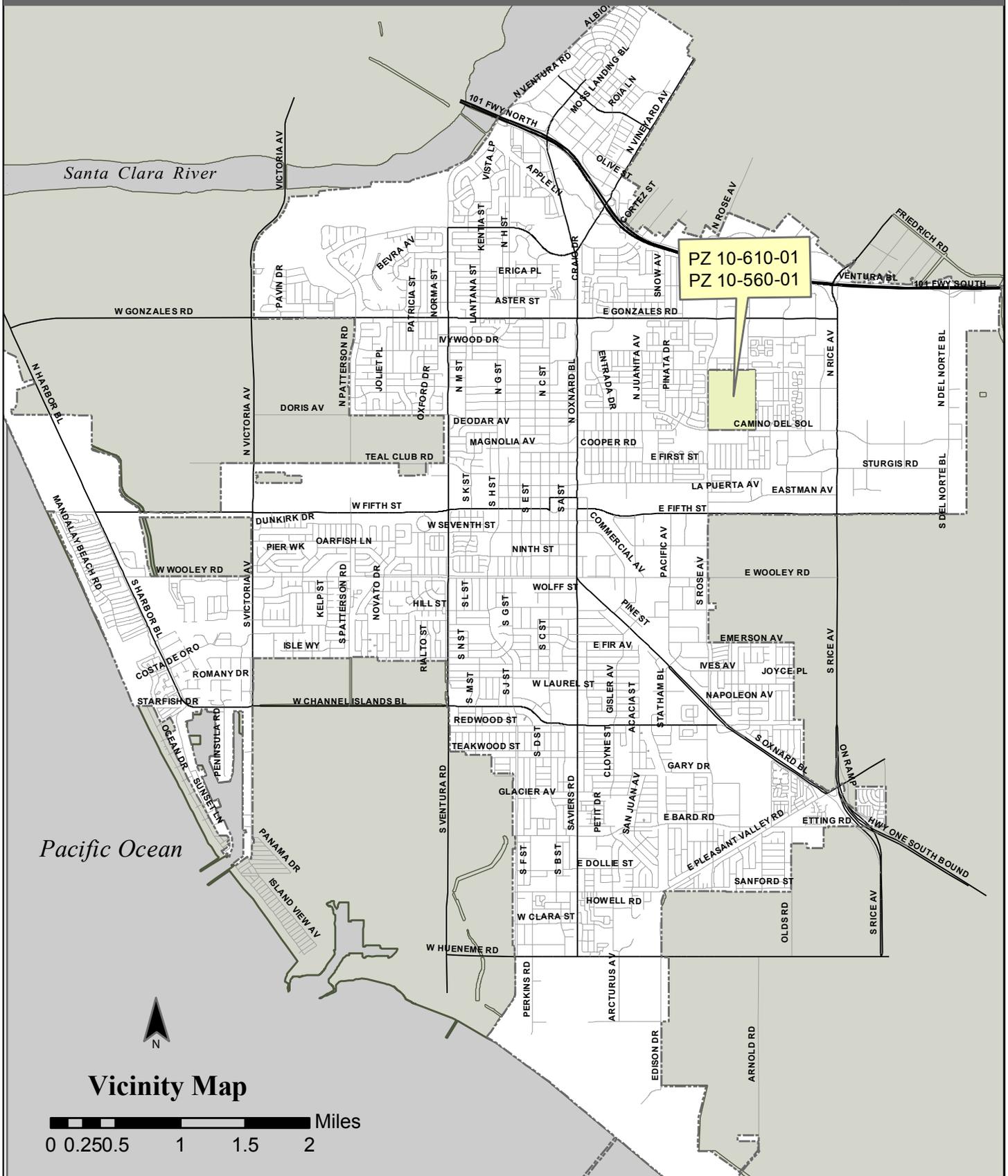


Attachment

A. Maps (Vicinity, General Plan, Zoning)

Vicinity Map

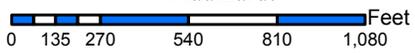
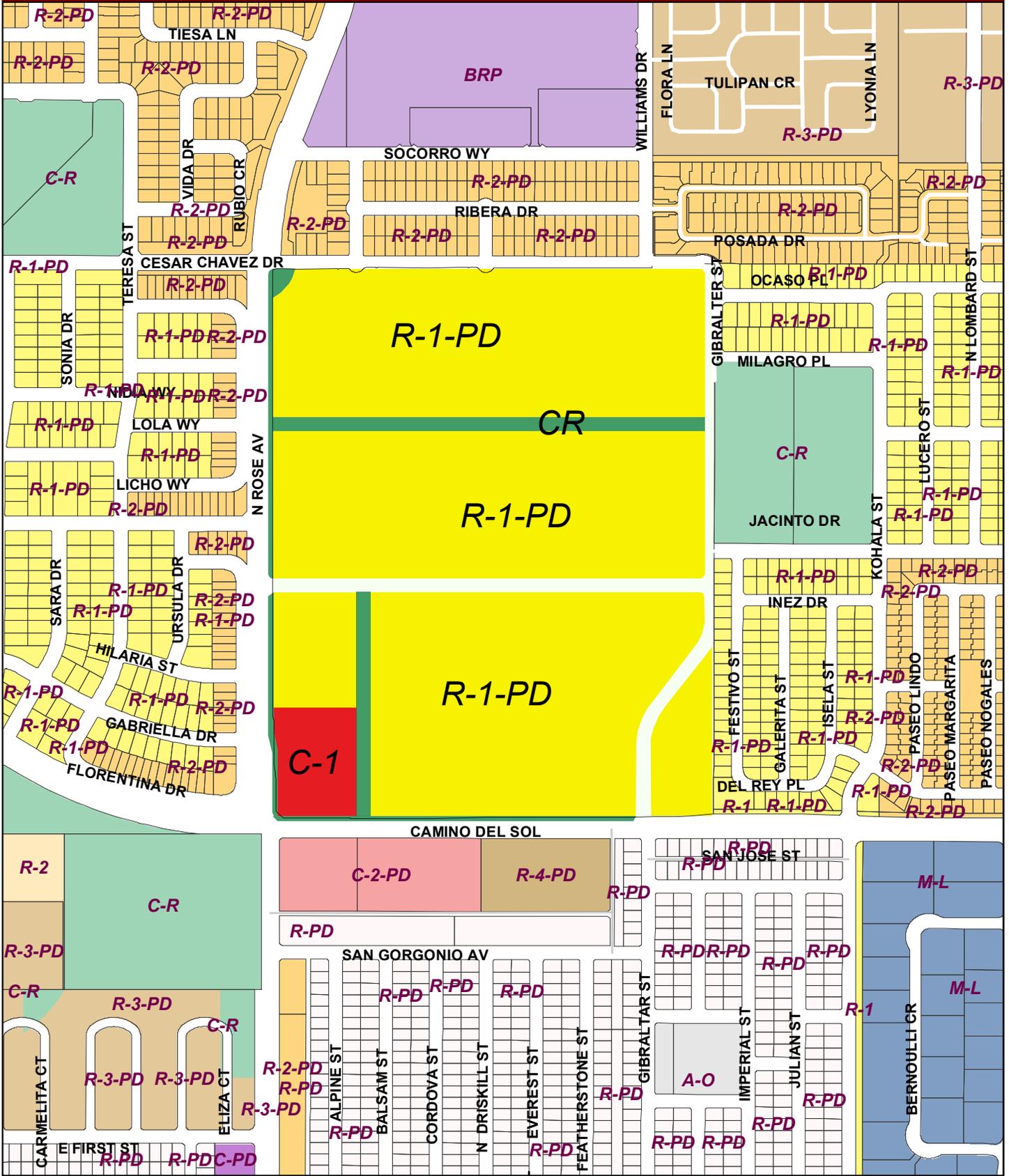


PZ 10-610-01
PZ 10-560-01

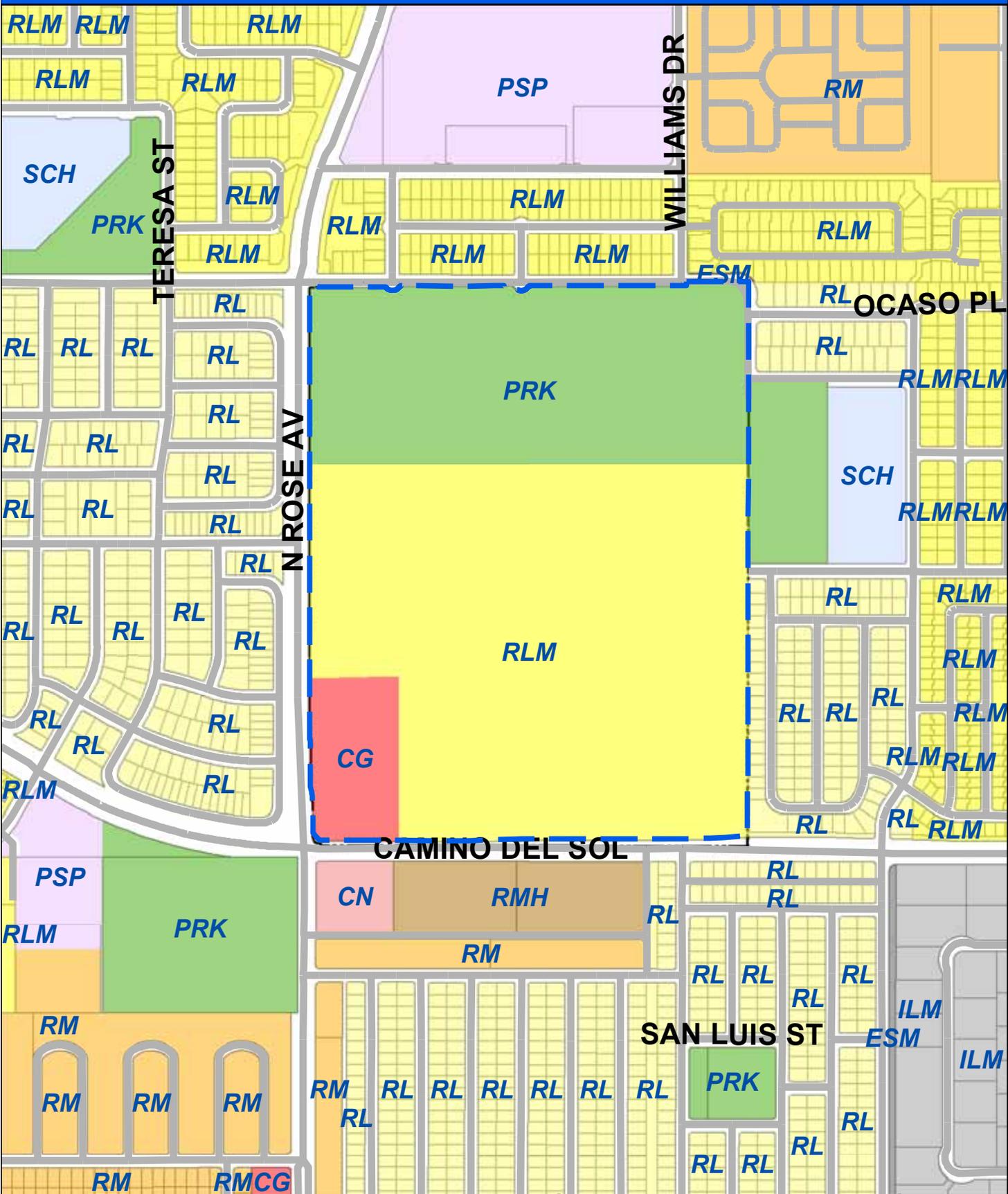
Vicinity Map

0 0.250.5 1 1.5 2 Miles

Pre-Zone Map

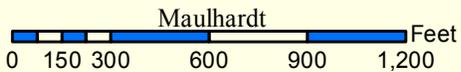


2030 General Plan Land Use Map



Oxnard Planning
August 15, 2012

PZ 10-610-01, 10-560-01
Location: 1853 Camino Del Sol
APN: 214002059



2030 General Plan Land Use Map



1:7,000

Attachment

B. Draft East Village Annexation EIR (previously distributed)

Attachment

C. Final East Village Annexation EIR (previously distributed)

Attachment

D. EIR Certification Resolution, Findings of Fact, and Statement of Overriding Considerations.

RESOLUTION NO. 2012-[EIR 11-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY RECOMMENDING CITY COUNCIL CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT NO. 11-01 AND APPROVAL OF THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EAST VILLAGE PHASE III ANNEXATION LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595). FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030

WHEREAS, the Planning Commission of the City has thoroughly reviewed and considered Final Environmental Impact Report No.11-01 (SCH # 2011031024) (FEIR) for the East Village Phase III Annexation, 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 held a public hearing on the Draft EIR on April 19, 2012 and received and considered oral and written testimony on the FEIR; and

WHEREAS, the Findings of Fact is prepared and attached as Exhibit A for each significant environmental impact identified in the FEIR that include the ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the substantial evidence supports the conclusion in compliance with CEQA Guidelines §15091; and

WHEREAS, the Statement of Overriding Considerations is prepared and attached as Exhibit B that explains why the City is willing to balance the benefits of the East Village Phase III Annexation against unavoidable significant impacts in compliance with CEQA Guidelines §15092 and §15093; and

WHEREAS, the Mitigation Monitoring and Reporting Program is prepared and incorporated by reference (Exhibit A within the Final EIR) that ensures compliance with mitigation measures during the development of the East Village Phase III Annexation in compliance with CEQA Guidelines §15091(d) and §15097; and

WHEREAS, the FEIR incorporates by reference the 2030 General Plan Program EIR and associated Statement of Overriding Considerations for cumulative significant adverse impacts; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City recommends City Council certification of the FEIR and City Council adoption of Findings of

Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring And Reporting Program, and has determined that these documents were completed in accordance with CEQA and that these document reflect the City's independent judgment and analysis.

Resolution 2012-

Page 2 of 2

PASSED AND ADOPTED by the Planning Commission of the City on this 20th day of September, 2012, by the following vote:

AYES:

NOES:

ABSENT:

Anthony R. Murguia, Chair

ATTEST:

Susan L. Martin, Secretary

EXHIBIT A

Findings of Fact

SECTION I: INTRODUCTION

The following findings are based in part on the information contained in the Final Environmental Impact Report (EIR) for the East Village Phase III Annexation project (EIR 11-01) as well as additional facts found in the complete record of proceedings.

As defined by Section 15050 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines), the City is serving as "Lead Agency," responsible for preparing the EIR for the proposed East Village Phase III Annexation project.

In accordance with the requirements of the CEQA, the City of Oxnard (City) prepared an Initial Study on the proposed application for annexation of East Village Phase III project site to the City. A Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study was circulated for public review from November 5, 2010 to November 29, 2010. Based on the comment letters received, the City determined that an EIR would be prepared.

Comments from identified responsible as well as interested parties on the scope of the EIR were solicited through a Notice of Preparation (NOP) process. The NOP for the EIR was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011. All NOP comments relating to the EIR were reviewed and the issues raised in those comments, as well as the issues raised in comment letters submitted on the MND, were addressed in the Draft EIR.

In accordance with Section 15152 and 15168 of the CEQA Guidelines and Public Resources Code Section 21094, the environmental analysis for the proposed annexation project was tiered from three previously approved environmental documents:

- 1) City of Oxnard 2030 General Plan Program EIR;
- 2) Groundwater Recovery Enhancement and Treatment (GREAT) Program EIR; and
- 3) Northeast Community Specific Plan (NECSP) EIR.

Compared to the analysis contained in the previously circulated Initial Study/MND, the Draft EIR determined that the Project would: 1) have the potential to result in two project-level significant unmitigated impacts (aesthetic/visual and agricultural resources), 2) not have the potential to result in more significant off-site impacts and cumulative impacts, and 3) not have substantial new information which was not known at the time the 2030 General Plan Program or the GREAT Program EIRs were certified and is now determined to have greater adverse impacts than analyzed in the 2030 General Plan or the GREAT Program EIRs for the following eight issues:

1. Agricultural Resources¹
2. Air Quality²

1 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

2 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

3. Cultural Resources
4. Geology and Soils and Seismicity
5. Hydrology and Water Quality
6. Noise³
7. Mineral Resources
8. Population and Housing (Socioeconomics in the NECSP EIR)

These eight issues were not examined in the Draft EIR after the presentation in Section IV.A of a summary of their impacts and mitigations contained in the NECSP EIR, the certified 2030 General Plan Program EIR and the GREAT Program. The respective mitigations of all these documents remain in place and enforceable.

Based on a review of environmental issues by the Lead Agency, the MND, and the responses to the NOP the Draft EIR presented and updated analyses for the following environmental issues in the context of an EIR:

1. Aesthetics
2. Land Use and Planning
3. Traffic and Circulation⁴
4. Public Services and Utilities (and Schools)
5. Biological Resources
6. Greenhouse Gases⁵
7. Hazards and Hazardous Materials

The Final EIR evaluated the environmental impacts of the proposed East Village Phase III Annexation project, which consists of a series of related discretionary actions requested of the City including the following entitlements from the City and, separately, by Responsible Agencies:

City of Oxnard (Lead Agency):

- PZ 10-610-01: Annexation to the City
- PZ 10-576-01: Adoption of City pre-zoning designations

Calleguas Municipal Water District and MWD (Responsible Agency)

- Annexation to the Calleguas Municipal Water District

Ventura County Local Agency Formation Commission (Responsible Agency)

- Detachment from the Ventura County Fire Protection District

3 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

4 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

5 The Oxnard 2030 General Plan Program EIR found a significant unavoidable adverse impact for which a statement of overriding considerations was prepared.

Detachment from the Ventura County Resource Conservation District
Detachment from County Service Area No. 32

Subsequent to the City's approval, the City will apply to the Ventura County Local Agency Formation Commission (LAFCO) for annexation of the Project into the City and detachment from the County of Ventura. Several unrelated annexations and detachments may be bundled with this action.

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City Council's decision on the East Village Phase III Annexation project consists of the following:

All reports, studies, maps, plans, and correspondence received from the applicant in connection with the proposed project;

The Notice of Intent to Adopt a Mitigated Negative Declaration (MND 10-03) along with the Initial Study, which was circulated for public review from November 5, 2010 to November 29, 2010;

The project NOP, which was circulated for a 30-day review period starting on March 7, 2011 and ending on April 7, 2011;

All written comments received in response to the MND and the NOP;

The East Village Phase III Annexation Draft EIR (dated February 2012), including all of its appendices, which was circulated for public review from March 9, 2012 to May 3, 2012;

Copies of all letters received by the City during the public review period for the East Village Phase III Annexation Draft EIR;

The meeting minutes from the April 19, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Draft EIR⁶;

Responses to significant environmental points raised in the letters concerning the Draft EIR and the comments made at the April 19, 2012 Oxnard Planning Commission public hearing;

The East Village Phase III Annexation Final EIR (dated August 2012), including all of its appendices;

The meeting minutes from the September 20, 2012 public hearing held by the Oxnard Planning Commission to receive comments on the Final EIR and to consider the project⁷; and

The Mitigation Monitoring and Reporting Program (i.e., Section IV of the Final EIR).

The Final EIR and all documents identified above are hereby incorporated by reference and are available for review at the City Development Services Department, 305 West Third Street, Oxnard, California.

SECTION II: FINDINGS OF FACT

The following findings are made in order to approve and certify the Final EIR:

1. The EIR contains all of the mandatory contents of Environmental Impact Reports, as contained in Sections 21000-21177 of the California Public Resources Code. In addition, all of the procedures for preparation

⁶ Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.

⁷ Edited to include only that testimony which was relevant to the East Village Phase III Annexation Project.

and review of Environmental Impact Reports required by Article 7 of the CEQA Guidelines have been complied with.

Finding No. 1:

The City Council hereby finds that the EIR for the East Village Phase III Annexation project has been prepared in compliance with CEQA. City staff reviewed the document for accuracy, consistency, and completeness prior to its release for public review. Therefore, it is found that the EIR document reflects the independent judgment of the City.

2. Pursuant to Section 15091 of the CEQA Guidelines:

“No 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 of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) 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.*
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR.”*

The following environmental impact findings on specific environmental issues are made in order to approve the project:

A. Agricultural Resources

Conversion of Farmland of Statewide Importance

The proposed conversion of the existing agricultural land at the annexation site would be considered significant under the California Agricultural Land Evaluation and Site Assessment (LESA) system scoring thresholds.

- 1) 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.

The Final EIR includes the following mitigation measure to reduce the impact associated with the loss of the site from agricultural production:

Mitigation Measure AG1:

The project developer shall offer at cost the top 12 inches of the Prime Farmland (approximately 100 acres) soils for relocation to a farm site or farm sites that have lower quality soils. The cost will include the suitable replacement soil, if needed for site improvements. This offer may occur in phases in tandem with actual phased development.

The mitigation measure would allow that no agricultural soils are lost as a result of the project, but cannot guarantee that outcome. The project would result in the permanent conversion of a quality agricultural site to non-agricultural uses. This would be an unavoidable significant impact even with the implementation of the mitigation measure and with recognition that the project site has been planned for conversion to urban use since 1993. Alternatives to the proposed project, were, therefore considered.

Analysis of the project alternatives included consideration of a No Project Alternative, a 2030 General Plan Alternative, and an Urban Village Alternative. The EIR identified that only the No Project Alternative would reduce the impact associated with the loss of the site from agricultural production. However, this alternative would not satisfy any of the identified project objectives. This alternative also would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. The EIR also concludes that it is unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition and that other land use plans for the site would be proposed if the proposed project were to be denied by the City.

A **Statement of Overriding Considerations** has been prepared and adopted for the unavoidable and significant impact associated with the loss of the site from agricultural production.

Other changes in the existing environment which could result in conversion of farmland to non-agricultural use

The proposed project would be constructed on a site to be annexed by the City that has been planned for conversion from agriculture to urban uses. Further, the project site is not adjacent to any other agricultural uses, but rather is surrounded by urban development on all four sides. Therefore, there would be no unanticipated actions that could cause other land in the vicinity of the

project site to convert from agriculture to non-agriculture uses.

Finding No. 2:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to agricultural resources and land use have been identified in the EIR and are included in the Mitigation Monitoring and Reporting. The project alternative identified in the Final EIR capable of reducing the loss of the site from agricultural production to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

B. Air Quality

Construction-related activities are generally short-term in duration and the Ventura County Air Pollution Control District (VCAPCD) does not recommend any thresholds of significance for construction-related emissions. Instead, the VCAPCD bases the determination of significance on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by the Ventura County Air Quality Assessment Guidelines relating to construction activities are implemented for a project, then construction emissions are not considered significant.

The completed project would likely have significant adverse impacts for both ROG and NOx. Mitigation measures are routine conditions of approval that would reduce these impacts and, if the post-mitigation emissions are still above the threshold, allow for a “buy-down” of the remaining project-level operational impacts.

- 1) 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.

The Final EIR includes the following mitigation measures to reduce the potential emissions associated with construction and operational activities to the maximum extent feasible:

Mitigation Measure AQ1:

Apply sufficient water to all major soil disturbance areas to maintain a soil moisture of 4% in the upper 6” soil stratum. Other equally effective dust palliatives shall be used if drought conditions limit water availability.

Mitigation Measure AQ2:

Perform daily street sweeping at the conclusion of each workday up to a distance of 250 feet in either direction of any construction site access entrance until all on-site paving is completed.

Mitigation Measure AQ3:

Wash off any trucks leaving the site and wet down or tarp any trucks hauling away from the site.

Mitigation Measure AQ4:

Double sandbag all site perimeters adjoining traveled roads from November to April to prevent dirt from washing off the site and being pulverized by passing vehicles.

Mitigation Measure AQ5:

Establish landscaping within 90 days of the completion of grading, or hydroseed with a native plan mix as an interim ground cover to minimize wind erosion. Irrigate as necessary to sustain ground cover.

Mitigation Measure AQ6:

Terminate all grading, excavation and travel on unpaved surfaces when hourly average wind speeds exceed 30 mph. The contractor shall maintain contact with the APCD meteorologist for current average wind speeds.

Mitigation Measure AQ7:

Apply nonhazardous chemical stabilizers to all inactive portions of the construction site. When appropriate, see exposed surfaces with a fast-growing, soil binding plant to reduce wind erosion and its contribution to local particulate levels.

Mitigation Measure AQ8:

Provide rideshare incentives for all workers on the site.

Mitigation Measure AQ9:

Provide construction personnel parking off arterial roadways to minimize traffic interference.

Mitigation Measure AQ10:

Schedule receipt of concrete, asphalt, steel, and other materials from 9 a.m. to 3 p.m. as much as practically possible.

Mitigation Measure AQ11:

Restrict any lane closures of public roadways to the hours of 9 a.m. to 3 p.m.

Mitigation Measure AQ12:

Complete all street sweeping/washing of adjacent roadways by 4 p.m.

Mitigation Measure AQ13:

Developer funding for lower emission or electric vehicle purchase for City use.

Mitigation Measure AQ14:

Plans for bus transit within the Specific Plan area shall be coordinated with the Oxnard Traffic and Transportation Manager.

Mitigation Measure AQ15:

Developer funding of traffic signal synchronization for computers, telemetry and other hardware improvements.

Mitigation Measure AQ16:

Use of air-conditioned cabs in heavy construction and grading equipment where possible.

Mitigation Measure AQ17:

Use of chemical dust palliatives that stabilize soil and reduce fugitive dust.

The MND included nine mitigations (C-1 to C-9). Some of these duplicate or overlap with the 17 EIR mitigation measures listed above, in which case the MND mitigation shall prevail.

Mitigation Measure C-1:

The developer shall prepare and submit an Air Emissions Mitigation Plan for Dust Control. This Plan shall be included as part of the construction contract and submitted to the City for review and approval prior to the issuance of grading permits. This plan shall include the following elements:

Fugitive dust throughout the construction site shall be controlled by the use of a watering truck or equivalent means, generally at least three times a day (except during and immediately after rainfall). Water shall be applied to all unpaved roads, unpaved parking areas or staging areas, and active portions of the construction site. Environmentally-safe dust control agents may be used in lieu of watering.

Revegetate or apply APCD-approved chemical soil stabilizers to all inactive portions of the construction site that are inactive for four or more days.

Suspend or curtail all excavation, earth moving, and grading operations during episodes of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties) to prevent fugitive dust from being a nuisance or hazard.

Material transported in trucks off site shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b)(F), (e)(2), and (e)(4) as amended. Material transported on site shall be sufficiently watered or secured to prevent fugitive dust.

Inform all employees involved in grading operations on the project to wear face masks during dry periods to reduce inhalation of dust.

Signs shall be posted on-site requiring traffic speeds to not exceed 15 miles per hour.

Sweep streets at the end of the day if visible soil material is carried over to adjacent streets and roads.

At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust.

Mitigation Measure C-2:

Maintain equipment engines in good condition and in proper tune as per manufacturer's specifications. Minimize idling time. Prohibit the use of on-site electric generators, and connect to utility lines adjacent to the project site.

Mitigation Measure C-3:

If feasible, use alternatively fueled construction equipment, such as compressed natural gas (CNG), liquefied natural gas (LNG), or electric.

Mitigation Measure C-4:

During construction, contractors shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall penetrate sufficiently to minimize fugitive dust during grading activities.

Mitigation Measure C-5:

A temporary fence around the project site shall include an opaque visual barrier up to 6 feet high. The fence shall include signs identifying the name, telephone number, and emergency contact information for the contractor(s) responsible for the site, construction activities, and rectifying any nuisance conditions.

Mitigation Measure C-6:

Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements.

Mitigation Measure C-7:

As stated in the VCAPCD Guidelines, applicants are required to mitigate environmental impacts associated with their projects to the greatest extent feasible. The following are those measures that could be feasibly implemented to mitigate operational phase air quality impacts of the proposed project:

Lighting for public streets, parking areas, and recreational areas shall utilize energy-efficient mechanical, computerized, or photo cell switching devices to reduce energy usage.

Energy-efficient, automated controls for air conditioners shall be installed into proposed buildings to reduce energy consumption and emissions.

Automatic lighting on/off controls and energy-efficient lighting shall be installed into proposed buildings to reduce electricity consumption and associated emissions.

Light-colored roofing materials as opposed to dark roofing materials shall be used on proposed buildings. Light colored materials reflect sunlight and minimize heat gains in buildings. This measure would lessen the overall demand for mechanical air conditioning systems.

Wall and attic insulation shall be provided in proposed buildings beyond the requirements of Title 24, California Code of Regulations.

Built-in energy-efficient appliances shall be installed into proposed buildings.

Special sunlight filtering window coatings or double-paned windows shall be installed into proposed buildings to reduce thermal gain in hot weather and loss in the cold weather, thus reducing emissions associated with heaters and air conditioners.

Mitigation Measure C-8:

All project construction and site preparation operations shall be conducted in compliance with all applicable Ventura County APCD Rules and Regulations with emphasis on Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive dust), and Rule 10 (Permits Required).

Mitigation Measure C-9:

After final project plans have been reanalyzed with CalEEMod assuming the implementation of all other applicable and feasible mitigation measures, the project developer shall contribute an amount determined by the VCAPCD cumulative “buy-down” mitigation formula to a TDM fund paid to and managed by the City as individual building are developed. The TDM fee is allocated based on each development’s share of average daily trips (ADT) for the project buildout. The ADT shall be recalculated annually by the City Traffic Engineer

Finding No. 3:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for project impacts relating to air quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce project impacts relating to air quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Air Quality Impacts

Cumulative development impacts for the northeast area of Oxnard are addressed in the Oxnard 2030 General Plan Final Program Environmental Impact Report (Final EIR) that was certified by the Oxnard City Council on October 11, 2011 and incorporated by reference. Both the 2020 and 2030 General Plans anticipate annexation and subsequent development of the project site and the 2030 General Plan Final EIR found that the Regional Air-Quality Non-Attainment (Impact 5.7-2), and Exposure of Sensitive Receptors of Substantial Pollutant Concentrations (Impact 5.7-4) are significant and unavoidable cumulative impacts for which overriding considerations were made.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with air quality due to Basin non-attainment and the exposure of sensitive receptors to substantial pollutant concentrations.

Finding No. 4:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects to air quality of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report .

C. Cultural Resources

Section 5.6 (pages 5-115 to 5-121) of the NECSP EIR contains a description of the regional cultural resources setting, the findings of the 1990 Cultural Resources Survey and Impact Assessment (Singer and Atwood) completed for the entire NECSP area, an archaeological/historical records check completed within a one-mile radius of the entire NECSP site, and a finding that there are no unavoidable adverse impacts. Previous CEQA documentation for the project site (2020 General Plan EIR, NECSP EIR, and 2030 General Plan Program EIR) did not identify any historical structures or archaeological resources. Historical structures in the City are generally located within the Cultural Heritage District and Heritage Square in the downtown area. No impact is expected to historical resources as a result of the project as the project site has not significantly changed since the NECSP Final EIR was certified in terms of cultural resources.

Regarding paleontological resources, the 2030 General Plan Program EIR (page 5-24) indicates that because the Planning Area consists of relatively flat, alluvial plains, the probabilities for prehistoric sites would likely be low in the area south, including the project site, of the Santa Clara

River (due to extensive erosion and sedimentation). Therefore, paleontological resources are not expected to occur on the project site. No impact is expected to paleontological resources, and no mitigation measures are necessary

The previously circulated MND described how the Development Services Department standard condition of approval No. 144 would be placed on subsequent physical development requiring a grading and/or building permit to contract with a qualified archaeologist to conduct a Phase I cultural resources survey of a development site prior to issuance of any grading permits. Standard condition of approval No. 144 requires a Native American monitor to be present during all subsurface grading, trenching or construction activities.

A comment letter received on the Draft EIR from the County of Ventura, Cultural Heritage Board staff (Letter No. Doner) states that there is evidence that there is potential historical or architectural significance to the existing buildings on the project site and recommends that a Historic Resources Survey of the subject property be performed. To comply with this request, Mitigation Measure CR2 was added the Final EIR.

- 1) 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.

The Final EIR includes the following mitigation measures to reduce the impact associated with archeological and historic resources:

Mitigation Measure CR1:

In the event that archaeological resources are uncovered during construction, work in the vicinity of the find should be temporarily suspended until a qualified archaeologist can evaluate the find. Once the find has been examined, evaluated, and an appropriate mitigation plan for significant resources has been developed, construction or excavation work in the area may be continued.

Mitigation Measure CR2:

Prior to the alteration, relocation or demolition of any structures or resources on the site for a proposed development project that could impact the existing on-site structures, the applicant shall retain a qualified architectural historian to prepare a Historic Resources Survey of the subject property. The survey shall identify and document all buildings, structures, and resources at least fifty years of age within the survey boundaries and determine their significance at the National and State Register level and at the local level. If any buildings, structures, or resources are determined to be historically significant, an architectural historian shall develop a full mitigation plan for review and approval by the City Planning Division.

Finding No. 5:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to cultural resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to cultural resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

D. Geology and Soils and Seismicity

Section 5.2 (pages 5-30 to 5-38) of the NECSP EIR contains a description of the regional geology and soils setting, location and list of abandoned oil wells, and a finding that there are no unavoidable adverse impacts.

Previous CEQA documentation for the project site (2030 General Plan Program EIR) include the project site as being within an area that has a high potential for seismic ground shaking from fault systems located in the vicinity of the City although there are no known active faults within City limits. There is no potential for landslides on or near the project site due to the level topography. Impacts will be less than significant. Required building codes anticipate and compensate for seismic and related geologic conditions. When actual site-specific development is proposed, required engineering studies will establish the appropriate type and level of construction for the type of subsurface soil conditions and ground water status. Therefore, there is no adverse impact related to geology and soils.

- 1) Changes or alterations have been required in, or incorporated into the project which avoid or further lessen the less than significant environmental effect as identified in the Final EIR.

The Final EIR includes the following mitigation measure to further reduce the potential geology and soils and seismicity impacts of the project:

Mitigation Measure GS1:

All grading and construction shall be accomplished in accordance with the applicable ordinances of the City.

Mitigation Measure GS2:

All future construction associated with the NECSP will confirm to the seismic requirements of the applicable Uniform Building Code.

Mitigation Measure GS3:

Site specific geotechnical studies will be required for future construction associated with the Specific Plan in order to determine appropriate site preparation and construction design recommendations.

Finding No. 6:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to geology and soils and seismicity have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to geology and soils and seismicity to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

E. Hydrology and Water Quality

Section 5.3 (pages 5-39 to 5-48) of the NECSP EIR contains a description of the regional hydrology setting, a discussion of groundwater overdraft, aquifers, water quality, agricultural wells, flooding, drainage, and a finding that there are no unavoidable adverse impacts.

The current project is fully consistent with the NECSP. The project site has not significantly changed since the NECSP Final EIR was certified in terms of hydrology and water quality resources. The current project is fully consistent with the NECSP and this statement and these mitigations continue forward as a part of the EIR for the East Village Phase III Annexation. Water quality impacts associated with the proposed uses would primarily be those from motor vehicles and landscape maintenance. The primary source of contaminants would be oil, grease, and particulates emitted by motor vehicles that are transported by runoff drainage. Under the new National Pollutant Discharge Elimination System (NPDES) stormwater quality requirements (Ventura County MS4 permit), large single lot developments will be able to accommodate the requirements either on each individual lot or by devoting a small basin to this use similar to the detention basins that can be found elsewhere in the NECSP. These basins may be able to do "double duty" in some circumstances. The project will incorporate best practices grassy bioswales and detention basins in order to filter the runoff and allow recharge of the groundwater.

The City is working cooperatively with local groundwater managers on local groundwater management programs. Continued implementation of existing groundwater management programs and the City's planned water recycling effort through its GREAT and Augmented M&I Supplemental Water Programs will help to ensure that the City will be able to meet long term water demands and ensure sufficient groundwater recharge. The proposed project will also implement the policies regarding continued adherence to the Ventura County Regional Water Quality (VCRWQ) Board Planning Program to ensure the sustainability of groundwater in the project area.

There are no surface water bodies or wetlands within the vicinity of the project site; however, existing absorption rates, drainage patterns, and runoff rates of the project site would be affected by an increase in impervious surfaces on-site. The proposed project will be required to comply with the NPDES program, which will result in cleaner water being directed into the City's storm drain system. This project will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) once the site is engineered for streets, etc. The SWPPP will be subject to review and approval by the City in order to verify compliance with applicable MS4 and NPDES requirements. Impacts are expected to be less than significant.

The project site is located outside of the 100-year and 500-year flood plain, is not in levee or flood risk area, and is not in a seiche, tsunami, or mudflow risk area (Figure 6-1 in the 2030 General Plan Program EIR).

These NECSP FEIR mitigations are now referred to as ‘adaptive management’ and the impacts are expected to be less than significant.

- 1) 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.

The Final EIR includes the following mitigation measure to reduce the impact associated with land use:

Mitigation Measure H1:

The project site will annex into the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.

Mitigation Measure H2:

Well abandonment will be conducted in accordance with the City Water Well permit standards.

Mitigation Measure H3:

To mitigate impacts associated with urban pollutants, drainage facilities to accommodate future development within the NECSP will be designed in accordance with the Oxnard Master Plan of Drainage and applicable regulations.

Mitigation Measure H4:

Prior to grading areas greater than five acres in size, developers will be required to obtain a California Regional Water Quality Control Board National Pollutant Discharge Elimination System (NPDES) permit and implement the requirements of the permit.

Finding No. 7:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hydrology and water quality have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to hydrology and water quality to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

F. Noise

Operational Noise

The City has established noise guidelines in the 2030 General Plan Program EIR that state noise levels that have an increase of 3 to 5 dBA are usually considered potentially significant for sensitive land uses. Operational noises from the project after completion will be typical for residential and commercial development (e.g. doors and windows opening/closing, electrical devices, motors, ventilation, etc.) and is not expected to increase by 3 to 5 dBA CNEL. The project will be affected by noise from traffic along Rose Avenue and Camino del Sol. The 2030 General Plan Program EIR included a noise analysis based on 2030 traffic volumes that found significant impacts along eight roadway segments, none of which was Rose Avenue or Camino del Sol. All project structures will be constructed according to current California Building Code standards and City Code, including noise reduction in building materials. Therefore, project-level noise impacts will be less than significant, and mitigation is not required. It should be noted that the Draft EIR included mitigation measure N2 which required noise walls and/or setbacks along Gonzales Avenue. A comment letter received on the Draft EIR from the attorney for the project Applicant (Letter No. Kahn) stated that this mitigation measure was outside the intent and control of CEQA. As it was determined in the Final EIR that compliance with current California Building Code standards and City Code, including the Noise Insulation Standards of Title 24 of the California Code of Regulations, would help ensure an acceptable interior noise environment to project residents, mitigation measure N2 was deleted from the Final EIR.

Construction Noise

Construction of the project could generate noise impacts to adjacent residential and school uses. The City limits the hours of construction activities to Monday through Saturday from 7:00 a.m. to 6:00 p.m., and the City's noise ordinance regulates the volume and intensity of noise. Based on typical construction operations, it is expected that during the clearing and grading activities the equipment will include a scraper, dozer, blade, loader, and water truck. The average noise level is not anticipated to exceed 65 dB CNEL in outdoor areas near residential land uses. Because of the short-term duration of grading and construction activities, plus the City's existing noise ordinance, the potential noise impacts to adjacent residences are less than significant. However, a comment letter received on the Draft EIR from the Rio School District (Letter No. Krueger) requested an additional noise mitigation measure due to the proximity of Rio Rosales Elementary School to the project site to prevent the potential disruption of classroom activities. To comply with this request, Mitigation Measure N3 was added to the Final EIR.

- 1) 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.

The Final EIR includes the following mitigation measures to reduce the impact associated with construction noise:

Mitigation Measure N1:

Construction activities should be limited to weekdays, between the hours of 7 a.m. and 7 p.m.

Mitigation Measure N3:

In order to avoid disrupting nearby school operations, construction activities involving the use of heavy equipment, i.e., bulldozers, etc., should be limited to the summer months or when Rio Rosales Elementary School is not in session to the maximum extent feasible. Should construction activities take place during a period when school is in session, the project developer and/or the general contractor for the project shall communicate with the Principal of the adjacent Rio Rosales Elementary School regarding expected construction activity so that the school and contractor may work out a schedule where construction noise will not unduly interfere with classroom operations.

Finding No. 8:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to project-level construction noise have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to project-level construction noise to a less than significant level pursuant to Section 15091(a) (1) of the CEQA Guidelines.

Cumulative Noise Impacts

The Oxnard 2030 General Plan Program EIR serves as the cumulative description and impact discussion for this topic, just as the 2020 General Plan served as the cumulative description and impact discussion for the NECSP EIR. The Oxnard 2030 General Plan Program EIR did find traffic noise at 2030 buildout on selected road segments was a significant unavoidable adverse impact. That cumulative impact finding and overriding statement are incorporated into this EIR.

In the context of this EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A Statement of Overriding Considerations was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative impact associated with cumulative roadway noise

Finding No. 9:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific

overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects of roadway noise of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

G. Aesthetics

Visual Character and Quality

Section 5.10 (pages 5-154 to 5-158) of the NECSP EIR contains a description of the regional aesthetic setting, the NECSP area setting related to windrows and views, the conversion of the entire NECSP project site to urban uses, a cumulative 2020 General Plan buildout impact discussion, two mitigations (A1 and A2), and a finding that the loss of the mature windrow trees is an unavoidable adverse impact.

The western edge of the project site has mature windrows along the northbound lane of Rose Avenue. The City has a standard tree mitigation that recovers the value of removed mature trees in new landscaping and the City would require incorporation of existing mature healthy trees along Rose Avenue into the design of a widened Rose Avenue, to the maximum extent feasible. It is possible, however, that most or all of the windrow along Rose Avenue will be removed due to their health and/or infeasibility of widening Rose Avenue around the windrows. In this likely situation, despite the implementation of mitigation measure A2, there would be a significant unmitigated adverse project-level impact for loss of the windrow. The proposed project is anticipated to be a neo-traditional subdivision, resulting in a visual character that would be attractively designed, and which would be more consistent with the surroundings than active farming activities. Thus the proposed project would not further impact the existing visual character or quality of the project site.

Light and Glare

Existing uses in the vicinity of the project site are primarily residential uses and a school use, both of which are sensitive receptors. However, these land uses themselves contribute to the existing ambient nighttime light environment. Specific guidelines would limit or avoid excessive light spillage onto adjacent properties and to prevent the use of highly reflective building materials which cause glare the use of non- or low-reflective building materials to minimize glare. Thus, impacts from light and glare would be less than significant.

- 1) 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.

The Final EIR includes the following mitigation measures to reduce the impact associated with aesthetics:

Mitigation Measure A1:

The Specific Plan incorporates Design Guidelines to assure visual resource protection and development coordination based on planning, architectural, landscape, and engineering standards and guidelines.

Mitigation Measure A2:

Removal of windrow trees shall be subject to the following requirements:

A certified arborist report shall be required, which contains a description of the health of each tree.

A tree valuation report shall be provided for each trees (as prepared by a certified arborist) based upon, Valuation of Landscape Trees, Shrubs, and Other Plants (an official publication by the International Society of Arborists).

Tree rows authorized for removal shall be replaced and/or additional landscape enhancement shall be provided to the same dollar value as the trees designated to be removed. This is in addition to the minimum landscaping required per the City's Landscape Standards. The species to be replanted shall be approved by the Oxnard Parks Division.

A Statement of Overriding Considerations has been prepared and adopted for the unavoidable and significant impact associated with the loss of the windrow trees.

Finding No. 10:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to aesthetics (visual character and quality, and Light and glare) have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The project alternative identified in the Final EIR capable of reducing the loss of the existing windrow trees to a less than significant level is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

H. Transportation/Traffic

Project Traffic Generation

Using the trip generation rates from the Oxnard Traffic Model consistent with the 2030 General Plan Program EIR, the completed project would generate an estimated 8,566 daily trips (3,856 from 402 housing units at 9.57 trips per unit and 4,710 trips from 78.5 thousand square feet of commercial space at 60 trips per 1,000 square feet). This estimate does not account for reductions likely to come from the neighborhood shopping center being within walking and bicycling distance of the project's 402 homes as well as other neighborhoods. This number of trips has been incorporated in the 2030 General Plan Oxnard Traffic Model and the results, as depicted in the 2030 General Plan Program EIR are that all intersections east of the Union Pacific Railroad (i.e. northeast portion of the City) will operate at LOS C or better at peak periods with the exception of Rose Avenue and Gonzales Road which will operate at LOS D in the morning peak period. This intersection was

excepted by the City Council to operate a below LOS C and the certified 2030 General Plan Program EIR includes a Statement of Overriding Consideration for that excepted intersection.

The proposed project is consistent with the NECSP, 2030 General Plan, and the Oxnard Traffic Mitigation Plan adopted in 2008. Rose Avenue north of Camino del Sol would be widened to six lanes, three in each direction, by adding project-dedicated land along the western edge of the project site (see mitigation measure C-1 and C-2, below). The design of the widened Rose Avenue may include a wide median and/or eastward curve in order to preserve some number of mature windrow trees currently along the western edge of the project site and adjacent to the east shoulder of Rose Avenue, if feasible and the trees (windrow) are found to be healthy and worth saving. The design of Rose Avenue cannot be completed until the specific locations of streets are proposed by a subsequent project-level application. All streets within the project site and any changes to adjoining streets would be engineered by a California-registered Traffic Engineer and reviewed and approved by the City's Traffic Engineer and Fire and Police Departments for safety and emergency access.

Construction of the project will result in increased vehicle trips on County roads to be identified in conjunction with the County as part of the project-level traffic study once detailed street information is available. The City and Ventura County have executed a "Reciprocal Traffic Mitigation Agreement" wherein the City and County have agreed that a pro-rata share of the cost of mitigations will be collected by each agency for traffic impacts in the other jurisdiction. The project would be consistent with the Ventura County General Plan by complying with the terms of the "Reciprocal Traffic Mitigation Agreement" adopted on February 2, 1993. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's impacts on local roads and intersections. With payment of the fee, any impacts will be less than significant.

Furthermore, the project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The traffic study will identify right-of-way dedications and off-site improvements to Rose Avenue, Camino del Sol, and possibly other streets as warranted to maintain LOS C. The project will be conditioned to complete the traffic improvements, dedicate land, and/or pay traffic impact fees per the required mitigation measures that are then used by the City for permanent traffic network improvements. With payment of traffic impact fees, dedications, and routine conditions of approval for on-site and directly-attributable off-site traffic networks improvements, traffic impacts will be less than significant.

Freeway and Roadway Capacity

The project will require a traffic study prior to any development when the actual locations of streets are engineered, which is not known with certainty at this time. The Traffic Study shall also include a capacity analysis of the Ventura Freeway because of its close proximity to the project site and the number of project trips that would access it.

- 1) 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.

The Final EIR includes the following mitigation measures to reduce the transportation/traffic impacts of the project:

Mitigation Measure D-1:

Developer shall dedicate to the City the required Right-of-Way along Rose Avenue associated with the City's Rose Avenue road widening at the first recordation of a Final Subdivision Tract Map.

Mitigation Measure D-2:

Developer shall modify the traffic signals at Rose Avenue and Camino del Sol associated with the proposed Rose Avenue widening. The signal modification shall include provision of a traffic signal battery back-up system, new service equipment enclosure and emergency vehicle detection system designed by the City Traffic Engineer.

Mitigation Measure D-3:

Developer shall place existing overhead utility lines underground in accordance with City ordinance. Before issuance of a site improvement permit or recordation of a final map, Developer shall post security satisfactory to the Finance Director guaranteeing utility relocation.

Mitigation Measure D-4:

Developer shall pay the applicable County/City Traffic Impact Fee(s) prior to issuance of a building permit per City Ordinances 10,418 and 10,453.

Mitigation Measure D-5:

The project shall have a Homeowners Association responsible for the maintenance of private streets, project-oriented public areas, front yards of individual homes, and enforcement of parking and related rules and regulations that is customary to a residential community.

Finding No. 11:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to transportation/traffic have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to transportation/traffic to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

Cumulative Traffic/Transportation Impacts

Cumulative development through 2030 has been planned for in the Oxnard Traffic Model. The 2030 General Plan anticipates eventual development of the project site and within the Oxnard City Urban Restriction Boundary (CURB) and the Final EIR found that mitigated project-level traffic and related impacts were below the threshold of significance. Therefore, no additional adverse unmitigated

traffic and related project impacts will occur.

With regard to cumulative impacts, the County of Ventura has adopted a Traffic Fee Mitigation Ordinance. The County of Ventura allows for participation in the Traffic Fee Program as a way to comply with its Traffic Fee Mitigation Ordinance. By paying the mandatory County/City Traffic Impact Fee, the developer will mitigate the project's potential cumulative impacts on County roadways.

In the context of the Final EIR, none of the conditions for a new environmental analysis were met for this topic and no additional analysis was required.

A **Statement of Overriding Considerations** was prepared and adopted in October 2011 by the City Council for the unavoidable and significant cumulative traffic impacts at five intersections below Level of Service 'C' after 2030 General Plan mitigations are completed.

Finding No. 12:

Based on the above facts:

The City Council hereby finds, per Public Resources Code section 21081(b), that that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the cumulative effects to traffic of the project as anticipated and analyzed in the City 2030 General Plan Program Environmental Impact Report (PEIR).

I. Public Services - Fire

Construction

Construction activities at the project site would increase the potential for accidental on-site fires from such sources as the operation of mechanical equipment, use of flammable construction materials, and discarded cigarettes. In most cases, the implementation of "good housekeeping" procedures by the construction contractors and the work crews would minimize these hazards. Good housekeeping procedures that would be implemented during construction of the proposed project include: the maintenance of mechanical equipment in good operating condition; careful storage of flammable materials in appropriate containers; and the immediate and complete cleanup of spills of flammable materials when they occur.

Construction activities also have the potential to affect fire protection services, such as emergency vehicle response times, by adding construction traffic to the street network and by partial lane closures during street improvements and utility installations. These impacts, while potentially adverse, are considered to be less than significant for the following reasons:

1. Construction impacts are temporary in nature and do not cause lasting effects; and

2. Partial lane closures would not greatly affect emergency vehicles, the drivers of which normally have a variety of options for avoiding traffic, such as using their sirens to clear a path of travel or driving in the lanes of opposing traffic. Additionally, if there are partial closures to streets surrounding the project site, flagmen would be used to facilitate the traffic flow until construction is complete.

Project construction would not be expected to tax fire fighting and emergency services to the extent that there would be a need for new or expanded fire facilities, in order to maintain acceptable service ratios, response times, or other performance objectives of the OFD. Therefore, construction-related impacts to fire protection services would be less than significant.

Operation

The proposed project would be subject to the following standards for fire protection:

The proposed uses must comply with all applicable State and local codes and ordinances.

Fire lane width shall not be less than 20 feet. When a fire lane must accommodate the operation of Fire Department aerial ladder apparatus or where fire hydrants are installed, those portions shall not be less than 28 feet in width.

No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant.

No building or portion of a building shall be constructed more than 150 feet from the edge of a roadway of an improved street, access road, or designated fire lane.

Access for Fire Department apparatus and personnel to and into all structures, including the subterranean parking structures, shall be required.

Despite the aforementioned standards, to ensure adequate OFD capacity to serve the project and its residents, mitigation measure E-1 is required.

- 1) 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.

The Final EIR includes the following mitigation measure to reduce any potential impacts to fire services by the project:

Mitigation Measure E.1-1:

Prior to completion and operational status of Fire Station No. 8 at College Park or completion and operational status of Fire Station No. 10 within the Sakioka Farms Business Park Specific Plan, no more than 100 housing units and/or 40,000 sf of commercial uses shall be completed and occupied within the commercially zoned area on the northeast corner of Camino del Sol and Rose Avenue (zoning will be C-2, which allows R-3 residential and mixed use).

Finding No. 13:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to fire services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to fire services to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

J. Public Services - Police

Construction

Construction sites can be sources of attractive nuisances, and invite theft and vandalism. Developers typically take precautions to prevent trespassing through construction sites. These impacts will be mitigated by requiring that temporary fencing be installed around the construction site to keep out trespassers and discourage theft and damage.

Although minor traffic delays may occur during construction, particularly during the construction of utilities and street improvements, impacts to police response times would be minimal and temporary. Therefore, the construction-related impacts of the proposed project to police protection services would be less than significant.

Operation

The proposed project would introduce new employees and residents to the project area. Thus, an increase in the demand for police protection services is anticipated. While there is not a directly proportional relationship between increases in development and land use activity and increases in demand for police protection services, the number of request for assistance calls for police response to retail burglaries, residential burglaries, vehicle burglaries, damage to vehicles, traffic-related incidents, and crimes against persons would be anticipated to increase with the buildout and occupancy of the project. Based on OPD's experience with similar developments, anticipated problems in the project area do not represent unusual law enforcement issues.

- 1) 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.

The Final EIR includes the following mitigation measure to reduce any potential impacts to police services by the project:

Mitigation Measure E.2-1:

During all construction activities, the project or subsequent developer shall ensure that all onsite areas of active development, material and equipment storage, and vehicle staging, be secured with temporary fences to prevent trespass.

Mitigation Measure E.2-2:

The building and site design of the proposed project shall include crime deterrence and prevention features, building security systems, architectural design modifications, surveillance systems, and secure parking facilities.

Finding No. 14:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to police services have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to police services to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

K. Public Services - Schools

At build-out (i.e., 402 new dwelling units) the project could generate approximately 40 elementary school students, 20 middle school students, and 53 high school students for a total of 113 students.

- 1) 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.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.3-1:

The subsequent developer(s) under the specific plan would be required to pay all applicable school fees to offset the impact of additional student enrollment at schools.

Finding No. 15:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to schools have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to schools to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

L. Public Services - Libraries

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City's 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of library services in the project area. If the project includes 402 housing units, it would increase the demand for library services, with the addition of approximately 1,568 residents. The proposed project would also possibly include 78,400 square feet of commercial uses, which introduce new employees to the project site. However, in general, employees of commercial uses are not likely to patronize libraries during working hours, as they are more likely to use libraries near their homes during non-work hours.

Based on the ALA standard of 1.0 square foot of library space per person, the proposed project with housing would generate need for 1,568 square feet of library space.

According to the Oxnard Public Library (OPL), the Colonia Branch does not currently meet the needs for library service in the area. It serves a population of approximately 23,649 in a 580 square foot room. The recommended size for this location should be 23,649 square feet. With the additional recommended 1,568 square feet, the branch should be approximately 25,217 square feet in size. The OPL staff has recommended building new facilities to serve this area of the City.

Therefore, the impacts of the project with residential uses would be considered potentially significant. Payment of the Growth Development Fee would be put toward building the new recommended facilities to reduce the potentially significant impact to less than significant levels.

- 1) 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.

The Final EIR includes the following mitigation measure to reduce any potential impacts to schools by the project:

Mitigation Measure E.5-1:

The subsequent developer(s) would be required to pay the Payment of the Growth Development Fee to offset library impacts.

Finding No. 16:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to libraries have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to libraries to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. Utilities and Service Systems - Water

The project would consume approximately 72 acre feet of water per year (net increase above the existing site agricultural uses). Development of the project site is part of the overall planned water demand increase for Oxnard. Water supplies as identified in the Draft EIR from CMWD, UWCD, and the City are considered as firm for the period 2010 to 2030. Furthermore, during the period 2010 to 2014, the City may draw on a portion of its groundwater credit bank of approximately 37,000 AF as an interim supply until the GREAT AWPf is completed as planned. Under extended dry and multiple dry year conditions, it is possible that during the years 2010 to 2014, the cumulative draw on the groundwater credits could exceed the City's available credits and the City would have to pay higher rates for additional water. However, the City has developed this credit bank for use during these types of extended drought or water supply restricted conditions. Once the GREAT AWPf is in full production, the City will gradually restore its groundwater credit bank as a buffer against future supply constraints. The GREAT Program continues to be an important element in providing water supply to the project site, along with other proposed or anticipated development. It is anticipated that reasonably projected water supplies available during normal, single dry, and multiple dry water years during a 20-year projection are sufficient to meet the water demand associated with the project, in addition to the City's existing and planned future uses. Furthermore, the City imposes a variety of development impact fees based on land use, size, and service impact area. The Water Fees would be paid upon issuance of a building permit. Thus, the proposed project's impacts on water supply and facilities would be less than significant. The mitigation measures included in the Final EIR would further minimize the potable water demand of the proposed project.

- 1) 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.

The Final EIR includes the following mitigation measures to reduce the water demand of the project:

Mitigation Measure E.6-1:

The on-site domestic water system shall include the following:

- *A public pipeline systems which feed 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 Division of Occupational Health and Safety (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 FCGMA allocation associated with the Project site, whether such allocation is associated with the conversion of agricultural to urban uses, or otherwise.*

Mitigation Measure E.6-2:

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 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 Covenants, Conditions and Restrictions (CC&Rs) covering the use of recycled water and for proper disclosures.*
- *Prior to submittal of subdivision improvement plans, the developer shall review with the City the potential for dual plumbing, 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.*

Mitigation Measure E.6-3:

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, and*

- *Wherever turf is used, installing warm season grasses.*

Mitigation Measure E.6-4:

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.

Mitigation Measure E.6-5:

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.

Mitigation Measure E.6-6:

The project developer shall ensure that the landscape irrigation system be designed, installed, and tested to provide uniform irrigation coverage. Sprinkler head patterns shall be adjusted to minimize over spray onto walkways and streets.

Mitigation Measure E.6-7:

The project developer shall install a “smart sprinkler” system to provide irrigation for the landscaped areas. Irrigation run times for all zones shall be adjusted seasonally, reducing water times and frequency in the cooler months (fall, winter, spring). Sprinkler timer run times shall be automatically adjusted by a state-of-the-art system that relies on local weather forecasts.

Mitigation Measure E.6-8:

The project developer shall install low-flush water toilets in all new construction at the project site. Low-flow faucet aerators shall be installed on all new sink faucets.

Finding No. 17:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to water supply have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to water supply to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. Biological Resources

The project site is within the City Planning Area and Sphere of Influence. The project site land use plan was considered and analyzed as part of the City’s 2030 General Plan and Program EIR. The East Village Phase III is part of the NECSP and the land use plan for the site has not changed. Consequently, the political change in jurisdiction from County of Ventura to the City through the act of annexation would not have a physical effect in terms of biological resources in the project area.

Implementation of the proposed project could result in impacts to biological resources on-site,

including:

Temporary impacts during grading and construction activities, noise, vibration, dust, and increased human presence from construction crews;
Permanent impacts from removal of vegetation, construction of buildings and roads; and
Permanent impacts from post-construction, operational activities including increased noise and disturbance levels from the new development, increased wildlife mortality from additional traffic, and increased lighting associated with new development and roads.

The Final EIR provided mitigation measures for avoiding, minimizing, or compensating potentially significant impacts, as appropriate.

1) Changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR.

The Final EIR includes the following mitigation measures to reduce the biological resources impacts of the project:

Mitigation Measure F-1:

Prior to the final approval of the first Site Improvement Plan, the project site and adjacent open space areas shall be surveyed by a qualified biologist for the presence of nesting birds prior to removal of vegetation. The developer shall be required to submit a report documenting the findings of the site survey to the Planning Division for review and approval. The site survey shall be conducted within 30 days of the beginning of any grubbing/grading activity. If any active nests are detected, then a 300-foot buffer (or as otherwise deemed appropriate by the biological monitor in consultation with the City and CDFG) shall be placed around the nest site until the nestlings have successfully fledged. Conduct vegetation clearing and grubbing, grading, and other construction activities associated with the proposed project during the non-breeding season (in general, September 1st through January 31st).

Finding No. 18:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to biological resources have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measures will reduce impacts relating to biological resources to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

M. Hazards and Hazardous Materials

Construction

Construction of the proposed project would involve the use of those hazardous materials that are typically necessary for construction of residential development (i.e., paints, building materials, cleaners, fuel for construction equipment, etc.). Therefore, construction of the proposed project would involve routine transport, use, and disposal of these types of hazardous materials throughout the duration of construction activities. Furthermore, the transport, use, and disposal of construction-related hazardous materials would occur in conformance with all applicable local, State, and federal regulations governing such activities. For example, the proposed project would be required to implement standard best management practices (BMPs) set forth by the City and the Ventura County Regional Water Quality (VCRWQ) which would ensure that wastes generated during the construction process are disposed of properly. Furthermore, due to the fact that the majority of the project site has been used for agricultural purposes for several decades, a combination of several commonly used pesticides which are now banned may have been used throughout the project site. While there is no requirement that agricultural soil be tested prior to development, the historical use of agricultural pesticides on the project site may have resulted in pesticide residues of certain, persistent in soil concentrations that are considered to be hazardous according to established Federal regulatory levels and impacts would be potentially significant. Therefore, it is recommended that soil sampling should occur throughout the project site. The sampling would determine if pesticide concentrations exceed established regulatory requirements and would identify proper handling procedures that may be required. Therefore, with mitigation, the proposed project would not create a significant impact related to routine transport, use, or disposal of hazardous materials during construction.

Operation

The proposed project consists of the development of residential uses, which would include the use of hazardous materials for routine cleaning, maintenance, and landscaping in small quantities. All potentially hazardous materials would be contained, stored, and used in accordance with the manufacturers' instructions and handled in compliance with the applicable standards and regulations, such as those administered by the Oxnard Fire Department, OSHA, and CalOSHA. Through adherence to these regulatory guidelines, construction activities would not create a significant hazard to the public or environment through the disturbance, removal, storage, or disposal of hazardous materials. As such, impacts associated with hazardous materials used during operation of the proposed project would be less than significant.

Asbestos-Containing Materials (ACMs)

Due to the age of the existing on-site structures it is very likely that ACMs are present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and ACMs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would reduce risks associated with ACMs to acceptable levels. Therefore, significant impacts associated with an exposure to ACMs during construction would be less than significant.

Lead-Based Paint (LBP)

Due to the age of the existing on-site structures it is very likely that LBP is present on the project site. The Applicant has suggested that the main house remain on the project site and be remodeled as a community complex or as part of the commercial area. The Applicant has also suggested that the main barn remain on the project site and be remodeled as a commercial structure as part of the

commercial area. Nevertheless, the worst case scenario would be that the structures would be demolished and LBPs would be present in the structures and impacts would be potentially significant. However, implementation of mitigation measure H-2 and mandatory compliance with applicable federal and state standards and procedures would, therefore, reduce risks associated with LBP to acceptable levels. Therefore, significant impacts associated with an exposure to LBP during construction would be less than significant.

Underground Storage Tanks (USTs) and Above Ground Storage Tanks (ASTs)

There are no known USTs located within the vicinity of the project site. Furthermore, no USTs are known to be located within the project site.⁸ However, there is one AST located on the project site. At this time no detailed information could be found about the AST. Removal of the AST would be essential in terms of implementation of the Specific Plan land use plan for the project site and impacts with respect to ASTs would be potentially significant.

Polychlorinated Biphenyls (PCBs)

Polychlorinated biphenyls are a mixture of chlorinated compounds, which were used as coolants and lubricants in transformers and other electrical equipment. When released to the environment polychlorinated biphenyls can impact soil and groundwater. Polychlorinated biphenyls are likely carcinogens and the manufacture of polychlorinated biphenyls was banned in the United States in 1979. Because the existing structures on the project site were constructed prior to the 1979 federal ban on the manufacture of polychlorinated biphenyls, it is possible that PCBs are located on the project site. Therefore, in accordance with mitigation measure IV.G-4, the suspected oils would be sampled, handled, and disposed of in accordance with state and federal laws during future demolition activities.

- 1) 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.

The Final EIR includes the following mitigation measures to reduce the impact associated with hazards and hazardous materials:

Mitigation Measure H-1:

Soil sampling shall occur throughout the project site. The sampling will determine if pesticide concentrations exceed established regulatory requirements and will identify proper handling procedures that may be required.

Mitigation Measure H-2:

The Applicant shall conduct ACM and LBP surveys on all buildings and associated infrastructure scheduled for demolition. If asbestos and/or lead-based paint are detected, they shall be abated and removed in accordance with all applicable federal, state, and local regulations and in accordance with SCAQMD regulations.

Mitigation Measure H-3:

A comprehensive Phase I Environmental Site Assessment (ESA) shall be completed for the project site prior to any development. If environmental conditions exceeding regulatory requirements are identified, remediation shall be accomplished to the satisfaction of the appropriate regulatory

8 State Water Resources Control Board, GeoTracker, website:
<http://geotracker.waterboards.ca.gov/>, November 21, 2011.

agency(ies) and further, shall be completed before earth-disturbing activities may take place on the project site.

Mitigation Measure H-4:

Prior to demolition, potentially polychlorinated biphenyl-containing oils shall be sampled and analyzed for polychlorinated biphenyls and the known polychlorinated biphenyl-containing transformers and any other polychlorinated biphenyl-containing oils would be handled and disposed of in accordance with state and federal laws during future demolition activities.

Finding No. 19:

Based on the above facts:

The City Council hereby finds that all feasible and reasonable mitigation measures for impacts relating to hazards and hazardous materials have been identified in the EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The mitigation measure will reduce impacts relating to hazards and hazardous materials to a less than significant level pursuant to Section 15091(a)(1) of the CEQA Guidelines.

N. Alternatives to the Proposed Project

The Draft EIR considers a range of alternatives to the proposed project to provide informed decision-making in accordance with Section 151216(f) of the CEQA Guidelines. The three alternatives are described as follows:

Alternative 1: No Project Alternative. Under the No Project Alternative, the proposed project site would remain as an unincorporated area under the County of Ventura control and no annexation to the City would occur. Under the No Project Alternative, the project site would continue in its current state of agricultural use with cultivated row crops. The residential units and farm structures would remain. The 2030 General Plan land use designations would remain in place, allowing for a future annexation and subsequent development.

Alternative 2: 2030 General Plan. Under the 2030 General Plan alternative, the proposed project would be reconfigured to be compliant with the 2030 General Plan Land Use Map. The 2030 General Plan alternative would include the same uses as the proposed project, which consists of 402 residential units, 78,400 square feet of commercial uses, and park uses. However, unlike the proposed Project's two linear parks totaling 11 acres, the park uses would be expanded to 30 acres and would be located in one area on the northern portion of the project site. The commercial uses would be located in the same area with the remainder of the project site developed with 402 residential units in a traditional small-lot subdivision layout, albeit at a higher density than the proposed project (i.e., 7-12 units per acre). Under the 2030 General Plan alternative, the project site would undergo a change in jurisdiction through the act of annexation to the City from the County of Ventura.

Alternative 3: Urban Village. The Oxnard 2030 General Plan was adopted on October 11, 2011 and included as one of its major themes the establishment of Urban Villages. The 2030 General Plan defines Urban Village as "...mixed use areas designed to encourage persons to live near their place of employment and/or support services. Urban Villages should occur in the designated areas but may be proposed in other areas as a General, Specific, Coastal, or County Public Works Plan Amendment. The integration of complementary land uses is intended to promote a pedestrian orientation to reduce trips and vehicle miles traveled and reduce greenhouse gas emissions. Urban Villages are implemented with a specific plan, a strategic plan similar to the Central Business District Strategic Plan, or by the Ventura County Harbor Public Works Plan." (pg. 3-17).

Policy CD-7.1, "Establishment of Urban Villages," designates six areas of the City as Urban Village, including the Project area. Urban Villages are envisioned as characterized by:

- Infill and/or development of formerly agricultural land;
- Reinvestment in the existing community;
- Mixture of land uses;
- Mix of residential densities and housing types;
- Providing a minimum of 15 percent affordable housing;
- Location along or near corridors, downtown, and transit nodes; and
- Transit, pedestrian, and bicycle circulation given high priority.

More detailed Urban Village guidelines may be subsequently adopted by the City Council. The 2030 General Plan further states that, "For purposes of annexation, the NECSP land use designations for this area as of July 2011 are deemed consistent with this 2030 General Plan." (p. 3-27)

The Urban Village alternative is an attempt at describing an alternative project within the intent of the Urban Village Policy CD-7.1 with acknowledgement that Urban Village Guidelines have not been formulated in detail or adopted and that this alternative does not commit the developers nor the City to this description as future adopted Urban Village Guidelines may lead to a different project description.

The Urban Village alternative would focus on a transit-oriented mixed use development (TOD) on the northeast corner of Camino del Sol and Rose Avenue. The TOD would create a unique sense of place by having a "town square" feel with a central public space bounded by first-floor retail uses with two and three stories of apartments above them. A bus transit station would be integrated into the public area close to retail shops, public restrooms, and bicycle storage and repair facilities. Open space, providing active recreation and passive storm water retention and treatment, would be integrated throughout the project so that the project would meet MS4 permit requirements. Pedestrian and bicycle paths and walkways would have precedence over streets but not inhibit emergency access. Parking may be consolidated in some areas to allow for overhead solar power generation and electric vehicle recharge stations. The variety of housing styles and affordability would include live/work and seniors housing. One or more areas could be set aside for a new City library, community theater, and/or church. The total number of housing units may increase over that allowed by the NECSP so long as the number of vehicle trips is equal to or less than the Project trip

generation projected after accounting for transit and alternative travel modes.

The **No Project alternative** would not satisfy the project objectives and would not implement any of the beneficial mitigation measures that would otherwise be implemented by the project. It is also unreasonable to assume that the majority of the project site would continue to be used for agricultural resources throughout the foreseeable future. The project site has been designated for urban uses since 1993. Any agricultural productivity at the project site should be considered to be a short-term condition.

The **2030 General Plan** alternative is physically feasible; although the same unavoidable significant project impacts to agricultural resources, aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

The **Urban Village** alternative is physically feasible; although the same unavoidable significant project impacts to agricultural resources and aesthetics (visual quality and character), as well as cumulative air quality, greenhouse gas emissions and roadway noise would occur. Further, it would result in the same project-level mitigable impacts to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services (i.e., fire protection, police protection, schools, and libraries), traffic/transportation and utilities (i.e., water supply) as the proposed project. Therefore implementation of the 2030 General Plan alternative in lieu of the proposed Project is not considered advantageous from an environmental perspective.

Finding No. 20:

Based on the above facts:

The City Council finds that all feasible and reasonable mitigation measures for impacts associated with the Project have been identified in the Final EIR and are included in the Mitigation Monitoring and Reporting Program for the project. The Project alternative identified in the Final EIR capable of reducing the unavoidable impacts associated with agricultural resources and cumulative impacts to air quality, greenhouse gas emissions and roadway noise to less than significant levels is infeasible for the applicant due to specific economic and legal justifications pursuant to Section 15091(a)(3) of the CEQA Guidelines.

3. Miscellaneous Findings

Revisions to the Draft EIR were made as a result of the comments submitted on the Draft EIR as well as City staff directed changes. These revisions (incorporated into the Final EIR) only clarify, amplify, or make insignificant modifications to the Draft EIR. None of these revisions represent significant new information that

would result in the identification of a new significant impact or an increase in severity of such an impact, from either the project or from a new mitigation measure proposed for implementation as part of the project. Nor do these revisions include a new mitigation measure to reduce a significant impact that has been declined by the project applicant.

Finding No. 21:

Based on the above facts:

The City Council of the City finds that Section 15088.5 of the CEQA Guidelines did not require recirculation of the Draft EIR, as the revisions made to the Draft EIR merely clarified or amplified information found in that document.

EXHIBIT B

Statement of Overriding Considerations

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)).

In accordance with the requirements of CEQA and the state CEQA Guidelines, the City Council finds that the mitigation measures identified in the East Village Phase III Annexation Final EIR (final EIR), and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen virtually all of the significant effects identified in the Final EIR. However, the conversion of a quality agricultural site to an urban use and the loss of the mature windrow trees would remain significant and unavoidable project-level impacts despite consideration of mitigation measures. In addition, as per the 2030 General Plan Program EIR, cumulative impacts are significant for loss of agricultural land, air quality in the regional air basin, and greenhouse gas emissions would be cumulatively significant. Further, no mitigation measures are feasible to reduce the cumulative roadway noise impacts along Gonzales Road between Rice Avenue and Rose Avenue. The project contributes to these cumulative impacts.

The City has balanced the benefits of the East Village Phase III Annexation project against the unavoidable significant project-level and cumulative adverse impacts identified above in determining whether to approve the project and has determined that the benefits of the project outweigh the project-specific unavoidable agricultural resources, aesthetic (visual quality and character) impacts and cumulative agricultural resources, air quality, greenhouse gas emissions, traffic, and traffic-related noise impacts of the project. The benefits set forth below constitute overriding considerations warranting approval of the project:

- 1) The project will provide 402 single-family homes, up to 78,400 square feet of neighborhood commercial development and approximately 10 acres of parkland along with two new street right of ways; generating increased residential, recreational, business and employment opportunities the City of Oxnard. Development of the site with residential, commercial and recreational uses has been envisioned since the City of Oxnard prepared and approved the Northeast Community Specific Plan in 1993.
- 2) The project represents the continuation of a logical development pattern occurring in the surrounding area.
- 3) With the implementation of the 26 recommended mitigation measures the impacts of the project on air quality would be reduced to a less than significant level.
- 4) With the implementation of the two recommended mitigation measures the impacts of the project on cultural resources would be reduced to a less than significant level.
- 5) With the implementation of the three recommended mitigation measures the impacts of the project on geology, soils and seismicity would be reduced to a less than significant level.
- 6) With the implementation of the four recommended mitigation measures the impacts of the project on hydrology and water quality would be reduced to a less than significant level.
- 7) With the implementation of the two recommended mitigation measures the impacts of the project on

noise would be reduced to a less than significant level.

- 8) With the implementation of the six recommended mitigation measures the impacts of the project on transportation and traffic would be reduced to a less than significant level. The developer would be required to either fully implement or pay a fair share contribution to the planned transportation improvements, which brings the improvements one step closer to implementation.
- 9) With the implementation of the recommended mitigation measure the impacts of the project on fire protection would be reduced to a less than significant level.
- 10) With the implementation of the two recommended mitigation measures the impacts of the project on police protection would be reduced to a less than significant level.
- 11) With the implementation of the recommended mitigation measure the impacts of the project on schools would be reduced to a less than significant level.
- 12) With the implementation of the recommended mitigation measure the impacts of the project on libraries would be reduced to a less than significant level.
- 13) With the implementation of the eight recommended mitigation measures the impacts of the project on water supply would be reduced to a less than significant level. These mitigation measures provide for numerous improvements to be developed in synchronization with project development. The developer would be required to pay a fair share contribution to the planned water supply improvements (both recycled and potable), which brings the improvements one step closer to implementation.
- 14) With the implementation of the recommended mitigation measure the impacts of the project on biological resources would be reduced to a less than significant level.
- 15) With the implementation of the four recommended mitigation measures the impacts of the project on hazards and hazardous materials would be reduced to a less than significant level.

Based on the above facts:

The City Council finds that the benefits of the project outweigh the significant and unavoidable project impacts related to agricultural resources and aesthetic (visual quality and character) resources, and cumulative impacts to air quality, greenhouse gas emissions and roadway noise, which are deemed acceptable, consistent with Section 15093 of the CEQA Guidelines.

SUBSTANTIAL EVIDENCE

The City Council finds and declares that substantial evidence for each and every finding made herein is contained in the Draft EIR, Final EIR, and other related materials, each of which is incorporated herein by this reference, and in the record of proceedings in the matter. Moreover, the City Council finds that where more than one reason exists for any finding, the City Council finds that each reason independently supports such finding, and that any reason in support of a given finding individually constitutes a sufficient basis for that finding.

Attachment

E. Annexation Resolution and Pre-Zoning Ordinance Exhibit 'A'

RESOLUTION NO. 2012-[PZ 11-610-01]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL PROCEED WITH THE ANNEXATION OF THE 107-ACRE PARCEL LOCATED AT 1853 CAMINO DEL SOL (APN 214-0-020-595) AND RECOMMENDING APPROVAL OF PRE-ZONING APPLICATION NO. 11-560-01 OF THE SAME PARCEL TO SINGLE FAMILY RESIDENTIAL (R-1-PD), NEIGHBORHOOD COMMERCIAL (CN), AND COMMUNITY RESERVE (CR). FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030.

WHEREAS, the owners of the 107-acre unincorporated parcel located at 1853 Camino Del Sol and entirely within the boundaries of the City of Oxnard have filed Annexation Request No. PZ 10-610-01 to annex the parcel to the City of Oxnard (City); and

WHEREAS, Annexation Request No. PZ 10-610-01 states in detail the reasons for requesting annexation and describing the property and attaching a map thereof; and

WHEREAS, the subject parcel is located within the Northeast Community Specific Plan (NECSP) that is the City adopted plan that directs land uses and development on the subject parcel upon annexation to the City; and

WHEREAS, Annexation Request No. PZ 10-610-01 is titled the East Village Phase III Annexation consistent with the NECSP and its development history; and

WHEREAS, the owners have requested a concurrent pre-zoning of the property to R-1-PD (Single Family Planned Development), C-1 (Neighborhood Shopping Center), and C-R (Community Reserve) in compliance with and consistent with the NECSP; and

WHEREAS, the annexation and pre-zoning are found to be consistent with the 2030 General Plan; and

WHEREAS, the Planning Commission recommended that the City Council certify that Final Environmental Impact Report 11-01 as completed for this project in compliance with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City; and

WHEREAS, the Planning Commission of the City of Oxnard having held a public hearing, reviewed the request and map, and having studied the land use of the area, finds that:

1. The location and topography of the proposed annexation is within the natural area of development of the City of Oxnard.

2. The proposed annexation conforms in extent and purpose to the 2030 General Plan and the Northeast Community Specific Plan of the City of Oxnard.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council proceed with Annexation No. PZ 10-610-01 and pre-zoning PZ 10-560-01 for the land comprising said annexation be established as R-1-PD, C-1, and C-R as shown on "Exhibit A," attached hereto.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 20th day of September, 2012, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

Anthony R. Murguia, Chairman

ATTEST: _____
Susan L. Martin, Secretary

EXHIBIT A

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PZ 10-560-01, TO PREZONE PROPERTY LOCATED AT 1853 CAMINO DEL SOL (APN) 214-0-020-595 TO SINGLE FAMILY RESIDENTIAL (R-1-PD), NEIGHBORHOOD COMMERCIAL (CN), AND COMMUNITY RESERVE (CR), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY MAULHARDT RF-JW TRUST ET AL, 1853 CAMINO DEL SOL, OXNARD, CA, 93030.

WHEREAS, the owners of the 107-acre unincorporated parcel located at 1853 Camino Del Sol and entirely within the boundaries of the City of Oxnard have filed Annexation Request No. PZ 10-610-01 to be annexed to the City of Oxnard (City); and

WHEREAS, the subject parcel is located within the Northeast Community Specific Plan (NECSP) that is the City adopted plan that directs land uses and development on the subject parcel upon annexation to the City; and

WHEREAS, Annexation Request No. PZ 10-610-01 is titled the East Village Phase III Annexation consistent with the NECSP and its development history; and

WHEREAS, the owners have requested a concurrent pre-zoning of the property to R-1-PD (Single Family Planned Development), C-1 (Neighborhood Shopping Center), and C-R (Community Reserve) as shown on Exhibit A in compliance with and consistent with the NECSP; and

WHEREAS, the annexation and pre-zoning are found to be consistent with the 2030 General Plan; and

WHEREAS, the City Council has carefully reviewed Planning Commission Resolution No. 2012-[] recommending approval of a pre-zoning for the subject property; and

WHEREAS, the City Council has held a public hearing and received and reviewed written and oral comments related to the proposed pre-zoning PZ No. 10-560-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of PZ No. 10-560-01 and the pre-zoning to R-1-PD, C-1, and C-R as shown on Exhibit A; and

WHEREAS, the City Council finds that the pre-zoning is consistent with the 2030 General Plan and the NECSP; and

WHEREAS, the City Council certifies Final Environmental Impact Report 11-01 as completed for this project in compliance with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City; and

WHEREAS, Applicants agree, as a condition of adoption of this resolution at each Applicant's own expense, to indemnify, defend, and hold harmless City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void, or annul the approval of this resolution or any proceedings, acts, or determination taken, done, or made prior thereto that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

1. Zone Change No. 10-560-01 (rezoning) is approved, as shown on the map attached hereto as Exhibit A and incorporated herein by reference.
2. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. _____ was first read on _____, and finally adopted on _____, to become effective thirty days thereafter.

PASSED AND ADOPTED this ___ day of _____, 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