

Department of Fish & Game Environmental Filing Transmittal Memorandum/Filing Cash Receipt

Please complete the information and submit a transmittal with each set of documents presented for filing. Please provide an original set and (3) three sets of copies for filing. Thank you.

(for office use only)



20110131-10001347-0 1/1

Ventura County Clerk and Recorder
MARK A. LUNN
01/31/2011 11:14:29 AM
486363 \$.00 HA

Project Title: Saticoy & Wells Community Plan, Development Code and EIR, Addendum #2

Name of Agency City of Ventura
filing attached document:

The above named agency is filing as: Lead Agency Responsible Agency Trustee Agency

Address of Filing Agency: 501 Poli Street, Ventura, CA 93001

Document Type (check one):

Negative Declaration Mitigated Neg. Declaration Environmental Impact Report Exemption

Project Applicant: City of Ventura

Project Applicant Address: 501 Poli Street, Ventura, CA 93001

Project Applicant Phone Number: 805-654-7727

Project Applicant is (check one):

Local Public Agency School District Other Special District State Agency Private Entity

If the agency presenting this document is filing as the responsible agency, **provide a copy** of the Lead Agency's filed documents and complete the following:

Lead Agency: _____

Lead Agency's Project Title: _____

Lead Agency's State Receipt #: _____ Lead Agency's Document #: _____

Check Applicable Fees (check all that apply):

- Negative Declaration (\$2,044)
- Environmental Impact Report (\$2,839.25)
- Categorically Exempt
- Statutorily Exempt
- County Administrative Fee (\$50.00)
- No Effect Determination Form
- Filed by responsible agency, fees paid by lead agency (Attach a copy of Lead Agency's filing & receipt.)
- Fees have already been paid (Attach a copy of the prior filing and proof of payment.)

Prepared by: Margaret A. Ide Associate Planner
Name Title

Signature: Date 12/31/2011 Phone # 805-654-7727

DO NOT WRITE BELOW THIS LINE - The following portion will be completed by the Ventura County Clerk's Office.

Total \$ received:
Signature of person receiving payment: Kristi Hamlet, Deputy County Clerk

(01/2011) CC&R Posted: JAN 31 2011 through APR 20 2011

Notice of Determination

Appendix D

To:

Office of Planning and Research
For U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St. Sacramento, CA 95814

County Clerk
County of: Ventura
Address: 800 South Victoria Avenue Ventura, CA 93009

From:

Public Agency: City of Ventura -- Planning
Address: 501 Poli Street Ventura, CA 93002
Contact: Maggie Ide, Associate Planner
Phone: 805-654-7727

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 20060811399

Project Title: Saticoy & Wells Community Plan and Development Code (Addendum 2)

Project Location (include county): City of San Buenaventura, Ventura County

Project Description:

This is to advise that the City of San Buenaventura has approved the above described project on January 24, 2011 and has made the following determinations regarding the above described project:
(Lead Agency or Responsible Agency)

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [X] were [] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [] was not adopted for this project.
5. A statement of Overriding Considerations [] was [] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: 501 Poli Street, Ventura, CA 93002

Signature (Public Agency) [Handwritten Signature] Title Associate Planner
Date 1/31/2011 Date Received for filing at OPR

FILED
DATE: JAN 31 2011
MARK A. LUNN
Ventura County Clerk and Recorder
By: Kristi Hamlet Deputy

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

POSTED
JAN 31 2011 APR 20 2011
MARK A. LUNN
Ventura County Clerk and Recorder
By: Lizzeth Tellez Deputy
Revised 2005

ADDENDUM #2 TO A FINAL ENVIRONMENTAL IMPACT REPORT

SATICOY AND WELLS COMMUNITY AND PLAN DEVELOPMENT CODE State Clearinghouse # 2006081139 City EIR # 2473

This Addendum to the Saticoy and Wells Community Plan and Development Code (SCH #2006081139) Final Environmental Impact Report (EIR) is being prepared to provide additional information related to the proposed action, consistent with provisions specified in California Environmental Quality Act (CEQA) Guidelines §15164 (et. seq) and the City's Municipal Code, Chapter 24R.450.

The Draft EIR for the Saticoy and Wells Community Plan and Development Code was prepared and then circulated for a 45-day public review period on May 14, 2009. The City Council of San Buenaventura held public hearings on September 9, 2009 and November 21, 2009. On November 16, 2009, the City Council passed a Resolution 2009-066 certifying the Final EIR as being accurate, objective, complete, and in conformance with the Guidelines for Implementation of CEQA and Procedures for the State of California and the City of San Buenaventura Municipal Code. Subsequent to the certification of the Final EIR the environmental setting, specifically the water supply estimates for the Saticoy Yard Well, were modified. The FEIR concluded there was no significant impact to water supply as a result on any of these changes.

During initial certification of the FEIR as part of the adoption hearings for the Saticoy and Wells Community Plan, concerns were expressed by the Fox Canyon Groundwater Management Agency (FCGMA) and United Water Conservation District (UWCD) resulting in modifications to Section 4.14 of the DEIR, as well as a subsequent FEIR addendum to modify the total amount of water supplied by the Saticoy Yard Well to the project area.

However, persistent concerns regarding the impact of the well to the Oxnard Forebay Basin resulted in the City Council approval of a Limitation and Tolling Agreement to extend the challenge period of the FEIR, between the City of Ventura, United Water Conservation District and Fox Canyon Groundwater Management Agency. The parties agreed to a cooperative Operations Testing Plan to provide testing of the impact of the water drawn from the Saticoy Yard Well to provide technical data regarding the water agencies' concerns.

As a result of testing under the Operations Plan, the 2010 Saticoy County Yard Well Test Program Report made the following conclusions:

1. Preliminary findings from the report indicate that the aquifer zones supporting the Saticoy Yard Well water production are in direct hydraulic communication with the Oxnard Forebay Basin.

2. The City will continue to monitor well production and water levels in the Saticoy Yard Well and provide them to the County of Ventura, Fox Canyon Groundwater Basin and United Water Conservation District.
3. The April 2004 County of Ventura Saticoy Operations Yard EIR is not sufficient for the anticipated operation of the Saticoy Yard Well and therefore additional environmental clearance is warranted for operation of the Saticoy Yard Well.
4. The Limitations Tolling Agreement expired on December 31, 2010. All parties agree that this is appropriate if any reference to the Saticoy County Yard Well is stricken from the Saticoy & Wells Community Plan & Development Code EIR.

In order to address the findings of the County Yard Test Well Report, the following addendum is added as modification to the Saticoy & Wells Community Plan and Development Code FEIR:

- Section 4.14.1 a: Setting, Page 4.14.-1:
Table 4.14.2 presents historic and projected water production for the City. The City does not currently experience water supply shortages and with the upcoming addition of the Saticoy Yard Well, does not anticipate the need for additional supplies within the 20 year horizon. The Yard Well is anticipated to begin production in 2010, with an estimated 75% of design production capacity of 2,400 AFY.

- Table 4.14.-1: Historic and Projected Water Source Supply Availability (Acre Feet), Page 4.14.-2:

- Strike '2,400 acre feet' as 'Projected Water Supply of Saticoy Yard Well in the years 2013 and 2018 and replace with '0 acre feet'.
- Reduce Total Water Supply from 29,900 acre feet in years 2013 and 2018 to '0'.

- Section 4.14.2 b: Project Impacts and Mitigation Measures:
Impact U-1: Development facilitated by the Project would increase water demand by a net increase of approximately 1, 014 feet per year (AFY). The total estimated water available from Lake Casitas, the Ventura River diversion, and the groundwater basin is 27,500 28,000 AFY, which is sufficient to meet these projected demand increases. Therefore, water supply impacts would be Class III, *less than significant*.

Development facilitated by the Project would generate a water demand increase estimated at 1,014 AFY, as indicated in Table 4.14-6. Overall projected water demand for 2018 is 22,696 AFY and projected water supply is 27,500 29,900 AFY. (City of San Buenaventura 2008 Biennial Water Supply Report). The 2018 demand is projected to be 23,983 AFY, which is within the projected supply.

The proposed modifications to the base water supply assumptions for the water supply analysis do not represent significant changes that would result in any new significant

environmental effects or an increase in severity of previously identified effects. The proposed modification would actually result in a reduction in the level of potential impacts associated with potential hydrologic impacts to the Oxnard Forebay Basin and potential salt water intrusion. Therefore, substantial changes to the Final EIR would not be required. Circumstances associated with the Saticoy & Wells Community Plan and Development Code project that were discussed in the Final EIR have not been subject to substantial change. Additionally, the proposed modifications to the project do not introduce new information which was not known at the time of the preparation of the Final EIR which would introduce new significant effects, increase the severity of effects previously identified and discussed, or represent new mitigation or alternatives that are significantly different from those addressed in the Final EIR.

Based on the foregoing, the proposed minor change to the documented water supply for the proposed project is not significantly different from the previously identified, and would not result in any new significant impact, or in a substantial increase in the severity of a previously identified environmental impact. The modified proposed project would reduce potential impacts associated with impacts to the Oxnard Forebay Basin, and would be considered environmentally superior to the former proposed in this regard.

Therefore, per CEQA Guidelines Section 15164. City Council finds:

- Substantial changes are not proposed for the project which will require major revisions of the previous FEIR; and
- No new significant environmental effects or substantial increase in the severity of previously identified effects will occur; and
- No new information of substantial importance or which shows additional significant effects has been added to the FEIR; and
- No new mitigation measures have been added to the project.

CITY COUNCIL RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA APPROVING ADDENDUM #2 AND RECERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE SATICOY & WELLS COMMUNITY PLAN AND DEVELOPMENT CODE PROJECT AND ALL RELATED LEGISLATIVE ACTIONS, ADOPTING FINDINGS PURSUANT TO SECTION 15091 AND 15164 OF THE GUIDELINES FOR IMPLEMENTATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND RECOMMENDING ADOPTION OF A MITIGATION MONITORING AND REPORTING PLAN AS EACH OF THE FOREGOING RELATE TO THE SATICOY & WELLS COMMUNITY PLAN AND DEVELOPMENT CODE

CASE NO. EIR-2473

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1: CHRONOLOGY. The City Council hereby finds and determines as follows:

A. On August 24, 2006, the City of San Buenaventura issued a Notice of Preparation of an Environmental Impact Report for the Saticoy & Wells Community Plan and Development Code to be distributed to all responsible agencies, trustee agencies and interested parties for review and comment; and

B. Subsequent to distribution of the Notice of Preparation, the City of San Buenaventura conducted a scoping meeting on August 29, 2006, for the Saticoy & Wells Community Plan and Development Code Environmental Impact Report; and

C. In recognition of the comments received in response to the Notice of Preparation, the City of San Buenaventura prepared Draft Environmental Impact Report Number EIR-2473 (State Clearinghouse Number 2006081139), dated May 2009; and

D. A Notice of Completion for the Draft Environmental Impact Report, hereafter, the DEIR was filed on May 14, 2009 giving public notice of the availability of the DEIR for review and comment; and

E. Copies of the Draft Environmental Impact Report were circulated for a public review and comment period between the dates of May 14, 2009 and July 20, 2009; and

F. In accordance with the requirements of CEQA, responses to comments received relative to the Draft Environmental Impact Report were prepared and provided

to responding agencies, the Planning Commission and the City Council of the City of San Buenaventura; and

G. The Final Environmental Impact Report was certified on November 16, 2010; and

H. The City of Ventura entered into a Limitation and Tolling Agreement and Operations Testing Plan for the Saticoy Yard Well with the Fox Canyon Groundwater Management Agency and United Water Conservation District; and

I. The City prepared Addendum #2 to address removal of the Saticoy Yard Well from the total amount of water supply to the project which had previously been included in the environmental analysis as a result of the Operation Testing Plan;

J. The proposed Final EIR comprises (i) the Draft Environmental Impact Report, (ii) list of persons, organizations and public agencies commenting on the Draft Environmental Impact Report, (iii) comments received from the public and interested agencies, (iv) the proposed Response to Comments, (v) revisions to the text of the Draft Environmental Impact Report as necessary to reflect changes made in response to comments and other information, (vi) other minor changes to the text of the Draft Environmental Impact Report, (vii) the proposed Mitigation Monitoring and Reporting Program, and (viii) all attachments and documents incorporated by reference into the Final EIR; (ix) Addendum #1 included in the FEIR certified on November 16, 2010; and (x) Addendum #2 dated January 24, 2011.

K. A Mitigation Monitoring and Reporting Program (MMRP) has been drafted to meet the requirements of CEQA Section 21081.6 as a mitigation measure monitoring reporting program incorporated as Section 9 of the Final EIR.

L. Margaret Ide is the Custodian of Records for the Record of Proceedings in this matter.

SECTION 2: In accordance with Municipal Code Section 2R.450.430 and City Council Resolution No. 2002-57 (The City's local CEQA Implementation Guidelines), the City Council hereby further finds that the Final EIR for Case No. EIR-2473 is accurate, objective, complete, and in compliance with the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) and Procedures of the State of California and the City of San Buenaventura, and represents the independent judgment of the City. The City Council has reviewed all documentation comprising the Final EIR and, consistent with the Community Development Department's recommendation, (i) finds the Final EIR is adequate and complete and (ii) certifies the Final EIR as being in compliance with CEQA Guidelines Section 15091;

SECTION 3: The Final EIR, having been presented to the City Council, and all procedures having been duly followed as required by law, the City Council certifies that

it has reviewed and considered the Final EIR, including the proposed Saticoy & Wells Community Plan and Development Code development scenario evaluated therein, CEQA mandated project development alternatives, proposed mitigation measures, the MMRP, and the public comments received to date during the public review period for the DEIR. For the recommended Saticoy & Wells Community Plan and Development Code development scenario, the potentially significant impacts will be mitigated to a level of less than significant with the implementation of mitigation measures proposed by the Final EIR and contained in the Mitigation Monitoring and Reporting Program set forth in Section 9 of the Final EIR, and incorporated herein by reference.

SECTION 4: Pursuant to Section 21081 of CEQA and the CEQA Guidelines Section 15091, the City Council hereby restates the following findings for each of the potentially significant, but mitigable environmental effects of the proposed Saticoy & Wells Community Plan and Development Code.

A. Aesthetics

Potential Impact –

AES-2: Plan area development would potentially alter and/or block views from various public view corridors. Impacts to viewsheds are considered Class II, significant but mitigable.

Proposed Mitigation to address aesthetics impact AES-2 include:

AES-2(a): Sound walls: Views of sound wall abutting SR-126 shall be softened through installation of landscaping such as trees, shrubs and climbing vines, resulting in a variety of textures and colors. Monolithic structures shall be avoided to the extent practicable through a series of smaller wall structures. Where required for project approval, prior to Final Map approval, the Design Review Committee shall review and approve landscaping and irrigation plans. Prior to occupancy of any dwelling unit within a proposed development project area, the sound wall, landscaping and irrigation shall be installed.

B. BIOLOGICAL RESOURCES

Potential Impact –

BIO-3: The Project would designate areas for future development and would implement public infrastructure. Future developments and infrastructure components may affect areas known or suspected to contain rare, threatened, or endangered species. Impacts are considered Class II, significant but mitigable.

Proposed Mitigation Measures to address impact BIO-3 include:

- BIO 3(a) Preconstruction Surveys: A preconstruction presence/absence survey will be required within 30 days prior to any development proposed within natural habitat to determine the presence of special status wildlife species. Prior to commencement of grading operations or other activities involving disturbance of natural habitat, a survey shall be conducted to locate potential special-status wildlife species within 100 feet of the outer extent of projected soil disturbance activities. If a special-status wildlife species is observed, the locations shall be clearly marked and identified on the construction/grading plans. A biological monitor shall also be present at the initiation of vegetation clearing to provide an education program to the construction operators regarding the efforts needed to protect the special-status species. Fencing or flagging shall be installed around the limits of grading prior to the initiation of vegetation clearing.
- BIO-3(b) Burrowing Owl Pre-construction Surveys: A pre-construction presence/absence survey shall be conducted for burrowing owls 30 days prior to ground disturbance/vegetation clearing within the ruderal habitats of Project Area open space as well as the burrowing owl's preferred habitats. If burrowing owls are observed, CDFG shall be consulted prior to construction to develop a conservation plan, including active relocation and/or passive relocation (the use of one-way doors and collapse of burrows). Any relocation efforts shall be conducted outside of the nesting season (approximately March 1 – September 15), and taking of an active nest shall be avoided.
- BIO-3(c) Lighting and Sound Restrictions: Lighting near natural habitat, such as in the vicinity of Brown Barranca and the Santa Clara River, shall be shielded and directed away from that habitat. Lighting of parking lot areas shall be limited to an intensity only sufficient to provide safe passage. Sound amplification equipment shall be shielded from natural habitat to reduce effects on potential special-status wildlife species. A qualified biologist shall review lighting and sound plans prior to construction to ensure that the proposed lighting minimizes potential impacts on special-status wildlife species.
- BIO 3(d) Conduct Pre-Construction Floristic Surveys: Within natural habitat areas that have been previously undeveloped and undisturbed, floristic surveys shall be conducted prior to the commencement of construction activities to account for any special-status plant species that were not identifiable or detected during initial surveys. The supplemental focused rare plant surveys would follow survey guidelines as developed by CDFG and CNPS. The purpose of the surveys shall be

to identify all extant individuals and the population size of listed plants within the Project Area.

BIO 3(e) Avoid or Minimize Impacts to Listed Plant Species: If a special-status plant species is observed on a proposed construction site, the location of any potential listed species and/or population boundaries shall be delineated prior to grading or construction. All individuals or areas of the population that can be avoided shall be flagged off, preserved, and monitored to insure indirect impacts do not contribute to further loss of any listed species. Avoidance is defined as a minimum 200-foot buffer unless an active maintenance plan is implemented for the known occurrence. With implementation of an active maintenance and management program, the buffer width may be reduced further based on review and approval by the jurisdictional agencies. (USFWS and/or CDFG).

Construction monitors shall be present during grading or other construction activities within 200 feet of known listed plant species.

Construction operators shall be educated as to the species identification and sensitivity, and shall be directed to avoid impacts to such plants.

Any individuals that may be affected or lost due to construction activities and associated development shall be salvaged and relocated to a designated suitable mitigation site isolated from human disturbance. A mitigation restoration plan shall be prepared by a qualified plant ecologist that identifies the number of plants to be replanted and the methods that will be used to preserve this species onsite mitigation area. The plan shall also include a monitoring program so that the success of the effort can be measured. Restoration efforts shall be coordinated with applicable federal, state, and local agencies. The mitigation restoration plan shall be submitted to the appropriate regulatory agencies for review, with the plan then submitted to the City of Ventura for approval prior to issuance of a grading permit for the area of concern.

BIO-3(f) Sensitive Plant Protection Plan: A mitigation and management plan shall be developed for listed plant species that may be affected or lost due to potential development facilitated by the proposed Community Plan. The plan shall be developed by a qualified plant ecologist and would include an analysis of take, mitigation measures, and an Adaptive Management Plan (AMP) to identify strategies for responding to changed circumstances, and a monitoring plan. Specifically, it shall identify the number of plants to be replanted, the methods that will be

used to preserve this species in this location, and methods to ensure successful mitigation for impacts to special-status plant species. The required level of success shall be defined at a minimum as a demonstration of three consecutive years of growth of a population equal to or greater than that would be lost due to development facilitated under the proposed Community Plan. The mitigation plan shall include but not be limited to:

- Preserving or transporting appropriate topsoil from the development envelope as a seed bank to promote special-status species revegetation at a relocation site;
- Salvage operations to relocate species to a suitable mitigation site;
- Collecting seeds of a special-status plant species site, to ensure that the genetic integrity of the local landscape remains intact;
- Sowing the collected seeds into designated suitable mitigation site;
- Determination of necessary irrigation requirements and irrigating the mitigation plantings if necessary until they become established; and
- Maintaining and monitoring restoration/planting sites for a minimum of (3) years (or as determined successful, whichever is sooner) to determine mitigation success/failure, and implementing remedial measures to satisfy mitigation objectives.

BIO-3(g) Nesting Bird Protection: Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1 through August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).

If avoidance of the breeding bird season is not feasible, the Department recommends that beginning thirty days prior to the disturbance of suitable nesting habitat the project proponent should

arrange for weekly bird surveys to detect protected native birds occurring in the habitat that is to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat), or as determined by a qualified biological monitor, until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest, or as determined by a qualified biological monitor. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

Once the pre-construction bird surveys are conducted by a qualified biologist during the proper seasons, the report results, including survey dates, exact species observed, location of species onsite, and nesting/breeding behavior observed, shall be submitted to the City and other necessary regulatory agencies for review and approval. No construction shall begin prior to this approval.

C. Cultural Resources

Potential Impact –

- CR-1** The Project may result in the disturbance of as yet undetected areas of prehistoric archaeological significance. This is a Class II, significant but mitigable, impact.

Proposed Mitigation Measures to address CR-1 include:

Compliance with existing Actions of the 2005 Ventura General Plan on a project-by-project basis and required preparation of a site-specific archaeological study in areas of potential sensitivity:

- General Plan Action 9.14: Require archaeological assessment for projects proposed in the Coastal Zone and other areas where cultural resources are likely to be located.
- General Plan Action 9.15: Suspend development activity when archaeological resources are discovered, and require the developer to retain a qualified archaeologist to oversee handling of the resources in coordination with the Ventura County Archaeological Society and Native American organizations as appropriate.

CR-1(a) Temporary Work Suspension if Resources Unearthed: In the event that archaeological or paleontological resources are unearthed during construction of accommodated development, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist or paleontologist as appropriate has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative shall monitor any mitigation work associated with Native American cultural material.

CR-1(b) Human Remains Procedures: If human remains are unearthed during excavation of accommodated development, State Health and Safety Code Section 7070.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin an disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC).

CR-2 Implementation of the Project may result in the removal or alteration of buildings that have the potential to be historic resources. This is a Class II, significant but mitigable impact.

Mitigation Measures: Compliance with existing Actions of the 2005 Ventura General Plan, Ventura County General Plan and proposed Community Plan reduce impacts to historic resources to a less than significant level:

- General Plan Action 9.16: Pursue funding to preserve historic resources.

- General Plan Action 9.17: Provide incentives to owners of eligible structures to seek historic landmark status and invest in restoration efforts.
- General Plan Action 9.18: Require that modifications to historically-designated buildings maintain their character.
- General Plan Action 9.19: For any project in a historic district or that would affect any potential historic resource or structure more than 40 years old, require an assessment of eligibility for State and federal register and landmark status and appropriate mitigation to protect the resource.
- General Plan Action 9.20: Seek input from the City's Historic Preservation Commission on any proposed development that may affect any designated or potential landmark.
- General Plan Action 9.23: Complete and maintain historic resource surveys containing all the present and future components of the historic fabric within the built, natural, and cultural environments.
- Community Plan Policy 11E: Sustain and complement the historic and natural characteristics of the Saticoy and Wells Community Plan Area.
- Community Plan Action 11.3.1: Develop Old Town Saticoy, the historic core of Saticoy and Wells, through lot-by-lot infill that respects the character of the existing urban fabric.
- Community Plan Action 11.3.2: Ensure the frontage of Wells Road, south of Darling Road, enhances the historic character of Old Town Saticoy.
- Community Plan Action 11.3.4: Work with the Historic Preservation Committee to preserve important historic buildings in the area through reuse and preservation.
- Community Plan Policy 11U: Enhance, preserve, and celebrate the historic and prehistoric resources.
- Community Plan Action 11.9.6: Preserve the historic Chumash burial grounds as a significant community amenity as well as a memory of the history of Wells and Saticoy.
- Community Plan Action 11.9.7: Upon annexation to conduct a historical survey (in Old Town Saticoy and other areas as appropriate) in accordance with the U.S. Department of the Interior Guidelines for Local Surveys.

- Community Plan Action 11.9.8: Upon completion of a historical survey, all new development on a lot containing a historic resource to be reviewed by the Historic Preservation Committee for compliance with the Secretary of the Interior's Standard and Guidelines for the treatment of Historic Properties.
- Community Plan Action 11.9.9: Upon the completion of a historical survey, development contiguous to a lot containing a historic resource to be reviewed by the Design Review Committee for compliance with the City's Municipal Code and the Historic Preservation Committee for compliance with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.
- Community Plan Action 11.9.10: Establish a permit application fee to be established for design review by the Historic Preservation community.
- Community Plan Action 11.9.11: Update the Historic and Prehistoric Sensitivity map every 10 years.
- County General Plan Goal 1.8.1.1: Identify, inventory, preserve, and protect the paleontological and cultural resources of Ventura County (including archaeological, historical, and Native American Resources) for their scientific, educational, and cultural value.
- County General Plan Goal 1.8.1.2: Enhance cooperation with cities, special districts, other appropriate organizations, and private landowners in acknowledging and preserving the County's paleontological and cultural resources.
- County General Plan Policy 1.8.2.1: Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.
- County General Plan Policy 1.8.2.2: Discretionary development shall be designed or re-designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical or paleontological consultants, depending on the type of resource in question.

- County General Plan Policy 1.8.2.3: Mitigation of significant impacts on cultural or paleontological resources shall follow the Guidelines of the State Office of Historic Preservation, the State Native American Heritage Commission, and shall be performed in consultation with professionals in their respective areas of expertise.
- County General Plan Policy 1.8.2.4: Confidentiality regarding locations of archaeological sites throughout the County shall be maintained in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.
- County General Plan Policy 1.8.2.5: During environmental review and discretionary development the reviewing agency shall be responsible for identifying sites having potential archaeological, architectural, or historical significance and this information shall be provided to the County Cultural Heritage Board for evaluation.
- County General Plan Policy 1.8.2.6: The Building and Safety Division shall utilize the State Historic Building Code for preserving historic sites in the County.
- County General Plan Program 1.8.3.1: The County Cultural Heritage Board will continue to assist the County of Ventura in identifying and preserving significant County architectural and historical landmarks.
- County General Plan Program 1.8.3.2: The Planning Division will continue to compile and retain a list of qualified archaeological, historical, and paleontological consultants to provide additional information to complete Initial Studies and Environmental Analysis.
- County General Plan Program 1.8.3.2: The General Services Agency will continue to develop a cultural resources program at Oakbrook Park emphasizing Chumash history and heritage.

D. Traffic and Circulation

Potential Impact –

- T-1:** Development facilitated by the Project could result in a deficiency at one study area intersection (Wells Road and Darling Road) based on the projected 2025 growth scenario. However, feasible improvements are available to address this deficiency. Impacts, associated with the Project would be Class II, significant but mitigable.

Mitigation Measure: Compliance with existing mitigation measures of the 2005 Ventura General Plan requiring fair share contributions toward specific traffic improvements such as additional eastbound left-turn lane, second southbound left-turn lane, and second westbound left-turn lane at the Darling Road/Wells Road intersection would reduce impacts to a less than significant level.

SECTION 5: The City Council further finds the Final EIR has identified the following Class I, unavoidably significant cumulative impacts to air quality, agricultural land conversion and solid waste generation as were identified in the 2005 Ventura General Plan Final EIR:

- Anticipated growth exceeds Ventura County Air Quality Management Plan population forecasts.
- Potential conversion of up to 674 acres of important farmlands including 520 acres of "Prime farmland, 138 acres of 'Statewide Importance' farmland, and 16 acres of 'Unique' farmland.
- While existing landfills have adequate capacity to accommodate projected citywide increases in solid waste generation for the next 15-17 years, regional waste generation increases could exceed the daily capacity of area landfills.

However, those impacts identified are fractional contributory amounts already accounted for in the discussion of those Class I impacts identified in the 2005 Ventura General Plan Final EIR for which the City Council has adopted a Statement of Overriding Considerations in Resolution 2005-073 and 2007-049. Based on the public benefits identified in Resolution 2005-073 and 2007-049, the Council reiterates its statement of overruling considerations and no further action is required.

SECTION 6: Section 21002 of CEQA and CEQA Guidelines Section 15126 (f) requires that an Environmental Impact Report evaluate, and the decision making body consider, a reasonable range of alternatives to a project. EIR-2473 has evaluated the following alternatives to the proposed Saticoy & Wells Community Plan and Development Code Project that would lessen any significant environmental effects of the project.

A. Alternative 1. No Project. This alternative assumes that the proposed Saticoy & Wells Community Plan and Development Code is not adopted and that development within the Project Area would not occur. As such, environmental conditions would not change under this alternative. No new development would occur within the Project Area not previously approved UC Hansen and Saticoy Village Specific Plans would not be implemented. Current population would remain unchanged due to new dwelling units, and public improvements and facilities would remain unchanged. This alternative would avoid the potentially significant, but mitigable, impacts of the Project relating to

aesthetics, biological resources, cultural resources, and transportation. This alternative, however, would fail to meet objectives of the Community Plan and Code and preclude the beneficial improvements such as those proposed for the Brown Barranca, enhanced vehicular and pedestrian circulation systems, new parks, or infrastructure deficiencies. Despite avoiding most of the environmental impacts of the proposed Community Plan and Development Code, the No Project Alternative would not provide new housing opportunities in the City of Ventura. Moreover it is noted that the proposed Community Plan and Development Code does not have any project-specific impacts that cannot be mitigated to a less than significant level.

B. Alternative 2. Eliminate Large Retail From Broome Site (Residential Only) This alternative would assume residential development exclusively for the property located at the northeast corner of Wells Road and Darling Road. Rather than assuming 125,000 square feet of commercial development, 236 dwelling units and 3.6 acres of parks, this alternative would assume 25,000 square feet of commercial and 268 dwelling units with 5.5 acres of parks at the affected site. This overall 80% reduction in assumed commercial space and 14% increase in assumed residential units slightly reduced impacts associated with air quality, water, wastewater and traffic and circulation. But while vehicle trips would be reduced due to the reduction in commercial development, but overall vehicle miles traveled may be increased due to increased trip length for residents to commercial services. Potentially significant impacts at the intersection of Wells Road and Darling Road would remain potentially significant and mitigation identified in the 2005 General Plan FEIR would still apply. Impacts to police, fire, school and park services would be slightly greater. But overall, impacts would remain generally similar to the proposed project alternative. This alternative would not meet the Community Plan objective of creating a neighborhood center to provide commercial opportunities for the Saticoy & Wells Project area.

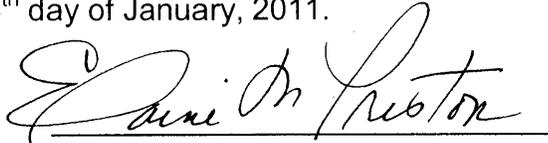
C. Alternative 3. Reduced Agricultural Land Conversion. This alternative includes no agricultural land conversion within the proposed Project Area beyond that which would be converted by already approved projects. Existing agricultural lands would remain in their present state with the exception of the UC Hansen and Saticoy Village Specific Plans. This alternative would preserve 173 acres of agricultural land and would have a reduced impact to agricultural lands, slightly reduced impact to air quality, noise, police, fire, school, park services, utilities and traffic generation. This alternative may however lengthen trip length by residents to obtain commercial services and would also result in increases impacts to hazards and hazardous materials due to ongoing residential agricultural use conflicts. This alternative would not meet the Community Plan objective of creating a neighborhood centers to provide commercial opportunities for the Saticoy & Wells Project area at Wells Road and Darling Road, and a mixed use center neighborhood center at the corner of Wells Road and Telegraph Road.

SECTION 7: Per CEQA Guidelines Section 15164, Addendum #2 has been prepared for the Saticoy & Wells Community Plan and Development Code Final Environmental Impact Report. Addendum #2 provides a description of changes

required to remove the Saticoy Yard Well from the available water supply to the project area. The City Council further finds:

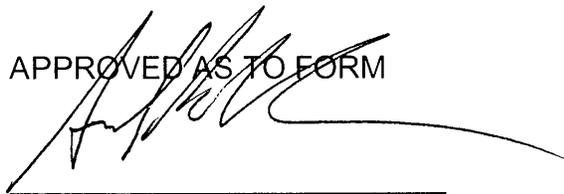
- Substantial changes are not proposed for the project which will require major revisions of the previous FEIR; and
- No new significant environmental effects or substantial increase in the severity of previously identified effects will occur; and
- No new information of substantial importance or which shows additional significant effects has been added to the FEIR; and
- No new mitigation measures have been added to the project.

PASSED AND ADOPTED this 24th day of January, 2011.



Elaine Preston
Acting City Clerk

APPROVED AS TO FORM



Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, Roxanne Fiorillo, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on January 24, 2011, by the following vote:

AYES: Councilmembers Brennan, Andrews, Morehouse, Monahan,
 Weir, and Deputy Mayor Tracy and Mayor Fulton.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on January 25, 2011.



Deputy City Clerk

