

1.0 INTRODUCTION

This document is a Final Environmental Impact Report (EIR) that evaluates the proposed Parklands Specific Plan located in the City of Ventura, California. The proposed project was previously evaluated in a draft Mitigated Negative Declaration (MND) that was circulated for public review from March 18, 2008 through April 16, 2008. Based on comments received on the draft MND, the City determined that additional environmental analysis was warranted and decided to prepare a focused EIR for the project. The mitigated negative declaration and comments on the mitigated negative declaration are contained in Appendix A.

This section describes: (1) the purpose and legal authority of the EIR; (2) the scope and content of the EIR; (3) lead, responsible, and trustee agencies; and (4) the environmental review process required under the California Environmental Quality Act (CEQA).

1.1 PURPOSE AND LEGAL AUTHORITY

The proposed project requires the discretionary approval of the City of Ventura. Therefore, it is subject to the requirements of CEQA. In accordance with Section 15121 of the *CEQA Guidelines*, the purpose of this EIR is to serve as an informational document that:

...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR has been prepared as a Project EIR pursuant to Section 15161 of the *CEQA Guidelines*. A Project EIR is appropriate for a specific development project. As stated in the *CEQA Guidelines*:

This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.

The EIR is to serve as an informational document for the public and City of Ventura decision-makers. The process will culminate with Planning Commission and City Council hearings to consider certification of a Final EIR and approval of the project. In accordance with Section 15152 of the *CEQA Guidelines*, this EIR tiers off of the 2005 General Plan Final EIR that was originally certified by the City of Ventura in August 2005 and for which an EIR Supplement was approved in July 2007. The 2005 General Plan EIR is incorporated by reference.

1.2 EIR SCOPE AND CONTENT

In accordance with the *CEQA Guidelines*, an Initial Study was prepared for the project and a Notice of Preparation (NOP) was distributed to affected agencies and the public for the required 30-day period on July 1, 2008. Thirteen letters were received in response to the notice of preparation. Table 1-1 summarizes the issues relevant to the EIR that were identified in the NOP comments received and where the issues raised are addressed. The NOP, Initial Study, and NOP comment letters received are included in Appendix A.



**Table 1-1
 NOP Comment Issues**

Issue	EIR Section
Loss of Agricultural Resources	Aesthetics
Climate Change Analysis	Air Quality
Construction Emissions including TACs	Air Quality, Hazards and Hazardous Materials
CO Screening	Air Quality
Impacts to unknown cultural resources and screening methods	Cultural Resources
Increased runoff	Hydrology/Water Quality
Flood protection	Hydrology/Water Quality
Annexation and Zone Change	Land Use
Local and regional traffic and transportation impacts; sidewalks; TIMF	Transportation and Circulation
Increase of traffic at railroad crossing	Transportation and Circulation
Water supply and groundwater	Initial Study
Agricultural resources	Initial Study

The City held a scoping meeting on October 28, 2008 in order to solicit comments from the public on the proposed project. Two individuals attended and provided comments. Comments were received in the form of written and verbal transmission. Table 1-2 summarizes these comments as recorded by staff present and provides notes on comments. It should be noted that some comments were combined due to topic similarity.

**Table 1-2
 Summary of Scoping Meeting Comments**

Comment Topic	Notes
Architectural and Cultural Resources	Impacts are discussed in the Initial Study (Appendix A) and were found to be less than significant based on a Phase I Archaeological Study. Only those cultural resources on or within the project vicinity are analyzed.
Density	Land use densities for the project are based on the project as a whole rather than portions of the site. Potentially significant impacts related to land use are discussed in Section 4.7, <i>Land Use</i> .
Flooding	Drainage and flooding impacts are discussed in the Hydraulic Study (Appendix E) and in the DEIR in Section 4.6, Drainage and Flood Hazards.
Hazards	Phase I and II Site Assessments were completed for the project. Accordingly, the assessment did not recognize the identified hazards noted in the comment as a significant hazard to the project site or surrounding areas. Potentially significant impacts are discussed in



**Table 1-2
 Summary of Scoping Meeting Comments**

	Section 4.5, <i>Hazards</i> , and are summarized in Appendix F.
Walkability	The “walkability” of a project is not an environmental issue under CEQA. This issue relates to the design of th project.
Public Safety – Emergency Services <ul style="list-style-type: none"> • Increased response times • Swales 	Streets adjacent to the plan area would not be narrowed, but may not widened. Projects must undergo Fire Department plan reviews prior to final approval to ensure that site access is adequate. The Ventura Police Department has not indicated the potential for inadequate response times. The Initial Study determined emergency service impacts to be less than significant (Appendix A).
Schools and economic impact	The applicant is required to pay school impact fees. The addition of new students to the area schools is analyzed in the Initial Study (Appendix A) and impacts were found to be less than significant.
Aesthetics	Potentially significant visual impacts, both project-specific and cumulative, are discussed in Section 4.1, <i>Aesthetics</i> . The analysis includes impacts upon the adjacent view corridor and from sound walls.
Water Supply	The project includes a Water Supply Assessment (Appendix I). The WSA includes analysis based on the ability of the water provider to supply water to the proposed project under multiple scenarios including multi-year drought conditions. Based on the WSA, impacts were determined to be less than significant.
Economic Impacts	Economic impacts are not an environmental impact that can be classified as significant by CEQA (Section 15064). Infrastructure costs to implement the project are paid for by the applicant/developer.
Traffic <ul style="list-style-type: none"> • Railroad Intersection • SR-118 Intersection • SOAR expiration • Cumulative Growth • Eastbound SR-126 traffic 	A Traffic Study was completed for the specific plan that included an analysis of both project generated and cumulative impacts in Appendix H. The traffic analysis studies those intersections that are likely to result in significant impacts as a result of project generated traffic. Other intersections not included in the analysis were determined not to have in significant impacts. Consideration of impacts that may occur once SOAR expires would be speculative. Potentially significant impacts are discussed in Section 4.9, <i>Traffic</i> .

This EIR addresses the issues determined to be potentially significant by the Initial Study previously prepared for the project as well as the responses to the NOP and scoping meeting comments. Issues that are addressed in the EIR include:

- *Aesthetics*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Land Use and Planning*
- *Traffic/Circulation*
- *Noise*
- *Hazards and Hazardous Materials*
- *Hydrology and Water Quality*



The EIR addresses the issues referenced above and identifies potentially significant environmental impacts, including both project-specific and cumulative impacts. In addition, the EIR recommends feasible mitigation measures that would reduce impacts to a level of insignificance or eliminate adverse environmental effects.

The impact analyses contained in Section 4.0 of the EIR includes a description of the physical and regulatory setting within each issue area, followed by an analysis of the project's impacts. Each specific impact is numbered, followed by an explanation of how the level of impact was determined. When appropriate, feasible mitigation measures that address significant impacts are included following the impact discussion. Measures are numbered to correspond to the impact that they mitigate. Finally, following the mitigation measures is a discussion of the residual impact that remains following implementation of recommended measures.

The *Alternatives* section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines* and focuses on alternatives that are capable of eliminating or reducing significant adverse effects associated with the project while feasibly attaining most of the project's basic objectives. Alternatives evaluated include the CEQA-required "No Project" scenario and two alternative development scenarios for the site. The EIR also identifies the "environmentally superior" alternative among the options studied.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. The *Guidelines* (§15151) state:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure.

1.3 LEAD, RESPONSIBLE AND TRUSTEE AGENCIES

The *CEQA Guidelines* require the identification of "lead," "responsible," and "trustee" agencies. The City of Ventura is the "lead agency" for the project because it has the principal responsibility for approving the project.

A "responsible agency" is a public agency other than the "lead agency" that has discretionary approval authority over the project (the *CEQA Guidelines* define a public agency as a state or local agency and specifically exclude federal agencies from the definition). The Ventura County Watershed Protection District (VCWPD) is a responsible agency, as the VCWPD has permit authority for connections to the natural and concrete-lined barrancas such as Brown Barranca onsite. The VCWPD will need to approve modifications to Brown Barranca. The California Department of Transportation (Caltrans) is also a responsible agency, as permits may be required from Caltrans for work within the SR 118 and SR 126 rights-of-way. The Local Agency



Formation Commission (LAFCo) is a responsible agency because the LAFCo has the authority to approve annexation of portions of the plan area to the City of Ventura.

A “trustee agency” refers to a state agency having jurisdiction by law over natural resources affected by a project. The California Department of Fish and Game (CDFG) is a trustee agency for the project and has authority over wetland and riparian resources within the plan area. The CDFG will be responsible for issuing a streambed alteration agreement for the project. The RWQCB could be considered a responsible agency with respect to water resources at the site including both groundwater resources and surface water resources in Brown Barranca. The RWQCB will be responsible for granting a 401 Water Quality Certification for the project.

1.4 ENVIRONMENTAL REVIEW PROCESS

The environmental review process, as required under CEQA, is presented below and illustrated generally on Figure 1-1.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (*CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP is typically accompanied by an Initial Study that identifies the issue areas for which the proposed project could create significant environmental impacts. Typically, the lead agency holds a scoping meeting during the 30-day NOP review period.
2. **Draft Program EIR Prepared.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (i.e., direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion.** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (*CEQA Guidelines* Section 15087). Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit comments from the public and respond in writing to all written comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless a shorter period is approved by the Clearinghouse (Public Resources Code Section 21091).



Insert Figure 1-1 Environmental Review Process



4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) a list of persons and entities commenting; and d) responses to comments.
5. **Certification of Final EIR.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving a project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (*CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant adverse environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.
8. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.
9. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared (*CEQA Guidelines* Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges [Public Resources Code Section 21167(c)].



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