

**Attachment D, Part 1
Draft City Council Resolution to Accept and Adopt
CEQA Addendum #3 to the 2005 General Plan FEIR**

RESOLUTION NO. 2016-_____

**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 February 22, 2016, 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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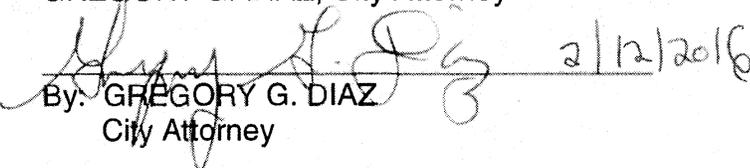
RESOLUTION NO. 2016-_____ ADOPTING ADDENDUM #3 TO THE CERTIFIED GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT FOR THE RESIDENTIAL ALLOCATION PROGRAM AND RELATED ACTIONS IS **PASSED, APPROVED, and ADOPTED** this ___ day of _____, 2016.

ERIK NASARENKO
Mayor

ATTEST:

CYNTHIA M. RODRIGUEZ, MMC
City Clerk

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

 2/12/2016

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

COMMUNITY DEVELOPMENT

Date: February 22, 2106

To: Honorable Mayor and City Council

From: Mark D. Watkins, City Manager
Jeffrey Lambert, Community Development Director

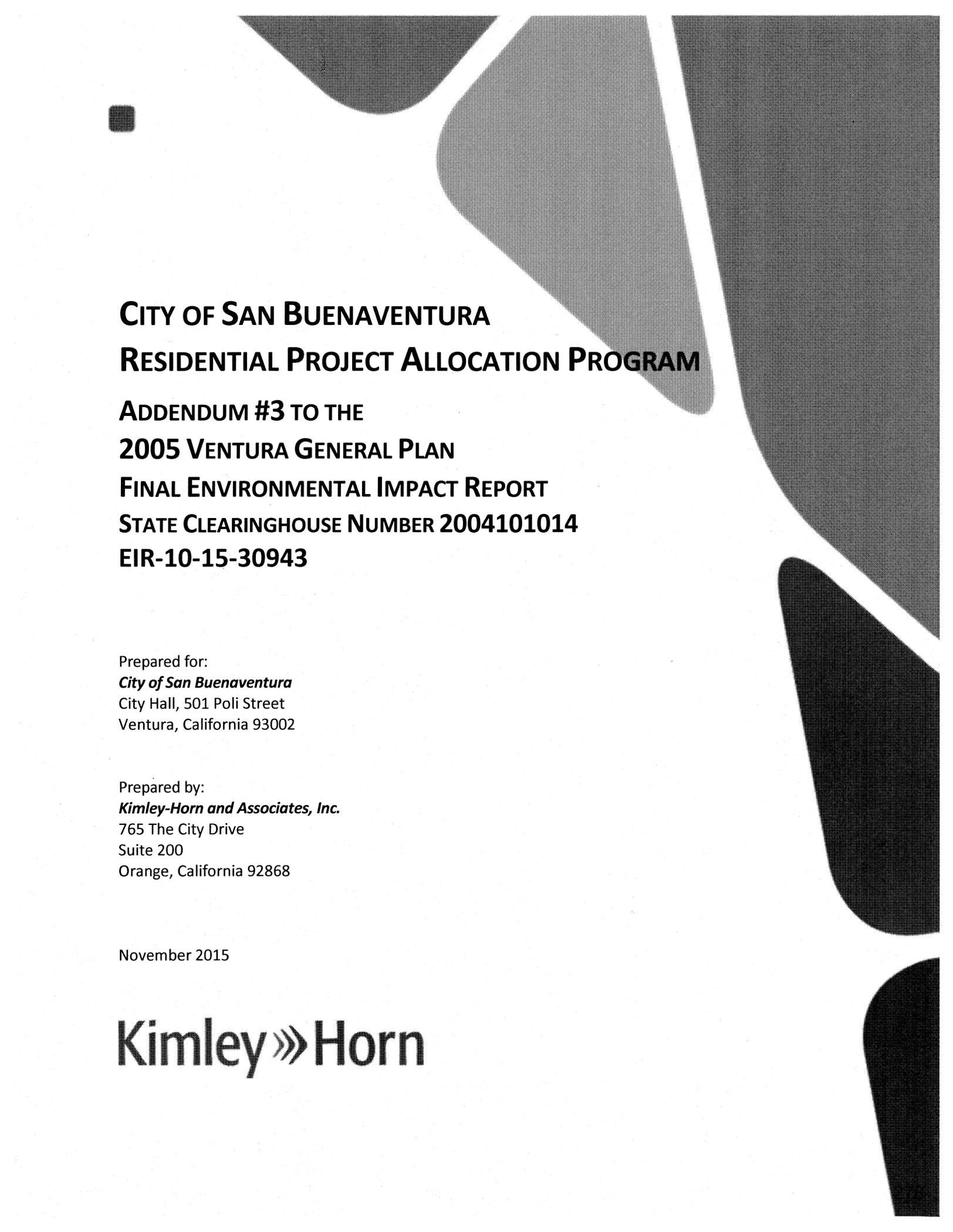
Subject: Errata Memo – City of Ventura Residential Project Allocation Program, Addendum #3 to the Ventura General Plan Final EIR

Since release of Addendum #3 to the Ventura General Plan Final EIR and consideration of the same at the Planning Commission, staff has determined that some minor clean-up revisions to the text of Addendum #3 to the Ventura General Plan Final EIR are appropriate to enhance the clarity of the document.

Staff's revisions are attached to this memorandum in redline. These revisions include:

- Minor clean-up of typos.
- Minor revisions to the wording of certain findings, to ensure internal consistency and improve clarity. However, no findings or determinations are altered by these minor revisions in wording.
- The insertion of citations to additional General Plan Actions and Mitigation Measures that further support (and do not alter) the findings of the Addendum's analyses.

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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

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.

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 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
I. AESTHETICS. 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"/>
II. AGRICULTURE AND FOREST RESOURCES. 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"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined 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
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))?				
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"/>
III. AIR QUALITY. 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"/>
IV. BIOLOGICAL RESOURCES. 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 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"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive	<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
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?				
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"/>
V. CULTURAL RESOURCES. 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"/>
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"/>
VI. GEOLOGY AND SOILS. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or	<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
death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial 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"/>
VII. GREENHOUSE GAS EMISSIONS. 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"/>
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"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of	<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
hazardous materials?				
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 where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IX. HYDROLOGY AND WATER QUALITY. 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	<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
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)?				
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"/>
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"/>

Issues:	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
X. LAND USE AND PLANNING. 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"/>
XI. MINERAL RESOURCES. 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"/>
XII. NOISE. 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"/>
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	<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
people residing or working in the project area to excessive noise levels?				
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"/>
XIII. POPULATION AND HOUSING. 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"/>
XIV. PUBLIC SERVICES. 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, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
XV. RECREATION. 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"/>

Issues:	New Potentially Significant Impact	New Mitigation is Required	No New Impact/No Impact	Reduced Impact
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"/>
XVI. TRANSPORTATION / TRAFFIC. 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 location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable	<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
Regional Water Quality Control Board?				
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 project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
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	<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
endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
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.¹ 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

¹ http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/schwy.htm (accessed October 23, 2015)

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 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.² 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.

² http://www.vcapcd.org/air_quality_standards.htm http://www.vcapcd.org/air_quality_standards.htm (accessed October 23, 2015)

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 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.³ 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.

³ <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

There are no new potentially significant impacts associated with the proposed project; therefore no new and/or refined mitigation measures are required 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 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 requirements 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 impacts 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 projects 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 SQIMPS:

- 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 1.8: 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 areas and not create unacceptable floor 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.

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.

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 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

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, 1.16 and 5.2 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.

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

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 Actions 7.7, 7.10 and the City's Flood Plain Ordinance. General Plan Action 7.10 requires 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 FEIR also states that as a citywide plan, the 2005 General Plan is intended to provide for the orderly development of the community over the next 20 years. As such, it would not physically divide an established community and would have no impact.

The RAP does not alter the land uses or land use densities identified in the General Plan and analyzed in the Final EIR which found a less than significant impact to consistency with local, regional, and State land use policies. 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~~ adopted 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, 1.2, 1.3, 1.4, 1.5, 1.11, ~~and 1.19~~ and 1.20 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 land use plan preserves and maintains parks and recreational facilities within the City limits, including Emma Wood State Beach, the Promenade, San Buenaventura State Beach Park, beaches adjacent to the Pierpont Keys, and McGrath State Beach. These areas, which include biking and pedestrian paths, day-use facilities, camping facilities, boating facilities, the Ventura Pier, and the Channel Islands National Monument, would continue to facilitate coastal recreational activities. The Ventura Harbor continues to provide facilities that provide for public and commercial recreational boating activities. In addition, General Plan Action 3.4 requires new development to provide access to coastal resources for recreational activities. Thus, the General Plan is consistent with Coastal Act recreational policies.

The 2005 General Plan also includes actions associated with flood control. With General Plan Actions 1.6, 1.10 and 1.16, the General Plan could be found consistent with Coastal Act flood control ~~recreational~~ policies.

The 2005 General Plan includes policies and actions directing the City to monitor the condition of environmentally sensitive habitat and regulate future development on, or adjacent to, such areas. These actions include, but are not limited to, Actions 1.8, 1.9, 1.10, 1.11, 1.17, 1.18, 1.19, and 1.21. Thus, the General Plan is consistent with the environmentally sensitive habitat policies of the Coastal Act. Further, the FEIR determined that the General Plan was consistent with agricultural, archaeological, paleontological, and historical resource land resource 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, including Coastal Act policies relating to coastal access, marine resources, recreation, flood control, land resources, and visual qualities of new development, 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~~Open Space, 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 Actions 3.25, 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 Section 5.3. 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 to the Ventura County Air Quality Management Plan in Section 5.3. However, the FEIR analysis related to air quality consistency in the SCAG RCPG was found to be consistent.~~

As discussed in the FEIR, the 2005 General Plan land use plan is subject to a number of policies and actions designed to reduce reliance on automobiles and improve air quality within the SCAG RCPG area. Even though population projections exceed those of the Air Quality Management Plan for the Ventura County portion of the South Central Coast Air Basin, the 2005 General Plan was determined to be consistent with the land use, economic, air quality, and transportation policies of the RCPG.

Implementation of the RAP would not alter the General Plan's consistency with these land use, economic, air quality, or transportation policies of the RCPG, given that the proposed RAP ordinance consists of the establishment of a residential development allocation system for residential development projects. The RAP also does not alter any emissions reducing urban form policies, and therefore the General Plan would remain consistent with the SCAG RCPG.

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. Further, the continued payment of Quimby fees and parkland dedication that is required in conjunction with new development, as well as the parks and recreation policies and actions of the 2005 General Plan, which include, but are not limited to, Actions 6.1, 6.2, 6.3, 6.5, 6.9, and 6.16, further ensure consistency with SCAG 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.

Implementation of the RAP would not affect the General Plan's consistency with these policies, given that the RAP would not alter the availability of parkland dedication or payment of Quimby fees, or the implementation of the 2005 General Plan's parks and recreation policies and actions.

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 1.2: Prohibit non coastal-dependent energy facilities within the Coastal Zone, and require any coastal-dependent facilities including pipelines and public utility structures to avoid coastal resources (including recreation, habitat, and archaeological areas) to the extent feasible, or to minimize any impacts if development in such areas is unavoidable.

Action 1.3: Work with the State Department of Parks and Recreation, Ventura County Watershed Protection Agency, and the Ventura Port District to determine and carry out appropriate methods for protecting and restoring costal resources, including by supplying sand at beaches under the Beach Erosion Authority for Control Operations and Nourishment (BEACON) South Central Coast Beach Enhancement program

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

Action 1.5: Collect suitable material from dredging and development, and add it to beach as needed and feasible

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.

Action 1.20: Conduct coastal dredging in accordance with the U.S. Army Corps of Engineers and California Department of Fish and Game requirements in order to avoid impacts to sensitive fish and bird 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.

Coastal Recreation

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 1.6: Support continued efforts to decommission Matilija Dam to improve the sand supply to local beaches.

Form

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.

Land Resources

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.

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.

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

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.

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 significant impacts relating to regional and state plan consistency are identified in the 2005 General Plan FEIR. Residential projects allocated by the RAP would be consistent with the 2005 General Plan policies identified above. Therefore, 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 and land use consistency. 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.⁴ 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.

⁴ <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 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.

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 ~~22-33~~ 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 the 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 analyses 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 7.33, as well as 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, n~~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 utilities and service systems. 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.

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

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Attachment D, Part 2
Draft City Council Resolution to Adopt an Amendment
to the 2005 General Plan for the RAP Program

RESOLUTION NO. 2016 _____

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 allocated 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. 2016-____, adopted on _____, 20__.

PASSED AND ADOPTED this _____ day of _____, 2016.

Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz
City Attorney

By: _____

Gregory G. Diaz
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 20th 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 3.6 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

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.

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.

<p>KEY TO ABBREVIATIONS 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"> 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 	CD [LRP]	<u>Ongoing</u> Short-term

S U M M A R Y O F A C T I O N S

<p>KEY TO ABBREVIATIONS</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 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"> • 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. 		
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
4. OUR ACCESSIBLE COMMUNITY			
4.1	Direct city transportation investment to efforts that improve user safety and keep the circulation	PW [E]	Ongoing

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Attachment D, Part 3
Draft City Council Ordinance Creating the RAP Program

ORDINANCE NO. 2016-_____

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 a 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 meetings 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 development 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 does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
<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. <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. <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. <i>Project can achieve a rating of ‘exceeds’ if it includes a higher percentage of 2 and 3</i></p>			

<i>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>			
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. <i>Project can achieve a rating of 'exceeds' if it includes more than the number of affordable units required by Ordinance; and/or the project contributes to the dispersal of affordable units throughout the community.</i>			
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>			

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.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
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</i>			

<i>consumption below the 'Water Demand Factors.'</i>			
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>			

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.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds 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. <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>			
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>			

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.

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
<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 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.</p>			

<p><i>Project can achieve a rating of 'exceeds' if the amenities exceed the level of contribution required to mitigate project impacts.</i></p>			
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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.*

Criteria	Project does not Meet Criteria	Project Meets Criteria	Project Exceeds Criteria
<p>1. The project will feature native plants and 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 diversity 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
<p>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. <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>			

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 4. CEQA Compliance.

The City has complied with the California Environmental Quality Act in adopting this Ordinance as evidenced by City Council Resolution No. 2016-_____, adopted on _____, 201_.

PASSED and ADOPTED this ___ day of _____ 2016.

Eric Nasarenko, Mayor

ATTEST:

Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By: Gregory G. Diaz 2/16/2016
Gregory G. Diaz Date
City Attorney

Attachment D, Part 4a
Draft City Council Ordinance Amendment to
City Council Appeal Authority and Call for Review Procedures

ORDINANCE NO. 2016-_____

**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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Attachment D, Part 4b
Redlined Draft City Council Ordinance Amendment to
City Council Appeal Authority and Call for Review Procedures

ORDINANCE NO. ~~2015~~2016-_____

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~~Description.

~~Chapter 24.565~~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~~Filing.

The filing of a notice of appeal and/or a Call for Review pursuant to this ~~chapter~~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~~Planning Commission.

- A. Authority to ~~hear~~Hear and ~~decide~~Decide. The ~~planning-commission~~Planning Commission shall have the authority to hear and decide appeals of discretionary decisions by the ~~director~~Director.
- B. Filing ~~appeal~~Appeal. The applicant or an aggrieved person, as defined in ~~chapter 24.110,~~Chapter 24.110, affected by any discretionary decision by the ~~director~~Director may file an appeal with the ~~planning-commission~~Planning Commission, provided the appeal is filed in writing within ten days after final action by the ~~director~~Director. The appeal shall be filed with the ~~city planner~~Planning Manager and shall set forth the grounds for appeal. If the applicant fails to appeal within ten days after the decision, the ~~director~~Director's decision is final.
- C. Hearing and ~~notice~~Notice. The ~~director~~Planning Manager shall set a hearing before the ~~planning-commission~~Planning Commission on the appeal, which shall be conducted as provided in ~~section 24.565.040,~~Section 24.565.040, and notices shall be given as specified in ~~chapter 24.560~~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. ~~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 ~~final decision.~~ ~~Notwithstanding the definition of an aggrieved person in Chapter 24.110, any Member of the City Council may also be considered an aggrieved person affected by such a determination for purposes of this Section.~~ ~~In addition, the city council may on its own motion, within ten days after the final decision, or at its next regular meeting, whichever is later, elect to review and consider any action of the planning commission or the design review committee.~~ 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. B.~~ Application for ~~appeal~~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.—

~~Notwithstanding any provision of this Section to the contrary, no application for appeal need be filed by the City Council, or any member or representative thereof, when the City Council elects, by majority vote on its own motion, to review and consider an action pursuant to subsection A. of this Section."~~

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~~City Council.

- A. Hearing ~~date~~Date. The ~~city manager or city clerk~~City Manager or City Clerk shall fix the time for hearing the appeal and/or Call for Review.
- B. Notice. The ~~city clerk~~City Clerk shall notice the hearing before the ~~city council~~City Council as required by ~~chapter~~Chapter 24.560.
- C. Record on ~~appeal~~Appeal/Review. All materials on file with the ~~director~~Director shall be part of the ~~city council hearing~~City Council Hearing record. In addition, any party may offer supplemental evidence during the ~~appeal~~review hearing.
- D. De novo ~~review~~Review. The ~~city council~~City Council is not limited to consideration of the material in the record on appeal. ~~The city council 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~~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~~City Council;

2. Sustain the ~~planning commission or design review committee~~ 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~~ 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~~ 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~~ 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~~ Required. A simple majority of the ~~city councilmembers~~ City Councilmembers

voting shall be required to sustain, overrule, or modify a decision by the ~~planning commission or design review committee~~ 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~~ Planning Commission has failed to act within the time allowed pursuant to the zoning ordinance.

G. Effective ~~date~~ Date. A decision of the ~~city council~~ City Council sustaining, overruling, or modifying any decision, determination or requirement of the ~~planning commission or design review committee~~ Planning Commission or Design Review Committee shall be final and conclusive upon the rendering of the decision unless otherwise provided by the ~~city council~~ City Council in its rules of procedure or elsewhere.

H. Effect of ~~denial~~ Denial without ~~prejudice~~ 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~~ Transcript not ~~required~~ 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.

Section 3.

~~Section 4. CEQA Findings.~~

~~"EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT.
[NOTE - this language can serve as a "place holder" but will likely have to be revised
by tailoring it to a particular case]:~~ The City Council further finds that the
enactment of _____ [procedures] [regulations] pursuant to this Ordinance is
determined to be exempt under Section 15061(b)3 of the of Title 14 of the
California Code of Regulations (the "State CEQA Guidelines") in that the
adoption of these [procedures] [regulations] merely implements a(n)
[administrative] [regulatory] process that will not foreseeably result in
construction activities or other physical activities, either directly or indirectly. It
can therefore be foreseen that the enactment of this ordinance does not have
the potential to result in significant effects on the environment." Pursuant to State
CEQA guidelines, California Code of Regulations §15061(b)(3), it can be seen
with a certainty that there is no possibility that the proposed project may have a
significant effect on the environment and thus the activity is not subject to CEQA.

PASSED and ADOPTED this ____ day of _____ ~~2015.~~ 2016.

~~Cheryl Heitmann~~ Erik Nasarenko, Mayor

ATTEST:

Cynthia M. Rodriguez, MMC
City Clerk

APPROVED AS TO FORM
~~Gregory G. Diaz, City Attorney~~

By: _____
[Name] Gregory G. Diaz Date

| [Assistant] City Attorney

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