



Meeting Date: 3/2/2010

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Res. No(s).	<input type="checkbox"/> Report
<input type="checkbox"/> Ord. No(s).	<input checked="" type="checkbox"/> Public Hearing
<input type="checkbox"/> Other	<input type="checkbox"/> Other _____

Prepared By: Kathleen Mallory, AICP, Contract Planner *K. Mallory* Agenda Item No. L-1  
 Reviewed By: City Manager *AM* City Attorney *Fischer* Finance *SMF* N/A Other (Specify) *N/A*

**DATE:** March 2, 2010

**TO:** City Council

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

**SUBJECT:** Certification of the Ormond Beach Specific Plan Projects Final Environmental Impact Report (EIR No. 05-03) (SCH 2005091094). Filed by City of Oxnard

**RECOMMENDATION**

That the City Council:

- a) Hold a hearing to take public comment on the Final Environmental Impact Report (FEIR) for the Ormond Beach Specific Plan projects.
- b) Adopt a resolution certifying the FEIR (No. 05-03) for the Ormond Beach Specific Plan projects.

**FINAL EIR DISCUSSION**

The California Environmental Quality Act (CEQA) provides that the purposes of the FEIR is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment, to list ways in which the significant effects of such a project might be minimized, and to indicate alternatives to such a project. In furtherance of these purposes, the FEIR prepared for the Ormond Beach Specific Plan projects analyzed and compared the proposed projects to five alternatives, and classified potential environmental impacts as follows:

- **Class I – Significant and Unavoidable Impact.** An impact that cannot be avoided or reduced below the level of significance given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved.
- **Class II – Significant but Mitigable Impact.** An impact that is potentially significant, but that can be reduced to below the significance level given reasonably available and feasible mitigation measures. Such an impact requires CEQA Findings to be made if the project is approved.
- **Class III – Less than Significant Impact.** An impact that may be adverse, but does not exceed the significance level and does not require mitigation measures under CEQA.

However, mitigation measures that could further lessen the minor adverse impacts may be recommended, if available and feasible.

- **Class IV – Beneficial Impact.** An effect that would reduce an existing environmental problem or hazard.

In May 2007, the City of Oxnard published the Ormond Beach Specific Plan Draft Environmental Impact Report (DEIR). The DEIR assessed the potential environmental implications of implementing two proposed specific plan projects. The May 2007 DEIR was circulated for public review and comment for a period of 60 days. During this timeframe, the Planning Commission conducted a public hearing on the DEIR on June 21, 2007. The City reviewed those comments to identify specific environmental concerns and determine whether any additional environmental analysis would be required to respond to issues raised in the comments. Based on that review, the City determined that several subjects addressed in the DEIR warranted additional analysis.

In July 2008, the City published the Revised DEIR (RDEIR); the public review period for the RDEIR was from July 24, 2008 to September 22, 2008. During this timeframe, the Planning Commission conducted a public hearing on the RDEIR on August 21, 2008. In response to public comments on the RDEIR, changes and corrections were made to several RDEIR sections. These changes are explained in Volume II of the FEIR document under Section 1.0, Responses to Comments, and Section 2.0, Corrections and Additions to the FEIR.

On November 23, 2009, the FEIR was made available to the public, including public commenting agencies; 18 days advance notice was provided to all commenters. On December 10, 2009, a public hearing was held before the Planning Commission on the FEIR. At this meeting, the Commission voted 4:1 to recommend City Council certification of the FEIR (see Attachment 5).

The FEIR is comprised of the following:

- Volume I – Environmental Impact Report, with incorporation of pages revised as a result of the RDEIR;
- Volume II – Response to comments, comment letters and corrections and additions to the FEIR; and
- Volume III – Technical Appendices

The following were major comment topics from all comment letters:

- Need to recirculate the RDEIR;
- Greenhouse Gas emissions, climate change, and sea level rise;
- Indirect impacts to sensitive offsite habitat and sensitive species (Natural Resource Management Program);
- Long term reliable water supply, status of groundwater credits and use of associated credit;
- Impacts on schools and need for facilities; and
- Project impacts on efforts to preserve wetland/resources.

The FEIR found that Class I significant and unavoidable impacts will occur with project implementation for the SouthShore project in the following environmental impact areas:

- Air Quality
- Agricultural Resources
- Noise
- Visual/Aesthetic Resources

All other environmental impacts were found within the FEIR to be less than significant with implementation of mitigating policies and programs.

The FEIR found that Class I significant and unavoidable impacts will occur with project implementation for the South Ormond Beach project in the following environmental impact areas:

- Air Quality
- Agricultural Resources
- Visual/Aesthetic Resources

All other environmental impacts were 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 requests that the City Council review and consider the Ormond Beach Specific Plan FEIR and certify that it has been completed in compliance with CEQA and reflects the independent judgment and analysis of the City.

## **FINANCIAL IMPACT**

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

### **Attachments:**

- 1 – Vol. I – EIR, with incorporation of pages revised as a result of the RDEIR
- 2 – Vol. II - Response to comments, comment letters and corrections and additions to the FEIR
- 3 – Vol. III – Technical Appendices (on CD)
- 4 - Comments Received Outside of the FEIR Comment Period
- 5 - Planning Commission Resolution No. 2009-41
- 6 - City Council Resolution of FEIR Certification

Note: Attachments 1-4 have been provided to the City Council under separate cover. Copies are available for review on the City's Internet site ([www.ci.oxnard.ca.us](http://www.ci.oxnard.ca.us)) and at the Help 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 Friday, February 26, 2010.

RESOLUTION NO. 2009-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING CITY COUNCIL CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT NO. 05-03 FOR THE ORMOND BEACH SPECIFIC PLAN PROJECTS (SCH #2005091094). THE SOUTHSHORE SPECIFIC PLAN 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. THE SOUTH ORMOND BEACH SPECIFIC PLAN PROJECT IS GENEALLY LOCATED ON THE SOUTH SIDE OF HUENEME ROAD, EAST OF EDISON DRIVE, WEST OF ARNOLD ROAD, AND NORTH OF COASTAL DUNES AND BEACH AREAS. THE SOUTHSHORE PROJECT IS FILED BY HEARTHSIDE HOMES/ITO FARMS, 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614 AND THE SOUTH ORMOND BEACH PROJECT IS FILED BY MARATHON LAND, ET. AL., P.O. BOX 579, PORT HUENEME, CA 93044-0579.

WHEREAS, the Planning Commission of the City of Oxnard has thoroughly reviewed and considered Final Environmental Impact Report No.05-03 (State Clearinghouse # 2005091094) (the "FEIR") for the SouthShore and South Ormond Beach Specific Plan Projects (the projects), which has been prepared in accordance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends City Council certification of the FEIR determining that this document was completed in compliance with CEQA and that this document reflects the City of Oxnard's independent judgment and analysis.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 10<sup>th</sup> day of December, 2009, by the following vote:

AYES: Commissioners: Medina, Mullin, Sanchez, and Okada

NOES: Commissioners: Frank

ABSENT: Commissioners: Dean and Elliott



Deirdre Frank, Chair

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary

ATTACHMENT 5  
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**CITY COUNCIL OF THE CITY OF OXNARD**

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 05-03 FOR THE ORMOND BEACH SPECIFIC PLAN PROJECTS (SCH #2005091094). THE SOUTHSORE PROJECT IS FILED BY HEARTHSIDE HOMES/ITO FARMS, 6 EXECUTIVE CIRCLE, SUITE 250, IRVINE, CA 92614 AND THE SOUTH ORMOND BEACH PROJECT IS FILED BY MARATHON LAND, ET. AL., P.O. BOX 579, PORT HUENEME, CA 93044-0579**

WHEREAS, on May 2007, the City of Oxnard published the Ormond Beach Specific Plan Draft Environmental Impact Report (DEIR) which assessed the potential environmental implications of implementing two proposed specific plan projects.

WHEREAS, the May 2007 DEIR was circulated for public review and comment for a period of 60 days and during this timeframe, on June 21, 2007 the Planning Commission conducted a public hearing on the DEIR.

WHEREAS, the City reviewed those comments to identify specific environmental concerns and determine whether any additional environmental analysis would be required to respond to issues raised in the comments and based upon that review, the City determined that several subjects addressed in the DEIR warranted additional analysis.

WHEREAS, in July 2008, the City published the Revised DEIR (RDEIR); the public review period for the RDEIR was from July 24, 2008 to September 22, 2008 and during this timeframe, on August 21, 2008 the Planning Commission conducted a public hearing on the RDEIR.

WHEREAS, in response to public comments on the RDEIR, changes and corrections were made to several RDEIR sections and these changes are memorialized in Volume II of the FEIR document under Section 1.0, Responses to Comments, and Section 2.0, Corrections and Additions to the FEIR.

WHEREAS, on November 23, 2009, the FEIR was made available to the public, including public commenting agencies; 18-days advance notice was provided to all commenter's.

WHEREAS, the Planning Commission has held a public hearing on December 10, 2009, at which it received and considered oral and written testimony on Final Environmental Impact Report No.05-03 (State Clearinghouse #2005091094) (the "FEIR") for the Ormond Beach Specific Plan Projects; and

WHEREAS, the Planning Commission of the City of Oxnard thoroughly reviewed and recommended that the City Council certify the FEIR and found that the FEIR was completed in compliance with the California Environmental Quality Act (CEQA) and Resolution No. 10,851, as amended, of the City Council; and

WHEREAS, the City Council of the City of Oxnard has thoroughly considered the FEIR for the Ormond Beach Specific Plan Projects and has held a public hearing at which it received and considered oral and written testimony on the FEIR; and

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

WHEREAS, the documents and other material that constitute the record of proceedings upon which the FEIR is 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:

1. Final Environmental Impact Report No.05-03 (State Clearinghouse #2005091094) ) for the Ormond Beach Specific Plan projects was completed in compliance with the California Environmental Quality Act;
2. The FEIR was presented to the City Council, and that the City Council reviewed and considered the information contained in the FEIR and comments received outside the formal EIR comment periods prior to taking final action on the projects; and
3. The FEIR reflects the independent judgment and analysis of the City.

PASSED AND ADOPTED this 2<sup>nd</sup> day of March, 2010, by the following vote:

AYES:

NOES:

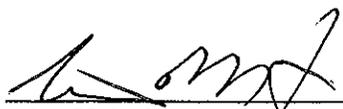
ABSENT:

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

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan Holmberg, City Attorney