

CITY OF OJAI

RESOLUTION NO. 12-53

A RESOLUTION OF THE CITY OF OJAI CITY COUNCIL CERTIFYING AN ENVIRONMENTAL IMPACT REPORT AND APPROVING AN AMENDMENT TO THE GENERAL PLAN CONSISTING OF CHANGES TO THE ADOPTED HOUSING ELEMENT TO CONFORM WITH STATE LAW

WHEREAS, Housing Element law is codified in Article 10.6 of the California Government Code commencing with Section 65580. Under these statutes, all communities in California are required to have a Housing Element as part of their adopted General Plan that must be updated as designated intervals. Ojai's previous Housing Element was adopted on January 22, 2002, and sets forth an action plan covering a five-year planning period from 2000 to 2005. A newly updated Housing Element has been drafted and presented to the Planning Commission covering a planning horizon that began on January 1, 2006, and continues to June 30, 2014 (hereinafter referred to as "Housing Element Update"); and

WHEREAS, updating the Housing Element constitutes a project under the California Environmental Quality Act of 1970, as amended ("CEQA"). At a noticed public hearing conducted on September 19, 2012, the Ojai Planning Commission considered a draft of the Housing Element Update along with associated impacts and mitigation measures as analyzed in the Final Environmental Impact Report ("Final EIR") that was prepared for the project. After taking public testimony and hearing evidence from the City staff and consultants, the Planning Commission recommended certification of the Final EIR (with a statement of overriding considerations) along with approval of the updated Element; and

WHEREAS, on October 9, 2012, the Ojai City Council conducted a noticed public hearing to consider the FEIR, Housing Element Update and the Planning Commission's recommendations (as set forth in Planning Commission Resolution No. 12-09 and incorporated herein by this reference). After taking public testimony and hearing evidence from the City staff and consultants, the City Council declares, pursuant to the findings hereto attached as Exhibit A ("Findings"), that: (i) the proposed project is consistent with the City's General Plan; (ii) the Final EIR meets all the requirements of CEQA; and (iii) all reasonable and feasible measures to mitigate adverse environmental effects have been identified and considered; and

WHEREAS, despite mitigation measures identified in the Final EIR, traffic and circulation impacts will remain significant and unavoidable. The City Council concurs with the recommendation of the Planning Commission and finds that the compelling need for affordable housing, with the statutory requirement to accommodate such need and the City's own policy of exempting such housing from its Residential Growth Management Plan, constitute overriding considerations in approving the Housing Element Update.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, DOES HEREBY RESOLVE AND ORDER AS FOLLOWS:

SECTION 1.

A. Record. Prior to rendering a decision on any aspect of the Housing Element Update, the City Council considered the following:

1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the City Council on October 9, 2012 (the "CC Public Hearing").
2. All oral, written and visual materials presented by City staff and consultants in conjunction with the CC Public Hearing.
3. That certain written Administrative Report dated September 13, 2012, and all attachments and supplements thereto (collectively the "CC Staff Report").
4. A draft of the updated Housing Element, dated August 29, 2012, together with the recommendation of the Planning Commission set forth in Resolution No. 12-09.
5. A Final EIR dated September 2012, consisting of a draft dated November 2009, public comments and responses, and revisions made between June and August 2012.

B. Public Review. On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements concerning the Housing Element Update and Final EIR have been lawfully satisfied:

1. Consultation with California Native American Indian tribes, public agencies, utility providers, educational institutions and other interest parties and stakeholders as required by California Government Code Section 65352 et. seq., was initiated in March 2009.
2. The Draft EIR was delivered to the Clearinghouse of the State of California on November 19, 2009, commencing a 60-day public review period that ended on January 20, 2010. All written comments have been responded to and are included as part of the Final EIR.
3. The Planning Commission conducted a noticed public hearing on September 19, 2012, and forwarded its recommendation in compliance with California Government Code Section 65353.

4. A notice of the City Council Public Hearing was mailed to responsible agencies and interested persons on September 28, 2012, and was published as a display advertisement in a newspaper of general circulation on September 28, 2012, a minimum of ten days prior to the hearing.

SECTION 2.

- A. Certification and Adoption.** Based on the Findings attached hereto as Exhibit A and made part hereof, the City Council hereby: (i) certifies the Final EIR; (ii) finds and declares that the compelling need for affordable housing, with the statutory requirement to accommodate such need and the City's own policy of exempting such housing from its Residential Growth Management Plan, constitute overriding considerations in approving the Housing Element Update despite the potential for adverse and unavoidable impacts associated with traffic and circulation; (iii) adopts the Mitigation and Monitoring Program attached hereto as Exhibit B and incorporated herein by this reference; and (iv) amends the Ojai General Plan to incorporate the updated Housing Element dated August 29, 2012, subject to mitigation measures attached hereto as Exhibit B.
- B. Design Guidelines.** At the recommendation of the Planning Commission set forth in Planning Commission Resolution No. 12-09, the City Council hereby authorizes and directs that revisions to the City's Design Guidelines, required in connection with Program 19 of the Housing Element Update, incorporate principles and standards for fostering Complete Streets in connection with individual projects subject to design review

PASSED, APPROVED, AND ADOPTED this 9th day of October, 2012 by the following vote:

AYES: Blatz, Smith, Strobel

NOES: Clapp, Horgan

ABSENT: None

ABSTAIN: None

CITY OF OJAI, CALIFORNIA



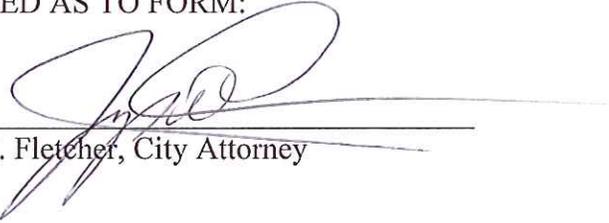
Betsy Clapp, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'J. Fletcher', is written over a horizontal line. The signature is stylized and cursive.

Joseph W. Fletcher, City Attorney

EXHIBIT A
Final EIR and General Plan Findings

GENERAL PLAN CONSISTENCY

- I. The Housing Element Update conforms with the requirements of State Housing Law as summarized in Table A, pages 2 through 4 of the updated Housing Element, dated August 29, 2012, and further evidenced by HCD commentary contained in Attachment D of the CC Staff Report.
- II. The Housing Element Update ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan insofar as conforming revisions will be undertaken to ensure such consistency by operation of Programs 1 and 17 of the updated Housing Element, dated August 29, 2012.
- III. The Housing Element Update would not be detrimental to the public convenience, health, interest, safety, or welfare of the City with the adoption of mitigation measures and the overriding consideration of providing affordable housing for persons of low and moderate income.

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

I. FINDINGS OF FACT PURSUANT TO SEC 21081 OF THE PUBLIC RESOURCES CODE SECTION 15090 and 15091 OF THE STATE CEQA GUIDELINES.

A. Consideration of the EIR:

The Final Environmental Impact Report (EIR) has been presented to the City Council and each member present has reviewed and considered the Final EIR prior to their approval of this project. All members of the City Council have reviewed and considered the additional information presented at or prior to their public hearing on October 9, 2012. The Final EIR reflects the City Council's independent judgment and meets the standards for adequacy of an EIR as stated within Section 15151 of the Guidelines for the California Environmental Quality Act (CEQA) as amended, and is adequate for this proposed project.

B. Full Disclosure and Adequacy of the EIR:

The City Council finds that the final EIR constitutes a complete, accurate and adequate good faith effort at full disclosure under CEQA and contains sufficient information and analysis to intelligently take into account the environmental consequences of the project. The City Council hereby certifies the EIR.

C. Location of Proceedings:

The documents and other materials that constitute the record of proceedings upon which this decision is based are in the Custody of the Community Development Department of the City of Ojai located at 401 S. Ventura Street, Ojai, CA 93023. This information is provided in compliance with Public Resources Code 21081.6.

D. Findings Addressing the Significant Impacts Identified in the EIR:

The City Council approves the 2006-2014 Housing Element Update, including the Certification of the Final EIR. The 2006-2014 Housing Element Update is a project within the meaning of CEQA (Public Resources Code Section 2100 et.seq.), requiring the preparation of an Environmental Impact Report (EIR). The City has prepared and certified an EIR that satisfies all CEQA requirements.

1. Significant Environmental Impacts that Can Be Mitigated.

The EIR identifies significant impacts related to biological resources, geology, hazards/hazardous materials, and traffic and circulation. The EIR identifies mitigation measures to reduce impacts related to biological resources, geology, and hazards/hazardous materials to a less than significant level, as discussed below.

BIOLOGICAL RESOURCES:

Impact BIO-1 The Housing Element could facilitate the development of up to 201 new dwelling units within the City. Development in or adjacent to riparian areas or that involves removal of native trees has the potential to affect special status species occurring within the project area. Impacts would be Class II, significant but mitigable.

Mitigation Measure:

Implementation of Mitigation Measure BIO-1 would reduce Impact BIO-1 to a less than significant level.

BIO-1 New Conservation Element Tree and Riparian Habitat Programs. The following programs shall be adopted and added to the City's Conservation Element, under the policy that states "*It shall be the policy of the City of Ojai to allow no net loss of existing resource value for rare, endangered and unique species habitat, except to provide for the maintenance of flood control facilities:*"

- 1) Tree removal, pruning, or similar actions that may result in the loss of active bird nests shall occur outside of the breeding/nesting bird season (February 1 – August 31) to avoid accidental take. If such removal or pruning must occur during the breeding/nesting season, a qualified, City-approved biologist shall survey all breeding/nesting habitat within the project site and adjacent to the project site for breeding/nesting non-game native birds.

If an active bird and/or raptor nest is located, the nest site shall be fenced at a distance commensurate with the particular species (and in consultation with CDFG, if necessary) until juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area.

- 2) No new grading or development shall be allowed within 25 feet of the edge of riparian vegetation or top of bank, whichever is further, as delineated by a qualified, City-approved biologist, of a watercourse shown on Master Environmental Assessment Map CONS-1. Additional site-specific setbacks up to 100 feet may be recommended depending on the value of the habitat and the nature and type of riparian-related biological resources present, with higher value habitat receiving a greater setback than lower value habitat. Where existing buildings and improvements, conforming as to use but nonconforming as to the minimum creek setback established herein, are damaged or destroyed by fire, earthquake or other natural disaster, such buildings and improvements may be reconstructed to the same or lesser size and in the same general footprint location, provided that reconstruction shall be inaugurated by the submittal of a complete construction application within 24 months of the time of damage and be diligently carried to completion.

GEOLOGY

Impact GEO-1 Future seismic events could produce ground accelerations throughout Ojai, and could affect new construction facilitated by adoption of the proposed 2006-2014 Housing Element. Potential impacts relating to seismic groundshaking are considered Class II, significant but mitigable.

Mitigation Measure:

Implementation of Mitigation Measure GEO-1 would reduce Impact GEO-1 to a less than significant level.

GEO-1 Design Level Foundation Study. Prior to issuance of grading permits for individual projects within Ojai, the developer shall submit to the City a design-level foundation study conducted by a qualified geotechnical engineer. All structures shall be designed to limit earthquake-related damage and safeguard against major structural failures and loss of life.

Any recommendations contained in the design-level study and beyond UBC and CBC requirements shall be fully implemented subject to the review and approval of the Public Works Department. Site-specific foundation stabilization techniques that may be recommended following the design-level study may include the following:

- Removal and recompaction of soil and bedrock underlying the buildings
- Use of geotextile reinforcement in subgrade soils underlying the buildings
- Design foundations with higher tolerable limits for movement by stiffening of the foundation elements.

Impact GEO-2 No known active faults traverse the City of Ojai; however, one potentially active fault traverses the City and one of the identified potential housing locations in the proposed 2006-2014 Housing Element. Impacts relating to fault surface rupture would be Class II, significant but mitigable.

Mitigation Measure:

Implementation of Mitigation Measure GEO-2 would reduce Impact GEO-2 to a less than significant level.

GEO-2 Fault Study. Prior to issuance of grading permits for individual projects within 500 feet of the Santa Ana Fault, the developer shall submit a fault study conducted by a qualified geotechnical engineer to the City for review. All structures shall be designed to limit structural damage and safeguard against major structural failures and loss of life.

Any recommendations contained in the design-level study shall be fully implemented subject to the review and approval of the Building Official.

HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1 Uses within the City historically or presently handle hazardous materials to which current and future residents could be exposed. Potential development near hazardous material users, including agricultural and manufacturing sources, could expose individuals to health risks due to soil/groundwater contamination or emission of hazardous materials into the air. However, compliance with existing regulations and Mitigation Measure HAZ-1 would reduce potential impacts associated with hazardous material use to a Class II, significant but mitigable, level.

Mitigation Measures:

Implementation of Mitigation Measures HAZ-1(a), HAZ-1(b), and HAZ-1(c) would reduce Impact HAZ-1 to a less than significant level.

HAZ-1(a) Phase I Environmental Site Assessment for commercial and industrial zoned parcels. Prior to approval of a land use permit for grading and/or site preparation on a site that was previously zoned for commercial or industrial use and would accommodate residences under the proposed Housing Element, a Phase I Environmental Site Assessment shall be conducted to assess potential soil and/or groundwater contamination. If indications of potential or recognized environmental

conditions are discovered, a site assessment work plan shall be prepared and submitted to the appropriate regulatory agency, which may be the County of Ventura Environmental Health Division (VCEHD), Ventura County Fire Department (VCFD), Los Angeles Regional Water Quality Control Board (RWQCB), or the State of California Environmental Protection Agency Department of Toxic Substances Control (DTSC) for approval. The agency should review the work plan and either sign off on the plan or determine if any additional investigation activities are deemed necessary.

Prior to approval of building permits, the applicant shall submit the site assessment or, if necessary, remediation results to the appropriate regulatory agency for approval. The appropriate regulatory agency shall verify that appropriate sampling and if required, remediation, has been completed. Following verification of regulatory compliance, the appropriate regulatory agency shall complete a permit compliance inspection of the site.

HAZ-1(b) Soil Sampling. If environmental conditions are identified by the Phase I Environmental Site Assessment that would be completed on sites that were previously zoned for commercial or industrial use and would accommodate housing under the Housing Element, soil sampling for contaminants shall be conducted by a qualified professional. The results of the soil sampling shall be forwarded to the appropriate regulatory agency (VCEHD, VCFD, RWQCB, or DTSC). The agency should review the data and either sign off on the property or determine if any additional investigation or remedial activities are deemed necessary. If concentrations of contaminants warrant site remediation, contaminated materials shall be remediated either prior to construction of structures or concurrent with construction. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory agency. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.

Prior to approval of building permits, the applicant shall submit the site assessment or, if necessary, remediation results to the appropriate regulatory agency for approval. The appropriate regulatory agency shall verify that appropriate sampling and, if required, remediation has been completed. Following verification of regulatory compliance, the regulatory agency shall complete a permit compliance inspection of the site.

HAZ-1(c) Groundwater Sampling and Remediation. If, during the soil sampling, groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the applicant shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, or if the contaminants exceed health risk standards, one in one million cancer risk, or a health risk index above 1, then the results of the groundwater sampling shall be forwarded to the appropriate regulatory agency (the VCEHD, VCFD, RWQCB, or DTSC). The

agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary.

Prior to approval of building permits, the applicant shall submit the site assessment or, if necessary, remediation results to the appropriate regulatory agency for approval. The agency shall verify with that appropriate sampling and, if required, remediation has been completed. Following verification of regulatory compliance, the agency shall complete a permit compliance inspection of the site.

2. Impact Identified in the EIR as Significant and Unavoidable:

The mitigation measure identified for the project's traffic and circulation impact, as described below, will reduce, but will not fully mitigate, the project's traffic and circulation impact. Thus, a Statement of Overriding Considerations must be adopted under Section 15093 of the CEQA Guidelines.

Impact TC-2 Development facilitated by the proposed Housing Element would add trips to the Ventura County regional roadway network. The additional trips would result in a significant traffic impact on State Route 33 through the Casitas Springs area. As no feasible mitigation is available to reduce this impact below thresholds of significance, it would be Class I, significant and unavoidable.

Mitigation Measure:

Mitigation Measure TC-2 would reduce Impact TC-2 to the degree feasible, but would not reduce the impact to below a level of significance.

TC-2 Transportation Demand Management. The following shall be included as conditions of approval for all multi-unit demonstration and senior housing projects developed pursuant to the Housing Plan:

- a. In addition to criteria related to income requirements and other essential factors, priority for acceptance of an application for a residential unit shall be given to those applicants whose workplace is closest in proximity to the development.
- b. Install way-finding signs within and from the project site directing tenants and visitors to locations of transit (buses, shuttles etc.) and of bicycle/pedestrian trails. Signage may include public information kiosks to post other pamphlets to assist pedestrians find transit access points.
- c. Provide one or more transportation information kiosks or bulletin board areas onsite such that residents have convenient, conspicuous access to such a feature. The transportation information shall include, but is not limited to, the following:

- Current routes, maps, and schedules for public transit serving the area
- Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency, dial-a-ride and similar service providers, and local transit operators
- Locations where daily tickets and monthly passes may be purchased for local transit providers
- Ridesharing promotion material supplied by commuter-oriented organizations
- Regional/local bicycle and pedestrian trail/path routes and facility maps/information
- A listing of onsite services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders.

d. Provide bicycle racks on site at the minimum rate of 10% of the number of the total automobile parking spaces required, rounded up to the next whole number. Bicycle racks shall be secure, easily accessible to residents. Simple arched tubular bike racks are recommended as a minimum standard. Fanciful but practical racks are encouraged.

E. Monitoring and Mitigation Program:

The City Council hereby adopts the mitigation monitoring and reporting program attached to the Resolution as Exhibit B.

F. Alternatives to the Project:

The City Council has considered each of the alternatives to the project identified in the EIR and makes the following findings:

1. **Alternative 1: No Project – No Housing Element.** Under this alternative, the City would not adopt a new Housing Element and the 2000-2005 Housing Element would expire. Under this alternative, housing towards the RHNA goals may be constructed in the normal course of business and growth, but none would be expressly facilitated by adoption of new policies or programs. Over the eight-year planning period, 32 new units would be expected to be built under normal operation of the City’s Growth Management Ordinance.

Finding: Infeasible

The City Council finds that this alternative would not facilitate housing consistent with the City’s Regional Housing Needs Assessment (RHNA) allocation and thus would not be expected to achieve certification from the Department of Housing and Community Development (HCD). Without HCD certification, the City may choose to self-certify based on factual findings, supported by substantial evidence, that the Housing Element conforms to all statutory parameters. However, this option carries additional risk insofar as it places more burden on the City to prove compliance in the

event of a court challenge to the adequacy of the Housing Element. Failing to prove compliance could result in a number of potential outcomes, including the loss of local land use control. Thus, this alternative would not achieve the basic objectives of the project identified in the Housing Element Update and EIR Project Description (Section 2.0, Project Description), including the fundamental goal of complying with Housing Element law.

2. **Alternative 2: No Project – Existing Housing Element.** Under this alternative the City would continue to operate under the goals, policies and programs in the 2000-2005 Housing Element for the 2006-2014 planning period. The 2000-2005 Housing Element would remain in effect.

Finding: Infeasible

The City Council finds that this alternative would not facilitate housing consistent with the City's RHNA allocation. Similar to Alternative 1, this alternative would not be expected to be certified by HCD and would place the City at additional risk in the event of a court challenge. Thus, this alternative would not achieve the basic objectives of the project identified in the Housing Element Update and EIR Project Description (Section 2.0, Project Description), including the fundamental goal of complying with Housing Element law.

3. **Alternative 3: Existing Units Only Alternative.** Under this alternative the City would meet its RHNA goals through the use of existing housing units by relying on an amnesty program, affordable housing covenants and mortgage assistance. No new housing units would be facilitated by this alternative.

Finding: Infeasible

The City Council finds that this alternative would not facilitate housing consistent with the City's RHNA allocation. Similar to Alternative 1, this alternative would not be expected to be certified by HCD and would place the City at additional risk in the event of a court challenge. Thus, this alternative would not achieve the basic objectives of the project identified in the Housing Element Update and EIR Project Description (Section 2.0, Project Description), including the fundamental goal of complying with Housing Element law.

4. **Alternative 4: More Reliance on New Construction Alternative.** This alternative would involve meeting the RHNA goals with a higher proportion of units from new construction than the proposed 2006-2014 Housing Element. Under this alternative, 15 existing units and 412 new units would comprise the 427 units needed to meet the housing goal. Of these, 194 new units would be facilitated within an expanded "special housing overlay," which allows a variety of housing types including affordable housing, senior housing, transitional housing and shelters. Demonstration and senior housing projects would provide 71 units. The 15 existing units would be facilitated through affordable housing covenants. There would be no amnesty program.

Finding: Infeasible

The City Council finds this alternative be infeasible because it would involve more new construction than the proposed Housing Element Update and would therefore create greater overall environmental impacts. The unavoidably significant traffic impact associated with the proposed Housing Element Update would be increased under this alternative, as would the Housing Element Update's significant, but mitigable impacts related to geology, and hazards/hazardous materials. Moreover, although water supply has not been identified as a significant impact of the proposed Housing Element Update, this alternative would create a significant and unavoidable water supply impact, as discussed in EIR Section 6.0, Alternatives.

II. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable." (CEQA Guidelines 15093(a).)

The Final EIR identified one unavoidable significant environmental effect to traffic and circulation. Notwithstanding the imposition of all feasible mitigation, the impact of the proposed Housing Element Update with respect to traffic and circulation would remain significant.

The City Council hereby finds that the economic, social and environmental benefits of the project outweigh the unavoidable adverse environmental effects to traffic and circulation and therefore the significant traffic and circulation impact is acceptable. Specifically:

1. The Housing Element would facilitate meeting the community's housing needs as defined by the Regional Housing Needs Assessment (RHNA), including those related to affordable housing, as well as the City's other goals and objectives related to the provision of adequate housing for current and future residents.
2. The Housing Element is expected to be certified by the California Department of Housing and Community Development, which would minimize the City's legal risk in the event of a court challenge to the adequacy of the Element.

3. The Housing Element includes goals and policies specifically intended to reduce the environmental impacts associated with providing for adequate housing to the maximum degree feasible.

EXHIBIT B
Mitigation and Monitoring Program

**CITY OF OJAI
2006-2014 HOUSING ELEMENT UPDATE**

MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Environmental Impact Report (EIR), specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP).

The following table will be used as the checklist to determine compliance with required mitigation measures.



2006-2014 Housing Element Update
 Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
BIOLOGICAL RESOURCES						
<p>BIO-1 New Conservation Element Tree and Riparian Habitat Programs. The following programs shall be adopted and added to the City's Conservation Element, under the policy that states "<i>It shall be the policy of the City of Ojai to allow no net loss of existing resource value for rare, endangered and unique species habitat, except to provide for the maintenance of flood control facilities.</i>"</p> <p>2) Tree removal, pruning, or similar actions that may result in the loss of active bird nests shall occur outside of the breeding/nesting bird season (February 1 – August 31) to avoid accidental take. If such removal or pruning must occur during the breeding/nesting season, a qualified, City-approved biologist shall survey all breeding/nesting habitat within the project site and adjacent to the project site for breeding/nesting non-game native birds.</p> <p>If an active bird and/or raptor nest is located, the nest site shall be fenced at a distance commensurate with the particular species (and in consultation with CDFG, if necessary) until juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area.</p> <p>2) No new grading or development shall be allowed</p>	<p>Verification that the required programs are added to the Conservation Element of the Ojai General Plan</p>	<p>Prior to issuance of land use permits for individual housing projects</p>	<p>Once</p>	<p>City of Ojai Community Development Department</p>		

2006-2014 Housing Element Update
Mitigation Monitoring and Reporting Program

<u>Mitigation Measure/Condition of Approval</u>	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>within 25 feet of the edge of riparian vegetation or top of bank, whichever is further, as delineated by a qualified, City-approved biologist, of a watercourse shown on Master Environmental Assessment Map CONS-1. Additional site-specific setbacks up to 100 feet may be recommended depending on the value of the habitat and the nature and type of riparian-related biological resources present, with higher value habitat receiving a greater setback than lower value habitat. Where existing buildings and improvements, conforming as to use but nonconforming as to the minimum creek setback established herein, are damaged or destroyed by fire, earthquake or other natural disaster, such buildings and improvements may be reconstructed to the same or lesser size and in the same general footprint location, provided that reconstruction shall be inaugurated by the submittal of a complete construction application within 24 months of the time of damage and be diligently carried to completion.</p>						
GEOLOGY						
<p>GEO-1 Design Level Foundation Study. Prior to issuance of grading permits for individual projects within Ojai, the developer shall submit to the City a design-level foundation study conducted by a qualified geotechnical engineer. All structures shall be designed to limit earthquake-related damage and safeguard against major structural failures and loss of life.</p> <p>Any recommendations contained in the design-level study and beyond UBC and CBC requirements shall be fully implemented subject to the review and approval of the</p>	<p>Verification that a design-level foundation study has been conducted and applicable recommendations have been incorporated into project design.</p>	<p>Prior to issuance of land use permits for individual housing projects</p>	<p>Once for each individual housing project</p>	<p>City of Ojai Community Development Department</p>		

2006-2014 Housing Element Update
 Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>Public Works Department. Site-specific foundation stabilization techniques that may be recommended following the design-level study may include the following:</p> <ul style="list-style-type: none"> • Removal and recompaction of soil and bedrock underlying the buildings • Use of geotextile reinforcement in subgrade soils underlying the buildings • Design foundations with higher tolerable limits for movement by stiffening of the foundation elements. 						
<p>GEO-2 Fault Study. Prior to issuance of grading permits for individual projects within 500 feet of the Santa Ana Fault, the developer shall submit a fault study conducted by a qualified geotechnical engineer to the City for review. All structures shall be designed to limit structural damage and safeguard against major structural failures and loss of life.</p> <p>Any recommendations contained in the design-level study shall be fully implemented subject to the review and approval of the Building Official.</p>	<p>Verification that a fault study has been conducted and applicable recommendations have been incorporated into project design.</p>	<p>Prior to issuance of land use permits for individual housing projects within 500 feet of the Santa Ana Fault</p>	<p>Once for each individual housing project within 500 feet of the Santa Ana Fault</p>	<p>City of Ojai Community Development Department</p>		
HAZARDS AND HAZARDOUS MATERIALS						
<p>HAZ-1(a) Phase I Environmental Site Assessment for commercial and industrial zoned parcels. Prior to approval of a land use permit for grading and/or site preparation on a site that was previously zoned for commercial or industrial use and would accommodate residences under the proposed Housing Element, a Phase I Environmental Site Assessment shall be conducted to assess potential soil and/or groundwater contamination. If indications of potential or recognized</p>	<p>Verification that a Phase I ESA and any additional required assessments have been conducted and that, as appropriate, regulatory oversight agencies have verified compliance with applicable assessment and remediation requirements</p>	<p>Prior to issuance of land use permits for individual housing projects on sites previously</p>	<p>Once for each individual housing project on a site previously zoned for commercial or industrial use</p>	<p>City of Ojai Community Development Department</p>		

2006-2014 Housing Element Update
 Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>environmental conditions are discovered, a site assessment work plan shall be prepared and submitted to the appropriate regulatory agency, which may be the County of Ventura Environmental Health Division (VCEHD), Ventura County Fire Department (VCFD), Los Angeles Regional Water Quality Control Board (RWQCB), or the State of California Environmental Protection Agency Department of Toxic Substances Control (DTSC) for approval. The agency should review the work plan and either sign off on the plan or determine if any additional investigation activities are deemed necessary.</p> <p>Prior to approval of building permits, the applicant shall submit the site assessment or, if necessary, remediation results to the appropriate regulatory agency for approval. The appropriate regulatory agency shall verify that appropriate sampling and if required, remediation, has been completed. Following verification of regulatory compliance, the appropriate regulatory agency shall complete a permit compliance inspection of the site.</p> <p>HAZ-1(b) Soil Sampling. If environmental conditions are identified by the Phase I Environmental Site Assessment that would be completed on sites that were previously zoned for commercial or industrial use and would accommodate housing under the Housing Element, soil sampling for contaminants shall be conducted by a qualified professional. The results of the soil sampling shall be forwarded to the appropriate regulatory agency (VCEHD, VCFD, RWQCB, or DTSC). The agency should review the data and either sign off on the property or determine if any additional investigation or remedial activities are deemed</p>		zoned for commercial or industrial use				

2006-2014 Housing Element Update
 Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
<p>necessary. If concentrations of contaminants warrant site remediation, contaminated materials shall be remediated either prior to construction of structures or concurrent with construction. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation. The remediation program shall also be approved by a regulatory agency. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.</p> <p>Prior to approval of building permits, the applicant shall submit the site assessment or, if necessary, remediation results to the appropriate regulatory agency for approval. The appropriate regulatory agency shall verify that appropriate sampling and, if required, remediation has been completed. Following verification of regulatory compliance, the regulatory agency shall complete a permit compliance inspection of the site.</p> <p>HAZ-1(c) Groundwater Sampling and Remediation. If, during the soil sampling, groundwater contamination is suspected, or if soil contamination is detected at depths at or greater than 30 feet below grade, then the applicant shall perform a groundwater sampling assessment. If contaminants are detected in groundwater at levels that exceed maximum contaminant levels for those constituents in drinking water, or if the contaminants exceed health risk standards, one in one million cancer risk, or a health risk index above 1, then the results of the</p>						

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<p>groundwater sampling shall be forwarded to the appropriate regulatory agency (the VCEHD, VCFD, RWQCB, or DTSC). The agency shall review the data and sign off on the property or determine if any additional investigation or remedial activities are deemed necessary.</p> <p>Prior to approval of building permits, the applicant shall submit the site assessment or, if necessary, remediation results to the appropriate regulatory agency for approval. The agency shall verify with that appropriate sampling and, if required, remediation has been completed. Following verification of regulatory compliance, the agency shall complete a permit compliance inspection of the site.</p>						
TRAFFIC AND CIRCULATION						
<p>TC-2 Transportation Demand Management. The following shall be included as conditions of approval for all multi-unit demonstration and senior housing projects developed pursuant to the Housing Plan:</p> <p>e. In addition to criteria related to income requirements and other essential factors, priority for acceptance of an application for a residential unit shall be given to those applicants whose workplace is closest in proximity to the development.</p> <p>f. Install way-finding signs within and from the project site directing tenants and visitors to locations of transit (buses, shuttles etc.) and of bicycle/pedestrian trails. Signage may include public information kiosks to post other pamphlets to assist pedestrians find transit access points.</p>	<p>Verification that site plans for individual multi-unit demonstration and senior housing projects include the required elements</p>	<p>Prior to issuance of land use permits for individual multi-unit demonstration and senior housing projects</p>	<p>Once for each individual demonstration and senior housing project</p>	<p>City of Ojai Community Development Department</p>		

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<p>g. Provide one or more transportation information kiosks or bulletin board areas onsite such that residents have convenient, conspicuous access to such a feature. The transportation information shall include, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Current routes, maps, and schedules for public transit serving the area • Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency, dial-a-ride and similar service providers, and local transit operators • Locations where daily tickets and monthly passes may be purchased for local transit providers • Ridesharing promotion material supplied by commuter-oriented organizations • Regional/local bicycle and pedestrian trail/path routes and facility maps/information • A listing of onsite services or facilities which are available for carpoolers, vanpoolers, bicyclists, and transit riders. <p>d. Provide bicycle racks on site at the minimum rate of 10% of the number of the total automobile parking spaces required, rounded up to the next whole number. Bicycle racks shall be secure, easily accessible to residents. Simple arched tubular bike racks are recommended as a minimum standard. Fanciful but practical racks are encouraged.</p>						
<p>U-1 Water Conservation Plan. (recommended measure).</p>	<p>Verification that the required plan has been</p>	<p>Prior to issuance of</p>	<p>Once</p>	<p>City of Ojai Community</p>		

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<p>The City shall develop a water conservation plan that outlines approaches to minimize water demand for new housing in Ojai. The water conservation plan shall describe specific methods to reduce water use, including but not limited to:</p> <ul style="list-style-type: none"> • Use of water conserving water fixtures • Investigate opportunities to improve the efficiency of the existing water delivery system, including minimizing water loss from leaking infrastructure • Incorporation of drought tolerant landscaping • Use of grey water and/or rain water for irrigation 	developed.	land use permits for individual housing projects		Development Department		

State of California)
County of VENTURA)
City of OJAI)

I, Rhonda K. Basore, City Clerk for the City of Ojai, do hereby certify under penalty of perjury that the foregoing documents entitled:

RESOLUTION NO. 12-53 – A RESOLUTION OF THE CITY OF OJAI CITY COUNCIL CERTIFYING AN ENVIRONMENTAL IMPACT REPORT AND APPROVING AN AMENDMENT TO THE GENERAL PLAN CONSISTING OF CHANGES TO THE ADOPTED HOUSING ELEMENT TO CONFORM WITH STATE LAW

Is a full, true, and correct copy of the original, on file in the City Clerk's Office and was duly passed and adopted by the City Council of said City at a regular meeting thereof held on the 9th day of October, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of said City this 10th day of October, 2012.



Rhonda K. Basore, MMC
City Clerk
City of Ojai

