Meeting Date: 1/26/2010

ACTION	TYPE OF ITEM
☐ Approved Recommendation	☐Info/Consent
☐ Res. No(s).	☐Report
☐ Ord. No(s).	■Public Hearing
☐ Other	☐ Other _____

Prepared By: Christopher Williamson, Principal Planner CW Agenda Item No. L-2

Reviewed By: City Manager City Attorney Fischer SMF Finance N/A Other *(Specify)* *N/A*

DATE: January 15, 2010

TO: City Council

FROM: Matthew G. Winegar, AICP, Development Services Director

SUBJECT: **Certification of the 2030 General Plan Final Program Environmental Impact Report (EIR No. 09-01) (SCH 2007041024). Filed by City of Oxnard**

RECOMMENDATION

That the City Council:

a) Hold a hearing to take public comment on the Final Program Environmental Impact Report (PEIR) for the Final Draft 2030 Oxnard General Plan (2030 General Plan).
b) Consider and make determinations regarding the environmental impacts of the proposed land use designations of the 107-acre Parcel Located at 1853 Camino Del Sol.
c) Adopt a resolution certifying the Final PEIR (No. 09-01) for the 2030 General Plan.

DISCUSSION

The California Environmental Quality Act (CEQA) provides that the purpose of the PEIR is to identify possible negative significant impacts on the environment that the proposed 2030 General Plan may have on the environment, identify alternatives to the 2030 General Plan, indicate how those significant effects are mitigated or avoided, and/or identity which impacts cannot be mitigated and adopt overriding considerations when adopting the 2030 General Plan.

The Draft PEIR was completed and initially circulated for comments between March and May, 2009 and public hearings were held on April 17, May 14, and May 21, 2009. Five Sections of the PEIR were updated and recirculated for public review between November 23, 2009 and January 7, 2010 as a result of changes to the Land Use Map, goals and policies, and/or updated environmental information. A public hearing was held on December 17, 2009 to take comments on the Five Recirculated Sections. Responses to comments received on the Draft PEIR and responses to comments on the Five Recirculated Sections of the Draft PEIR (Attachment 1), together with the Draft PEIR (Attachment 2) and Five Recirculated Sections documents (Attachment 3), constitute the Final PEIR for the 2030 General Plan.

The Response to Comments document (Attachment 1, with two appendices) provides responses to letters and e-mails received on both the Draft PEIR and the Five Recirculated Sections. The comment letters are arranged by public agencies ("A" letters) and individuals ("I" letters) in Appendix A (Comments on the Draft PEIR) and Appendix B (Comments on the Five Recirculated Sections of the Draft PEIR). Responses are divided into master responses to five frequently raised comments (Chapter 3), responses to individual comments on the Draft PEIR (Chapter 4), and all responses to comments on the Five Recirculated Sections of the Draft PEIR (Chapter 5). Responses to public agency comments were sent to the agencies in compliance with the CEQA requirement of a 10-day period before certification. In responding to comments, CEQA requires a good faith effort at full disclosure and does not require an agency to conduct every test or perform all research, study, or experimentation suggested by commentors (Guidelines 15088, 15204).

The following were major comment topics from all comment letters:

1. Need to recirculate the PEIR
2. SOAR and CURB amendment required for the Jones Ranch area
3. Agricultural impacts greater than stated in the Draft PEIR
4. Greenhouse Gas emissions, climate change, and sea level rise
5. Ormond Beach wetlands, visitor access, and water quality
6. Need for hydrology map in the Background Report
7. Changing the designation of the Halaco site
8. Corrections to the Background Report, use of more recent data
9. Long term reliable water supply, status of groundwater credits
10. Removal of references to LNG in the Local Coastal Plan
11. Transit services, traffic, and levels of service
12. Impacts on Camarillo and County intersections and streets
13. Impacts on schools and need for facilities
14. Identification and impacts on specific habitat and species

The Final PEIR finds that Class I significant and unavoidable impacts are: Air Quality and Greenhouse Gases; Agricultural Resources; Circulation, Traffic and Transportation (five intersections operate below Level of Service 'C'); and Noise. All other environmental impacts are found to be less than significant with implementation of mitigating policies and programs.

The objectives of CEQA and the environmental review process are to: 1) disclose environmental impacts, 2) identify ways to avoid or reduce impacts, 3) require feasible mitigations, 4) disclose significant unavoidable impacts, 5) foster interagency review, and 6) enhance public participation in the planning process. Staff is confident that the 2030 Plan Final PEIR was prepared in compliance with CEQA, reflects the independent judgment of the City, and requests that the City Council certify the Final PEIR.

The 2006-2014 Housing Element is not included at this time in the 2030 General Plan. Comments specific to the Housing Element are not included in the Final PEIR but will be addressed as part of the Housing Element adoption process. Comment letters received separately from the two PEIR comment periods are attached (Attachment 5) and divided into three groups: 1) comments on multiple topics, 2) specific comments, and 3) Ormond Beach. CEQA does not require written responses to comments received outside of the two formal PEIR comment periods.

CONSIDERATION OF THE 107-ACRE PARCEL AT 1853 CAMINO DEL SOL

The 107-acre parcel located at 1853 Camino Del Sol (Parcel) has 2020 General Plan designations of Residential Low (95.4 acres), Open Space Buffer (5.1 acres) and Commercial Neighborhood (6.5 acres). The Final Draft 2030 General Plan proposes a redesignation to Park (34.0 acres), Residential Low Medium (66.4 acres), Commercial General (6.6 acres), and Urban Village. The Urban Village designation encourages mixed use, flexible development standards, and an overall design theme but does not increase the allowed uses set by the proposed 2030 General Plan land use designations. The maximum number of residential units which would be permitted by the 2020 and 2030 designations are approximately 668 and 797, respectively, an increase of 19 percent. The increase will allow for an affordable housing component of at least 15 percent, to be determined by a Development Agreement. A maximum of 85,000 square feet of commercial use is permitted under both the 2020 and 2030 General Plans. The 2030 General Plan includes a 34 acre public park while the 2020 General Plan had linear buffer parks totaling 5.1 acres.

The Urban Village designation requires that a design concept be developed prior to accepting any application to amend the Northeast Community Specific Plan (NECSP) in which the Parcel is located. The proposed design concept will continue desirable design aspects from the NECSP, introduce design and amenity components that further encourage walkability and transit usage and create a sense of place and focal point for this area of the city. Any development of the Parcel would require an amendment to the NECSP and a Subsequent EIR.

Councilmember Dean Maulhardt has an approximate 12% beneficial interest in a trust which owns the Parcel. Under FPPC regulations, 2 Cal.Admin. Code section 18709, decisions regarding the potential environmental impacts of the proposed Final Draft 2030 Plan may be separated from and made by the City Council prior to the consideration of the Final PEIR as a whole and without the participation of the interested Councilmember. The Councilmember may then participate in consideration of other issues relating to certification of the Final PEIR for the 2030 General Plan.

FINANCIAL IMPACT

There is no significant financial impact due to the certification of the Final PEIR.

Attachments
1 – Response to Comments on the Draft PEIR
2 – Draft PEIR for the 2030 General Plan (Volumes I and II)
3 – Recirculated Draft PEIR
4 – Final Draft Oxnard 2030 General Plan Goals and Policies, Background Report, and Issues and Alternatives Report
5 – Comments Received Outside of the EIR Comment Periods
6 – City Council Resolution of PEIR Certification

Note: Attachments 1 to 5 have been provided to the City Council. Copies are available for review on the City's Internet site (www.ci.oxnard.ca.us) and at the Circulation Desk in the Library after 6:00 p.m. on the Thursday prior to the Council meeting and at the City Clerk's Office after 8:00 a.m. on Monday, January 25, 2010.

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD CERTIFYING FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 09-01 (SCH #2007041024) FOR THE FINAL DRAFT OXNARD 2030 GENERAL PLAN, ALTERNATIVE B (PZ 10-620-01). FILED BY CITY OF OXNARD, PLANNING DIVISION, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City of Oxnard has proposed to adopt a 2030 General Plan that is a comprehensive update and reformat of its existing 2020 General Plan, encompassing all elements of the existing 2020 General Plan except for the Housing Element; and

WHEREAS, the Housing Element is being prepared under a separate consistent process and when adopted will become incorporated into the 2030 General Plan; and

WHEREAS, the Oxnard 2030 General Plan contains the goals and policy framework to achieve the desired vision expressed by the residents; and

WHEREAS, the 2030 General Plan is composed of two Operative Documents and three Supporting Documents and individuals, groups, and agencies have had numerous opportunities to review and comment on the 2030 General Plan Operative and Supporting documents; and

WHEREAS, the Planning Commission has held four public hearings and received and considered oral and written testimony on the Final Program Environmental Impact Report No.09-01 ("Final PEIR") (State Clearinghouse # 2007041024) for the 2030 General Plan; and

WHEREAS, on January 21, 2010, the Planning Commission of the City of Oxnard thoroughly reviewed and recommended that the City Council certify the Final PEIR and found that the PEIR was prepared in accordance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council; and

WHEREAS, all comments submitted timely during the two public review and comment periods regarding the contents and adequacy of the Draft and Five Recirculated Sections of the PEIR were responded to adequately in the Final PEIR; and

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

NOW, THEREFORE, the City Council of the City of Oxnard certifies that Final Program Environmental Impact Report No.09-01 (State Clearinghouse # 2007041024) for the Final Draft 2030 General Plan was completed in compliance with the California Environmental Quality Act, reflects the independent judgment of the city, was presented to the City Council, and that the City Council reviewed and considered the information contained in the PEIR and comments received outside the formal EIR comment periods prior to taking final action on the Final Draft 2030 Oxnard General Plan.

PASSED AND ADOPTED this 26th day of January, 2010, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Alan Holmberg, City Attorney

ATTACHMENT 6
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