



Planning Division
501 Poli Street
Ventura, CA 93001
805.654-7893
Fax 805.653-0763

**NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION
CITY OF SAN BUENAVENTURA, CALIFORNIA**

I. The City of Ventura has reviewed an application for the following proposed project:

Project Description for Case # PROJ-3378: Abandoned Shopping Cart Prevention and Retrieval Program Ordinance: This project includes an amendment to Division 8 [Public Health and Safety Regulations] of the San Buenaventura Municipal Code by adding a new chapter 8.800 retaining to abandoned shopping carts throughout the City of Ventura. (Attachment B) The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and cart sanitization for all businesses that own ten (10) or more carts on the business premises.

No development is proposed as part of the project. No change in land use, density, or intensity is proposed as part of this project.

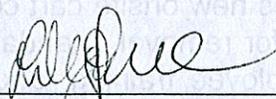
Filed by the City of Ventura Community Development Department, Economic Development Division, Attention: Lilly Okamura, PO Box 99, Ventura, CA 93002.

- A. Proposed finding.** In accordance with Section 15070 of the California Code of Regulations, the Economic Development Division of the City of Ventura has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and that a negative declaration (ND) may be adopted.
- B. Fish and Wildlife Impacts:** On the basis of the information contained in the Initial Study, and on the record as a whole, there is no evidence that there will be an adverse effect on fish or wildlife habitats or resources since none of the factors listed in Section 2R.450.530 of the Municipal Code are present.
- D. Hazards:** The project site is not on any of the lists enumerated under Government Code Section 65962.5 including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites.
- E. Document Review and Comment.** The public review and comment period of the draft begins on December 13, 2011 and ends on January 3, 2012. To view the draft document, please visit the city's website at www.cityofventura.com.

Alternatively, the draft and referenced documents are available for review at the Planning Counter, City Hall, 501 Poli Street, Ventura CA 93001 between 8:00 a.m. to 5:00 p.m., Monday through Friday (closed December 16, and December 26-January 2); the EP Foster Library, 651 East Main Street, Ventura, CA 93001; and the Avenue Branch Library, 606 North Ventura Avenue, Ventura, CA 93001

F. Public Hearing and Comments. A public hearing on the project described above is tentatively scheduled for January 23, 2012 at 6:00 pm in the City Council Chambers at City Hall located at 501 Poli Street, Ventura, CA 93001. All comments concerning the draft ND should be provided in writing and received before 5:00 p.m. on the last day of the review period. Inquiries should be directed to Lilly Okamura, AICP, at (805) 654-7758. Written comments may be mailed or faxed (805/ 653-0763) to the City of Ventura, Planning Division, 501 Poli Street, CA 93001.

12/18/11
Date


Lilly Okamura, AICP, Associate Planner

cc: County Clerk, ND Distribution List



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**DRAFT NEGATIVE DECLARATION No EIR-11-11-7792.
CITY OF SAN BUENAVENTURA, CALIFORNIA**

On the basis of an initial study, and in accordance with Section 15070 of the California Code of Regulations, the Economic Development Division has determined that there is no substantial evidence that the proposed project may have a significant effect on the environment:

Case #EIR-11-11-7792: Abandoned Shopping Cart Prevention and Retrieval Program Ordinance: This project includes an amendment to Division 8 [Public Health and Safety Regulations] of the San Buenaventura Municipal Code by adding a new chapter 8.800 retaining to abandoned shopping carts throughout the City of Ventura (Attachment B). The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and cart sanitization for all businesses that own ten (10) or more carts on the business premises.

No development is proposed as part of the project. No change in land use, density, or intensity is proposed as part of this project.

Attached is a copy of the initial study documenting the reasons to support the finding of no significant effect on the environment.

Attachments:

- a. Initial Study/ND EIR# 11-11-7792
- b. Draft Ordinance
- c. Map of affected businesses as of December 6, 2011



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**INITIAL STUDY
NEGATIVE DECLARATION # EIR-11-11-7792**

Abandoned Shopping Cart Prevention and Retrieval Program Ordinance
City of Ventura, Applicant

Case Nos PROJ-3378, EIR-11-11-7792, OA-11-11-7791

Location: Citywide
December 5, 2011

II. INTRODUCTION:

This initial study has been prepared in accordance with relevant provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and the CEQA Guidelines as revised. Section 15063(c) of the CEQA Guidelines indication that the purposes of an Initial Study is to:

1. Provide the Lead Agency (ie: the City of Ventura) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or Negative Declaration.
2. Enable the applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration;
3. Assist the preparation of an EIR, if one is required, by:
 1. Focusing the EIR on the effects determined to be significant;
 2. Identifying the effects determined not to be significant;
 3. Explaining the reasons why potentially significant effects would not be significant; and
 4. Identifying where a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.
4. Facilitate environmental assessment early in the design of a project;
5. Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;
6. Eliminate unnecessary EIRs; and
7. Determine whether a previous EIR could be used with the project.

Attachment A

**Initial Study/Draft ND
EIR#11-11-7792**

CITY OF VENTURA

III. INITIAL STUDY CHECKLIST FORM

1. **Project Title:** Abandoned Shopping Cart Prevention and Retrieval Program Ordinance
2. **Lead Agency Name and Address:** City of Ventura, Community Development Department, Economic Development Division, 501 Poli Street, Ventura, CA 93001.
3. **Contact Person and Phone Number:** Lilly Okamura, AICP, 805-654-7758
4. **Project Location:** Citywide
5. **Project Applicant/Name and Address:** City of Ventura, Community Development Department, 501 Poli Street, Ventura, CA 93001.
6. **Land Use Characteristics and Adjacent Land Use:** City of Ventura, in western Ventura County is located 60 miles northwest of Los Angeles and 25 miles southeast of Santa Barbara. The City is topographically diverse, with mountains, rich agricultural valleys, and distinct urban areas and is bounded by unincorporated hillsides to the north. Hillsides lie to the north of the City limits, and the topography continues to decline from the north to the south. The Ventura River runs along the western boundary. The eastern boundary is adjacent to unincorporated agricultural land and the community of Saticoy. The Pacific Ocean borders the south and southwest boundaries of the City, along the Downtown and Pierpont planning areas. The Santa Clara River borders the City to the south and southeast.
7. **General Plan Land Use Designations:** Various
8. **Zoning:** Various
9. **Discretionary Permits and Approvals Required:** None
10. **Approvals required by other public agencies:** None

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics Agriculture Resources Air Quality

___ Biological Resources	___ Cultural Resources	___ Geology /Soils
___ Hazards & Hazardous Materials	___ Hydrology / Water Quality	___ Land Use / Planning
___ Mineral Resources	___ Noise	___ Population / Housing
___ Public Services	___ Recreation	___ Transportation/Traffic
___ Utilities / Service Systems	___ Mandatory Findings of Significance	

V. CONCLUSION AND ACTION.

On the basis of this initial evaluation:

X	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

12/8/11

Date

Dave Ward

Planning Manager

VI. EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

- c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
-
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
 - 7) **Supporting Information Sources:** A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
 - 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance

VII. ENVIRONMENTAL IMPACT EVALUATION.

A. Aesthetics:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Have a substantial adverse effect on a scenic vista? (2005 General Plan [GP]-Well Planned & Designed Community; FEIR GP, 4.1-Aesthetics)				✓
2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (2005 GP-Well Planned & Designed Community, Our Natural				✓

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
Community; FEIR GP, 4.1-Aesthetics; SBRA)				
3. Substantially degrade the existing visual character or quality of the site and its surroundings? (2005 GP-Well Planned & Designed Community; FEIR GP, 4.1-Aesthetics; Community Design Guidelines; MCDC)				✓
4. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (2005 GP-Well Planned & Designed Community; FEIR GP, 4.1-Aesthetics)			✓	

Impact Discussion:

- 1, 3. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization of retrieved carts for owners of 10 or more carts. The Municipal Code amendment project itself does not include any specific physical development. The proposed Municipal Code amendment would not change existing City regulations governing building heights, nor would it change allowed land uses or development intensity within the City of Ventura. Implementation of the proposed regulations would not represent any change in how future development would affect scenic vistas. Various methodologies for onsite containment may be used, including the use of security guards or courtesy clerks, that would require no development. Warning signs would be subject to Chapter 24.420, Sign Regulations of the Ventura Municipal Code and would not create a visual impact. The project would have a beneficial impact because abandoned shopping carts left in the public rights of way, the Ventura River, and other areas create urban blight and a negative perception of the City of Ventura. The project would help reduce the blight currently caused by abandoned shopping carts. No adverse impact would result.

2. Scenic resources including trees (inclusive of street trees and other landscape trees) and historic buildings are found throughout the City of Ventura. However,

the proposed Municipal Code amendment project itself does not include any specific physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to historic structures, or any increase in development intensity or distribution in the project area. No adverse impact would result.

4. The ordinance amendment would apply to existing and future businesses with more than ten carts and could include new development of lighting, etc. is part of the future development. However, that would be subject to the City's development review process, including any necessary permits such as design review. Future development approved within the City of Ventura has the potential to create new sources of substantial light or glare that could adversely affect day or nighttime views. However, this proposed Municipal Code amendment project does not include any specific development and does not encourage more lighting or glare-generating architectural features than are allowed under existing regulations. Impacts would be less than significant.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have less than significant impacts to aesthetic resources. The reduction of blight caused by the abandoned shopping carts would result in beneficial impacts to aesthetics.

B. Agricultural Resources:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Convert prime, unique, or statewide importance farmland, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use? (2005 General Plan; FEIR, 4.2- Agriculture)				✓
2. Conflict with an existing agricultural zone or Williamson Act contract? (2005 General Plan; FEIR, 4.2- Agriculture)				✓

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
3. Involve other changes to the existing environment that, due to their location or nature, could result in a conversion of farmland to non-agricultural use? (2005 General Plan; FEIR, 4.2- Agriculture)				✓

Impact Discussion:

- 1-3. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization of retrieved carts for owners of 10 or more carts. The Municipal Code amendment itself does not include any specific physical development. Further, the proposed regulations themselves do not include any specific development and do not encourage conversion of agricultural land to non-agricultural uses or impacts to land under Williamson Act contract. No impacts to agricultural resources would occur. This property lies adjacent to the Ventura River and appropriate design guidelines must be incorporated into the project to ensure consistency with the City's efforts for its revitalization.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have no impact to agricultural resources.

C. Air Quality:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Conflict with or obstruct implementation of the applicable air quality plan? (2005 GP FEIR – 4.3 Air Quality; Ventura County Air Quality Assessment Guidelines; Urbemis 2007 computer program)			✓	
2. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (2005 GP FEIR – 4.3 Air			✓	

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
Quality; Ventura County Air Quality Assessment Guide; Urbemis 2007 computer program)				
3. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (2005 GP FEIR – 4.3 Air Quality; Ventura County Air Quality Assessment Guide; Urbemis 2007 computer program)			✓	
4. Expose sensitive receptors to substantial pollutant concentrations? (2005 GP FEIR – 4.3 Air Quality; Urbemis 2007 computer program)			✓	
5. Create objectionable odors affecting a substantial number of people? (2005 GP FEIR – 4.3 Air Quality; Urbemis 2007 computer program)			✓	

Impact Discussion:

- 1-3. Implementation of the Municipal Code amendment project would not increase population levels or net density in the City of Ventura. As the project would not contribute to population growth in excess of that forecasted in the AQMP, no impact would occur. No development is proposed as part of or would be facilitated by the Municipal Code amendment, and no increases in land use density, intensity, or distribution are proposed. Thus, no impact is anticipated from new stationary sources of pollutants, such as generators or household uses (stoves, heaters, fireplaces etc). As no construction is proposed, impacts from construction emissions would not be increased. Thus, overall air quality would be unaffected by project implementation. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization of retrieved carts for owners of 10 or more carts. Trucks would continue to be used to retrieve carts from offsite

locations, however, no increase in truck traffic would occur. The Municipal Code amendment itself does not include any specific physical development. No adverse impacts would occur.

- 4, 5 Commercial and industrial uses of the type that would result in substantial pollutant concentrations or objectionable odors would not be facilitated by the proposed Municipal Code amendment. No changes in land use designations or allowed uses are proposed, and no development would be directly approved by the project. No adverse impacts would occur.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have less than significant impacts to air quality.

D. Biological Resources:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (GP FEIR, 4.4- Biological Resources; Local Coastal Plan)				✓
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (GP FEIR, 4.4- Biological Resources; Local Coastal Plan)				✓

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (GP FEIR, 4.4- Biological Resources; Local Coastal Plan)				✓
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (GP FEIR, 4.4- Biological Resources; Local Coastal Plan)				✓
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (MCDC, GP FEIR, 4.4- Biological Resources; Local Coastal Plan)				✓
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (GP FEIR, 4.4- Biological Resources; Local Coastal Plan)				✓

Impact Discussion:

- 1-6. Biological resources may be found throughout the City of Ventura. However, the proposed Municipal Code amendment itself does not include any physical development that would affect these resources, and the proposed regulations would not encourage tree removal, damage to identified species, riparian communities, or sensitive natural habitats, or any increase in development intensity or distribution in the project area.

Implementation of the proposed regulations would not represent any change in how future development would affect movement of any wildlife. No adverse impacts to biological resources, including identified species, riparian communities or sensitive natural communities, wetlands, protected trees, and habitats, are anticipated from the proposed Municipal Code amendment.

Currently, dozens of abandoned carts are found in the Ventura River, which contains environmentally sensitive habitat. The project would reduce the number of shopping carts in the riverbottom, therefore creating a beneficial impact.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have no impact to biological resources. The project would result in beneficial impacts as a result of a reduction of shopping carts in the Ventura and Santa Clara Rivers.

E. Cultural Resources:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5? ? (GP FEIR, 4.5- Cultural Resources; San Buenaventura Research Assoc. [SBRA])				✓
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5? (GP FEIR, 4.5- Cultural Resources; SBRA)				✓

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (GP FEIR, 4.5- Cultural Resources; SBRA)				✓
4. Disturb any human remains, including those interred outside of formal cemeteries? (GP FEIR, 4.5- Cultural Resources; SBRA)				✓

Impact Discussion:

- 1-4. The proposed project involves regulatory changes and does not include any specific physical development. The proposed standards would not facilitate nor encourage new development projects. Because no construction or physical changes to existing buildings is proposed as part of the project and because of the existing regulations and protections in place, including required CEQA review for projects with potential impacts to historic or cultural resources, adoption of the proposed Municipal Code amendment is not anticipated to have any adverse impacts to historic resources.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have no impact to cultural resources.

F. Geology and Soils:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				✓
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial				✓

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (GP FEIR, 4.6- Geologic Hazards)				
ii) Strong seismic ground shaking? (GP FEIR, 4.6- Geologic Hazards)				✓
iii) Seismic-related ground failure, including liquefaction? (GP FEIR, 4.6- Geologic Hazards)				✓
iv) Landslides? (GP FEIR, 4.6- Geologic Hazards)				✓
2. Result in substantial soil erosion or the loss of topsoil? (GP FEIR, 4.6- Geologic Hazards)				✓
3. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (GP FEIR, 4.6- Geologic Hazards)				✓
4. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (GP FEIR, 4.6- Geologic Hazards)				✓
5. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓

Impact Discussion:

- 1-5. Ventura County, like most of Southern California, is a region of high seismic activity and is therefore subject to risk and hazards associated with earthquakes. Several

active faults within the region are considered capable of affecting property throughout the City of Ventura. No septic systems exist within the project area. The proposed project involves regulatory changes and does not include any specific physical development. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed and no development would be specifically approved by adoption of the project.

Individual future development projects that may be proposed and developed may be located on or near sites that could raise concerns regarding hazardous materials use, contamination, or other hazards. However, no increases in land use density, intensity or distribution, are proposed as part of the proposed Municipal Code amendment. No specific development is proposed, and no individual development would be approved by adoption of the Municipal Code amendment.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have no impact to geology and soils.

H. Hazards and Hazardous Materials.

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (2005 GP – Our Safe Community)			✓	
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (2005 GP – Our Safe Community)			✓	
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (2005 GP – Our Safe Community)			✓	

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (http://www.envirostor.dtsc.ca.gov/public)			✓	
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (2005 GP – Our Safe Community)			✓	
6. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (2005 GP – Our Safe Community)			✓	
7. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (2005 GP – Our Safe Community)			✓	
8. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (2005 GP – Our Safe Community)			✓	

Impact Discussion:

- 1-4 Individual future development projects that may be proposed and developed may be located on or near sites that could raise concerns regarding hazardous materials use, contamination, or other hazards. However, no increases in land use density, intensity

or distribution, are proposed as part of the proposed Municipal Code amendment. No specific development is proposed, and no individual development would be approved by adoption of the Municipal Code amendment. In addition, a number of existing state and federal laws and programs apply to hazards and hazardous materials and would apply to subsequent future individual development projects. These include the Resource Conservation and Recovery Act, California Fire Codes, Senate Bill 1082 (Facilities Subject to Corrective Action), Department of Health Services regulations, and Department of Housing regulations.

- 5,6 No airports exist within the City of Ventura or within 2 miles of the City of Ventura limits. No safety hazard impacts would occur because no new individual development or increases in land use density, intensity, or distribution are proposed as part of the proposed Municipal Code amendment. No adverse impacts are anticipated.
- 7. The circulation network would remain unchanged under the proposed regulations. Access to and from existing structures and to and through the project area would remain unchanged. Existing requirements for fire and other emergency access would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.
- 8. The City of Ventura is urbanized but contains large areas of undeveloped lands adjacent to urban areas, where the possibility of wildfires exists at the wildland-urban interface. However, no specific development is proposed by the Municipal Code amendment, and no increases in land use density, intensity, or distribution are proposed. Individual future development projects that may be proposed and developed will be subject to requirements of the International Building Code and the California Building Code. No impacts would occur.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have less than significant impacts to hazards and hazardous materials.

O. Hydrology and Water Quality:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Violate any water quality standards or waste discharge requirements?			✓	
2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of			✓	

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?			✓	
4. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
5. Otherwise substantially degrade water quality?			✓	
6. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			✓	
7. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?			✓	
8. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
9. Inundation by seiche, tsunami, or mudflow?			✓	

Impact Discussion:

1, 3-6 No specific development is proposed as part of the Municipal Code amendment, no individual development will be approved as part of the Municipal Code amendment, and no increases in land use density, intensity, or distribution are proposed. Any number of methodologies may be used for sanitization of carts that may or may not utilize water, including the availability of sanitizing stations for customer use. Regulations under the federal Clean Water Act require that a NPDES general construction storm water permit be obtained for projects that would disturb greater than one acre during construction. Acquisition of a NPDES permit is dependent on the preparation of a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs to control the discharge of pollutants, including sediment, into the local surface water drainages.

For project operation, the City's Stormwater Quality Management regulations (Municipal Code, Chapter 8.600) require measures to controlling non-stormwater discharges to the storm drain system, eliminating discharges to the stormwater drain system from spills, dumping, or disposal of materials other than stormwater, reducing pollutants in stormwater discharges, including those pollutants taken up by stormwater as it flows over urban areas, to the maximum extent practicable, and reducing pollutants in stormwater discharges in order to achieve applicable water quality objectives for surface waters in Ventura County. The City's NPDES Permit requires new development and redevelopment projects to incorporate water quality measures. Depending on the type of project, either a Standard Urban Stormwater Mitigation Plan (SUSMP) or a Site Specific Mitigation Plan is required to reduce the quantity and improve the quality of rainfall runoff that leaves the site. No adverse impacts are anticipated.

2. No development is proposed as part of the Municipal Code amendment, no individual development would be approved as part of the Municipal Code amendment, and no increases in land use density, intensity, or distribution are proposed. Adoption of the proposed Municipal Code amendment would not result in a measurable increase in the demand for water. No impacts are anticipated.

7-9. No development is proposed as part of the Municipal Code amendment project, no individual development would be approved as part of the Municipal Code amendment, and no increases in land use density, intensity, or distribution are proposed. Existing requirements for flood management and mitigation would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.

No development is proposed as part the Municipal Code amendment project, no individual development would be approved as part of the Municipal Code amendment, and no increases in land use density, intensity, or distribution are proposed. Coastal areas of the City of Ventura could potentially be subject to tsunami or seiche, and existing development review requirements and regulation including the Coastal Development Permitting process administered by the City of Ventura, would continue to be applied to development as it is proposed and reviewed. No adverse impacts are anticipated.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have less than significant impacts to hydrology and water quality.

I. Land Use and Planning:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Physically divide an established community?				✓
2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
3. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

Impact Discussion:

- 1-2. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization of retrieved carts for owners of 10 or more carts. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no individual development would be approved by adoption of the Municipal Code amendment. No changes in land use designations are proposed, and no major infrastructure or other projects or changes that would divide existing communities are proposed or would be directly facilitated. No habitat conservation plan exists in the City of Ventura. No impacts would occur.

Mitigation/Residual Impacts: Based on the above discussion, the proposed project would have no impact to land use and planning.

J. Mineral Resources:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
2. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

Impact Discussion:

- 1, 2 The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization for owners of 10 or more carts. No increases in land use density, intensity, or distribution are proposed. No specific development is proposed, and no development would be specifically approved by adoption of the program. Therefore, no impacts to mineral resources would occur.

Mitigation/Residual Impacts: Based on the above discussion, the proposed project would have no impact to mineral resources.

K. Noise:

Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
2. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			✓	

Would the project result in:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
3. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

Impact Discussion:

- 1-3. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization of returned carts for owners of 10 or more carts. Trucks would continue to collect abandoned carts, however, no noise levels would increase. Noise from automobile uses would remain as described and addressed in the 2005 General Plan as less than significant.
- 4. No specific development is proposed and no development would be specifically approved by adoption of the proposed Municipal Code amendment. The proposed regulations do not involve any development proposals or entitlements. Any future development to be developed in the City of Ventura will comply with Noise Control Ordinance 10.650, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible. Therefore, no adverse impacts related to temporary periodic noise would occur.

- 5, 6 The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization for owners of 10 or more carts. No specific development is proposed, and no individual development would be approved by adoption of the program. If adopted, the proposed Municipal Code amendment will not impact any existing or planned airport plans. Therefore, the project would not expose people to excessive noise levels associated with airport operations.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have less than significant impacts to noise.

L. Population and Housing:

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

Impact Discussion:

- 1-3. No specific development is proposed as part of the Municipal Code amendment, no individual development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. No housing is proposed for construction or removal, and no population inducing development or regulations are proposed. The proposed Municipal Code amendment would add a new on-site shopping cart containment development standard for new development and major remodels for stores with six or more shopping carts; however, future development projects will not allow any increase in net density above what has been planned. Therefore, no population and housing impacts would occur.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have no impact to population and housing.

M. Public Services:

Would the project have an effect on or result in a need for new or altered government services in any of the following areas:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Fire protection?			✓	
2. Police protection?			✓	
3. Schools?				✓
4. Parks?			✓	
5. Other public facilities?			✓	

Impact Discussion:

- 1-5. Because no development is proposed as part of or would be facilitated by the Municipal Code amendment project, and no increases in land use density, intensity, or distribution are proposed, the Municipal Code amendment project would not increase the demand for fire or police protection services, schools, parks, or other public services. No new government or other public facilities would be required, and no alterations to existing facilities would result from adoption of the proposed Municipal Code amendment. No adverse impacts related to public services or public services facilities would occur from adoption of the proposed Municipal Code amendment.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have less than significant impacts to public services.

N. Recreation:

Would the project result in a need for new systems or substantial alterations to the following utilities:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Project description)				✓
2. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (Project description)				✓

Impact Discussion:

- 1, 2 No development is proposed as part of the Municipal Code amendment project, no specific development would be approved by the Municipal Code amendment, and no increases in land use density, intensity, or distribution are proposed. No housing or other uses are proposed or would be specifically approved that would result in increased demand for recreational facilities, and no population-inducing development or regulations are proposed. No adverse impacts related to recreation would occur.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have no impact to recreation.

O. Transportation and Traffic.

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			✓	

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
2. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			✓	
3. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
4. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
5. Result in inadequate emergency access?				✓
6. Result in inadequate parking capacity?				✓
7. Conflict with adopted policies, plans or programs supporting alternative transportation?				✓
8. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓
				✓

Impact Discussion:

- 1, 2 No development is proposed nor would any specific development be approved by the proposed Municipal Code amendment. Implementation of the proposed Municipal Code amendment, which would not change the land use designations or density in the project area, would not be expected to affect traffic or circulation. Therefore, and because no specific development, changes in land use, or increases in allowed land use intensity are proposed as part of the proposed Municipal Code amendment, project implementation would not increase traffic volumes within the City of Ventura. No adverse impacts would result.

3. No development is proposed nor would any specific development be approved by the proposed Municipal Code amendment. Therefore, no change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks would result. Building heights would not be increased, nor would projects regulated by the proposed Municipal Code amendment increase airport traffic levels. Existing truck trips for shopping cart retrieval would continue to be reduced by better onsite cart management. No impacts would result.
4. No sharp curves, dangerous intersections or other hazardous traffic or intersection configurations are proposed or would be facilitated by implementation of the Municipal Code amendment project. Major changes in road engineering, alignment or intersection controls that could affect traffic safety are not proposed. Farm equipment and other incompatible vehicular or transportation uses would not be introduced or facilitated by the project. The project would create beneficial impacts in that the number of abandoned shopping carts in rights of way that currently pose potential safety hazard would be reduced. No adverse impacts would result.
5. The circulation network would remain unchanged under the proposed regulations. Access to and from existing structures and to and through the project area would remain unchanged. Existing requirements for fire and other emergency access would continue to be applied to development as it is proposed and reviewed. No impacts would result.
6. No development is proposed nor would any specific development be approved by the proposed Municipal Code amendment. Therefore, no change in parking capacity is anticipated from adoption of the proposed project. The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. No adverse impact would result.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have less than significant impacts to transportation and traffic.

P. Utilities and Service Systems.

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (2005 GP Our Sustainable Infrastructure; GP FEIR, 4.13)				✓
2. Require or result in the construction of new water or				✓

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2005 GP Our Sustainable Infrastructure; GP FEIR, 4.13)				
3. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (2005 GP Our Sustainable Infrastructure; GP FEIR, 4.8 and 4.13)				✓
4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (2005 GP Our Sustainable Infrastructure; GP FEIR, 4.13.1)				✓
5. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the providers existing commitments? (2005 GP Our Sustainable Infrastructure; GP FEIR, 4.13)				✓
6. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (2005 GP Our Sustainable Infrastructure; GP FEIR, 4.11.f)				✓
7. Comply with federal, state, and local statutes and regulations related to solid waste? (2005 GP Our Sustainable Infrastructure;				✓

Would the project:	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
GP FEIR, 4.11.f)				

Impact Discussion:

1-7. No development is proposed as part of the Municipal Code amendment project, no specific development would be approved by the project, and no increases in land use density, intensity, or distribution are proposed. The project would not result in a measurable increase in the demand for water nor in an increase in wastewater generation. No new or expanded facilities are proposed or would be required in order to implement the proposed Municipal Code amendment. No impacts would result.

Mitigation/Residual Impact(s): Based on the above discussion, the proposed project would have no impact to utilities and service systems.

P. Mandatory Findings of Significance:

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impacts
2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				✓
3. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				✓

Findings Discussion:

1. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization for owners of 10 or more carts. No development is proposed as part of the Municipal Code amendment project, no specific development would be approved by the project. As such, the project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization for owners of 10 or more carts. No development is proposed as part of the Municipal Code amendment project, no specific development would be approved by the project. As such, the project will not have impacts, which are individually limited, but cumulatively considerable that have not already been taken into account in the respective community plan area.
3. The amendment requires new onsite cart containment, security after business hours, written permission for removal, mandatory retrieval, identification signs, removal warning signs, employee training, and sanitization for owners of 10 or more carts. No development is proposed as part of the Municipal Code amendment project, no

specific development would be approved by the project. As such, the project does not have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly.

VIII. CIRCULATE TO THE FOLLOWING AGENCIES/PERSONS:

VENTURA COUNTY

Agricultural Commissioner	<input type="checkbox"/>	Ventura County Clerk/Recorder* (hand deliver – 1 original, 4 copies)	<input checked="" type="checkbox"/>
Ventura County Watershed Protection District*	<input checked="" type="checkbox"/>	Local Agency Formation Commission (LAFCO)	<input type="checkbox"/>
County of Ventura Resource Management Agency, Attn: Planning* Director (1 hard copy, 6 CDs)	<input checked="" type="checkbox"/>	Ventura County Transportation Commission* (VCTC)	<input checked="" type="checkbox"/>

ADJACENT COUNTIES

Kern County Planning & Development Services	<input type="checkbox"/>	County of Santa Barbara Planning Division	<input type="checkbox"/>
County of Ventura Dept. of Regional Planning Impact Analysis Section	<input type="checkbox"/>		

ADJACENT CITIES

City of Oxnard	<input type="checkbox"/>	City of Ojai	<input type="checkbox"/>
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OTHER PUBLIC AGENCIES

Air Pollution Control District*	<input checked="" type="checkbox"/>	Ventura County Organization of Government (VCOG)	<input type="checkbox"/>
Ventura County Solid Waste Management Department	<input type="checkbox"/>	Ventura Regional Sanitation District*	<input checked="" type="checkbox"/>
Casitas Mutual Water District	<input type="checkbox"/>	South Coast Area Transit (SCAT)	<input type="checkbox"/>
Ventura Unified School District	<input type="checkbox"/>	Southern California Edison	<input type="checkbox"/>

LIBRARIES

Avenue Branch Library* [X]

E.P. Foster Branch Library* [X]

STATE AGENCIES

California Coastal Commission
South Central Coast Area Office []

Southern California Association of
Governments (SCAG)* (3 copies) [X]

California Dept. of Fish & Game
(Santa Barbara) []

Caltrans District 7
Environmental Section []

California Regional Water Quality Control
Board []

State Department of Parks
and Recreation []

California Integrated Waste
Management Board, Permits Section []

Dept. of Boating & Waterways []

California Department of Toxic
Substances Control []

State Clearinghouse (10 copies) []

FEDERAL AGENCIES

U.S. Army Corps of Engineers [] U.S. Fish & Wildlife Service []

CITIZEN GROUPS

Audubon Society []	Sierra Club []
Building Industry Association Greater Ventura/Ventura Region of Southern California, Inc. []	California Trout []
Environmental Coalition []	Surfrider Foundation []
Environmental Defense Center []	Friends of the Ventura River []
Friends of the Santa Clara River []	San Buenaventura Conservancy []
Ventureano Canaliano Chumash []	Owl Clan Consultants []
Candelaria American Indian Council []	Montalvo Property Owners Association []
Ventura County Archaeological Society []	Foothill Road Homeowners Association []
Westside Community Council []	East Ventura Community Council []
Downtown Community Council []	Midtown Community Council []
Pierpont Community Council []	

*Indicates agency/person always receives notice.

IX. LIST OF REFERENCES:

These references, and those previously cited within the text of this Initial Study/Environmental Assessment, are intended to provide a list of Supporting Information Sources and/or evidence staff has relied upon in completing this document and in reaching the conclusions contained herein. In addition, the materials that were submitted by the applicant have also been used in completing this document.

If any person or entity reviewing this Initial Study/Environmental Assessment has a

question regarding the supporting information source and/or evidence, they may contact the staff planner at the address and telephone number noted on the front page of this document during the public review period.

- A. General Plan, including all technical appendices, maps, and the Final Environmental Impact Report prepared and certified therefore - City of San Buenaventura, 2005.
- B. Zoning Ordinance, including all maps and the Negative Declaration (EIR-2010) prepared and adopted therefore - City of San Buenaventura, 1992.
- C. Municipal Code – City of San Buenaventura.
- D. Annual Transportation Report, Technical Appendix – City of San Buenaventura, April 2002
- E. Countywide Solid Waste Management Plan - Ventura County Solid Waste Management District, 1985.
- F. Air Quality Mitigation Program - City of San Buenaventura, 1993.
- G. Noise Ordinance - City of San Buenaventura.
- H. Federal Emergency Management Agency (FEMA) MAPS, 1987.
- I. Uniform Building Code, 2000.
- J. Department of Toxic Substances Control. Hazardous Waste and Substances Map. Available Online at <http://www.envirostor.dtsc.ca.gov>
- K. Ventura County Air Quality Assessment Guidelines. 2003.

X. PERSONS AND/OR AGENCIES CONSULTED DURING PREPARATION OF THIS INITIAL STUDY/ENVIRONMENTAL ASSESSMENT:

<u>Person</u>	<u>City Agency</u>	<u>Comments</u>
Jeffrey Lambert, AICP	Community Development	
Peter Brown	Community Services	

XI. RECOMMENDED MITIGATION MEASURE AND RELATED REPORTING MONITORING PROGRAM: None

Attachment B

Draft Ordinance

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA AMENDING DIVISION 8 [PUBLIC HEALTH AND SAFETY REGULATIONS] OF THE SAN BUENAVENTURA MUNICIPAL CODE BY ADDING A NEW CHAPTER 8.800 PERTAINING TO ABANDONED SHOPPING CARTS

The Council of the City of San Buenaventura does ordain as follows:

Section 1. Division 8 of the San Buenaventura Municipal Code is amended by the addition of a new Chapter 8.800 to read as follows:

Chapter 8.800 Abandoned Shopping Carts

- Sec. 8.800.010 Findings.**
- Sec. 8.800.020 Definitions.**
- Sec. 8.800.030 On-Site Shopping Cart Retention System Required.**
- Sec. 8.800.040 Shopping Cart Security After Business Hours.**
- Sec. 8.800.050 Written Permission Required for Cart removal from Business Premises.**
- Sec. 8.800.060 Cart Retrieval Program Required.**
- Sec. 8.800.070 Cart Owner Identification Signs Required.**
- Sec. 8.800.080 Cart Removal Warnings Required.**
- Sec. 8.800.090 Employee Training Required.**
- Sec. 8.800.100 City Retrieval of Carts.**
- Sec. 8.800.110 Impoundment, Retrieval, Payment of Costs.**
- Sec. 8.800.120 Immediate Retrieval of Identified Carts.**

Sec. 8.800.010 Findings.

A. The City Council finds and determines that shopping carts are being removed from businesses and abandoned throughout the City on public and private property.

B. Abandoned shopping carts present a threat to the public health and safety because they obstruct pedestrian and vehicular traffic in the City, increase the operating costs of businesses and cause the City to expend resources unnecessarily to retrieve and remove shopping carts from public and private property.

C. Abandoned shopping carts are typically the result of theft and contribute to the perception of community blight and a reduction of property values in the neighborhoods where they tend to accumulate.

D. In enacting this chapter, the City Council has been mindful of the

preemptive effect of state law, in particular Business and Professions Code Sections 22435, *et seq.*, and, in reliance upon Business and Professions Code Section 22435.8, this chapter avoids any express conflict with state law.

E. The City Council finds that the regulatory fee established by this chapter is not a tax as that term is defined in subdivision (e) of Section 1 of Article XIIC of the California Constitution (Proposition 26) because it is a charge for a specific benefit conferred directly to cart owners which is not provided to those not charged and which does not exceed the reasonable costs of conferring the benefit. Moreover, the regulatory fee established is a charge imposed for the reasonable regulatory costs incurred by the city in the enforcement of this chapter.

Sec.8.800.020 Definitions.

A. "Business Premises" means the interior of a cart owner's commercial establishment, adjacent walkways, any loading area, and the parking area (which shall include a parking lot or other adjacent property provided by a commercial establishment for customer parking, including the entire parking lot in a multiple-store shopping center).

B. "Cart Identification Sign" means a sign or engraved surface permanently affixed to a cart which specifies the name of the cart owner or retailer, or both; the telephone number of the cart owner or retailer, or both; a toll-free number for cart retrieval; the individual cart identification number; and a notice to the public that unauthorized removal of the cart from the business premises is a violation of state law and City ordinance.

C. "Cart" or "Shopping Cart" means a basket that is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind. Shopping Cart does not include a cart sold to a customer or owned by a customer for his or her own personal use.

D. "Cart Owner" means the owner or operator of a commercial establishment that provides carts for use by its customers and which owns or controls 10 or more shopping carts on the business premises.

E. "Cart Removal Warning" means a sign or text that is at least 18 inches in width and 24 inches in height using block lettering not less than one-half inch in width and two (2) inches in height containing a statement in two or more languages to the effect that unauthorized removal of a shopping cart from the business premises, or unauthorized possession of a shopping cart in a location other than the business premises, is a violation of state law and City ordinance.

F. "On-Site Cart Retention System" means one or more of the following measures:

1. Mechanical disabling devices on all shopping carts, which prevent the cart from being removed from the business premises by locking the wheels automatically or otherwise preventing movement of the carts off of the business premises
2. An on-site security guard to prevent customers from removing carts from the business premises
3. Bollards and/or other barriers around the business premises to prevent cart removal, subject to approval of the City's Fire Marshal
4. Obtaining a security deposit from customers for the use of shopping carts on the business premises
5. Any other measure approved by the Director of Community Development as a means of preventing carts from being removed from the business premises.

G. "Sanitized" means one or more of the following measures:

1. Use of onsite cart cleaning and sanitizing systems
2. Pressure washing
3. Steam cleaning
4. Availability of shopping cart sanitization stations for customer use
5. Availability of cart liners for customer use or purchase
6. any other measure approved by the Director of Community Development as a means of cleaning, sanitizing, or eliminating exposure to contaminants that may be found on shopping carts.

Sec.8.800.030 On-Site Shopping Cart Retention System Required.

A. Every cart owner shall on or before January 1, 2013 install, operate and maintain an on-site cart retention system.

B. Every cart owner shall at all times contain all shopping carts on the business premises.

Sec. 8.800.040 Shopping Cart Security After Business Hours.

Every cart owner shall lock or otherwise secure all shopping carts during hours when the business premises are not open for business.

Sec. 8.800.050 Written Permission Required for Cart removal from Business Premises.

No person shall be authorized or deemed authorized to remove a shopping cart from the business premises unless he or she is in possession of written permission from the cart owner.

Sec. 8.800.060 Cart Retrieval Program Required.

A. Every cart owner shall have a cart retrieval program in place, which may include a contract with a cart retrieval service, that is sufficient to respond to complaints from the public or City regarding abandoned carts in a manner that results in the retrieval of the carts within twenty-four (24) hours of receiving the complaint(s).

B. Every retrieved cart shall be sanitized prior to customer use.

Sec. 8.800.070 Cart Owner Identification Signs Required.

A. Each Cart owned or used within the City shall have a permanently affixed and clearly visible cart identification sign.

B. Each cart owner shall continuously maintain or cause to be maintained the cart identification sign so that all of the required information is accurate and clearly legible.

Sec. 8.800.080 Cart Removal Warnings Required.

Every cart owner shall permanently and prominently post and maintain cart removal warnings on an interior wall of the business premises within two (2) feet of all customer entrances and exits. Cart removal warnings may also be posted on the exterior of the building.

Sec. 8.800.090 Employee Training Required.

Each cart owner shall conduct regular and ongoing employee training to educate new and existing employees about procedures to prevent cart removal from the business premises, including but not limited to the operation of the on-site cart retention system.

Sec. 8.800.100 City Retrieval of Carts.

The City may retrieve an abandoned cart from public property (or private property with the consent of the property owner) in the following circumstances:

A. Where the location of the shopping cart will impede emergency services.

B. When the abandoned cart does not identify the owner of the cart as required in Section 8.800.070.

C. When the city has contacted either the owner or the owner's agent and actually notified them of the abandoned cart and the cart has not been retrieved within seventy-two (72) hours.

Sec. 8.800.110 Impoundment, Retrieval, Payment of Costs.

A. If the city retrieves a cart, the city shall hold the cart at a location that is reasonably convenient to the owner of the shopping cart and open for at least six (6) hours on business days.

B. Where the city has not already provided notice to the owner that an abandoned cart needs to be retrieved, the city shall notify the owner that the city has impounded their cart and provide information as to the cart's location, how the cart may be retrieved, that failure to retrieve the cart may result in the cart's sale or destruction, that the owner will be responsible for the city's costs, and that the city may fine owners after the city has picked up the owner's carts more than three times. In the case of a cart that does not provide adequate identification or markings to determine its owner the city shall only be required to notify the cart owner if the city obtains actual knowledge of the owner's identity.

C. If a cart is not retrieved by its owner within thirty (30) days after the owner has received notice of the cart being impounded, or if the cart's owner cannot be determined, within thirty (30) days after the cart has been impounded, the cart may be sold or destroyed by the city or its agents and/or contractors.

D. The Director or his or her designee may issue an administrative citation of fifty dollars (\$50), under the procedures in Chapter 1.050, against any cart owner for any day, after the first three days, during any specified six-month period, in which the city picks up a cart under the circumstances found in Section 8.800.100.

E. No cart shall be released to its owner under the procedures in this section unless the owner pays a fee for the city's actual costs to retrieve and store the cart. The city's costs to retrieve and store may be provided in the Master Fee Schedule.

Sec. 8.800.120 Immediate Retrieval of Identified Carts.

Notwithstanding any other section of this chapter, the City may immediately retrieve a cart that does have the appropriate markings and

identification under Section 8.800.070 provided the city actually notifies the owner within twenty-four (24) hours that the city has impounded the cart and provides information to the owner where and how the cart may be retrieved. The city may not collect a fee or impose a fine, nor count a retrieval for purposes of a fine under Section 8.800.110 D., if the cart retrieved by the City under this section, is collected by the owner within three (3) business days of the actual notice to the owner by the City. If the cart is not retrieved within three (3) business days by its owner, the City may collect its actual costs and impose a fine and dispose of the cart consistent with the provisions of Section 8.800.110.

Section 2. CEQA Findings.

PASSED and ADOPTED this ___ day of ___ 2012.

Mike Tracy, Mayor

ATTEST:

DRAFT

Elaine M. Preston
Interim City Clerk

APPROVED AS TO FORM

By: _____
Ariel Pierre Calonne
City Attorney

Attachment C

**Map of Affected
Businesses as of
12/6/11**

