



Meeting Date: 03 / 23 / 10

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

Prepared By: Kathleen Mallory *K. Mallory* Agenda Item No. I-4
 Reviewed By: City Manager *[Signature]* City Attorney *SMT* Finance *[Signature]* Other (Specify) _____

DATE: March 12, 2010

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager *[Signature]*
 Development Services Department

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 adopt the attached resolution of approval certifying the Final Environmental Impact Report (FEIR) for the Ormond Beach Specific Plan projects.

DISCUSSION

On March 2, 2010 the City Council considered certification of the FEIR for the Ormond Beach Specific Plans. At this meeting, the City Council approved the resolution pending a revision to the resolution to reflect concerns regarding the effectiveness of the raptor foraging habitat mitigation specified within Biology Mitigation Measure No. 2. The FEIR certification resolution has been revised to state that, at the time the City Council considers approving the Ormond Beach Specific Plan Projects, it will consider adopting an Adaptive Management Plan which identifies mitigation that is comparable to the mitigation measure recommended in the FEIR, consists of open space and/or fees to be determined by the Development Agreements for the Projects, and designates the City as the agency responsible for carrying out the mitigation. City Council consideration of the Development Agreement and entitlement permits will be considered in the future.

Attachment:
 1 – FEIR Resolution of approval

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

ATTACHMENT

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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

WHEREAS, CEQA does not require the City to adopt every mitigation measure recommended in the FEIR and permits the City Council to find at the time of project approval that a mitigation measure is infeasible or that mitigation measures have been incorporated into the Ormond Beach Specific Plan Projects that would be equally effective in mitigating an identified significant environmental effect.

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.
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.

PASSED AND ADOPTED this 23rd 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