

**Attachment A**

**Planning Commission Administrative Reports**

# PLANNING COMMISSION STAFF REPORT

Agenda Item No.: 1

Hearing Date: November 12, 2015

**To:** Planning Commission

**From:** Dave Ward, Planning Manager (677-3964)  
Jeffrey Lambert, Community Development Director

**Subject:** RESIDENTIAL ALLOCATION PROGRAM AND ASSOCIATED ACTIONS: REVIEW OF ADDENDUM #3 TO THE 2005 VENTURA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT, THE PROPOSED RESIDENTIAL ALLOCATION PROGRAM, THE REVISED CITY COUNCIL APPEAL PROCEDURE AND RECOMMENDATION TO CITY COUNCIL

**Proj. No.:** 10072

**Case No.:** GPA-10-15-30877; OA-10-15-30881; OA-10-15-30876;  
EIR-10-15-30943

## RECOMMENDATION

It is recommended that the Planning Commission:

- a. Adopt a resolution recommending that the City Council adopt Addendum # 3 to the 2005 General Plan Final Environmental Impact Report for the proposed Residential Allocation Program.
- b. Adopt a resolution recommending the City Council approve a General Plan Amendment to update Chapter 3 - *Our Well Planned and Design Community* and Appendix A to include the Residential Allocation Program.
- c. Adopt a resolution recommending the City Council approve an ordinance to rescind resolution 2006-057 to amend Division 24R, the Housing Approval Program, and adopt a new Chapter 24.508 of Division 24 Part 5 of the San Buenaventura Municipal Code to codify the Residential Allocation Program.
- d. Adopt a resolution recommending the City Council approve an ordinance to amend Chapter 24.565, Appeal Procedure, of the San Buenaventura Municipal Code to provide a specific procedure for members of the City Council to call for review of decisions of the Design Review Committee and/or Planning Commission.

### **COUNCIL PRIORITIES**

This process supports the City Council's goal of:

- Delivering Core Services

### **PREVIOUS COUNCIL ACTIONS**

The following provides an accounting of City Council direction and Community Development work efforts during the last 3 years to address General Plan implementation for land use policy and development. The RAP program is the first of these work efforts to reach the adoption milestone, with others following in summer/fall 2016.

**April 13, 2015** – The City Council directed staff to commence preparation of an "expedited" residential allocation program (growth management) to be adopted by December 2015 and authorized staff to retain legal, land use and civic engagement consultants to prepare the program in an amount not to exceed \$170,000.

The City Council also directed staff to prepare an amendment to the City's municipal code extending the effective date of any final action of the Planning Commission, Design Review Committee, and Historic Preservation Commission to be ten days following notice of the action appearing as an "Information Only" Item on the Consent Calendar of the City Council's public agenda.

Lastly, the City Council directed continued quarterly check-ins regarding recently filed permit applications, with a strengthened pre-screen process; and directed the City Attorney to review and provide advice to the City Council on the ability of the City Council to pre-screen land use applications and what, if any, actions may be taken at the pre-screening stage.

**February 2, 2015** – The City Council received a policy consideration and directed staff to draft a resolution to establish an "application window" for new 2015 residential permit applications and to establish a residential growth management strategy.

**November 17, 2014** – The City Council received information related to the potential implementation of a building permit and/or water connection moratorium triggered by persistent drought conditions. The City directed the Water Task Force to determine whether substantial evidence and findings exist to support either a water connection or building permit moratorium and whether substantial evidence and findings exist to distinguish, within any moratorium, between geographical areas, classifications, and residential customers.

**September 25, 2014** – In response to the Pending Project Status discussion of August 11, 2014 regarding growth management, the General Plan Ad Hoc Committee proposed a revised General Plan Refinement work plan to include and prioritize the creation of a residential allocation program and sent a policy consideration to the City Council.

**September 14, 2014** – Staff issued a memo to City Council outlining a proposed scope of work which prioritized the development of a growth management program within the General Plan Refinement scope of work.

**August 11, 2014** – During a special meeting, the City Council received the Quarterly Community Development Director's Pending Projects Report which generated a discussion regarding managed growth tied to levels of infrastructure and resources. The City Council directed staff to elevate growth management as a top priority and revise the General Plan Refinement work plan to reflect this shift in priorities.

**August 4, 2014** – The City Council conceptually approved recommendations for twelve City Council goals for the General Plan Refinement project; and approved the preliminary scope of work and timeline with direction to return with a detailed final scope of work effort for approval in September 2014.

**May 5, 2014** – The City Council received a status report regarding progress of efforts toward development of a revised Preliminary Screening Process; Development Code Refinement effort and initiation of the City Council General Plan Refinement Ad Hoc Subcommittee.

**March 3, 2014** - The City Council appointed a General Plan Update Subcommittee to evaluate the desired scope of work to be pursued in an update of the General Plan. The General Plan Subcommittee began meetings in May 2014 to develop the scope of work and budget for the General Plan Update effort.

**October 28, 2013** – The City Council reviewed and provided direction regarding project thresholds that would trigger application of the amended Preliminary Screening tool and suggested evaluation criteria to apply to the screenings. The City Council directed staff to proceed with revisions to the General Plan Preliminary Screening process; revision and deletion of the Housing Approval Program; and ordinance amendment for Rezone procedures.

**July 15, 2013** –The City Council heard a summary and recommendation of the joint workshop of May 20, 2013 regarding the *Infill First Strategy*, Development Codes and General Plan, and directed staff to proceed with a formulation of a scope of work for a Development Code Refinement effort, including a Development Code Refinement Working Group; expansion of the General Plan Preliminary Screening process to include project types of concern to the City Council and repeal of the Housing Approval Program; and interim guidelines for the continued use of Warrants and Exception.

**May 20, 2013** – In a joint session with the Historic Preservation Committee, Design Review Committee, and Planning Commission, the City Council participated in a workshop to discuss current Prescreen Processes for development applicants; principles of the *Infill First Strategy* of the General Plan; and application of Development Code tools used in implementing the General Plan. Council, Committee and Commission members considered such issues as community benefit agreements; ranking and prioritizing infill areas; refining principles and tools for density caps including parking and height provisions; prioritizing development distribution amongst infill areas; parking standards; adaptive reuse; variance tools; and neighborhood context and sensitivities.

**January 7, 2013** - the City Council received a City Manager's report which provided an overview and history of the land use policy framework associated with reviewing development projects and implementing the Infill First Strategy of the General Plan through application of the form-based Development Codes, the Municipal Code and County and State initiatives such as SOAR and Housing Element requirements.

**November 5, 2012** – the City Council received a report evaluating trends and issues associated with implementation of the Infill First strategy of the General Plan in light of several development projects of concern the year prior; and considered a proposal to adopt a resolution providing interim policy direction on the use of minimum parking standards, the application of Warrants and Exceptions and other amendments to the Development Codes. The City Council failed to pass a motion to take action at that time.

## **SUMMARY**

On April 13, 2015, the City Council directed staff to develop a residential growth management strategy tied to levels of infrastructure and resources. Following City Council direction to create the Residential Allocation Program (RAP), a community engagement process allowed stakeholders to contribute to the program design. Two community workshops were held and all materials from the workshops, including summary notes, were posted on the City's web page for review and comment. (The engagement process is described in greater detail below. The analysis section that follows will identify how components of the RAP were shaped by community input.

The proposed Residential Allocation Program (RAP) will allow the City Council to control the pace and quality of residential development while continuing to meet the overall goals of the 2005 General Plan, including the adopted 2014-2021 Housing Element. The RAP will establish a three year cycle with a ceiling on the number of residential allocations for building permits that may be approved. Criteria to evaluate award allocations will be established to guide the City Council's preliminary review of applications, as well as review and analysis by staff, the Design Review Committee and

the Planning Commission. In order to comply with recent court decisions, the allocations will be awarded by the City Council after all discretionary approvals have been granted and environmental review has been completed. Exemptions are proposed for 100% affordable housing projects, projects within existing and future adopted Specific Plan areas and, importantly, to ensure the RAP does not prevent the City from achieving the goals set forth in the Housing Element.

## **DISCUSSION**

**Analysis:** In order to implement the population growth policies set forth in the Land Use Element of the Comprehensive Plan, the City Council adopted a Residential Growth Management Program (RGMP) in 1990. This program was replaced in 2006 with the Housing Approval Program (HAP) which followed as the first implementation action of the 2005 Ventura General Plan. The 2005 General Plan updated and replaced the Comprehensive Plan for non-coastal zone areas to address city development through the year 2025. Per the General Plan, the HAP was intended to promote and achieve high-quality urban design for place-making and build a sustainable community. The HAP was envisioned as an interim program to fulfill the role of urban design requirements for residential development until such time as other design-oriented regulations, such as community plans and development codes, could be drafted and enacted for the City's various planning communities. Some of those plans and codes were subsequently adopted. In addition, the City is currently engaged in a work effort toward refining the General Plan for adoption in 2016, as well as revisions to the Development Codes that would follow at a later time. These efforts are expected to take at least another 12-16 months. Since land use policies such as the adopted Community Plan and Development Code areas continue to be refined to meet community expectations, and Design Guidelines can be amended to incorporate desired design principles in other areas of the City accordingly, the HAP is no longer necessary. However, the City Council still wishes to maintain appropriate oversight to manage the pace and quality of residential development.

On April 13, 2015, the City Council directed staff and a consulting team to develop a residential allocation program (RAP) that would achieve the following goals:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development;
2. Ensure thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas; and
3. Ensure a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

**Allocation Cycle:** Based on community input and the City's Housing Element goals, allocations are proposed to be granted over a fixed three year cycle. The first three year cycle, which includes calendar years 2016 through 2018, coincides with the City's current Housing Element in that the next RAP cycle (three year for 2019 through 2021) would conclude with that Housing Element and align the following RAP cycle with commencement of the City's next mandated Housing Element, 2022-2030. The number of residential allocations shall not exceed 1,050 during a three year cycle. The City Council may grant up to 450 allocations in any one year. However, if more than 350 allocations are granted, the allocations in subsequent year(s) must be reduced to ensure the three year cap is not exceeded. Unused allocations from prior year(s) may be added to the annual allocation. In the event that allocations from prior years have expired, the City Council may add these allocations to any annual allocation, even if the expired units will cause more than 1,050 allocations to be granted in the three year cycle. These allocation provisions will ensure that the City is able to maintain the necessary regulatory programs to meet the City's obligation to the Regional Housing Needs Assessment (RHNA) allocation plan included in its Housing Element.

Each year, the Director of Community Development shall submit a report to assist the Council in determining the number of allocations to grant in any year. This report shall summarize the number of units remaining in the current three year cycle; the number of units for which allocations have been granted; the number of building permits issued for projects with allocations and for those projects exempt from the RAP; and the number of allocations that have been unused or expired and are eligible to be allocated to other projects.

**Exemptions:** The following types of residential development will be exempt from the RAP:

1. Projects with less than three units, limited to one such project per developer per calendar year;
2. Second dwelling units as defined in the City's Municipal Code, pursuant to State law;
3. Projects in which all of the units will be reserved for low-income households;
4. Projects covered by an executed Development Agreement with the City, existing as of the date of the RAP or executed in the future (remaining residential units in existing Agreements for Parklands and UC Hansen Trust are identified below);
5. Projects within the boundaries of adopted Specific Plan Areas:

- a. Downtown, 1650 units (751 remaining residential units<sup>1</sup>)
  - b. Parklands, 499 units (326 remaining residential units)
  - c. Saticoy Village, 254 units (no remaining residential units)
  - d. UC Hansen Trust, 213 units (213 remaining residential units);
6. Projects within the boundaries of future adopted Specific Plan areas; and
  7. Projects which have been fully entitled as of the effective date of the RAP.

Exemptions are intended to comply with State law; allow property owners to build single family homes; encourage development of affordable housing units, consistent with the City's Housing Element; and honor the Council's prior commitment to exempt units that have been entitled prior to adoption of the RAP, since these projects have already gone through the City's HAP process. During the community meetings, a preference to encourage infill development was evident. As a result, the list of exemptions was expanded to respect the design and phasing provisions included within adopted Specific Plans in east Ventura as well as to prioritize development in the City's Downtown. In addition, staff is recommending that future Specific Plans be exempt from the RAP because initiation of a Specific Plan requires action by the City Council and therefore the ability to set the pace and quality of residential development commences directly through the City Council and ensures the greatest flexibility "*...to ensure that high priority residential projects are developed in appropriate areas...*" for both current and future Councils, pursuant to City Council Goal No. 2 of the RAP program.

Some community members have expressed concern with the number of exemptions proposed; others have suggested that the range of exemptions be expanded to include projects that reserve 40% or more of units for low-income households. Exemption of discretionary applications deemed complete prior to the RAP was also suggested.

**Criteria for Evaluation:** The proposed criteria are based on goals included in the Land Use and Housing Elements of the General Plan that address good planning; meeting the diverse needs of the community through a range of housing types; ensuring adequate infrastructure; enhancing social well-being and security; providing more transportation choices; respecting the natural environment; promoting economic diversity and a strong economy; and providing adequate sites for housing to accommodate the City's share of regional housing needs. Projects will be rated as meeting, exceeding, or not meeting each criterion.

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<sup>1</sup> The remaining DTSP number includes the 553 units from previously approved project and 346 units from pending projects, as of October 27, 2015.

During the first community workshop, participants were given the opportunity to review criteria included in growth management ordinances adopted by other California communities. They then identified criteria that should be employed in Ventura. This input shaped the initial draft. The criteria were further modified following input received during the second workshop. The criteria are summarized in Attachment A and presented in full in the draft ordinance (Attachment F).

As a result of community input, the following modifications were made to the draft criteria:

- ❖ Inclusion of more affordable units in a market rate project than required under the City's codes was identified as a factor to earn a stronger rating;
- ❖ A reference to minimizing shadows was added to design criteria;
- ❖ Infrastructure concerns were addressed by including criteria regarding a project's contributions to the City's Capital Improvement Program;
- ❖ The Water Department's "Water Demand Factors" were incorporated to clarify water use;
- ❖ Provisions were worded to accommodate the evolution of technology and sustainability actions;
- ❖ The list of City services evaluated was expanded; and
- ❖ Providing access to the beach was identified as a way to boost a project's rating.

The criteria generally do not address mitigation of project impacts, as these issues are covered during the project permit entitlement review, which includes the environmental analysis and through compliance with City standards and codes. A desire by some community members to minimize traffic impacts to existing neighborhoods was not incorporated in the criteria as the City has already established thresholds to evaluate, and mitigate, traffic impacts.

Some residents have recommended that the City retain the current HAP criteria. The HAP was intended to be an interim program that guided urban design and place-making until the City could amend its zoning code to a form-based code. The HAP includes very specific direction regarding building typology, access to units, and site design. Given that the City has completed its updates to the zoning code to address design criteria in high priority areas, the interim program is no longer necessary. Areas outside adopted form based code areas will be able to address design concerns through updated design guidelines which may be addressed in a future work program.

A brief comparison of the proposed RAP with the HAP and RGMP is attached (Attachment B).

**Allocation Process:** The City's prior programs to allocate residential building permits occurred at the beginning of the entitlement process, before required discretionary permits had been approved. This up-front process allowed applicants to obtain the City Council support for a project, or understand concerns, before filing full discretionary applications. However, the City Council did not have benefit of information regarding infrastructure availability and impacts since staff analysis, including environmental review, had not been conducted before the allocation. This review is required to occur before a project can be approved, pursuant to the California Environmental Quality Act (CEQA). Since the approval of the HAP in 2006, the courts have ruled that, "Before conducting CEQA review, agencies must not "take any significant action" that significantly furthers a project "in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project" (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 138). In light of the City Council's desire to consider availability of infrastructure in the allocation process, and the legal mandate to avoid taking any actions to further a project before CEQA review is complete, the allocations must occur at the end of the project review process and therefore the draft RAP ordinance incorporates this direction.

As an alternative, the proposed RAP will make use of other existing processes to provide City Council with an advance preview of proposed projects. The City Council currently conducts a preliminary check-in of discretionary development projects of recently filed applications before they are formally considered by the Design Review Committee or the Planning Commission. It is envisioned that the RAP criteria will be used by the City Council during this preliminary check-in to frame individual Council member comments. In addition, staff will be reviewing each residential project's compliance with the RAP criteria during its analysis, as well as evaluating the projects against all applicable codes and standards. The staff's RAP evaluations will be considered by the Planning Commission and/or Design Review Committee, as may be required by the particular development case type.

After the preliminary review and entitlement processes are complete, once each year, developers who have obtained all required discretionary approvals from the City will be eligible to submit an allocation application. Staff will assemble the applications, provide completed rating sheets, and schedule a hearing at which the City Council may review the applications and grant allocations. The process is depicted on a flow chart (Attachment C). The City Council is not required to award allocations in specific ranking order, but may use its own judgment in determining priority needs. However, since the projects have already received entitlements and the environmental analysis has been adopted, the City Council will not be able to propose modifications to projects during the allocation phase.

If a project fails to receive an allocation, the developer may submit for allocations the following year, so long as the discretionary entitlements remain in effect. The Director of Community Development shall be authorized to extend the expiration dates for discretionary approvals to allow a developer to apply up to three times for allocations. Once an allocation has been granted, the developer must obtain all required grading and building permits and commence construction within 18 months. The Director of Community Development may grant one six-month extension of time if the developer has submitted construction plans for the project and been actively working through Building & Safety and Land Development plan check that are at least 80% complete.

**Housing Element Compliance:** The proposed RAP will allow the City Council to grant enough allocations to meet the City's share of the Regional Housing Needs Assessment allocation plan as defined in the Housing Element. Projects where 100% of the units will be affordable to low-income households will be exempt from the RAP, whereas other projects that contain affordable units above City requirements will be eligible for a higher rating. Therefore, the RAP is not expected to deter, and may actually incentivize, development of affordable units. As part of the next required update to the Housing Element in 2020-21, the City will need to analyze housing production under the RAP to confirm that it has not impeded achievement of the goals set forth in the Housing Element, nor introduced new constraints to the development of housing, such as significantly extending the time required to obtain residential permits.

**Other Modifications to Land Use Policies and Procedures:** Per the City Council direction staff is currently working on several programs to further refine the City's land use policies and procedures.

- *General Plan Refinement* - In addition to the proposed RAP program to address Council's concerns regarding growth management policy, the General Plan refinement will: Identify parcels with inconsistent zoning and land use designations which may contribute toward ambiguity in project level land use decisions; revise Chapter 2 - *Our Prosperous Community* chapter of the General Plan for consistency with the current Economic Development Strategy; amend Montalvo land use designations to better match the General Plan to the existing neighborhood context of this recently annexed area; amend the Vista Del Mar land use designation from residential to industrial to resolve outstanding conflict between the Local Coastal Plan (1989 Comprehensive Plan) and the General Plan; analyze Commerce, Industry, and Mixed Use land use designations to clarify the Infill First strategy and identify where land use/zoning inconsistencies exist; and confirm and prioritize "focus" areas.
- *Development Code Refinement* - In July 2013, the City Council directed staff to convene a Development Code Refinement Working Group to make adjustments to the adopted form-based development codes to accomplish the following goals: Revise Warrants and Exceptions for thresholds and guidance, use, applicability and

revised findings to ease adverse impacts to project review; clarify the design purpose and intent of each code area; heighten Code sensitivity to neighborhood context; refine building massing standards; adjust the mechanics of building types, heights, setbacks, percentages for stacked dwellings, frontage types and signage requirements; and simplify the complicated format of the Codes for ease of use. Additionally, the Code Refinement effort will also be tasked with revising transects in the Victoria Avenue Code for more compatible heights in select areas of the Code; and adjusting the use of Shopfront Overlays and allowable land uses commensurate with the revised Infill strategy decisions which may occur as a result of the General Plan Refinement.

- *Design Guidelines Amendments* - Currently, in conjunction with the RAP, the City Council is expected to rescind the HAP if the RAP is adopted. This will necessitate updates and amendments to the City Design Guidelines and, where appropriate the procedures for adoption of Specific Plans, will need to be initiated to bring the current collection of design guidelines into consistency with the body of adopted Development Code and Municipal Code requirements, including components that will be inadvertently eliminated upon repeal of the HAP in areas regulated by the municipal code. This effort can be initiated in a future work plan effort as early as 2016.
- *City Council Appeal and Call for Review Procedure* - Included in the proposed action to adopt the RAP, the City Attorney's office has proposed revisions to the current appeal procedures to make it easier for the City Council to receive notification and potentially "call for review" of decisions made by the Design Review Committee and the Planning Commission (Attachment G). The ability to review these decisions is critical if the City Council has concerns with any component of a project, as modifications to approved projects cannot occur through the allocation process. This ordinance revision will require all project approvals by the Design Review Committee and Planning Commission to be listed on the following City Council agenda. The project entitlement appeal timeframe will not commence until the date of the City Council agenda on which the project appears.

**CEQA Summary:** The California Environmental Quality Act §21166 and State CEQA Guidelines §15162 provide that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed in the project that would require major revision to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- Substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance shows that the project would have one or more significant effects not discussed in the previous EIR, or that significant effects previously examined would be substantially more severe, or that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects but the City Council declined to adopt them, or mitigation measures or alternatives that are different from those included in the previous EIR would substantially reduce one or more significant effects on the environment but the City Council declined to adopt them.

Section 15006 of the State CEQA Guidelines expressly encourages public agencies to reduce delay and paperwork associated with implementation of CEQA by using previously prepared environmental documents when those previously prepared documents adequately address potential impacts of the proposed project.

In August 2005, the City Council approved the 2005 General Plan for purposes of guiding development and land use within the City ("General Plan"). Pursuant to the California Environmental Quality Act, the City Council certified a Final Environmental Impact Report for the General Plan in August 2005 ("General Plan FEIR"). The General Plan FEIR identified feasible alternatives and mitigation measures to mitigate to the extent feasible all environmental impacts associated with all uses contemplated by the General Plan at a programmatic level, and adopted a Mitigation Monitoring and Reporting Program for the same.

In light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 subdivisions (a) through (c) and State CEQA Guidelines section 15162 a Modified Initial Study was prepared that concluded that the General Plan FEIR fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the RAP actions and therefore, no subsequent EIR or MND is required. Because the RAP actions require the City to make some changes and additions to the certified 2005 General Plan FEIR, the City has prepared Addendum #3 to the 2005 General Plan FEIR pursuant to State CEQA Guidelines 15164. A copy of Addendum #3 and the Modified Initial Study are included as Exhibit A to the CEQA Resolution attached to the staff report as Attachment D and should be considered by the Planning Commission and City Council together with the 2005 General Plan FEIR.

**Public Engagement:** Public engagement in the preparation of the RAP was prioritized at the outset of the process and provided early guidance to the City staff and consultant team on key elements and components of the RAP. Following pre-workshop phone

interviews with pre-selected community stakeholders about the format and ideas for engagement, the consultant team and City staff designed and held two community workshops. Each was attended by about 45 community stakeholders, according to sign-in sheets. A stakeholder e-mail distribution list was maintained throughout the public engagement process and was used to provide e-mail notifications of upcoming community workshops and the availability of new documents and materials on the RAP web page (<http://www.cityofventura.net/page/residential-allocation-program-rap>). The Planning Commission is encouraged to review the webpage to gain a sense of the discussion and process to involve the public in the RAP Program development, beyond the summary provided below.

Community Workshop #1 was held on June 30, 2015 at City Hall in the Community Meeting Room to: (1) provide an overview of the RAP preparation process; (2) present examples of key elements of growth management programs from other communities in the state; (3) solicit input on allocation methods, process, criteria, and exemptions; (4) facilitate dialog among stakeholders about community priorities for the RAP; and (5) answer clarifying questions about the RAP. A significant volume of community input was received at the workshop and provided critical guidance in the preparation of an initial draft RAP ordinance. The agenda, PowerPoint presentation, summary notes, and comment cards from Workshop #1 were posted on the RAP web page following the workshop.

The initial draft ordinance and agenda for Community Workshop #2 were published on the RAP web page one week prior to the workshop. Workshop #2 was held on September 10, 2015 at the same location to: (1) provide a recap of Workshop #1; (2) present the fundamental components of the draft RAP ordinance; (3) solicit additional input and feedback on the draft evaluation criteria; (4) solicit input and feedback on the implementation mechanics of the draft RAP; and (5) answer clarifying questions. The agenda, PowerPoint presentation, summary notes, and comment cards from Workshop #2 were posted online following the workshop. As described in earlier sections of this report, additional modifications and refinements were made to the draft RAP ordinance in response to input received at Workshop #2.

Relevant input and comments received during the public engagement process, including workshop input and e-mail correspondence, are summarized in the discussion and alternatives sections of this report. A healthy balance of input and comments were received from different perspectives, all of which were reviewed and considered during the drafting process of the RAP ordinance.

In addition, two public comment letters from Mary Zugmeyer and Sister Joseph Cecile Voelker were received just prior to the release of this staff report (Attachment H).

## **IMPACTS**

**Legal Implications:** As noted above, The California Supreme Court has indicated that taking any steps to approve projects prior to completion of CEQA review is not appropriate (Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 138). If the City Council wishes to continue to grant allocations through the HAP, the process would require modification to grant allocations at the end of the entitlement process.

**Fiscal Impacts:** Staff presently processes applications for compliance with the HAP. These costs are offset by a filing fee to cover staff processing costs. The process introduced as part of the RAP is not expected to increase the amount of time required for staff to process applications for housing allocations. Therefore, there will be no net impact to the general fund, and costs for developers are not expected to increase, either. There will be work effort expended by staff, however, to complete the necessary annual RAP reporting, in addition to the current work program efforts in Community Development.

## **ALTERNATIVES**

The Planning Commission may recommend modifications to the proposed RAP for the City Council's consideration. Issues that have been raised by community stakeholders are summarized below.

1. Reduce the range of exemptions. Some community members believe that the proposed program exempts too many units.
2. Allow discretionary projects that have been deemed complete as of the date of adoption of the RAP to be exempt. These projects either have already been reviewed through the HAP or are located in a Development Code area and subject to detailed design regulations. In addition, the RAP criteria were not available during the initial project design by the applicant's that are well into the City's review process.
3. Exempt projects that include a certain percentage of affordable units from the RAP. As proposed, only projects that reserve 100% of the units for low-income households will be exempt. Advocates have suggested that a lower threshold is more appropriate.
4. Incorporate more of the evaluation criteria from the HAP into the RAP.
5. The Commission could also recommend that the City Council not adopt the RAP, finding that the change in appeal procedures, combined with the current

preliminary check-in review, will give the Council adequate opportunity to ensure the quality and pace of development.

Retention of the HAP is not recommended as an alternative due to the fact that its pre-qualification process would not likely stand up to a legal challenge, and the zoning code now contains urban design and place making provisions. However, as note earlier in this report, future staff work is anticipated to capture some key design elements from HAP and incorporate those into an update to the Citywide Design Guidelines.

This report was prepared by Best Best & Krieger, Kimley-Horn and Associates and Maggie Ide, Associate Planner, for Dave Ward, AICP, Planning Manager

#### ATTACHMENTS

- A. Summary of RAP Evaluation Criteria
- B. Comparison of RAP, HAP and RGMP
- C. Flow Chart Describing RAP Review Process
- D. Draft Planning Commission Resolution Recommending the City Council Accept and Adopt CEQA Addendum #3 to 2005 Ventura General Plan FEIR
- E. Draft Planning Commission Resolution recommending the City Council Adopt an Amendment to the 2005 General Plan for the RAP Program
- F. Draft Planning Commission Resolution Recommending the City Council Adopt an Ordinance creating the Residential Allocation Program
- G. Draft Planning Commission Resolution recommending the City Council Adopt an Ordinance Amending City Council Appeal Authority and Call for Review Procedures
- H. Public Comment Received Prior to Staff Report Release

**Attachment A**

**Summary of RAP Evaluation Criteria**

Proposed Residential Allocation Program  
 Project Evaluation Criteria – Summarized  
 (See RAP Ordinance for full criteria descriptions)

General Plan Goal(s)	Meet Criteria	Exceed Criteria
<b>Our Well-Planned Community; Facilitate a Range of Housing Types</b>	Harmonize with surrounding land uses	Minimize shadows, loss of sunlight and privacy on adjoining sites; preserve views; provide separation between existing and proposed buildings; enhance aesthetic appeal of the area; reinforce unique character of a neighborhood; respect historical context; enhance existing habitat/open space areas
	Locate near existing transportation corridors and existing businesses	Locate in an Infill-First Strategy area
	Mix units, including units with multiple bedrooms to accommodate families	Include a higher percentage of 2 and 3 bedroom units; provide significant number of affordable units in a market rate project
	Comply with City's Inclusionary zoning provisions for affordable housing	Exceed City requirements; contribute to the dispersal of affordable units in the community
	Enhance livability through design features, such as space for children to play	Introduce new public amenities in an existing neighborhood; include on-site amenities such as child care, community gardens
<b>Our Sustainable Infrastructure</b>	Comply with Ventura Water Department's "Water Demand Factors"	Reduce water consumption below projections through conservation or recycling
	Contribute to the implementation of the City's Capital Improvement Program.	Accelerate construction or funding of an improvement included in the City's Capital Improvement Program
<b>Our Healthy and Safe Community</b>	Maintain current level of services provided by the City	Contribute to an enhancement in service levels or public improvements
	Locate near food, services and active recreational opportunities	Introduce or expand neighborhood amenities such as food stores; improve pedestrian facilities to allow better access to existing amenities, including beach

Proposed Residential Allocation Program

Project Evaluation Criteria – Summarized

(See RAP Ordinance for full criteria descriptions)

General Plan Goal(s)	Meet Criteria	Exceed Criteria
<b>Our Accessible Community</b>	Provide on-site amenities that support a range of mobility options.	Include amenities such as charging/fueling stations for alternative fuel vehicles; bicycle storage above city requirements; car-share and bike share programs
	Provide sidewalks along public and private streets and path(s) of travel that allow residents easy access to neighborhood amenities	Introduce new pedestrian connections in an existing neighborhood; improve existing pedestrian facilities
	Locate close to existing bike trails.	Include amenities such as enclosed bike storage or on-site connections to existing trails; fund construction of a trail; introduce a bicycle connection in an existing neighborhood
	Contribute to public amenities along an existing transit or bike corridor, such as new bus shelters or water fountains.	Provide amenities beyond those required to mitigate project impacts
<b>Our Natural Community</b>	Include native plants and other techniques, such as no-turf landscapes, to reduce water use	Reduce anticipated demand for water for landscaping
	Utilize green building principles that provide greater efficiency than compliance with standards set forth in state and local codes	Design to achieve the highest rating offered through a third party such as LEED; demonstrate project is net power neutral or positive
<b>Our Prosperous Community; Provide adequate housing sites to meet share of RHNA</b>	Contribute to the desired mix of unit types, from entry level housing to executive housing	Provide a unit type specifically desired in a particular area; meet the needs of key economic sectors; provide housing designed for seniors or other groups with special needs

**Attachment B**

**Comparison of RAP, HAP and RGMP**

City of Ventura

Comparison of Residential Allocation Program, Housing Approval Program,  
and Residential Growth Management Program

	RAP	HAP	RGMP
Goal	Control pace, quality of housing development; allocate resources	Interim program to address place making and urban design	Establish control over the quality, distribution, and rate of growth of the City
Year Adopted	2015 (proposed)	2006	1989
Growth ceiling	1,050 units per 3 year cycle	None specified	Cap established annually based on population growth, other factors
Allocation process	Post-entitlement	Pre-qualification before entitlement*	Pre-qualification before entitlement*
Imposes ceiling on permits issued	Yes	No	Yes
Exemptions			
• 1 unit project	Yes	Yes	Yes
• 2 unit projects	Yes	Yes	No
• Projects within Specific Plans	Yes	Yes	No
• 100% affordable housing projects	Yes	Yes	No
• Affordable units within mixed-income project	No	Yes	No
• Units covered by Development Agreement	Yes	No	No
• Second Units	Yes	Yes	No
• Fully Entitled Projects	Yes	N/A	N/A
• Replacement Housing	Yes	Yes	Yes
• Modifications to existing units	Yes	Yes	Yes
Evaluation Criteria			
• Harmony with surrounding properties	Yes	Yes	Yes

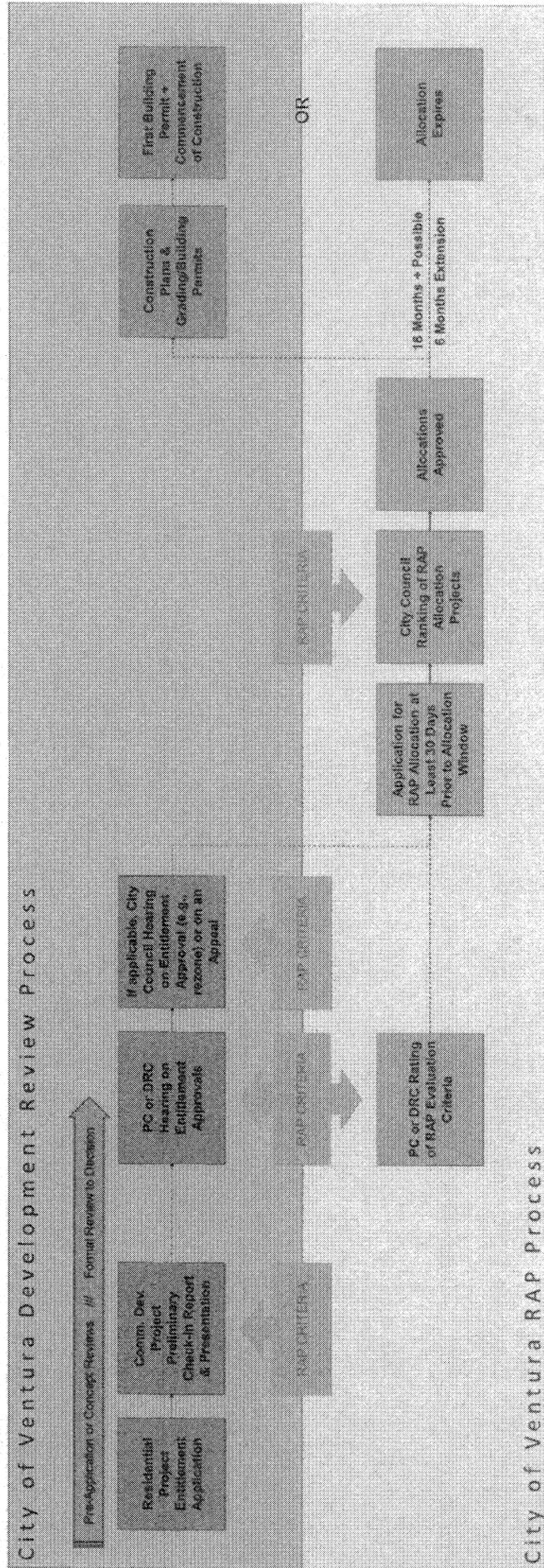
• Promotes Infill Development	Yes	Yes	Yes
• Incentive to include affordable units	Yes	Yes	No
• Livability features	Yes	Yes	Yes
• Infrastructure and city service levels	Yes	Yes	Yes
• Range of mobility options	Yes	Yes	No
• Green building	Yes	No	No
• Sustainability	Yes	Yes	Yes
• Mix of housing types	Yes	Yes	Yes
• Compliance with specified Building Typology and Design	No	Yes	No
• Separate criteria/process depending on project size	No	Yes	Yes
• Applies Simpson Diversity Index	No	Yes	No
• Fiscal Impacts	No	No	Yes
• Continuing Projects	No	No	Yes
Approval Authority	City Council	DRC, Planning Commission and Council, depending on project size	City Council, with review by the Planning Commission
Time to obtain permits following approval	18 months to obtain building permits	180 days to file subsequent applications	180 days to file subsequent applications

\*Any required amendments to the General Plan must be approved before HAP/RGMP application considered

**Attachment C**

**Flow Chart Describing RAP Review Process**

Residential Allocation Program (RAP)  
Illustrative Flowchart



**Attachment D**

**Draft PC Resolution Recommending the City Council Accept and Adopt  
CEQA Addendum #3 to the 2005 General Plan FEIR**

PC - 024

**PLANNING COMMISSION RESOLUTION NO. 2015-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AND ADOPT ADDENDUM #3 TO THE CERTIFIED GENERAL PLAN FINAL ENVIRONMENTAL REPORT, EIR-2452 (STATE CLEARINGHOUSE NO. 2004101014) FOR THE RESIDENTIAL ALLOCATION PROGRAM AND RELATED ACTIONS**

**PROJECT NO. 10072  
CASE NO. EIR-10-15-30943**

**WHEREAS**, In August 2005, the City Council for the City of San Buenaventura ("City") approved the 2005 General Plan for purposes of guiding development and land use within the City ("General Plan"); and,

**WHEREAS**, Pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 *et seq.*, "CEQA"), and Title 14 of the California Code of Regulations §15000 *et seq.* ("State CEQA Guidelines"), the City Council certified a Final Environmental Impact Report for the General Plan, EIR-2452 (State Clearinghouse No. 2004101014) in August 2005 ("General Plan FEIR"); and,

**WHEREAS**, The General Plan FEIR identified feasible alternatives and mitigation measures to mitigate (to the extent feasible) all environmental impacts associated with all uses contemplated by the General Plan at a programmatic level, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations for the same; and,

**WHEREAS**, In 1989, in order to implement the population growth policies set forth in the Land Use Element of the City's Comprehensive Plan, the City Council adopted a Residential Growth Management Program ("RGMP"); and,

**WHEREAS**, In 2006, the RGMP was replaced with the Housing Approval Program ("HAP"). The adoption of the HAP followed the adoption of the city's new General Plan which addressed development through the year 2025, as the first implementation action; and,

**WHEREAS**, The HAP was intended to promote and achieve high-quality urban design for place-making and build a sustainable community. The HAP was envisioned as an interim program to fulfill the role of urban design requirements for residential development until such time as other design-oriented regulations, such as community plans and development codes, could be drafted and enacted for the City's various planning communities; and,

**WHEREAS**, Land use policies, community plans and development codes have been adopted in high priority areas, and continue to be refined to meet community expectations, the HAP is no longer necessary; and,

**WHEREAS**, The City Council still wishes to maintain appropriate oversight of residential development; and,

**WHEREAS**, To that end, on April 13, 2015, the City Council directed staff and a consulting team to develop a residential allocation program (RAP) that would: (1) provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development; (2) ensure thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas; and (3) ensure a range of housing types that accommodate all income levels; and,

**WHEREAS**, In order to implement the RAP the City Council must take the following actions: (1) consider a General Plan text amendment to add the Residential Allocation Program to the City's General Plan; (2) consider an ordinance to repeal Section 24R of the City's Municipal Code related to HAP and to codify the Residential Allocation Program; and (3) consider an ordinance to modify the appeal authority of the City Council. Together these actions are referred to herein as the "RAP Actions".

**WHEREAS**, The City's consideration of RAP Actions are subsequent discretionary actions in furtherance of the development of the City's General Plan; and,

**WHEREAS**, Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the Lead Agency is required to review any changed circumstances and to determine whether any of the circumstances under Public Resources Code § 21166 and State CEQA Guidelines § 15162 require additional environmental review; and,

**WHEREAS**, Public Resources Code § 21083.3 and State CEQA Guidelines § 15183 mandate that projects that are consistent with the development design established by existing zoning, community plan, or General Plan policies for which an EIR was certified shall not require additional environmental review except as might be necessary to examine whether there are project-specific environmental impacts that are peculiar to the project or its site or other impacts not previously analyzed in a certified EIR; and,

**WHEREAS**, State CEQA Guidelines § 15183 implements CEQA's policy of favoring reductions in delay and paperwork, as stated in State CEQA Guidelines § 15006; and,

**WHEREAS**, Staff and the City's consultant team evaluated the RAP Actions in light of the standards for subsequent environmental review outlined in Public Resources Code § 21166 subdivisions (a) through (c) and State CEQA Guidelines § 15162 by preparing a Modified Initial Study; and,

**WHEREAS**, Based on the Modified Initial Study, staff and the City's consultant team concluded that the General Plan FEIR fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the RAP Actions, and therefore, no subsequent EIR or MND is required; and,

**WHEREAS**, Based on that evaluation, staff and the City's consultant team also concluded that the RAP Actions are consistent with the goals, policies, objectives and regulations of the General Plan FEIR and the mitigation measures identified by the same; and,

**WHEREAS**, Staff and the City's consultant team further concluded that there are no environmental impacts peculiar to the RAP; and,

**WHEREAS**, Because the RAP Actions require the City to make some changes and additions to the certified General Plan FEIR, the City has prepared an addendum to the EIR pursuant to State CEQA Guidelines § 15164 ("Addendum #3"); and,

**WHEREAS**, The Planning Commission has been provided Addendum #3 and has reviewed it in connection with the General Plan FEIR; and,

**WHEREAS**, Addendum #3, and the General Plan FEIR, which are incorporated herein by this reference, are available for inspection at City Hall and on the City's website; and,

**WHEREAS**, Pursuant to State CEQA Guidelines § 15164, subdivision (c), Addendum #3 is not required to be circulated for public review, but can be attached to the adopted General Plan FEIR; and,

**WHEREAS**, On November 12, 2015, at a regularly scheduled meeting, the Planning Commission considered Addendum #3 together with the General Plan EIR, and accepted oral and written testimony from interested parties; and,

**WHEREAS**, Having reviewed and considered the information contained in Addendum #3 together with the General Plan EIR, the Modified Initial Study, all comments made at the regularly scheduled meeting, and all other information in the administrative record, the Planning Commission has determined based upon the exercise of its independent judgment and review that all potentially significant environmental effects of the RAP Actions were fully examined and mitigated by the prior environmental documentation and that no new or more significant impacts would result from the RAP Actions; and,

**WHEREAS**, Addendum #3 to the General Plan EIR is attached hereto as Attachment "A" of Exhibit "A" and was prepared pursuant to CEQA and the State CEQA Guidelines; and,

**WHEREAS**, All other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of San Buenaventura as follows:

**SECTION 1:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, and other pertinent information, the Planning Commission hereby finds the following:

1. State CEQA Guidelines § 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. Public Resources Code § 21083.3 and State CEQA Guidelines §15183 allow lead agencies to streamline environmental review of projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report was certified.

2. The Planning Commission has reviewed and considered Addendum #3 together with the General Plan FEIR, and the Modified Initial Study, and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the proposed RAP Actions. The Planning Commission further finds that Addendum #3, the Modified Initial Study, and the administrative record have been completed in compliance with CEQA and the State CEQA Guidelines. The Planning Commission further finds and determines that Addendum #3 reflects the City's independent judgment.

3. Based on the substantial evidence set forth in the record, including but not limited to the Modified Initial Study and Addendum #3, the Planning Commission finds that an addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the proposed RAP Actions. The Planning Commission finds that based on the whole record before it, including but not limited to Addendum #3, the Modified Initial Study, and the staff report, none of the conditions under State CEQA Guidelines § 15162 requiring the need for further subsequent environmental review have occurred because the RAP Actions specified in Addendum #3:

a. Do not constitute substantial changes that would require major revisions of the General Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,

b. Do not constitute substantial changes with respect to the circumstances under which the General Plan is implemented that would require major revisions of the General Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and,

c. Do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan FEIR were adopted showing any of the following: (i) that the

RAP Actions would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the City Council declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the City Council declined to adopt.

4. Based on the substantial evidence set forth in the record, including but not limited to the Modified Initial Study and Addendum #3, the Planning Commission finds that the RAP Actions do not necessitate further CEQA review pursuant to Public Resources Code § 21083.3 and State CEQA Guidelines §15183. The RAP Actions are consistent with the land use designations and development densities established by the General Plan and analyzed in the certified General Plan FEIR. Further, there are no potentially significant environmental impacts peculiar to the RAP actions or the sites to which the RAP Actions apply. Additionally, no substantial new information has come to light, that was not known nor could have been known at the time the General Plan FEIR was certified, showing that significant impacts identified by the General Plan FEIR will be more adverse than previously determined. And finally, the Planning Commission finds and determines that all mitigation measures in the General Plan FEIR apply to the RAP Actions and are incorporated herein by this reference. Consequently, under Public Resources Code § 21083.3 and State CEQA Guidelines § 15183(c), no additional EIR or other environmental analysis need be prepared for the RAP Actions.

**SECTION 2:** Based on the above findings, the Planning Commission hereby recommends that the City Council approve and adopt Addendum #3 to the General Plan FEIR prepared for the RAP Actions.

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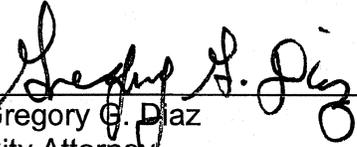
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RESOLUTION NO. 2015-\_\_\_\_\_ RECOMMENDING THAT THE CITY COUNCIL APPROVE AND ADOPT ADDENDUM #3 TO THE CERTIFIED GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT FOR THE RESIDENTIAL ALLOCATION PROGRAM AND RELATED ACTIONS IS **PASSED, APPROVED, and ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2015.

**PASSED, APPROVED, and ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Dave Ward, AICP  
Planning Manager

APPROVED AS TO FORM  
Gregory G. Diaz  
City Attorney

By:  11/3/2015  
Gregory G. Diaz Date  
City Attorney

ATTACHMENTS:

Exhibit A: Draft City Council Resolution Adopting Addendum #3 to the Certified General Plan Final Environmental Impact Report (STATE CLEARINGHOUSE NO. 2004101014) for the Residential Allocation Program and Related Actions

**EXHIBIT A**

RESOLUTION NO. 2015-\_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN BUENAVENTURA, CALIFORNIA, ADOPTING  
ADDENDUM #3 TO THE CERTIFIED GENERAL PLAN  
FINAL ENVIRONMENTAL REPORT, EIR-2452 (STATE  
CLEARINGHOUSE NO. 2004101014) FOR THE  
RESIDENTIAL ALLOCATION PROGRAM AND RELATED  
ACTIONS**

**PROJECT NO. 10072  
CASE NO. EIR-10-15-30943**

**WHEREAS**, In August 2005, the City Council for the City of San Buenaventura ("City") approved the 2005 General Plan for purposes of guiding development and land use within the City ("General Plan"); and,

**WHEREAS**, Pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 *et seq.*, "CEQA"), and Title 14 of the California Code of Regulations section 15000 *et seq.* ("State CEQA Guidelines"), the City Council certified a Final Environmental Impact Report for the General Plan, EIR-2452 (State Clearinghouse No. 2004101014) in August 2005 ("General Plan FEIR"); and,

**WHEREAS**, The General Plan FEIR identified feasible alternatives and mitigation measures to mitigate (to the extent feasible) all environmental impacts associated with all uses contemplated by the General Plan at a programmatic level, and adopted a Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations for the same; and,

**WHEREAS**, In 1989, in order to implement the population growth policies set forth in the Land Use Element of the City's Comprehensive Plan, the City Council adopted a Residential Growth Management Program ("RGMP"); and,

**WHEREAS**, In 2006, the RGMP was replaced with the Housing Approval Program ("HAP"). The adoption of the HAP followed the adoption of the city's new General Plan which addressed development through the year 2025, as the first implementation action; and,

**WHEREAS**, The HAP was intended to promote and achieve high-quality urban design for place-making and build a sustainable community. The HAP was envisioned as an interim program to fulfill the role of urban design requirements for residential development until such time as other design-oriented regulations, such as community plans and development codes, could be drafted and enacted for the City's various planning communities; and,

**WHEREAS**, Land use policies, community plans and development codes have been adopted in high priority areas, and continue to be refined to meet community expectations, the HAP is no longer necessary; and,

**WHEREAS**, The City Council still wishes to maintain appropriate oversight of residential development; and,

**WHEREAS**, To that end, on April 13, 2015, the City Council directed staff and a consulting team to develop a residential allocation program (RAP) that would: (1) provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development; (2) ensure thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas; and (3) ensure a range of housing types that accommodate all income levels; and,

**WHEREAS**, In order to implement the RAP the City Council must take the following actions: (1) consider a General Plan text amendment to add the Residential Allocation Program to the City's General Plan; (2) consider an ordinance to repeal Section 24R of the City's Municipal Code related to HAP and to codify the Residential Allocation Program; and (3) consider an ordinance to modify the appeal authority of the City Council. Together these actions are referred to herein as the "RAP Actions".

**WHEREAS**, The City's consideration of RAP Actions are subsequent discretionary actions in furtherance of the development of the City's General Plan; and,

**WHEREAS**, Pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the Lead Agency is required to review any changed circumstances and to determine whether any of the circumstances under Public Resources Code Section 21166 and State CEQA Guidelines Section 15162 require additional environmental review; and,

**WHEREAS**, Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 mandate that projects that are consistent with the development design established by existing zoning, community plan, or General Plan policies for which an EIR was certified shall not require additional environmental review except as might be necessary to examine whether there are project-specific environmental impacts that are peculiar to the project or its site or other impacts not previously analyzed in a certified EIR; and,

**WHEREAS**, State CEQA Guidelines Section 15183 implements CEQA's policy of favoring reductions in delay and paperwork, as stated in State CEQA Guidelines Section 15006; and,

**WHEREAS**, Staff and the City's consultant team evaluated the RAP Actions in light of the standards for subsequent environmental review outlined in Public Resources Code Section 21166 subdivisions (a) through (c) and State CEQA Guidelines Section 15162 by preparing a Modified Initial Study; and,

**WHEREAS**, Based on the Modified Initial Study, staff and the City's consultant team concluded that the General Plan FEIR fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the RAP Actions, and therefore, no subsequent EIR or MND is required; and,

**WHEREAS**, Based on that evaluation, staff and the City's consultant team also concluded that the RAP Actions are consistent with the goals, policies, objectives, and regulations of the General Plan FEIR and the mitigation measures identified by the same; and,

**WHEREAS**, Staff and the City's consultant team further concluded that there are no environmental impacts peculiar to the RAP; and,

**WHEREAS**, Because the RAP Actions require the City to make some changes and additions to the certified General Plan FEIR, the City has prepared an addendum to the EIR pursuant to State CEQA Guidelines Section 15164 ("Addendum #3"); and,

**WHEREAS**, The City Council has been provided Addendum #3 and has reviewed it in connection with the General Plan FEIR; and,

**WHEREAS**, Addendum #3, and the General Plan FEIR, which are incorporated herein by this reference, are available for inspection at City Hall and on the City's website; and,

**WHEREAS**, Pursuant to State CEQA Guidelines Section 15164, subdivision (c), Addendum #3 is not required to be circulated for public review, but can be attached to the adopted General Plan FEIR; and,

**WHEREAS**, On November 12, 2015, at a regularly scheduled meeting, the Planning Commission considered Addendum #3 together with the General Plan EIR, and accepted oral and written testimony from interested parties and recommended that the City Council approve and adopt Addendum #3; and,

**WHEREAS**, On \_\_\_\_\_, 2015, at a regularly scheduled meeting, the City Council considered Addendum #3 together with the General Plan EIR, and accepted oral and written testimony from interested parties; and,

**WHEREAS**, Having reviewed and considered the information contained in Addendum #3 together with the General Plan EIR, the Modified Initial Study, all comments made at the regularly scheduled meeting, and all other information in the administrative record, the City Council has determined through the exercise of its independent judgment and review that all potentially significant environmental effects of the RAP Actions were fully examined and mitigated by the prior environmental documentation and that no new or more significant impacts would result from the RAP Actions; and,

**WHEREAS**, Addendum #3 to the General Plan EIR is attached hereto as Exhibit "A" and was prepared pursuant to CEQA and the State CEQA Guidelines; and,

**WHEREAS**, All other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of San Buenaventura as follows:

**SECTION 1:** All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, and other pertinent information, the City Council hereby finds the following:

1. State CEQA Guidelines Section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183 allow lead agencies to streamline environmental review of projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report was certified.

2. The City Council has reviewed and considered Addendum #3 together with the General Plan FEIR, and the Modified Initial Study, and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the proposed RAP Actions. The City Council further finds that Addendum #3, the Modified Initial Study, and the administrative record have been completed in compliance with CEQA and the State CEQA Guidelines. The City Council further finds and determines that Addendum #3 reflects the City Council's independent judgment, review, and determination.

3. Based on the substantial evidence set forth in the record, including but not limited to the Modified Initial Study and Addendum #3, the City Council finds that an addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the proposed RAP Actions. The City Council finds that based on the whole record before it, including but not limited to Addendum #3, the Modified Initial Study, and the staff report, none of the conditions under State CEQA Guidelines Section 15162 requiring the need for further subsequent environmental review have occurred because the RAP Actions specified in Addendum #3:

a. Do not constitute substantial changes that would require major revisions of the General Plan FEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and,

b. Do not constitute substantial changes with respect to the circumstances under which the General Plan is implemented that would require major revisions of the General Plan FEIR due to the involvement of new significant environmental effects or a

substantial increase in the severity of the previously identified significant effects; and,

c. Do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan FEIR were adopted showing any of the following: (i) that the RAP Actions would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the City Council declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the City Council declined to adopt.

4. Based on the substantial evidence set forth in the record, including but not limited to the Modified Initial Study and Addendum #3, the City Council finds that the RAP Actions do not necessitate further CEQA review pursuant to Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183. The RAP Actions are consistent with the land use designations and development densities established by the General Plan and analyzed in the certified General Plan FEIR. Further, there are no potentially significant environmental impacts peculiar to the RAP actions or the sites to which the RAP Actions apply. Additionally, no substantial new information has come to light, that was not known nor could have been known at the time the General Plan FEIR was certified, showing that significant impacts identified by the General Plan FEIR will be more adverse than previously determined. And finally, the City Council finds and determines that all mitigation measures in the General Plan FEIR apply to the RAP Actions and are incorporated herein by this reference. Consequently, under Public Resources Code Section 21083.3 and State CEQA Guidelines Section 15183(c), no additional EIR or other environmental analysis need be prepared for the RAP Actions.

**SECTION 2:** Based on the above findings, the City Council hereby approves and adopts Addendum #3 to the General Plan FEIR prepared for the RAP Actions.

**SECTION 3:** The City Council hereby directs staff to prepare, execute, and file a CEQA Notice of Determination with the Ventura County Clerk's Office and the Office of Planning and Research within five (5) working days of the approval of this Resolution.

**SECTION 4:** The certified General Plan FEIR, the Modified Initial Study, and the Addendum are on file and available for public review at City of Ventura City Hall, 501 Poli St., #109, Ventura, CA 93001. The City Clerk is the custodian of these documents.

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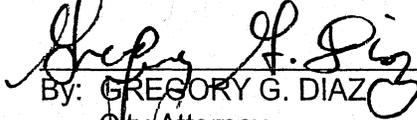
RESOLUTION NO. 2015-\_\_\_\_\_ ADOPTING ADDENDUM #3 TO THE CERTIFIED  
GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
RESIDENTIAL ALLOCATION PROGRAM AND RELATED ACTIONS IS **PASSED,**  
**APPROVED,** and **ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
CHERYL HEITMANN  
Mayor

ATTEST:

\_\_\_\_\_  
CYNTHIA M. RODRIGUEZ, MMC  
City Clerk

APPROVED AS TO FORM:  
GREGORY G. DIAZ, City Attorney

 11/3/2015  
By: GREGORY G. DIAZ  
City Attorney

ATTACHMENTS:

Exhibit A: Addendum #3 to the Certified General Plan Final Environmental Impact  
Report (State Clearinghouse No. 2004101014) for the Residential Allocation Program  
and Related Actions

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**EXHIBIT A**

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**CITY OF SAN BUENAVENTURA  
RESIDENTIAL PROJECT ALLOCATION PROGRAM**

**ADDENDUM #3 TO THE  
2005 VENTURA GENERAL PLAN  
FINAL ENVIRONMENTAL IMPACT REPORT  
STATE CLEARINGHOUSE NUMBER 2004101014  
EIR-10-15-30943**

Prepared for:  
***City of San Buenaventura***  
City Hall, 501 Poli Street  
Ventura, California 93002

Prepared by:  
***Kimley-Horn and Associates, Inc.***  
765 The City Drive  
Suite 200  
Orange, California 92868

November 2015

**Kimley»»Horn**



## 1 □ PURPOSE OF ADDENDUM

This Addendum has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) (*California Public Resources Code* [PRC] §§21000 et seq.); the State CEQA Guidelines (Title 14, *California Code of Regulations* [CCR] §§15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as set forth in accordance with Chapter 2R.450, "Local Guidelines for Implementation of the California Environmental Quality Act (CEQA)" of the San Buenaventura Municipal Code.

Section 15164(a) of the State CEQA Guidelines states that "the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Pursuant to Section 15162(a) of the State CEQA Guidelines, a subsequent EIR or Negative Declaration is only required when:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects:
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects: or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In addition, CEQA includes special streamlining procedures for projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an environmental impact report was certified. These projects shall not require additional environmental review, except as necessary to examine significant effects peculiar to the project or otherwise not previously analyzed in a certified EIR. This provision streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. (State CEQA Guidelines, §15183(a).)

When approving a project for which this streamlining procedure may apply, a public agency shall limit its examination of environmental effects to those which:

- (1) Are peculiar to the project or the parcel on which the project would be located;
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent;
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
- (4) Are previously identified significant effects which, as a result of substantial new information not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR. (State CEQA Guidelines, § 15183(b).)

## 2 SUPPLEMENTAL ENVIRONMENTAL CHECKLIST/MODIFIED INITIAL STUDY

1. **Project Title:** Residential Project Allocation Program (RAP)
2. **Lead Agency Name and Address:**  
City of San Buenaventura (City of Ventura)  
City Hall, 501 Poli Street  
Ventura, CA 93002-0099
3. **Contact Person and Phone Number:**  
Dave Ward, AICP  
Community Development Department, Planning Division  
Planning Manager  
(805) 677-3964
4. **Project Location:** City of San Buenaventura
5. **Project Sponsor's Name and Address:**  
City of San Buenaventura (City of Ventura)
6. **General Plan Designation:** The proposed ordinance would apply to all Residential General Plan designations with the exception of existing and future adopted Specific Plans
7. **Zoning:** The proposed ordinance would apply to all Residential zoning designations with the exception of existing and future adopted Specific Plan
8. **Previous Environmental Document:**  
City of Ventura 2005 General Plan Final Environmental Impact Report, SCH #2004101014; Notice of Determination filed on August 12, 2005.  
  
The General Plan Final Environmental Impact Report (FEIR) identified the following significant unavoidable impacts that are expected with implementation of development consistent with the General Plan within the City of Ventura. The following unavoidable impacts would not occur on all properties throughout the City. While some impacts would occur on a citywide basis (e.g., regional air quality impacts), others would be site-specific or occur only in certain areas of the City. For example, agricultural land conversion impacts to not apply to properties that are not in agricultural production or are not in a Williamson Act contract.  
  
The 2005 General Plan FEIR found the following to be significant unavoidable impacts:
  - Aesthetics: Change in overall community character and alteration of views from scenic corridors due to agricultural land conversion;
  - Agricultural Land Conversion: Potential conversion of Prime, Statewide Importance, and Unique farmlands;

- AQMP Inconsistency: Inconsistency with Ventura County Air Quality Management Plan (AQMP) due to possible exceedance of citywide growth projections upon which the 1994 AQMP is based;
- Solid Waste Disposal Facilities: Generation of solid waste exceeding disposal facility capacity given that landfills serving the City are projected to close within or close to the timeframe of the General Plan;
- Exceedance of SCAG Population Forecast: Possible exceedance of the Southern California Association of Government's (SCAG) 2025 population growth project for the City.

The 2005 General Plan FEIR found the following effects to be less than significant with the incorporation of mitigation and General Plan Actions:

- Utilities and Service Systems: surface hydrology/storm drains;
- Noise: Exposure of noise sensitive uses to traffic noise along North Ventura Avenue;
- Noise: Noise-sensitive uses proximate to commercial or industrial zones;
- Public Services: Police protection facilities;
- Transportation and Circulation: Deficient level of service at the intersection of Well Road and Darling Road

The 2005 General Plan FEIR found the following effects to be less than significant with implementation of General Plan Actions:

- Air Quality: Air pollutant emissions;
- Air Quality: Construction emissions;
- Biological Resources: Quality of riparian and wetland habitat;
- Biological Resources: Sensitive habitats and mature trees;
- Biological Resources: Special-status plant and animal species;
- Biological Resources: Wildlife movement corridors;
- Cultural and Historical Resources: Identified and unidentified pre-historic archaeological resources;
- Cultural and Historical Resources: Historical resources;
- Geologic Hazards: Exposure of persons or structures to seismic hazards;
- Geologic Hazards: Landslide risk;
- Geologic Hazards: Liquefaction hazards;
- Geologic Hazards: Subsidence hazards;
- Geologic Hazards: Inundation from tsunamis;
- Hazards and Hazardous Materials: Expose individuals to hazardous materials;
- Hazards and Hazardous Materials: Soil and/or groundwater contamination;

- Hydrology and Water Quality: Development within 100-year flood zone;
- Hydrology and Water Quality: Drainage facilities;
- Mineral Resources: Oil production activity;
- Utilities and Service Systems: Wastewater facilities.

9. **Description of Project:**

The proposed project is the adoption of Chapter 24.508 of Division 24, Part 5 of the Buenaventura Municipal Code to establish a Residential Project Allocation Program (RAP). The proposed project is also the amendment to Chapter 24.565 of the Buenaventura Municipal Code to establish appeal procedures for members of the City Council to call for review by the entire City Council certain decisions of the Design Review Committee and/or the Planning Commission. Based on the foregoing and for the reasons and purposes stated further herein, the City Council will also rescind Resolution 2006-057, the Housing Approval Program (HAP), codified in San Buenaventura Municipal Code Chapter 24R.115 in its entirety. The proposed project also includes a text amendment to the General Plan describing the RAP. The proposed project does not amend the land use plan, land use designations, or land use densities of the General Plan. The Project Description is provided in detail in Section 3 of this Addendum.

This Addendum to the certified Final Environmental Impact Report for the 2005 Ventura General Plan has been prepared by the City of Ventura (City) in conformance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to address minor changes to the 2005 Ventura General Plan as a result of the amendment to the Land Use Element of the 2005 Ventura General Plan for the purposes of implementing the City's Residential Project Allocation Program (RAP), the RAP ordinance, and an amendment to Chapter 24.565 to establish appeal procedures.

10. **Surrounding Land Uses and Setting: (Briefly describe the project's surroundings.)**

The corporate limits of the City of Ventura encompass approximately 21 square miles and include a broad array of land uses, including residential, commercial, industrial, and agriculture.

The City of Ventura is located in western Ventura County and is bound on the north by the Transverse Range in unincorporated Ventura County, the Ventura River to the west, the Pacific Ocean to the southwest, the Santa Clara River to the south, and Franklin-Wason Barranca to the east.

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

None



## 4 □ DESCRIPTION OF PROPOSED PROJECT

### 4.1 □ PROJECT SETTING AND LOCATION

**Figure 1, Vicinity Map**, depicts the location of the City of Ventura (City) in a regional and local context. **Figure 2, Location Map**, shows both the City limits and the Planning Boundary. The corporate limits of the City encompass approximately 21 square miles and land uses include residential, commercial, industrial, and agriculture. The Planning Boundary is inclusive of the City of Ventura Sphere of Influence. Ventura is located in western Ventura County and is bound on the north by the Transverse Range in unincorporated Ventura County, the Ventura River to the west, the Pacific Ocean to the southwest, the Santa Clara River to the south, and Franklin-Wason Barranca to the east.

### 4.2 □ PROJECT DESCRIPTION

#### 4.2.1 □ Project Purpose

The proposed project is the adoption of Chapter 24.508 of Division 24, Part 5 of the Buenaventura Municipal Code to establish a Residential Project Allocation Program (RAP). The RAP would provide the Ventura City Council with authority and discretion over the housing types, pace of growth, and quality of residential development. The RAP will allow for the allocation of limited City resources and services such as water, land, sewer, and transportation, to ensure that high priority Residential Projects are developed in appropriate areas. The RAP also ensures that the City's growth includes a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

The proposed project also includes the repeal of the City's existing Housing Approval Program (HAP). The HAP was adopted in 2006 and intended to promote and achieve high-quality urban design for place-making and build a sustainable community. The HAP was envisioned as an interim program to fulfill the role of urban design requirements for residential development until such time as other design-oriented regulations, such as community guidelines and development codes, could be drafted and enacted for the City's various planning communities. Because land use policies and zoning code requirements have been adopted, and continue to be refined to meet community expectations, the HAP is no longer necessary. However, the City still wishes to maintain appropriate oversight of residential development, and therefore the RAP was developed.

The proposed project also includes procedures to appeal decisions made by the City's Planning Commission and Design Review Committee, and textual changes to the General Plan Land Use Element to describe the RAP. The proposed project does not alter the land use designations, locations, or development densities of the General Plan.

#### 4.2.2 □ Residential Allocation Program

The City of Ventura Residential Allocation Program (RAP) would establish a residential development allocation system for residential development projects (Residential Projects) within the City. The pace of development would be in accordance with the growth rates in the City's General Plan and the needs of the City as determined through implementation of the RAP as set forth in proposed Chapter 24.508 of Division 24, Part 5 of the Buenaventura Municipal Code. It is the objective of the City Council, in implementing the RAP, to achieve a steady, sustainable rate of growth rather than a fluctuating or overly rapid rate of growth and to better preserve the character of the City and the quality of life within the City.

The RAP furthers the objectives of the City's General Plan and is consistent with the City's Housing Element in that it ensures that the City will be able to meet its Regional Housing Needs Allocation (RHNA) established by the California Department of Housing and Community Development while still providing for measured residential development.

The RAP would replace the City's Residential Growth Management Program and HAP. A General Plan Amendment will update the 2005 General Plan to reflect the enactment and implementation of the RAP. The 2005 General Plan called for a revision of the Residential Growth Management Plan, originally enacted in 1979 which, together with an integrated set of development tools, would improve housing availability, affordability, and design. The General Plan Amendment is consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly residential growth and development in a manner that preserves the public's health, safety, and welfare.

### **APPLICABILITY OF THE RAP**

The RAP applies to all Residential Projects, including mobile home development, in the City except for the following:

1. Residential Projects of no more than two residential dwelling units on a single parcel, limited to only one such project per developer per calendar year;
2. Second dwelling units added to existing single-family residential units;
3. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums so long as no additional dwelling units are created;
4. Residential Projects in which 100 percent of the residential units are formally dedicated or restricted through recorded covenants for occupancy by low-income households;
5. Residential Projects subject to a fully executed Development Agreement entered into by and between the City and the property owner/developer seeking to develop such residential units;
6. Residential Projects which are located within the geographic boundaries of the following Specific Plans: Downtown, Parklands, Saticoy Village, and University of California Hansen Trust;
7. Residential Projects within future adopted Specific Plans; and
8. Residential Projects which have been fully entitled as of the effective date of Chapter 24.508 of the Municipal Code.

### **ANNUAL MAXIMUM NUMBER OF RESIDENTIAL PROJECT ALLOCATIONS**

The proposed RAP would allow for a Residential Project allocation of a maximum of 1,050 dwelling units over a fixed three-year cycle. The City Council may, but would not be mandated to, issue the maximum number of allocations available in any year. The RAP would allow an average of 350 allocations for residential units to be granted in any one year of a three-year cycle, and would not allow more than 450 allocations (exceptions apply). If more than 350 allocations for residential units are granted in any one year, the allocations in subsequent years would be adjusted to ensure the number of allocations allowed during the fixed three-year cycle does not exceed 1,050 dwelling units.

In certain instances, the RAP would allow the City Council to approve more than 450 allocations in one year and to exceed 1,050 allocations in a three-year cycle. This provision would apply when the Council issues less than 350 allocations in the prior year(s) or during the immediately preceding the three-year







**FIGURE 2: Location Map**  
Residential Project Allocation Program  
City of Ventura



cycle or the Council is reassigning or granting allocations that have previously been granted but have expired.

The number of units that would be allowed by the proposed RAP in the three-year cycle is adequate to accommodate the City's RHNA for the current planning period. The City Council would be able to allocate more than 350 units in any given year if it determines that doing so would serve the City's interests. The units allocated over 350 would reduce the number that can be allocated in future years of the three-year cycle. In addition, development within adopted Specific Plan areas designated in the General Plan would be exempt from the RAP. **Figure 3, Infill Area Map with Specific Plans**, shows the locations of the currently adopted Specific Plan areas that would be exempt from the RAP.

### RESIDENTIAL PROJECT ALLOCATION EVALUATION

The RAP will evaluate Residential Project applications based on established evaluation criteria. Each project application will be rated as "Exceeding," "Meeting," or "Not Meeting" the following criteria:

To support the General Plan Goal: "Our Well-Planned Community." This General Plan goal is to protect hillsides, farmlands, and open spaces; enhance Ventura's historic and cultural resources; respect diverse neighborhoods; reinvest in older areas of the community; and make great places by insisting on the highest standards of quality in architecture, landscaping, and urban design; and,

To implement the City's Housing Element Goal: Facilitate the provision of a range of housing types to meet the diverse needs of the community.

#### Criteria

1. The project provides site and architectural design quality that is in harmony in terms of size, height, color, and location with the existing surrounding neighborhood.
2. The project is located in an area adjacent to existing transportation corridors and existing businesses.
3. The project includes an appropriate mix of units, including units with multiple bedrooms to accommodate families.
4. At least 15 percent of the units will be affordable to low-income and/or very low-income households, as defined in the Housing Element.
5. The project incorporates appropriate design features to enhance livability, such as space for children to play; private outdoor space; common gathering areas; and space for gardening.

To support the General Plan Goal: "Our Sustainable Infrastructure." This General Plan goal is to safeguard public health, well-being and prosperity by providing and maintaining facilities that enable the community to live in balance with natural systems.

#### Criteria

1. The project's water use is projected to be consistent with the Ventura Water Department's "Water Demand Factors."
2. The project will contribute to the implementation of the City's Capital Improvement Program.

To support the General Plan Goal: “Our Healthy and Safe Community.” This General Plan goal is to build effective community partnerships that protect and improve the social well-being and security of all citizens.

**Criteria**

1. The project will not cause a deterioration of the current level of services provided by the City, including police, fire, library, recreation, and other governmental services.
2. The project is located in an area with convenient access to food, services, and active recreational opportunities.

To support the General Plan Goal: “Our Accessible Community.” This General Plan goal is to provide residents with more transportation choices by strengthening and balancing bicycle, pedestrian and transit connections in the City and surrounding region.

**Criteria**

1. The project contains on-site amenities that support a range of mobility options.
2. The project promotes walkability through the incorporation of sidewalks along public and private streets and provisions of a path(s) of travel that allows residents easy access to neighborhood amenities like parks and shopping.
3. The project is located in close proximity to existing bike trails.
4. The project contributes to public amenities along an existing transit or bike corridor, such as new bus shelters or water fountains.

To support the General Plan Goal: “Our Natural Community.” This General Plan goal is to be a model for other communities of environmental responsibility, living in balance with the natural setting of coastline, rivers, and hillside ecosystems.

**Criteria**

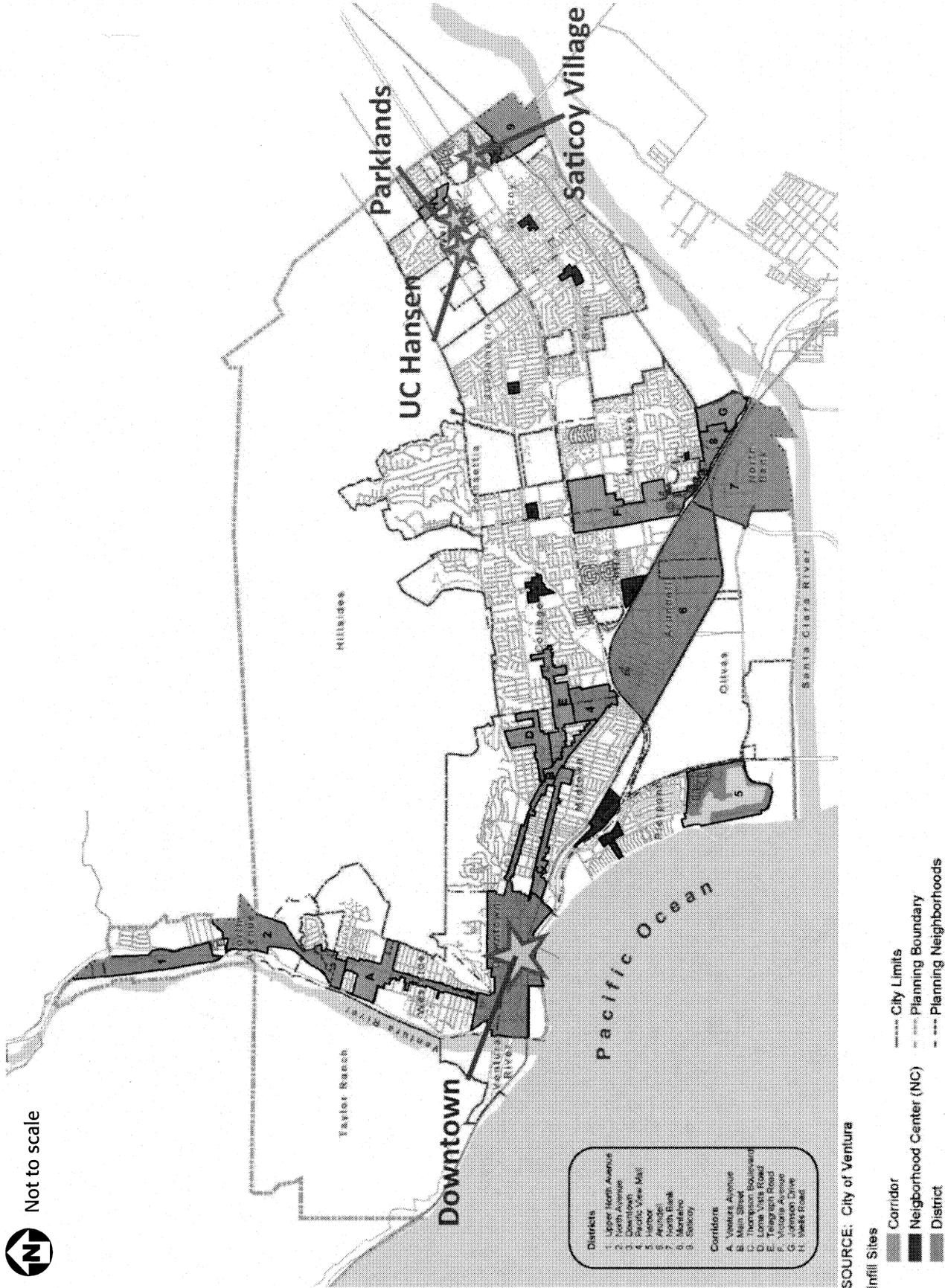
1. The project will feature native plants and other techniques, such as no-turf landscapes, that will reduce demand for water on-site.
2. The project will utilize green building principles supporting environmentally sensitive building design and operation. Examples include house siting and design, solar technologies, cool and green roofs, environmentally preferable building materials, and/or other innovative techniques that provide greater efficiency than compliance with standards set forth in State and local codes.

To support the General Plan Goal: “Our Prosperous Community.” This General Plan goal is to attract and retain enterprises that provide high-value, high wage jobs; to diversify the local economy; to increase the local tax base; and to anticipate our economic future in order to strengthen our economy and help fund vital public services; and

To implement the City’s Housing Element Goal to provide adequate housing sites through appropriate land use and zoning designations to accommodate the City’s share of regional housing need.



Not to scale



SOURCE: City of Ventura

Infill Sites

Corridor

Neighborhood Center (NC)

District

City Limits

Planning Boundary

Planning Neighborhoods

**FIGURE 3:** Infill Area Map with Specific Plans

Residential Project Allocation Program

City of Ventura



### **Criteria**

1. The project will contribute to the desired mix of unit types as envisioned in the General Plan, including tenure (ownership/rental) and a range of unit sizes, types, and affordability, from entry level housing to executive housing.

### **RESIDENTIAL PROJECT ALLOCATIONS PROCESS**

It is proposed that the City Council will set a 90-day allocation window, annually, upon which it will review, consider and make Residential Project allocations. Upon the establishment of this date, all applications and filing fees for Residential Project allocations must be submitted 30 days prior to this date in the form determined by the Community Development Director.

The City Council will consider, at a public hearing, the evaluation ratings of the Residential Projects. At the completion of the public hearing(s), the City Council will confirm or modify and confirm the rating of each Residential Project and create a ranking. The City Council will then proceed to determine which projects shall be granted allocations. The City Council is not required to award allocations in specific ranking order. The City Council may determine that one or more Residential Project meets the current priority needs of the City, notwithstanding a lower ranking than another Residential Project, and may determine to grant allocations to the lower ranked project(s) to satisfy that priority.

After a Residential Project receives allocations, minor modifications or amendments of the approved Residential Project permits may be considered pursuant to Municipal Code Section 24.570, Permit Amendment, Revocation and Reevaluation Procedure; provided, however, that (i) the unit allocation previously awarded to the approved Residential Project shall not be exceeded and (ii) the amended Residential Project shall be substantially consistent with the criteria under which the allocation was awarded.

## **4.3 PROJECT APPROVALS**

The City of Ventura is the Lead Agency and is responsible for reviewing and approving Addendum #3 to the 2005 City of Ventura General Plan FEIR. As part of the proposed project's implementation, the City will also consider the following discretionary approvals:

- Adoption of Addendum #3 to the certified General Plan Final Environmental Report (State Clearinghouse No. 2004101014) for the Residential Allocation Program and related actions.
- General Plan Amendment 10-15-30877 to identify and describe the Residential Allocation Program (amendment does not change the land uses or densities identified in the General Plan). Text changes are made to the 2005 Ventura General Plan, Chapter 3, entitled, 'Our Well Planned and Designed Community', and 'Appendix A' to reflect the proposed enactment and implementation of the Residential Allocation Program (RAP).
- Adoption of a new Chapter 24.508 of Division 24 Part 5 of the Buenaventura Municipal Code establishing a Residential Project Allocation Program
- Adoption of an amendment to Chapter 24.565 of the Buenaventura Municipal Code establishing appeal procedures for members of the City Council to call for review by the entire City Council certain decisions of the Design Review Committee and/or the Planning Commission.

- Rescind Resolution 2006-057, the Housing Approval Program (HAP), codified in San Buenaventura Municipal Code Chapter 24R.115 in its entirety.

## 5 ENVIRONMENTAL IMPACT ANALYSIS AND PROJECT APPROVAL

**NEW SIGNIFICANT ENVIRONMENTAL EFFECTS OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS CEQA DOCUMENT.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality              |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology / Soils          |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning      |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing     |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Greenhouse Gases         |

### DETERMINATION:

On the basis of this initial evaluation:

- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous approved ND or MND or certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or MND or previously certified EIR is adequately discusses the potential impacts of the project without modification.
- No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous approved ND or MND or certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND, MND or previously certified EIR adequately discusses the potential impacts of the project; however, minor changes require the preparation of an ADDENDUM.
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND, MND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new potentially significant environmental effects or substantial increases

in the severity of previously identified significant effects are clearly reduced to below a level of significance through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT MND is required.

- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous environmental document due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However, only minor changes or additions or changes would be necessary to make the previous EIR adequate for the project in the changed situation. Therefore, a SUPPLEMENTAL EIR is required.
  
- Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous environmental document due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT EIR is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
For

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A finding of "No New Impact/No Impact" means that the potential impact was fully analyzed and/or mitigated in the prior CEQA document and no new or different impacts will result from the proposed activity. A brief explanation is required for all answers except "No New Impact/No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No New Impact/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 New Impact/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) A finding of "New Mitigation is Required" means that the project have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document and that new mitigation is required to address the impact.
- 3) A finding of "New Potentially Significant Impact" means that the project may have a new potentially significant impact on the environment or a substantially more severe impact than analyzed in the previously approved or certified CEQA document that cannot be mitigated to below a level of significance or be avoided.
- 4) A finding of "Reduced Impact" means that a previously infeasible mitigation measure is now available, or a previously infeasible alternative is now available that will reduce a significant impact identified in the previously prepared environmental document.
- 5) 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.
- 6) 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 Analyses 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. 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 proposed action.
  - c) Infeasible Mitigation Measures. Since the previous EIR was certified or previous ND or MND was adopted, discuss any mitigation measures or alternatives previously found not to be feasible that would in fact be feasible or that are considerably different from those previously analyzed and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives.

- d) Changes in Circumstances. Since the previous EIR was certified or previous ND or MND was adopted, discuss any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause a change in conclusion regarding one or more effects discussed in the original document.
- 7) 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.
- 8) Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 9) 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.
- 10) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question;
  - b) Differences between the proposed activity and the previously approved project described in the approved ND or MND or certified EIR; and
  - c) The previously approved mitigation measure identified, if any, to reduce the impact to less than significance.

**ENVIRONMENTAL CHECKLIST**

Issues:	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
<b>I. AESTHETICS.</b> Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>II. AGRICULTURE AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Issues:</b>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:				
a) 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Issues:</b>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
Department of Fish and Game or U.S. Fish and Wildlife Service?				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues:	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VI. GEOLOGY AND SOILS.</b> Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VII. GREENHOUSE GAS EMISSIONS.</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues:	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues:	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				
<b>IX. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Issues:</b>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Expose people or structures to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>X. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XI. MINERAL RESOURCES.</b> Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XII. NOISE.</b> Would the project result in:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Issues:</b>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XIII. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XIV. PUBLIC SERVICES.</b> Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Issues:</b>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XV. RECREATION.</b> Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVI. TRANSPORTATION / TRAFFIC.</b> Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues:	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
location that results in substantial safety risks?				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVII. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>Issues:</b>	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XVIII. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) 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, substantially 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 project, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## 5.1 □ AESTHETICS

**Threshold (a)** *Have a substantial adverse effect on a scenic vista.*

**Threshold (b)** *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.*

**Threshold (c)** *Substantially degrade the existing visual character or quality of the site and its surroundings.*

The 2005 Ventura General Plan FEIR noted that the General Plan emphasizes the intensification and reuse of already urbanized land to create a denser, more urban environment in some areas of the City. The reuse of urbanized areas in lieu of further growth at the City's periphery would be expected to generally enhance the visual character of the community and minimize impacts to existing natural and agricultural areas. This would be considered a beneficial effect. Nevertheless, the implementation of the General Plan would change the visual character of the community and would accommodate the conversion of some agricultural lands in the Planning Area (entirety of area evaluated in the FEIR) to urban uses. Additionally, development that would be accommodated under the General Plan would potentially alter and/or block views of scenic vistas, and views from various public view corridors. There are no designated State scenic highways in the City.<sup>1</sup> These impacts were identified in the FEIR as significant and unavoidable. This change in visual character is considered a significant unavoidable impact.

However, the FEIR determined that General Plan Actions 1.8, 1.11, 1.22, 1.23, 3.14, 3.2, 3.3, and 4.36 would reduce the severity of these impacts to the visual character of the City, the conversion of agricultural land, and to the City's scenic resources to the extent feasible through actions including but not limited to emphasizing urban infill, the protection of wetland resources, the protection of healthy mature trees and tree windrows, where feasible, and would continue to apply to the Residential Projects allocated by the RAP.

The RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the FEIR. In addition, individual Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find that an individual residential development project would have an impact on scenic resources and/or the existing visual character of the site, which would then require project-specific mitigation measures be identified and implemented. These measures cannot be identified at this time, because details on the location, size, type, and design of these future projects is currently unknown. Additionally, the RAP criteria for ranking Residential Projects would include evaluation on whether a project's site and architectural design quality is in harmony in terms of size, height, color, and location with the existing neighborhood.

Individual projects would also comply with the City's Design Guidelines, Development Regulations and Standards, the Hillside Management Program, and any other applicable local and State regulations, which would reduce the potential significant impacts.

Accordingly, with respect to aesthetic resources, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of

<sup>1</sup> [http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/schwy.htm](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/schwy.htm) (accessed October 23, 2015)

the certification of the FEIR is available that would impact the prior finding of significant unavoidable impacts.

The proposed project would be required to implement the following actions from the FEIR.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 1.8:** Buffer barrancas and creeks that retain natural soil slopes from development according to State and Federal guidelines.

**Action 1.11:** Require that sensitive wetland and coastal areas be preserved as undeveloped open space wherever feasible and that future developments result in no net loss of wetlands or "natural" coastal areas.

**Action 1.12:** Update the provisions of the Hillside Management Program as necessary to ensure protection of open space lands.

**Actions 1.22:** Adopt development code provisions to protect mature trees on public and private property.

**Action 1.23:** Require, where appropriate, the preservation of healthy tree windrows associated with current and former agricultural uses, and incorporate trees into the design of new developments.

**Action 3.2:** Enhance the appearance of districts, corridors, and gateways (including views from highways) through controls on building placement, design elements, and signage.

**Action 3.3:** Require preservation of public viewsheds and solar access.

**Action 3.5:** Establish land development incentives to upgrade the appearance of poorly maintained or otherwise unattractive sites, and enforce existing land maintenance regulations.

**Action 3.14:** Utilize infill, to the extent possible, development to accommodate the targeted number and type of housing units described in the Housing Element.

**Action 3.16:** Renew and modify greenbelt agreements as necessary to direct development to already urbanized areas.

**Action 3.17:** Continue to support the Guidelines for Orderly Development as a means of implementing the General Plan, and encourage adherence to these Guidelines by all the cities, the County of Ventura, and the Local Agency Formation Commission (LAFCO); and work with other nearby cities and agencies to avoid urban sprawl and preserve the rural character in areas outside the urban edge.

**Action 3.23:** Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation.

**Action 4.36:** Require development along the following roadways – including noise mitigation, landscaping, and advertising – to respect and preserve views of the community and its natural context.

- State Route 33
- U.S. Highway 101
- Anchors Way
- Brakey Road
- Fairgrounds Loop
- Ferro Drive
- Figueroa Street
- Harbor Boulevard
- Main Street
- Navigator Drive
- North Bank Drive
- Poli Street/Foothill Road
- Olivas Park Drive
- Schooner Drive
- Spinnaker Drive
- Summit Drive
- Telegraph Road – east of Victoria Avenue
- Victoria Avenue – south of U.S. 101
- Wells Road

#### **General Plan FEIR Mitigation Measures**

None identified.

#### **Conclusion**

Even with implementation of the identified Actions, potential adverse effects to scenic vistas, scenic resources and the existing visual character of individual Residential Project sites could be significant depending on the location of a future Residential Project site that is allocated through the RAP. However, these potential effects are evaluated and disclosed in the FEIR which identified impacts to scenic resources and visual character as significant and unavoidable. The RAP's effect on scenic resources and visual character does not present any new significant environmental impacts not previously addressed in the FEIR, nor substantially increase the severity of previously identified environmental effects. With regard to CEQA Section 21166 and the State CEQA Guidelines Section 15162(a), the changes proposed by the proposed project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to aesthetics. Therefore, the preparation of a subsequent environmental analysis is not warranted.

***Threshold (d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.***

The FEIR concluded that implementation of the General Plan would introduce new sources of light and glare. Light and glare conditions are not expected to change dramatically throughout most of the General Plan Planning Area because the focus of the intensification and reuse of already developed lands. Therefore, impacts were found to be less than significant.

The RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the FEIR. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Individual projects would be reviewed by the City to ensure conformance with the City's Municipal Code and Design Guidelines such that lighting is shielded or

directed downward to the greatest extent possible to minimize the amount of light that falls onto nearby properties. For these reasons, lighting and glare impacts from the RAP are less than significant.

Accordingly, no new impacts relative to new sources of light or glare or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would impact the prior finding of a less than significant impact.

### **Mitigation Program**

The following action from the FEIR is applicable to the proposed RAP.

#### **General Plan Actions**

**Action 3.23:** Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

No significant impacts to light and glare are identified in the 2005 General Plan FEIR. Residential projects allocated by the RAP would be designed consistent with the City's Design Guidelines and Municipal Code. Therefore, no new and/or modified mitigation measures are required for issues related to light and glare. With regard to CEQA Section 21166 and the State CEQA Guidelines Section 15162(a), the changes proposed by the proposed project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to light and glare. Therefore, the preparation of a subsequent environmental analysis is not warranted.

### **Overall Aesthetics Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and the State CEQA Guidelines Section 15162(a), the proposed project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to aesthetics. Therefore, the preparation of a subsequent environmental analysis is not warranted.

## 5.2 □ AGRICULTURAL RESOURCES

**Threshold (a)** *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.*

**Threshold (d)** *Result in the loss of forest land or conversion of forest land to non-forest use.*

**Threshold (e)** *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.*

The FEIR concluded that implementation of the General Plan would involve the conversion of State-designated Prime, Statewide Importance, and Unique farmland. Therefore, these impacts were considered significant and unavoidable.

Because the RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the FEIR, the impact already disclosed is not expected to change. Further, Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find that an individual residential development project would involve the conversion of farmland because of the location of the property, but this impact was disclosed in the FEIR for implementation of the General Plan. The severity of this impact is not altered by the RAP, given that the RAP is consistent with the General Plan.

The proposed RAP does not change the analysis previously performed in the FEIR, and does not increase or significantly change the impacts on agricultural resources as no objectives or policies and no land use map changes are proposed that would impact agricultural resources that exist within or near the project area beyond what was disclosed in the FEIR. The proposed RAP ordinance consists of the establishment of a residential development allocation system for residential development projects. To avoid the conversions of land designated for agricultural use, the RAP allocation criteria gives preference to infill projects, based on the City's Infill First Strategy.

With respect to forest land, at the time of the preparation of the 2005 Ventura General Plan EIR, this topic was not identified by the State of California or the City of Ventura on the Environmental Checklist. However, the City does not contain forest resources therefore no significant impacts to forest resources would occur from implementation of the RAP. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available.

The FEIR identified the impacts to agricultural resources as significant and unavoidable. However, Action 3.21 was identified in the FEIR to reduce the significant and unavoidable impacts to the extent feasible. Action 3.21 protects agricultural uses from potential land use incompatibility issues through the adoption of standards and the use of buffers. Because Action 3.21 would still apply with implementation of the RAP, and because the potential significant and unavoidable impacts to agriculture and agricultural conversion were previously disclosed in the FEIR, no new agricultural impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding of significant unavoidable impacts.

The proposed project would be required to implement the following action from the FEIR.

### **Mitigation Program**

The following action from the FEIR is applicable to the proposed RAP.

#### **General Plan Actions**

**Action 3.16:** Encourage development in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.

**Action 3.17:** Continue to support the Guidelines for Orderly Development as a means of implementing the General Plan, and encourage adherence to these Guidelines by all the cities, the County of Ventura, and the Local Agency Formation Commission (LAFCO); and work with other nearby cities and agencies to avoid urban sprawl and preserve the rural character in areas outside the urban edge.

**Action 3.20:** Pursuant to SOAR, adopt development code provisions to “preserve agricultural and open space lands as a desirable means of shaping the City’s internal and external form and size, and of serving the needs of the residents.

**Action 3.21:** Adopt performance standards for non-farm activities in agricultural areas that protect and support farm operations, including requiring non-farm uses to provide all necessary buffers as determined by the Agriculture Commissioner’s Office.

#### **General Plan FEIR Mitigation Measures**

None identified.

### **Conclusion**

With implementation of the proposed project, potential conversion of farmland would remain significant and unavoidable. However, these effects are evaluated and disclosed in the final EIR. Therefore, the proposed project’s impact to agricultural resources does not present any new significant environmental impacts not previously addressed in the FEIR, nor substantially increase the severity of previously identified environmental effect. With regard to CEQA Section 21166 and the State CEQA Guidelines Section 15162(a), the changes proposed by the proposed project would not result in any new impacts, or increase the severity of the previously identified impacts. Therefore, the preparation of a subsequent environmental analysis is not warranted.

**Threshold (b)** *Conflict with existing zoning for agricultural use, or a Williamson Act contract.*

**Threshold (c)** *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).*

The Final EIR identifies that although the 2005 General Plan would allow for the conversion of certain agricultural lands to non-agricultural uses, all of these lands are already designated for urban use. None of the areas that could be developed are subject to the City SOAR (Save Open-Space and Agricultural Resources) Ordinance, is located within the Ventura-Oxnard Greenbelt, and/or is under a Land

Conservation Act contract. The General Plan Planning Area does not contain land that is zoned for forest or timberland uses. Therefore, no significant impacts would occur.

The proposed RAP does not change the analysis previously performed in the FEIR. Adoption of the RAP would not change objectives or policies, or result in land use map changes that would change existing zoning designations to agriculture. The proposed RAP ordinance consists of the establishment of a residential development allocation system for residential development projects. To avoid the conversions of land designated for agricultural use, the RAP allocation criteria gives preference to infill projects, based on the City's Infill First Strategy.

### **Mitigation Program**

#### **General Plan Actions**

None identified.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

With implementation of the proposed project, there would continue to be no impacts related to zoning and agricultural resources. As with the General Plan, the RAP ordinance would not accommodate any development that would conflict with agricultural zoning or other policies regarding the preservation of agriculture. Therefore, the proposed project does not present any new significant environmental impacts not previously addressed in the FEIR, nor substantially increase the severity of previously identified environmental effect. With regard to CEQA Section 21166 and the State CEQA Guidelines Section 15162(a), the changes proposed by the proposed project would not result in any new impacts, or increase the severity of the previously identified impacts. Therefore, the preparation of a subsequent environmental analysis is not warranted.

### **Overall Agricultural Resources Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and the State CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to agricultural resources. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.3 □ AIR QUALITY

### *Threshold (a) Conflict with or obstruct implementation of the applicable air quality plan.*

The FEIR concluded that implementation of the General Plan would exceed the Ventura County Air Quality Management Plan (AQMP) population projections. The exceedance of the population projections used for regional air quality planning represents a potential inconsistency with the AQMP. Compliance with 2005 General Plan policies and actions that encourage mixed-use and infill development would reduce air pollutant emissions to the maximum degree feasible, given the amount of growth anticipated under the 2005 General Plan. However, potential inconsistency with the AQMP cannot be avoided. Therefore, this impact was determined to be significant and unavoidable.

The proposed RAP does not change the analysis previously performed in the FEIR because the RAP is consistent with the residential uses and densities identified in the General Plan and analyzed in the FEIR. The proposed RAP will not result in any additional conflicts with the AQMP as the RAP will not increase the number of residential units or change the locations for residential development. No objectives or policies and no land use map changes are proposed. Although the procedural changes included in the RAP would influence the number of residential units developed in a specified time period, and would not directly result in General Plan land use designation or zoning changes. The RAP would not grant additional entitlements for anticipated development beyond that evaluated in the 2005 General Plan FEIR. Accordingly, the amount of housing anticipated to be allocated by the RAP would remain consistent with the land use designations in the 2005 General Plan, which analyzed and forecasted residential growth through 2025. Therefore, this change to the General Plan does not increase or significantly change the impacts on air quality as previously analyzed.

Although population growth is projected to exceed forecasts upon which the AQMP is based, the 2005 General Plan includes goals, policies, and actions that would partially alleviate increases in traffic and energy consumption, and associated increases in air pollutant emissions. Actions 3.14 and 3.16 promote the intensification and reuse of existing lands within the existing City limits and Sphere of Influence. Additionally, Actions 4.14, 4.19, 4.20, and 4.29 address the development of trip reduction and transportation demand management incentives and programs; Actions 4.24 and 4.25 address improvements to sidewalks, and Actions 4.16 and 4.28 address citywide improvements to transit and alternative transportation mode facilities.

Further, individual Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Project-specific analysis under CEQA could potentially find that an individual residential development project cumulatively contributes to conflicts with the AQMP, but, again, this impact was disclosed in the FEIR for implementation of the General Plan and remains unchanged with implementation of the RAP.

The FEIR identified the conflict with the AQMP as a significant and unavoidable impact.

### **Mitigation Program**

#### **General Plan Actions**

The 2005 General Plan includes various policies and actions that encourage mixed-use and infill development. Implementation of these policies/actions would reduce air pollutant emissions to the maximum degree feasible given the amount of growth anticipated under the 2005 General Plan.

**Action 3.14:** Utilize infill, to the extent possible, development to accommodate the targeted number and type of housing units described in the Housing Element.

**Action 3.16:** Encourage development in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.

**Action 4.14:** Provide development incentives to encourage projects that reduce automobile trips.

**Action 4.16:** Install roadway, transit, and alternative transportation improvements along existing or planned multi-modal corridors, including primary bike and transit routes, and at land use intensity nodes.

**Action 4.19:** Adopt new development code provisions that establish vehicle trip reduction requirements for all development.

**Action 4.20:** Develop a transportation demand management program to shift travel behavior toward alternative modes and services.

**Action 4.24:** Require sidewalks wide enough to encourage walking that include ramps and other features needed to ensure access for mobility-impaired persons.

**Action 4.25:** Adopt new development code provisions that require the construction of sidewalks, where appropriate.

**Action 4.29:** Develop incentives to encourage City employees and local employers to use transit, rideshare, walk, or bike.

**General Plan FEIR Mitigation Measures**

None identified.

**Conclusion**

Even with implementation of policies and actions in the 2005 General Plan that encourage mixed-use and infill development, ongoing development within the City of Ventura could result in a potential inconsistency with the AQMP. However, these inconsistencies are evaluated and disclosed in the FEIR which identified inconsistency with the AQMP as significant and unavoidable. Because the RAP is consistent with the land uses and densities of the General Plan, the proposed RAP ordinance would not result in any new significant environmental impacts not previously addressed in the FEIR, and would not substantially increase the severity of previously identified environmental effects. Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding.

**Threshold (b)** *Violate an air quality standard or contribute to an existing or projected air quality violation.*

**Threshold (c)** *Result in cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emission which exceed quantitative thresholds for ozone precursors).*

The FEIR concluded that individual projects forecasted in the 2005 General Plan would generate air pollutant emissions. The significance of air quality impacts associated with individual projects would depend on the characteristics of the project and the availability of feasible mitigation measures. However, implementation of existing programs, in combination with 2005 General Plan policies and actions and mitigation measures and actions identified in the FEIR, would reduce impacts associated with individual development projects to less than significant.

Because it is consistent with the land uses and densities of the General Plan, the proposed RAP does not change the analysis previously performed in the FEIR. The proposed RAP would not result in any ambient air quality standard violation or contribute substantially to an existing or projected air quality violation, and would not result in a cumulatively considerable net increase of any criteria pollutant. The proposed ordinance would not increase or significantly change the impacts on air quality because no objectives or policies and no land use map changes are proposed that would change air quality impacts within or near the project area. Although the procedural changes of the RAP would potentially restrict the location and number of residential units developed in a given time period, individual Residential Projects implemented through the RAP would not conflict with General Plan land use designation or zoning. The RAP would not grant additional entitlements beyond those evaluated in the 2005 General Plan FEIR. Accordingly, the amount of housing anticipated to be allocated by the RAP would remain consistent with the land use designations in the 2005 General Plan, which analyzed and forecasted residential growth through 2025. Thus, this change to the General Plan does not increase or significantly change the impacts relating to violations of air quality standards or cumulatively considerable net increases in criteria pollutants that have been previously analyzed in the FEIR.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. As discussed above, site-specific analysis under CEQA could require project-specific mitigation measures that would reduce potentially significant impacts associated with the development of a specific site to less than significant. These mitigation measures cannot be identified now, because the timing, location, size, and design of future Residential Projects allocated through the RAP are not presently known. Specifically, the City's Air Quality Ordinance (Ordinance 93-37) requires developers of projects that generate emissions exceeding the Ventura County APCD significance thresholds to pay air quality impact fees that are placed in a transportation demand management (TDM) fund that is used by the City to offset project emissions through implementation of regional air quality programs. Continued collection of fees on all individual projects that generate emissions over the Ventura County APCD thresholds would reduce the impacts of individual developments to a less than significant level.

Construction of individual projects allocated under the RAP would result in temporary emissions of air pollutant emissions; however, this would be the same as under the General Plan without the RAP in place. The Ventura County APCD has not adopted significance thresholds for construction impacts because of their temporary nature; therefore, impacts would be less than significant. Additionally, implementation of standard emission and dust control techniques will be required on all future development.

The FEIR identified the impacts to air quality as less than significant with the implementation of mitigation measures and additional General Plan Actions. These measures and actions would reduce the potential significant impacts to less than significant. The proposed project would be required to implement the following actions from the FEIR. Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following mitigation measures from the FEIR are applicable to the proposed RAP.

#### **General Plan Actions**

None identified.

#### **General Plan FEIR Mitigation Measures**

**Mitigation Measure AQ-2:** The following actions shall be applied to future development on a case-by-case basis:

- Require air quality analysis of individual development project in accordance with the most current version of the Ventura County Air Pollution Control District (APCD) Air Quality Assessment Guidelines, and, when significant impacts are identified, require implementation of air pollutant mitigation measures determined to be feasible at the time of project approval.
- In accordance with Ordinance 93-37, continue to require payment of fees to fund regional transportation demand management (TDM) programs for all projects generating emissions in excess of Ventura County APCD thresholds.

**Mitigation Measure AQ-3 Construction:** The following action shall be applied to future development on a case-by-case basis:

- Require individual construction contractors to implement the construction mitigation measures included in the most recent version of the Ventura County APCD's Air Quality Assessment Guidelines.

### **Conclusion**

The continued collection of fees on all projects that generate emissions over VCAPCD thresholds as well as the implementation of Mitigation Measures AQ-2 and AQ-3 would reduce impacts to air quality emissions to a less than significant level by ensuring that future Residential Projects allocated through the RAP would be subject to analysis under the most current applicable guidelines, ensuring that future Residential Projects will pay into the regional TDM programs, and ensuring that construction emissions are consistent with current regulations and guidelines. Therefore, no new impact relative to air quality emissions would occur with implementation of the proposed project. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

#### ***Threshold (d) Expose sensitive receptors to substantial pollutant concentrations.***

The FEIR concluded that implementation of the 2005 General Plan would not significantly expose sensitive receptors to substantial pollutant concentrations with implementation of mitigation measures. Increased traffic congestion associated with growth consistent with the General Plan would potentially increase carbon monoxide (CO) concentrations at congested intersections. However, because of the low ambient CO concentration and anticipated reduction in emissions associated with less polluting vehicles, exceedance of State and federal CO standards is not expected and impacts were determined to be less than significant.

A project's localized air quality impact is considered significant if the additional CO emissions resulting from the project create a "hot spot" where the 1-hour or 8-hour standard is exceeded. This typically occurs at severely congested intersections. The Ventura County APCD's *Air Quality Assessment Guidelines* indicate that screening for possible elevated CO levels should be conducted for severely congested intersections experiencing level of service (LOS) E or F with project traffic where a significant project traffic impact may occur.

The FEIR concluded that traffic growth accommodated under the General Plan and resulting congestions would result in LOS E or LOS F at one or more intersections in the Planning Area. However, most of the intersections consist of freeway interchanges that are not adjacent to sensitive receptors such as residences or schools. In addition, feasible improvements could be implemented to achieve acceptable level of services at affected intersections. The Ventura County region does not experience any CO "hot spots" and CO concentrations are expected to drop substantially as cleaner technologies become available. As such, it is not anticipated that violations of State or federal standards would occur with ongoing development in the City of Ventura consistent with the land use assumptions set forth in the 2005 General Plan.

The proposed RAP does not change the land uses or densities identified in the General Plan and analyzed in the FEIR. Future Residential Projects would not be expected to expose sensitive receptors to substantial pollutant concentrations because the locations for residential development would not change with implementation of the RAP and the FEIR did not identify significant impacts to sensitive receptor locations. Although the procedural changes of the RAP would restrict the location and number of residential units developed in an identified time frame, individual Residential Projects implemented through the RAP would not conflict with General Plan land use designations or zoning. The RAP would not grant additional entitlements for anticipated development beyond those evaluated in the 2005 General Plan FEIR. Accordingly, the amount of housing anticipated to be allocated by the RAP would remain consistent with the land use designations in the 2005 General Plan, which analyzed and forecasted residential growth through 2025. Thus, this change to the General Plan does not increase or significantly change the impacts on air quality as previously analyzed.

Residential Projects allocated by the RAP would require project-level evaluation in accordance with CEQA and the State CEQA Guidelines. As discussed above, site-specific analysis under CEQA could potentially conclude traffic increases would result in LOS E or LOS F at intersections impacted by the individual development which would require a localized hot spot analysis. Although increased traffic levels would potentially increase CO concentrations, reductions in CO emission rates would more than offset effects of increased traffic congestion. The FEIR notes that Ventura County is in attainment for State and federal CO standard of COs; the County has no CO hot spots. Ventura is still an attainment area for CO.<sup>2</sup> Therefore, consistent with the findings of the FEIR, impacts related to CO "hot spots" are anticipated to be less than significant for individual projects allocated by the RAP.

The impact of construction-related emissions upon sensitive receptors such as residences, schools, or hospitals depends upon the location of individual construction projects relative to proximity to sensitive receptors. At this time, the location of future Residential Projects allocated through the RAP is not known. As discussed in Response 4.3(b/c), the Ventura County APCD has not adopted significance thresholds for construction-related emissions since such emissions are temporary. However, implementation of

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<sup>2</sup> [http://www.vcapcd.org/air\\_quality\\_standards.htm](http://www.vcapcd.org/air_quality_standards.htm) "http://www.vcapcd.org/air\_quality\_standards.htm (accessed October 23, 2015)

Mitigation Measure AQ-3 would reduce construction-related emissions associated with individual developments.

The FEIR identified the exposure of sensitive receptors to pollutant concentrations as a less than significant impact with the implementation of mitigation measures and additional General Plan Actions. These measures and actions were identified to reduce the potential significant impacts to less than significant. The proposed project would be required to implement the following actions from the FEIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following mitigation measure from the FEIR is applicable to the proposed RAP.

### **General Plan Actions**

None identified.

### **General Plan FEIR Mitigation Measures**

**Mitigation Measure AQ-3 Construction:** The following action shall be applied to future development on a case-by-case basis:

- Require individual construction contractors to implement the construction mitigation measures included in the most recent version of the Ventura County APCD's Air Quality Assessment Guidelines.

### **Conclusion**

Mitigation Measure AQ-3 would reduce impacts to sensitive receptors to a less than significant level by ensuring that construction emissions are consistent with the most recent applicable guidelines and regulations. Therefore, no new potentially significant associated are anticipated. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

### ***Threshold (e) Create objectionable odors affecting a substantial number of people.***

The FEIR noted that residents living adjacent to agricultural lands often cite odor nuisance impacts, noise from farm equipment, vehicle conflicts, dust and pesticide spraying as land use conflicts. While the FEIR identified this as a potential nuisance, it was not identified as a significant impact.

Construction equipment and activities can generate odors from diesel exhaust and roofing, painting, and paving operations that may be noticeable by nearby sensitive receptors. As these odors are typical with construction, they would not be unfamiliar or necessarily objectionable. The odors would be temporary and would dissipate rapidly from the source with an increase in distance. Therefore, construction odors are short-term and are not likely to be objectionable. Similar to the potential for odor nuisances associated with agricultural operations, construction operation odors would not be considered a significant impact

Associated with the occupancy of a residence, some odors associated with residential uses (such as from cooking and gardening) would be expected to occur. The odors would be no different than in any other residential and would not be considered objectionable by a substantial number of people.

### **Mitigation Program**

The following action from the FEIR is applicable to the proposed RAP.

#### **General Plan Actions**

**Action 3.21:** Adopt performance standards for non-farm activities in agricultural areas that protect and support farm operations, including requiring non-farm uses to provide all necessary buffers as determined by the Agriculture Commissioner's Office.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

The FEIR did not identify any significant odor impacts and there no new potentially significant associated are anticipated. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

### **Overall Air Quality Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to air quality. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.4 □ BIOLOGICAL RESOURCES

**Threshold (a)** *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 Wildlife or U.S. Fish and Wildlife Service.*

The FEIR concluded that implementation of General Plan land uses would largely avoid impacts to special-status plant and animal species by emphasizing intensification and reuse of already urbanized areas rather than developing greenfields at the City's periphery. Potential impacts could occur in certain locations, but would be addressed through implementation of proposed General Plan policies and actions, including Actions 1.18 and 1.19. Therefore, the FEIR determined that impacts were less than significant.

The proposed RAP does not change the analysis previously performed in the FEIR. The RAP would not directly result in the development of a specific site, or require any revisions to zoned density or land use designation for any parcel. The RAP would not materially affect the physical environment, nor result in any new environmental impacts not already contemplated as part of the City's 2005 General Plan FEIR. The RAP is consistent with the land uses and densities identified in the General Plan and analyzed in the FEIR. Therefore, the RAP would not increase impacts on special-status plant and animal species beyond that which has already been analyzed under the FEIR.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. The potential for special-status species impacts is limited at the project-level due to the limited extent of habitats that can support these resources in the General Plan Planning Area. When present at a site-specific project, special-status species are most likely to be associated with the Ventura and Santa Clara Rivers, and trees or windrows. Special-status species could also occur in the small areas of oak woodland, riparian, wetland, and other native habitats that are present in the Planning Area. However, individual Residential Projects would have to comply with General Plan Actions 1.18, 1.19, 1.22, 1.23, and 1.24 which would reduce impacts to a less than significant level by requiring additional buffers and native and non-invasive plant species in projects near sensitive habitat areas, and requiring biological surveys for projects near watercourses, shoreline areas, and other sensitive habitat areas. Further, these Actions encourage the protection and preservation of healthy trees and tree windrows.

The FEIR identified impacts to special-status plant and animal species as less than significant after compliance with General Plan Actions 1.18, 1.19, 1.22, 1.23, and 1.24. The proposed project would be required to implement the following actions from the FEIR.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 1.18:** Require new development adjacent to rivers, creeks, barrancas, and other sensitive habitat areas to use native or non-invasive plant species, preferably drought tolerant, for landscaping.

**Action 1.19:** Require projects near watercourses, shoreline areas, and other sensitive habitat areas to include surveys for State and/or federally listed sensitive species to provide appropriate buffers and other mitigation necessary to protect habitat for listed species.

**Action 1.22:** Adopt development code provisions to protect mature trees on public and private property.

**Action 1.23:** Require, where appropriate, the preservation of healthy tree windrows associated with current and former agricultural uses, and incorporate trees into the design of new developments.

**Action 1.24:** Require new development to maintain all indigenous tree species or provide adequately sized replacement native trees on a 3:1 basis.

### General Plan FEIR Mitigation Measures

No mitigation measures are required.

### Conclusion

Actions 1.18, 1.19, 1.22, 1.23, and 1.24 would apply to the RAP and, as discussed and disclosed in the FEIR, would reduce impacts to special-status plants and animal species to a less than significant level. Therefore, no new potentially significant are anticipated. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (b)** *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

**Threshold (c)** *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.*

The FEIR concluded that implementation of the 2005 General Plan would generally avoid direct impacts to riparian, wetland, and open water habitats. However, in certain areas, the FEIR determined that development could adversely affect the quality of riparian and wetland habitat. General Plan Actions 1.8, 1.9, 1.10, 1.11, 1.17, 1.18, 1.19, and 1.21 were identified in the FEIR as reducing potential impacts to riparian habitat, wetlands, and other sensitive natural communities to a less than significant level. Of these, Actions 1.8 and 1.9 would apply to specific individual Residential Projects allocated under the RAP.

The proposed RAP does not change the analysis previously performed in the FEIR and has no impact on biological resources as the proposed RAP consists of the establishment of a residential development allocation system for residential development projects. Implementation of the RAP would have any effect on local applicable policies protecting riparian, wetland, and open water habitats, because it is consistent with the land use designations and densities identified in the General Plan and analyzed in the FEIR. The RAP would not result in any new environmental impacts not already contemplated as part of the City's 2005 General Plan FEIR. Therefore, the RAP would not increase impacts on riparian, wetland, and open water habitats beyond that which has already been analyzed under the FEIR.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines to determine if the project would adversely impact wetlands. Site-specific analysis under CEQA could potentially find that an individual residential development project would adversely affect the quality of riparian and wetland habitat due to the proximity of the site to riparian, wetland, or open water habitats. However, individual Residential Projects would have to comply with General Plan Actions 1.8 and 1.9, which would reduce impacts to a less than significant level by requiring buffers between development and barrancas and creeks, and by prohibiting the placement of non-native material in watercourses (with the exception of necessary flood control facilities).

The FEIR identified impacts to riparian, wetland, and open water habitats as a less than significant impact with the incorporation of General Plan Actions 1.8, 1.9, 1.10, 1.11, 1.17, 1.18, 1.19, and 1.21. The proposed project would be required to implement the following actions from the FEIR.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 1.8:** Buffer barrancas and creeks that retain natural soil slopes from development according to State and federal guidelines.

**Action 1.9:** Prohibit placement of material in watercourses other than native plants and required flood control structures, and remove debris periodically.

**Action 1.10:** Remove concrete channel structures as funding allows, and where doing so will fit the context of the surrounding area and not create unacceptable flood or erosion potential.

**Action 1.11:** Require that sensitive wetland and coastal areas be preserved as undeveloped open space wherever feasible and that future developments result in no net loss of wetlands or "natural" coastal areas.

**Action 1.17:** Require development to mitigate its impacts on wildlife through the development review process.

**Action 1.18:** Require new development adjacent to rivers, creeks, and barrancas to use native or non-invasive plant species, preferably drought tolerant, for landscaping.

**Action 1.19:** Require projects near watercourses and shoreline areas to include surveys for State and/or federally listed sensitive species and to provide appropriate buffers and other mitigation necessary to protect habitat for listed species.

**Action 1.21:** Work with State Parks on restoring the Alessandro Lagoon and pursue funding cooperatively.

### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

## **Conclusion**

General Plan Actions would reduce impacts to riparian, wetland, and open water habitats to a less than significant level by requiring buffers between development and barrancas and creeks, and by prohibiting the placement of non-native material in watercourses (with the exception of necessary flood control facilities). Therefore, no new potentially significant associated with the proposed project would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (d) 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.***

The FEIR concluded that implementation of the land uses consistent with the 2005 General Plan would largely avoid impacts to wildlife movement corridors by emphasizing intensification/reuse of existing urbanized areas. Implementation of General Plan Actions 1.8, 1.9, and 1.10 would maintain ecological connectivity corridors through urban spaces and potentially enhance connectivity in some locations. Therefore, impacts to wildlife movement were identified as less than significant.

The proposed RAP does not change the analysis previously performed in the FEIR. The proposed RAP consists of the establishment of a residential development allocation system for residential development projects and would not change the planned locations for residential development, or the land use designations and densities identified in the General Plan and analyzed in the FEIR. It would not result in any new environmental impacts not already contemplated as part of the FEIR. Therefore, the RAP would not increase impacts on wildlife movement corridors beyond that which has already been analyzed under the FEIR.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. The potential for impacts to wildlife corridors is limited and is primarily associated with the semi-natural drainages located in the western and southern portions of the General Plan Planning Area. However, individual Residential Projects would be required to comply with Actions 1.8, 1.9, and 1.10 which would reduce impacts to a less than significant level by requiring buffers between development and barrancas and creeks, and by prohibiting the placement of non-native material in watercourses (with the exception of necessary flood control facilities). Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding of less than significant.

The FEIR identified impacts to wildlife movement corridors as less than significant. General Plan Actions were identified that reduce the potential significant impacts to less than significant. The proposed project would be required to implement the following actions from the FEIR.

## **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### General Plan Actions

**Action 1.8:** Buffer barrancas and creeks that retain natural soil slopes from development according to State and federal guidelines.

**Action 1.9:** Prohibit placement of material in watercourses other than native plants and required flood control structures, and remove debris periodically.

**Action 1.10:** Remove concrete channel structures as funding allows, and where doing so will fit the context of the surrounding area and not create unacceptable flood or erosion potential.

### General Plan FEIR Mitigation Measures

No mitigation measures are required.

### Conclusion

General Plan Actions 1.8, 1.9, and 1.10 would reduce impacts to wildlife movement corridors to a less than significant level. Therefore, no new potentially significant associated with the proposed ordinance would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (e) *Conflict with any local policies or ordinances related to protecting biological resources, such as a tree preservation policy or ordinance.***

The FEIR concluded that implementation of the General Plan land uses would largely avoid impacts to sensitive habitats and mature native trees by emphasizing intensification and reuse of urbanized areas. The FEIR determined that implementation of General Plan Actions 1.18, 1.19, 1.22, 1.23, and 1.24, which aim to protect sensitive habitats and mature trees, would reduce potential impacts to a less than significant level. Of these, Actions 1.23 and 1.24 would apply to specific individual Residential Projects allocated under the RAP.

The proposed RAP does not change the findings of the analysis previously performed in the FEIR; the proposed RAP consists of the establishment of a residential development allocation system for residential development projects and does not change the land use designations or densities identified in the General Plan and analyzed in the FEIR. No existing local policies or ordinances for the protection of biological resources would change as a part of the proposed project, which only changes the procedure for allocating and restricting residential development. Residential development projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Individual projects would comply with General Plan Actions 1.23 and 1.24, and would therefore, not conflict with any local policies or ordinances related to protecting biological resources.

The FEIR identified conflicts with local policies or ordinances protecting biological resources as a less than significant impact with the implementation of General Plan Actions. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding of no impact.

The proposed project would be required to implement the following actions from the FEIR.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

#### **General Plan Actions**

**Action 1.22:** Adopt development code provisions to protect mature trees on public and private property.

**Action 1.23:** Require, where appropriate, the preservation of healthy tree windrows associated with current and former agricultural uses, and incorporate trees into the design of new developments.

**Action 1.24:** Require new development to maintain all indigenous tree species or provide adequately sized replacement native trees on a 3:1 basis.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

General Plan Actions 1.23 and 1.24 would reduce impacts to biological resources to a less than significant level. Therefore, no new potentially significant associated with the proposed RAP ordinance would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.***

The City of Ventura is not located within a Habitat Conservation Plan (HCP) area or a Natural Community Conservation Plan (NCCP) area or other approved habitat conservation plan areas.<sup>3</sup> Therefore, no impact would occur associated with implementation of the General Plan land uses or with the proposed RAP.

### **Mitigation Program**

#### **General Plan Actions**

Not applicable.

#### **General Plan FEIR Mitigation Measures**

Not applicable.

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<sup>3</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline;>  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=15329&inline>" (accessed October 23, 2015)

**Conclusion**

No new potentially significant impacts are anticipated. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Overall Biological Resources Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to biological resources. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.5 □ CULTURAL RESOURCES

### ***Threshold (a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.***

The FEIR concluded that several of the growth districts and corridors include identified historical resources. However, implementation of General Plan Actions 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, and 9.24, in combination with regulatory requirements, would reduce impacts to a less than significant level through provision of funding to preserve historic resources, providing incentives for historic landmark status, provide guidelines regarding the treatment of historic resources, and the completion and maintenance of historic resource surveys. Specifically, General Plan Actions 9.18, 9.19, and 9.20 would apply to future individual Residential Projects allocated under the RAP.

The proposed RAP does not change the findings of the analysis previously performed in the FEIR, and has no direct impact on historical resources. The proposed RAP establishes a residential development allocation system for residential development projects. No changes to the location of residential development as identified in the General Plan and on the Zoning map would occur as a part of the proposed project, and the RAP does not alter the land uses or densities established in the General Plan and analyzed in the FEIR. Residential development projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Individual projects would also comply with General Plan Actions 9.18, 9.19, and 9.20, as applicable, and would therefore, not conflict with any local policies or ordinances related to the protection of historic resources. This is because these Actions protect existing historic character in designated buildings, require consideration of designation status and eligibility, and require input from the City's Historic Preservation Commission when individual projects may affect designated or eligible landmarks. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding set forth in the FEIR.

The FEIR identified impacts to historical resources as a less than significant impact the incorporation of General Plan Actions. The proposed project would be required to implement the following actions from the FEIR.

#### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

#### **General Plan Actions**

**Action 9.16:** Pursue funding to preserve historic resources.

**Action 9.17:** Provide incentives to owners of eligible structures to seek historic landmark status and invest in restoration efforts.

**Action 9.18:** Require that modifications to historically-designed buildings maintain their character.

**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.

**Action 9.20:** Seek input from the City's Historic Preservation Commission on any proposed development that may affect any designated or potential landmark.

**Action 9.21:** Update the inventory of historic properties.

**Action 9.22:** Create a set of guidelines and/or policies directing staff, private property owners, developers, and the public regarding treatment of historic resources that will be readily available at the counter.

**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.

**Action 9.24:** Create a historic preservation element.

### General Plan FEIR Mitigation Measures

No mitigation measures are required.

### Conclusion

The noted General Plan Actions would reduce impacts to historical resources to a less than significant level. Therefore, no new potentially significant impacts would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

### ***Threshold (b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.***

The FEIR concluded that development could adversely affect previously identified and unidentified pre-historic archaeological resources. However, implementation of policies and actions included in the 2005 General Plan would reduce impacts to a less than significant level.

The proposed RAP does not change the findings of the analysis previously performed in the FEIR. The RAP does not increase or significantly change the impacts on resources as no objectives or policies and no land use map changes are proposed. The RAP would establish a residential development allocation system for residential development projects. Although the procedural changes of the RAP would restrict the number of residential units developed within a specified timeframe, they would not change the location of planned development, land use designations, or land use densities identified in the General Plan and analyzed in the FEIR.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Individual Residential Projects allocated under the RAP would comply with General Plan Actions 9.14 and 9.15, as applicable, which require archaeological assessments for projects proposed within the Coastal Zone and other areas where cultural resources are likely, and require that development activity be suspended when archaeological resources are discovered. Therefore, the RAP would not conflict with any local policies or ordinances related to protecting archaeological resources and would not increase the potential for impacts identified in the FEIR.

The FEIR identified impacts to cultural as a less than significant impact. General Plan Actions were identified that would reduce the potential significant impacts to less than significant. The proposed project would be required to implement the following actions from the FEIR.

**Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

**General Plan Actions**

**Action 9.14:** Require archaeological assessment for project proposed in the Coastal Zone and other areas where cultural resources are likely to be located.

**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 local Native American organizations as appropriate

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

Actions 9.14 and 9.15 would reduce impacts to cultural resources to a less than significant level. Therefore, no new potentially significant are associated would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.***

The FEIR concluded that due to previous ground disturbance related to existing urban development within the City limits, it is unlikely that significant paleontological resources are present within areas of possible future development. The proposed RAP would not change the findings of the FEIR. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines.

Implementation of the proposed RAP would have a less than significant impact to paleontological resources. No new impact relative to paleontological resources or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur because the RAP does not change the land use designations or densities identified in the General Plan and analyzed in the FEIR. Instead, the RAP merely restricts the number and timing of residential growth that is otherwise consistent with the General Plan. Additionally, no new information of substantial importance that was not known and could have been known at the time of the FEIR was certified is available that would impact the prior finding.

**Mitigation Program****General Plan Actions**

Not applicable.

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

There are no new potentially significant impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (d) Disturb any human remains, including those interred outside of formal cemeteries.***

The FEIR concluded that development could adversely affect previously identified and unidentified pre-historic archaeological resources. State law relating to the discovery of human remains, specifically, California Health and Safety Codes 7050.S-7055, provide guidance should human remains be discovered during construction. If human remains are found, the Coroner must be notified within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner notifies the Native American Heritage Commission (NAHC) to determine the most likely descendent for the area. The designated Native American representative determines in consultation with a property owner the deposition of the human remains.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Individual Residential Projects allocated under the RAP would be required comply with State laws pertaining to the discovery of human remains.

**Mitigation Program****General Plan Actions**

Not applicable.

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

No new potentially significant are anticipated. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available.

**Overall Cultural Resources Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to cultural resources. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.6 □ GEOLOGY AND SOILS

**Threshold (a)** *Expose persons or structures to potential adverse effects, including the risk of loss, injury or death involving:*

*i) Rupture 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 evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; and*

*ii) Strong seismic ground shaking.*

The FEIR concluded that future seismic events could produce ground shaking throughout the General Plan Planning Area as well as surface rupture in some areas where future development would be accommodated. Ground shaking and surface rupture could damage structures and/or create adverse safety effects. However, compliance with General Plan Actions 7.6, 7.7, 7.8, and 7.9, in combination with the requirements of the California Building Code, and the Alquist-Priolo legislation, would reduce the risk associated with ground shaking and surface rupture to a less than significant impact. Specifically, General Plan Action 7.7 would apply to individual Residential Projects allocated under the RAP.

Individual Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. The RAP does not change the land use designations or densities established in the General Plan and analyzed in the FEIR. Site-specific analysis under CEQA could potentially find that significant damage to structures may be unavoidable during large earthquakes. However, individual projects would be designed in accordance with the requirements of the California Building Code. The California Building Code provides procedures for earthquake-resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. Additionally, individual projects would comply with the 2005 General Plan Action 7.7, as applicable. Action 7.7 requires project proponents to perform geotechnical evaluations for projects located in certain areas. Geotechnical evaluations will identify special risks, as well as recommendations for reducing risks relating to seismic events.

The FEIR identified impacts due to ground shaking and surface rupture as a less than significant impact with the implementation of General Plan Actions. The proposed project would be required to implement the following actions from the FEIR.

### Mitigation Program

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

All projects shall be required to comply with the California Building Code.

**Action 7.6:** Adopt updated editions of the California Construction Codes and International Codes as published by the State of California and the International Code Council respectively.

**Action 7.7:** Require project proponents to perform geotechnical evaluations and implement mitigation prior to development of any site:

- With slopes greater than 10% or that otherwise have potential for land sliding
- Along bluffs, dunes, beaches, or other coastal features
- In an Alquist-Priolo earthquake fault zone or within 100 feet of an identified active or potentially active fault
- In areas mapped as having moderate or high risk of liquefaction, subsidence, or expansive soils
- In areas within 100-year flood zones, in conformance with all Federal Emergency Management Agency regulations.

**Action 7.8:** To the extent feasible, require new critical facilities (hospital, police, fire, and emergency service facilities, and utility “lifeline” facilities) to be located outside of fault and tsunami hazard zones, and require critical facilities within hazard zones to incorporate construction principles that resist damage and facilitate evacuation on short notice.

**Action 7.9:** Maintain and implement the Standardized Emergency Management System (SEMS) Multihazard Functional Response Plan.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

#### **Conclusion**

There are no new potentially significant seismic-related impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

#### ***iii) Seismic-related ground failure, including liquefaction.***

The FEIR concluded that future seismic events could result in liquefaction of soils in portions of the General Plan Planning Area. Development of certain areas within the City could be subject to liquefaction hazards. However, compliance with the General Plan Actions 7.6, 7.7, 7.8, and 7.9, and the California Building Code would reduce potential impacts to a less than significant level. Specifically, General Plan Action 7.7 would apply to individual Residential Projects allocated under the RAP.

Individual Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find significant impacts related to ground failure, including liquefaction depending on the location of the property. However, individual projects would be designed in accordance with the requirements of the California Building Code. The California Building Code provides procedures for earthquake-resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. These requires would reduce the potential of impacts relating to ground failure and liquefaction. Additionally, individual projects would comply with the 2005 General Plan Action 7.7, as applicable. Action 7.7 requires project proponents to perform geotechnical evaluations for projects located in certain areas. Geotechnical evaluations will identify special risks, as well as recommendations for reducing risks relating to seismic events.

The FEIR identified impacts due to seismic-related ground failure, including liquefaction, as a less than significant impact with the incorporation of General Plan Action 7.7.

## **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action from the FEIR is applicable to the proposed RAP.

### **General Plan Actions**

All projects shall be required to comply with the California Building Code.

**Action 7.7:** Require project proponents to perform geotechnical evaluations and implement mitigation prior to development of any site:

- With slopes greater than 10% or that otherwise have potential for land sliding
- Along bluffs, dunes, beaches, or other coastal features
- In an Alquist-Priolo earthquake fault zone or within 100 feet of an identified active or potentially active fault
- In areas mapped as having moderate or high risk of liquefaction, subsidence, or expansive soils
- In areas within 100-year flood zones, in conformance with all Federal Emergency Management Agency regulations.

### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

## **Conclusion**

There are no new potentially significant seismic-related impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

### ***iv) Landslides.***

The FEIR concluded that the General Plan Planning Area contains several slopes that present a potential slope stability hazard. However, the General Plan does not encourage substantial new development in areas of high landslide risk. The FEIR determined that compliance with applicable General Plan policies and actions, as well as the City's Hillside Management Program reduced potential impacts from development in hillside areas to a less than significant level. In addition, future development projects would require geotechnical analysis and case-by-case mitigation in areas with a high potential for landslides. Therefore, impacts due to landslide risk were determined to be less than significant.

The proposed RAP would not change the findings of the analysis previously performed in the FEIR. The RAP would not result in a change in the locations for residential development, or the land use designations or densities established by the General Plan and analyzed in the FEIR. Instead, the RAP establishes a residential development allocation program. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find that impacts due to landslides are significant. However, individual projects would be designed in accordance with the requirements of the California Building Code. The California Building Code provides procedures for earthquake-resistant structural design that includes considerations

for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. Additionally, individual projects would comply with the 2005 General Plan Action 7.7, as applicable. Action 7.7 requires project proponents to perform geotechnical evaluations for projects located in certain areas. Geotechnical evaluations will identify special risks, as well as recommendations for reducing risks relating to seismic events.

The FEIR identified impacts due to landslides as a less than significant impact with the implementation of General Plans Actions. The proposed project would be required to implement the following actions from the FEIR.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action from the FEIR is applicable to the proposed RAP.

### **General Plan Actions**

All projects shall be required to comply with the California Building Code.

**Action 7.7:** Require project proponents to perform geotechnical evaluations and implement mitigation prior to development of any site:

- With slopes greater than 10% or that otherwise have potential for land sliding
- Along bluffs, dunes, beaches, or other coastal features
- In an Alquist-Priolo earthquake fault zone or within 100 feet of an identified active or potentially active fault
- In areas mapped as having moderate or high risk of liquefaction, subsidence, or expansive soils
- In areas within 100-year flood zones, in conformance with all Federal Emergency Management Agency regulations.

### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

There are no new potentially significant seismic-related impacts associated with the proposed project; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (b)** *Result in substantial erosion or loss of topsoil.*

**Threshold (c)** *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.*

**Threshold (d)** *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.*

The FEIR concluded that during construction, surface grading activities and removal of existing vegetation can result in some loss of topsoil. Construction activities would be required to comply with standard erosion control measures to reducing potential impacts to a less than significant level. Additionally, the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) addresses storm water pollution (including that originating from erosion) from new development and redevelopment by the private sector, and contains a list of the minimum Best Management Practices (BMPs) required for a designated project. All projects fall into one of eight categories identified in the Ventura Countywide Municipal Permit as requiring SQUIMPS. Please refer to the Hydrology/Water Quality section of this Addendum which also addresses this topic.

The FEIR concluded that areas that could accommodate development could be subject to subsidence hazards. However, compliance with 2005 General Plan policies would reduce potential impacts to levels considered less than significant.

The FEIR concluded that expansive soil or other soil conditions leading to subsidence could result in foundation and building distress problems and cracking of concrete slabs. Areas that could accommodate development could be subject to subsidence hazards. It was identified that compliance with General Plan Action 7.7 and the California Building Code would reduce potential impacts to a level considered less than significant.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find significant impacts to soil erosion and loss of topsoil, unstable soils, or expansive soils. However, individual projects would be designed in accordance with the requirements of the California Building Code. The California Building Code provides procedures for earthquake-resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. Additionally, individual projects would comply with the 2005 General Plan Action 7.7, as applicable. Action 7.7 requires project proponents to perform geotechnical evaluations for projects located in certain areas. Geotechnical evaluations will identify special risks, as well as recommendations for reducing risks relating to seismic events.

The FEIR identified impacts due to geology and soils, as a less than significant impact with required compliance with the California Building Code and implementation of General Plan Action 7.7.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action from the FEIR is applicable to the proposed RAP.

### **General Plan Actions**

All projects shall be required to comply with the California Building Code.

**Action 7.7:** Require project proponents to perform geotechnical evaluations and implement mitigation prior to development of any site:

- With slopes greater than 10% or that otherwise have potential for land sliding
- Along bluffs, dunes, beaches, or other coastal features
- In an Alquist-Priolo earthquake fault zone or within 100 feet of an identified active or potentially active fault

- In areas mapped as having moderate or high risk of liquefaction, subsidence, or expansive soils
- In areas within 100-year flood zones, in conformance with all Federal Emergency Management Agency regulations.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

#### **Conclusion**

There are no new potentially significant impacts relating to loss of topsoil, unstable soils, or expansive soils, associated with the proposed project; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewer are not available for the disposal of waste water.***

According to the City of Ventura's Municipal Code Section 8.200.040, connection to the public sewer system is required for all new development within the City limits. Therefore, there are no potential impacts relating to soils and the use of septic tanks. The RAP is consistent with the General Plan, and new Residential Projects allocated under the RAP will therefore not include the use of septic tanks.

#### **Mitigation Program**

##### **General Plan Actions**

Not applicable.

##### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

#### **Conclusion**

There are no new potentially significant impacts relating to soils and the use of septic tanks associated with the proposed project; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

#### **Overall Geology and Soils Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding of no impact. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to geology and soils. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.7 HAZARDS AND HAZARDOUS MATERIALS

**Threshold (a)** *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

The FEIR concluded that the transportation of hazardous materials could potentially create a public safety hazard for new development that could be accommodated along major transportation corridors under the General Plan Update. Provided that the City continues its participation in the SEMS Multi-hazard Functional Response Plan, the FEIR determined that impacts would be less than significant.

The proposed RAP, does not change the original analysis performed in the FEIR because the proposed RAP establishes residential development allocation system for residential development projects but does not change the planned locations or densities of future residences. The RAP would therefore not increase or significantly change impacts related to hazards and hazardous materials and would not result in the potential for any additional hazards to the public or the environment that have not already been evaluated and mitigated to a level of less than significant. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find significant related to hazards and hazardous materials. However, individual projects would be required to comply with existing hazardous materials transportation regulations which would reduce impacts related to hazardous material upset risk to a less than significant level.

The FEIR identified impacts due to the routine transport, use, or disposal of hazardous materials as less than significant.

### Mitigation Program

#### **General Plan Actions**

Not applicable.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### Conclusion

There are no new potentially significant impacts relating to the use, transport, or disposal of hazardous materials; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (b)** *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.*

**Threshold (c)** *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*

**Threshold (d)** *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 create a significant hazard to the public or the environment.*

The FEIR concluded that some industrial and agricultural operations within the General Plan Planning Area use hazardous materials and therefore current and future residents could be exposed. Potential development near hazardous materials users could expose individuals to health risks due to soil/groundwater contamination or emission of hazardous materials into the air. Future development on brownfields and other sites with potential soil or groundwater contamination could create a public safety hazard. However, the FEIR determined that compliance with General Plan policies and actions would reduce potential impacts associated with hazardous material use to a less than significant level.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find significant related to hazards and hazardous materials. However, individual projects would be required to comply with federal, State, and local regulations in combination with General Plan Actions 7.20, 7.24, 7.27, 7.28, and 7.29 where applicable, which would reduce impacts to a less than significant level.

The FEIR identified impacts due to the release hazardous materials as less than significant. Compliance with federal, State, and local regulations, in combination with the 2005 General Plan policies and actions, would reduce impacts to a less than significant level.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 7.20:** Require air pollution point sources to be located safe distances from sensitive sites such as homes and schools.

**Action 7.24:** Only approve projects involving sensitive land uses (such as residences, schools, daycare centers, playgrounds, medical facilities) within or adjacent to industrially designated areas if an analyses provided by the proponent demonstrates that the health risk will not be significant.

**Action 7.27:** Require proponents of projects on or immediately adjacent to lands in industrial, commercial, or agricultural use to perform soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponents to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).

**Action 7.28:** Educate residents and businesses about how to reduce or eliminate the use of hazardous materials, including by using safer non-toxic equivalents.

**Action 7.29:** Require non-agricultural development to provide buffers of 50 feet or more from agricultural operations to minimize the potential for pesticide drift.

**Action 7.30:** Require all users, producers, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use, or transport, and to notify the appropriate City, County, State and Federal agencies in the event of a violation.

**Action 7.31:** Work toward voluntary reduction or elimination of aerial and synthetic chemical application in cooperation with local agricultural interests and the Ventura County agricultural commissioner.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

#### **Conclusion**

There are no new potentially significant impacts relating to hazardous materials; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (e)** *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, result in a safety hazard for people residing or working in the project area.*

**Threshold (f)** *For a project located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.*

The General Plan FEIR identified that there are no airports located within or adjacent to the General Plan Planning Area. The nearest airports are Oxnard Airport (more than two miles from the southern boundary of the Planning Area), Santa Paula Airport (more than six miles from the eastern boundary of the Planning Area), and Camarillo Airport (approximately five miles from the southern boundary of the Planning Area). Development within the General Plan Planning Area would not affect air traffic at any of these facilities or at any other airports within the region and therefore no impact would occur.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. As discussed above, there are no airports located within or adjacent to the General Plan Planning Area, and implementation of the RAP would not change this. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the FEIR was certified is available that would change the impact finding.

#### **Mitigation Program**

##### **General Plan Actions**

Not applicable.

##### **General Plan FEIR Mitigation Measures**

Not applicable.

## **Conclusion**

There are no new potentially significant impacts relating to airport hazards; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.***

**Threshold (h) *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.***

The FEIR concluded that development as set forth in the 2005 General Plan would increase the City's population and density of development, and introduce new development into high fire hazard areas. The General Plan FEIR identifies that wild fire hazard areas are present in the City. A number of residential areas in Ventura are located in, and adjacent to, the hazardous wildfire area. These include the residential developments located on and adjacent to hillsides in the Poinsettia, Arroyo Verde, Catalina, Downtown, and Ventura Avenue communities. If a fire requires more than City resources to suppress, mutual aid agreements in effect with neighboring cities, counties, and State and federal agencies call for additional assistance from the nearest facilities of these entities. For additional emergency response assistance, the VFD has Automatic Aid Agreements with the Ventura County Fire Protection District (VCFPD) and the Oxnard Fire Department. With proposed General Plan policies and actions, impacts are considered less than significant with mitigation incorporated.

The VFPD follows several safety standards and safety programs. The City Standardized Emergency Management System Multi-hazard Functional Response Plan outlines City procedure in the event of a major catastrophe, while the Hazardous Materials Response Plan sets forth the protocol for handling hazardous waste spills. The Department's Weed Abatement Program aims to reduce the risk of wildfire in vegetated hillsides and canyon areas, especially the areas north of Poli Street / Foothill Road and east of Ventura Avenue.

The General Plan FEIR also identifies that in the event of a dam failure or other flood event, the County would follow an emergency response and evacuation plan set forth in the Multi-hazard Functional Plan managed by the Ventura County Sheriff's Office of Emergency Services. The County bilingual alert system includes mobile emergency vehicle sirens and loudspeakers, and door-to-door notification. The City flood emergency warning systems also includes public alerts by television service providers.

The RAP does not alter the land uses and densities established by the General Plan and analyzed in the FEIR. Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines to evaluate the potential for impacts. Site-specific analysis under CEQA could potentially find significant related to wildland fires. However, individual projects would also be required comply with General Plan Action 7.12, which would reduce impacts to a less than significant level by requiring fire department review of development plans.

Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would be expected. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the FEIR was certified is available that would change the impact finding.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action from the FEIR is applicable to the proposed RAP.

#### **General Plan Actions**

**Action 7.12:** Refer development plans to the Fire Department to assure adequacy of structural fire protection, access for firefighting, water supply, and vegetation clearance.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

There are no new potentially significant impacts relating to wildfire hazards; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

### **Overall Hazards and Hazardous Materials Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to hazards and hazardous materials. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.8 □ HYDROLOGY AND WATER QUALITY

### *Threshold (a) Violate any water quality standards or waste discharge requirements.*

The FEIR concluded that development consistent with the General Plan would incrementally increase the generation of urban pollutants in surface runoff. Point and non-point sources of contamination could affect water quality in the Ventura and Santa Clara Rivers, the Pacific Ocean, and groundwater. However, the implementation of existing regulatory requirements and proposed General Plan policies and actions would reduce impacts to a less than significant level.

The RAP would not increase or significantly change impacts related to water quality and would not result in the potential for any additional impacts to water quality that have not already been evaluated as less than significant. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel. The RAP also is consistent with the land use designations and densities established in the General Plan and analyzed in the FEIR.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Water quality impacts from individual projects are directly related to specific site drainage patterns and storm water runoff, therefore, individual projects could find potentially significant impacts to water quality. Regulations under the federal Clean Water Act require a National Pollutant Discharge Elimination System (NPDES) general construction storm water permit be obtained for projects that would disturb more 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 specific actions, termed Best Management Practices (BMPs), to control the discharge pollutants, including sediment, into the local surface water drainages.

The Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP) addresses storm water pollution from new development and redevelopment by the private sector, and contains a list of the minimum BMPs required for a designated project. All projects fall into one of eight categories identified in the Ventura Countywide Municipal Permit as requiring SQUIMPS. The following residential projects require SQUIMPS:

- Single family hillside residences;
- Home subdivisions with 10 or more housing units; and
- Location within or directly adjacent to or discharging directly into an environmentally sensitive area.

Implementation of these standards on a project-by-project basis would address potential impacts, thus reducing surface water quality impacts to a less than significant level.

The FEIR identified water quality impacts as less than significant with mitigation incorporated. Compliance with applicable regulations and the proposed 2005 General Plan policies and actions, would reduce impacts to a less than significant level.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are

applicable to the proposed RAP. Implementation of the requirements of the Ventura County SQUIMP, in combination with proposed 2005 General Plan policies and actions, would reduce water quality impacts to a less than significant level.

#### General Plan Actions

Projects shall be required to comply with the requirements of the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP)

**Action 1.16:** Comply with directives from regulatory authorities to update and enforce storm water quality and watershed protection measures that limit impacts to aquatic ecosystems and that preserve and restore the beneficial uses of natural watercourses and wetlands in the City.

**Action 5.2:** Use natural features such as bioswales, wildlife ponds, and wetlands for flood control and water quality treatment when feasible.

#### General Plan FEIR Mitigation Measures

No mitigation measures are required.

#### Conclusion

There are no new potentially significant impacts relating to the violation of water quality standards; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (b)** *Substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of 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).*

The FEIR concluded that development accommodated through year 2025 as set forth in the 2005 General Plan would increase the amount of impervious surfaces within the General Plan Planning Area, potentially increasing surface runoff in areas where existing storm drain systems are deficient and reducing the amount of groundwater recharge. The implementation of mitigation measures would reduce impacts to a less than significant level.

The RAP would not increase or significantly change impacts related to groundwater recharge and would not result in the potential for any additional impacts to groundwater that have not already been evaluated and mitigated to a level of less than significant. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Where infill vacant parcels occurs, localized runoff could increase incrementally. However, such increases can be addressed on a site-specific basis. Individual projects would be required to implement solutions, such as detention basins constructed under parking lots and/or utilization of impervious paving methods, to address a project's impacts. In the event that on-site solutions are unavailable, individual projects would contribute to the funding of regional-type

solutions downstream, such as off-site detention basins and/or drainage facility capacity enhancement projects. Additionally, individual projects would be subject to local regulatory requirements. In its drainage requirements, the Watershed Protection District requires that “the outlet discharge should not cause any increase in flood flow for any frequency flow rate less than the peak design flow rate.” Therefore, peak flow runoff from individual projects would not exceed the design flows of the existing system. Compliance with these requirements would address any potential reduction in groundwater percolation for an individual project.

The FEIR identified groundwater impacts as less than significant with mitigation incorporated. Implementation of the applicable regulatory requirements, in combination with the Action HWQ-2, would reduce potential impacts to groundwater recharge to a less than significant level.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following mitigation measure from the FEIR is applicable to the proposed RAP.

#### **General Plan Actions**

None identified.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### **Conclusion**

There are no new potentially significant impacts relating to groundwater; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (c) 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 which would result in substantial erosion or siltation on- or off-site; and***

***Threshold (d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.***

***Threshold (e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; and***

The FEIR concluded that development through 2025 as set forth in the 2005 General Plan would increase the amount of impervious surfaces within the General Plan Planning Area, potentially increasing surface runoff in areas where existing storm drain systems are deficient. The implementation of mitigation measures would reduce impacts to a less than significant level.

The RAP would not increase or significantly change impacts related to runoff water and would not result in the potential for any additional impacts to storm water drainage systems that have not already been

evaluated and mitigated to a level of less than significant. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel. The RAP does not alter the land use designations and densities established by the General Plan and analyzed in the FEIR.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Where infill vacant parcels occurs, localized runoff could increase incrementally. However, such increases can be addressed on a site-specific basis. Individual projects would be required to implement solutions, such as detention basins constructed under parking lots and/or utilization of impervious paving methods, to address a project's impacts. In the event that on-site solutions are unavailable, individual projects would contribute to the funding of regional-type solutions downstream, such as off-site detention basins and/or drainage facility capacity enhancement projects. Additionally, individual projects would be subject to local regulatory requirements. In its drainage requirements, the Watershed Protection District requires that "the outlet discharge should not cause any increase in flood flow for any frequency flow rate less than the peak design flow rate." Therefore, peak flow runoff from individual projects would not exceed the design flows of the existing system. Compliance with these requirements would address any potential increase in surface runoff for an individual project.

It is anticipated that potential cumulative impacts to the local drainage system can be reduced to a less than significant level through implementation of applicable City and Watershed Protection District regulations on a project-by-project basis. Implementation of the applicable regulatory requirements, in combination with the Action HWQ-2, would reduce potential impacts to the storm drain system to a less than significant level.

The FEIR identified drainage impacts as less than significant with mitigation incorporated. Implementation of the applicable regulatory requirements, in combination with the Action HWQ-2, would reduce potential impacts to groundwater recharge to a less than significant level.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action and mitigation measure from the FEIR are applicable to the proposed RAP.

#### **General Plan Actions**

**Action 5.2:** Use natural features such as bioswales, wildlife ponds, and wetlands for flood control and water quality treatment when feasible.

#### **General Plan FEIR Mitigation Measures**

**Mitigation Measure HWQ-2:** The following actions are recommended to minimize the impact of future development on the local storm drain system and implement City goals regarding sustainable infrastructure:

- As feasible, require new developments to incorporate storm water treatment practices that allow percolation to the underlying aquifer and minimize offsite surface runoff. Such methods may include, but are not limited to, (1) the use of pervious paving material within parking lots and other paved areas to facilitate rainwater percolation; and (2) construction of retention/detention basins to limit runoff to pre-development levels and to encourage infiltration into the groundwater basin.

- Where deemed appropriate, require new developments adjacent to Ventura County Watershed Protection District channels to dedicate necessary right-of-way to meet future District needs.

### Conclusion

There are no new potentially significant impacts relating to groundwater; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

#### ***Threshold (f) Otherwise substantially degrade water quality.***

The FEIR concluded that development accommodated under the General Plan would incrementally increase the generation of urban pollutants in surface runoff. Point and non-point sources of contamination could affect water quality in the Ventura and Santa Clara Rivers, the Pacific Ocean, and groundwater. However, the implementation of existing regulatory requirements and proposed General Plan policies and actions would reduce impacts to a less than significant level.

The RAP would not increase or significantly change impacts related to water quality and would not result in the potential for any additional impacts to water quality that have not already been evaluated and mitigated to a level of less than significant. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel. The RAP does not alter the land use designations and densities established by the General Plan and analyzed in the FEIR.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Water quality impacts from individual projects are directly related to specific site drainage patterns and storm water runoff, therefore, individual projects could find potentially significant impacts to water quality. However, regulations under the federal Clean Water Act require 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 SWPPP that contains BMPs to control the discharge pollutants, including sediment, into the local surface water drainages.

The SQUIMP addresses storm water pollution from new development and redevelopment by the private sector, and contains a list of the minimum BMPs required for a designated project. All projects fall into one of eight categories identified in the Ventura Countywide Municipal Permit as requiring SQUIMPS. As previously noted, the following residential projects require SQUIMPS: single family hillside residences; home subdivisions with 10 or more housing units; and locations within or directly adjacent to or discharging directly into an environmentally sensitive area.

In addition to these standards and Mitigation HWQ-2, the implementation of Actions 1.8, 1.9 and 1.10 would further improve water quality. Implementation of these standards on a project-by-project basis would address potential impacts, thus reducing surface water quality impacts to a less than significant level.

The FEIR identified water quality impacts as less than significant with mitigation incorporated. Compliance with applicable regulations and the proposed 2005 General Plan policies and actions, would reduce impacts to a less than significant level.

## **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the General Plan and mitigation in General Plan FEIR are applicable to the proposed RAP.

### **General Plan Actions**

Projects shall be required to comply with the requirements of the Ventura Countywide Stormwater Quality Urban Impact Mitigation Plan (SQUIMP)

**Action 1.8:** Buffer barrancas and creeks that retain natural soil slopes from development according to State and federal guidelines.

**Action 1.9:** Prohibit placement of material in watercourses other than native plants and required flood control structures, and remove debris periodically.

**Action 1.10:** Remove concrete channel structures as funding allows, and where doing so will fit the context of the surrounding area and not create unacceptable flood or erosion potential.

### **General Plan FEIR Mitigation Measures**

**Mitigation Measure HWQ-2:** The following actions are recommended to minimize the impact of future development on the local storm drain system and implement City goals regarding sustainable infrastructure:

- As feasible, require new developments to incorporate storm water treatment practices that allow percolation to the underlying aquifer and minimize offsite surface runoff. Such methods may include, but are not limited to, (1) the use of pervious paving material within parking lots and other paved areas to facilitate rainwater percolation; and (2) construction of retention/detention basins to limit runoff to pre-development levels and to encourage infiltration into the groundwater basin.
- Where deemed appropriate, require new developments adjacent to Ventura County Watershed Protection District channels to dedicate necessary right-of-way to meet future District needs.

## **Conclusion**

There are no new potentially significant impacts relating to water quality; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (g)** *Place housing/structures 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.*

**Threshold (h)** *Place within a 100-year flood hazard area structures which would impede or redirect flood flows.*

**Threshold (i)** *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.*

The FEIR concluded that most of the areas within the General Plan Planning Area that could accommodate new development are outside the 100-year flood zone. Limited portions of the General Plan Planning Area in the North Avenue, Upper North Avenue, Arundell, and Auto Center areas are within the 100-year flood zones. However, compliance with the City's Flood Plain Ordinance and proposed General Plan Actions would reduce impacts to a less than significant level.

The RAP would not increase or significantly change impacts related to flooding and would not result in the potential for any additional impacts to flood hazards that have not already been evaluated and mitigated to a level of less than significant. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel. The RAP does not alter the land use designations and densities established by the General Plan and analyzed in the FEIR.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find significant impacts related to flooding, however, individual projects would be required to comply with General Plan Action 7.10 and the City's Flood Plain Ordinance. General Plan Action 7.10 require proponents of any new developments within the 100-year floodplain to implement measures, as identified in the Flood Plain Ordinance, to protect structures from 100-year flood hazards. As required by the Flood Plain Ordinance, any future development within the 100-year zone would require a hydrologic/hydraulic analysis to show that they are protected from flood flows and a Letter of Map Revision filed and approved by the Federal Emergency Management Agency (FEMA) prior to development approval. Compliance with these requirements would reduce flooding impacts to a less than significant level.

The FEIR identified flood hazards impacts as less than significant with mitigation incorporated. Compliance with applicable regulations and the proposed 2005 General Plan policies and actions, would reduce impacts to a less than significant level.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action from the FEIR is applicable to the proposed RAP.

### **General Plan Actions**

**Action 7.7:** Require project proponents to perform geotechnical evaluations and implement mitigation prior to development of any site:

- With slopes greater than 10% or that otherwise have potential for land sliding
- Along bluffs, dunes, beaches, or other coastal features
- In an Alquist-Priolo earthquake fault zone or within 100 feet of an identified active or potentially active fault
- In areas mapped as having moderate or high risk of liquefaction, subsidence, or expansive soils
- In areas within 100-year flood zones, in conformance with all Federal Emergency Management Agency regulations.

**Action 7.10:** Require proponents of any new developments within the 100-year floodplain to implement measures, as identified in the Flood Plain Ordinance, to protect structures from 100-year flood hazards (e.g., by raising the finished floor elevation outside the floodplain).

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

There are no new potentially significant impacts relating to flooding; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (j) Result in inundation by seiche, tsunami or mudflow.***

The FEIR concluded that development along the coast and near rivers may be susceptible to inundation from tsunamis. However, provided that the City continue its participation in the Seismic Sea Wave Warning System and the Standardized Emergency Management System (SEMS) Multi-hazard Functional Response Plan, impact would be less than significant.

The RAP would not increase or significantly change impacts related to inundation and would not result in the potential for any additional impacts to flood hazards that have not already been evaluated and mitigated to a level of less than significant. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Individual projects located along the coast and rivers would be susceptible to inundation from tsunamis. However, the City's participation in the Seismic Sea Wave Warning System and the SEMS Multi-hazard Functional Response Plan would reduce impacts to a less than significant level.

The FEIR identified impacts due to inundation by seiche, tsunami, or mudflow as less than significant. Compliance with applicable regulations would reduce impacts to a less than significant level.

**Mitigation Program**

**General Plan Actions**

Not applicable.

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

There are no new potentially significant impacts associated with the proposed project, therefore, no new and/or refined mitigation measures are required.

**Overall Hydrology and Water Quality Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to hydrology and water quality. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.9 □ LAND USE AND PLANNING

*Threshold (a) Physically divide an established community.*

*Threshold (b) 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.*

### 2005 Ventura General Plan

The General Plan addresses land use in the following General Plan Chapters: Our Well-Planned and Designed Community; Our Sustainable Infrastructure; Our Healthy and Safe Community; and Our Educated Community. In addition, the Housing Element includes goals and policies related to housing conservation; production of housing; provision of adequate housing site; removal of governmental constraints; and equal housing opportunity. The over-arching goals of the General Plan Chapters and the Housing Element are stated below:

#### 2005 General Plan

##### **OUR WELL-PLANNED COMMUNITY**

Our goal is to protect our hillsides, farmlands, and open spaces; enhance Ventura's historic and cultural resources; respect our diverse neighborhoods; reinvest in older areas of our community; and make great places by insisting on the highest standards of quality in architecture, landscaping and urban design.

##### **OUR SUSTAINABLE INFRASTRUCTURE**

Our goal is to safeguard public health, well-being and prosperity by providing and maintaining facilities that enable the community to live in balance with natural systems.

##### **OUR HEALTHY AND SAFE COMMUNITY**

Our goal is to build effective community partnerships that protect and improve the social well-being and security of all our citizens

##### **OUR EDUCATED COMMUNITY**

Our goal is to encourage academic excellence and life-long learning resources to promote a highly-educated citizenry.

##### **HOUSING ELEMENT: HOUSING CONSERVATION**

Goal 1: Maintain and improve the quality of existing housing and residential neighborhoods in Ventura.

##### **HOUSING ELEMENT: PRODUCTION OF HOUSING**

Goal 2: Facilitate the provision of a range of housing types to meet the diverse needs of the community.

**HOUSING ELEMENT: PROVISION OF ADEQUATE HOUSING SITES**

Goal 3: Provide adequate housing sites through appropriate land use and zoning designations to accommodate the City's share of regional housing need.

**HOUSING ELEMENT: REMOVAL OF GOVERNMENTAL CONSTRAINTS**

Goal 4: Mitigate or remove any potential governmental constraints to housing production and affordability.

**HOUSING ELEMENT: EQUAL HOUSING OPPORTUNITY**

Goal 5: Promote equal opportunity for all residents to reside in the housing of their choice.

The purpose of the FEIR was to evaluate potential environmental impacts associated with implementation of the General Plan including development and infrastructure improvements. The General Plan FEIR also evaluated the consistency of the 2005 General Plan with applicable local, regional, and State land use policies intended to preclude or mitigate significant environmental effects. The FEIR states that consistency with the Ventura County Air Quality Management Plan (AQMP) is discussed in Section 4.3, Air Quality of the EIR (Section 5.3 of the Addendum), and that land use compatibility conflicts associated with growth accommodated under the 2005 General Plan are addressed in Section 4.1, Aesthetics and Community Design; Section 4.2, Agriculture; Section 4.3, Air Quality; Section 4.7, Hazards and Hazardous Materials; and Section 4.10, Noise, as well as the Housing Element.

The RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the Final EIR. The proposed RAP ordinance consists of the establishment of a residential development allocation system for residential development projects. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines to determine consistency with applicable General Plan goals and policies. Because the RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the Final EIR, the findings of the General Plan FEIR relative to the General Plan goals and policies are not expected to change.

Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the Final EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the Final EIR is available that would impact the prior findings.

**Ventura County Local Agency Formation Commission**

No boundary adjustments were considered as a part of the 2005 General Plan. Annexations and Sphere of Influence adjustments could be sought at some point and certain possible annexations/Sphere of Influence adjustments could potentially conflict with relevant State and LAFCO policies. The FEIR concluded that the General Plan would have no impacts and no mitigation was required. Individual boundary adjustment proposals will need to be addressed by the City and the Ventura LAFCO on a case-by-case basis.

The RAP would not change the City boundaries or its Sphere of Influence. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel. The RAP does not alter the locations, land use designations, or densities established in the General Plan and analyzed in the Final

EIR. As noted in the FEIR and would be applicable to Residential Projects allocated by the RAP, each would require project-level analysis in accordance with CEQA and the State CEQA Guidelines.

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings.

### **California Coastal Act**

The 2005 General Plan FEIR concluded that the General Plan is consistent with applicable policies of the California Coastal Act. Impacts would be less than significant. The 2005 General Plan does not include substantial future development near the coast that would prevent public access to coastal resources. Implementation of the General Plan would not hinder access to the coast and some future developments in the Downtown and Harbor areas may enhance coastal access. Public access would continue to be provided at Emma Woods State Beach, San Buenaventura State Beach Park, the Pierpont Keys, Ventura Harbor, and McGrath State Beach. The 2005 General Plan includes following policies and actions:

The 2005 General Plan includes Policy 6A and Action 3.4 related to coastal access and coastal access for recreational activities. With implementation of this policy and action, development could be found to be consistent with the public access requirements of the Coastal Act.

The 2005 General Plan includes policies and actions intended to preserve and enhance marine resources. Policy 1A and Actions 1.1, 1.4, 1.11, and 1.19 provide protection and restoration of environmentally sensitive habitat, including coastal waters, wetlands, and estuaries. With the proposed 2005 General Plan policies and actions, the General Plan could be found consistent with Coastal Act policies relating to the marine environment.

The 2005 General Plan includes actions associated with flood control. With General Plan Actions 1.10 and 1.16, the General Plan could be found consistent with Coastal Act recreational policies.

The 2005 General Plan includes the following policy and actions that would preserve and enhance the visual qualities of new development within the Coastal Zone: Policy 3A and Actions 3.3, 3.4, and 3.5. With implementation of the design-related policies and actions of the 2005 General Plan, the General Plan could be found consistent with the scenic and visual resource policies of the Coastal Act and impacts would be less than significant.

The RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the Final EIR. The proposed RAP ordinance consists of the establishment of a residential development allocation system for residential development projects. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines to determine consistency with applicable Coastal Act policies. Because the RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the Final EIR, the findings of the General Plan FEIR relative to the Coastal Act are not expected to change.

Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the Final EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the Final EIR is available that would impact the prior findings.

### **Southern California Association of Governments (SCAG)**

#### **SCAG Regional Comprehensive Plan and Guide (RCPG): Growth Management**

The General Plan FEIR found that the 2005 General Plan could be found to be consistent with SCAG RCPG Growth Management, Air Quality, Outdoor Recreation, and Water Quality policies. Impacts would be less than significant. As stated in the FEIR, the RCPG includes, but is not limited to, Growth Management goals that seek to develop urban forms that minimize public and private development costs, enable firms to be more competitive, and stimulate the regional economy. The applicable RCPG Growth Management Policies are as follows: 3.03, 3.5, 3.9, 3.10, 3.12, 3.13, 3.16, 3.18, 3.20, 3.21, 3.22, and 3.23. These text of the policies are called out in the FEIR.

The General Plan FEIR concluded that the environmental analyses in the FEIR related to biological resources; cultural and archaeological resources; noise; seismic hazards; emergency response plans; public services; public facilities; transportation; and utilities and service systems could be used to implement the SCAG region's growth policies. Therefore, the FEIR found that the General Plan could be found to be consistent applicable policies of the SCAG RCPG. The FEIR further noted that land uses in the General Plan Planning Area would be subject to General Plan Policy 3C which states "*Maximize use of land in the city before considering expansion.*" General Plan Policy 3C and associated actions encourage the reuse and intensification within existing urban areas prior to development of expansion areas outside of the existing City limits. The actions include but are not limited to Ac, 4.6, 4.15, 4.16, and 4.29.

The FEIR noted that the General Plan includes actions to encourage reliance on transit facilities, reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and facilitate walking and biking. The General Plan also encourages development in locations least likely to cause environmental impacts. For example, the existing Sphere of Influence northern boundary would be adjusted to be coterminous with the existing northern City limits, thereby removing the hills above the City from the Sphere of Influence. The change would remove the possibility for urban development within the foothills area which is subject to high fire hazards, and contains steep slopes and sensitive biological resources. Although the General Plan would result in the conversion of Prime agricultural land to non-agricultural, these areas would be located adjacent to urban, developed areas with existing public services, utilities, and infrastructure, which could result in fewer environmental impacts.

General Plan land uses would be subject to a number of policies and actions that would protect and enhance important biological habitats, avoid impacts to cultural and archaeological resources, protect noise-sensitive uses, minimize exposure to hazards resulting from seismic events, and provide adequate resources for emergency response plans.

#### **SCAG Regional Comprehensive Plan and Guide (RCPG): Air Quality**

The Air Quality chapter of the RCPG discusses SCAG's air quality planning responsibilities and also describes plans and policies developed by regional, State, and federal air agencies. The General Plan FEIR notes that air quality impacts and consistency with the Ventura County APCD AQMP are addressed in the FEIR. The General Plan FEIR concluded that the environmental analyses in the FEIR related to land use, air quality, and transportation would result in consistency with applicable RCPG policies. The applicable RCPG Policies are as follows: 5.07 and 5.11; these text of the policies are called out in the FEIR.

The General Plan includes policies and actions to reduce reliance on automobiles and improve air quality within the Ventura County portion of the air basin. The FEIR concluded that population projections would exceed those of the AQMP for Ventura County and would likely result in an increase in air pollutant

emissions within the Ventura County portion of the South Central Coast Air Basin that exceed AQMP standards. This was identified as a significant unavoidable impact.

#### **SCAG Regional Comprehensive Plan and Guide (RCPG): Open Space**

The purpose of the Open Space and Conservation Chapter is to assist local governments in planning for local and regional open space. The FEIR noted that implementation of the General Plan land uses would increase the demand for recreational facilities and programs and noted that there is sufficient acreage to meet expansion area needs and at least partially address the current shortage of park space based on the City standards. Additionally, the General Plan would adjust to the Sphere of Influence boundary, an area characterized by steep slopes, high fire hazards, and sensitive biological resources. The General Plan FEIR concluded that the environmental analyses in the FEIR related to biological resources; public facilities; hazards; and hydrology could be used to implement RCPG Open Space policies. Therefore, the FEIR found that the General Plan could be found to be consistent applicable policies of the SCAG RCPG. Therefore, the FEIR found the General Plan to be consistent with applicable RCPG policies. The actions described in the RCPG that are related to the 2005 General Plan include the following: RCPG 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, and 9.08; the text of these polices are called out in the FEIR.

#### **SCAG Regional Comprehensive Plan and Guide (RCPG): Water Quality**

The SCAG RCPG Water Quality chapter is intended to provide a regional perspective on current water quality issues and the plans and programs for addressing these issues, and to better clarify the relationship between water quality and other regional concerns. RCPG Policy 11.07 is noted: *Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.* The FEIR identifies that General Plan land uses would be subject to applicable policies and actions set forth in the General Plan and General Plan FEIR. The FEIR notes that the City will continue to seek ways to conserve water resources and concludes that the General Plan could be found consistent with SCAG Policy 11.07.

#### **SCAG Regional Transportation Plan (RTP)**

The SCAG RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic, and commercial limitations. The General Plan FEIR concludes that the environmental analyses in the FEIR related to air quality and transportation could be used to implement the SCAG RTP policies. The General Plan FEIR concludes that the 2005 General Plan could be found to be consistent with the SCAG Regional Transportation Plan (RTP) and that impacts would be less than significant. RCPG RTP Policies 1, 2, and 3 were noted; the text of the policies are called out in the FEIR.

The FEIR notes that although traffic volumes are expected to increase, General Plan policies and actions would at least partially attenuate these increases in traffic. The 2005 General Plan promotes new development that focuses on intensification and reuse of existing lands, as well as multi-modal transportation. In addition, the FEIR notes that infill development reduces vehicle miles traveled (VMT) and associated air pollutant emissions as compared to development on sites in the periphery of metropolitan areas.

### SCAG Growth Visioning Report

The SCAG Growth Visioning Report provides a framework for local and regional decision-making to improve the quality of life for all residents. Guidelines are provided for promoting and sustaining future generations' mobility, livability, and prosperity. The FEIR concludes that the 2005 General Plan could all be found to be consistent with the SCAG Growth Visioning Report and impacts would be less than significant. The General Plan FEIR concludes that the environmental analyses in the FEIR related to air quality and transportation could be used to implement the Growth Visioning Principles.

With respect to Principle 1, Improve Mobility for All Residents, the FEIR noted that the General Plan includes policies and actions that would: (1) include transportation investments and land use decisions that are mutually supportive; (2) provide mixed-use development that would locate housing and jobs near one another; (3) encourage transit-oriented development; and (4) promote new development that would facilitate a variety of travel choices. Therefore, the General Plan could all be found to be consistent with SCAG's Growth Visioning Report Principle 1.

With respect to Principle 2: Foster Livability in All Communities, the FEIR noted that the General Plan encourages intensification and reuse development within the existing urban areas of the City before development occurs outside of the existing City limits, and promote development that meets the goals for single-family housing identified in the Housing Element. Additionally, General Plan land uses would be subject to General Plan policies and actions that promote mixed-use development, as well as building and streetscape layout and design that promote walkable communities and development at a human scale. Therefore, the General Plan could all be found to be consistent with Principle 2.

With respect to Principle 3: Enable Prosperity for All People, the FEIR notes that the General Plan Housing Element Action 3.10 promotes a mix of housing to meet the needs of the community. Additionally, adequate school and library facilities for projected population growth through 2025 would be provided. Therefore, the General Plan could be found to be consistent with Principle 3.

With respect to Principle 4, Promote Sustainability for Future Generations, the FEIR notes that the 2005 General Plan includes policies and actions that encourage new development, reuse, or intensification within existing urban areas. Additional policies and actions promote waste source reduction, recycling, and "green" development techniques. Therefore, the General Plan could be found to be consistent with Principle 4.

The RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the Final EIR. The proposed RAP ordinance consists of the establishment of a residential development allocation system for residential development projects. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines to determine consistency with applicable SCAG goals, policies, and principles. Because the RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the Final EIR, the findings of the General Plan FEIR relative to SCAG are not expected to change.

Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the Final EIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the Final EIR is available that would impact the prior findings.

## **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with the implementation of development and infrastructure improvements as identified in the General Plan. The actions from the General Plan and mitigation measures from the FEIR are applicable to the proposed RAP. Please refer to the environmental topics addressed in this Addendum.

### **General Plan Actions and Mitigation Measures**

The following General Plan policies and actions are identified in the FEIR to address consistency with respective California Coastal Act and SCAG goals, policies, and principals.

#### ***California Coastal Act***

##### **Marine Resources**

**Policy 1A:** Reduce beach and hillside erosion and threats to coastal ecosystem health.

**Action 1.1:** Adhere to the policies and directives of the California Coastal Act in reviewing and permitting any proposed development in the Coastal Zone.

**Action 1.4:** Require new coastal development to provide non-structural shoreline protection that avoids adverse impacts to coastal processes and nearby beaches.

**Action 1.11:** Require that sensitive wetland and coastal areas be preserved as undeveloped open space wherever feasible and that future developments result in no net loss of wetlands or "natural" coastal areas.

**Action 1.19:** Require projects near watercourses, shoreline areas, and other sensitive habitat areas to include surveys for State and/or federally listed sensitive species and to provide appropriate buffers and other mitigation necessary to protect habitat for listed species.

##### **Coastal Access and Coastal Access for Recreational Activities**

**Policy 6A:** Expand the park and trail network to link shoreline, hillside, and watershed areas.

**Action 3.4:** Require all shoreline development (including anti-erosion or other protective structures) to provide public access to and along the coast, unless it would duplicate adequate access existing nearby, adversely affect agriculture, or be inconsistent with public safety, military security, or protection of fragile coastal resources.

##### **Flood Control**

**Action 1.10:** Remove concrete channel structures as funding allows, and where doing so will fit the context of the surrounding area and not create unacceptable flood or erosion potential.

**Action 1.16:** Comply with directives from regulatory authorities to update and enforce storm water quality and watershed protection measures that limit impacts to aquatic ecosystems and that preserve and restore the beneficial uses of natural watercourses and wetlands in the city.

##### **Scenic and Visual Resources**

**Policy 3A:** Sustain and complement cherished community characteristics.

**Action 3.3:** Require preservation of public view sheds and solar access.

**Action 3.4:** Require all shoreline development (including anti-erosion or other protective structures) to provide public access to and along the coast, unless it would duplicate adequate access existing nearby, adversely affect agriculture, or be inconsistent with public safety, military security, or protection of fragile coastal resources.

**Action 3.5:** Establish land development incentives to upgrade the appearance of poorly maintained or otherwise unattractive sites, and enforce existing land maintenance regulations.

### ***SCAG Regional Comprehensive Plan and Guide (RCPG) Growth Management***

**Policy 3C:** Maximize use of land in the city before considering expansion.

**Action 3.20:** Pursuant to SOAR, adopt development code provisions to “preserve agricultural and open space lands as a desirable means of shaping the City’s internal and external form and size, and of serving the needs of the residents.

**Action 3.21:** Adopt performance standards for non-farm activities in agricultural areas that protect and support farm operations, including requiring non-farm uses to provide all necessary buffers as determined by the Agriculture Commissioner’s Office.

**Action 3.22:** Offer incentives for agricultural production operations to develop systems of raw product and product processing locally.

**Action 3.25:** Establish first priority growth areas to include the districts, corridors, and neighborhood centers as identified on the General Plan Diagram; and second priority areas to include vacant undeveloped land when a community plan has been prepared for such (within the City limits).

**Action 4.6:** Require new development to be designed with interconnected transportation modes and routes.

**Action 4.15:** Encourage the placement of facilities that house or serve elderly, disabled, or socioeconomically disadvantaged persons in areas with existing public transportation services and pedestrian and bicycle amenities.

**Action 4.16:** Install roadway, transit, and alternative transportation improvements along existing or planned multi-modal corridors, including primary bike and transit routes, and at land use intensity nodes.

**Action 4.29:** Develop incentives to encourage City employees and local employers to use transit, rideshare, walk, or bike.

### **Conclusion**

The FEIR identifies that the implementation of the General Plan land uses will result in both impacts that can be mitigated to a less than significant level and impacts that will remain significant and unavoidable. The FEIR identified impacts and actions were identified that would reduce the potential significant impacts to the extent feasible. No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the

FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to hydrology and water quality. Therefore, preparation of a subsequent environmental analysis is not warranted.

***Threshold (c) Conflict with any applicable habitat conservation plan or natural community conservation plan.***

The City of Ventura is not located within a Habitat Conservation Plan (HCP) area or a Natural Community Conservation Plan (NCCP) area or other approved habitat conservation plan areas.<sup>4</sup> Therefore, no impact would occur associated with implementation of the General Plan land uses or with the proposed RAP.

**Mitigation Program**

**General Plan Actions**

Not applicable.

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

No new potentially significant are anticipated. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Overall Land Use and Planning Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to land use and planning. Therefore, preparation of a subsequent environmental analysis is not warranted.

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<sup>4</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline;>  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=15329&inline> (accessed October 23, 2015)

## 5.10 MINERAL RESOURCES

**Threshold (a)** *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.*

**Threshold (b)** *Result in the loss of availability of a locally important mineral resources recovery site delineated on a local general plan, specific plan, or other land use plan.*

The General Plan FEIR identified that the General Plan Planning Area does not contain active aggregate mining operations. Petroleum fields in the Planning Area are in the foothills and located in the North Avenue district. An existing, inoperative oil refinery is located west of the North Avenue expansion area on the west side of State Route 33. All of the oil wells and facilities are currently located within the County's jurisdiction. The FEIR did not identify any significant impacts associated with access to mineral resources.

The RAP would not increase or significantly change impacts related to mineral resources and would not result in the potential for any additional impacts to mineral resources that have not already been evaluated. Implementation of the RAP would not directly result in development of a specific site, fundamentally change an area within the City, or require any revisions to zoned density, or land use designation for any parcel. The RAP does not alter the locations, land use designations, or densities established in the General Plan and analyzed in the FEIR.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Individual projects within the North Avenue and Upper North Avenue districts could occur within the vicinity of existing oil wells within these areas. However, oil production in the North Ventura Avenue areas has dropped dramatically since its peak production several decades ago, and only a limited number of oil wells remain within these growth districts. It is anticipated that the limited remaining wells could continue to produce as long as they are financially viable and would be replaced by new industrial development only as they are tapped out. Therefore, impacts relating to the accessibility of mineral resources are not considered significant.

The FEIR identified impacts to mineral resources as less than significant. Compliance with applicable regulations and General Plan policies and actions would reduce impacts to a less than significant level.

### Mitigation Program

#### **General Plan Actions**

Not applicable.

#### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

### Overall Mineral Resources Impact Conclusion

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding of no impact. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts with respect to mineral resources. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.11 NOISE

**Threshold (a)** *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.*

**Threshold (b)** *Exposure of persons to or generation of, excessive groundborne vibration or groundborne noise levels.*

**Threshold (c)** *Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.*

**Threshold (d)** *Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.*

The FEIR concluded that construction of individual projects throughout the General Plan Planning Area could intermittently generate high noise levels. This may affect sensitive receptors near construction sites. However, compliance with Noise Ordinance restrictions on construction timing would reduce this impact to a less than significant level.

The FEIR concluded that growth accommodated through 2025 would incrementally increase noise along area roadways and potentially expose new noise sensitive uses to noise exceeding City Standards. Implementation of proposed General Plan policies would address potential exposure to excessive noise for new development. Noise levels would generally increase for existing uses adjacent to transportation corridors. Impacts on most roadways would not be significant. But a potentially significant increase could occur along North Ventura Avenue. Impacts are considered less than significant with mitigation.

The FEIR concluded that the 2005 General Plan could introduce new development that is located adjacent to, and potentially incompatible with, existing oil production activity in the North Avenue and Upper North Avenue districts. Additionally, the FEIR concluded that the placement of residential and other noise-sensitive uses proximate to industrial and commercial uses could potentially expose such uses to high noise levels. The City Noise Ordinance restrictions do not apply to noise-sensitive uses within commercial or industrial zones. Therefore, impacts would be significant but can be mitigated to a less than significant level. The City's Municipal Code notes that when measuring to determine noise levels between two different designated noise zones, the lower noise level limit applicable to the two zones will apply.

The proposed RAP does not change the analysis previously performed in the FEIR, and does not increase or significantly change the potential for noise impacts. No objectives or policies and no land use map changes are proposed that would change the locations of residential development. Although the programmatic changes of the RAP would influence the number of residential units developed in a specified time frame, they would not directly result in General Plan land use designation or zoning changes. The RAP would not grant additional entitlements for anticipated development beyond that evaluated in the 2005 General Plan FEIR.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines and would be required to comply with General Plan Action 7.32 which requires an acoustical for new residential developments within the mapped 60 decibel (dBA) CNEL contour. Site-specific analysis under CEQA could potentially find that an individual residential development project have a noise impact requiring mitigation. Compliance with existing regulations and proposed General Plan policies and actions would reduce potential noise impacts in most locations to a less than significant level. Construction of a sound wall along State Route 22 as indicated under General

Plan Action 7.33 could address noise exposure along North Ventura Avenue by reducing noise from the nearby State Route 33. Mitigation Measure N-1 is also recommended.

The FEIR identified noise impacts to be less than significant with mitigation. Actions were identified that would reduce the potential significant impacts to the extent feasible. Accordingly, with respect to noise, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action and mitigation measures from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 7.24:** Only approve projects involving sensitive land uses (such as residences, schools, daycare centers, playgrounds, medical facilities) within or adjacent to industrially designated areas if an analysis provided by the proponent demonstrates that the health risk will not be significant.

**Action 7.32:** Require acoustical analysis for new residential developments within the mapped 60 decibel (dBA) CNEL contour, or within any area designated for commercial or industrial use, and require mitigation necessary to ensure that:

- Exterior noise in exterior spaces of new residences and other noise sensitive uses that are used for recreation (such as patios and gardens) does not exceed 65 dBA CNEL, and
- Interior noise in habitable rooms of new residences does not exceed 45 dBA CNEL with all windows closed.

**Action 7.33:** As funding becomes available, construct sound walls along U.S. 101, SR 126, and SR 33 in areas where existing residences are exposed to exterior noise exceeding 65 dBA CNEL.

### **General Plan FEIR Mitigation Measures**

**Mitigation Measure N-1 Rubberized Asphalt:** As feasible, use rubberized asphalt or other sound reducing material for paving and re-paving of City streets.

**Mitigation Measures N-3 Noise Ordinance Update:** Update the Noise Ordinance in conjunction with the new development code to provide noise standards for residential projects and residential components of mixed use projects within commercial and industrial zones.

### **Conclusion**

With implementation of General Plan Actions 7.24 and 7.32 and the mitigation measures identified above, significant impacts would be mitigated to a less than significant level. This significance finding is consistent with the finding of less than significant impact with mitigation identified in the FEIR. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the FEIR was certified is available that would change the finding of less than significant impact under this threshold.

**Threshold (e)** *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; and*

**Threshold (f)** *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.*

The General Plan FEIR identified that there are no airports located within or adjacent to the General Plan Planning Area. The nearest airports are Oxnard Airport (more than two miles from the southern boundary of the Planning Area), Santa Paula Airport (more than six miles from the eastern boundary of the Planning Area), and Camarillo Airport (approximately five miles from the southern boundary of the Planning Area). Development within the General Plan Planning Area would not affect air traffic at any of these facilities or at any other airports within the region and therefore no impact would occur.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. However as discussed above, there are no airports located within or adjacent to the General Plan Planning Area, and implementation of the RAP would not change this. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the FEIR was certified is available that would change the impact finding.

#### **Mitigation Program**

##### **General Plan Actions**

Not applicable.

##### **General Plan FEIR Mitigation Measures**

Not applicable.

#### **Conclusion**

There are no new potentially significant impacts relating to airport and airstrip noise; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

#### **Overall Noise Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to noise. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.12 POPULATION AND HOUSING

### *Threshold (a) Induce substantial population growth in an area, either directly or indirectly.*

The FEIR states that “For purposes of analysis, ‘substantial’ population growth is defined as growth exceeding SCAG or Ventura County APCD population projections for the City. The FEIR identifies that the General Plan would implement most SCAG policies relating to growth. However, growth would exceed SCAG’s Regional Comprehensive Plan and Guide and Ventura County AQMP population forecasts. The projected 2025 population (126,153 persons) exceeds SCAG projection of 123,645 persons. This is largely because regional growth forecasts have not been updated to reflect current conditions in the City. Although emphasis is placed on the intensification/reuse of land to minimize population-related impacts, the exceedance of regional forecasts is considered a significant unavoidable impact.

The proposed RAP does not change the analysis previously performed in the FEIR because the RAP is consistent with the residential uses and densities identified in the General Plan and analyzed in the FEIR. The RAP would not grant additional entitlements for anticipated development beyond that evaluated in the 2005 General Plan FEIR. Accordingly, the amount of housing anticipated to be allocated by the RAP would remain consistent with the land use designations in the 2005 General Plan, which analyzed and forecasted residential growth through 2025.

Although population growth is projected to exceed forecasts upon which the AQMP is based, the 2005 General Plan includes goals, policies, and actions that would partially alleviate increases in traffic and energy consumption, and associated increases in air pollutant emissions. Action 3.14 and 3.16 promote the intensification and reuse of existing lands within the existing City limits and Sphere of Influence prior to expansion.

Further, individual Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Project-specific analysis under CEQA could potentially find that an individual residential development project cumulatively contributes to growth-inducing impact; but, again, this impact was disclosed in the FEIR for implementation of the General Plan and remains unchanged with implementation of the RAP.

### **Mitigation Program**

The 2005 General Plan includes various policies and actions that encourage mixed-use and infill development. Implementation of these policies/actions would reduce impacts to the maximum degree feasible given the amount of growth anticipated under the 2005 General Plan.

### **General Plan Actions**

**Action 3.14:** Utilize infill, to the extent possible, development to accommodate the targeted number and type of housing units described in the Housing Element.

**Action 3.16:** Encourage development in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.

### **General Plan FEIR Mitigation Measures**

No mitigation measures are identified.

**Conclusion**

There are no new potentially significant impacts relating to population growth; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and***

***Threshold (c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.***

The FEIR concluded that implementation of General Plan land uses would not result in the displacement of substantial numbers of people or housing. Any displacement would be more than offset by new housing that would be accommodated under the 2005 General Plan. Impacts would be less than significant. The proposed RAP does not change the analysis previously performed in the FEIR because the RAP is consistent with the residential uses, densities, and planned locations identified in the General Plan and analyzed in the FEIR. The RAP would not grant additional entitlements for anticipated development beyond that evaluated in the 2005 General Plan FEIR.

**Mitigation Program****General Plan Actions**

Not applicable.

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

There are no new impacts relating to displacement of housing or persons; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Overall Population and Housing Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to population and housing. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.13 PUBLIC SERVICES

**Threshold (a)** *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for: fire protection, police protection, schools, parks, and other public facilities.*

The FEIR identifies that implementation of land uses as set forth in the 2005 General Plan will result in an increase in development that will require additional services. With respect to fire protection and police protection, the FEIR notes that an increase the City's population and density of development, and new development into high fire hazard areas will increase the demand for fire and police protection services and potentially create the need for new facilities. With respect to fire protection, no significant impacts were identified. With mitigation and the implementation of General Plan Actions, potential impacts to police protection were found to be less than significant.

With respect to schools, the FEIR found that projected enrollment would exceed the capacity of existing schools within the Ventura Unified School District, thereby creating the need to construct additional facilities. The payment of State-mandated school impact fees is presumed to provide funding for needed new school facilities.

With respect to libraries, Ventura libraries are currently undersized to serve the City's existing population and, given the projected population growth rates, the existing library services would be inadequate to serve the future service area population. Although new facilities would be needed to meet projected demand, facilities could be constructed without causing significant environmental impacts.

### Mitigation Program

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions and mitigation measures from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 7.12:** Refer development plans to the Fire Department to assure adequacy of structural fire protection, access for firefighting, water supply, and vegetation clearance.

**Action 7.13:** Resolve extended response time problems by:

- Adding a fire station at the Pierpont/Harbor area,
- Relocating Fire Station #4 to the Community Park site,
- Increasing firefighting and support staff resources, and
- Reviewing and conditioning annexations and development applications, and
- Requiring the funding of new services from fees, assessments, or taxes as new subdivisions are developed.

**Action 7.15:** Increase public access to police services by:

- Increasing police staffing to coincide with increasing population, development, and calls for service, and

- Increasing community participation by creating a Volunteers in Policing Program, and
- Requiring the funding of new services from fees, assessments, or taxes as new subdivisions are developed.

**Action 7.16:** Provide education about specific safety concerns such as gang activity, senior-targeted fraud, and property crimes.

**Action: 7.17:** Establish a nexus between police department resources and increased service demands associated with new development.

#### **General Plan FEIR Mitigation Measures**

##### **Mitigation Measure PS-2 Police Protection Service:**

- Establish a new Downtown storefront to meet the needs of the growing Downtown population
- Expand the Police Department headquarters as necessary to accommodate staff growth.

**Mitigation Measure PS-3(a) School Coordination:** Work with the Ventura Unified School District to ensure that school facilities can be provided to serve new development.

#### **Overall Public Services Impact Conclusion**

The FEIR identified impacts to public services. Actions were identified that would reduce the potential significant impacts to the extent feasible. Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to public services. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.14 RECREATION

**Threshold (a)** *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.*

**Threshold (b)** *Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

The FEIR found that population growth would increase the demand for recreational facilities and programs. With continued payment of Quimby fees and parkland dedication in conjunction with new development, impacts will be able to be mitigated to a less than significant level.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find that an individual residential development project would require the payment of Quimby fees which would mitigate impacts to less than significant. Accordingly no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding.

### Mitigation Program

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 6.1:** Develop new neighborhood parks, pocket parks, and community gardens as feasible and appropriate to meet citizen needs, and require them in new development.

**Action 6.2:** Require higher density development to provide pocket parks, tot lots, seating plazas, and other aesthetic green spaces.

**Action 6.3:** Require development to include trails when appropriate.

**Action 6.5:** Seek landowner permission to allow public access on properties adjacent to open space where needed to connect trails.

**Action 6.9:** Require dedication of land identified as part of the City Linear Park System in conjunction with new development.

**Action 6.16:** Update the project fee schedule as necessary to ensure that development provides its fair share of park and recreation facilities.

### **General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Overall Recreation Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to recreation. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.15 TRANSPORTATION/TRAFFIC

**Threshold (a)** *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit.*

**Threshold (b)** *Conflict with an applicable congestion management program, including, but not limited to level of service standard and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.*

The General Plan FEIR found that growth anticipated in the General Plan would increase the overall trip generation in the City. This could result in one deficiency to the local circulation system, at the intersection of Wells Road and Darling Road, based on recommended level of service standards. The FEIR determined that all impacts can be reduced to a less than significant level with mitigation including the addition of a third northbound through-lane and a third southbound through-lane.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find that an individual residential development project have a traffic impact that would require the implementation of mitigation. However, the RAP does not alter the location, land use designations, or densities established by the General Plan and analyzed in the FEIR.

The FEIR identified that impacts to the intersection of Wells Road and Daring Road would be mitigated to a less than significant level; no other significant traffic impacts were identified. General Plan Actions 4.2, 4.5, 4.6, 4.7, 4.10, 4.21, and 4.28 are applicable to the RAP. Because the RAP is consistent with the Land Use Plan of the General Plan, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings.

### Mitigation Program

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions and mitigation measure from the FEIR are applicable to the proposed RAP.

### General Plan Actions

**Action 4.2:** Develop a prioritized list of projects needed to improve safety for all travel modes and provide needed connections and multiple route options.

**Action 4.5:** Utilize existing roadways to meet mobility needs, and only consider widening roads when other alternatives are not feasible.

**Action 4.6:** Require new development to be designed with interconnected transportation modes and routes.

**Action 4.7:** Update the traffic mitigation fee program to fund necessary citywide circulation system and mobility improvements needed in conjunction with new development.

**Action 4.10:** Modify traffic signal timing to ensure safety and minimize delay for all users.

**Action 4.21:** Require new development to provide pedestrian and bicycle access and facilities as appropriate, including connected paths along the shorelines and watercourses.

**Action 4.24:** Require sidewalks wide enough to encourage walking that include ramps and other features needed to ensure access for mobility-impaired persons.

**Action 4.28:** Require all new development to provide for citywide improvements to transit stops that have sufficient quality and amenities, including shelters and benches, to encourage ridership.

### General Plan FEIR Mitigation Measures

#### Mitigation Measure TC-1:

- Require project proponents to analyze traffic impacts and implementation mitigation as appropriate prior to development. Depending on the nature of the impacts and improvements needed, mitigation may either consist of implementing needed physical improvements, contributing “fair share” fee toward implementation of needed improvements, or some combination thereof.
- Update the traffic mitigation fee program to fund necessary citywide circulation and mobility system improvements needed in conjunction with new development.

### Conclusion

There are no new potentially significant impacts relating to transportation and traffic; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (c) 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.***

The General Plan FEIR identified that there are no airports located within or adjacent to the General Plan Planning Area. The nearest airports are Oxnard Airport (more than two miles from the southern boundary of the Planning Area), Santa Paula Airport (more than six miles from the eastern boundary of the Planning Area), and Camarillo Airport (approximately five miles from the southern boundary of the Planning Area). Development within the General Plan Planning Area would not affect air traffic patterns at any of these facilities or at any other airports within the region.

Residential development project allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. There are no airports located within or adjacent to the General Plan Planning Area, therefore, no impact would occur. Implementation of the RAP does not change this. Accordingly, no new impact or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the FEIR was certified is available that would change the impact finding.

**Mitigation Program****General Plan Actions**

None identified.

**General Plan FEIR Mitigation Measures**

Not applicable.

**Conclusion**

There are no new potentially significant impacts relating air traffic; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

***Threshold (d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).***

The FEIR identified that implementation of the General Plan land uses would not have design features that would create traffic hazards. The placement of new residential development along highly traveled thoroughfares may incrementally increase hazards for pedestrians; however, implementation of General Plan Action 3.23 relating to traffic calming and improving walkability would reduce such impacts to a less than significant level.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA could potentially find that an individual residential development project would need to address design feature to preclude hazards.

The FEIR identified the impacts as less than significant. Actions were identified that would reduce the potential significant impacts to a less than significant level. Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding.

**Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action from the FEIR is applicable to the proposed RAP.

**General Plan Actions**

**Action 3.23:** Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation.

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

## **Conclusion**

There are no new potentially significant impacts relating to design hazards; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

### ***Threshold (f) Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the safety of such facilities?***

The FEIR found that implementation of the General Plan would be expected to generally enhance the use of alternative transportation modes, including transit, bicycling, and walking. Impacts relating to alternative transportation are considered beneficial impacts.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines including the assessment of policies, plans and program for public transit, bicycle or pedestrian facilities. Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding of a beneficial impact.

## **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 4.2:** Develop a prioritized list of projects needed to improve safety for all travel modes and provide needed connections and multiple route options.

**Action 4.3:** Provide transportation services that meet the special mobility needs of the community including youth, elderly, and disabled persons.

**Action 4.6:** Require new development to be designed with interconnected transportation modes and routes.

**Action 4.8:** Implement the City's Neighborhood Traffic Management Program and update as necessary to improve livability in residential areas.

**Action 4.11:** Refine level of service standards to encourage use of alternative modes of transportation while meeting state and regional mandates.

**Action 4.12:** Design roadway improvements and facility modifications to minimize the potential for conflict between pedestrians, bicycles, and automobiles.

**Action 4.14:** Provide development incentives to encourage projects that reduce automobile trips.

**Action 4.15:** Encourage the placement of facilities that house or serve elderly, disabled, or socioeconomically disadvantaged persons in areas with existing public transportation services and pedestrian and bicycle amenities.

**Action 4.16:** Install roadway, transit, and alternative transportation improvements along existing or planned multi-modal corridors, including primary bike and transit routes, and at land use intensity nodes.

**Action 4.17:** Prepare and periodically update a Mobility Plan that integrates a variety of travel alternatives to minimize reliance on any single mode.

**Action 4.18:** Promote the development and use of recreational trails as transportation routes to connect housing with services, entertainment, and employment.

**Action 4.19:** Adopt new development code provisions that establish vehicle trip reduction requirements for all development.

**Action 4.20:** Develop a transportation demand management program to shift travel behavior toward alternative modes and services.

**Action 4.21:** Require new development to provide pedestrian and bicycle access and facilities as appropriate, including connected paths along the shoreline and watercourses.

**Action 4.22:** Update the General Bikeway Plan as needed to encourage bicycle use as a viable transportation alternative to the automobile and include the bikeway plan as part of a new Mobility Plan.

**Action 4.23:** Upgrade and add bicycle lanes when conducting roadway maintenance as feasible.

**Action 4.24:** Require sidewalks wide enough to encourage walking that include ramps and other features needed to ensure access for mobility-impaired persons.

**Action 4.25:** Adopt new development code provisions that require the construction of sidewalks in all future projects, where appropriate.

**Action 4.28:** Require all new development to provide for citywide improvements to transit stops that have sufficient quality and amenities, including shelters and benches, to encourage ridership.

**Action 4.29:** Develop incentives to encourage City employees and local employers to use transit, rideshare, walk, or bike.

**Action 4.30:** Work with public transit agencies to provide information to riders at transit stops, libraries, lodging, and event facilities.

**Action 4.31:** Work with public and private transit providers to enhance public transit service.

**Action 4.32:** Coordinate with public transit systems for the provision of additional routes as demand and funding allow.

**Action 4.33:** Work with Amtrak, Metrolink, and Union Pacific to maximize efficiency of passenger and freight rail service to the City and to integrate and coordinate passenger rail service with other transportation modes.

**Action 4.34:** Lobby for additional transportation funding and changes to federal, State, and regional transportation policy that support local decision-making.

**General Plan FEIR Mitigation Measures**

No mitigation measures are required.

**Conclusion**

There are no new potentially significant impacts relating to policies, plans or programs for public transit, bicycle or pedestrian facilities, or the safety of such facilities; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Overall Transportation/Traffic Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to transportation and traffic. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.16 UTILITIES AND SERVICE SYSTEMS

**Threshold (a)** *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.*

**Threshold (b)** *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts.*

**Threshold (e)** *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand.*

The General Plan FEIR identified that new development would increase wastewater generation. Projected future wastewater flows to the City's wastewater treatment plant are projected to remain within the current capacity. Projected flows to the Ojai Valley Sanitary District plant would be within the capacity of the plant. The FEIR also identifies that sewer line upgrades are needed in the older parts of the City, such as the Downtown and Ventura Avenue areas. No significant impacts were identified. Impacts would be less than significant with implementation of General Plan Actions.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA would be required to assess whether an individual residential development project would be consistent with the wastewater infrastructure assumptions of the City of Ventura.

The proposed project would be required to implement the following actions and mitigation measures from the FEIR.

### **Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions and mitigation measures from the FEIR are applicable to the proposed RAP.

### **General Plan Actions**

**Action 5.8:** Locate new development in or close to developed areas with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

**Action 5.9:** Update development fee and assessment district requirements as appropriate to cover the true costs associated with development.

**Action 5.10:** Utilize existing waste source reduction requirements, and continue to expand and improve composting and recycling options.

**Action 5.12:** Apply new technologies to increase the efficiency of the wastewater treatment system.

## General Plan FEIR Mitigation Measures

**Mitigation Measures U-2(a):** Require project proponents to conduct sewer collection system analysis to determine if downstream facilities are adequate to handle the proposed development.

### Conclusion

There are no new potentially significant impacts relating to utilities and service systems; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (d)** *Have sufficient water supplies available to serve the project from existing entitlements and resources, or new or expanded entitlements are needed.*

The FEIR identified that development as identified in the 2005 General Plan would increase water demand, with net increases in demand of approximately 4,528 acre-feet per year (AFY) Y. The total estimated water available from Lake Casitas, the Ventura River diversion, and groundwater basins of approximately 28,300 acre-feet per year is sufficient to meet these projected demand increases. Therefore, water supply impacts are considered less than significant. The FEIR also identifies that system upgrades are needed in the older parts of the City, such as the Downtown and Ventura Avenue areas, to improve pressure and fire flow. No significant impacts were identified.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA would be required to assess whether an individual residential development project would be consistent with the water supply assumptions of the City of Ventura.

The proposed project would be required to implement the following actions from the FEIR.

### Mitigation Program

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following actions and mitigation measure from the FEIR are applicable to the proposed RAP.

### General Plan Actions

**Action 5.1:** Require low flow fixtures, leak repair, and drought tolerant landscaping (native species if possible), plus emerging water conservation techniques, such as reclamation, as they become available.

**Action 5.3:** Demonstrate low water use techniques at community gardens and city-owned facilities.

**Action 5.4** Update the Urban Water Management plan as necessary in compliance with the State 1983 Urban Water Management Planning Act.

**Action 5.8:** Locate new development in or close to developed areas with adequate public services, where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

**Action 5.9** Update development fee and assessment district requirements as appropriate to cover the true costs associated with development.

**Action 5.11:** Increase emergency water supply capacity through cooperative tie-ins with neighboring suppliers.

**General Plan FEIR Mitigation Measures**

**Mitigation Measure U-1 Water System Analysis.** Require project proponents to conduct evaluations of the existing water distribution system, pump station, and storage requirements for the proposed development in order to determine if there are any system deficiencies or needed improvements for the proposed development.

**Conclusion**

There are no new potentially significant impacts relating to water supply; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

**Threshold (f)** *Be served by a landfill with insufficient permitted capacity to accommodate the project’s solid waste disposal needs; and*

**Threshold (g)** *Comply with federal, Sstate, and local statutes and regulations related to solid waste.*

The FEIR found that existing landfills have adequate capacity to accommodate projected citywide increases in solid waste generation for 15-17 years. However, regional waste generation increases could exceed the daily capacity of area landfills. In addition, area landfills are projected to close in the 2022-2027 period; therefore, expanded or new facilities will be needed to accommodate solid waste generated in the City through 2025. Although the identification of new facilities is physically feasible, the City cannot ensure that new facilities are sited. Impacts are therefore considered significant and unavoidable, even with the incorporation of all feasible mitigation.

Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. Site-specific analysis under CEQA would be required to assess whether an individual residential development project would incrementally contribute to significant impacts to landfills. The RAP does not alter the location, land use designations, or densities established in the General Plan and analyzed in the FEIR. Therefore, the RAP would not increase the severity of the significant and unavoidable impacts disclosed in the FEIR.

The proposed project would be required to implement the following actions from the FEIR.

**Mitigation Program**

The 2005 General Plan FEIR Mitigation Program includes actions items and measures to reduce potential impacts associated with implementation of the General Plan. The following action and mitigation measure from the FEIR are applicable to the proposed RAP.

**General Plan Actions**

**Action 5.10:** Utilize existing waste source reduction requirements, and continue to expand and improve composting and recycling options.

### **General Plan FEIR Mitigation Measures**

**Mitigation Measure PS-5 Solid Waste Disposal Facilities:** Coordinate with the Ventura Regional Sanitation District and the County to expand the capacity of existing landfills, site new landfills, or develop alternative means of disposing of solid waste that will provide sufficient capacity for waste generated in the City. Develop incentives for new residences and businesses to incorporate recycling and waste diversion practices using guidelines provided by the Environmental Services Office.

### **Conclusion**

There are no new potentially significant impacts relating to landfill capacity; therefore, no new and/or refined mitigation measures are required. Additionally, no new information of substantial importance that was not known and could not have been known at the time the FEIR was certified is available that would change the significance determination in the FEIR.

### **Overall Public Services Impact Conclusion**

The FEIR identified the impacts to public services. Actions were identified that would reduce the potential significant impacts to the extent feasible. Accordingly, no new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding of no impact. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to public services. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 5.17 MANDATORY FINDINGS OF SIGNIFICANCE

**Threshold (a)** *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, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California history or prehistory?*

The FEIR concluded that implementation of General Plan land uses would largely avoid impacts to special-status plant and animal species by emphasizing intensification and reuse of already urbanized areas rather than developing greenfields at the City's periphery. Potential impacts could occur in certain locations, but would be addressed through implementation of proposed General Plan policies and actions, including Actions 1.18 and 1.19.

The FEIR also concluded that implementation of the General Plan would generally avoid direct impacts to riparian, wetland, and open water habitats. However, in certain areas, the FEIR determined that development could adversely affect the quality of riparian and wetland habitat. General Plan Actions 1.8, 1.9, 1.10, 1.11, 1.17, 1.18, 1.19, and 1.21 were identified in the FEIR as reducing potential impacts to riparian habitat, wetlands, and other sensitive natural communities to a less than significant level. Of these, Actions 1.8 and 1.9 would apply to specific individual Residential Projects allocated under the RAP.

The FEIR concluded that implementation of the land uses consistent with the 2005 General Plan would largely avoid impacts to wildlife movement corridors by emphasizing intensification/reuse of existing urbanized areas. Implementation of General Plan Actions 1.8, 1.9, and 1.10 would maintain ecological connectivity corridors through urban spaces and potentially enhance connectivity in some locations. Therefore, impacts to wildlife movement were identified as less than significant.

The FEIR noted that several of the growth districts and corridors include identified historical resources. General Plan Actions 9.16, 9.17, 9.18, 9.19, 9.20, 9.21, 9.22, 9.23, and 9.24, in combination with regulatory requirements, would reduce impacts to a less than significant level through provision of funding to preserve historic resources, providing incentives for historic landmark status, provide guidelines regarding the treatment of historic resources, and the completion and maintenance of historic resource surveys. Specifically, General Plan Actions 9.18, 9.19, and 9.20 would apply to future individual Residential Projects allocated under the RAP.

The FEIR concluded that development could adversely affect previously identified and unidentified pre-historic archaeological resources. However, implementation of policies and actions included in the 2005 General Plan would reduce impacts to a less than significant level.

The FEIR concluded that due to previous ground disturbance related to existing urban development within the City limits, it is unlikely that significant paleontological resources are present within areas of possible future development. The proposed RAP would not change the findings of the FEIR. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines.

The proposed RAP does not change the analysis previously performed in the FEIR. The RAP would not directly result in the development of a specific site, or require any revisions to zoned density or land use designation for any parcel. The RAP would not materially affect the physical environment, nor result in any new environmental impacts not already contemplated as part of the City's 2005 General Plan FEIR.

Therefore, the RAP would not increase impacts on biological resources or cultural resources beyond that which has already been analyzed under the FEIR.

***Threshold (b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?***

The proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals. The project implements the City General Plan development goals and policies as they relate to residential land uses. The RAP would not alter the location, land use designations, or densities established in the General Plan and analyzed in the FEIR. There are no long-term environmental goals that would be compromised by the project.

***Threshold (c) Does the project have impacts that are individually limited, but cumulatively considerable?***

The General Plan FEIR identifies both project and cumulatively significant impacts associated with the implementation of General Plan land uses. However, Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. This Addendum to the General Plan FEIR has not identified new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding.

***Threshold (d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

The FEIR identified proposed project would result in several potentially significant project-level impacts. However, the FEIR did not identify known substantial adverse effects on human beings that would be caused through the implementation of the General Plan. Residential Projects allocated by the RAP would require project-level analysis in accordance with CEQA and the State CEQA Guidelines. This Addendum to the General Plan FEIR has not identified new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior finding.

**Overall Mandatory Findings of Significance Impact Conclusion**

No new impacts or a substantial increase in the severity of a previously identified significant impact evaluated in the FEIR would occur. Additionally, no new information of substantial importance that was not known and could not have been known at the time of the certification of the FEIR is available that would impact the prior findings. With regard to CEQA Section 21166 and CEQA Guidelines Section 15162(a), the changes proposed by the project would not result in any new impacts, or increase the severity of the previously identified impacts, with respect to the quality of the environment. Therefore, preparation of a subsequent environmental analysis is not warranted.

## 6 □ DETERMINATION OF APPROPRIATE CEQA DOCUMENTATION

The following discussion lists the appropriate subsections of Sections 15006, 15162, 15164, and 15183 of the State CEQA Guidelines and provides justification for the City of Ventura to make a determination of the appropriate CEQA document for the proposed project, based on the environmental analysis provided above.

### Section 15006 – Reducing Delay and Paperwork

Section 15006 of the State CEQA Guidelines expressly encourages public agencies to reduce delay and paperwork associated with implementation of CEQA by using previously prepared environmental documents when those previously prepared documents adequately address potential impacts of the proposed project.

In August 2005, the City Council approved the 2005 General Plan for purposes of guiding development and land use within the City. Pursuant to CEQA, the City Council certified a Final Environmental Impact Report for the General Plan in August 2005. The FEIR identified feasible alternatives and mitigation measures to mitigate to the extent feasible all environmental impacts associated with all uses contemplated by the General Plan at a programmatic level, and adopted a Mitigation Monitoring and Reporting Program for the same.

### Section 15162 - Subsequent EIRs and Negative Declarations

- (a) “When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:”
- (1) “Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”

The City of Ventura proposes to implement the proposed project as described in this Addendum. As discussed above in the Environmental Impact Analysis section of this Addendum, no new or substantially more severe significant environmental effects beyond what was evaluated in the certified FEIR would occur.

- (2) “Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects”

As documented herein, no circumstances associated with the location, type, setting, or operations of the proposed project have substantively changed beyond what was evaluated in the certified FEIR and none of the proposed project elements would result in new or substantially more severe significant environmental effects than previously identified. No major revisions to the certified FEIR are required.

- (3) “New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- (A) "The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;"

No new significant environmental effects beyond those addressed in the certified FEIR were identified.

- (B) "Significant effects previously examined will be substantially more severe than shown in the previous EIR;"

Significant project-related effects previously examined would not be substantially more severe than were disclosed in the FEIR as a result of the proposed project. Significant adverse impacts would be avoided through the implementation of mitigation measures identified in the FEIR.

- (C) "Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or"

No mitigation measures or alternatives were found infeasible in the FEIR.

- (D) "Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

No other mitigation measures or feasible alternatives have been identified that would substantially reduce significant impacts.

- (b) "If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation."

Based on the analysis in this document, the proposed project would not result in any new significant environmental effects nor would it substantially increase the severity of significant effects previously identified in the FEIR. None of the conditions listed under subsection (a) would occur that would require preparation of a subsequent EIR.

- (c) "Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted."

None of the conditions listed in subsection (a) would occur as a result of the proposed project. No additional CEQA documentation is required.

**Section 15164 - Addendum to an EIR or Negative Declaration**

- (a) “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

As described above, none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.

- (b) “An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.”

None of the conditions described in Section 15162 calling for preparation of a subsequent EIR would occur as a result of the proposed project. Therefore, an Addendum to the certified FEIR is the appropriate CEQA document for the proposed project.

- (c) “An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.”

This Addendum will be attached to the FEIR and maintained in the administrative record files at the City of Ventura.

- (d) “The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.”

The City of Ventura will consider this Addendum with the FEIR prior to making a decision on the proposed project.

- (e) “A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.”

This document provides substantial evidence for City of Ventura records to support the preparation of this Addendum for the proposed project.

**Section 15183 – Projects Consistent With a Community Plan or Zoning**

- (a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies

The City’s Final EIR for the General Plan was certified in August 2005. As set forth in this addendum, there are no project-specific affects which are peculiar to the proposed project, it’s the sites to which it applies.

- (b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,

- (2) Were not analyzed as significant effects in a prior EIR or the zoning action, general plan, or community plan, with which the project is consistent,
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

As set forth in this Addendum, the proposed project is consistent with the land use designations and development densities established by the General Plan and analyzed in the certified General Plan Final EIR. There are no potentially significant environmental impacts peculiar to the proposed project or the sites to which the proposed project apply. Additionally, no substantial new information has come to light, that was not known nor could have been known at the time the General Plan Final EIR was certified, showing that significant impacts identified by the General Plan Final EIR will be more adverse than previously determined as a result of the proposed project. Finally, all mitigation measures in the General Plan EIR apply to the proposed project. Consequently, substantial evidence supports the conclusion that the proposed project meets the criteria established in State CEQA Guidelines Section 15183, and no additional EIR or other environmental analysis need be prepared.

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## 7 □ CONCLUSION

This Addendum has been prepared in accordance with the provisions of the State CEQA Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the State CEQA Guidelines, exist in connection with the proposed project. No major revisions would be required to the FEIR prepared for 2005 City of Ventura General Plan as a result of the proposed project.

As detailed herein, the proposed project will not result in any new significant impacts that were not analyzed in the FEIR, nor will the project cause a substantial increase in the severity of any previously identified environmental impacts. The potential impacts associated with this proposed project would either be the same or less than those described in the FEIR. In addition, there are no substantial changes to the circumstances under which the proposed project would be undertaken that would result in new or more severe environmental impacts than previously addressed in the Modified Initial Study or Addendum, nor has any new information regarding the potential for new or more severe significant environmental impacts been identified. Therefore, in accordance with Section 15164 of the State CEQA Guidelines, this Addendum to the previously certified General Plan FEIR is the appropriate environmental documentation for the City of Ventura Residential Project Allocation Program.

No new significant environmental impacts have been identified. Since the certification of the FEIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible, or showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the FEIR that the City declined to adopt. Therefore, preparation of additional CEQA documentation is not required and the appropriate CEQA document for the proposed project is this Addendum #3 to the 2005 General Plan FEIR. No additional environmental analysis or review is required for the proposed RAP. This document will be maintained in the administrative record files at City of Ventura offices.



## 8 □ REFERENCES

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## 9 PREPARERS

### LEAD AGENCY:

#### **City of San Buenaventura**

Community Development Department, Planning Division  
City Hall, 501 Poli Street  
Ventura, California 93002

Contact: Dave Ward, AICP  
Planning Manager  
(805) 677-3964

### CONSULTANT:

#### **Kimley-Horn and Associates, LLC**

765 The City Drive, Suite 200  
Orange, CA 92868

**Attachment E**

**Draft PC Resolution Recommending the City Council Adopt an Amendment  
to the 2005 General Plan for the RAP Program**

PC - 160

**PLANNING COMMISSION RESOLUTION NO. 2015 \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO UPDATE CHAPTER 3, ENTITLED, 'OUR WELL PLANNED AND DESIGNED COMMUNITY' FOR THE RESIDENTIAL ALLOCATION PROGRAM, AN IMPLEMENTATION COMPONENT OF THE CITY'S GROWTH POLICY**

**PROJECT NO. 10072  
CASE NO. GPA 10-15-30877  
EIR 10-15-30943**

**BE IT RESOLVED** by the Planning Commission of the City of San Buenaventura as follows:

**SECTION 1:** The City of San Buenaventura has initiated a General Plan Amendment (Case No. GPA-10-15-30877) to update Chapter 3, entitled, 'Our Well Planned and Designed Community', to reflect the proposed enactment and implementation of the Residential Allocation Program (RAP), as part of the City's growth policy.

**SECTION 2:** The City has prepared Addendum #3 to the 2005 Ventura General Plan FEIR (EIR-2452), certified August 2005, with respect to this General Plan Amendment pursuant to State CEQA Guidelines Section 15164.

**SECTION 3:** All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission hereby finds the following:

1. Chapter 3 of the 2005 General Plan called for a revision of the Residential Growth Management Plan (RGMP), originally enacted in 1990, which, together with an integrated set of development tools, would improve housing availability, affordability and design.

2. The proposed General Plan Amendment GPA - 10-15-30877 is consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly residential growth and development in a manner that preserves the public's health, safety, and welfare because it recognizes the City's proposed enactment of the RAP, which replaces the RGMP. Further, the RAP is designed with provisions that maintain consistency with the Housing Element and the City's obligation under the Regional Housing Needs Assessment.

3. The RAP furthers the General Plan policy of growth management identified in Chapter 3, in that it accomplishes the following objectives:

a. It provides the City Council with authority and discretion over the housing types, pace of growth, and quality of residential development;

b. It allows the City Council to allocate limited City resources and services, such as water, land, sewer, and transportation, in a thoughtful manner so as to ensure that high priority residential projects are developed in appropriate areas; and

c. It allows the City Council to ensure the City's growth includes a range of housing types that accommodate all income levels.

4. This General Plan Amendment also contains an administrative provision to remove reference to the outdated 2006 Housing Element goals and policies and replace with text indicating that the City's Housing Element is maintained outside the 2005 General Plan document due to State mandated updates.

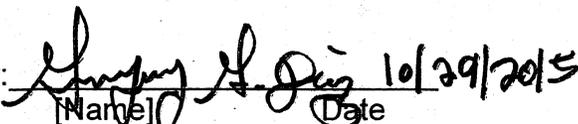
**SECTION 4:** Based on the above findings, the Planning Commission hereby recommends that the City Council approve a General Plan Amendment to update Chapter 3, entitled, 'Our Well Planned and Designed Community', as identified in Exhibit "A" and Exhibit "B".

The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by Planning Commission Resolution No. 2015-\_\_\_\_\_, adopted on \_\_\_\_\_, 20\_\_.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Dave Ward, AICP  
Planning Manager

APPROVED AS TO FORM  
Gregory G. Diaz  
City Attorney

By:  10/29/2015  
[Name] [Date]  
[Assistant] City Attorney

ATTACHMENTS:

Exhibit A – Draft City Council Resolution to Approve a General Plan Amendment to Update Chapter 3, 'Our Well Planned and Designed Community' for the Residential Allocation Program

RESOLUTION NO. 2015 \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF SAN BUENAVENTURA, CALIFORNIA  
APPROVING A GENERAL PLAN AMENDMENT TO  
UPDATE CHAPTER 3, ENTITLED, 'OUR WELL  
PLANNED AND DESIGNED COMMUNITY' FOR  
THE RESIDENTIAL ALLOCATION PROGRAM, AN  
IMPLEMENTATION COMPONENT OF THE CITY'S  
GROWTH POLICY**

**PROJECT NO. 10072  
CASE NO. GPA-10-15-30877  
EIR 10-15-30943**

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

**SECTION 1:** The City of San Buenaventura has initiated a General Plan Amendment (Case No. GPA-10-15-30877) to update Chapter 3, entitled, "Our Well Planned and Designed Community," to reflect the proposed enactment and implementation of the Residential Allocation Program (RAP), as part of the City's growth policy.

**SECTION 2:** The City Council has approved a Resolution, approving Addendum # 3, Case No. EIR-10-15-30943, to the 2005 Ventura General Plan Final Environmental Impact Report (FEIR), EIR-2452, with respect to this General Plan Amendment pursuant to State CEQA Guidelines Section 15164.

**SECTION 3.** All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council hereby finds as follows:

1. Chapter 3 of the 2005 General Plan called for a revision of the Residential Growth Management Plan (RGMP), originally enacted in 1990, which, together with an integrated set of development tools, would improve housing availability, affordability and design.

2. The proposed General Plan Amendment GPA - 10-15-30877 is consistent with and reflective of the General Plan's goals, policies, and intent to encourage orderly residential growth and development in a manner that preserves the public's health, safety, and welfare because it recognizes the City's proposed enactment of the RAP, which replaces the RGMP. Further, the RAP is designed with provisions that maintain consistency with the Housing Element and the City's obligation under the Regional Housing Needs Assessment.

3. The RAP furthers the General Plan policy of growth management identified in Chapter 3, in that it accomplishes the following objectives:

- a. It provides the City Council with authority and discretion over the housing types, pace of growth, and quality of residential development;
- b. It allows the City Council to allocate limited City resources and services, such as water, land, sewer, and transportation, in a thoughtful manner so as to ensure that high priority residential projects are developed in appropriate areas; and
- c. It allows the City Council to ensure the City's growth includes a range of housing types that accommodate all income levels.

4. This General Plan Amendment also contains an administrative provision to remove reference to the outdated 2006 Housing Element goals and policies and replace with text indicating that the City's Housing Element is maintained outside the 2005 General Plan document due to State mandated updates.

5. The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by City Council Resolution No. 2015-\_\_\_\_\_, adopted on \_\_\_\_\_, 20\_\_.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Cynthia M. Rodriguez, MMC  
City Clerk

APPROVED AS TO FORM  
Gregory G. Diaz  
City Attorney

By: Gregory G. Diaz 10/29/2015  
[Name] Date  
[Assistant] City Attorney

EXHIBIT LIST:

A – Revisions to Chapter 3 of the General Plan, Entitled, “Our Well Planned and Designed Community.”

**B – Revisions to Appendix A to General Plan**

**Special Topics**

***Agricultural Lands***

During the 20<sup>th</sup> Century, the value of agricultural land in Ventura became secondary to that for development. However, this pattern is not irreversible, and protecting green land to save the aesthetic beauty of open space, preserve the cultural landscape of the community's heritage, and conserve land for environmental quality are high priorities in Ventura. In fact, the land's historic role for food production may soon be more highly valued once again, as prime agricultural areas continue to disappear to development at an astounding rate.

Ventura is fortunate to retain much of its rural landscape. Agriculture still plays an important role in the economy of the City and County of Ventura. Significant yields are made possible by the presence of high quality soils, adequate water supply, favorable climate, long growing season, and level topography. Mechanisms such as the California Land Conservation Act (more popularly known as the Williamson Act), the Save Our Agricultural Resources (SOAR) initiative (see Appendix B), and greenbelt agreements with neighboring jurisdictions continue to help maintain a balance between urban growth and agricultural preservation. The SOAR initiative that was adopted by the voters in 1995, and that, by its own terms, remains in full legal effect until 2030, refers to specific policies from the 1989 Comprehensive Plan that are still in effect and, as such, have been carried forward into this Plan under Policy 3D and Action 3.20 in addition to

being incorporated in this General Plan as set forth in Appendix B.

A primary agricultural concern is the potential conflict with adjacent urban uses over pesticides, dust, odors, noise, and the visual impact of large greenhouses. Other issues of importance to agricultural producers include restrictions on farm-related activities, access to water, and provision of farmworker housing. Paralleling these concerns is a community interest in sustainability, the ability to provide for the needs of future generations. The policies and actions in this chapter intend to sustain viable farm operations in areas designated for agricultural use.

***Growth Management***

Growth management seeks to preserve public good, improve social equity, and minimize adverse impacts of development while still accommodating new housing and business attraction. The effects of growth management policies on housing prices are complex due to the idiosyncrasies of local real estate markets. Properly designed, growth management programs can plan for all development needs, such as open space, access to public transportation, and walkable neighborhoods.

The City Council will consider enactment of the Residential Allocation Program (RAP) to replace the Residential Growth Management Program (RGMP). The RAP will establish an allocation program for residential development that serves to i) provide the City Council authority and



Subsequent to the adoption of the SOAR initiative, there have been two general plan amendments, which redesignated individual agricultural properties through a vote of the electorate as required by SOAR. These remain in full legal effect and have been carried forward into this Plan. These include the new Community Park at Kimball Road and the southeast corner of Montgomery and Bristol (see Appendix D and E).

**Evolution of the City's Growth Policy**

The City's Residential Growth Management Program (originally established in 1979 to ensure that housing development would not outpace needed infrastructure) has not always contributed to housing affordability to quality design. The 2005 General Plan called for revising the Residential Growth Management Program with an integrated set of growth management tools. Such tools not only include the adoption of new form-based Development Codes, but also community or specific plans based on availability of infrastructure and resources.

discretion over the housing types, page of growth, and quality of development, ii) allow the City Council to give careful consideration to limited City resources and services, such as water, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas, and iii) allows the City Council to ensure the City's growth includes a range of housing types that accommodate all income levels.

~~The City's Residential Growth Management Program (originally established in 1979 to ensure that housing development would not outpace needed infrastructure) has not always contributed to housing affordability or quality design. This General Plan calls for revising the Residential Growth Management Program with an integrated set of growth management tools. Such tools not only include the adoption of a new form-based Development Code, but also community or specific plans based on availability of infrastructure and resources.~~

**Long Term Potential Expansion Strategy**

Indeed, the community has indicated that before the City expands any further, the first priority for achieving planning goals should be in the vacant and underutilized areas of the City. Yet, even the most successful effort to achieve community planning goals through infill may need to be supplemented at some point by expanding into areas outside the city limits. Such expansion may not only be necessary to fulfill development objectives; it also may be needed to provide open space, parklands, and natural areas to be

preserved and restored. To address this, citizens discussed during the preparation of this General Plan which areas, if any, should be possible expansion areas. These areas were identified because they embody opportunities for achieving a variety of community vision objectives that may not be feasible within existing city limits. The community further went on to agree upon a set of rules about how these areas should be planned. These areas were analyzed in the environmental impact report prepared for this General Plan, and a "long term potential expansion strategy" will be formulated to guide the process of prioritizing any potential future expansion areas to fulfill General Plan objectives that may not be able to be achieved by our "Infill First" approach. Should any areas be selected for future planning, a specific plan, a public vote (if required pursuant to SOAR), and an amendment with the regulatory planning framework would have to occur.

The policies and actions in this chapter call for measured and appropriate growth in Ventura by prioritizing areas appropriate for additional development based on community values and infrastructure potential.

Action 3.22: Offer incentives for agricultural production operations to develop systems of raw product and product processing locally. ☉

**Policy 3E: Ensure the appropriateness of urban form through modified development review.**

Action 3.23: Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation. ☉

Action 3.24: Implement the Residential Allocation Program (RAP) which replaces the Residential Growth Management Program (RGMP). The RAP will serve as one of the City's growth management tools, to be utilized in conjunction with the following: Revise the Residential Growth Management Program (RGMP) with an integrated set of growth management tools including:

- community or specific plans and development codes based on availability of infrastructure and transit that regulate community form and character by directing new residential development to appropriate locations and in ways that integrate with and enhance existing neighborhoods, districts and corridors;
- appropriate mechanisms to ensure that new residential development produces high-quality designs and a range of housing types across all income levels; and,

- ~~numeric limitations on dwelling units linked to the implementation of community or specific plans and development codes and the availability of appropriate infrastructure and resources; within those limitations, the RGMP should provide greater flexibility for timing new residential development.~~

Action 3.25: Establish first priority growth areas to include the districts, corridors, and neighborhood centers as identified on the General Plan Diagram; and second priority areas to include vacant undeveloped land when a community plan has been prepared for such (within the City limits).

Action 3.26: Establish and administer a system for the gradual growth of the City through identification of areas set aside for long-term preservation, for controlled growth, and for encouraged growth. ☉

Action 3.27: Require the use of techniques such as digital simulation and modeling to assist in project review.

Action 3.28: Revise the planning processes to be more user-friendly to both applicants and neighborhood residents in order to implement City policies more efficiently.

Policies and actions related to the preservation of **historic architecture and resources** are contained in Chapter 9.

**The City Housing Element**

Due to periodic State mandated updates, the Housing Element is maintained outside of this 2005 General Plan document but is incorporated by reference herein. The document may be obtained at the Planning Division public counter, Ventura City Hall, Room 117 and is currently located on the City's website:

<http://www.cityofventure.net/files/file/FINAL%20HE-TR%20Combined.pdf>

**~~2000-2006 HOUSING ELEMENT GOALS AND POLICIES, City Council Adopted Resolution 2004-014. Adopted April 12, 2004~~**

**~~Goal 1~~**

**~~Maintain and improve the quality of existing housing and residential neighborhoods in Ventura.~~**

**~~Policy 1.1~~** — Encourage citizen involvement in addressing the maintenance and improvement of the housing stock and neighborhood quality.

**~~Policy 1.2~~** — Continue to preserve and maintain the City's historical and architecturally significant buildings and neighborhoods.

**~~Policy 1.3~~** — Encourage homeowners and landlords to maintain properties in sound condition through the City's residential rehabilitation assistance programs and code enforcement efforts.

**~~Policy 1.4~~** — Cooperate with housing providers in the acquisition, rehabilitation, and maintenance of older residential properties as long-term affordable housing.

**~~Policy 1.5~~** — Permit the conversion of apartments to condominiums only when such conversion would not adversely affect the overall supply and availability of rental units, particularly units occupied by lower and moderate income households.

**~~Policy 1.6~~** — Continue to support the provision of rental assistance to lower-income households, and encourage property owners to list units with the Housing Authority.

**~~Policy 1.7~~** — Continue to preserve the affordability of mobile homes through the Rent Stabilization Ordinance. Support the acquisition and ownership of mobile home parks by non-profit housing

providers and resident organizations.

**Policy 1.8** Preserve the existing stock of affordable housing, including mobilehomes, through City regulations, as well as financial and other forms of assistance.

**Goal 2**

**Facilitate the provision of a range of housing types to meet the diverse needs of the community.**

**Policy 2.1** Provide high quality housing for current and future residents with a diverse range of income levels. Promote housing that is developed under modern sustainable community standards.

**Policy 2.2** Provide expanded housing opportunities for the City's workforce. Promote the City's affordable housing programs with employers in Ventura.

**Policy 2.3** Continue to offer and promote homeownership assistance programs to lower and moderate income households to purchase both new and existing housing. Pursue participation in other homeownership programs available in the private market.

**Policy 2.4** Continue to provide financial and regulatory incentives to non-profits, private housing developers, and public agencies for the construction of the types of housing required to meet identified needs.

**Policy 2.5** Support the provision of quality rental housing with three or more bedrooms to accommodate large families, and encourage room additions in the existing housing stock to address household overcrowding.

**Policy 2.6** Support a variety of housing types to address the needs of agricultural workers, including affordable rentals, mobilehome parks, single room occupancy hotels (SROs), and group housing for migrant laborers.

**Policy 2.7** Facilitate the provision of housing to address Ventura's growing senior population, including senior housing with supportive services, assisted living facilities, and second units.

**Policy 2.8** Encourage the provision of housing adaptable to the physically disabled through integration of universal design

features in new development, and compliance with Title 24 of the California Health and Safety Code.

**Policy 2.9** Encourage the provision of supportive housing for persons with mental illness to address the severe shortage of housing for this special-needs population.

**Policy 2.10** Support efforts by non-profits to expand transitional and emergency housing in Ventura, including support of grant applications and assistance in identification of suitable sites.

**Policy 2.11** Evaluate adoption of an inclusionary housing ordinance as a means of integrating affordable units within new residential development: 1) Require affordable units to be provided on or off site, with allowance for payment of an in-lieu fee at the discretion of the City; 2) Evaluate the financial impact of inclusionary requirements on development, and assess incentive-based alternative strategies for provision of affordable housing.

**Policy 2.12** Facilitate the provision of second units as a means of providing affordable rental housing in existing neighborhoods. Ensure

compatibility with the primary unit and surrounding neighborhood.

**Policy 2.13** Encourage the production of housing that meets the needs of all economic segments, including lower, moderate, and above moderate income households, to achieve a balanced community.

**Policy 2.14** Promote and facilitate non-traditional housing types and options, including co-housing, assisted living facilities, live-work spaces, and artist lofts.

**Policy 2.15** Direct City-controlled housing funds towards programs that address the needs of very low- and low-income households.

**Policy 2.16** Prioritize affordable housing opportunities and assistance for public service employees.

**Policy 2.17** Annually monitor the City's progress in meeting its housing needs for all income levels.

**Goal 3**

**Provide adequate housing sites through appropriate land use and zoning designations to accommodate the City's share of the regional housing needs.**

**Policy 3.1** — Maintain an up-to-date inventory of vacant and underutilized parcels and provide to interested developers in conjunction with information on available development incentives. Within redevelopment project areas, provide assistance in land assembly in support of affordable housing.

**Policy 3.2** — Implement smart growth principles by rewarding quality infill projects that utilize existing infrastructure.

**Policy 3.3** — Encourage efficient utilization of the City's limited land resources by encouraging development at the upper end of the permitted Zoning Code/Comprehensive Plan density.

**Policy 3.4** — Utilize the Urban Infill Overlay Zone and Downtown Specific Plan as a tool to facilitate higher density residential and mixed-use development.

**Policy 3.5** — Explore residential reuse opportunities on obsolete commercial properties, such as older motels and underutilized historic structures.

**Policy 3.6** — Pursue use of publicly owned land, such as public parking lots, for development of affordable housing.

**Policy 3.7** — Identify opportunities for housing development that achieves other community goals such as neighborhood improvement, recreation opportunities, and the preservation of sensitive lands and neighborhood character.

**Policy 3.8** — Facilitate the development of mixed-use projects in appropriate commercial areas, including stand-alone residential developments (horizontal mixed-use) and housing above ground floor commercial uses (vertical mixed-use).

**Policy 3.9** — Promote higher density housing as part of mixed-use developments along parts of Thompson Boulevard and Main Street in Midtown Ventura, as well as other areas such as Westside, Downtown and East Ventura.

**Policy 3.10** — Promote mixed-use developments on the Westside of Ventura.

**Policy 3.11** — Ensure that the updated Land Use Element designates adequate sites for housing for executives to

enhance the City's ability to attract businesses with higher paying jobs.

**Goal 4**

~~Mitigate or remove any potential governmental constraints to housing production and affordability.~~

~~Policy 4.1 Provide regulatory and/or financial incentives, where appropriate, to offset or reduce the costs of affordable housing development, including density bonuses and flexibility in site development standards.~~

~~Policy 4.2 Utilize the Affordable Housing Program to provide incentives for production of affordable units, including streamlined permit processing, reduced fees and exemption from the required competition for RGMP allocations.~~

~~Policy 4.3 Amend the City's Residential Growth Management Plan (RGMP) to better facilitate housing production, while discouraging sprawl and maintaining quality of life goals.~~

~~Policy 4.4 Undertake a comprehensive review of the City's residential development project review~~

~~procedures and establish modified procedures as appropriate to streamline processing times, while maintaining adequate levels of public review.~~

~~Policy 4.5 Provide flexibility in development standards to accommodate new models and approaches to providing affordable housing, such as co-housing, live/work units and assisted living facilities.~~

**Goal 5**

**Promote equal opportunity for all residents to reside in the housing of their choice.**

~~Policy 5.1 Continue to enforce fair housing laws prohibiting arbitrary discrimination in the building, financing, selling or renting of housing on the basis of race, religion, family status, national origin, physical or mental disability, or other such factors.~~

~~Policy 5.2 Continue to support organizations that offer fair housing and mediation services to Ventura residents.~~

~~Policy 5.3 Promote housing that meets the special needs of large families;~~

elderly persons, agricultural workers, and the disabled.

**Policy 5.4** Continue to enforce notification and provide relocation assistance for lower-income persons displaced due to demolition, reuse, condominium conversion, or rehabilitation as a result of code enforcement.

**APPENDIX A**

<p><b>KEY TO ABBREVIATIONS</b>                  AS = Administrative Services Department                  AS [P] = Purchasing                  CA = City Attorney                  CD = Community Development Department                  CD [A] = Administration                  CD [CP] = Current Planning                  CD [LRP] = Long Range Planning                  CD [ED] = Economic Development                  CD [LD] = Land Development                  CD [RDA] = Redevelopment Agency                  CC = City Council                  CM = City Manager's Department                  CM [CE] = Civic Engagement                  CS = Community Services Department                  CS [CR] = Community Recreation</p>	<p>CS [CA] = Cultural Affairs                  CS [GS/AS] = Golf Services/Adult Sports                  CS [SS] = Social Services                  FD = Fire Department                  FD [IS] = Inspection Services                  HR = Human Resources Department                  PD = Police Department                  PW = Public Works Department                  PW [E] = Engineering                  PW [P] = Parks                  PW [MS] = Maintenance Services                  PW [U] = Utilities</p>	<p>Short-term = 0-5 years                  Mid-term = 5-10 years                  Long-term = 10-20 years                  Ongoing = May require short-, mid-, and long-term action</p>
<p> = Action included in the Land Use Plan of the City's Local Coastal Program</p>		

Number	Action	Lead Entity	Timeframe
3.20	Pursuant to SOAR, adopt development code provisions to “preserve agricultural and open space lands as a desirable means of shaping the City’s internal and external form and size, and of serving the needs of the residents.”	CD [LRP]	Short-term
3.21	 Adopt performance standards for non-farm activities in agricultural areas that protect and support farm operations, including requiring non-farm uses to provide all necessary buffers as determined by the Agriculture Commissioner’s Office.	CD [LRP]	Short-term
3.22	 Offer incentives for agricultural production operations to develop systems of raw product and product processing locally.	CD [ED]	Mid-term
3.23	 Develop and adopt a form-based Development Code that emphasizes pedestrian orientation, integration of land uses, treatment of streetscapes as community living space, and environmentally sensitive building design and operation.	CD [LRP]	Short-term
3.24	<u>Implement the Residential Allocation Program (RAP) which replaces the Residential Growth Management Program (RGMP). The RAP will serve as one of the City’s growth management tools, to be utilized in conjunction with the following: Revise the Residential Growth Management Program (RGMP) with an integrated set of growth management tools including:</u> <ul style="list-style-type: none"> <li>• Community or specific plans and development codes based on availability of infrastructure and transit that regulate community form and character by directing new residential development to appropriate locations and in ways that integrate with and enhance existing</li> </ul>	CD [LRP]	<u>Ongoing</u> Short-term

**S U M M A R Y   O F   A C T I O N S**

<p><b>KEY TO ABBREVIATIONS</b></p> <p>AS = Administrative Services Department          AS [P] = Purchasing          CA = City Attorney          CD = Community Development Department          CD [A] = Administration          CD [CP] = Current Planning          CD [LRP] = Long Range Planning          CD [ED] = Economic Development          CD [LD] = Land Development          CD [RDA] = Redevelopment Agency          CC = City Council          CM = City Manager's Department          CM [CE] = Civic Engagement          CS = Community Services Department          CS [CR] = Community Recreation</p>	<p>CS [CA] = Cultural Affairs          CS [GS/AS] = Golf Services/Adult Sports          CS [SS] = Social Services          FD = Fire Department          FD [IS] = Inspection Services          HR = Human Resources Department          PD = Police Department          PW = Public Works Department          PW [E] = Engineering          PW [P] = Parks          PW [MS] = Maintenance Services          PW [U] = Utilities</p> <p style="text-align: right;">Short-term = 0-5 years          Mid-term = 5-10 years          Long-term = 10-20 years</p> <p style="text-align: right;">Ongoing = May require short-, mid-, and long-term action</p>
= Action included in the Land Use Plan of the City's Local Coastal Program	

Number	Action	Lead Entity	Timeframe
	neighborhoods, districts and corridors; <ul style="list-style-type: none"> <li>• appropriate mechanisms to ensure that new residential development produces high-quality designs and a range of housing types across all income levels; and,</li> <li>• numeric limitations <del>on dwelling units linked to the implementation of community or specific plans and development codes</del> and the availability of appropriate infrastructure. <del>and resources;</del> <del>within those limitations, the RGMP should provide greater flexibility for timing new residential development.</del></li> </ul>		
3.25	Establish first priority growth areas to include the districts, corridors, and neighborhood centers as identified on the General Plan Diagram; and second priority areas to include vacant undeveloped land when a community plan has been prepared for such (within the City limits).	CD [LRP]	Short-term
3.26	Establish and administer a system for the gradual growth of the City through identification of areas set aside for long-term preservation, for controlled growth, and for encouraged growth.	CD [LRP]	Mid-term
3.27	Require the use of techniques such as digital simulation and modeling to assist in project review.	CD [CP]	Short-term
3.28	Revise the planning processes to be more user-friendly to both applicants and neighborhood residents in order to implement City policies more efficiently.	CD [CP]	Short-term
<b>4. OUR ACCESSIBLE COMMUNITY</b>			
4.1	Direct city transportation investment to efforts that improve user safety and keep the circulation	PW [E]	Ongoing

**Attachment F**

**Draft PC Resolution Recommending the City Council Adopt an Ordinance  
Creating the RAP Program**

**PLANNING COMMISSION RESOLUTION NO. 2015-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL RESCIND RESOLUTION 2006—57 TO AMEND DIVISION 24R AND ADOPT A NEW CHAPTER 24.508, “RESIDENTIAL ALLOCATION PROGRAM”, OF DIVISION 24 PART 5 OF THE SAN BUENAVENTURA MUNICIPAL CODE ESTABLISHING A RESIDENTIAL PROJECT ALLOCATION PROGRAM**

**PROJECT NO. 10072; CASE NO. OA-10-15-30881  
EIR-10-15-30943**

**BE IT RESOLVED** by the Planning Commission of the City of San Buenaventura as follows:

**SECTION 1:** On April 13, 2015, the City Council directed City staff to develop a residential allocation program (“RAP”) in order to accomplish the following three objectives:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development.
2. Thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas.
3. Ensure the City’s growth includes a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

**SECTION 2:** On June 30, 2015, the City conducted a Community Engagement Meeting for the purpose of soliciting input from all stakeholders, including residents, businesses and developers, on the RAP, including the criteria upon which the allocation of residential units should be based and the process by which the allocations would be granted.

On September 10, 2015, the City conducted a second Community Engagement Meeting to review the draft RAP ordinance with all stakeholders and solicit further comment and suggestions for consideration in the preparation of the final RAP ordinance.

**SECTION 3:** All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other

pertinent information, the Planning Commission hereby finds the following:

1. The RAP Ordinance set forth in Exhibit A incorporates many of the suggestions presented at the Community Engagement Meetings and provides an orderly process for the allocation of residential units in a manner that achieves the City Council's three objectives.

2. The RAP furthers the objectives of the City's General Plan and is consistent with the City's Housing Element in that it ensures that the City will be able to meet its Regional Housing Needs Assessment ('RHNA') allocation plan established by the California Department of Housing and Community Development while still providing for thoughtful and measured residential development. Specifically,

a. Because projects in which all housing units are affordable to low income households will be exempt from the program, the RAP is not anticipated to be a constraint on the City's ability to provide affordable units. In addition, projects that provide more affordable units than required by City ordinance will receive a higher rating than projects which just meet the standard. Therefore, the program may be an incentive to develop affordable units;

b. The number of units allowed in the three-year cycle is adequate to accommodate the City's RHNA for the current planning period. The City Council may allocate more than 350 units in any given year if a substantial need can be shown to do so. The extra dwelling units would reduce the number that can be allocated in future years of the three-year cycle. In addition, residential development within adopted Specific Plan areas and any future Specific Plans adopted by the City Council will be exempt from the RAP. Therefore, the RAP is not expected to constrain the City's ability to meet its RHNA;

c. The allocation evaluation criteria give preference to infill projects, based on the City's Infill First strategy; and

d. The allocation evaluation criteria will be processed concurrently with discretionary permits (tentative maps, conditional use permits, etc.) and should not extend the processing time for development permits, though the schedule will be established by the RAP.

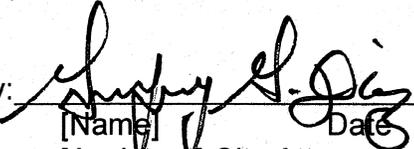
**SECTION 4:** Based on the above findings, the Planning Commission hereby recommends that the City Council rescind Resolution 2006-057, the Housing Approval Program (HAP), codified in San Buenaventura Municipal Code Chapter 24R.115 in its entirety and adopt a new Chapter 24.508 of Division 24 Part 5 of the Buenaventura Municipal Code Establishing a Residential Project Allocation Program.

The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by Planning Commission Resolution No. 2015-\_\_\_\_\_, adopted on \_\_\_\_\_, 20\_\_.

PASSED and ADOPTED this \_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Dave Ward, AICP  
Planning Manager

APPROVED AS TO FORM  
Gregory G. Diaz  
City Attorney

By:  10/29/2015  
[Name] Date  
[Assistant] City Attorney

ATTACHMENTS:  
Exhibit A – New Chapter 24.508 of Division 24, Title 5 of the San Buenaventura Municipal Code

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA, RESCINDING RESOLUTION 2006-057 TO AMEND DIVISION 24R AND ADOPTING A NEW CHAPTER 24.508, "RESIDENTIAL ALLOCATION PROGRAM" OF DIVISION 24 PART 5 OF THE SAN BUENAVENTURA MUNICIPAL CODE ESTABLISHING A RESIDENTIAL PROJECT ALLOCATION PROGRAM**

**PROJECT NO. 10072  
CASE NO. OA-15-30881  
EIR-10-15-30943**

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

Section 1. Findings.

A. On April 13, 2015, the City Council directed City staff to develop a residential allocation program ("RAP") in order to accomplish the following three objectives:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development.
2. Thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas.
3. Ensure the City's growth includes a range of housing types that accommodate all income levels, from executive estates to affordable housing units.

B. On June 30, 2015, the City conducted a Community Engagement Meeting for the purpose of soliciting input from all stakeholders, including residents, businesses and developers, on the RAP, including the criteria upon which the allocation of residential units should be based and the process by which the allocations would be granted.

C. On September 10, 2015, the City conducted a second Community Engagement Meeting to review the draft RAP ordinance with all stakeholders and solicit further comment and suggestions for consideration in the preparation of the final RAP ordinance.

D. The RAP Ordinance set forth herein incorporates many of the suggestions presented at the Community Engagement Meetings and provides an

orderly process for the allocation of residential units in a manner that achieves the City Council's three objectives.

E. The RAP furthers the objectives of the City's General Plan and is consistent with the City's Housing Element in that it ensures that the City will be able to meet its Regional Housing Needs Assessment ("RHNA") allocation plan established by the California Department of Housing and Community Development while still providing for thoughtful and measured residential development. Specifically,

1. Because projects in which all housing units are affordable to low income households will be exempt from the program, the RAP is not anticipated to be a constraint on the City's ability to provide affordable units. In addition, projects that provide more affordable units than required by City ordinance will receive a higher rating than projects which just meet the standard. Therefore, the program may be an incentive to develop affordable units;

2. The number of units allowed in the three-year cycle is adequate to accommodate the City's RHNA for the current planning period. The City Council may allocate more than 350 units in any given year if a substantial need can be shown to do so. The extra dwelling units would reduce the number that can be allocated in future years of the three-year cycle. In addition, residential development within adopted Specific Plan areas and any future Specific Plans adopted by the City Council will be exempt from the RAP. Therefore, the RAP is not expected to constrain the City's ability to meet its RHNA;

3. The allocation evaluation criteria give preference to infill projects, based on the City's Infill First strategy; and

4. The allocation evaluation criteria will be processed concurrently with discretionary permits (tentative maps, conditional use permits, etc.) and should not extend the processing time for development permits, though the schedule will be established by the RAP.

#### Section 2. Section 65863.6 Health, Safety and Welfare Finding.

In light of the current level of residential development in the City, it is not anticipated that the RAP will reduce housing opportunities. Furthermore, any such reduction is outweighed by the following findings which promote the public health, safety and welfare of the residents within the City:

1. The RAP allows the City Council to control the pace of development in an manner that ensures sufficient city services and resources are available for the development;

2. The RAP allows the City Council to prioritize areas of residential development within the City consistent with the City's General Plan;

3. The RAP includes an adequate number of units in each three year cycle to allow the City to achieve its share of the Regional Housing Needs Allocation plan, as defined in the Housing Element;

4. The RAP will not prevent the City will from meeting its affordable housing obligations under the RNHA by exempting low-income housing projects and creating an incentive for other residential projects to include low-income housing; and

5. The RAP contains flexibility regarding the number of residential development allocations that may be awarded in any given year so that residential developments may proceed in a timely manner.

### Section 3. Rescind Prior Resolution.

Based on the foregoing and for the reasons and purposes stated further herein, the City Council hereby rescinds Resolution 2006-057, the Housing Approval Program (HAP), codified in San Buenaventura Municipal Code Chapter 24R.115 in its entirety.

### Section 4. Amendment to Code.

Chapter 24.508, "Residential Allocation Program," is hereby added to the San Buenaventura Municipal Code: to read as follows:

#### "CHAPTER 24.508

#### Residential Allocation Program

##### Sections:

24.508.010. – Chapter Description.

24.508.020. – Applicability of RAP.

24.508.030. – Residential Project Allocation; Time Limit to Commence Construction

24.508.040. – Establishment of Annual Maximum Number of Residential Project Allocations.

24.508.050. – Residential Project Allocation Evaluation.

24.508.060. – Residential Project Allocations.

24.508.070. – Applications for Residential Project Allocation.

24.508.080. – Annual Report of Residential Development Statistics.

24.508.090. – Amendment of Residential Project After Allocations Granted

24.508.100. – Expiration of Discretionary Approvals, Allocations for

Residential Project.

24.508.110. – Judicial Review.

24.508.120. – Conditions of Approval.

24.508.010 Chapter Description. This Chapter which shall be known as the Residential Allocation Program or 'RAP' establishes a residential development allocation system for residential development projects (hereinafter 'Residential Projects') within the City in accordance with the growth rates in the City's General Plan and the needs of the City as determined through implementation of this Chapter, in order to achieve a steady, sustainable rate of growth rather than a fluctuating or overly rapid rate of growth and to better preserve the character of the City and the quality of life within the City.

24.508.020 Applicability of RAP. The Residential Allocation Program set forth in this Chapter applies to all Residential Projects, including mobile home developments in the City, with the exception of the following:

- A. Residential Projects of not more than two residential dwelling units on a single parcel, limited to only one such project per developer per calendar year;
- B. Second dwelling units added to existing single-family residential units as defined in Section 24.430, Residential Second Unit Regulations, of the San Buenaventura Municipal Code;
- C. Rehabilitation or remodeling of an existing dwelling, or conversion of apartments to condominiums, so long as no additional dwelling units are created;
- D. Residential Projects in which 100% of the residential units are formally dedicated or restricted through recorded covenants for occupancy by low-income households as defined by federal, state or local laws;
- E. Residential Projects subject to a fully executed Development Agreement entered into by and between the City and the property owner/developer seeking to develop such residential units;
- F. Residential Projects which are located within the geographic boundaries of adopted Specific Plans; and
- G. Residential Projects which have been fully entitled as of the effective date of this Chapter. For purposes of this Chapter, 'fully entitled' shall mean those Residential Projects for which all discretionary development permits have been granted by the City for such development, including, but not limited to zoning designation, planned development permits, coastal development permits, conditional use permits, variances, design review permits and tentative subdivision or parcel map approval. Such exemption shall no longer be applicable if construction of the project does not commence within the time

frames of the permits in existence as of the effective date of this Chapter and any City approved extensions.

24.508.030 Residential Project Allocation; Time Limit to Commence Construction.

A. No building permit for any nonexempt Residential Project may be issued, unless an allocation for the Residential Project has been granted pursuant to this Chapter.

B. Prior to obtaining a building permit, the developer of a proposed Residential Project subject to this Chapter shall apply for and obtain a Residential Project allocation for each unit for which a building permit will be sought.

C. Any person who has been granted a Residential Project allocation shall obtain all required grading and building permits and commence construction, pursuant to the first building permit issued, within eighteen (18) months of the date on which the residential development allocation is granted; provided, however, that the Community Development Director may grant any person who has obtained a Residential Project allocation one (1) six-month extension of time in which to obtain all required grading and building permits and commence construction of the Residential Project provided that no less than eighty percent (80%) of construction plans for the project have been submitted for approval. If the allocation is not utilized within the time frames set forth herein, the allocation shall expire.

D. Where a Residential Project for which allocations have been awarded pursuant to this Chapter is a phased development, the issuance of building permits for the first phase of the Residential Project shall be sufficient to meet the time limit to commence construction for the entire Residential Project as set forth in Section C above.

24.508.040 Establishment of Annual Maximum Number of Residential Project Allocations.

A. The maximum number of Residential Project allocations for dwelling units that may be granted shall not exceed 1,050 over a fixed three-year cycle. The City Council may, but need not, issue the maximum number of allocations available in any year. The initial three-year cycle shall be calendar years 2016 through 2018, the next cycle shall be from 2019 through 2021, and so forth.

B. No more than 450 allocations for residential units shall be granted in any one year of a three-year cycle, except as set forth herein. If more than 350 allocations for residential units are granted in any one year, the allocations in subsequent years shall be adjusted to ensure the number of allocations allowed

during the fixed three-year cycle does not exceed 1,050, provided that if the allocation in the first year of a three-year allocation cycle was less than 350, that year's unused allocations may be credited towards the overall adjustment needed within the three-year cycle.

C. The City Council may approve more than 450 allocations in one year and may exceed 1,050 in a three-year cycle, if these numbers are exceeded because the Council determined to issue less than 350 allocations in the prior year(s) or during the immediately preceding three year-cycle or the Council is reassigning or granting allocations that have been previously granted but have expired pursuant to this Chapter.

D. Except as otherwise provided in Section 24.508.030, subdivision D above, if building permits are not issued for all of the units for which allocations have been granted and the allocations expire, or if allocations expire for other reasons, the unused, expired allocations may be available to be reassigned to other projects during a subsequent allocation cycle, even if the total number of allocations granted exceeds 450 allocations because of the reassigned allocations.

24.508.050 Residential Project Allocation Evaluation.

A. The City Council will consider and evaluate, annually, all completed RAP applications submitted based on the criteria set forth in this section. The Planning Commission shall consider and provide a recommendation for the RAP allocation criteria during the Residential Project entitlement approval process. The Community Development Director shall compile all eligible RAP applications as recommended by the Planning Commission and forward such applications to the City Council. The Director may provide advice and recommendations to the City Council

B. RAP- Evaluation Criteria. Residential Project applications shall be evaluated based on the following evaluation criteria. Each project application will be rated as 'meeting', 'not meeting', or 'exceeding' the following criteria attributes.

**To support the General Plan Goal: 'Our Well-Planned Community'**- *Our goal is to protect our hillsides, farmlands, and open spaces; enhance Ventura's historic and cultural resources; respect our diverse neighborhoods; reinvest in older areas of our community; and make great places by insisting on the highest standards of quality in architecture, landscaping, and urban design; and,*

**To implement the City's Housing Element Goal: Facilitate the provision of a range of housing types to meet the diverse needs of the community.**

Criteria	Project	Project	Project
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	<b>does not Meet Criteria</b>	<b>Meets Criteria</b>	<b>Exceeds Criteria</b>
<p>1. The proposed project provides site and architectural design quality that is in harmony in terms of size, height, color, and location with the existing surrounding neighborhood.</p> <p><i>Project can achieve a rating of 'exceeds' if it minimizes shadows and impacts to privacy and sunlight on adjoining sites; preserves views that are not otherwise protected; provides appropriate separation between existing and proposed buildings; enhances the aesthetic appeal of the area; reinforces the unique character of a neighborhood; respects historical context, if applicable; and/or enhances existing habitat/open space areas, where applicable</i></p>			
<p>2. The project is located in an area adjacent to existing transportation corridors and existing businesses.</p> <p><i>Project can achieve a rating of 'exceeds' if it is located in an Infill-First Strategy area (a designated District, Corridor or Neighborhood Center).</i></p>			
<p>3. The proposed project includes an appropriate mix of units, including units with multiple bedrooms to accommodate families.</p> <p><i>Project can achieve a rating of 'exceeds' if it includes a higher percentage of 2 and 3 bedroom units than is typical in an area desirable to families; and/or it provides a significant number of affordable units in a market rate project.</i></p>			
<p>4. At least 15% of the units will be affordable to low-income and/or very low-income households, as defined in the Housing Element and Inclusionary Housing Ordinances.</p> <p><i>Project can achieve a rating of 'exceeds' if it includes more than the number of</i></p>			

<p><i>affordable units required by Ordinance; and/or the project contributes to the dispersal of affordable units throughout the community.</i></p>			
<p>5. The project incorporates appropriate design features to enhance livability, such as space for children to play; private outdoor space; common gathering areas; and space for gardening. <i>Project can achieve a rating of 'exceeds' if it introduces new public amenities in an existing neighborhood; and/or includes on-site amenities such as child care, community gardens, recreational facilities, or a dog park.</i></p>			

**To support the General Plan Goal: 'Our Sustainable Infrastructure'-** *Our goal is to safeguard public health, well-being and prosperity by providing and maintaining facilities that enable the community to live in balance with natural systems.*

<b>Criteria</b>	<b>Project does not Meet Criteria</b>	<b>Project Meets Criteria</b>	<b>Project Exceeds Criteria</b>
<p>1. The project's water use is projected to be consistent with the Ventura Water Department's 'Water Demand Factors'. <i>Project can achieve a rating of 'exceeds' if it includes water conservation/recycling features that are expected to reduce water consumption below the 'Water Demand Factors.'</i></p>			
<p>2. The project will contribute to the implementation of the City's Capital Improvement Program. <i>Project can achieve a rating of 'exceeds' if it accelerates construction or funding of an improvement included in the City's Capital Improvement Program.</i></p>			

**To support the General Plan Goal: 'Our Healthy and Safe Community'**- *Our goal is to build effective community partnerships that protect and improve the social well-being and security of all our citizens.*

<b>Criteria</b>	<b>Project does not Meet Criteria</b>	<b>Project Meets Criteria</b>	<b>Project Exceeds Criteria</b>
<p>1. The project will not cause a deterioration of the current level of services provided by the City, including police, fire, library, recreation, and other governmental services. <i>Project can achieve a rating of 'exceeds' if it contributes to an enhancement in service levels; and/or to facilities or other improvements envisioned in the General Plan.</i></p>			
<p>2. The project is located in an area with convenient access to food, services and active recreational opportunities. <i>Project can achieve a rating of 'exceeds' if it introduces or expands neighborhood amenities such as food stores, services and/or fitness opportunities, and/or improves pedestrian facilities to allow better access to existing amenities, including the beach.</i></p>			

**To support the General Plan Goal: 'Our Accessible Community'**- *Our goal is to provide residents with more transportation choices by strengthening and balancing bicycle, pedestrian and transit connections in the City and surrounding region.*

<b>Criteria</b>	<b>Project does not Meet Criteria</b>	<b>Project Meets Criteria</b>	<b>Project Exceeds Criteria</b>
<p>1. The proposed project contains on-site amenities that support a range of mobility options. <i>Project can achieve a rating of 'exceeds' if it includes amenities such as charging/fueling stations for alternative fuel vehicles; bicycle</i></p>			

<p><i>storage above city requirements; and/or innovative options like car-share and bike share programs.</i></p>			
<p>2. The project promotes walkability through the incorporation of sidewalks along public and private streets and provision of a path(s) of travel that allows residents easy access to neighborhood amenities like parks and shopping <i>Project can achieve a rating of 'exceeds' if it introduces new pedestrian connections in an existing neighborhood; and/or improves existing pedestrian facilities through installation of highly visible crosswalks, curb extensions, or truncated domes.</i></p>			
<p>3. The project is located in close proximity to existing bike trails. <i>Project can achieve a rating of 'exceeds' if it includes amenities such as enclosed bike storage; incorporates on-site connections to existing trails; funds construction of a trail on adjacent parcels(s); and/or introduces a bicycle connection in an existing neighborhood.</i></p>			
<p>4. The project contributes to public amenities along an existing transit or bike corridor, such as new bus shelters or water fountains. <i>Project can achieve a rating of 'exceeds' if the amenities exceed the level of contribution required to mitigate project impacts.</i></p>			

**To support the General Plan Goal: 'Our Natural Community'**- *Our goal is to be a model for other communities of environmental responsibility, living in balance with our natural setting of coastline, rivers, and hillside ecosystems.*

<b>Criteria</b>	<b>Project does not Meet Criteria</b>	<b>Project Meets Criteria</b>	<b>Project Exceeds Criteria</b>
1. The project will feature native plants and			

<p>other techniques, such as no-turf landscapes, that will reduce demand for water on-site.  <i>Project can achieve a rating of 'exceeds' if landscaping only requires temporary irrigation until plants are established; the plant palette incorporates locally endemic native plants; a subterranean watering system will reduce evaporation; and/or the proposed landscaping exceeds standards adopted by appropriate agencies for use of water.</i></p>			
<p>2. The project will utilize green building principles supporting environmentally sensitive building design and operation. Examples include house siting and design, solar technologies, cool and green roofs, environmentally preferable building materials, and/or other innovative techniques that provide greater efficiency than compliance with standards set forth in state and local codes.  <i>Project can achieve a rating of 'exceeds' if it is net power neutral or positive; and/or it is designed to achieve the highest rating offered through a third party such as LEED.</i></p>			

**To support the General Plan Goal: 'Our Prosperous Community'**- *Our goal is to attract and retain enterprises that provide high-value, high wage jobs; to diversify the local economy; to increase the local tax base; and to anticipate our economic future in order to strengthen our economy and help fund vital public services; and*

**To implement the City's Housing Element Goal: provide adequate housing sites through appropriate land use and zoning designations to accommodate the City's share of regional housing need.**

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
1. The project will contribute to the desired mix of unit types as envisioned in the General Plan, including tenure (ownership/rental) and			

<p>a range of unit sizes, types and affordability, from entry level housing to executive housing.  <i>Project can achieve a rating of 'exceeds' if it provides a unit type specifically desired in a particular area; if it provides housing that will meet the needs of key economic sectors; and/or it provides housing designed for seniors or other groups with special needs.</i></p>			
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24.508.060 – Residential Project Allocations.

- A. The City Council shall consider, at a public hearing, the evaluation ratings of the Residential Projects. The public hearing may be continued from time to time.
- B. At the completion of the public hearing, the City Council shall confirm or modify and confirm the rating of each Residential Project and create a ranking. The City Council shall then proceed to determine which projects shall be granted allocations.
- C. The number of residential units for which Residential Project allocations may be issued shall not exceed the allocations established in Section 24.508.040.
- D. The City Council is not required to award allocations in specific ranking order. The City Council may determine that one or more Residential Projects meet the current priority needs of the City, notwithstanding a lower evaluation rating than other Residential Projects, and may determine to grant allocations to the lower rated project(s) to satisfy that priority.

24.508.070 Applications for Residential Project Allocation.

The City Council shall set a 90-day allocation window, annually, upon which it will review, consider and make Residential Project allocations pursuant to this Chapter. Upon the establishment of this date, all applications and filing fees for Residential Project allocations shall be submitted 30 days prior to this date in the form determined by the Community Development Director.

24.508.080 Annual Report of Residential Development Statistics.

- A. City staff shall compile an annual report including at least the following information:
  - 1. The number of residential units available for allocation during the current three-year cycle;

2. The number of residential units established annually by the City Council for each year in the current three-year cycle;
3. The number of residential units for which allocations have been granted;
4. The number of building permits issued for projects with allocations;
5. The number of building permits issued for units not subject to the allocation program;
6. The number of unit allocations which have expired or been unused and are eligible to be allocated to other projects; and
7. The time required for Residential Projects to receive entitlements under the RAP, from application submittal date to the date building permits are issued.

B. The annual report shall be considered by the City Council when determining the annual allocation within the three-year cycle.

24.508.090 Amendment of Residential Project After Allocations Granted.

After a Residential Project receives allocations pursuant to this Chapter, minor modifications or amendments of the approved Residential Project permits may be considered pursuant to Municipal Code Section 24.570, Permit Amendment, Revocation and Reevaluation Procedure; provided, however, that i) the unit allocation previously awarded to the approved Residential Project shall not be exceeded, and, ii) the amended Residential Project shall be substantially consistent with the criteria under which the allocation was awarded.

24.508.100 Expiration of Discretionary Approvals, Allocations for Residential Projects.

A. Notwithstanding any other provision in the Zoning Code to the contrary, upon request, the Director of Community Development shall grant an extension of the expiration dates for discretionary approvals granted for a Residential Project subject to this Chapter, including but not limited to planned development permits, coastal development permits, conditional use permits; variances, design review approvals, parcel map approvals, tentative maps, and other zoning code approvals until such time as allocations are granted for such Residential Project, provided, however, that such extension shall not exceed three (3) allocation application periods.

B. Where one or more discretionary approvals for a Residential Project expire, so too shall RAP allocations for such Residential Project.

24.508.110 Judicial Review.

Any legal action to challenge any decision or denial of the board or any other governmental body performing a function under this Chapter must be filed in a court of competent jurisdiction within thirty days immediately following the action challenged.

24.508.120 Conditions of Approval.

A. Conditions on development permits for Residential Projects.

All discretionary permits for Residential Projects, including, but not limited to planned development permits, coastal development permits, conditional use permits; variances, design review approvals, parcel map approvals, and other zoning code approvals for projects that require Residential Project Allocation shall be subject to a condition providing that permit approval is complete but no further rights for development will accrue and no grading permit, building permit or other city entitlement will be issued for the land within the permit area until and unless residential development allocation is first obtained.

B. Subdivision maps.

All tentative maps for subdivisions of five or more residential dwelling units which are subject to this Chapter shall be subject to a condition providing that the final map may be approved and the final map may be recorded prior to the awarding of a development allotment, provided that no grading permit, building permit, or other city entitlement will be issued for the land within the subdivision, or phase of the subdivision until and unless an allocation is first obtained for the residential units within the subdivision or phase.”

Section 5. CEQA Compliance.

The City has complied with the California Environmental Quality Act in adopting this Ordinance as evidenced by City Council Resolution No. 2015-\_\_\_\_\_, adopted on \_\_\_\_\_, 201\_.

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PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Cheryl Heitmann, Mayor

ATTEST:

\_\_\_\_\_  
Cynthia M. Rodriguez, MMC  
City Clerk

APPROVED AS TO FORM  
Gregory G. Diaz, City Attorney

By: \_\_\_\_\_

Gregory G. Diaz  
City Attorney

Date

11/21/2015

**Attachment G**

**Draft PC Resolution Recommending the City Council Adopt an Ordinance  
Amending City Council Appeal Authority and Call for Review Procedures**

PLANNING COMMISSION RESOLUTION NO. 2015-\_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 24.565, "APPEAL PROCEDURE," OF THE SAN BUENAVENTURA MUNICIPAL CODE TO PROVIDE A SPECIFIC PROCEDURE FOR MEMBERS OF THE CITY COUNCIL TO CALL FOR CERTAIN DECISIONS OF THE DESIGN REVIEW COMMITTEE AND/OR PLANNING COMMISSION

PROJECT NO. 10072; CASE NO. OA-10-15-30876  
EIR-10-15-30943

**BE IT RESOLVED** by the Planning Commission of the City of San Buenaventura as follows:

**SECTION 1:** On April 13, 2015, as policy direction to accompany the City Council direction to develop a residential allocation program ("RAP"), the City Council directed staff to prepare an amendment to the San Buenaventura Municipal Code extending the effective date of any final action of the Planning Commission, Design Review Committee, and Historic Preservation Commission to be ten days following notice of the action appearing as an "Information Only" Item on the Consent Calendar of the City Council's public agenda.

**SECTION 2:** During ordinance amendment review and consideration of the appeal procedure sought by the City Council, City staff determined in all decisions not related to an historic resource or designated city landmark property, the Historic Preservation Committee provides only advisory/recommendation actions to the Design Review Committee and/or Planning Commission decisions and therefore an appeal procedure to an Historic Preservation Committee advisory/recommendation action was determined by City staff to be inapplicable and not considered in this ordinance amendment. Furthermore, the existing City's official landmark designation process already requires formal action by the City Council.

**SECTION 3:** On September 10, 2015, during a second Community Engagement Meeting by the City to review the draft RAP ordinance, the City provided information to the community on how the draft RAP ordinance would fit within the City's existing development review process for planning entitlements, including the new appeal procedure sought by the City Council to be implemented through an amendment to Title 24 of the Municipal Code.

**SECTION 4:** All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other

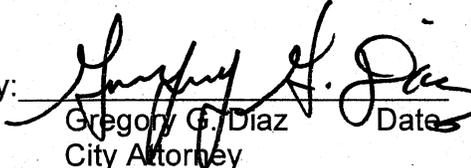
pertinent information, the Planning Commission hereby recommends that the City Council amend Chapter 24.565, "Appeal Procedure" of the Buenaventura Municipal Code to provide a specific procedure for members of the City Council to call for certain decisions of the Design Review Committee and/or Planning Commission.

The City has complied with the California Environmental Quality Act in recommending adoption of this ordinance, as evidenced by Planning Commission Resolution No. 2015-\_\_\_\_\_, adopted on \_\_\_\_\_, 20\_\_.

PASSED and ADOPTED this \_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Dave Ward, AICP  
Planning Manager

APPROVED AS TO FORM  
Gregory G. Diaz, City Attorney

By:  Date: 10/29/2015  
Gregory G. Diaz  
City Attorney

ATTACHMENTS:

Exhibit A – Amendment to Chapter 24.565 of the San Buenaventura Municipal Code

**ORDINANCE NO. 2015-\_\_\_\_\_**

**AN ORDINANCE OF THE COUNCIL OF THE CITY  
OF SAN BUENAVENTURA, CALIFORNIA,  
AMENDING CHAPTER 24.565, "APPEAL  
PROCEDURE," OF THE SAN BUENAVENTURA  
MUNICIPAL CODE TO PROVIDE A SPECIFIC  
PROCEDURE FOR MEMBERS OF THE CITY  
COUNCIL TO CALL FOR CERTAIN DECISIONS OF  
THE DESIGN REVIEW COMMITTEE AND/OR  
PLANNING COMMISSION**

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

Section 1. Chapter 24.565, "Appeal Procedures," of the San Buenaventura Municipal Code is hereby amended to read as follows:

**"CHAPTER 24.565**

**APPEAL AND CALL FOR REVIEW PROCEDURE**

Sections:

- 24.565.010. - Chapter Description.
- 24.565.020. - Effect of Filing.
- 24.565.030. - Appeal to Planning Commission.
- 24.565.040. - Action on Appeal by Planning  
Commission.
- 24.565.050. - Appeal to City Council.
- 24.565.051. - Call for Review by the City Council.
- 24.565.060. - Action by City Council.
- 24.565.070. - Hearing Transcript not Required.

Sec. 24.565.010. - Chapter Description.

Chapter 24.565 establishes the appeals procedure governing administrative appeals of decisions carried out pursuant to this zoning ordinance. In addition, Chapter 24.565 establishes the procedures for Members of the City Council to Call for Review by the entire City Council decisions of the Design Review Committee and/or the Planning Commission.

Sec. 24.565.020. - Effect of Filing.

The filing of a notice of appeal and/or a Call for Review pursuant to this Chapter stays all proceedings until a decision on the appeal and/or a Call for Review is rendered.

Sec. 24.565.030. - Appeal to Planning Commission.

- A. Authority to Hear and Decide. The Planning Commission shall have the authority to hear and decide appeals of discretionary decisions by the Director.
- B. Filing Appeal. The applicant or an aggrieved person, as defined in Chapter 24.110, affected by any discretionary decision by the Director may file an appeal with the Planning Commission, provided the appeal is filed in writing within ten days after final action by the Director. The appeal shall be filed with the Planning Manager and shall set forth the grounds for appeal. If the applicant fails to appeal within ten days after the decision, the Director's decision is final.
- C. Hearing and Notice. The Planning Manager shall set a hearing before the Planning Commission on the appeal, which shall be conducted as provided in Section 24.565.040, and notices shall be given as specified in Chapter 24.560.

Sec. 24.565.040. - Action on Appeal by Planning Commission. The Planning Commission may:

- A. Continue the hearing and request a supplemental report from the Director, in which event the Planning Commission may extend the time for rendering the decision for a period of time deemed appropriate by the Planning Commission;
- B. Sustain the action upon finding that all applicable findings have been correctly made and all of the provisions of this zoning ordinance are complied with;

- C. Sustain an approval or conditional approval, but require additional conditions or guarantees as it deems necessary or desirable to further the purposes of this zoning ordinance or comply with other provisions of law;
- D. Overrule the action upon finding that all applicable findings have not been made or all provisions of this zoning ordinance, or other provisions of law, have not been complied with; or,
- E. Take such other action as may be necessary or desirable to further the purposes of this zoning ordinance, the comprehensive plan, or other provisions of law.

Sec. 24.565.050. - Appeal to City Council.

- A. **Planning Commission or Design Review Committee Action.** An application for appeal to the City Council may be filed by the applicant or an aggrieved person, as defined in Chapter 24.110, affected by a discretionary decision of the Planning Commission or the Design Review Committee, provided that the appeal is filed in writing within ten days after the decision appears as an 'Information Only' item on the Consent Calendar of the City Council's public agenda. If no appeal or Call for Review is filed, the decision is final following said ten day period. If an appeal or Call for Review is filed, the decision becomes final when the City Council adopts a Resolution deciding the appeal and/or Call for Review. For all other projects, the decision becomes final on the date the action is taken.
- B. **Application for Appeal.** An application for appeal required by this Section shall be filed by the appellant with the City Clerk and shall clearly state the grounds of appeal and the action which appellant requests the City Council to take. If the challenged decision consists of one or more actions based on particular findings or conditions that the appellant believes were erroneously or improperly included or omitted, the appeal shall specify which findings or conditions were

erroneous or improper or which findings or conditions should additionally be imposed.

- C. Appeal Fee. An application for an appeal must be accompanied by an appeal fee as set by Resolution of the City Council. Any application for an appeal that does not have the requisite appeal fee attached shall be rejected by the City Clerk.

Sec. 24.565.051. – Call for Review by the City Council.

- A. Calls for Review may be initiated by a Member of the City Council, in the Member's official capacity, if the purpose for the Call for Review is to bring the matter in front of the entire City Council for review.
- B. A Call for Review initiated by a Member of the City Council, in their official capacity, shall be submitted in writing and shall be for the purpose of bringing the matter in front of the entire City Council for review. A Call for Review must be filed in writing with the City Clerk within ten days after the decision appears as an 'Information Only' item on the consent calendar of the City Council's public agenda. If no Call for Review or appeal is filed, the decision is final following said ten day period. If a Call for Review or appeal is filed, the decision becomes final when the City Council adopts a Resolution deciding the Call for Review or appeal. For all other projects, the decision becomes final on the date the action is taken.
- C. No fee shall be required by a Member of the City Council as a condition of filing a Call for Review.

Sec. 24.565.060. - Action by City Council.

- A. Hearing Date. The City Manager or City Clerk shall fix the time for hearing the appeal and/or Call for Review.
- B. Notice. The City Clerk shall notice the hearing before the City Council as required by Chapter 24.560.

- C. Record on Appeal/Review. All materials on file with the Director shall be part of the City Council Hearing record. In addition, any party may offer supplemental evidence during the appeal/review hearing.
- D. De novo Review. The City Council is not limited to consideration of the material in the record on appeal and/or Call for Review. The City Council may review any matter or evidence relating to the action on the application regardless of the specific issue appealed and/or Called for Review.
- E. Actions. The City Council may:
  - 1. Continue action on the appeal and/or Call for Review for a period of time deemed appropriate by the City Council;
  - 2. Sustain the Planning Commission or Design Review Committee action upon finding that all applicable findings have been correctly made and all provisions of this zoning ordinance, or other provisions of law, are complied with;
  - 3. Sustain the Planning Commission or Design Review Committee action but require whatever additional conditions or guarantees as it may deem necessary or desirable to further the purposes of this zoning ordinance or comply with other provisions of law;
  - 4. Overrule the Planning Commission or Design Review Committee, action without prejudice upon a finding that all applicable findings have not been correctly made or all provisions of this zoning ordinance and the subdivision ordinance are not complied with but that, in either case, the application has merit and may possibly be modified to comply with this zoning ordinance or other provisions of law;
  - 5. Overrule the Planning Commission or Design Review Committee action upon finding that all required findings have not

been correctly made or all provisions of this zoning ordinance, or other provisions of law, are not complied with; or,

6. Take such other action as may be necessary or desirable to further the purposes of this zoning ordinance, the comprehensive plan, or other provisions of law.
- F. **Vote Required.** A simple majority of the City Councilmembers voting shall be required to sustain, overrule, or modify a decision by the Planning Commission or Design Review Committee which is appealed and/or reviewed, or to grant an appealed and/or reviewed application where the Planning Commission has failed to act within the time allowed pursuant to the zoning ordinance.
- G. **Effective Date.** A decision of the City Council sustaining, overruling, or modifying any decision, determination or requirement of the Planning Commission or Design Review Committee shall be final and conclusive upon the rendering of the decision unless otherwise provided by the City Council in its rules of procedure or elsewhere.
- H. **Effect of Denial without Prejudice.** A land use decision that has been denied without prejudice on appeal and/or Call for Review may be refiled at any time but must be accompanied by the prescribed filing fee.

Sec. 24.565.070. - Hearing Transcript not Required.

No provision of this zoning ordinance shall be construed to require the keeping of a verbatim hearing transcript except as may be required by state law.”

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Section 2. CEQA Compliance.

The City has complied with the California Environmental Quality Act in adopting this Ordinance, as evidenced by City Council Resolution No. 2015-\_\_\_\_, adopted on \_\_\_\_\_, 20\_\_\_\_.

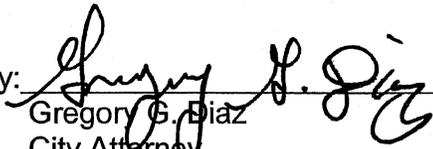
PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Cheryl Heitmann, Mayor

ATTEST:

\_\_\_\_\_  
Cynthia M. Rodriguez, MMC  
City Clerk

APPROVED AS TO FORM  
Gregory G. Diaz, City Attorney

By:  10/27/2015  
Gregory G. Diaz Date  
City Attorney

**Attachment H**

**Public Comments Received**

PC - 207

Zimbra

dward@ci.ventura.ca.us

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**Re: RAP review**

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**From :** Dave Ward <dward@cityofventura.net>

Tue, Oct 27, 2015 01:52 PM

**Subject :** Re: RAP review**To :** Mary & Francois Zugmeyer <francois.zugmeyer@att.net>**Cc :** pc@cityofventura.net, Luz Juachon <ljuachon@ci.ventura.ca.us>

Hi Mary

This is to confirm receipt of your communication. We will include your letter as part of the staff report going to PC for their Nov 12th hearing.

Dave

Sent from my iPhone

On Oct 27, 2015, at 1:48 PM, Mary &amp; Francois Zugmeyer &lt;francois.zugmeyer@att.net&gt; wrote:

To all of the Commissioners:

Dan Long, Nancy Francis, Christopher Beck, Laura Dunbar, Jane Farkas, David Ferrin, Randi Guthrie,

My name is Mary Zugmeyer, one of the Voelker family who are owners of the property at 8324 E. Telegraph Rd. We are in escrow with City Ventures, a company that you are familiar with. They have been working on getting approval for an infill development at the above address. Now, 18+ months into the process, it has come to our attention that you will soon be reviewing the new RAP, with the intent of sending it on to the City Council for final approval and implementation at their Dec. 7 meeting. The way I understand the new program to be structured, if it is approved as it now stands, City Ventures will have to wait until October 2016 for allocations, which even then may not be forthcoming.

Our family has been trying to complete the sale of this parcel since 2005. We are a large family, originally numbering nine siblings. We were seven when we began the challenge of finding a competent buyer who could work well with the City and the surrounding neighborhood to develop an appropriate mix of houses on this infill site. Now we are six, plus one estate. We are not getting any younger (ages vary from 78 to 59) and to be honest, this has been a very difficult, frustrating process for all. Some of us need the financial benefit of a sale. Some of us are looking to extricate ourselves from doing business with family members. Some would simply like to see the results of our parents' legacy before we die.

In the past 10 years, we have had several potential buyers. None was able to get as far into the process as City Ventures. One dropped out because the City Council at the time was intent on building a high density mix of townhouses and apartments, in spite of opposition from the surrounding neighborhood. Another dropped out when the rules changed and the need to build a percentage of affordable units put him in an untenable financial position. And now we are facing a

change of "rules" yet again.

I take issue with this new process when it unfairly affects property owners who, in all good faith, began the ve ng process well before any discussion of changes had taken place. To be fair, the new alloca on program should apply to new projects, not those which were already "in the pipeline".

My request to all of you therefore is to use your influence to argue for exemp on of our property from the new RAP rules, thereby allowing City Ventures to con nue the approval process and to receive their alloca ons in a more reasonable meframe. If there is something that our family can do to facilitate this, please advise us.

Thank you for taking this into considera on.

Sincerely,

Mary Zugmeyer

(949) 249-9921

[francois.zugmeyer@att.net](mailto:francois.zugmeyer@att.net)

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**Sister Joseph Cecile Voelker, CSC  
% St. Catherine by the Sea Convent  
1931 Poli Street  
Ventura, CA 93001**

October 28, 2015

Mayor Heitmann and City Councilmembers  
City of Ventura  
501 Poli Street  
Ventura, CA 93002

**Re: Residential Allocation Program**

Honorable Mayor Heitmann and City Councilmembers:

You no doubt recall my speaking to you at two City Council meetings last spring about the sale of our Voelker 8324 Telegraph property to City Ventures. We Voelker siblings have actively attempted for ten (10) years to complete the sale of this last piece of our original hundred-acre home and farmland. City Ventures, a developer with which you have successfully worked, has been the most successful thus far in advancing our cause.

Should you be leaning toward accepting the new development plan, I earnestly plead that you **exempt our property from the new RAP** and allow the final 3.4 acres of 8324 Telegraph to be developed by City Ventures.

The development proposed by City Ventures would complete the "missing piece" of the neighborhood begun by Concord Homes in the early 1970's. Delaying development for another year or more would not serve the City, nor City Ventures, nor our neighbors, nor us. Eventually it will take place. Better sooner than later for all of us.

We began as nine Voelker siblings and are now six. We have suffered the loss of family members who might have benefited from the sale had it occurred in a timely manner. It seems to this family that the original basis on which the property use was converted should be applied today. It seems inherently unfair for the City of Ventura to actively prevent the completion of the land use plan which relates back more than forty years. We feel our personal situation is unique and the city should allow this transaction to go forward at this time by **exempting our property from the new RAP**.

Thank you for your public service to the City of Ventura.

Respectfully,

Sister Joseph Cecile Voelker, CSC

cc: Erik Nasarenko, Deputy Mayor;  
Neal Andrews, Councilmember  
James L. Monahan, Councilmember  
Carl E. Morehouse, Councilmember

Mike Tracy, Councilmember  
Christy Weir, Councilmember  
Cynthia M. Rodriguez, MMC, City Clerk

CITY OF VENTURA  
**CITY MEMORANDUM**

**Agenda Item: 1**  
**Date: November 12, 2015**

**To: Planning Commission**

**From: Dave Ward, AICP, Planning Manager (805) 677-3964**  
**Jeffrey Lambert, AICP, Community Development Director**

**Subject: Transmittal Memo GPA-10-15-30877 – Residential Allocation Program and Associated Actions: Review of Addendum #3 to the 2005 Ventura General Plan Final Environmental Impact Report, the Proposed Residential Allocation Program, the Revised City Council Appeal Procedure and Recommendation to City Council**

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Subsequent to the release of the Planning Commission public hearing notice on October 29, 2015, staff received six (6) additional letters/correspondences from the public regarding the project. These correspondences were submitted to City Hall prior to November 10, 5:00PM.

With this transmittal memo, these correspondences are appended to staff report Attachment H and represent a complete collection of all correspondences that were received prior to November 10, 5:00PM in accordance to the Planning Commission protocols.

These correspondences were only to have been transmitted to the Planning Commission and were not to have been responded to as part of the staff report analysis.



RECEIVED  
NOV - 9 2015  
Community Development  
PLANNING DIVISION

November 9, 2015

City of Ventura Planning Commission:

Dan Long, Chair  
Nancy Butler Francis, Vice-Chair  
Christopher Beck, Commissioner  
Laura Dunbar, Commissioner

Jane Farkas, Commissioner  
David Ferrin, Commissioner  
Rondi Guthrie, Commissioner

501 Poli Street  
Ventura, CA 93001

Re: *Residential Allocation Program* and Associated Actions Coming Before Planning Commission on 11/12/2015  
(Project No. 10072 / Case Nos. GPA-10-15-30877; OA-10-15-30881; OA-10-15-30876; EIR-10-15-30943)

Dear Chair Long, Vice-Chair Francis and Planning Commission Members:

We respectfully submit this letter regarding the City of Ventura's proposed *Residential Allocation Program* ("RAP"), and the associated actions which will be considered by the Planning Commission on 11/12/2015. We have followed the RAP proposal process from the initial conceptual discussions by City Council, and have attended and participated in all RAP Ordinance-related public meetings, workshops, and hearings to date. We have also thoroughly reviewed the Planning Commission Staff Report and related Attachments for the 11/12/2015 Planning Commissions meeting. Based upon the available information, we submit that the proposed RAP Ordinance is not warranted, and that it represents a significant and unnecessary new impediment to the creation of needed housing in the City of Ventura.

As you probably know, Dyer Sheehan Group, Inc. studies the housing market in the City of Ventura, and for years we have observed an ongoing imbalance between housing supply and housing demand. As a typical result of this condition, the average multi-family apartment rent in Ventura increased by 12.6% from July 2013 to July 2015 (including a 4.2% increase in the six month period from January 2015 to July 2015). Additionally, despite the increasing rents, overall apartment vacancy rates consistently hover around 2%. This shortage of available housing affects the City of Ventura in a variety of ways beyond the obvious high cost of housing for residents, and we believe that the proposed RAP Ordinance, if adopted, will further negatively impact housing affordability and availability in the future.

We understand that some members of the City Council desire the opportunity to exert more authority and discretion over the City's development approval process, as well as the type, pace, and quality of future residential development. However, it appears that this goal could be accomplished without adding significant time and cost, as well as additional risk and uncertainty, to the current development review and approval process.

Under the proposed RAP Ordinance the City Council would, on an annual basis, review previously approved projects and award discretionary RAP Allocations (which would be required for the issue of actual building permits). These projects would already have been reviewed by City staff, certified as compliant with CEQA requirements, and granted discretionary entitlement approvals via the public hearing process. As part of the

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discretionary entitlement review and approval process, these projects would also have been evaluated for compliance with detailed RAP Allocation criteria. After successfully completing the entitlement process, which typically takes years (not months), and costs hundreds of thousands of dollars, these approved projects would essentially be put on hold, until the next annual round of RAP Allocation awards is conducted by City Council.

Based on the proposed RAP Ordinance, an approved project could be on hold for up to a year before the next annual RAP process, with project viability directly threatened by the uncertainty of receiving a future RAP Allocation award. This approach will add significant time and risk factors to an already lengthy and highly risky development entitlement process. We sincerely question whether the proposed RAP Allocation process would actually improve the quality of development in the City. We submit that projects will not be made better by going through the RAP Allocation process, just more expensive. In fact, the proposed RAP process would NOT allow City Council to modify, or impose changes to, any project that comes before it for a RAP Allocation. Council will simply have the power to either award or deny RAP Allocations. Additionally, the City Council would not even be required to award RAP Allocations based upon the statutory Allocation Criteria scoring, nor to actually award any RAP Allocations at all during a given cycle. The arbitrary and subjective nature of this process would simply delay, add risk, and inflate costs for projects that have otherwise been approved, therefore discouraging development and investment in the City of Ventura.

In addition to the RAP Ordinance, Planning Commission is being asked to consider a proposed amendment to the City's project approval appeal process, so that City Council is formally noticed as to every new project that receives a discretionary entitlement approval. Under the amended appeal process, the statutory appeal period would not begin until a discretionary project approval appears as an informational item on a City Council Meeting Agenda. This amended appeal process, if adopted, would provide Council with ample opportunity to review, comment, and either deny or approve, any significant new development project. Since this enhanced opportunity for City Council to review, and effectively approve or deny projects previously awarded discretionary entitlement approval (e.g. by Planning Commission) provides the Council with the additional authority and discretion over residential development that they seek, we question what additional benefit is gained from then subjecting projects to a future RAP Allocation process?

Furthermore, if both the RAP Ordinance and the proposed Appeal Process modifications are adopted, a new project application could theoretically have to be reviewed and approved by the City Council twice, before commencing development. Consider the situation where a project is formally approved by Planning Commission, and subsequently brought before City Council on appeal. Even if the prior Planning Commission approval is upheld by Council, the project would still not be eligible for a building permit until it goes back before Council again (at a future date ... up to a year later) to compete for RAP allocations. What valid purpose is served, or goal achieved, by forcing a project to be reviewed by the Council on two separate occasions, with a potentially lengthy waiting period in between. Should not the City Council's review and denial of the appeal (if that is Council's decision) sufficiently document Council's authorization for the project to move forward? Additionally, there could be a change in the City Council make-up between the project approval appeal and a subsequent RAP Allocation hearing. This would mean that a project would possibly have to be approved by two different City Councils. This seems highly excessive, counter-productive, and would most assuredly discourage new development and/or investment in the City of Ventura.

**Based upon the above, we strongly urge the Planning Commission to make a recommendation that City Council not adopt the proposed RAP Ordinance.**

If, however, Planning Commission deems it appropriate to recommend City Council adoption the proposed RAP Ordinance, and companion actions, we strongly urge you to consider the following:

1. *Section 24.508.020* of the Draft RAP Ordinance specifies certain exceptions ("exemptions") from the RAP Ordinance. We strongly support all of the RAP Ordinance exemptions listed in *Section 24.508.020*, and in particular the exemption for projects located within the geographic boundaries of adopted Specific Plans (these currently include the Downtown Specific Plan, Parklands Specific Plan, UC Hansen Trust Property Specific Plan, and Saticoy Village Specific Plan). Exemption of Specific Plan areas from any adopted RAP Ordinance is logical and consistent with good land planning principals, and supports the City's stated goals for economic vitality and quality development. Specific Plan areas have been formally reviewed and approved by

the City Council after prior detailed review by City staff, DRC, and Planning Commission. Adopted Specific Plan areas have already been prioritized by the City Council, and the Specific Plans themselves incorporate highly detailed zoning requirements and development standards, which have replaced previous (and less precise) zoning designations for said properties.

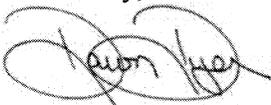
2. We also strongly suggest that the Planning Commission consider recommending that new project applications which have been "Deemed Complete" by City staff prior to the effective date of an adopted RAP Ordinance, be exempt from all RAP Ordinance requirements. In February 2015, when the City Council formally authorized City staff to proceed with preparation of the RAP Ordinance, Council specifically directed that new project applications could continue be filed, and processed by City staff, while the new RAP Ordinance was being prepared and considered for adoption. Council gave no indication, at that time, that future RAP Ordinance requirements would be retroactively applied to project applications which were filed and "Deemed Complete" for processing before the effective date of the RAP Ordinance. Considering the extremely high cost of preparing a complete new project application per City requirements (in both time and dollars ... often well into six figures), it is both fair and reasonable that new project proposals should be subject only to the application review and processing regulations in effect at the time of application completeness. This approach is common practice for development project review, and is consistently used to determine the applicability of new Building Code requirements statewide.
3. *Section 24.508.030 (C)* of the Draft RAP Ordinance states the following:

*Any person who has been granted a Residential Project allocation shall obtain all required grading and building permits and commence construction, pursuant to the first building permit issued, within eighteen (18) months of the date on which the residential development allocation is granted; provided, however, that the Community Development Director may grant any person who has obtained a Residential Project allocation one (1) six-month extension of time in which to obtain all required grading and building permits and commence construction of the Residential Project ....*

The above noted times frames regarding the expiration of awarded RAP Allocations are too restrictive. A large or complex project can take significantly longer than these stated timeframes to complete the City's plan check and permit issue process (especially when both land development/infrastructure plans, and building construction plans are involved). It would be much more appropriate and realistic to allow a developer at least 30 months after a RAP Allocation award, with the possibility of an additional 12 month extension from the Community Development Director, as long as the developer is proceeding in good faith. Even after discretionary project approvals are granted for a project (well in advance of any RAP Allocation award), the developer will generally not be willing or able to incur the additional six or seven figure expense necessary to prepare formal land development and building construction plans, until the remaining uncertainty of a future RAP Allocation award has been resolved. Also, we find no definition for "commence construction" within the draft RAP Ordinance. The statutory milestone to avoid one's RAP Allocation expiration should either be the issuance of a building permit, or the term "commence construction" should be clearly defined within the RAP Ordinance.

In closing, we want to thank the Planning Commission (and City staff) for providing us the opportunity to submit this letter regarding the proposed RAP Ordinance. We sincerely appreciate the Planning Commission's anticipated thoughtful consideration of our comments and recommendations. If you have any questions regarding the above, please feel free to contact either Dawn Dyer or Paul Sheehan at Dyer Sheehan Group, Inc. (805-653-8100).

Sincerely,



Dawn Dyer, President



Paul Sheehan, Vice President / CFO

cc: Jeffrey Lambert, Community Development Director  
 Jennifer Lee, Assistant City Attorney  
 Dave Ward, Planning Manager  
 Scott Kolwitz, Principal Planner

My name is David Voelker, and I am one of the owners of the property at 8324 E. Telegraph Rd. We have been in escrow with City Ventures for about the last 18 months. The family has been told that City of Ventura is not issuing building permits until October 2016.

Since 2005, the family (7 siblings) has tried to sell the property. The family members range in age from 59 to 78. Since 2005, one brother has died, and another has an incurable cancer. Maintaining this property has become a difficult financial burden, especially for those of us who have been looking forward to retirement but prevented from same until the property closes escrow. The current escrow is not the first over the last 10 years. Other buyers have been frustrated by the City of Ventura's 'rule-changing' and have walked away from the purchase.

I believe that City Ventures has submitted a building plan that enhances the existing neighborhood, and should be approved. My request to you is to exempt our property from the new master plan rules that would essentially put the property in 'limbo' for the foreseeable future. Please continue the approval process with City Ventures and accord them the building permits when they have completed all of the planning and development steps.

RECEIVED

NOV -9 2015

Community Development  
PLANNING DIVISION

My name is Mary Zugmeyer, one of the Voelker family who are owners of the property at 8324 E. Telegraph Rd. We are in escrow with City Ventures, a company that you are familiar with. They have been working on getting approval for an infill development at the above address. Now, 18+ months into the process, it has come to our attention that the City of Ventura has essentially stalled this project with a hold on all building permits until October 2016.

Our family has been trying to complete the sale of this parcel since 2005. We are a large family, originally numbering nine siblings. We were seven when we began the challenge of finding a competent buyer who could work well with the City and the surrounding neighborhood to develop an appropriate mix of houses on this infill site. Now we are six, and one estate. We are not getting any younger (ages vary from 78 to 59) and to be honest, this has been a very difficult, frustrating process for all. Some of us need the financial benefit of a sale. Some of us are looking to extricate themselves from doing business with family members. Some would simply like to see the results of our parents' legacy before they die.

I can understand the current City Council's desire to change the master plan and the way building permits are accorded. Many of you were not on the council ten years ago, when the current master plan was put into place. You would like to tweak the process and make it fit your own ideas. But I take issue with this process when it unfairly affects property owners who, in all good faith, began the vetting process well before any discussion of changes had taken place. To be fair, your new allocation program should apply to new projects, not those which were already "in the pipeline".

My request to you therefore is to exempt our property from these new rules. Please continue the approval process with City Ventures and accord them the building permits when they have completed all of the planning and development steps. Please don't let us down. We are counting on your understanding our position.

Sincerely,

Mary Zugmeyer

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NOV -9 2015

Community Development  
PLANNING DIVISION

November 5, 2015

**Ventura City Planning Commission**

501 Poli Street  
Ventura, CA 93002

I am the 5th child in the Voelker Family and grew up in Ventura. I want to add to my family's concern about our Telegraph property where we grew up . After 10 years of seeking Developers that would stay with us during the variable City changes in requirements. we have a loyal **City Ventures** that has tried to 'hang in'. With the new RAP allowing no new allocations until October of 2016, we are again bound to delay progress with the Council's decisions. We find ourselves pleading with **City Ventures** to 'stick with us', knowing they have invested extensively this past year and a half. They have been preparing the 3.42 acres as a "compatible fill in" with the **Concord Development** of the attached 97 acres from our farm property in the 1970's.

Another major concern are the posters placed all around the property advertising City Council meetings and selling of the property which has made our home a "**target**" for thieves to exploit the hidden and private area. After 4 break-in, we have re-keyed the house and strengthened gate locks, but are vulnerable.

Please, please allow us to continue with **City Ventures** in this project as soon as possible.

Allocating 18 new homes on East Telegraph Road could only bring more economic growth and vitality to Ventura City.

Sincerely,  
Therese Voelker

RECEIVED

NOV -9 2015

Community Development  
PLANNING DIVISION

Mullen & Henzell L.L.P.  
ATTORNEYS AT LAW

e-mail: glyons@mullenlaw.com



November 10, 2015

CITY OF  
VENTURA

NOV 10 2015

City of Ventura Planning Commission  
c/o Commission Secretary  
501 Poli Street, Room 117  
Ventura, CA 93001

PLANNING DIVISION

J. ROBERT ANDREWS  
JAY L. BECKERMAN  
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MACK S. STATON  
GREGORY F. FAULKNER  
CHRISTINE P. ROBERTS  
MICHAEL E. CAGE  
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PAUL K. WILCOX  
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RAMÓN R. GUPTA  
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DENNIS W. REILLY  
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OF COUNSEL

THOMAS M. MULLEN  
1915-1991

ARTHUR A. HENZELL  
RETIRED

**Re: Item No. 1: PROJ-10072- Residential Allocation Program and Associated Actions: Review of Addendum #3 to the Ventura General Plan Final Environmental Impact Report, the Proposed Residential Allocation Program, the Revised City Council Appeal Procedure and Recommendation to City Council (collectively, "RAP Actions")**

Dear Chair Long and Planning Commissioners:

This office represents Daly Group, Inc. and Dansk Investments and provides this letter in response to the Planning Commission's consideration of the Residential Allocation Program and associated actions. The RAP Actions raise significant concerns both as to their legal adequacy and the practical implications of imposing such restrictions on residential development. The RAP Actions fail to meet many fundamental legal standards and effectively stops residential development within the City. Furthermore, contrary to Council's express direction to staff, the proposed RAP fails to exempt projects that have been "deemed complete." The RAP Actions before you are not what the City Council asked for when it directed staff to prepare a residential allocation program. For the reasons stated below, we respectfully request that your Commission not recommend the RAP Actions to City Council and instead direct staff to return with a revised RAP that is both legally defensible and furthers the goals articulated by the City Council.

**I. The Ordinance and Implementing Resolutions, as Written, Violate Provisions of the California Government Code.**

As written, the proposed RAP Actions violate several provisions of the California Government Code regarding the provision of housing within the City.

**A. The RAP Actions Fail to Make the Mandatory Findings Regarding Housing Availability.**

When a city adopts an ordinance limiting the number of housing units that may be constructed annually, the ordinance must contain findings that justify



reducing the housing opportunities of the region. (Govt. C. §65863.6.) Pursuant to Section 65863.6, these findings must reflect the “public health, safety, and welfare” interests promoted by the measure, showing that competing public interests have been addressed. (*Id.*)

Similarly, if a city amends a general plan element that operates to limit the number of housing units that may be constructed on an annual basis, the amending resolution must contain specific findings. (Govt. C. §65302.8.) These findings must include (a) a description of the city’s share of the regional need for housing; (b) a description of the specific housing programs and activities being undertaken by the local jurisdiction to fulfill the housing element requirements; (c) a description of how the public health, safety, and welfare would be promoted by the proposed amendment; and (d) the fiscal and environmental resources available to the local jurisdiction. (*Id.*; see also *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 547.)

The proposed RAP Actions do not make any of the findings required by the Government Code and applicable case law. Although it contains generalized statements that the RAP furthers the objectives of the General Plan and that the number of units allowed is “adequate to accommodate” the City’s Regional Housing Needs Assessment, the ordinance wholly fails to state any facts in support of those conclusions. Furthermore, the proposed RAP Actions do not state any justification for the limitation on housing units imposed by the RAP based on concerns of public health, safety or welfare.

Nor does the proposed City Council resolution amending the General Plan make the findings required under Government Code § 65302.8. The resolution provides neither a description of the City’s share of the regional need for housing nor a description of the specific housing programs and activities intended to fulfill the housing element requirements. Instead, the resolution makes the bare statement, unsupported by any facts and without describing the proposed RAP, that the RAP “is designed with provisions that maintain consistency with the Housing Element and the City’s obligation under the Regional Housing Needs Assessment.” (Section 3, ¶2.) Neither does the proposed resolution describe how the public health, safety, and welfare would be promoted by the General Plan amendment; the statement that the amendment “is consistent with [the] intent to encourage...development in a manner that preserves the public’s health, safety, and welfare because it recognizes the City’s proposed enactment of the RAP” is nothing more than circular reasoning and does not meet the legal requirements of the Government Code.



**B. The RAP Actions Fail to Meet the City's Burden of Proof of Demonstrating the Relationship Between the Proposed Housing Limitation and Protection of Public Health, Safety and Welfare.**

When a city imposes housing limitations such as the RAP, it is the *city*, rather than any challenger, that has the burden of proof to show that the housing limitation is reasonably related to the protection of public health, safety and welfare. (Cal. Evid. C. §669.5.) Evidence Code §669.5 provides, in relevant part, as follows:

(a) Any ordinance enacted by the governing body of a city...which (1) directly limits, by number, the building permits that may be issued for residential construction...is presumed to have an impact on the supply of residential units available in an area which includes territory outside the jurisdiction of the city...

(b) With respect to any action which challenges the validity of an ordinance specified in subdivision (a) the city...enacting the ordinance shall bear the burden of proof that the ordinance is necessary for the protection of the public health, safety, or welfare of the population of the city....

In other words, a city must rebut the presumption that its housing limitation improperly restricts the supply of residential units. (See *Lee v. City of Monterey Park* (1985) 173 Cal.App.3d 798; *Building Indus. Ass'n of San Diego v. Superior Court* (1989) 211 Cal.App.3d 277; *Murphy v. City of Alameda* (1992) 11 Cal.App.4<sup>th</sup> 906.)

Unless the City of Ventura is able to rebut this presumption (which it cannot do based on the contents of the proposed RAP ordinance and enacting resolutions), it will not prevail in any subsequent legal challenge.

**C. The Proposed RAP Ordinance and General Plan Amendment Discriminate Against Low-Income Housing Developments Because the RAP Fails to Provide Sufficient Exemptions for Affordable Housing Developments.**

The Government Code prohibits cities from enacting ordinances that discriminate against low-income housing. (Govt. C. §65008(b)(1)(C).) In addition, the Code requires that a city, when revising its housing element, provide standards that contribute to the "feasibility of producing the lowest possible cost housing." (Govt. C. §65913.1.)



The California Court of Appeals has struck down a residential growth-control ordinance similar to the proposed RAP ordinance based on the authority of these statutes. In *Building Indus. Ass'n Inc. v. City of Oceanside* (1994) 27 Cal.App.4<sup>th</sup> 744, the City of Oceanside had established a fixed annual limit on residential development using a "point system" to allocate development allotments. (*Id.*) Although Oceanside's system exempted certain projects which were dedicated for occupancy by "low income persons or senior citizens," it did not offer an exemption for projects employing the "density bonus" provided by Government Code §65915. (*Id.* at 749-50.) In addition to finding the City of Oceanside's ordinance violated state density bonus law, the court also held that the City's failure to exempt these projects constituted discrimination against low-income housing in violation of §65008. (*Id.*)

In the same case, the court held that Oceanside's growth-management plan failed to provide standards that contributed to the "feasibility of producing the lowest possible cost housing" in violation of Government Code §65913.1, because it offered only limited exemptions for low-income and senior housing. (*Id.* at 772.)

Although the proposed RAP ordinance exempts projects in which 100% of the units will be reserved for low-income households, it does not exempt projects that qualify for and utilize the state density bonus provisions in which less than 100% of the units will be designated for low-income households. Although the RAP provides extra "points" for projects with some affordable units, such projects are still subject to the allocation procedures, which as described further below is a disincentive for development of affordable housing.

**D. The Proposed Ordinance Fails to Provide Required Analysis of Economic, Social and Environmental Effects of Imposing Conditions on Approval of Affordable Housing Developments.**

It is the policy of the State of California "that a local government not reject or make infeasible housing developments...that contribute to meeting the need [for affordable housing] without a thorough analysis of the economic, social, and environmental effects of the action." (Govt. C. §65589.5.) Section 65589.5, subsection (d) of the Government Code provides that a local agency "shall not disapprove a housing development project...for very low, low-, or moderate-income households...or condition approval in a manner that renders the project infeasible for development...unless it makes written findings, based upon substantial evidence in the record" as to its economic, social and environmental effects (as described at length in that subsection).



The proposed RAP fails to meet the standards required by Section 65589.5 on two grounds. First, it imposes a condition on approval of projects providing housing for very low, low- or moderate-income households (other than those projects that provide 100% affordable units) without making any of the findings as to its consequences. Second, it provides no procedure requiring the City Council to make such findings after declining to award an allocation to any project that contributes to the affordable housing stock in the City. Based on these deficiencies, the RAP is inconsistent with state policy and fails to meet the legal standards required of local agencies under the Government Code.

**E. The RAP Is Inconsistent with the City’s Housing Element and Government Code Sections Prescribing Housing Element Requirements.**

In addition to the Government Code violations identified above, it appears the RAP may be inconsistent with Government Code §65583 and Goal 4 of the City’s Housing Element in that it improperly places a governmental restraint on the development of housing for all income levels. Government Code §65583 requires that a city’s housing element “make adequate provision for the housing needs of all economic segments of the community,” including through implementation of a program that “[a]ddress[es] and, where appropriate and legally possible, remove[s] governmental constraints to the maintenance, improvement, and development of housing...for all income levels and housing for persons with disabilities.” (*Id.* at subd. (c)(3).) Goal 4 of the Housing Element satisfies that requirement by stating a policy objective to “mitigate or remove any potential governmental constraints to housing production and affordability.”

The RAP program, however, is inconsistent with these requirements because it directly constrains development of affordable housing and housing for persons with disabilities by requiring an additional approval process for such projects, which approval may be withheld in the City Council’s discretion. Although the program provides that a project with housing units meeting these criteria can earn an “exceeds criteria” designation in at least one category, the Council is not required to distribute allocations based on the criteria and may use its discretion in approving or denying projects. Despite the possibility of earning an “exceeds criteria” designation, it is unlikely that a program allowing for such broad discretion would withstand a legal challenge.

**II. The Criteria by Which the City Council Determines Allocation Awards May Constitute Prohibited Exactions and Dedications in Violation of the Fifth Amendment.**



The criteria by which projects are to be evaluated under the RAP present Constitutional issues that must be resolved before any further action is taken. Many of the factors identified as allowing a project to achieve an “exceeds criteria” rating are in the nature of dedications or fees. Although a city may lawfully require dedications or fees pursuant to its general police power, the Constitution places limits on the scope of these exactions. As described further below, the RAP attempts a “back-door” method by which the City exacts from developers dedications and/or fees without regard to the Constitutional limitations.

To elaborate, whenever a resource is limited in a competitive market, such as the market for housing allocations under the RAP, the basic principles of supply and demand dictate that the price for the resource will rise. Applied here, it is reasonable to assume that an applicant for housing allocations will *have to* obtain an “exceeds criteria” rating in one or more categories in order to remain competitive for an allocation. As a result, applicants will need to obtain one or more “exceeds criteria” in order to obtain an allocation. Put simply, the project elements set forth in the “exceeds criteria” categories are not optional.

Under the Fifth Amendment, a dedication required by a local government must be “directly responsible” for, or have an “essential nexus” to, the impacts of the development for which the dedication is required. (*Nollan v. Cal. Coastal Comm’n* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374.) A specific study showing a “solid connection” is required to demonstrate this nexus. (*Surfside Colony Ltd. v. Cal. Coastal Comm’n* (1991) 226 Cal.App.3d 1260; *Rohn v. City of Visalia* (1989) 214 Cal.App.3d 1463.)

In addition, there must be a reasonable relationship (also called “rough proportionality”) between the degree of the exaction and the impact caused by the project. (*Dolan, supra*, at 391.)

With respect to the RAP, the City has not (and cannot) conduct a specific study demonstrating the required “essential nexus” between the dedication and any particular project. The reason for this is two-fold. First, by the time a project applicant reaches the RAP stage, the project will have already been through the entitlement process through which the City will have required dedications and exactions that bear an essential nexus and rough proportionality to the project’s impacts. By the time the project reaches the City Council for consideration of a residential allocation, the project applicant will have met its legal obligations for providing the necessary dedications and fees. However, under the RAP, the applicant is required to give more, even though there is no legal basis for the City to require anything more. In other words, the RAP allows the City to take a “second bite at the apple” in direct contradiction to the Fifth Amendment and well-established case law.



Second, the criteria used by the City Council in the RAP process lack objective criteria and are phrased in such a way that developers are forced to “pick their poison.” That is, the City cannot conduct an *ex ante* investigation as to whether a dedication passes Constitutional muster because it is the developer, and not the City, who is forced to choose the exaction with which to bolster its RAP application. Since the RAP’s “exceeds criteria” factors are not tailored to specific projects, they essentially invite developers to “outbid” each other by choosing dedications that the City could never require as an exaction or dedication as they wholly lack the required nexus.

Furthermore, even if a nexus could be demonstrated, it is impossible to determine whether the requisite proportionality exists. The illusory choice presented by the RAP would allow the City to escape Constitutional scrutiny by suggesting that the developer “offered” to provide supplemental dedications disproportionate to the impacts of the project, when in actuality, failure to provide such dedications would have rendered the project infeasible as the City would not grant the applicant the necessary allocation.

By way of example, RAP Criteria No. 5 states:

“Project can achieve a rating of ‘exceeds’ if it introduces new public amenities in an existing neighborhood; and/or includes on-site amenities such as child care, community gardens, recreational facilities, or a dog park.”

The project elements described in Criteria No. 5 require some level of dedication of property by the applicant, and thus, must satisfy the “nexus” requirements. However, under the RAP, the City attempts to short cut the Constitution and well-established case law by forcing applicants to “offer” these amenities in order to compete for a limited number of development allocations. The same logic applies to Criteria No. 2 [accelerates construction or funding of an improvements included in the City’s Capital Improvement Program], Criteria No. 1 [contributes to an enhancement in service in service levels; and/or to facilities or other improvements envisioned in the General Plan], Criteria No. 3 [. . .funds construction of a trail on adjacent parcel(s)], and Criteria No. 2 [. . .improves existing neighborhood facilities through installation of highly visible crosswalks, curb extensions, or truncated domes]. In all these instances the RAP requires an applicant to give the City more than it is legally permitted to ask for.

Since these factors fail to provide objective criteria, the City cannot show the required nexus. Also, without individualized inquiries, the City will not be able to determine whether a particular dedication is roughly proportional, in nature and extent,



to the impact of the proposed development. As a result, the RAP's evaluation criteria fail to meet Constitutional standards.

**III. The Vague and Ambiguous Provisions of the Proposed RAP Ordinance, Including the Lack of Objective Criteria by Which the Council May Award Allocations, Raise Equal Protection Concerns and Invite Challenge.**

Many provisions of the RAP are vague and ambiguous as to the Council's authority and as to the criteria that the Council must consider in awarding allocations. Specifically, the RAP ordinance requires the Council to rank the proposed residential projects based on evaluation ratings, but then explicitly relieves the Council from any obligation to award allocations based on that ranking. (Proposed §24.508.060.D.) Under the terms of the proposed ordinance, the Council is permitted to award allocations however it sees fit, without regard to the evaluation-based ranking.

Because the RAP, as written, effectively imposes no objective standards by which the Council is required to make allocation decisions, it leaves the Council vulnerable to claims that its actions were arbitrary and capricious.

In addition, because the RAP lacks objective standards for the Council to apply, it may be subject to challenge on the basis that it is a discriminatory policy in violation of the Fourteenth Amendment. Whether or not such an equal-protection claim would ultimately prevail, an ordinance imposing no objective standards on discretionary project approvals invites lawsuits by rejected applicants alleging that the Council's decision was not rationally based, at a potentially great cost to the City and taxpayers.

**IV. The RAP Is Inconsistent with City Council Guidance Because It Does Not Provide an Exemption for Projects Deemed Complete.**

The Planning Commission Staff Report indicates that an exemption for discretionary applications deemed complete prior to implementation of the RAP was considered and rejected. (Staff Report, p.7.) However, a prior City Council resolution appears to imply that Council's intent was to exempt such projects. The approved minutes of the February 2, 2015 Regular Meeting of the City Council include documentation of a successful motion to clarify that the intent was "not to impact any project that has previously been approved or has an application that has been deemed complete or approved by City staff and that the exemption also includes any implementing actions such as design review necessary to finalize an approved project." (Agenda Item 4.)



Thus, the RAP is inconsistent with the City Council's expressed intent in that it fails to exempt "deemed complete" projects.

**V. The RAP and Implementing Documents Are Ambiguous and Internally Inconsistent and Require Further Review.**

As discussed above, many provisions of the RAP are vague and ambiguous as to the Council's authority and as to the criteria that the Council must consider in awarding allocations. We are exploring additional statutory and constitutional issues the RAP may raise as a result of these ambiguities. In addition to legal issues, however, the ambiguities in the RAP present various practical problems likely to interfere with the program's implementation.

By way of example only, proposed §24.508.040 is ambiguous and internally inconsistent as to the number of allocations that may be granted in any given year. Section A provides as follows:

"The maximum number of Residential Project allocations for dwelling units that may be granted shall not exceed 1,050 over a fixed three-year cycle. The City Council may, but need not, issue the maximum number of allocations available in any year."

Read in isolation, this seems to imply that the Council may issue 1,050 allocations in any given year. However, Section B provides that "[n]o more than 450 allocations for residential units shall be granted in any one year of a three-year cycle...." This appears to conflict with Section A and could create uncertainty as the program is implemented.

Numerous apparent typographical and cross-referencing errors appear in the implementing documents as well, some of which are likely to lead to confusion as the program rolls out. For example, §24.508.040.D cross-references to Municipal Code §24.205.030, a section that does not exist. As another example, the General Plan Amendment, as written, will revise Action 3.24 to provide for "numeric limitations on dwelling units and the availability of appropriate infrastructure."

These examples are given as illustration only and are not intended to be comprehensive. We wish only to encourage the Commission to conduct further review of the implementing documents before taking any further action.



**VI. There Is No Evidence Suggesting that the November 12, 2015 Special Meeting of the Planning Commission Was Properly Called, and Any Actions Taken Thereat May Therefore Be Invalid**

The November 12, 2015 Meeting of the Planning Commission is to be a “special meeting” rather than a “regular meeting.” Pursuant to §1.3 of the Rules of Procedure for the Conduct of Business and Hearings on Land Use Matters Before the Planning Commission of the City of San Buenaventura, adopted by Planning Commission Resolution No. 2014-56, special meetings must be called by “the Chairperson of the City Planning Commission, or by a majority of its membership.”

No prior meeting minutes show that a majority of the membership of the Planning Commission in fact called the meeting, and the Agenda does not indicate the method by which it was called. As a result, it is unclear whether the November 12, 2015 meeting was properly called, and any actions taken may therefore be invalid.

**VII. Conclusion**

In summary, the RAP and its implementing documents, including the proposed General Plan Amendment, present numerous legal and practical issues that must be addressed and rectified before any further action should be taken. We urge the Commission to direct staff to conduct further review as to the legal implications of the RAP and to revise, delete, and correct the implementing documents as necessary before formally proposing any action by the City Council.

We appreciate your consideration of the issues outlined in this letter. Should you have questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Graham M. Lyons', with a long horizontal flourish extending to the right.

Graham M. Lyons of  
Mullen & Henzell L.L.P.

GML:rpl

G:\22338\0001\CORROIQ9558.DOC

November 10, 2015

Honorable Members of the City of Ventura Planning Commission  
City of San Buenaventura  
501 Poli Street  
Ventura, CA 93001

RECEIVED  
NOV 10 2015  
Community Development  
PLANNING DIVISION

Subject: Residential Allocation Program (RAP)

Honorable Chairman Long and Members of the City of Ventura Planning Commission,

Please accept the following analysis and comments regarding the proposed Residential Allocation Program (RAP). Our comments reflect years of past experience with the previous Residential Growth Management Plan (RGMP), as well as with the current Housing Allocation Program (HAP). We have followed the current RAP process with great interest, and have participated in the two RAP workshops hosted by the City of Ventura.

#### General Comments

- 1) A good question to ask is “why do we need the RAP at all?” The previous General Plan that predated the current plan that was adopted in 2005 anticipated a growth rate of 1.2% annually. The 2005 plan – and this was controversial and deemed “radical” at the time, placed our growth rate goal at .8%. Our current actual growth rate is .55%. If RAP’s goal, as stated is to “further the objectives of the City’s General Plan, and we are lower than our anticipated growth rate, why do we need a new system to “regulate the pace” of housing development?
- 2) This ordinance is the culmination of a process that one can only describe as “less than visible,” exemplified by the fact that the General Plan “Ad-Hoc” Committee meets outside the public eye says it all. A two meeting public process is not a process...it’s an information session. There was one meeting with “stakeholders,” and then a second meeting where attendees were notified that there would be no new input into the elements of the RAP ordinance. The “DRAFT” ordinance was presented included the signature line for the mayor’s signature.
- 3) RAP reflects the personal vision of a few, crafted with the help of a consulting firm that simply transcribed those preferences. RAP does not reflect any level of study or analysis of what housing we should plan to build in the near future, or the next couple of decades. It isn’t based on the current demographic profile of the community, future trends, nor is it connected to our economic strategy – what housing we will need to house our workforce.

#### Analysis of the Draft Ordinance

- 1) Because of recent rulings by the court – that a CEQA analysis needs to take place before agencies “take any significant action” that significantly furthers a project “in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of

that public project,” RAP now requires the allocations must occur at the end of the project review process “after all discretionary approvals have been granted and environmental review has been completed.” What this means is that a project developer must file their application and process their entitlements through the Planning Department, and then later seek their allocations through the RAP. Who would do that? Who would invest hundreds of thousands dollars in design and permitting, and then roll the dice that they might be allotted housing units at a future date?

- 2) **Any project not in one of the adopted Specific Plan areas, that have not been “fully entitled” (with all discretionary permits) as of the effective date of the RAP ordinance, or without a “fully executed” Development Agreement, will be subject to the RAP.** Many existing projects in the City pipeline will be halted after years of processing under the current system. Financial and economic damage to our City and project applicants will result.
- 3) The 90 day window to accept RAP applications won’t work. Planning Staff can’t process applications in a timely fashion now, and they are bound to get bogged down attempting to do so in a 90 day window. They will be forced to hire contract planners who will simply run down the shopping list of criteria to see if a project passes muster. And as for the criteria, while the majority of the project evaluation criteria are worthy of inclusion into the review process, the element that suggests projects “Include a higher percentage of 2 and 3 units,” should be removed. This section penalizes projects that might be designed for seniors, geared to Millennials and residents starting out on their own, or those entering the housing market for the first time. While our housing element should provide a variety of housing typologies, we should not expect each individual project to do so.
- 4) The idea of obtaining extensions seems crafted in such a way that they are hard to get, and projects will fall out and be required to start the process all over again. If an applicant obtains their entitlements, pays their fees, and then doesn’t receive their allocations within that the 3 year window, they need to start over again.
- 5) The Council can choose to ignore the whole process, all of the criteria, and do whatever it wants. The City Council is not required to award allocations in specific ranking order. The City Council may determine that one or more Residential Projects meet the current priority needs of the City, notwithstanding a lower evaluation rating than other Residential Projects, and may determine to grant allocations to the lower rated project(s) to satisfy that priority. Consequently, the process is meaningless ...

### Recommendations

This is an ordinance to prioritize and approve certain housing typologies as appropriate for our community – based on individual preferences and not on any demographic study or economic strategy.

As noted on page 9 of the staff report, second paragraph under the heading “Allocation Process,” The City Council currently conducts a preliminary check-in of discretionary development projects of recently filed applications before they are formally considered by the Design Review Committee or the Planning Commission. Additionally, the RAP draft ordinance proposes revisions to the current appeal procedures to make it easier for the City Council to receive notification and potentially “call for review” of decisions made by the Design Review Committee and the Planning Commission, included as Attachment G in the staff report.

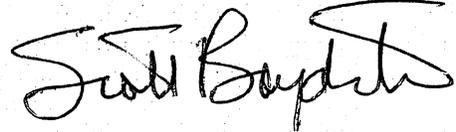
As such, we would respectfully suggest the Commission adopt Alternative 5 listed on page 14 of the staff report:

“The Commission could also recommend that the City Council not adopt the RAP, finding that the change in appeal procedures, combined with the current preliminary check-in review, will give the Council the adequate opportunity to ensure the quality and pace of development.”

Respectfully submitted,



Sandy Smith  
Sespe Consulting, Inc.



Scott Boydston  
Rasmussen and Associates

CITY OF VENTURA  
**CITY MEMORANDUM**

**Agenda Item: 1**

**Date: November 12, 2015**

**To: Planning Commission**

**From: Dave Ward, AICP, Planning Manager (805) 677-3964**  
**Jeffrey Lambert, AICP, Community Development Director**

**Subject: Transmittal Memo GPA-10-15-30877 – Residential Allocation Program and Associated Actions: Review of Addendum #3 to the 2005 Ventura General Plan Final Environmental Impact Report, the Proposed Residential Allocation Program, the Revised City Council Appeal Procedure and Recommendation to City Council**

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Subsequent to the release of the Planning Commission public hearing notice on October 29, 2015, staff received additional letters/correspondences from the public regarding the project. These correspondences were submitted to City Hall prior to November 12, 5:00PM.

With this transmittal memo, these correspondences are appended to staff report Attachment H and represent a complete collection of all correspondences that were received prior to November 12, 5:00PM in accordance to the Planning Commission protocols.

These correspondences were only to have been transmitted to the Planning Commission and were not to have been responded to as part of the staff report analysis.

NOV 12 2015

**Mullen & Henzell L.L.P.**  
ATTORNEYS AT LAW

PLANNING DIVISION

e-mail: glyons@mullenlaw.com



November 12, 2015

Chairman Long and Planning Commissioners  
City of Ventura Planning Commission  
501 Poli Street  
Ventura, CA 93001

**Re: Item No. 1: PROJ-10072- Residential Allocation Program and Associated Actions: Review of Addendum #3 to the Ventura General Plan Final Environmental Impact Report, the Proposed Residential Allocation Program, the Revised City Council Appeal Procedure and Recommendation to City Council (collectively, "RAP Actions")**

Dear Chairman Long and Planning Commissioners:

This office represents the Daly Group, Inc. and Dansk Investments. This letter provides comments specifically related to the proposed Addendum #3, which is one of the items before your Commission for review. For the reasons stated below, we believe the Addendum #3 fails to satisfy CEQA, and therefore, we respectfully request that your Commission not recommend the RAP Actions to City Council but instead direct staff to prepare a subsequent or supplemental EIR.

The Residential Allocation Program ("RAP") creates a new set of development criteria not contemplated in the 2005 General Plan and not analyzed in the 2005 General Plan EIR. By way of example, the RAP gives priority to residential projects within the Infill-First Strategy area. Given the unit cap imposed by the RAP, it is reasonably foreseeable that only projects within the Infill-First Strategy area will receive an allocation. It necessarily follows that the pattern of residential development in the City will significantly change from what was contemplated in the 2005 General Plan and analyzed in the 2005 General Plan EIR. Resources within the Infill-First Strategy area will be adversely impacted in ways not contemplated in the 2005 General Plan EIR. The City must analyze how the RAP will impact traffic, air quality, public services and aesthetics within areas like the Infill-First Strategy areas identified in the RAP evaluation criteria. Similarly, it is reasonably foreseeable the RAP will significantly reduce housing production in the City well below the levels contemplated in the 2005 General Plan. This lack of new housing in the City will place increased pressures on resources such as transportation and air quality due to the greater distances employees within the City will be forced to travel due to the lack of housing opportunities within the City. A

J. ROBERT ANDREWS  
JAY L. BECKERMAN  
JOSEPH F. GREEN  
MACK S. STATON  
GREGORY F. FAULKNER  
CHRISTINE P. ROBERTS  
MICHAEL E. CAGE  
LORI A. LEWIS  
PAUL K. WILCOX  
JARED M. KATZ  
DEBORAH K. BOSWELL  
RAMÓN R. GUPTA  
GRAHAM M. LYONS  
RAFAEL GONZALEZ  
JANA S. JOHNSTON  
LINDSAY G. SHINN  
JARED A. GREEN  
KATHARINE W. ALLEN  
NATHAN E. KLOUDA  
BRETT W. PIERSMA  
BRIAN T. DALY

DENNIS W. REILLY  
STEPHEN N. YUNGLING  
OF COUNSEL

THOMAS M. MULLEN  
1915-1991

ARTHUR A. HENZELL  
RETIRED

Chairman Long and Planning Commissioners  
November 12, 2015  
Page 2



significant reduction in housing development in the City will also increase the pressure for housing development in adjacent jurisdictions, which must be considered. These new and unforeseen development patterns were not contemplated in the 2005 General Plan and not analyzed in the 2005 General Plan EIR, and therefore, must be addressed at this time.

CEQA requires a lead agency to prepare a subsequent or supplemental EIR when the action before the lead agency proposes substantial changes that require major revisions of the previous EIR. *Pub Res Code §21166(a)*. Here, the RAP substantially changes the criteria by which the City will allow residential development. The 2005 General Plan EIR did not analyze the reasonably foreseeable direct and indirect impacts arising from the implementation of the RAP or any similar restriction on housing production. It is clear that the RAP will fundamentally change the way housing is produced and sited in the City. CEQA demands that the City prepare a thorough analysis of how environmental resources will be impacted by these substantial changes.

CEQA also require a lead agency to prepare a subsequent or supplemental EIR when new information becomes available after the original EIR was certified that may create significant new or substantially increased environmental effects. *Pub Res Code §21166(a)*. It goes without saying that the RAP evaluation criteria constitute “new information” that was not known at the time the 2005 General Plan EIR was certified. As stated above, it is reasonably foreseeable that the implementation of the RAP may create substantially increased environmental effects in the areas of air quality and transportation. Under CEQA, the City has the burden to demonstrate by substantial evidence that the RAP does not create significant new or substantially increased environmental effects. The City has provided no such evidence.

For the reasons stated above, we respectfully request your Commission instruct staff to prepare a subsequent or supplemental EIR to analyze the potential environmental impacts relate to the RAP.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Graham M. Lyons', with a long horizontal stroke extending to the right and a vertical line at the end.

Graham M. Lyons of  
Mullen & Henzell L.L.P.

GML:rpl  
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November 12, 2015

To: Planning Commission Chair Long, and the Ventura City Planning Commission  
From: Leo Vanoni Family/Northbank Property  
Re: Proposed RAP

NOV 12 2015

PLANNING DIVISION

The Leo Vanoni family has been farming in Ventura for over 100 –years, and have dedicated their lives to Farming awareness including Uncle Leos Barn which has now had its 59<sup>th</sup> year at the fair and ongoing efforts to provide the community with agricultural education. We respectfully bring up he following points:

1. The City decided many years ago that this entire area of East Ventura should be residential and we are now surrounded by residential projects. Our property under the Residential General Plan Designation has been Pre-zoned Residential for many years. The City further defined our area as Residential in the Wells Saticoy Community Plan.
2. ***IT IS NO LONGER PRACTICAL TO FARM AT THIS LOCATION***-Our 23 acre parcel that we historically farmed on is now surrounded by other developments and has become extremely difficult to farm. We have received many complaints from residential neighbors about noise, dust, smells, use of pesticides, which are required in farming. AG has been effectively been zoned out by the City.
3. ***It is no longer economically feasible to farm at this location.*** Our long time tenant Brokaw Nursery, has stopped leasing our property based on the City's residential plans for the area including the approved Watt development. Any potential Tenants that want to farm this property are very hard to find because of its location next to residential. We have lost years of rental income.
4. We began the formal process of developing this property in 2004 by submitting an application in the RGMP.
5. We had an opportunity to prepare a specific plan, but were told to wait for the Wells Saticoy Community Plan before we resubmitted our plan, which we did, and are 100% consistent with that plan.
6. Starting since 2004, we were required by the City to plan our project together with the adjacent Watt development, and we did everything required, including granting multiple easements, entering into shared agreements for utilities, aligning our streets and utilities and designing a joint 5 acre park. A recent Watt easement for Edison has caused extensive damage for upcoming crop and no compensation was given.
7. It has been said that the city wants to complete infill projects before moving out into unincorporated areas. There is NO undeveloped land on any side of or property due to the years of City General plan and zoning.
8. We have been diligently processing an application since 2004, beginning with the RGMP, we have spent over 11 years and \$1,000,000 on processing the plans for this project, and have had 3 prescreen hearings with DRC and Planning Commission, have been "Deemed Complete" for over a year. We have done everything the City has asked us to do. We have been waiting for over a year to be rescheduled for a continued Planning Commission hearing.
9. We feel that it is highly unfair to even think that an application this far along in the process would be in any way subject to any NEW city rules.
10. For the reasons above, we respectfully ask that the Planning Commission to exempt our application from the proposed Growth Control Ordinance.

**From:** Mike L Merewether

**Sent:** Thursday, November 12, 2015 3:26 PM

**To:** 'Commissioners: Chair Dan Long, Vice-Chair Nancy Francis, Christopher Beck, Laura Dunbar, Jane Farkas, David Ferrin, and Rondi Guthrie, ; Jeff Lambert; Dave Ward

**Subject:** Residential Allocation Program and Associated Actions on tonight's Planning Commission agenda

Dear Commissioners:

First of all, thanks for your service! I attended the last meeting on the so called "Pause" and stuck it out until near midnight. I also attended the 2nd workshop and reviewed the staff report and attachments for tonight's meeting.

I have developed a number of market rate housing units, both for sale and for rent, in this city over many years and would like to do more. I am 74 years of age and feel the press of time at my back.

I realize you need to do something, as the current method has had adverse judicial rulings, and appreciate the efforts staff has put into this, but I fundamentally disagree with the direction we are headed with this and **strongly urge the Planning Commission to make a recommendation that City Council not adopt the proposed RAP Ordinance**.. If you do go forward in recommending this to City Council, I sincerely urge you to support the exemptions for projects located within the boundaries of adopted Specific Plans and project applications "deemed complete" by City staff prior to the effective date of an adopted RAP ordinance.

Census records show our population has grown from 100,916 in 2000 to 106,433 in 2010 to 109,484 in 2014. New Housing has not kept pace with population growth and this has led to diminished quality of life by families or room mates sharing existing housing or children living with parents and heavy freeway traffic as we are not providing workforce housing or executive housing to assure our future economic vibrancy. Not all of the allocated housing will be built and we are making rules (e.g. parking) that are not supported by market forces.

Ultimately it is the free market that should govern our housing production and it is not morally correct in my view to place all the costs of upgrading our crumbling infrastructure or "inclusionary housing" on new developers or development. These costs must be borne by all of us and the city should not be able to blackmail or hold hostage allocations based on added perks and still provide for needed "affordable housing".

This RAP will just add significant and unnecessary new impediments to the creation of needed housing in the City of Ventura. It will add uncertainty, risk and cost to the current development review and approval process. It will diminish current infill land values and add to our reputation as a place that is difficult to develop or do business in.

Growth is happening whether we have adequate housing or not. It is a question of "quality of life". We need to make it possible and as easy as possible to provide new housing and to bring in new business and residents to help us share the costs for our needed infrastructure upgrades. Infill development does offer new opportunities that should not be lost.

Thanks for your consideration

**Mike & Loretta Merewether**  
Ventura residents since 1976  
805 218 1147  
[mmerewether@tw-ins.com](mailto:mmerewether@tw-ins.com)

**From:** "Randolph Hinton" <randy@upventura.com>  
**To:** pc@cityofventura.net  
**Cc:** "Jeffrey Lambert" <jlambert@ci.ventura.ca.us>  
**Sent:** Thursday, November 12, 2015 4:16:03 PM  
**Subject:** Residential Allocation Program

Dear Planning Commission,

I am writing to strongly oppose the Residential Allocation Program being considered tonight. I urge you to recommend the City Council reject the ordinance.

The City of Ventura already has a very restrictive and extremely time consuming and expensive process to build anything, including housing of all types. As members of the Planning Commission you are well aware of this. Because of this fact, few builders are willing to invest in Ventura because of the high risk that they will spend hundreds of thousands of dollars only to be denied, or be sent back for another multi-year process. This lack of building has many deleterious effects including the following:

1. Lack of growth of property tax base causing a lack of sufficient city funding resulting in calls for tax increases. This process creates a vicious cycle that compounds problem over a period of years.
2. Loss of all the ancillary business and jobs that benefit from growth in housing and other business whether it be retail stores or contractors. This loss of jobs and business stagnates the tax base, again straining the city budget and services. It is often falsely claimed that growth strains city services but the opposite is true. New growth and new households contribute proportionately more than their demands on city services and infrastructure. Most of the new infrastructure is paid for by the developer and the new taxes, fees, jobs, sales taxes etc, by far outweigh the additional demand on services.
3. Businesses avoid locating here because they know of the extreme hurdles in building or improving property and the lack of housing for their employees and their executives.
4. Rapidly skyrocketing rents. Anyone knows that the rents have gone up dramatically in Ventura and the supply of vacant properties is almost non-existent.
5. Over-crowding of existing properties. By necessity more and more people are crowding into houses and apartments. This is often in violation of local zoning as people have unlawful renters, illegal second dwellings and the like. This hurts current residents by damaging their quality of life, lowering their property values and creating conflicts in neighborhoods.

Finally, this proposal gives the city council arbitrary and potentially corrupt power over the development and use of property. Imagine you have several fully approved and compliant projects that are ready to build. Because of this artificial and arbitrary annual allocation, the city council now has to choose who will get to go forward. If all are compliant and otherwise approved, how are they to judge who goes first. Even without a hint of corruption what right does the city have to decide by fiat who has the more worthy project and which will benefit the city more. No one can objectively know this if all projects are already compliant. Therefore at best, we will be ruled by the sensibilities and preferences of whoever happens to have a majority on the city council. And in that situation, how can one avoid at least the appearance of favoritism or worse.

This is no way to run a city or an economy. There must be rules for safety and compatibility of projects in various parts of the city. But as long as a property owner fully complies with such rules, they should not also have to curry the favor of four city council people on a given day. This RAP is bad economic policy and bad governance and should be rejected.

Thank you for taking the time to consider my views.  
Randy Hinton

*RANDOLPH HINTON  
RH WEALTH ADVISORS, INC.  
5700 RALSTON STREET  
STE 102  
VENTURA, CA 93003  
805-658-1500*

Randolph Hinton is a registered principal offering securities and advisory services through United Planners Financial Services, Member FINRA and SIPC. RH Wealth Advisors, Inc. and United Planners are not affiliated companies.

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PC - 236



505 Poli Street, 2<sup>nd</sup> Floor | Ventura, CA 93001  
www.venturachamber.com | Tel: (805) 643-7222 | Fax: (805) 653-8015

*"Making Business Happen"*

November 12, 2015

City of Ventura Planning Commission:

Dan Long, Chair

Nancy Butler Francis, Vice-Chair

Christopher Beck, Commissioner

Laura Dunbar, Commissioner

Jane Farkas, Commissioner

David Ferrin, Commissioner

Rondi Guthrie, Commissioner

501 Poli Street  
Ventura, CA 93001

Chair Long, Vice-Chair Francis and Planning Commission Members;

The Ventura Chamber of Commerce respectfully submits for the record its opposition to the proposed draft ordinance for the Residential Allocation Program (RAP). After participating in both Community Meetings regarding the RAP and reviewing the proposed ordinance, the justification for such an ordinance remains unclear.

Ventura has a significant shortage of available housing. With less than a 2% vacancy rate, more housing is necessary to ensure a healthy economic environment. The City of Ventura has listed as a priority the creation of housing in its Economic Development Strategy, specifically "approval and development of a wide range of unit types from workforce to executive housing." Yet the proposed ordinance would significantly impede the approval and development of new housing.

Development is an investment in our community that is market driven. We must be prepared to build when the availability of funds are plentiful, taking advantage of the natural economic cycles that occur. We need to create an environment that welcomes investment which means establishing and protecting a process that developers can follow with some certainty. Developers reasonably should expect that if they meet certain qualifications, their projects will be approved.

The RAP as written removes certainty from the process, and in fact states that a developer can go through the entitlement process and be denied allocations even if the project meets or exceeds the stated requirements. This protracted process, would discourage developers from investing in Ventura because it would mean they could spend months or years going through the entitlement process, spending hundreds of thousands of dollars only to gamble on the chance of receiving allocations. If allocations were not forthcoming they would have to wait a full year before they could try again to receive them.



505 Poli Street, 2<sup>nd</sup> Floor | Ventura, CA 93001  
www.venturachamber.com | Tel: (805) 643-7222 | Fax: (805) 653-8015

*"Making Business Happen"*

If the City's goal is to create more control and discretion over the development process to ensure a higher quality, diversity and pace of housing, surely there is a better way to accomplish that goal. The RAP will further drive up the cost of housing in Ventura and do nothing to achieve the City's goal of "approval and development of a wide range of unit types from workforce to executive housing."

The decisions that are made on this ordinance will have a long-term impact on the future economic vitality of Ventura. We thank you for providing the opportunity to submit this letter and the Ventura Chamber appreciates your careful and thoughtful consideration of these comments. If you have any questions regarding our concerns, please feel free to contact me.

Respectfully,

Stephanie Caldwell  
President & CEO

cc: Jeffrey Lambert, Community Development Director  
Jennifer Lee, Assistant City Attorney  
Dave Ward, Planning Manager  
Steve Kolwitz, Principal Planner  
Annett Ewing, Recording Secretary

# PLANNING COMMISSION STAFF REPORT

Agenda Item No.: 1

Hearing Date: November 20, 2015

To: Planning Commission

From: Dave Ward, Planning Manager (677-3964)  
Jeffrey Lambert, Community Development Director

Subject: RESIDENTIAL ALLOCATION PROGRAM AND ASSOCIATED ACTIONS: REVIEW OF ADDENDUM #3 TO THE 2005 VENTURA GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT, THE PROPOSED RESIDENTIAL ALLOCATION PROGRAM, THE GENERAL PLAN AMENDMENT, AND THE REVISED CITY COUNCIL APPEAL PROCEDURE FOR RECOMMENDATION TO THE CITY COUNCIL

Proj. No.: 10072

Case No.: GPA-10-15-30877; OA-10-15-30881; OA-10-15-30876;  
EIR-10-15-30943

## RECOMMENDATION

It is recommended that the Planning Commission:

- a. Adopt a resolution recommending the City Council not adopt the Residential Allocation Program and the General Plan Amendment, but recommending the City Council direct staff to review the Appeal Procedure, Chapter 24.565 of the San Buenaventura Municipal Code, for appropriate amendments

## DISCUSSION

The Planning Commission is convening to adopt a formal resolution to the City Council of their motion and action taken on November 12, 2015.

## ATTACHMENT

- A. Draft Planning Commission Resolution

**Attachment A**

**Draft Planning Commission Resolution**

PC - 240

PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL NOT ADOPT A NEW CHAPTER 24.508, "RESIDENTIAL ALLOCATION PROGRAM", OF DIVISION 24 PART 5 OF THE SAN BUENAVENTURA MUNICIPAL CODE ESTABLISHING A RESIDENTIAL ALLOCATION PROGRAM, NOT AMEND THE GENERAL PLAN POLICY TO INCLUDE THE "RESIDENTIAL ALLOCATION PROGRAM", AND RECOMMENDING THAT THE CITY COUNCIL DIRECT STAFF TO REVIEW CHAPTER 24.565, "APPEAL PROCEDURE," OF THE SAN BUENAVENTURA MUNICIPAL CODE TO DETERMINE APPROPRIATE AMENDMENTS NEEDED TO COMPLY WITH EXISTING LAW

PROJECT NO. 10072  
CASE NOS. OA-10-15-30881 AND OA-10-15-30876

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

**SECTION 1:** On April 13, 2015, the City Council directed City staff to develop a residential allocation program ("RAP") in order to accomplish the following three objectives:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development.
2. Thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas.
3. Ensure the City's growth includes a range of housing types that accommodate all income levels.

**SECTION 2:** On June 30, 2015, the City conducted a Community Engagement Meeting for the purpose of soliciting input from all stakeholders, including residents, businesses and developers, on the RAP, including the criteria upon which the allocation of residential units should be based and the process by which the allocations would be granted.

On September 10, 2015, the City conducted a second Community Engagement Meeting to review the draft RAP ordinance with all stakeholders and solicit further comment and suggestions for consideration in the preparation of the final RAP ordinance.

**SECTION 3:** A duly noticed public hearing was held on November 12, 2015, to consider recommending that the City Council i) repeal the City's Housing Approval Program, codified in San Buenaventura Municipal Code Chapter 24R.115 and approve the proposed RAP ordinance, ii) amend the General Plan to update Chapter 3, entitled, "Our Well Planned and Designed Community" to include the RAP Ordinance as an implementation component of the City's Growth Policy, iii) amend the City's Appeal Procedures contained in Chapter 24.565 of the San Buenaventura Municipal Code, and iv) approve an Addendum to the Certified General Plan Final Environmental Report, EIR-2452 for each of the three aforementioned actions.

**SECTION 4:** All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission hereby finds the following:

1. The residential growth rates for the City have been below the growth projections set forth in the City's General Plan, and, therefore, there is no need to regulate the pace of development.

2. The City currently employs a robust residential development review process, commencing with the City Council "check-in" process for recently filed applications, a process implemented during 2014 that allows the City Council to learn about projects early and provide comments; thorough Planning Commission and/or Design Review Committee review and decision process; and the ability of the City Council to appeal decisions by the Planning Commission and/or Design Review regarding residential developments.

3. Issues relating to land use for residential development are more appropriately addressed through amendments to the City's General Plan and issues relating to design standards are more appropriately addressed through amendments to the Zoning Code, and Development Guidelines.

4. Issues of infrastructure and service adequacy for residential development projects are adequately analyzed through the existing CEQA review process.

5. In light of the existing residential development review process and the ability of the City to address residential development land use compatibility, design standards, and infrastructure and service adequacy through legislative and administrative guidelines as well as the CEQA review process, the proposed RAP ordinance is not necessary and only serves to add time and expense to the residential development process.

6. The public comments received at the November 12, 2015 Planning Commission hearing were unanimously opposed to the adoption of the RAP Ordinance, even by those persons who believe that controlling the pace of

residential development is an appropriate planning tool.

7. Although, based upon the advice and opinion of the City Attorney, an amendment to the City's appeals process is needed in order to conform with a recently-decided California Court of Appeal decision, and that process should be undertaken outside the context of the proposed RAP ordinance.

**SECTION 5:** While the Planning Commission concluded their direction by minute motion at the November 12, 2015 hearing, on the advice of the City Attorney, the Planning Commission reconvened a Special Hearing on November 20, 2015, pursuant to Planning Commission Protocol No. 1.3 – Special Meetings, to adopt their direction by official resolution.

**SECTION 6:** Based on the above findings, the Planning Commission hereby recommends as follows:

a. that the City Council not adopt a new Chapter 24.508 of Division 24 Part 5 of the Buenaventura Municipal Code establishing a Residential Project Allocation Program;

b. that the City Council not amend the General Plan policy to include the RAP ordinance; and

c. that the City Council direct staff to review Chapter 24.565, "Appeal Procedure," of the San Buenaventura municipal code to determine appropriate amendments needed to comply with existing law.

PASSED and ADOPTED this \_\_\_ day of \_\_\_\_\_ 2015.

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Dave Ward, AICP  
Planning Manager

APPROVED AS TO FORM  
Gregory G. Diaz  
City Attorney

By: Gregory G. Diaz 11/19/2015  
[Name] Date  
[Assistant] City Attorney

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