveyed to a purchaser for use (as opposed to conveyed solely for resale) or (2) a completed non-residential structure for which a certificate of occupancy or other permission to use has been granted. Neither a Transfer Agreement nor the City’s consent shall be required to effectuate such a termination. The renter or homeowner in such a transaction and its successors shall be deemed to have no obligations under this Agreement, but shall continue to benefit from the

vested rights provided by this Agreement for the duration of the Term. Immediately upon any such lease or conveyance, and without the execution or recordation of any further document, such parcel shall no longer be subject to or burdened by this Agreement.

18.4 Covenants Run With the Land; Binding Effect. Subject to the terms, conditions, and exceptions set forth in this Section and elsewhere within this Agreement, this Agreement shall run with the land, and shall be binding upon and inure to the benefit of the Parties' respective successors and assigns (including all Transferees).

19. Miscellaneous.

19.1 Notices. All notices which are allowed or required to be given under this Agreement shall be in writing and (1) shall be deemed given and received when personally delivered or (2) shall be deemed given when the same are deposited in the United States mail, with postage prepaid, to be sent by registered or certified mail or overnight mail service, addressed to the applicable designated person by one Party to all others in writing, and shall be deemed received on the second business day after such mailing.

If to City:

City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Manager
Tel. No.: (805) 385-7430
Fax No.: (805) 385-7595

with a copy to:

City of Oxnard
305 West Third Street
Oxnard, California 93030
Attention: Development Services Director
Tel. No.: (805) 385-7877
Fax No.: (805) 385-7854

City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Attorney
Tel. No.: (805) 385-7483
Fax No.: (805) 385-7423

City of Oxnard
305 West Third Street
Oxnard, California 93030
Attention: Planning Manager
Tel. No.: (805) 385-7863
Fax No.: (805) 385-7417

If to Ito Farms: Ito Farms, Inc.
Attention: William Ito
91122 McFadden Avenue
Westminster, CA 92683

with a copy to: Theodora Oringher
535 Anton Boulevard
Ninth Floor
Costa Mesa, CA 92626
Attention: Tim Paone
Fax No.: (714) 549-6115

If to Ito Trusts: Ritsuo & Kazuko Ito
1101 West Robert Avenue
Oxnard, CA 93030

If to Plum Vista: Plum Vista, L.P.
Attention: Steve Muratta
875 West Los Angeles Avenue
Somis, CA 93066

If to SSLC/LLC: South Shore Land Company, LLC
Attention: Allen Camp
1294 East Main Street
Ventura, CA 93001

If to SSLC Group: South Shore Land Company, LLC
Attention: Allen Camp
1294 East Main Street
Ventura, CA 93001

If to Katsuda: Jim Katsuda
1531 Hueneme Road
Oxnard, CA 93033

If to Ishimoto: Ruby Ishimoto, Trustee
Mae Katsuda Trust
1531 East Hueneme Road
Oxnard, CA 93033

19.2 **Severability.** If any part of this Agreement is declared invalid for any reason, such invalidity shall not affect the validity of the rest of this Agreement. The other parts of this Agreement shall remain in effect as if this Agreement had been executed without the invalid part. The City and the Owners declare that they intend and desire

that the remaining parts of this Agreement continue to be effective without any part or parts that have been declared invalid.

- 19.3 Entire Agreement; Conflicts. This Agreement represents the entire agreement between the Parties with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings, whether oral or written, between the Parties with respect to the matters contained in this Agreement. Should any or all of the provisions of this Agreement be found to be in conflict with any other provision or provisions found in the Applicable Rules, then the provisions of this Agreement shall govern and prevail.
- 19.4 Further Assurances. The Parties agree to perform, from time to time, such further acts and to execute and deliver such further instruments as any other Party or such Party's legal counsel may reasonably request to effect the intents and purposes of this Agreement, provided that the intended obligations of the City and the Owners are not modified.
- 19.5 Successors and Assigns. Subject to Section 18 above, this Agreement shall inure to the benefit of and bind the successors and assigns of the City and the Owners.
- 19.6 Negation of Agency. Each of the Parties acknowledges that, in entering into and performing under this Agreement, it is acting as an independent entity and not as an agent of any other Party in any respect. Nothing contained within this Agreement or in any document executed in connection with this Agreement shall be construed as making any of the Parties joint venturers, partners, or employer/employee.
- 19.7 Attorneys' Fees. In the event of any claim, dispute, or controversy arising out of or relating to this Agreement, including an action for declaratory relief or other legal action, the prevailing Party in such action or proceeding shall be entitled to recover its court and/or arbitration costs and reasonable out-of-pocket expenses not limited to taxable costs, including telephone calls, photocopies, expert witness, travel, and reasonable attorneys' fees and costs to be fixed by the court or the arbitrators, both in the trial court and on appeal. The court or the arbitrators shall determine who is the "prevailing party" whether or not the dispute or controversy proceeds to final judgment. If any Party is reasonably required to incur such out-of-pocket expenses and attorneys' fees as a result of any claim arising out of or concerning this Agreement or any right or obligation derived under this Agreement, then the prevailing Party shall be entitled to recover such reasonable out-of-pocket expenses and attorneys' fees whether or not an action is filed.
- 19.8 Waiver. All waivers of performance must be in a writing signed by the Party granting the waiver. There are no implied waivers. A waiver granted to an Owner by the City is valid only as to that Owner, unless expressly stated otherwise in writing. A waiver granted by one Owner to the City shall not be considered a waiver by any other Owner and shall not affect the rights or obligations of any other Owner. Failure by City or an Owner to insist upon the strict performance of any provision of this Agreement, irrespective of the length of time for which such failure continues,

shall not constitute a waiver of the right to demand strict compliance with this Agreement in the future. A written waiver affects only the specific matter waived and defines the performance waived and the duration of the waiver. Unless expressly stated in a written waiver, future performance of the same or any other condition is not waived.

- 19.9 Section Headings. The section headings contained in this Agreement are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.
- 19.10 Time of Essence. Time is of the essence of this Agreement, and all performances required under this Agreement shall be completed within the time periods specified. Any failure of performance shall be deemed a material breach of this Agreement.
- 19.11 Estoppel Certificate. Within ten (10) business days following a written request by an Owner, the City shall execute and deliver to the requesting Owner a statement (an "estoppel certificate") certifying that (1) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (2) either there are no known current uncured Major Defaults under this Agreement or that the City alleges that specified (date and nature) Major Defaults exist. The estoppel certificate shall also provide any other reasonable information requested. The failure to timely deliver a requested estoppel certificate shall constitute a conclusive presumption that this Agreement is in full force and effect without modification, except as may be represented by the requesting Owner, and that there are no uncured Major Defaults in the performance of the requesting Owner, except as may be represented by the requesting Owner. The requesting Owner shall pay to City all reasonable administrative costs incurred by City in connection with the issuance of estoppel certificates under this Section prior to City's issuance of such certificates.
- 19.12 Counterparts. This Agreement and any modifications to this Agreement may be executed in any number of counterparts with the same force and effect as if executed in the form of a single document.

20. Choice of Law; Jurisdiction; Venue. The Parties agree that this Agreement shall be interpreted under the laws of the State of California and that the applicable law for any question or controversy arising out of or in any way related to this Agreement shall be the law of the State of California. The Parties agree that any legal proceeding commenced with respect to any question or controversy arising out of or in any way related to this Agreement shall be filed and prosecuted in the Superior Court for the County of Ventura, California.

IN WITNESS WHEREOF, the City and the Owners have each executed this Agreement as of the date first written above.

ITO FARMS

By: _____
Name: _____
Title: _____

ITO TRUSTS

By: _____
Name: _____
Title: _____

PLUM VISTA

By: _____
Name: _____
Title: _____

SSLC/LLC

By: _____
Name: _____
Title: _____

SSLC GROUP

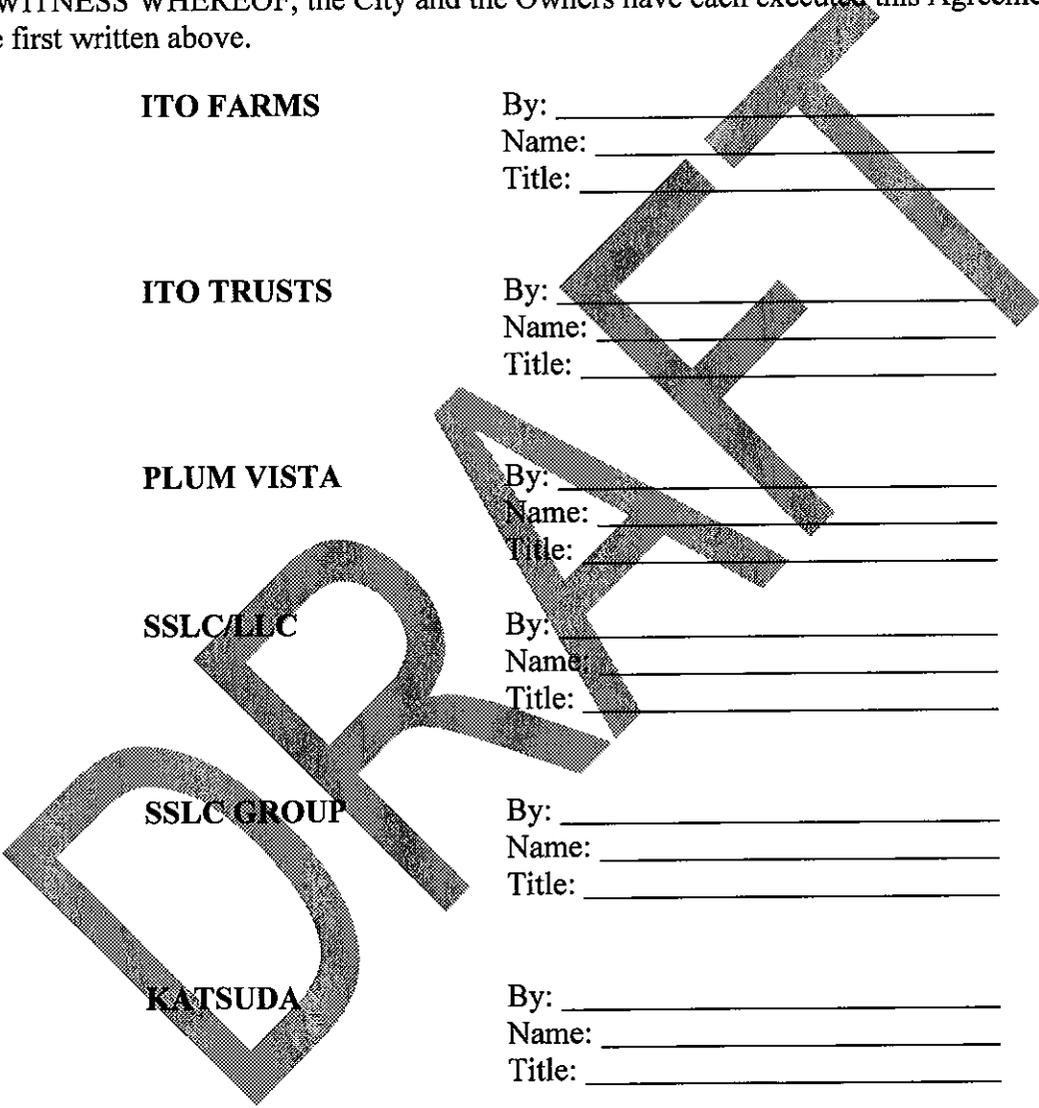
By: _____
Name: _____
Title: _____

KATSUDA

By: _____
Name: _____
Title: _____

ISHIMOTO

By: _____
Name: _____
Title: _____



CITY

CITY OF OXNARD, a municipal corporation of the
State of California

By: _____
Dr. Thomas E. Holden, Mayor

DRAFT

Exhibit "A"

Legal Description of Property

DRAFT

Exhibit "B"
Specific Plan Boundaries / Boundaries of "Properties"

DRAFT

Exhibit "C"
Resolution Approving General Plan Amendment

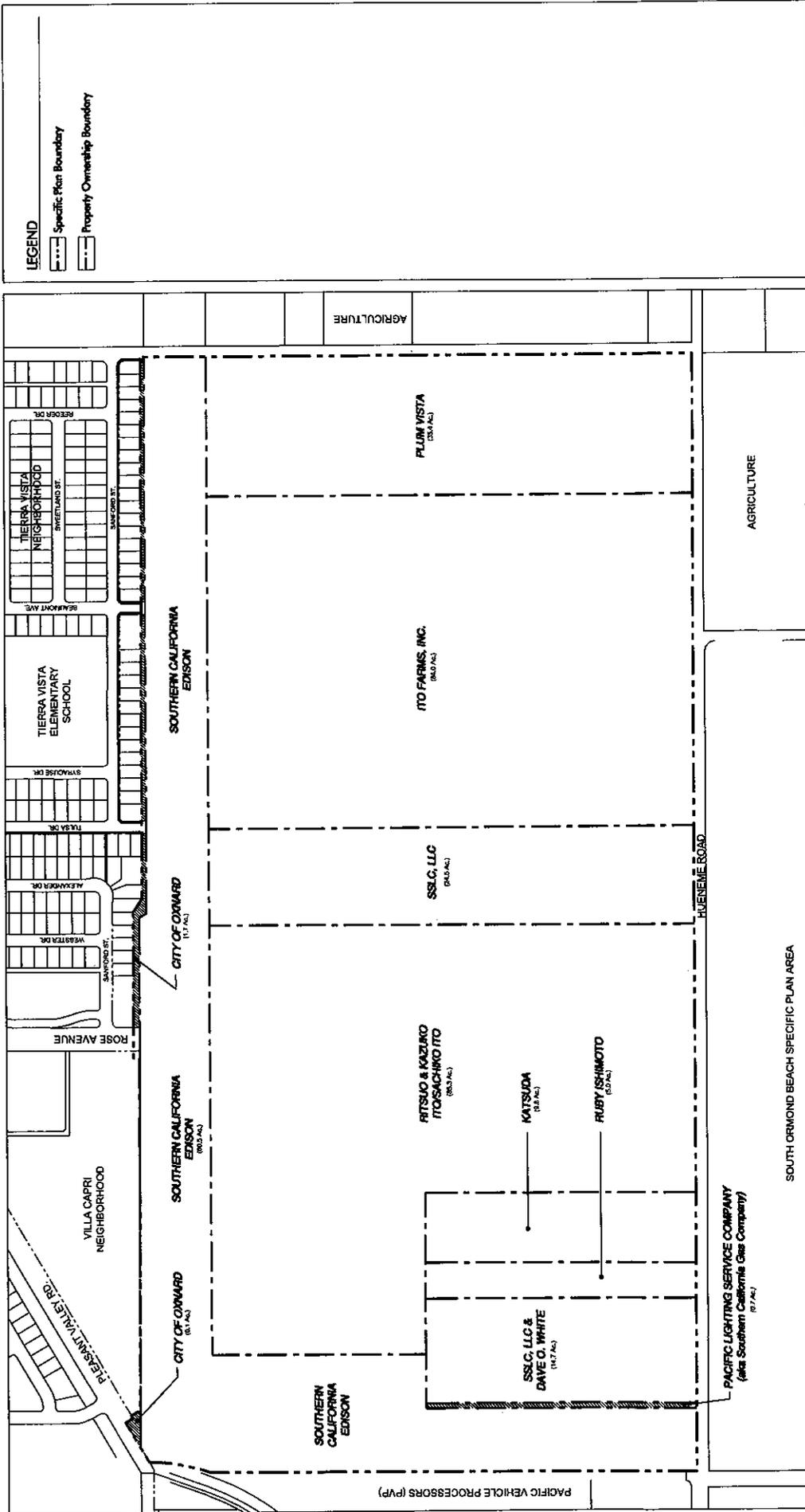
DRAFT

Exhibit "D"
General Alignment of Recycled and Potable Water Easement

DRAFT

EXHIBIT C

LAND OWNERSHIP MAP



**EXHIBIT 1-2
Land Ownership Map**

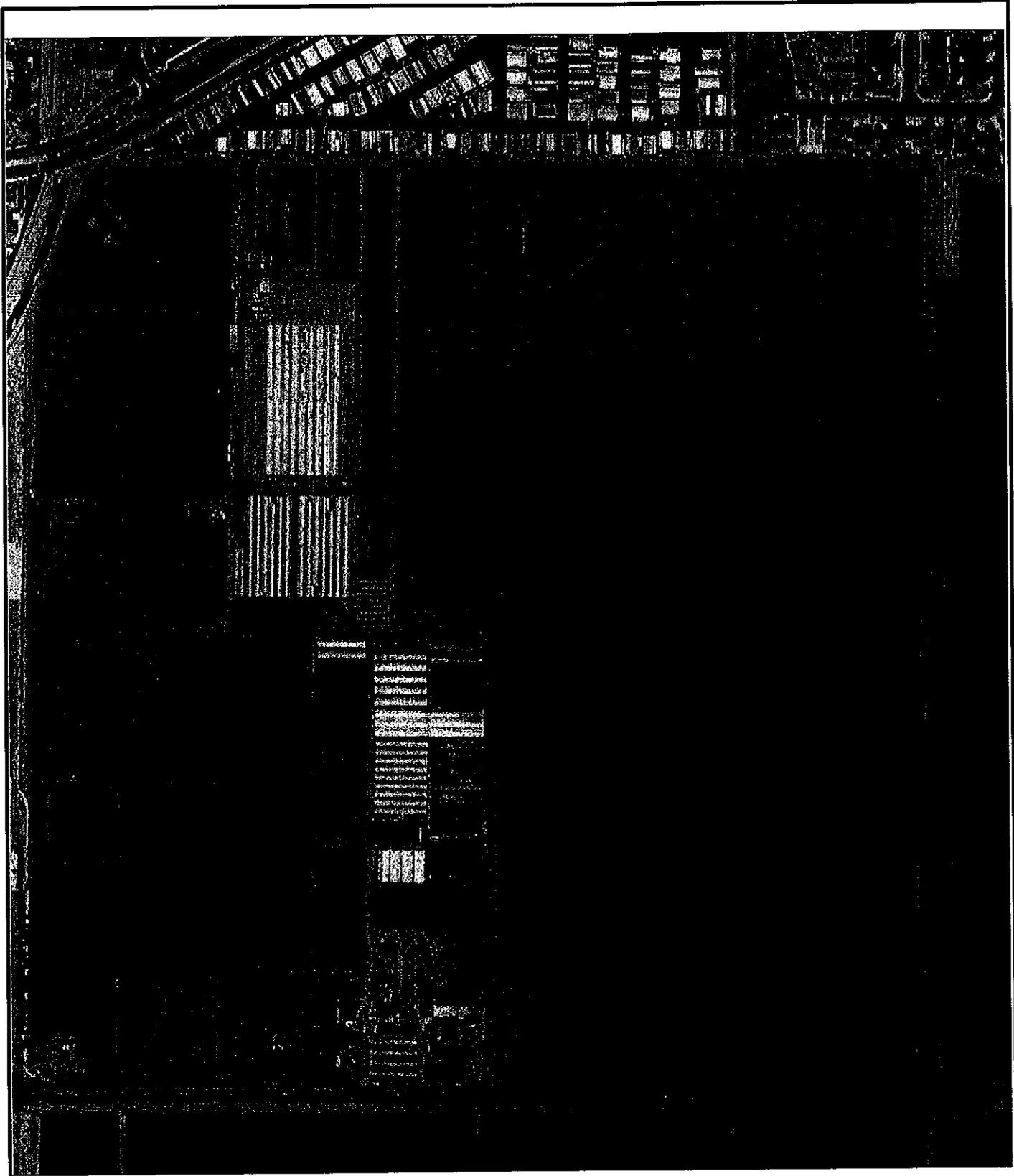


STATIONED/INSTRUMENT NO. 075A (07/20/15) (P) Planning, with Landmark Special, from (S) Version 11/16/2015/07/20/15

SOUTHSHORE

Exhibit C

EXHIBIT D
WATER LINES



RBF
CONSULTING

PLANNING ■ DESIGN ■ CONSTRUCTION

5051 VERDUGO WAY, SUITE 300
CAMARILLO, CALIFORNIA 93012-5100
805.383.3373 • FAX 805.383.3371 • www.RBF.com

**TEMPORARY LOCATION
OF RECLAIMED/POTABLE
WATER LINE**

ATTACHMENT F

**RESOLUTION APPROVING
GENERAL PLAN AMENDMENT**

PLANNING COMMISSION OF THE CITY OF OXNARD

RESOLUTION NO. 2011

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 03-620-03 (GENERAL PLAN AMENDMENT) 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 SOUTHSHORE SPECIFIC PLAN PROJECT. FILED BY HEARTHSHORE HOMES/ITO FARMS, LLC., 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614

WHEREAS, on December 10, 2009, the Planning Commission of the City of Oxnard considered Final Environmental Impact Report (FEIR) No. 05-03 for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects (Ormond Beach Development Projects) and made a recommendation to the City Council to certify the FEIR; and

WHEREAS, on March 23, 2010, the City Council certified FEIR No. 05-03 (SCH #2005091094), and the Planning Commission has considered the FEIR before making its decision herein; and

WHEREAS, on April 7, 2011 the Planning Commission considered an application for Planning and Zoning Permit No. 03-620-03 (General Plan Amendment), filed by Hearthside Homes LLC/Ito Farms, in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning Commission 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, 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, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council approval 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.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of April 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

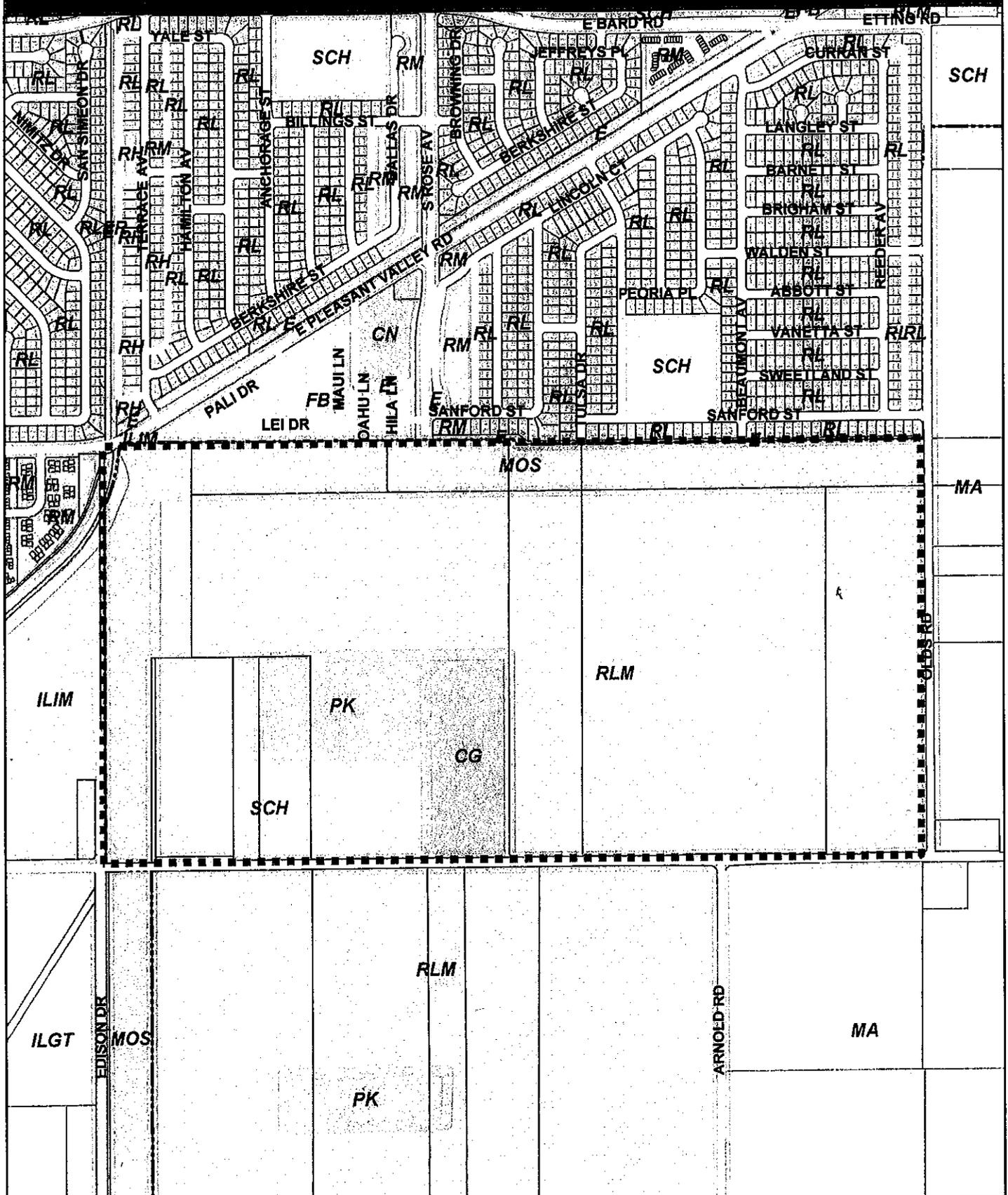
Patrick Mullin, Chairman

ATTEST:

Susan L. Martin, Secretary

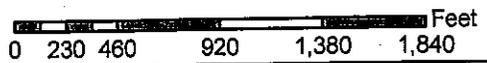
EXHIBIT 'A'
General Plan Amendment

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



1:10,230

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.

ATTACHMENT G

RESOLUTION APPROVING SOUTHSHORE SPECIFIC PLAN

PLANNING COMMISSION OF THE CITY OF OXNARD

RESOLUTION NO. 2011-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 03-640-01 (SPECIFIC PLAN) TO ADOPT THE SOUTHSHORE SPECIFIC PLAN FOR 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). FILED BY HEARTHSIDE HOMES/ITO FARMS, LLC., 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614

WHEREAS, on December 10, 2009, the Planning Commission of the City of Oxnard considered Final Environmental Impact Report (FEIR) No. 05-03 for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects (Ormond Beach Development Projects) and made a recommendation to the City Council to certify the FEIR; and

WHEREAS, on March 23, 2010, the City Council certified FEIR No. 05-03 (SCH #2005091094) and the Planning Commission has considered the FEIR before making its decision herein; and

WHEREAS, on April 7, 2011 the Planning Commission held a public hearing and received and reviewed written and oral comments related to proposed Specific Plan No. 03-640-01; and

WHEREAS, the Planning Commission finds that the FEIR was completed for this project in compliance with the California Environmental Quality Act and reflects the independent judgment of the City; and

WHEREAS, the FEIR has been certified for this project, and the Planning Commission has considered the FEIR before making its recommendation herein; and

WHEREAS, the Planning Commission finds after due study, deliberation and public hearing, that the project is a logical addition to the Ormond Beach Specific Plan Area as depicted in the City of Oxnard 2020 General Plan and is consistent with the City's 2020 General Plan as amended by PZ 03-620-03; will provide a range of housing opportunities, including affordable housing, a public school, mixed-use commercial and light industrial business opportunities, infrastructure and arterial roadway improvements, and public parks and open space; will stimulate balanced growth without impacting undeveloped land outside of the City's CURB or impacting the City's downtown business; will enhance the quality of life for all residents of Oxnard by creating opportunities for leisure, recreation, public gatherings, education, and high quality housing; that the project will not adversely affect or be materially detrimental to adjacent land uses; and that the public interest and general welfare require the adoption of Specific Plan Amendment No. 03-640-01; and

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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council approval of Planning and Zoning Permit No. 03-640-01 adopting the SouthShore Specific Plan 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, as shown in Exhibit A, attached hereto and incorporated herein by reference. Further, the Planning Commission of the City of Oxnard recommends that the City Council of the City of Oxnard make findings and adopt a statement of overriding considerations pursuant to sections 15091 through 15093 of Title 14 of the California Code of Regulations and approve the project, as shown in Exhibit B, attached hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of April 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

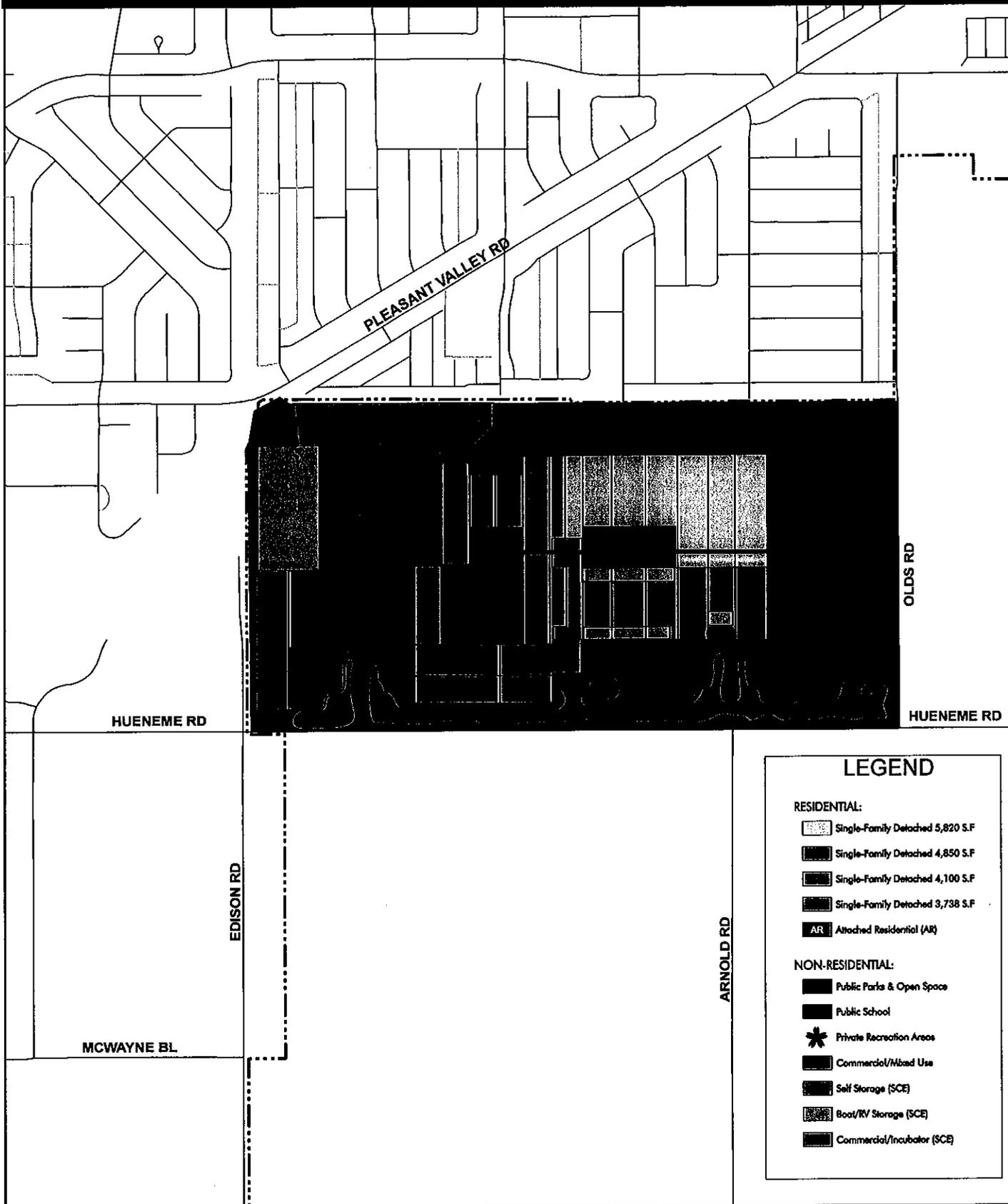
Patrick Mullin, Chairman

ATTEST:

Susan L. Martin, Secretary

EXHIBIT 'A'
SouthShore Specific Plan Project Area

Proposed Southshore Specific Plan



LEGEND

RESIDENTIAL:

- Single-Family Detached 5,820 S.F
- Single-Family Detached 4,850 S.F
- Single-Family Detached 4,100 S.F
- Single-Family Detached 3,738 S.F
- Attached Residential (AR)

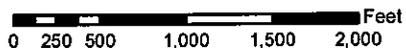
NON-RESIDENTIAL:

- Public Parks & Open Space
- Public School
- Private Recreation Areas
- Commercial/Mixed Use
- Self Storage (SCE)
- Boat/TV Storage (SCE)
- Commercial/Incubator (SCE)



Oxnard Planning
March 2, 2011

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



1:13,194

EXHIBIT 'B'

**Findings of Fact and
Statement of Overriding Considerations**

**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.*)**

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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. 2010-01 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 [REDACTED], 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. [REDACTED] 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. 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.

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 ROC 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 NO_x 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 NO_x 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 15th to October 15th) 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 15th to October 15th) 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 system 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. [REDACTED], 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

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 $\frac{3}{4}$ 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 CO₂ 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 CO₂ and 1,237 tons/year of NO_x and 569 tons/year of methane. Project vehicular use would generate approximately 64,136 tons/year of CO₂ 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 VOC 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.

ATTACHMENT H

**RESOLUTION APPROVING
PREZONING OF THE PROPERTY**

PLANNING COMMISSION OF THE CITY OF OXNARD

RESOLUTION NO. 2011-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 03-560-01 (PREZONING) 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). FILED BY HEARTHSIDE HOMES/ITO FARMS, LLC., 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614

WHEREAS, on December 10, 2009, the Planning Commission of the City of Oxnard considered Final Environmental Impact Report (FEIR) No. 05-03 for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects (Ormond Beach Development Projects) and made a recommendation to the City Council to certify the FEIR; and

WHEREAS, on March 23, 2010, the City Council certified FEIR No. 05-03 (SCH #2005091094), and the Planning Commission has considered the FEIR before making its decision herein; and

WHEREAS, on April 7, 2011 the Planning Commission held a public hearing and received and reviewed written and oral comments related to proposed Planning and Zoning Permit No. 03-560-01 for establishment of zoning for the SouthShore Specific Plan according to the City's zoning ordinance, with land use zones as established in the SouthShore Specific Plan as approved under Planning and Zoning Permit No. 03-640-01; and

WHEREAS, the Planning Commission finds after due study, deliberation and public hearing, that the Prezoning of the subject property is consistent with the 2020 General Plan as amended by General Plan Amendment No. 03-620-03, and that the public interest and general welfare require the adoption of Planning and Zoning Permit No. 03-560-01 for establishment of zoning for the subject property, since the property is not currently within the City limits; and

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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council adoption of an Ordinance for Prezoning the property located, as described above, and as shown in Exhibit A, attached hereto and incorporated herein

Resolution No. [REDACTED]
Rezoning
Page 2

by reference. The zones established for the subject property are in accordance with the SouthShore Specific Plan.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of April 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

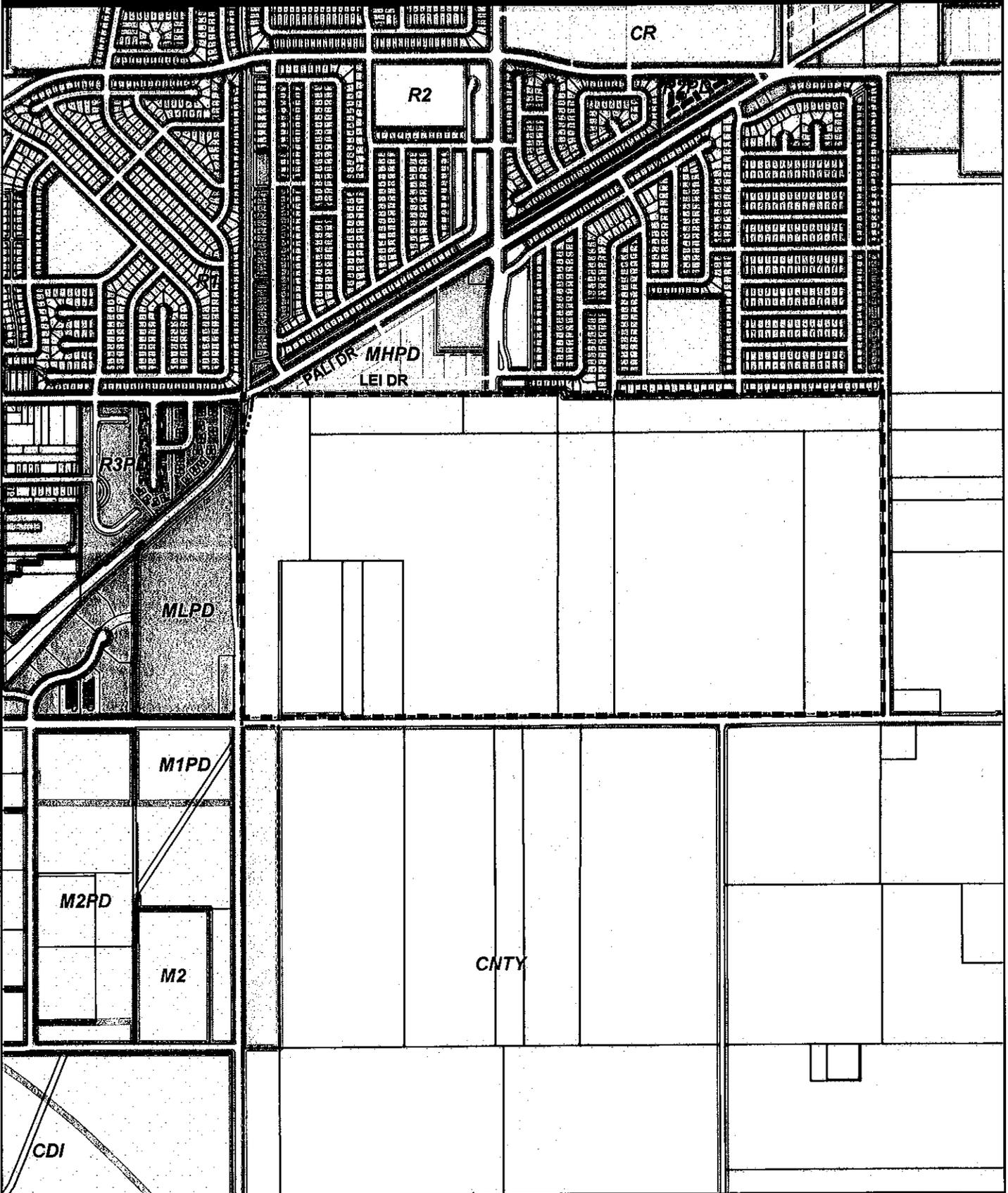
Patrick Mullin, Chairman

ATTEST:

Susan L. Martin, Secretary

EXHIBIT 'A'
Prezone Map

Zone Map



Oxnard Planning
March 2, 2011

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



Zone Map



1:13,194

ATTACHMENT I

**RESOLUTION APPROVING
TENTATIVE TRACT MAP NO. 5427**

PLANNING COMMISSION OF THE CITY OF OXNARD

RESOLUTION NO. 2011-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL APPROVAL OF PLANNING AND ZONING PERMIT NO. 07-300-16 (TENTATIVE SUBDIVISION MAP) FOR TRACT NO. 5427, 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). FILED BY HEARTHSIDE HOMES/ITO FARMS, LLC., 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614

WHEREAS, on December 10, 2009, the Planning Commission of the City of Oxnard considered Final Environmental Impact Report (FEIR) No. 05-03 for the SouthShore Specific Plan and South Ormond Beach Specific Plan Projects (Ormond Beach Development Projects) and made a recommendation to the City Council to certify the FEIR; and

WHEREAS, on March 23, 2010, the City Council certified FEIR No. 05-03 (SCH #2005091094), and the Planning Commission has considered the FEIR before making its decision herein; and

WHEREAS, the Applicant has submitted an application for Planning and Zoning Permit No. 07-300-16, proposed Tentative Subdivision Map No. 5427, for the SouthShore Specific Plan Project, and said tentative map was referred to various public utility companies, City departments and the Development Advisory Committee for recommendations; and

WHEREAS, on April 7, 2011 the Planning Commission held a public hearing and received and reviewed written and oral comments related to proposed Tentative Subdivision Map No. 5427; and

WHEREAS, the Planning Commission finds after due study, deliberation and public hearing, that the tentative map conforms to the City's 2020 General Plan as amended by PZ 03-620-03 and elements thereof; the tentative map conforms to the SouthShore Specific Plan as approved under PZ 03-640-01; and the public interest and general welfare require the adoption of Tentative Subdivision Map No. 5427 under PZ 07-300-16; and

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; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends to the City Council approval of Planning and Zoning Permit No. 07-300-16 for Tentative Subdivision Map for Tract No. 5427 for property generally located as described above, subject to the certain conditions as identified within Exhibit A and the requirements identified within the Adaptive Management Plan, see Exhibit B; and the Addendum No. 1 to the SouthShore Specific Plan contained in Exhibit C.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of April 2011, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Patrick Mullin, Chairman

ATTEST:

Susan L. Martin, Secretary

EXHIBIT A

**CONDITIONS OF APPROVAL FOR
TENTATIVE TRACT MAP NO. 5427**

Exhibit A

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Public Works, Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).
2. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
3. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, *G-10*)
4. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)
5. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)
6. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

7. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
8. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property. (PL, G-15).

LANDSCAPE SPECIAL CONDITIONS

9. The injection well driveway and the three (3) lake access driveways shown off Hueneme Road shall be designed in such as manner so that general public access to these driveways is prohibited.

FIRE DEPARTMENT CONDITIONS

10. Developer shall construct all vehicle access drive aisles and roads on the project property to be at least 26 feet wide (single family residential driveways excluded). Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)
11. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, F-3)
12. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. The tests must be certified by a mechanical, civil, or fire protection engineer. Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)
13. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
14. At all times during construction, Developer shall maintain paved surfaces capable of handling loads of **46,000 pounds** which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)
15. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)

16. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, *F-11*)
17. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, *F-15*)

FIRE DEPARTMENT SPECIAL CONDITION

18. Developer shall insure Fire Department access through man-gates and vehicle access gates, either by Knox lock devices or other Fire Department approved means.

PLANNING DIVISION STANDARD CONDITIONS

19. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)
20. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
21. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)
22. Prior to the close of escrow for each dwelling unit, Developer shall provide the buyer with a written guarantee that the exterior finishes of the dwelling unit will remain in good condition for at least five (5) years from the final building permit inspection and sign off. Developer shall provide a copy of the guarantee to Planning staff prior to final Planning Division inspection and sign off. (PL, *PL-29*)
23. Developer shall include in all deeds for the project and in the Conditions Covenants & Restrictions a prohibition against parking recreational vehicles over 20 feet long in the project, with exception of the 12.9 acre Boat and Recreational Vehicle Storage Area within the M-L (SSP) Land Use District. (CE/PL, *PL-35*)
24. Developer shall post in the sales office of the project the latest City planning documents and maps that may affect the project and adjacent properties. At a minimum, this information shall include the 2020 Oxnard General Plan and General Plan Land Use Map showing all adjacent properties, a copy of the ordinances regulating the zone, and any

specific plan that may apply to the project. Such documents may be purchased at cost from the Planning Division Manager. Developer shall require that all purchasers sign an affidavit declaring that they have familiarized themselves with the planning documents. Developer shall make such affidavits and planning information available for review upon reasonable request of the Planning Division Manager. (PL, *PL-38*)

25. All recreational vehicle parking spaces in the 12.9 acre Boat and Recreational Vehicle Storage Area within the M-L (SSP) Land Use District shall be designated by signs stating that the spaces are reserved exclusively for recreational vehicle parking. Developer shall prohibit the parking of recreational vehicles elsewhere in the project. (B, *PL-39*)
26. Where feasible, Developer shall locate individual unit plumbing within individual unit walls, as opposed to common or shared walls, and shall paint roof vents to match the roofing material. (PL/B, *PL-40*)

PLANNING DIVISION SPECIAL CONDITIONS

27. An approved tentative map shall expire in accordance with the terms and stipulations identified in the project Development Agreement. (PL)
28. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of the Final EIR Mitigation Monitoring Plan pertaining to dust control requirements.
29. The Ormond Beach Final Environmental Impact Report (FEIR, SCH #2005091094) is incorporated by reference in its entirety. All FEIR mitigations listed in the FEIR Mitigation Monitoring and Reporting Program apply as conditions of approval.
30. Developer shall comply with all of the items contained within Exhibit B (Adaptive Management Plan (AMP) which shall be incorporated by reference and be made conditions of approval to this permit.
31. Developer shall agree to implement the Specific Plan Amendments identified in Addendum No. 1 to the Specific Plan and contained within Exhibit C (Amendments to the Specific Plan – Addendum No. 1).
32. This permit is granted subject to the approval of a general plan amendment (03-620-03) for the project property. (PL)
33. This permit is granted subject to the approval of a specific plan (03-640-01) for the project property. (PL)
34. This permit is granted subject to the approval of a development agreement (05-670-03) for the project property. (PL)

35. This permit is granted subject to the approval of pre-zoning (03-560-01) for the project property. (PL)
36. This permit is granted subject to the annexation of the project property to the City of Oxnard. (PL)
37. Before or during escrow for the sale of property within the project, Developer shall give to the buyers a document disclosing, in large type, that:
 - a. The property was formerly used for agricultural purposes, and is near or adjacent to, land that is currently used for agricultural operations; and
 - b. 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 the 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
 - c. The buyers may be subject to peak noise levels that exceed standards from military aircraft overflights operating to and from the Naval Base Ventura County (NBVC) Point Mugu facility; and
 - d. 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 and NBVC operations.

To show that the buyers have read the document, Developer shall require the buyers to sign the document. Developer shall retain all such documents for at least three years and shall allow the City to inspect and copy all such documents upon request. (PL)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

38. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at the time the City issues building permits. (DS-1)
39. Developer shall submit improvement plans and drainage calculations that demonstrate that storm drainage from the project property and all upstream areas will be safely conveyed to an approved drainage facility. The design and conveyance route shall be compatible with the City's Master Plan of Drainage and shall be approved by the City Engineer prior to approval of improvement plans. (DS-4)
40. Developer shall protect building pads from inundation during a 100-year storm. (DS-5)

41. Developer shall remove and replace all improvements that are damaged during construction. (DS-6)
42. Curb cut widths and design shall conform to City ordinances, standards, and policies in effect at the time City issues an encroachment permit. (DS-9)
43. Developer shall place existing overhead utility lines on and adjacent to the project underground in accordance with City ordinances in effect at the time City issues a site improvement permit. Before issuance of a site improvement permit, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation. (DS-13)
44. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code and shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)
45. A civil engineer licensed in the State of California shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Such plans and documents shall include, but not be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans; a master utility plan showing the layout and location of all on-site and off-site utility improvements that serve the project; construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not accept an application for the final map or parcel map for the project or issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)
46. Prior to issuance of a site improvement permit, Developer shall provide to the Development Services Division a compact Disc (CD) containing digital copies of the final subdivision map, address map, and civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)
47. Developer shall process permanent master planned improvements that are eligible for reimbursement in accordance with City policies, resolutions, and ordinances in effect at the time of recordation of the final map or parcel map or if there is no such map, then at the time of public improvement plan approval. (DS-17)
48. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action

or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)

49. Developer shall provide all necessary easements for streets, highways, alleys, sidewalks, breezeways, parkways, landscaping, utilities, drainage facilities, and other improvements as required by City. If such easements cannot be obtained from the property owner by negotiation, City may acquire them at the expense of Developer by exercise of the power of eminent domain. Developer shall bear all costs of eminent domain proceedings, including appraisal, acquisition, attorney's fees, and court costs. Before City issues a site improvement permit, Developer shall dedicate all required easements to City. (DS-19)
50. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the Development Services Manager issue a stop work order until such time as the graffiti is removed. (DS-20)
51. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)
52. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)
53. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
54. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)
55. Prior to approval of the final map or parcel map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed

and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)

56. "Standard Specifications for Public Works Construction," latest edition, and any modifications thereto by City, and City of Oxnard Standard Land Development Specifications and all applicable City Standard Plans, shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)
57. Developer shall retain a Civil Engineer licensed in the State of California to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of the certified "as-built" plans is a condition of City's final acceptance of the project. (DS-29)
58. All grading shall conform to City's grading ordinance and any recommendations of Developer's soils engineer that have been approved by the City Engineer. Developer shall conform to all applicable notes specified on the site improvement/grading plan cover sheet and grading permit. (DS-30)
59. In order to mitigate any potential flooding or erosion affecting adjacent properties and public rights-of-way, Developer shall construct required drainage facilities concurrently with the rough grading operations, or with prior approval of the City Engineer, provide interim drainage improvements on a temporary basis. (DS-31)
60. Storm drain, sewer and water facilities shall conform to applicable City Master Plans. Developer shall prepare plans for these facilities in accordance with City's engineering design criteria in effect at the time of improvement plan submittal. Developer shall submit plans with pertinent engineering analyses and design calculations for review and approval by the City Engineer prior to issuance of a site improvement permit. (DS-34)
61. Prior to issuance of a site improvement permit, Developer shall provide to the City Engineer easements or written consents from all affected landowners for any diversion of historical flows or change in drainage conditions caused by the project, as evidence that such landowners accept any additional water flowing over their property. (DS-36)
62. Developer shall comply with Ventura County Flood Control District ("District") standards for all facilities affected by the project that are owned by or dedicated to the District, and shall obtain the approval of the District on all improvement plans for such facilities. Before issuance of grading or site improvement permits, Developer shall obtain any necessary encroachment permits from the District. (DS-37)

63. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)
64. By title sheet dedication at the time of filing the subdivision map, Developer shall dedicate all water rights for the project property to City. (DS-39)
65. Developer shall install water mains, fire hydrants and water services in conformance with City Standard Plans and specifications as directed by the City Engineer. (DS-41)
66. Developer shall install adequately sized water services and meters to each lot or unit in accordance with City standards in effect at the time City issues building permits. There shall be no interconnections between structures. (DS-42)
67. Prior to recordation of the final map or parcel map, Developer shall annex the project property to the Calleguas Municipal Water District. (DS-43)
68. Prior to issuance of building permits, Developer shall present to the City Engineer a "Proof of Payment - Authorization for Building Permits" form issued by the Calleguas Municipal Water District. (DS-44)
69. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
70. Prior to designing the water system for the project, Developer shall have a certified fire flow test performed to determine existing water pressure and flow characteristics. The water system shall be designed to allow for a 10 psi drop in the static water pressure measured during the fire flow test. After construction and before City issues a certificate of occupancy, the City Engineer may require a second test. Before performing the tests, Developer shall obtain permits from the City Engineer. Developer shall have all tests certified by a mechanical, civil, or fire protection engineer and provide written results of all tests to the City Engineer. (DS-47)
71. Developer shall construct all street and road improvements in conformance with the City Code, the City's 2020 General Plan, and any applicable specific plan. (DS-48)
72. Developer shall dedicate and improve to City standards all sidewalks, parkways, streets, alleys, and street appurtenances. City will name all streets in accordance with adopted City guidelines. (DS-49)
73. Street and road improvements shall conform to City standards and policies. Improvements shall include upgrading of existing pavement along the project frontage to City standards by removing and replacing or overlaying, as directed by the City Engineer. (DS-51)

74. Developer shall improve all streets, alleys, sidewalks, curbs, and gutters adjacent to the project in accordance with City standards, as necessary to provide safe vertical and horizontal transitions. (DS-52)
75. Developer shall provide soils reports, "R" value tests, and compaction tests for all streets. Determination of the actual structural sections shall be based on City's design procedure, applying the appropriate traffic index specified in City standards. (DS-53)
76. Developer shall install all water, gas, sewer, storm drain, electrical, cable television, and telephone lines before any paving is placed. (DS-54)
77. Developer shall protect the stub ends of all streets planned for future continuation with warning barricades, redwood headers, berms, signs and/or reflectors as directed by the City Engineer. (DS-55)
78. Prior to release of the final map or parcel map for recordation, Developer shall provide the City Engineer with a 100-scale base map for addressing purposes. The map shall be drawn on 18-inch by 24-inch mylar and shall show the standard address map title block, north arrow, street names, tract number, phase boundary and lot numbers. The City will assign all addresses. (DS-56)
79. Prior to release of the final map or parcel map for recordation, Developer shall post a bond or other security satisfactory to the City Attorney, guaranteeing that all monuments will be set as required by the Government Code and the City Code. (DS-57)
80. Developer shall dedicate to City and improve streets abutting a park site to their full width in accordance with City standards. (DS-58)
81. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)
82. As part of the master utility plans, Developer shall submit a street lighting plan. On City's approval of the plan, Developer shall install streetlights in accordance with the plan. (DS-60)
83. As a part of the site improvement plans, Developer shall submit a master utility plan that shows the relative location of all public and private utilities (including gas, electric, street lights, telephone and cable television lines) in accordance with City standard plans. (DS-61)
84. Prior to City approval of any development improvement plans, Developer shall obtain approval signatures from Southern California Edison Company, Southern California Gas Company, General Telephone Company, and all cable television companies. (DS-63)

85. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)
86. Developer shall provide adequate vehicle sight distance as specified by CalTrans specifications at all driveways and intersections. (TR-71)
87. Prior to issuance of a building permit, all traffic signal, pavement marking and sign plans shall be prepared by a registered California traffic engineer and approved by the City Engineer prior to issuance of a grading, site improvement or a building permit. (TR-74)
88. Prior to issuance of an encroachment permit, Developer's shall obtain City's approval of a contractor qualified to install traffic signals, pavement markings and signs. (TR-76)
89. In non-residential developments where fifty or more persons are employed, Developer shall include a transportation information center stocked with bus schedules, rideshare information, and related information on alternative methods of transportation. Developer or owner shall update such information at least once a month. (TR-77)

STORMWATER QUALITY CONDITIONS

90. Developer shall design parking lot and other drive areas to minimize degradation of stormwater quality. Using Best Management Practices (BMPs), such as oil and water separators, sand filters, landscaped areas for infiltration, basins or approved equals, Developer shall intercept and effectively prevent pollutants from discharging to the storm drain system. The stormwater quality system design shall be approved by the City Engineer prior to the issuance of a site improvement permit. (DS-81)
91. Using forms provided by the Development Services Division, Developer shall submit a stormwater quality control measures maintenance program ("the Program") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the Development Services Manager approves the Program and Developer provides an executed copy for recordation. (DS-82)
92. Prior to issuance of a certificate of occupancy, on-site storm drain inlets shall be labeled "Don't Dump - Drains to Ocean" in accordance with City standards. Before City issues a site improvement permit, the requirement to label storm drain inlets shall be shown on the civil engineering plans. (DS-85)

93. Prior to issuance of a grading permit or commencement of any clearing, grading or excavation, Developer shall provide the City Engineer with a copy of a letter from the California State Water Resources Control Board, Storm Water Permit Unit assigning a permit identification number to the Notice of Intent (NOI) submitted by Developer in accordance with the NPDES Construction General Permit. Developer shall comply with all additional requirements of the General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall identify potential pollutant sources that may affect the quality of discharges to stormwater and shall include the design and placement of recommended Best Management Practices (BMPs) to effectively prohibit pollutants from the construction site entering the storm drain system. Developer shall keep the SWPPP updated to reflect current site conditions at all times and shall keep a copy of the SWPPP and the NOI on the site and make them available for City or designated representative to review upon request. (DS-86)
94. Prior to issuance of a site improvement permit, Developer shall obtain the written approval of Oxnard Drainage District for all alterations to District facilities. (DS-100)
95. Developer shall pay to the County of Ventura a road mitigation fee in accordance with the agreement between the City and the County of Ventura. Proof of payment shall be provided to the Development Services Division prior to issuance of a building permit. (DS-105)
96. Developer shall ensure that the project property landowner and Developer take all action necessary to transfer to City all water rights appurtenant to or associated with the project property and all Fox Canyon Groundwater Management Agency (GMA) groundwater pumping allocation (historical and baseline and credits accrued thereon) associated with groundwater extraction facilities used to irrigate the project property. Action necessary to transfer water rights and the GMA allocation shall include, but not be limited to, obtaining the necessary written approvals of the owners/operators of the groundwater extraction facilities and cooperating fully with City in obtaining written approval from the GMA for transfer of the GMA allocation. The transfer of water rights and the GMA allocation shall be completed and approved by the GMA to the satisfaction of City before City issues a site improvement permit to Developer. (DS-108)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

Stormwater Special Conditions:

97. Developer shall not discharge any stormwater onto private property, regardless of existing conditions, until Developer obtains and records an easement (or similar document) allowing such discharge. This condition shall be applicable to both public and private stormwater discharge. The easement shall include hold harmless language acceptable to the City Attorney and a legal obligation for the accepting party to continuously maintain suitable downstream capacity for proposed discharge. The easement shall be signed by all

affected downstream public and private entities as determined by the Development Services Manager. (DS)

98. The Project drainage report shall include quantification of the stormwater discharge from the undeveloped portions of the project that are not intended to discharge into the lake ("Non-lake Dischargers") at full project build-out. The improvement plans for the first phase of development shall include appropriate site improvements to limit the discharge from these Non-lake Dischargers to 0.3 cfs/acre (or updated discharge rate determined in the final tract drainage report) during a 100-year storm event. The temporary method of limiting the discharge from the Non-lake Dischargers is subject to approval of the Development Services Manager. Prior to issuance of a site improvement permit, Developer shall provide proof of recordation of a covenant (or similar document), acceptable to the Development Services Manager, that limits Non-lake Dischargers to the calculated discharge rates. (DS)
99. The Project Drainage report shall provide an analysis of the potential for stormwater runoff from areas east of Olds Road to leave the farm fields and enter the storm drain system within Olds Road during larger (up to a 100-year) storm events. Proposed lake design shall accommodate any such overflows. (DS)
100. Prior to connection of the storm drain line in Hueneme Road to the Oxnard Industrial Drain, Developer shall submit the project drainage report to the Ventura Watershed Protection District for review and comment regarding compliance with the District's discharge limitations. (DS)
101. Project drainage design shall limit stormwater discharges (up to 100-year event) conveyed to the Arnold Road storm drain system (south of Hueneme Road) to existing pre-development flow rates or, provide calculations demonstrating that the downstream Arnold Road stormwater conveyance system is capable of conveying any increased flows without creating downstream damage or increase in erosion potential. Developer shall obtain permission for any improvements on private property and record a stormwater acceptance easement (or similar document) for any increase in conveyance rates. The easement shall include hold harmless language acceptable to the City Attorney and a legal obligation for the accepting party to continuously maintain suitable downstream capacity for proposed discharge. The easement shall be signed by all affected downstream public and private entities as determined by the Development Services Manager. (DS)
102. Developer shall construct storm drain laterals a minimum of 5 feet behind the sidewalk for all park, open space, and school sites for future connections when the park, open space or school is developed. The location and size shall be determined by the project drainage report and approved by Development Services Manager. (DS)

Stormwater Quality Special Conditions:

103. Developer shall implement Low Impact Design (LID) BMPs in the design of all single family home lots to promote long-term post-construction stormwater infiltration. Final approval of LID BMP combination implemented within the project shall be by the Development Services Manager, but shall promote infiltration in a manner substantially similar to the following:
- a. Porous Pavements – Install porous pavement that allows rainwater to infiltrate into the underlying soils. A minimum of 50 percent of the pavement on the lot shall be porous;
 - b. Driveways – Driveways, onsite walks, and other impervious surfaces shall be sloped to direct water runoff toward vegetated areas or infiltration BMPs unless determined to be infeasible by the Development Services Manager;
 - c. Rain Gutters and Downspouts - If rain gutters and downspouts are used, the discharge shall be directed towards one of the following; 1) rain garden/planter box; 2) cistern/rain barrel; or 3) a drywell. The sum of the capacity of the downspout BMPs shall be a minimum of 200 gallons and shall be distributed based on discharge;
 - d. Vegetated Surface Swales – Conveyance of site drainage shall be via vegetated surface swales without the use of area drains except as allowed by item “e” below;
 - e. Area Drains – Rear and side yard area drains may be used only if they are part of a system that conveys rainwater to appropriately sized infiltration trenches, infiltration basins, dry-wells, or similar infiltration device. Infiltration systems shall be designed with emergency overflow provisions. Area drain pipes shall not discharge via a curb core;
 - f. Other methods of promoting infiltration may be approved by the Development Services Manager. (DS)
104. Developer shall provide a stormwater infiltration plan with all non-single family home projects within this tract that integrates long-term post-construction stormwater infiltration into the project following Low Impact Design (LID) guidelines similar to those illustrated in the San Mateo County Sustainable Green Streets and Parking Lots Design Guidebook. Stormwater infiltration plan is subject to approval of Development Services Manager. (DS)
105. Developer shall provide site specific recommendations from a geotechnical engineer and a landscape architect for design and implementation of all infiltration devices. Geotechnical Engineering review shall include, but not be limited to, determination of infiltration rates, design suggestions to enhance infiltration, and methods (e.g. Pre-treatment) to minimize occlusion of soil porosity. Landscape architectural recommendations shall include, but not

be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration BMPs. (DS)

106. Developer shall integrate into each storm drain conveyance system a pre-treatment BMP that removes trash from the stormwater flow prior to discharge into the water quality filters (or similar device) within the lake. Pre-treatment BMPs shall be located downstream of the last stormwater inlet and be designed for easy access. The pre-treatment device shall be designed to allow trapped material to dry between storms and be easily removed. (DS)
107. Developer shall provide proof that all maintenance costs (including monitoring program costs) associated with the stormwater quality devices installed within the public storm drain system (including Lake SouthShore) have been included in a Community Finance District. Proof shall be provided prior to issuance of the first construction permit (not including a mass grading permit). (DS)
108. Developer shall prepare and implement a stormwater quality monitoring program ("Program") to evaluate the performance of BMPs within the project. The Program shall specify the pollutants of concern, reporting frequency, monitoring station locations, anticipated pollutant concentrations, thresholds of significant impact, and analytical approach for determining BMP effectiveness. The Program shall also establish facility management protocol in the event that discharge concentrations exceed the threshold of significant impact. Monitoring shall be conducted annually for the first five years following commencement of development and shall occur during the first significant runoff-producing storm event of the rainy season. Following this initial monitoring period, monitoring shall be conducted at no greater than five-year intervals during the first significant storm event of the rainy season, provided average annual pollutant loadings are determined not to exceed the threshold of significant impact. If it is determined that the pollutant loadings exceed the threshold of significant impact, Program shall begin annual monitoring (per the above requirements) until it is determined that the average annual pollutant loadings no longer exceed the threshold of significant impact. This Program shall be reviewed and approved by the Wastewater Superintendent. Developer shall be responsible for implementation of the Program until the City or some other qualified entity (as approved by the Development Services Manager) specifically accept responsibility for the Program in writing. After initiation of this Program and completion of the initial five years of monitoring, the Wastewater Superintendent may alter the requirements of the Program to conform to current City policies and practices regarding stormwater testing. The Program shall be prepared with the first phase of development and updated with future phases. Developer shall arrange to have all costs associated with this Program included in the proposed Community Financing District such that all costs are funded by property owners within the project. (DS)

109. Developer shall prepare an NPDES Best Management Practices Operations and Maintenance Program ("O&M Program") for stormwater quality BMPs implemented within this project. The O&M Program shall specify maintenance requirements, responsible parties, anticipated costs, (broken into labor, equipment, supplies, etc.) and other pertinent information regarding continued long-term maintenance of all project stormwater quality devices. The O&M Program shall be reviewed and approved by the Wastewater Superintendent. Developer shall arrange to have all costs of this O&M Program included in the proposed Community Financing District such that all costs are funded by property owners within the project. Developer shall be responsible for the maintenance and operation of all BMPs until the City or some other qualified entity (as approved by the Development Services Manager) specifically accepts them in writing for maintenance. Upon request by the City, Developer (or qualified entity after transfer of maintenance responsibility) shall provide written proof of ongoing BMP maintenance operations. (DS)

Wastewater Special Conditions:

110. Developer shall construct sewer laterals a minimum of 5 feet behind the sidewalk for all park, open space, and school sites for future connection when the park, open space or school is developed. The location and size shall be approved by Development Services Manager and Parks Division. (DS)
111. Developer's engineer shall provide detailed sewer system calculations and associated construction plans for each phase of the project. The design and sizing of all proposed sewer improvements shall meet the needs of the ultimate specific plan build-out as well as the interim requirements of the proposed phase. Developer shall be responsible for all offsite improvements required to provide sufficient sewer capacity unless otherwise specified in the project Development Agreement. The required calculations and plans are subject to approval of the Development Services Manager prior to the issuance of a site improvement/grading permit or recordation of each phase of the final map. (DS)
112. Developer shall provide a sewer lateral for each single family home. The lateral shall not be placed under a driveway unless no other practical alternative exists as determined by the Development Services Manager. (DS)

Water Special Conditions:

113. Prior to design of the Mugu and Ocean view Waterline relocations proposed by this project, Developer shall coordinate a joint meeting of all affected jurisdictions to discuss proposed waterline alignments, sizes, cross-connections, meter locations, and any other issues raised by the jurisdictions. Developer shall be responsible for developing a design acceptable to all affected jurisdictions. Developer is also responsible for providing all easements

required for the final alignment. The final design is subject to approval of the Development Services Manager. (DS)

114. Developer shall construct a waterline connecting the project to City of Oxnard blending station #5. The connection (replacement line) shall be located in Pleasant Valley Road (anticipated to be 2,100 feet of 24" line) and offsite Rose Avenue (anticipated to be 1,600 feet of 20" line) right-of-way. The final design, including size, alignment, and material is subject to approval of the Development Services Manager. (DS)
115. Developer shall construct water laterals a minimum of 5 feet behind the sidewalk for all park, open space, and school sites for future connection when the park, open space or school is developed. The location, need and size shall be approved by Development Services Manager and Parks Division. (DS)
116. Prior to the first phase of construction (excluding grading), Developer's engineer shall prepare water system calculations ("Project Master Water Calculations") that determine the size of backbone water pipelines for on-site and off-site water improvements required to adequately serve this project. Calculations shall assume all demands anticipated by the City's General Plan, Water Master Plan, and project build-out. The required calculations are subject to approval of the Development Services Manager prior to the issuance of the first phase of construction plans. (DS)
117. Developer's engineer shall provide detailed water system calculations (based on recent in-place fire hydrant flow tests) and plans with each phase of the project. The design and sizing of all water improvements provided with a particular phase shall meet the demand requirements of that phase and the Project Master Water Calculations. Developer shall be responsible for all offsite improvements required to provide sufficient water supply unless otherwise specified in the project Development Agreement. The required calculations and plans are subject to approval of the Development Services Manager prior to the issuance of a site improvement/grading permit or recordation of each phase of the final map. (DS)

Recycled Water Special Conditions:

118. Developer shall size all proposed recycled waterlines within the project (including Hueneme Road) as required to implement the City's Recycled Water Master Plan and as directed by the Development Services Manager. Developer shall coordinate with the City prior to initializing detailed improvement plans to discuss Developer preparation of a detailed sizing study if a study has not been prepared by the City. (DS)
119. Prior to issuance of a permit for the first phase of construction (excluding grading), Developer shall obtain approval of a study indicating how the project will comply with the recycled water use requirements of the project EIR and the associated Water Supply

Assessment. The study shall indicate how project requirements will be met on a project wide basis and as each phase is developed to assure compliance throughout all phases of construction. The study shall be approved by the Development Services Manager. (DS)

120. Prior to issuance of a permit for the first phase of construction (excluding grading), Developer shall provide exclusive easements for the two injection well sites indicated on the tentative map unless otherwise agreed in the project Development Agreement. Easement proposed near high power electrical lines (outside of the boundary of this subdivision) shall be relocated to an alternative site acceptable to the City if Developer is unable to obtain an easement at the proposed offsite location. Developer shall obtain access, pipeline, and construction easements acceptable to the Development Services Manager in addition to the site easements indicated on the tentative map. (DS)
121. Developer shall design project to comply with all City and Department of Health recycled water standards in effect at the time of project phase approval. (DS)
122. If a recycled water source is not available at the time of initiation of recycled water system, Developer shall provide strategic cross-connections between the domestic water and recycled water systems. Final design and location of these cross-connections shall be approved by the Development Services Manager. (DS)
123. Developer shall construct recycled water laterals a minimum of 5 feet behind the sidewalk for all park, open space, and school sites for future connection when the park, open space or school is developed. The location, need and size shall be approved by Development Services Manager and Parks Division. (DS)
124. Developer shall design and construct all irrigation systems that are supplied from the reclaimed water system in accordance with standard practice for such systems including the use of purple pipe, sprinkler heads, etc. Developer's project shall include the installation of appropriate reclaimed water usage signage. (DS)

Street Special Conditions:

125. Developer shall install signs restricting on-street parking during hours of proposed street sweeping. Final size, design, spacing, and wording of signs to be as directed by the City Traffic Engineer. Sign installation to be included on project striping and signage plan prior to plan approval. (DS)
126. Developer shall design and construct the bike trail connecting Pleasant Valley Road to SouthShore Drive (shown on Exhibit 4-15 of the Specific Plan) prior to, or concurrent with, construction on lot 3. The Developer of lot 3 shall be responsible for designing and constructing the trail along with obtaining all required easements. The final width,

alignment, easement width, landscaping, lighting, signage, striping, and other appurtenances shall be as approved by the Development Services Manager. (DS)

127. Developer shall design disabled access ramps at street intersections to direct pedestrians towards the cross-walk. Where practical, Developer shall provide two ramps at each return to provide a more direct alignment. The amount of concrete used at each ramp shall be minimized to reduce impervious area. Final design to be approved by the Development Services Manager. (DS)
128. Developer shall install bollards or other approved devices to deter vehicles from entering the lake maintenance driveways. (DS)

Lake SouthShore Special Conditions:

129. Prior to submittal of lake construction plans, Developer shall deposit with the City a sum determined by the City to be sufficient to cover 125 percent of the anticipated cost to hire a design professional ("Consultant") familiar with the design, construction, and maintenance of man-made lakes and to review plans, reports, calculations, and documents associated with lake construction. The Consultant shall also have experience with design and implementation of stormwater quality features similar to those proposed with this project. Deposit shall cover all costs associated with review of documents and periodic field inspections of lake construction. Consultant shall also review the Lake SouthShore O&M Program for ongoing lake maintenance prepared by Developer. Developer shall supplement the deposit when the remaining funds on deposit fall below 10% of the initial deposit. The intent of this condition is to cause Developer to incur all costs associated with review of lake design and construction including City's cost in procuring and administering the Consultant's services. (DS)
130. Developer shall construct vehicle access roads/ramps to each section of the lake such that all portions of the lake are easily accessible without the need to pass under bridges (unless adequate boat clearance is provided as determined by the Development Services Manager) or through culverts. It is anticipated that between four and six points of access will be required. (DS)
131. Developer shall construct pedestrian bridges over the lake with a minimum traveled way width of ten (10) feet. (DS)
132. Prior to submittal of construction plans for the pedestrian/bicycle bridges crossing the lake, Developer shall deposit with the City a sum determined by the City to be sufficient to cover 125 percent of the anticipated cost to hire a design professional ("Bridge Consultant") familiar with the design and construction of similar bridges to review plans, reports, calculations, and documents associated with proposed bridge construction. Deposit shall

cover all costs associated with review of documents and periodic field inspections of bridge construction as determined necessary by the Development Services Manager. Developer shall supplement the deposit when the remaining funds on deposit fall below 10% of the initial deposit. The intent of this condition is to cause Developer to incur all costs associated with review of bridge design and construction including City's cost in procuring and administering the Consultant's services. (DS)

133. Developer shall locate and design proposed lake pump stations to provide for ease of access and maintenance. Developer shall provide exclusive easements for these facilities including adequate vehicular access easements for any pump station not accessible directly from the public right-of-way or public property. Final design, location, and easement configuration shall be approved by the Development Services Manager. (DS)
134. Developer shall design drainage around Lake SouthShore to eliminate any rainwater, except rainwater falling directly on the lake parcel from surfaces draining directly into the lake. Rainwater shall be directed to localized sumps and have pre-treatment to remove trash prior to discharge into the lake. (DS)
135. Developer shall provide a temporary ten (10) foot wide access road (and associated temporary access easement) near the lake edge within parcels 1 and 6 until these parcels develop. The final design for development of these parcels shall include provision of vehicular access to the lake shore as directed by the Development Services Manager. (DS)
136. Developer shall design and construct the multi-use path surrounding the lake to facilitate use as a maintenance road. Path alignment, turning radii, and structural section shall accommodate use by pickup trucks pulling a small trailer. (DS)
137. Developer shall design the multi-use path surrounding the lake with a 5 foot wide level (2% maximum cross-fall) area adjacent to the trail surface. The level area may be reduced to 2 feet wide when the Development Services Manager determines that compliance with the 5 foot requirement would create an unreasonable hardship. (DS)
138. Developer shall prepare a Lake SouthShore Operations and Maintenance Program ("Lake SouthShore O&M Program") specifying required periodic lake maintenance requirements. The Lake SouthShore O&M Program shall specify maintenance requirements, responsible parties, anticipated costs, (broken into labor, equipment, supplies, etc.) and other pertinent information regarding continued long-term maintenance of Lake SouthShore. The Lake SouthShore O&M Program shall be reviewed and approved by the Wastewater Superintendent. Developer shall arrange to have all costs of the Lake SouthShore O&M Program included in the proposed Community Financing District such that all costs are funded by property owners within the project. Developer shall be responsible for the maintenance and operation of Lake SouthShore until the City or some other qualified entity

(as approved by the Development Services Manager) specifically accepts the parcel and associated maintenance responsibility in writing. (DS)

Project Phasing Special Conditions:

139. The first project phase shall prepare a comprehensive drainage report that provides a detailed analysis of the stormwater conveyance, storage, and discharge during full project build-out. The report shall include sufficient calculations to allocate discharge and volume capacity to various phases of the project based on the project width calculations. (DS)
140. All analysis, drainage reports, and improvement plans for individual phases of this project shall analyze and provide sufficient capacity for the greater of the current phase plus existing or full project build-out. (DS)
141. Developer may submit phased improvement plans corresponding to phased final maps. Extent of improvements required with each phase is subject to the review and approval of the Development Services Manager. All phases shall include a minimum of two points of vehicular access. Temporary improvements such as vehicle turnarounds, barricades, waterline blow-offs, or other improvements may be required as deemed necessary by the Development Services Manager. (DS)

Miscellaneous Special Conditions:

142. Unless otherwise approved by the Development Services Manager, Developer shall transfer ownership of parcels proposed for City ownership free and clear of any encumbrances including existing easements. Dedication of open space and park parcels shall occur after full improvement of the lot and shall not occur on the final map unless otherwise directed by the Parks Division. (DS)
143. Developer shall not transfer ownership of any lake parcel until a financing mechanism for the ongoing maintenance of the lake has been created and funded in a manner acceptable to the Public Works Director. (DS)
144. Developer shall provide proof of well destruction for all water wells within the construction limits of each phase of the project unless requirements are specifically altered by the Development Services Manager. Water well destruction shall be in accordance with Development Services Program's requirements. (DS)
145. Developer shall locate project walls and fences with a minimum setback of 2 feet from the top or bottom of any slope exceeding 5(Horiz):1(Vert). Walls and fences shall also be set back a minimum of 2 feet from any sidewalk or curb unless otherwise approved by the Development Services Manager. (DS)

146. Prior to approval of grading plans for any park or open-space parcel, Developer shall obtain approval of the Parks Division for all slopes proposed within such parcel. Approval shall at a minimum include the location and steepness of the proposed slope. All park and open space parcels must meet Americans with Disabilities access requirements. (DS)
147. Developer shall design all improvement plans to meet City design standards and Department of Health utility separation guidelines in effect at the time of plan approval. (DS)
148. Developer shall provide easements over all streets, sewer, water, storm drain, and recycled water facilities that cross private property and are determined by the Development Services Manager to be subject to public ownership. The width of all such easements shall be determined by the Development Services Manager based on depth and size of pipeline, access, and maintenance needs. Easements for such facilities shall be provided concurrent with, or prior to, issuance of a construction permit for the facility. (DS)
149. Developer shall construct a 9 foot by 3 foot level concrete pad for storage of three refuse containers for each single family home. The pad shall be located in the side yard area or other location approved by the Development Services Manager that is out of view from the street. The storage location shall not be within the garage. Developer shall construct a paved path from the storage location to the street (or other assigned pickup area) that does not require entering the garage. All gates or doors along the path shall be constructed with a minimum of 36 inches of clear space to allow passage of the containers. Storage location and path shall be shown on the final grading plans. (DS)
150. Developer shall list all grading or air quality related environmental mitigations measures on the grading plan cover sheet. Developer shall cause all project contractors to comply with these mitigations during all phases of construction. (DS)
151. Construction of lakes, landscaping, trails, pedestrian bridges, retaining walls, pump stations, stormwater quality BMPs, and other improvements within this project necessitate the formation of a maintenance assessment district, whereby the expenses of maintenance and operation of these improvements will be assessed upon the real property within the project. Developer agrees to cast all of its votes in favor of the formation of the district and in favor of the extent of such a district and in favor of the proposed assessment on property within the district. Developer shall enter into an agreement with the City, in a form to be approved by the City Attorney, establishing this condition as a covenant running with the land, which will be recorded. Developer shall insert such covenant, in a form approved by the City Attorney, in each deed of real property in the project granted by Developer. Developer shall sell or grant no property in the project until after maintenance assessment district has been formed and the property has been annexed into the maintenance assessment district. Sale of phases of the project to merchant builders may be approved

with the submittal of documentation acceptable to the City Attorney guaranteeing formation of the district. Other arrangements guaranteeing construction and perpetual maintenance of the listed improvements at the expense of the property owners within the project may be approved as determined appropriate by the City. (DS)

Traffic Special Conditions:

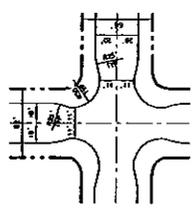
152. Developer shall reconfigure the lane striping for the westbound direction of 'A' Street to provide for a seven foot parking lane, 6 foot bike lane, and a 12 foot travel lane. (DS)
153. Developer shall design and construct all intersections to maintain intersection sight distances as specified in Highway Design Manual section 405.1.2a. Corner fences may be chamfered to attain corner sight distance at intersections. (TR)
154. Developer's construction plans shall include appropriate bicycle signage and striping that includes all bicycle lanes, bicycle routes, and multi-use trails (including those around the lake) constructed as part of this development. All improvements must comply with MUTCD Standards and are subject to revision by the City Traffic Engineer. (TR)
155. Developer shall construct multi-use trails as indicated on the tentative map and in the SouthShore Specific Plan. The path shall be 10 feet wide and constructed of concrete except that portion on the north side of Lake SouthShore that is to be constructed of stabilized decomposed granite. The concrete trail shall be striped with a thermoplastic dashed white centerline dividing the trail in two 5 feet sections. Developer shall install signs approved by the City Traffic Engineer for use on the path. The signs shall indicate it is a shared use path and that bicyclists must be cautious of pedestrians. The Developer shall work with the Traffic Engineering Division regarding the type of signs to be installed and the placement of the signs. Required signage and striping shall be included on the bicycle signage and striping plan required by these conditions of approval. (TR)
156. The Developer shall participate in the Traffic Demand Management (TDM) Fee program as stipulated in AQ-4 of the EIR for the Ormond Beach Specific Plans. As required by AQ-4, prior to the issuance of the first building permit for this tract, Developer shall develop a Transportation Demand Management Fee Program for the project to be approved by the City in accordance with Section 7.5.3 of the Ventura County APCD Guidelines. (TR)
157. All traffic signal installations or modifications shall be designed per City of Oxnard Specifications. These specifications call for the installation of EMTRC emergency vehicle preemption devices, Dimensions battery back up, McCain 170 ATC Coldfire Controllers, Iteris Vantage video detection cameras, LED signal displays and pedestrian countdown timers, or other comparable equipment approved by the City Traffic Engineer. Refer to

City of Oxnard Specifications for a complete updated list of requirements for traffic signal design and installation prior to beginning design. All traffic signal designs are subject to review and approval by the City Traffic Engineer and the Traffic Engineering Division. (TR)

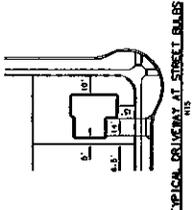
158. The Developer shall install Fiber Optic ready interconnect conduits between all new or modified traffic signals constructed by the project and install interconnect conduits connecting these intersections to the intersection of Rose Avenue and Pleasant Valley Road. The Developer shall install Fiber Optic cable in the interconnect conduit and install gigabit Ethernet communication integrated into the City's Intelligent Transportation System Master Plan as directed by the City Traffic Engineer. (TR)
159. The Developer shall re-stripe existing Olds Road from Etting Road to the northerly project property line. The striping plan shall accommodate a bicycle lane and a vehicular lane in both directions. Developer will work with the City Traffic Engineer and the Traffic Engineering Division to finalize a striping plan. In concept, the striping will consist of an 8 foot wide parking lane, a 5 foot wide bicycle lane, an 11 foot wide vehicular lane in each direction separated by a 12 foot wide center two way left turn lane. The two way left turn lane will transition into left turn pocket at intersections. This striping will be from Etting Road to a point in front of Ocean View Junior High School at which time the striping shall transition to an 8 foot wide parking lane, a 5 foot wide bicycle lane on the west edge of the road, two opposing 12 foot wide vehicle lanes separated by centerline striping, and a minimum 5 foot wide bicycle lane on the east side. This striping will continue from Ocean View Junior High School to Sanford Street. Between Sanford Street and the project limit, the striping shall be an 8 foot wide bicycle lane and a 12 foot wide vehicle lane with no on-street parking permitted in either direction. This striping shall transition to the planned roadway profile as designed along the project frontage. To complete this work, the Developer shall acquire an encroachment permit from the County of Ventura for those portions of the roadway not under City of Oxnard jurisdiction. Striping requirements may vary from the above if approved by the City of Oxnard Traffic Engineer. (TR)
160. Developer shall construct Hueneme Road to its full master planned width between Edison Drive and Olds Road in accordance with the SouthShore Master Plan and tentative map with the first phase of construction (not including mass grading.) (TR)
161. Developer shall contact Gold Coast Transit immediately prior to starting construction plans for Hueneme Road to determine preferred locations for bus pull outs. All bus pull outs shall be constructed per City of Oxnard standards. Bus pull outs shall be constructed concurrent with adjacent roadway improvements. (TR)
162. Developer shall re-stripe existing Rose Avenue from Pleasant Valley Road to its southerly terminus. The new striping shall accommodate 8 foot wide (minimum) bike lanes on both

sides of the street and two 12 foot wide vehicular lanes in each direction. The bicycle lane shall begin at Pleasant Valley Road and continue to a point just north of the roundabout where bicycles will be accommodated off-street. A 16 foot wide planted median shall be constructed from Sanford Street to the roundabout. All striping plans are subject to approval by the City Traffic Engineer. (TR)

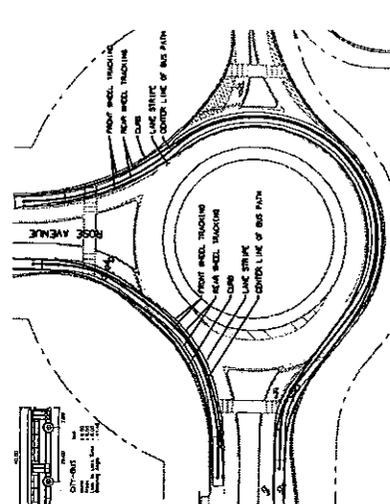
163. In accordance with the Ormond Beach Specific Plan Final EIR Section 3.10.3.3, the City Traffic Engineer may require individual phases of this project to provide additional traffic analysis to determine timing and responsibility for implementation of specific EIR traffic mitigation measures. Traffic mitigation measures listed in the EIR are based on an assumed phasing order. (TR)



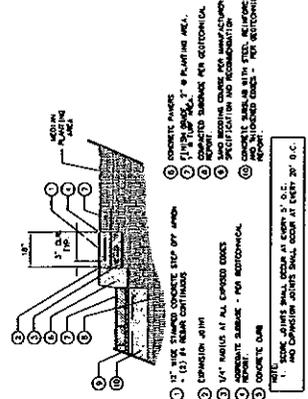
TYPICAL TRAFFIC SIGNALING DETAIL



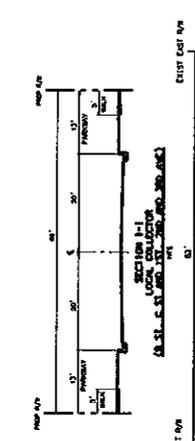
TYPICAL DRIVEWAY AT STREET RAILS



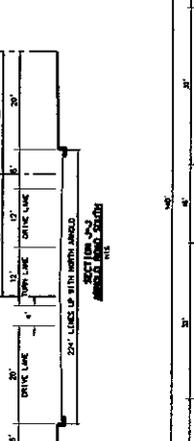
BUS TRACKING DETAIL



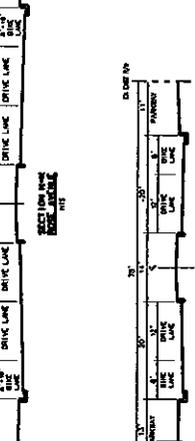
TYPICAL PAVEMENT SECTIONS



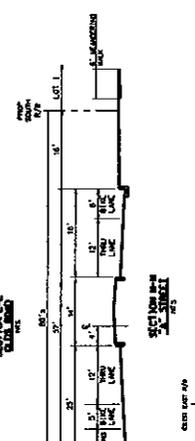
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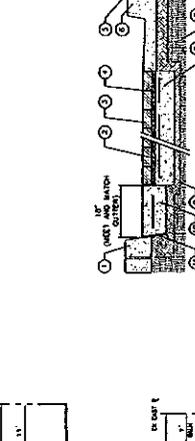
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SECTION 3-3



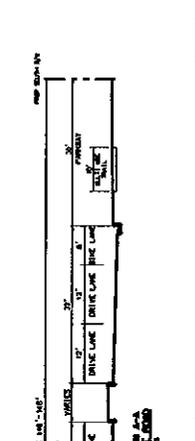
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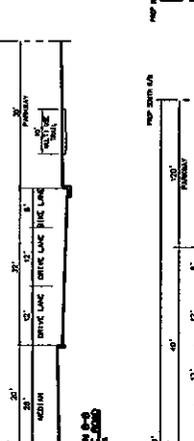
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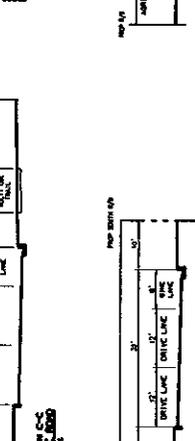
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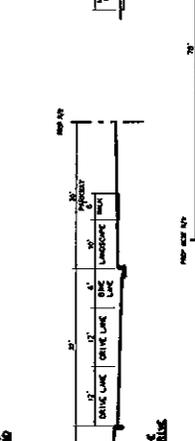
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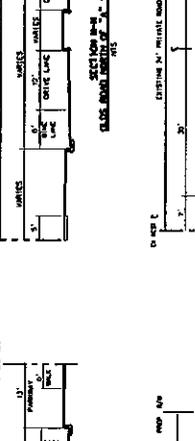
SECTION 8-8



SECTION 9-9



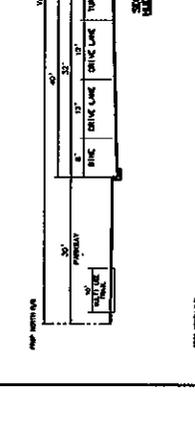
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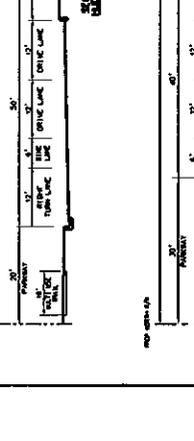
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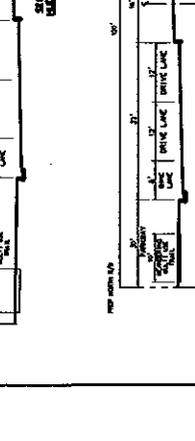
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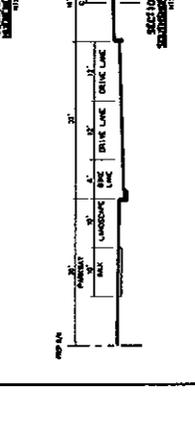
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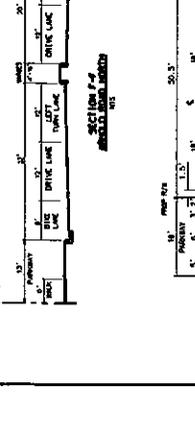
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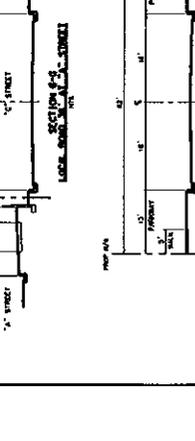
SECTION 15-15



SECTION 16-16

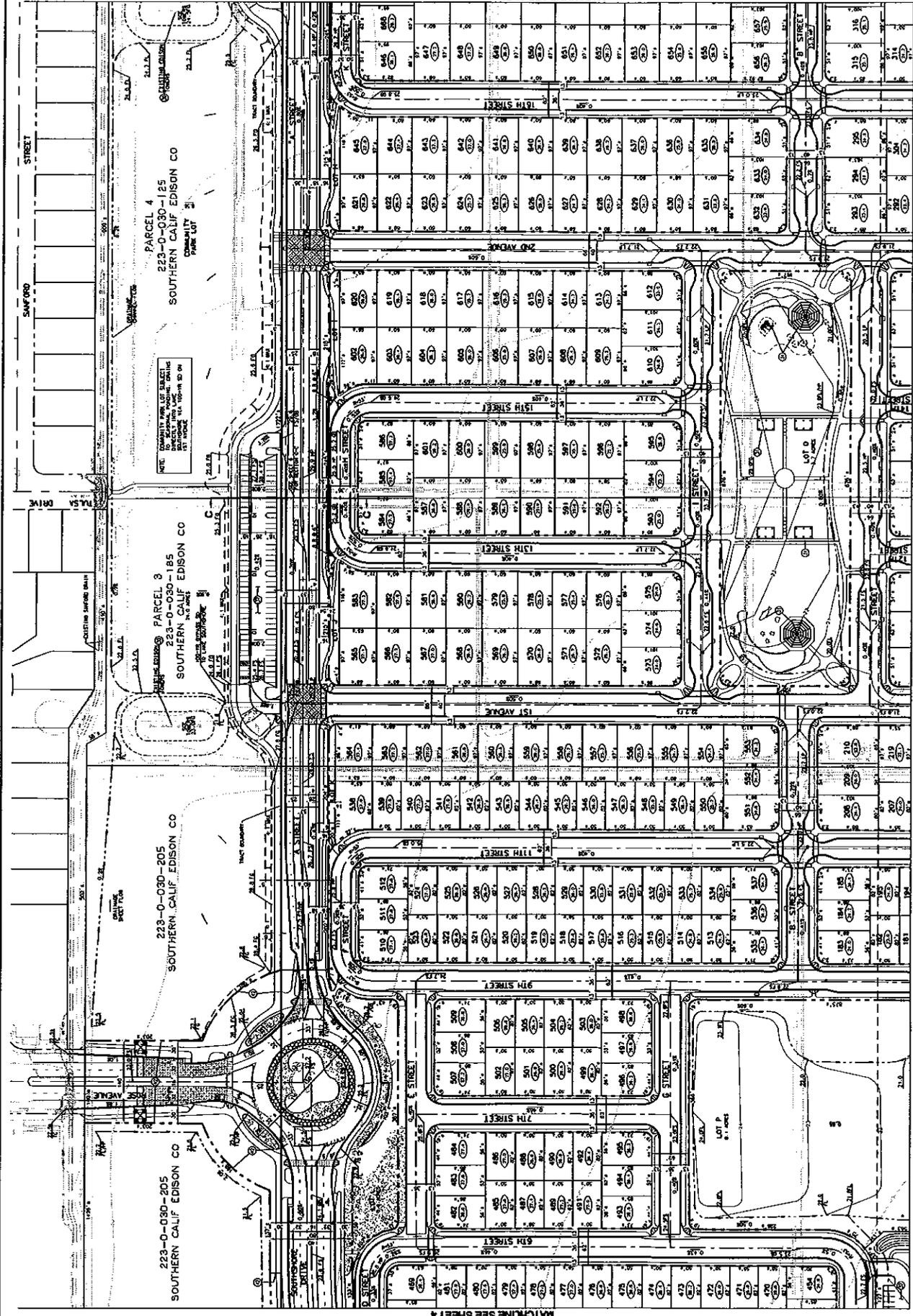


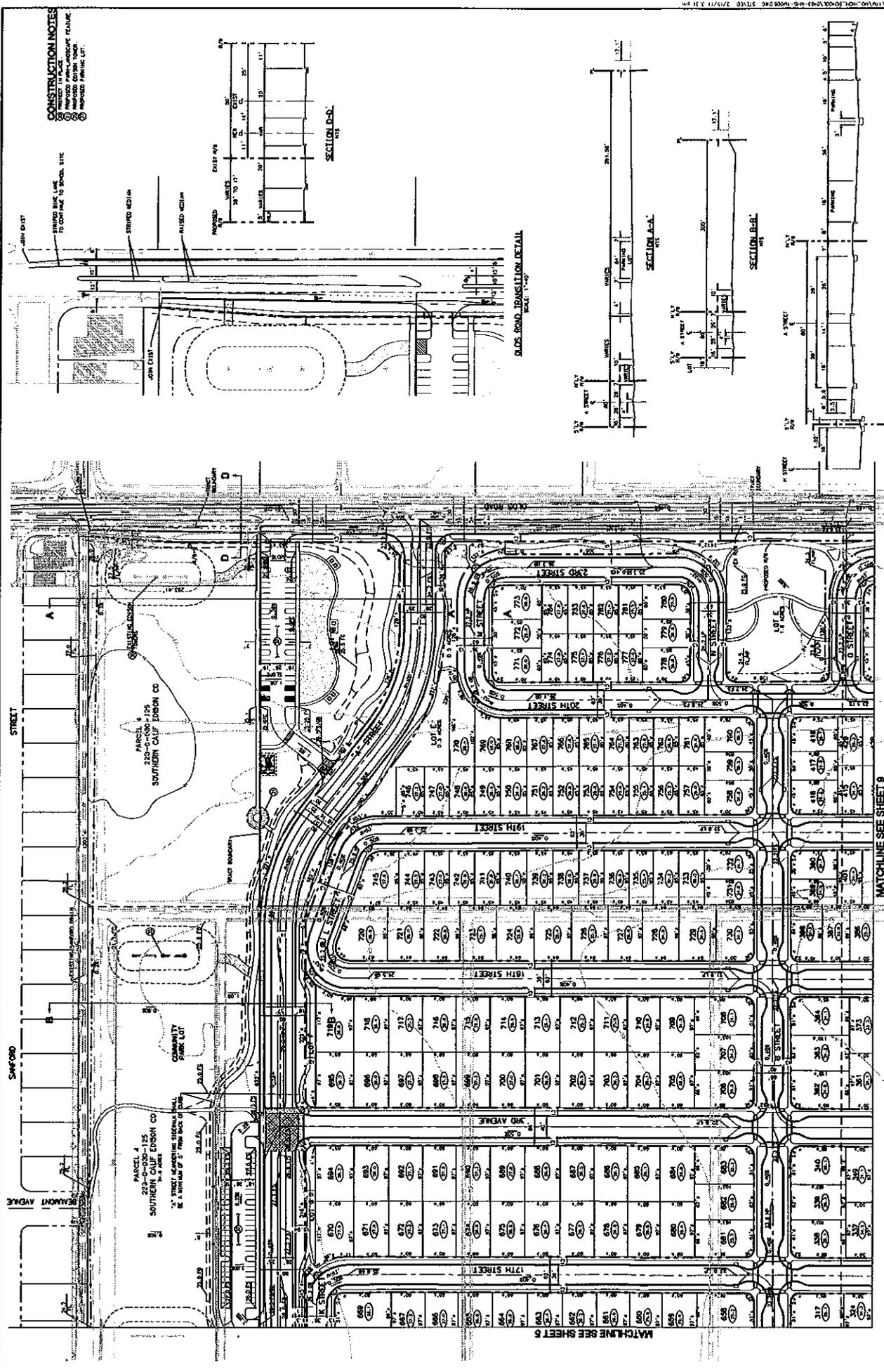
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SECTION 18-18

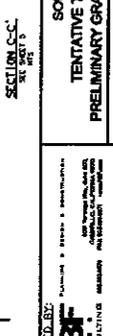
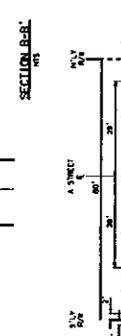
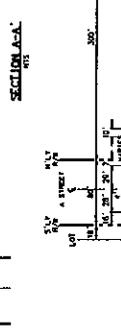
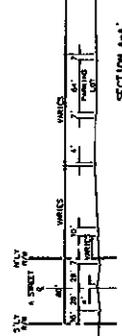
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CONSTRUCTION NOTES
 1. EXISTING UTILITIES TO REMAIN UNLESS SHOWN OTHERWISE.
 2. ALL NEW UTILITIES TO BE INSTALLED AS SHOWN.
 3. ALL NEW UTILITIES TO BE INSTALLED AS SHOWN.
 4. ALL NEW UTILITIES TO BE INSTALLED AS SHOWN.

OLD ROAD TRANSITION DETAIL
 SCALE: 1"=40'



REGISTERED BY
REF
 CONSULTING ENGINEERS
 1700 S. GARDEN STREET
 ANAHEIM, CALIF. 92805
 LICENSE NO. 10000

DATE: 11/10/11
 SHEET NO. 6

SOUTHSHORE
 TENTATIVE TRACT MAP NO. 5427
 PRELIMINARY GRADING & DRAINAGE PLANS
 CITY OF OXNARD

LEGEND
 --- TOP LINE
 --- SLOPE CONTROL
 --- BASE COURSE



SCALE: 1"=100'

MATCHLINE SEE SHEET 8

MATCHLINE SEE SHEET 9

PARCEL 4
 223-D-030-125
 SOUTHERN CALIF EDSON CO
 1/2" FRONT YARD SETBACK
 AS A MINIMUM 5' FROM BACK OF CURB

PARCEL 223-D-030-126
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-127
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-128
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-129
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-130
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-131
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-132
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-133
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-134
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-135
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-136
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-137
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-138
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-139
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-140
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-141
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-142
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-143
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-144
 SOUTHERN CALIF EDSON CO

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PARCEL 223-D-030-190
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PARCEL 223-D-030-192
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PARCEL 223-D-030-195
 SOUTHERN CALIF EDSON CO

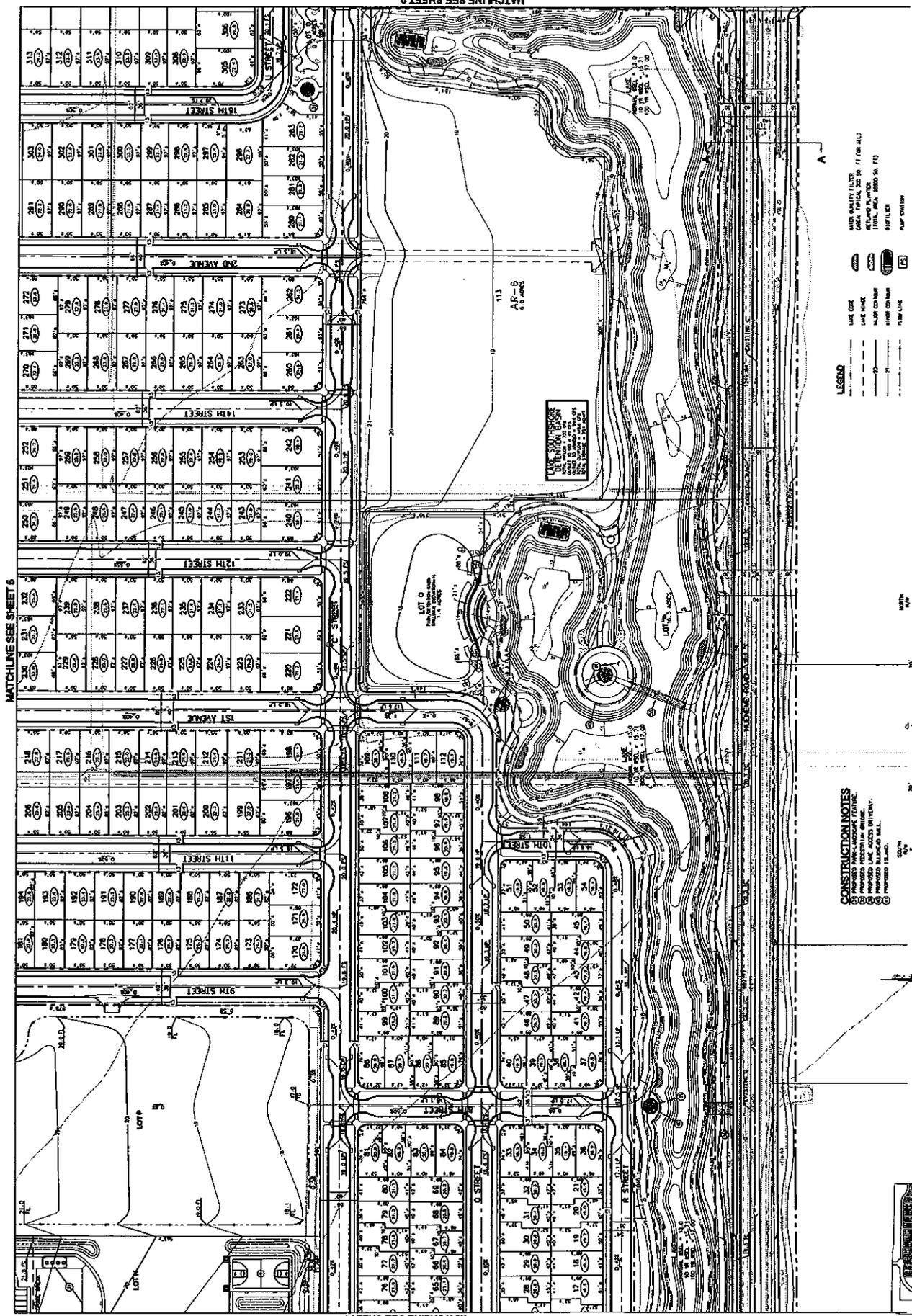
PARCEL 223-D-030-196
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-197
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-198
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PARCEL 223-D-030-199
 SOUTHERN CALIF EDSON CO

PARCEL 223-D-030-200
 SOUTHERN CALIF EDSON CO



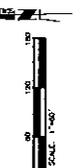
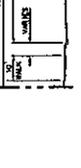
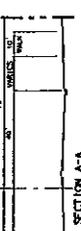
MATCHLINE SEE SHEET 6

MATCHLINE SEE SHEET 9

MATCHLINE SEE SHEET 7

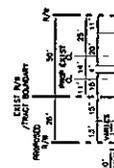
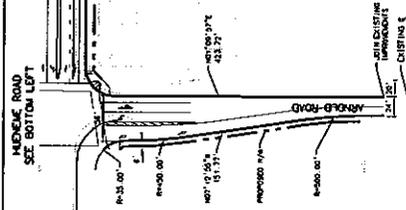
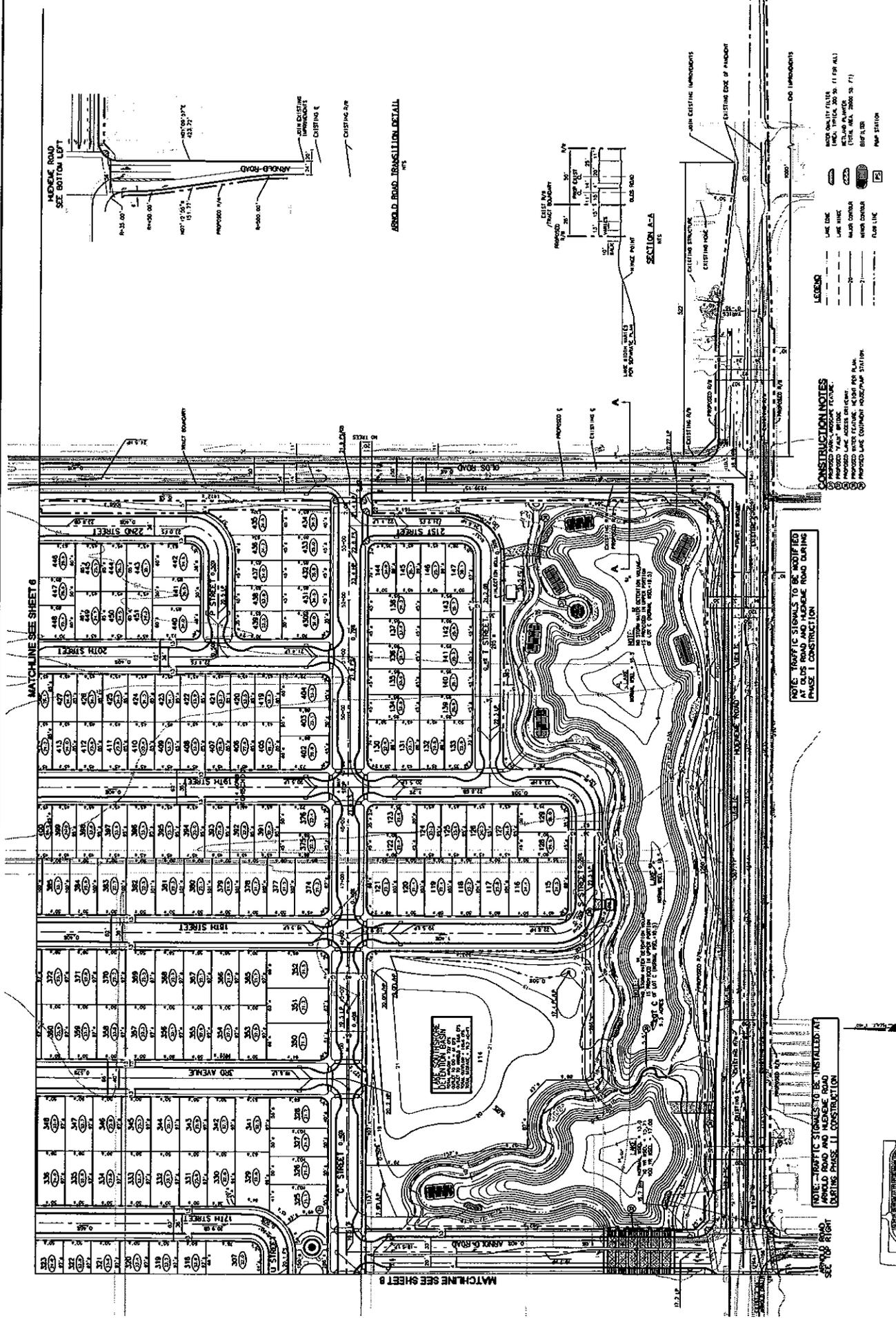
CONSTRUCTION NOTES
 1. PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF OXNARD SPECIFICATIONS.
 2. PROPOSED RECEIVING PITS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF OXNARD SPECIFICATIONS.
 3. PROPOSED LANE SIDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF OXNARD SPECIFICATIONS.
 4. PROPOSED TRUCK TRAIL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF OXNARD SPECIFICATIONS.

- LEGEND**
- LANE SIDE
 - LANE MARK
 - LANE CENTER
 - SIDE CENTER
 - TRUCK TRAIL
 - MAIN QUALITY FILTER (AREA TRUCK, 200 SQ. FT. OR ALL)
 - RETAIN WALL
 - TRUCK TRAIL (AREA TRUCK, 200 SQ. FT.)
 - PIPE
 - PUMP STATION



RELEASED BY: **REB**
 CONSULTING ENGINEER
 1100 WEST OXNARD AVENUE
 OXNARD, CALIFORNIA 93030
 COUNTY: SANBORN
 DATE: 02/05/10

SOUTHSHORE
 TENTATIVE TRACT MAP NO. 5427
 PRELIMINARY GRADING & DRAINAGE PLANS
 CITY OF OXNARD

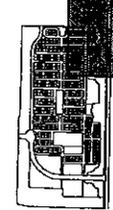


CONSTRUCTION NOTES
 1. PROPOSED LANE WIDTHS TO BE IDENTIFIED AT GLOS ROAD AND MADAGASCAR ROAD DURING PHASE I CONSTRUCTION.
 2. PROPOSED LANE ACCESS DRIVEWAY.
 3. PROPOSED WIDE FEATURE, WIDTH FOR PLAN.
 4. PROPOSED LANE (COURTNEY ROAD) MAP STATION.

LEGEND
 - LANE LINE
 - LANE MARK
 - MARK CENTER
 - MARK CENTER
 - LANE LINE
 - MAP STATION

NOTES: TRAFFIC SIGNALS TO BE IDENTIFIED AT GLOS ROAD AND MADAGASCAR ROAD DURING PHASE I CONSTRUCTION.

NOTES: TRAFFIC SIGNALS TO BE IDENTIFIED AT ARNOOLD ROAD AND MADAGASCAR ROAD DURING PHASE II CONSTRUCTION.



PREPARED BY: Robert J. Stinson
 CONSULTING ENGINEER
 17407
 300

DATE: 11/20/2011

SCALE: 1"=100'

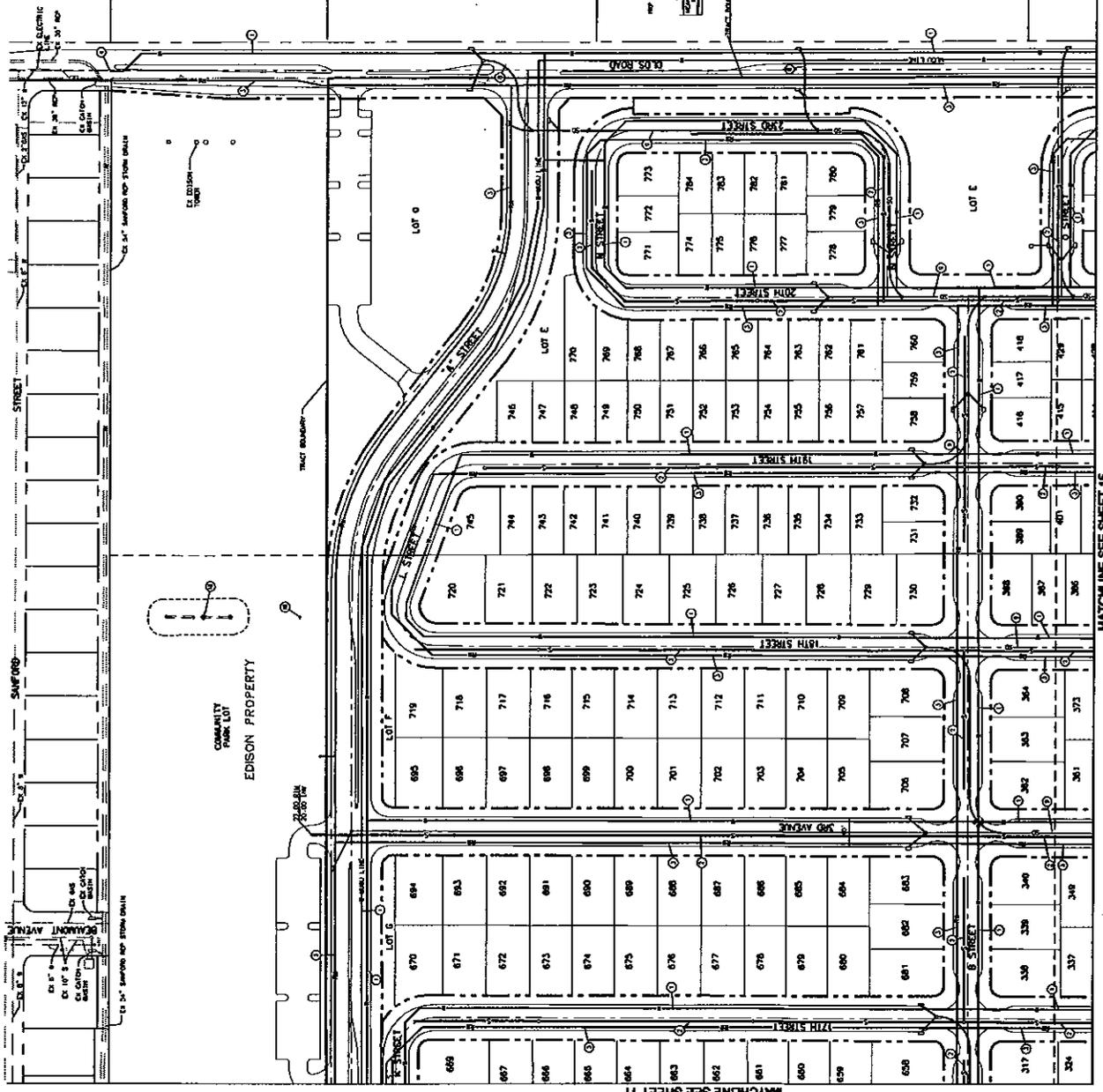
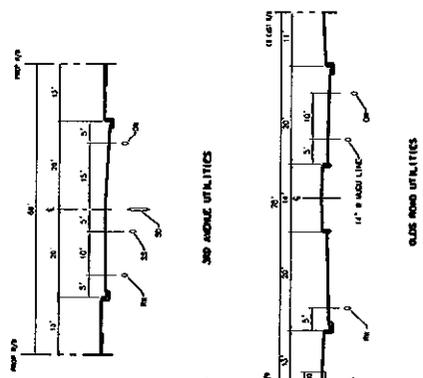
KEY MAP

DATE: 11/20/2011

SCALE: 1"=100'

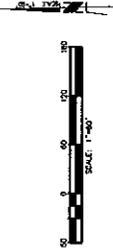
CONSTRUCTION NOTES

- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED RECYCLED WATER
- POINT OF CONNECTION
- PROPOSED OFF-LOT STORM DRAIN
- PROPOSED ON-LOT STORM DRAIN
- PROPOSED EXISTING UTILITY



MATCHLINE SEE SHEET 11

MATCHLINE SEE SHEET 15



DESIGNED BY: **REB** CONSULTING ENGINEERS

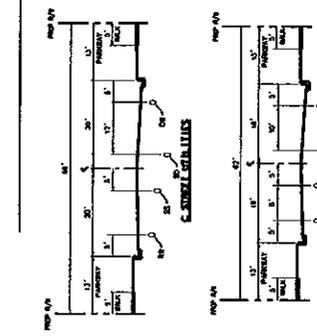
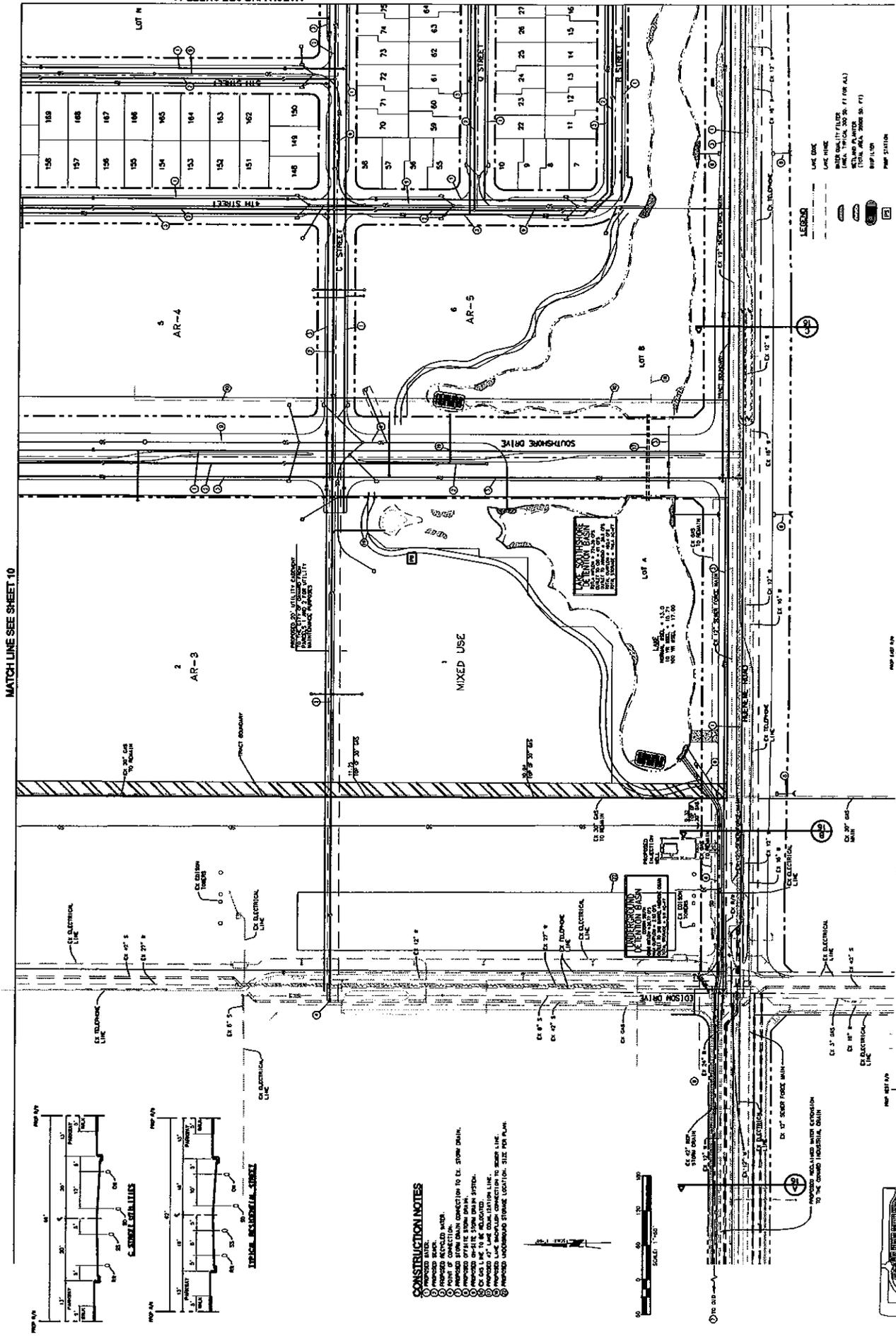
SCALE: 1"=40'

DATE: 11/11/2011

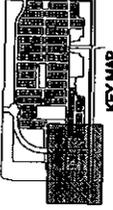
PROJECT: SOUTHSHORE TENTATIVE TRACT MAP NO. 5427 CONCEPT UTILITY PLANS

CITY OF ONWARD

MATCH LINE SEE SHEET 10



- CONSTRUCTION NOTES**
- 1. PROPOSED SIDEWALK.
 - 2. PROPOSED RECYCLED ASPHALT.
 - 3. PROPOSED SIDEWALK CONNECTION TO EX. STORM DRAIN.
 - 4. PROPOSED SIDEWALK CONNECTION TO EX. WATER MAIN.
 - 5. PROPOSED SIDEWALK CONNECTION TO EX. SEWER MAIN.
 - 6. EX. GAS LINE TO BE RELOCATED.
 - 7. EX. ELECTRICAL LINE TO BE RELOCATED.
 - 8. EX. WATER MAIN CONNECTION TO EX. SIDEWALK.
 - 9. EX. SEWER MAIN CONNECTION TO EX. SIDEWALK.
 - 10. PROPOSED SIDEWALK CONNECTION TO EX. SIDEWALK.



- LEGEND**
- GAS
 - ELECTRICAL
 - WATER
 - SEWER
 - SIDEWALK
 - CURB
 - GUTTER
 - STORM DRAIN
 - SIDEWALK CONNECTION
 - SIDEWALK CONNECTION TO EX. STORM DRAIN
 - SIDEWALK CONNECTION TO EX. WATER MAIN
 - SIDEWALK CONNECTION TO EX. SEWER MAIN
 - SIDEWALK CONNECTION TO EX. SIDEWALK

SHEET
13
OF 17 SHEETS

SOUTHSHORE
TENTATIVE TRACT MAP NO. 6427
CONCEPT UTILITY PLANS
CITY OF OGDEN

REB
CONSULTING ENGINEERS

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: [Date]

SCALE: 1" = 40'

SOUTHSHORE
TENTATIVE TRACT MAP NO. 5427
CONCEPT UTILITY PLANS
CITY OF OXNARD

PREPARED BY
REF
 CONSULTING ENGINEERS

DATE: 11/11/11

SCALE: 1"=100'

PROJECT NO.: 20-10043

DATE: 11/11/11

SCALE: 1"=100'

PROJECT NO.: 20-10043



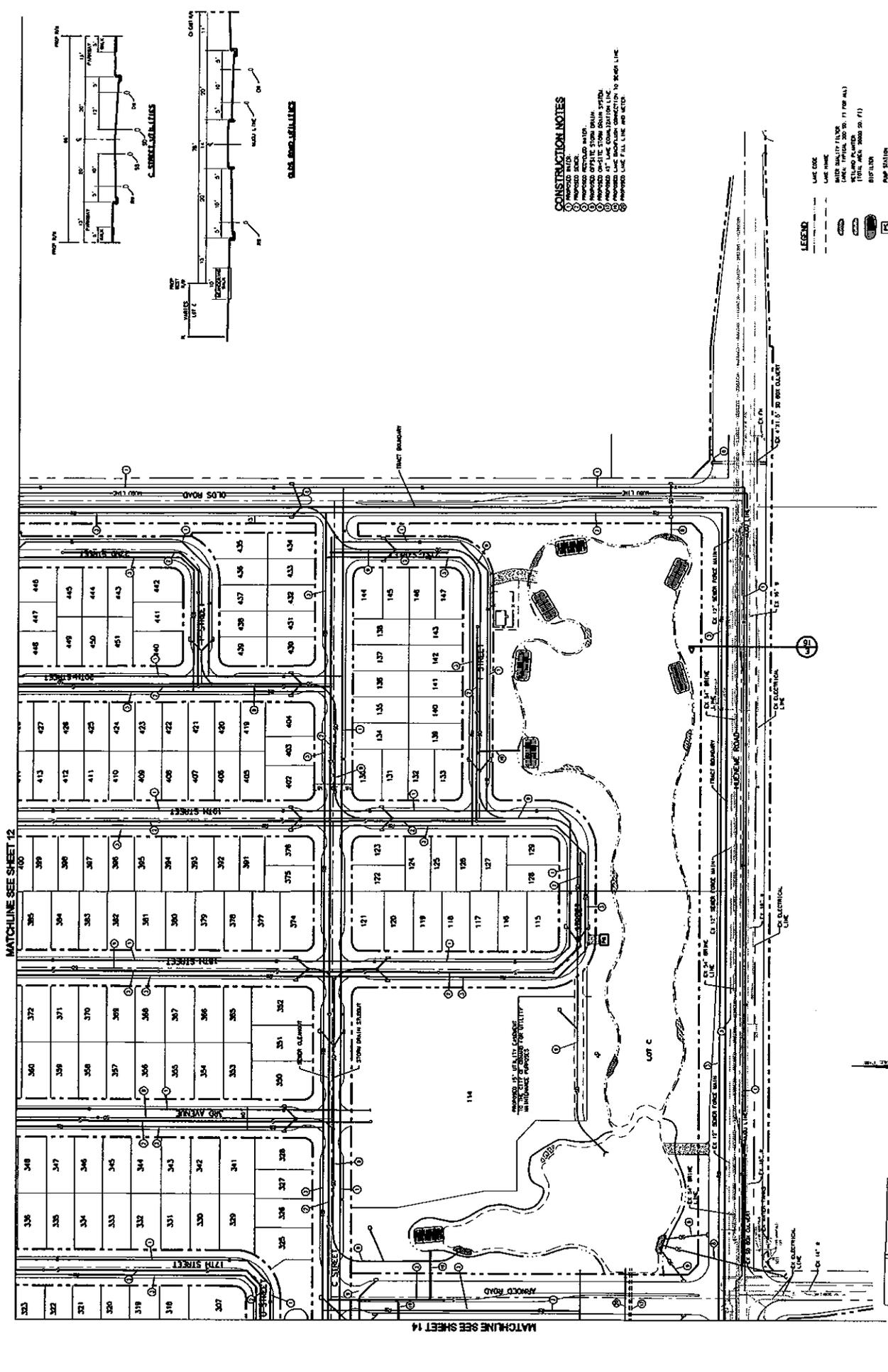
PROJECT NO.: 20-10043
 DATE: 11/11/11
 SCALE: 1"=100'

PROJECT NO.: 20-10043
 DATE: 11/11/11
 SCALE: 1"=100'

PROJECT NO.: 20-10043
 DATE: 11/11/11
 SCALE: 1"=100'



PROJECT NO.: 20-10043
 DATE: 11/11/11
 SCALE: 1"=100'

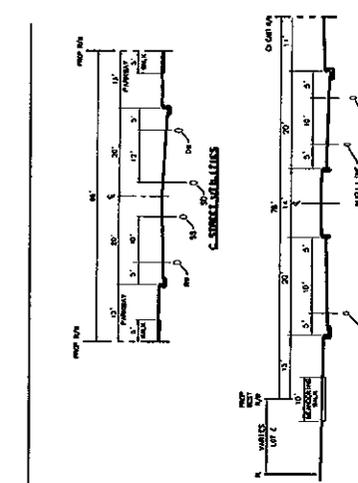


CONSTRUCTION NOTES

- 1. PROPOSED WATER
- 2. PROPOSED SEWER
- 3. PROPOSED GAS
- 4. PROPOSED ELECTRIC
- 5. PROPOSED TELEPHONE
- 6. PROPOSED CABLE
- 7. PROPOSED FIBER OPTIC
- 8. PROPOSED SLOPE
- 9. PROPOSED ELEVATION
- 10. PROPOSED CONSTRUCTION TO BE SHOWN

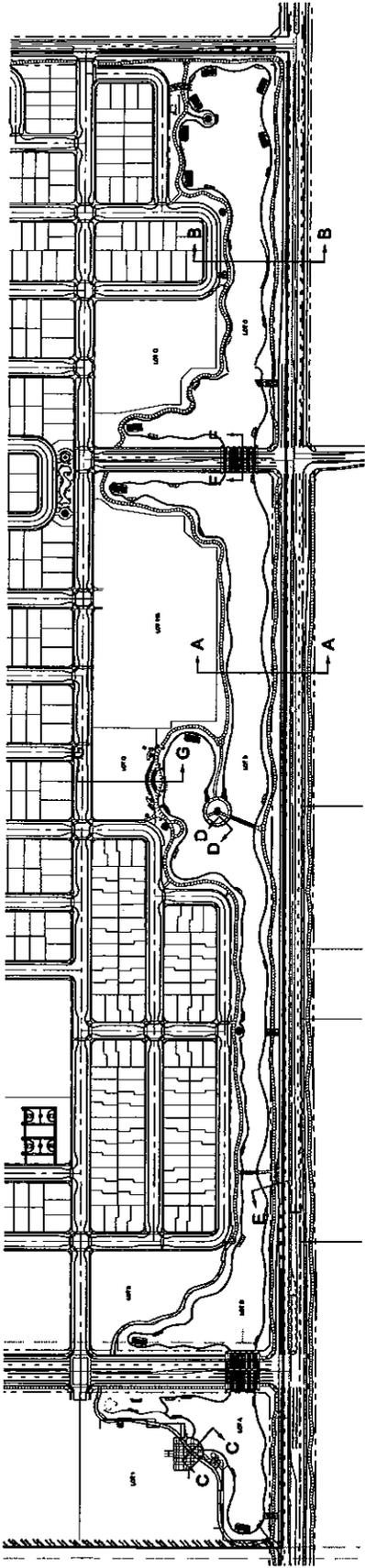
LEGEND

- 1. WATER
- 2. SEWER
- 3. GAS
- 4. ELECTRIC
- 5. TELEPHONE
- 6. CABLE
- 7. FIBER OPTIC
- 8. SLOPE
- 9. ELEVATION
- 10. CONSTRUCTION TO BE SHOWN



MATCHLINE SEE SHEET 12

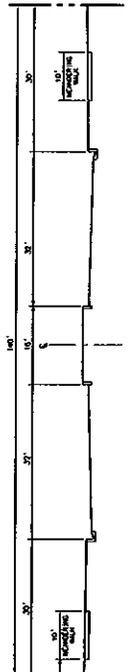
MATCHLINE SEE SHEET 14



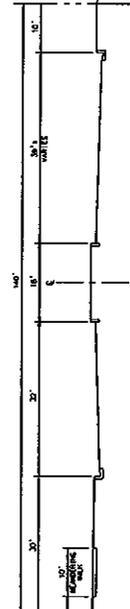
PLAN LEGEND

LINE CODE
 10' - 10' (FOR ALL)
 15' - 15' (FOR ALL)
 20' - 20' (FOR ALL)
 30' - 30' (FOR ALL)
 40' - 40' (FOR ALL)
 50' - 50' (FOR ALL)
 60' - 60' (FOR ALL)
 70' - 70' (FOR ALL)
 80' - 80' (FOR ALL)
 90' - 90' (FOR ALL)
 100' - 100' (FOR ALL)

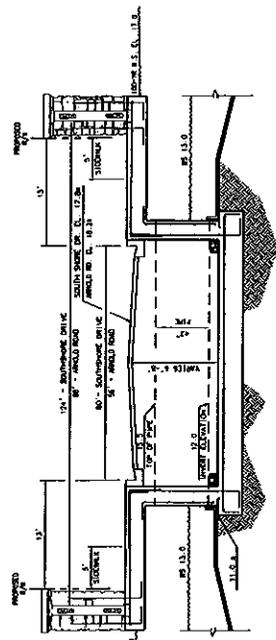
10' - 10' (FOR ALL)
 15' - 15' (FOR ALL)
 20' - 20' (FOR ALL)
 30' - 30' (FOR ALL)
 40' - 40' (FOR ALL)
 50' - 50' (FOR ALL)
 60' - 60' (FOR ALL)
 70' - 70' (FOR ALL)
 80' - 80' (FOR ALL)
 90' - 90' (FOR ALL)
 100' - 100' (FOR ALL)



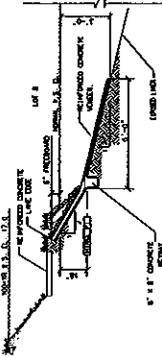
SECTION A-A
HELEMENE ROAD LOOKING EAST



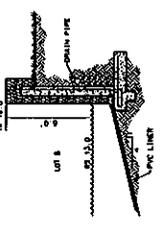
SECTION B-B
HELEMENE ROAD LOOKING EAST



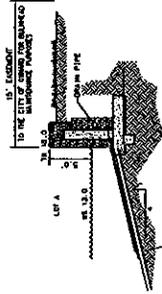
SECTION E-E
FAUX BRIDGE



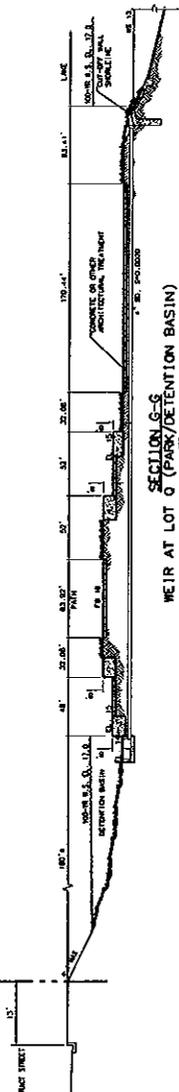
SECTION E-E
NATURAL SHORELINE



SECTION D-D
BULK-HEAD SHORELINE CASE 1



SECTION C-C
BULK-HEAD SHORELINE CASE 2



SECTION G-G
WEIR AT LOT 0 (PARK/DETENTION BASIN)

17
 SOUTHSHORE
 TENTATIVE TRACT MAP NO. 5427
 LAKE SECTION & DETAILS
 CITY OF OXNARD

DESIGNED BY: RBF
 DRAWN BY: RBF
 CHECKED BY: RBF
 DATE: 12/15/10

SCALE: 1" = 10'

DATE: 12/15/10

EXHIBIT B

CONDITIONS OF APPROVAL FROM ADAPTIVE MANAGEMENT PLAN

NORTHERN SUBAREA RECOMMENDATIONS
as presented in the
City of Oxnard Ormond Beach Specific Plan Area
Raptor Foraging Habitat Restoration Project
Adaptive Management Plan
(February 24, 2011)

Italic type = Specific recommendations/requirements for the Northern Subarea
Black type = General recommendations/requirements for both subareas

Mitigation Requirements

The total mitigation requirement for the Northern Subarea is 30.2 acres of foraging habitat.

Northern Subarea Mitigation Requirements and Proposed Onsite/Offsite Mitigation

Total Avian Foraging Habitat Mitigation Required ¹	Required Wet Herbaceous Habitat Mitigation	Required Upland Mitigation	Area Available Onsite for Wet Habitat Mitigation	Area Available Onsite for Upland Mitigation	Offsite Area Needed to Fulfill Upland Mitigation Requirement
30.2 acres	0.0	30.2 acres	0.0	10.2 acres	20.0 acres

Mitigation Option 1: All or Partial Onsite Restoration

Under Mitigation Option 1, a portion of the Northern Subarea proposed open space areas will be used to fulfill a portion of the Northern Subarea requirement for raptor foraging habitat restoration (Figure 4). The following three measures would meet the 30.2-acre upland restoration requirement:

1. *All upland open space land immediately west, south, and east of the shoreline of Lake SouthShore will be planted with native transitional species near the shoreline, transitioning to upland grassland species with patches/hedgerows of native shrubs and trees. This will be implemented in three specific sections of open space areas adjacent to Lake SouthShore:*
 - *1.8 acres surrounding the southern and western corner of the western lake section.*
 - *4.1 acres between the southern margin of the middle lake section and Hueneme Road.*
 - *2.4 acres surrounding the southern and eastern corner of the eastern lake section.*

These areas provide a total of approximately 8.3 acres of upland raptor foraging habitat restoration area.

2. *In addition to the three locations mentioned above, the detention basin proposed north of the middle lake section island will also be used as a restoration area for upland raptor foraging habitat. Per the applicant, this area has been designed to receive overflow from the lake only when storm events reach a 10-year magnitude recurrence interval or greater. Lake overflow is designed to spill into the basin, which would then drain back into the lake as the lake level recedes. The*



basin, as proposed, will not require any dredging or vegetation clearing because the drainage system routed to it is not expected to transport significant amounts of sediment. Lake overflow into the basin is designed to reside only for a short time. The total area of this detention basin therefore available for upland raptor foraging habitat is approximately 1.9 acres.

3. *The remaining 20 acres required to meet the mitigation requirement of 30.2 acres of upland raptor foraging habitat for the Northern Subarea will need to be implemented at an offsite location (offsite mitigation is discussed in detail in Mitigation Option 2 below).*

Mitigation Option 2: All Offsite Restoration

Under Mitigation Option 2, all 30.2 acres of raptor foraging habitat restoration required for impacts associated with the Northern Subarea would be implemented at an offsite location. If the onsite portion of this mitigation requirement cannot be fulfilled, or if it is determined that no onsite raptor foraging habitat mitigation is feasible due to constraints from development or proximity to human landscapes and influences, this option outlines measures necessary to implement sufficient and successful compensatory offsite mitigation.

Provide compensatory mitigation offsite through the private purchase of mitigation lands. This process typically entails the following tasks:

1. Identification of parcels that contain at minimum suitable raptor habitat characteristics.
2. Purchase of an adequate acreage to compensate for project-specific impacts.
3. Preparation of a long-term Habitat Management Plan to maintain and enhance the conservation values of the conserved land in perpetuity.
4. Recordation of a conservation easement or similar instrument that provides legal preservation of the conserved land in perpetuity.
5. Identification of a funding assurance mechanism, such as a letter of credit and/or endowment, for the purchase and long-term management of the conserved land in perpetuity.
6. Coordination with the regulatory agencies, including CDFG and the USFWS, to obtain approval of the proposed compensatory mitigation approach, including the mitigation lands, Habitat Management Plan, conservation easement, and funding assurances.

Habitat Functions to be Restored

In order to restore raptor/bird foraging habitat function as required, all on- and off-site mitigation will be implemented in accordance with the approved AMP and installation program. The restoration areas will be maintained and monitored for a minimum of three years and would be subject to success criteria and triggers for adaptive responses.

The habitat functions expected to be replaced include:

- Maintain habitat viability in terms of normal growth/development of functional habitat.
- Increase resources without resource depletion so that the habitat can continue to thrive into the future without external infusions of resource.



- Increase native cover and species richness with the creation of low-growing native and naturalized grassland habitat with native shrub shelterbelts.
- Increase perching and nesting opportunities with the establishment of small clusters of large trees.
- Maintain some habitat connectivity to other open space areas for prey recruitment.
- Increase small mammal populations in particular as prey for the target raptors. It is noted that natural vegetation will also provide for increases in the abundance of other prey animals (reptiles, invertebrates, birds), but the focus of the mitigation effort is on small mammals.

Implementation Schedule

Per Mitigation Measure BIO-2 of the certified OBSP FEIR, the restoration project shall be initiated prior to the completion of the proposed development to ensure there is no significant temporal loss of foraging habitat for raptors and shorebirds. Site preparation and irrigation system installation will be conducted prior to planting implementation. All restoration planting installation should be conducted during the first wetting rains from October 1 to February 1. All planting installation will occur when the top six inches of soil are moist following a series of winter/spring storms, or as supplemented by temporary irrigation. As-built conditions will be reported immediately following the completion of installation. Each individual restoration effort must be monitored and maintained for a minimum of a three-year period and until success criteria are met.

Site Preparation

Any non-native invasive plant species within the restoration site will be removed prior to planting of native vegetation. Use of herbicides will likely not be needed if the restoration areas are maintained frequently to prevent colonization of undesirable species. Immediately following irrigation installation, the restoration areas will be planted with native species by direct planting methods and broadcast seeding methods. A project restoration biologist should be contracted to identify specific planting locations of native vegetation for optimal establishment and longevity based on anticipated hydrology, edaphic factors, exposure, and slope aspect. A vegetative cover consisting of appropriate native plant species will develop slowly from the planted material over a minimum of three growing seasons with proper management.

Planting Plan

Planting plans to be developed by the subarea applicant shall include an assemblage of native plant species, such as those recommended in Table 2 of the AMP, that are known to occur within raptor foraging grassland, scrub, and transitional habitats. In general, the planting plan includes container plantings in addition to broadcast seeding of native species. The majority of the restoration required will concentrate on the development of native grassland habitat, and will include clusters and hedgerows of native scrub stands and emergent isolated native trees. Container plantings to be installed in the restoration area are to be spaced irregularly and in clusters to emulate natural conditions. A restoration biologist should provide advice for the implementation of the plantings and to aid the subareas in achieving the goals of FEIR Mitigation Measure BIO-2.



The restoration proposed within the Northern Subarea includes upland mitigation areas (1) south of Lake SouthShore and north of Hueneme Road, and (2) within the proposed detention basin (Figure 4). Mitigation areas along the lake shoreline will be planted with transitional plant species (Planting Zone B [Table 2, Figure 6]), including western ragweed, scarlet monkeyflower, mugwort, saltgrass, alkali rye grass, and deer grass. Grassland species (Planting Zone C) will be planted where the mitigation site progresses from the lake margin to the north edge of Hueneme Road, and will include species such as narrow-leaved milkweed, blue wild rye, California poppy, and purple needlegrass. The lower elevations within the Northern Subarea detention basin will be planted with transitional species (Planting Zone A), and the higher elevations of the detention basin will be planted with grassland and shrub species (Planting Zones B and C).

Scrub shelterbelts with native emergent trees (Planting Zone D) will also be designed within the Northern Subarea habitat mitigation areas. Specifically, scrub shelterbelts will be implemented to create cover and foraging resources for raptor prey species and to create low perches for raptors. The scrub species recommended in these shelterbelts include California sagebrush, coyote brush, ashy-leaf buckwheat, deerweed, bush monkeyflower, lemonade berry, and sages. Less than 10% of the total foraging habitat being created shall be comprised of shrubs to maintain the goal of creating open foraging habitat.

Planting Installation Specifications

Planting installation, maintenance, monitoring, and reporting activities will be overseen by a restoration biologist familiar with restoration of native plants and habitats. All plantings will be planted in randomly spaced, naturally clumped patterns. The planting density should be augmented by approximately 25% to compensate for anticipated planting mortality. The size, location, and variety of the plantings shall be based on professional judgment of a qualified biologist, and will depend on the available mitigation area and opportunity for survival of planted species. Container stock specifications, installation methods, seed broadcast methods, herbivore protection, and mulch applications shall follow the recommendations presented in the approved AMP.

Irrigation Plan

A detailed landscape irrigation plan shall be prepared specifically for the various planting zones within each mitigation site. A temporary above-ground irrigation system will be provided to initiate seed germination and promote proper container/cutting root establishment. The mitigation areas will be watered by an irrigation system, made up of multiple impact sprinkler or gear driven overhead sprinklers, to mimic the natural water cycle in the region. The intent of irrigation is to reduce mortality and increase the growth rate of plant materials during the first few months following planting and during the dry season. Irrigation will be provided for a period of approximately two years from planting (depending on climatic conditions), with irrigation being phased out during the fall/winter of the second year, unless unusually severe conditions threaten planting survival.

As-Built Conditions

Following plant installation, the project restoration biologist will assist in the preparation of a general as-built restoration and planting plan and will oversee the implementation of the monitoring program. As-built planting plans will be used as baseline information to track the



success of container plantings and seeded areas throughout the monitoring period. The as-built plan will document any changes made during implementation, and will outline any modification made that deviate from this implementation plan to reflect as-built conditions.

Maintenance Schedule

Each mitigation site must be monitored and maintained for a minimum of a three-year period and until success criteria are met. If success criteria are not achieved by the end of the third year, maintenance and monitoring shall continue a maximum of two additional years for a total monitoring period of five years. The maintenance schedule for the habitat restoration sites will be monthly for the first year, and every other month for the second and third year. Weeding will be conducted, as needed, to prevent displacement of native species, which may include treatment or removal several times per year. All trash and foreign material will be removed regularly from the restoration site. Irrigation system maintenance will occur as needed to meet the goals of this plan.

Weed Abatement Program

Table 3 in the approved AMP provides a list of example common invasive plant species that shall be removed from the project site during site preparation and throughout the maintenance period. Control of invasive plant species will be overseen by qualified individuals experienced with habitat restoration techniques, and experienced with native-versus-nonnative plant species identification, to aid in the establishment of habitat function onsite. Weeding will be conducted by hand monthly the first year and every other month during the last two years of the three-year monitoring period, or until it is determined that the installed plantings are not at risk from competition by invasive plants. Weed control activities will be intensified during the spring and early summer prior to the development of mature seeds produced by the target weed species. Invasive plant materials will be disposed of in a manner and location as to prevent re-establishment.

Monitoring Schedule

For a minimum of three years after installation of this restoration plan, a biological monitor will monitor the mitigation area twice yearly, beginning in the spring or fall after installation of the vegetation and raptor enhancements have been completed (whichever season comes first). Sampling of the replaced and reconstructed habitats shall be conducted during those seasons for assessing peak growth for upland, transitional, and hydrophytic vegetation, accurate identification of plant species, and site conditions such as drought and inundation. The monitoring approach and methods will follow those detailed in the approved AMP. An annual monitoring report documenting the results of each fall mitigation monitoring session will be submitted by December 1st for the years 2017, 2018, and 2019. If success criteria are not achieved by the end of the third year, monitoring shall continue a maximum of two additional years for a total monitoring period of five years.



Performance Standards and Success Criteria

The following criteria will be used to aid in determining success over the three-year monitoring period:

- No more than 10% cover by weedy/invasive plant species after three years.
- 50% cover by native plant species after two years and 70% percent native cover after three years.
- At least 5 native plant species comprising dominant vegetative cover after three years.
- Observations or detections of rodents and/or raptors inhabiting or foraging within the restoration sites every monitoring year.

Triggers for Adaptive Responses

The triggers for remedial adaptive actions include the following:

- Greater than 25% planting mortality after planting or in any monitoring year in any mitigation area
- Greater than 10% cover by invasive plant species in any monitoring year in any mitigation area
- Less than 50% native cover in any monitoring year in any mitigation area
- Pest problem (house/feral cats, raccoons, etc. hunting or feeding on target prey species) detected or observed in any monitoring year in any mitigation area
- Insufficient rodent recruitment after the first monitoring year in any mitigation area
- No raptors frequenting/foraging anywhere within the mitigation sites after the second monitoring year

Response Actions

The following presents the specific response action that should be implemented when one or more triggers are set.

Trigger 1: Greater than 25% of the planted and seeded material fails to germinate or dies after planting or in any year, and/or the native percent coverage within the restoration sites is less than 50% during any monitoring period.

Response Action 1: To attempt to increase planting survival and native percent cover, maintenance and remediation will include, but are not limited to, replanting problem areas with seed and plant mixtures specifically designed to overcome the identified problem; identifying and controlling invasive plant species; and modifying the irrigation program. The recommended planting palette and restoration plan provided above will be reinstalled where needed to increase survivability and native percent cover. Because supplemental irrigation will be available within the restoration areas, remedial seeding and planting can take place near the end of the first growing season or at the start of the second growing season, depending on the extent of the activity. Any replacement plantings installed to achieve the requirements will be monitored with the same survival



and growth requirements for two years after planting. Any implemented remedial measures will be fully documented in the annual reports.

Trigger 2: The weedy/invasive vegetative cover within the restoration sites is greater than 10%.

Response Action 2: Weed abatement will be increased to a monthly schedule for the remaining monitoring years. Depending on the level of disturbance by invasives, and the species of concern, the weed abatement program would be intensified to attempt to eradicate the species from the restoration sites.

Trigger 3: Evidence of a substantial pest problem (i.e. house/feral cats or raccoons) is observed (pest observed hunting or feeding on target prey species) or detected (numerous remains of prey species found) during any monitoring year.

Response Action 3: To address a pest problem affecting target prey species, trapping of such pests will be conducted to either eradicate or relocate pests from restoration areas, if feasible.

Trigger 4: Natural small mammal recruitment and foraging by target raptor species is not evident in the restoration areas. No target prey species are being observed or detected (i.e. burrows or scat) within the restoration areas.

Response Action 4a: Response Action 1 would be implemented to enhance the restoration effort to attract the raptor prey mammal to the restoration areas.

Response Action 4b: If after one year of increasing maintenance and implementing remediation measures no natural recruitment of target prey species is observed/detected, trapping will be conducted within the restoration areas onsite and/or offsite to determine presence/absence and to quantify small mammal populations inhabiting the restoration areas.

Response Action 4c: If after remediation measures conducted under Response Action 4a yields no target raptor prey species, and if trapping conducted under Response Action 4b within the restoration areas yield no or insufficient prey species, then small mammal trapping of such species would be conducted in an offsite location (such as an area with a predetermined native rodent problem). Those captures would be relocated into restoration areas. Once introduced onsite, prey species would likely flourish in the unoccupied restored habitats. This would provide a prey base for target raptor species.

Trigger 5: It is demonstrated after five years of maintenance and monitoring (including the three initially required years plus two additional remediation years) that onsite mitigation is infeasible due to the constraints associated with urban development, and/or that ultimately a higher level of ecological functioning would result from offsite mitigation.

Response Action 5: The portion of the restoration effort that failed, or the entire restoration effort, shall be re-implemented entirely offsite at an appropriate and superior location. The new restoration effort will be implemented in accordance with this adaptive management plan and implementation plan and will be maintained and



monitored for a minimum three-year monitoring period. Partial credit may be given for portions of the initial restoration effort onsite and/or offsite, depending on the status and function of the habitats created at the end of five years.

Documentation Requirements and Reporting

Annual Adaptive Management Reports will be submitted to the City of Oxnard by January 31 of each year following habitat restoration implementation. Reports will be prepared by the project restoration biologist conducting the onsite monitoring. The format and required content of the Annual Adaptive Management Reports should follow the documentation and reporting requirements outlined in the approved AMP.

Success and Closure

The habitat restoration will only be considered complete after a minimum period of three years or until restoration success has been achieved and documented for a maximum of five years. If any portion of the onsite and/or offsite mitigation effort fails after a maximum of five years of maintenance, monitoring, and contingency measures, the portion that failed shall be implemented offsite at an appropriate or superior location and be maintained and monitored for a three-year monitoring period. The final monitoring report shall evaluate the success of the restoration effort in achieving the final success criteria. The final monitoring report will be notification of when the monitoring period has been completed and the approved success criteria have been met. The habitat restoration will only be considered complete by the City of Oxnard when they provide written verification of habitat restoration success.

Cost Recovery for Contingency Actions

If the restoration effort begins to fail and adaptive responses are triggered, the cost recovery for the contingency/response actions shall be the responsibility of the property owner in which the response actions were implemented. A performance bond shall also be established for the cost of full re-installation as presented above under the Habitat Restoration Implementation Plan Cost Estimate subsection in the event that the restoration project fails and is required to be re-installed.



EXHIBIT C

**ADDENDUM NO. 1
TO SOUTHSORE SPECIFIC PLAN**

ADDENDUM NO. 1

SOUTHSHORE SPECIFIC PLAN

The following is a summary of Addendum No. 1 to the SouthShore Specific Plan dated February 2011.

1. The third paragraph of Section 3.4.1, Law Enforcement, was revised to eliminate the reference to AR-1 being envisioned as the location for affordable housing.
2. Specific Plan Exhibit 5-7, Schematic Water Plan, and Exhibit 5-8 (Alternative Schematic Water Plan (without High School), were revised so that the GREAT Program injection well locations along the northeastern edge of Lake SouthShore open space area would exactly match the locations shown on the current Tentative Tract No. 5427. The text of Section 5.4.2(3), Groundwater Recovery Enhancement and Treatment (GREAT) Program, was correspondingly revised to properly introduce Exhibits 5-7 and 5-8.
3. The second paragraph of Section 6.2.8, Affordable Housing Program, was revised to eliminate the statement that, if the additional five percent (5%) of affordable housing is provided on-site, it will not be counted forward the total number of units shown in Exhibit 2-2 or Exhibit 2-4. As revised, if the additional 5% of the total 15% of affordable housing is provided on-site, it will be counted toward the maximum total number of units contained in Exhibit 2-2 (i.e., 1,283 units for the Land Use Plan with the High School) or Exhibit 2-4 (i.e., 1,545 units for the Land Use Plan without the High School).
4. Section 6.2.25, Consistency between Specific Plan and Tentative Tract No. 5427, was revised by adding the locations of the ASR/Great Program injection wells to the list of items that may be refined.