Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.

CITY OF OXNARD CALIFORNIA

AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY
Meeting Location: Council Chambers, 305 West Third Street
March 21, 2023
Closed Session - 4:30 PM
Appointment Items - 5:00 PM
Regular Meeting - 6:00 PM

Zoom details to call-in for public comment during a meeting:

1. **Dial Phone Number: (888) 475-4499**
2. **Enter Meeting ID: 830 9736 0300**
3. **Passcode: 982865**

If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom call-in steps listed above. Once the presiding officer calls for public speakers, press *9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room. Press *6 when asked to unmute. Listen to the instructions provided virtually on the phone while on hold in the zoom waiting room. Please note that there is a slight time delay when viewing the meeting via television.

IN ACCORDANCE WITH ASSEMBLY BILL 2449, MEMBERS OF THE LEGISLATIVE BODY MAY MEET IN-PERSON OR REMOTELY. TO PARTICIPATE REMOTELY VISIT WWW.OXNARD.ORG.

To find out how you may provide public comment, please refer to the instructions below or at **www.https://www.oxnard.org/city-meetings/**.

The public may view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings of the meeting are typically available online following the meeting at the City's website at www.oxnard.org/city-meetings.

*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. ATTEND THE MEETING AT THE LOCATION LISTED ABOVE: Submit a speaker card to the City Clerk.

2. EMAIL COMMENTS OR SIGN UP TO SPEAK REMOTELY BEFORE THE MEETING

    a. Submit a request to speak remotely by no later than 3 p.m. on the day of the meeting by using the form available at **www.oxnard.org/citymeetings**.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item Time Estimates include: (Minutes for Presentation + Council Discussion + Public Comment)

b. Submit an email to **cityclerk@oxnard.org** no later than 3 p.m. on the day of the meeting (indicate the agenda item number in the subject line). All email correspondence will be forwarded to the legislative body prior to the start of the meeting and made part of the legislative record.
c. Contact the City Clerk's Office at (805) 385-7803 to submit your request.

3. PROVIDING PUBLIC COMMENTS REMOTELY DURING THE MEETING

a. To provide public comment during the meeting dial (888) 475-4499 and enter the Meeting ID and Passcode listed above as the Zoom details for this meeting. When the presiding officer announces the particular item on the agenda you want to speak on, press *9 to raise your hand while in the zoom waiting room. Once called on, press *6 to unmute your phone.
b. Public comments on agenda items will be taken following the announcement of the item. After the item is announced, members of the public may register or otherwise be recognized for the purpose of providing public comment.

Please review the Zoom instructions on the registration page to help ensure there are no technical difficulties during your comments and help you understand public comment procedures using Zoom. Detailed participation instructions can be found at www.oxnard.org/city-meetings.

In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

* The City has filed pre-election and post-election lawsuits regarding the validity of Measure M.

A. ROLL CALL, POSTING OF AGENDA
THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council and Oxnard Housing Authority.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS
At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION (4:30 PM)

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)
Property: 2900 Saviers Road (APN 219-0-018-035)
Agency Negotiator: Emilio Ramirez, Housing Director; Ashley Golden, Assistant City Manager; Alex Nguyen, City Manager
Negotiating Party: BV Oxnard, LLC
Under Negotiation: Price and terms of payment
Legislative Body: City Council

D. APPOINTMENT ITEMS (5:00 PM)

1. City Manager Department
SUBJECT: Presentation by Kai Luoma, Executive Officer for the Ventura Local Agency Formation Commission (LAFCo).

RECOMMENDATION: That the City Council receive and file a presentation by Kai Luoma, Executive Officer for the Ventura Local Agency Formation Commission (LAFCo), providing an introduction to and overview of LAFCo.
Legislative Body: City Council
Contact: Alexander Nguyen, (805) 385-7430

E. OPENING CEREMONIES (6:00 PM)
Pledge of allegiance to the flag of the United States.

F. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation Designating March 31, 2023 as "Cesar E. Chavez Day."

2. SUBJECT: Presentation of a Commendation to the Oxnard Performing Arts & Convention Center on the occasion of their 55th Anniversary.

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. After 30 minutes, if all speakers have not had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

H. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY
The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

1. City Attorney Department
SUBJECT: Termination of Local Emergency Due to COVID-19.
RECOMMENDATION: That the City Council adopt a resolution proclaiming the termination of a local emergency due to COVID-19.
Legislative Body: City Council
Contact: Stephen Fischer, (805) 385-7483

2. City Attorney Department
SUBJECT: Termination of Local Emergency Due to Severe Storms.
RECOMMENDATION: That the City Council adopt a resolution proclaiming the termination of a local emergency due to severe storms.
Legislative Body: City Council
Contact: Stephen Fischer, (805) 385-7483

I. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS
At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or

take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

1. City Manager Department
   SUBJECT: Appointment of Member to Serve on the City's Parks, Recreation, and Community Services Commission. (5 minutes)
   RECOMMENDATION: That the Mayor, with the approval of the City Council, appoint Oscar Hernandez to serve on the Parks, Recreation, and Community Services Commission representing District 5.

   Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/Qt_GRZLiU9o
   Legislative Body: City Council
   Contact: Shiri Klima, (805) 385-7487

J. REVIEW OF INFORMATION/CONSENT AGENDA
The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA
At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

L. INFORMATION/CONSENT AGENDA

1. City Clerk Department
   SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the City Council approve the minutes of the February 7, 2023, February 11, 2023, and February 21, 2023 regular meetings as presented.
   Legislative Body: City Council
   Contact: Rose Chaparro, (805) 385-7805

2. Police Department
   SUBJECT: Agreement for Police School Resource Officer Services.
   RECOMMENDATION: That the City Council approve and authorize the City Manager to enter into a cost-sharing agreement between the City of Oxnard (City), and the Oxnard School District (OSD or District), from July 1, 2023, to June 30, 2026, for Police School Resource Officer (SRO) Services.

   (The Community Services, Public Safety, Housing, and Development Committee approved 3-0 on February 14, 2023, to approve the staff recommendation and to forward the item for Council approval.)
   Legislative Body: City Council
   Contact: Jason Benites, (805) 385-7624

3. Public Works Department
   SUBJECT: Public Project Construction Agreement 32300238 with 101 Roofing & Construction, Inc. for the Performing Arts Community Center Roof Replacement Project, Specification No. PW 23-34.

RECOMMENDATION: That the City Council approve and authorize the following for a total of $807,021.69 in Project funds for the Performing Arts Community Center Roof Replacement Project (Project No. C2248):

1. Execute an Agreement with 101 Roofing & Construction, Inc. in the amount of $620,785.92 for the Project;
2. Authorize a Project contingency amount of $124,157.18 with 101 Roofing & Contracting, Inc. for a total not to exceed value of $744,943.10 for the Project; and
3. A Project allocation amount of $62,078.59 for engineering, inspection, survey and project management for the Project.

(This item did not originate in Committee as this is a capital improvement project specifically listed in the Capital Improvement Program budget, which was previously approved by the City Council.)

(This item is categorically exempt from the California Environmental Quality Act pursuant to title 14 California Code of Regulations section 15301(d).)
Legislative Body: City Council
Contact: Michael Wolfe, (805) 385-8055

4. Public Works Department
SUBJECT: Grant Resolution for FY 2022 Consolidated Appropriations Act Community Project Funding Grant Application for $500,000.
RECOMMENDATION: That the City Council adopt a resolution authorizing the City Manager or designee to submit a grant application to the U.S. Environmental Protection Agency for $500,000 in Community Grants funds for the City of Oxnard Water Transmission Line Project and execute grant agreements, if awarded; authorizing the Finance Director or designee to submit financial reports and grant claims and approve budget appropriations for the use of the grant funds; and authorizing the Public Works Director or designee to submit non-financial reports.

(This item did not originate in Committee.)
Legislative Body: City Council
Contact: Michael Wolfe, (805) 385-8055

5. Public Works Department
SUBJECT: Professional Services Agreement 32300336 with Bureau Veritas Technical Assessments, LLC for Facilities Condition Assessment Report and Asset Management Program, Specification No. PW 22-127.
RECOMMENDATION: That the City Council approve and authorize a Professional Services Agreement with Bureau Veritas Technical Assessments, LLC in the amount not to exceed $340,000 for a three-year term for Facilities Condition Assessment Report and Asset Management Program.

(Public Works and Transportation Committee approved 2-0.)
Legislative Body: City Council
Contact: Michael Wolfe, (805) 385-8055

6. Housing Department
SUBJECT: Kitchen Rehabilitation Project at Public Housing Sites.

RECOMMENDATION: That the Board of Commissioners of the Housing Authority of the City of Oxnard:

Approve and authorize the execution of a firm-fixed-price Agreement number A-8519 in the amount of $757,900 with MDJ Management, LLC to rehabilitate eighty-four kitchens at the "31-7 scattered public housing sites" using funds appropriated from the 2020 Capital Fund grant.

(The Community Services, Public Safety, Housing & Development Committee approved 3-0 on February 28, 2023 to approve the staff recommendation and to forward the item for Council approval.)
Legislative Body: Housing Authority
Contact: Emilio Ramirez, (805) 385-8094

7. City Attorney Department
SUBJECT: Campaign Contribution and Loan Limit Adjustment.
RECOMMENDATION: That the City Council adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADJUSTING CAMPAIGN CONTRIBUTION LIMITS AND LOAN LIMITS SET FORTH IN SECTIONS 2-443 AND 2-444 OF THE OXNARD CITY CODE.
Legislative Body: City Council
Contact: Stephen Fischer, Rose Chaparro, (805) 385-7483, (805) 385-7805

8. Public Works Department
SUBJECT: Public Project Agreement 32300257 with Blackpointe Group Construction & Management Inc. for On-Call Fencing Repair Services Project (Rebid), Specification No. SD 23-53R.
RECOMMENDATION: That the City Council approve and authorize an agreement with Blackpointe Group Construction & Management Inc. for a total amount not to exceed $400,000 for a three-year term for On-Call Fencing Repair Services.

(This item is categorically exempt from the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15301(d).)

(Public Works and Transportation Committee approved 2-0.)
Legislative Body: City Council
Contact: Michael Wolfe, (805) 385-8055

9. Public Works Department
SUBJECT: Agreement 32300154 with Auto Body International, Inc. for Light and Medium Duty Paint and Body.
RECOMMENDATION: That the City Council approve and authorize an Agreement with Auto Body International, Inc. for a one-year term with the option to extend for two consecutive one year periods for a maximum contract term of three years, and a total contract not-to-exceed amount over the entire possible contract term of $375,000 for light and medium duty paint and body work.

(Public Works and Transportation Committee approved 2-0.)
Legislative Body: City Council
Contact: Michael Wolfe, (805) 385-8055

10. Fire Department
SUBJECT: Blanket Purchase Orders No. 32300265 Increase Request for All Star Fire Equipment.
RECOMMENDATION: That the City Council authorize the Mayor to execute an amendment to Blanket Purchase Order No. 32300265 with All Star Fire Equipment to increase the Purchase Order by $200,000 for a total amount not to exceed $400,000 for the purchase of structural firefighting Personal Protective Equipment (PPE) or turn outs and fire hose.

(The Community Development, Public Safety and Housing Committee approved 3-0 on 28 February, 2023 to forward the item for Council approval.)
Legislative Body: City Council
Contact: Alexander Hamilton, (805) 385-7700

11. Fire Department
SUBJECT: Purchase Order with Motorola for $277,438.89 for 25 Radios.
RECOMMENDATION: That the City Council authorize the Mayor to sign a Purchase Order with Motorola Solutions in the amount of $277,438.89 for the purchase of twenty-five (25) APX 8000 all-band portable radios with spare batteries and remote speaker microphones.

(The Community Development, Public Safety and Housing Committee approved 3-0 on February 28, 2023 to forward the item for Council approval.)
Legislative Body: City Council
Contact: Alexander Hamilton, (805) 385-7700

12. City Manager Department
SUBJECT: Update on Status and Accomplishments of Current Measure O Projects.
RECOMMENDATION: That the City Council receive and file this report.

(The Measure O Citizen Oversight Committee heard this update at its January 26, 2023, meeting and recommended the item be forwarded to the City Council.)
Legislative Body: City Council
Contact: Shiri Klima, (805) 385-7487

M. PUBLIC HEARINGS

1. Housing Department
SUBJECT: TEFRA Hearing - Casa Aliento Apartments. (15 minutes)
RECOMMENDATION: That the City Council:

1. Conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing regarding the issuance of tax-exempt bond financing not to exceed $22,000,000 by the California Statewide Communities Development Authority (CSCDA) for the benefit of Casa Aliento, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 70-unit multifamily rental housing project located at 1245 North Oxnard Boulevard, known as Casa Aliento Apartments (Bonds).

2. Adopt a resolution approving the issuance of the Bonds by the CSCDA.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/lrR3NoWkkRE
Legislative Body: City Council
Contact: Emilio Ramirez, (805) 385-8094

2. Housing Department
SUBJECT: TEFRA Hearing - Vintage at Lockwood Apartments. (15 minutes)
RECOMMENDATION: That the City Council:

1. Conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing regarding the issuance of tax-exempt bond financing not to exceed $75,000,000 by the California Statewide Communities Development Authority (CSCDA) for the benefit of Vintage at Lockwood, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 341-unit multifamily rental housing project located at Outlet Center Drive & Lockwood Street known as Vintage at Lockwood Apartments (Bonds).

2. Adopt a resolution approving the issuance of the Bonds by the CSCDA.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/Sv0cm44I_ds
Legislative Body: City Council
Contact: Emilio Ramirez, (805) 385-8094

3. Housing Department
SUBJECT: 5-Year Public Housing Agency(PHA) Plan, Annual Agency Plan and Capital Fund Program Five-Year Action Plan for Low Rent Public Housing. (10 minutes)
RECOMMENDATION: That the Board of Commissioners for the Housing Authority of the City of Oxnard:

1. Conduct a public hearing to receive comments concerning the fourth year of the 5-Year PHA Plan, the 2023 Capital Fund Budget, and the Capital Fund Five-Year Action Plan; and

2. Adopt a resolution:

a. Approving the 2023 Annual Agency Plan, 5-Year PHA Plan for the Housing Authority;

b. Authorizing and directing the Chairman to execute the Department of Housing and Urban Development Public Housing Agency Certification Compliance Form certifying the Housing Authority's compliance with HUD's policies and procedures;

c. Authorizing the Housing Director to execute and submit all reports, documents and all other certifications required to comply with policies and procedures of the Department of Housing and Urban Development regarding the Annual Agency Plan and the 5-Year PHA Plan;

d. Approving the 2023 Capital Fund Budget and Capital Fund Five-Year Action Plan; and

e. Authorizing the Housing Director to accept and expend the funds as indicated in the 2023 Capital Fund Budget and Capital Fund Five-Year Action Plan.

(The Community Services, Public Safety, Housing & Development Committee approved 3-0 on February 14, 2023 to approve the staff recommendation and to forward the item for Council approval.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/pNVGm1VMH20
Legislative Body: Housing Authority
Contact: Emilio Ramirez, (805) 385-8094

4. Housing Department
SUBJECT: Third Amendment to the 2021-2022 Annual Action Plan to Incorporate Supplemental HOME American Rescue Plan (ARP) funding. (20 minutes)
RECOMMENDATION: That City Council:

1. Conduct a public hearing and receive public comments relating to the HOME ARP Allocation Plan;

2. Approve the HOME ARP Allocation Plan, as a Third Amendment to the 2021-2022 Annual Action Plan;

3. Authorize the City Manager, and his designees, to submit the Third Amendment to the 2021-2022 Annual Action Plan to the U.S. Department of Housing and Urban Development, including the required applications, certifications and other pertinent documents to complete the submitted items for federal approval;

4. Authorize the City Manager, and his designees, to approve the appropriations for the HOME American Rescue Plan funding for staff operations, approved projects and related consulting contracts, not to exceed $2,772,021; and

5. Authorize the City Manager and his designees to execute the appropriate agreements with the HOME American Rescue Plan partners, consultants, and contractors, allow the use in the administration of funds, and allow the adjustments to any future funding needs not to exceed ten percent of the award if the programs require more or less funding to meet their objectives.

(This item is routine in nature and therefore, this item did not originate in the Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/-adSu-WLnoQ
Legislative Body: City Council
Contact: Emilio Ramirez, (805) 385-8094

5. Community Development Department
SUBJECT: Project Name: Freeway Adjacent Digital Display Billboards Ordinance: The project location is the U.S. Highway 101 adjacent property within the City of Oxnard City limit. (20 minutes)
RECOMMENDATION: That the City Council:

1. Conduct a public hearing, and

Take the actions identified under one of the two following options:

Option 1 – Staff's Recommended Action – Allowing up to four Freeway Adjacent Digital Display Billboards at least 100 feet away from residentially zoned parcels and at least 2,000 feet away from other Freeway Adjacent Digital Display Billboards:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-01; and
b. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment) allowing for Freeway Adjacent Digital Display Billboards within the City of Oxnard by amending specific provisions of Article IX of Chapter 16 of the Oxnard City Code, subject to certain findings.

Option 2 – Planning Commission Recommendation – Allowing up to three Freeway Adjacent Digital Display Billboards at least 250 feet away from residentially zoned parcels and at least 2,500 feet away from Freeway Adjacent Digital Display Billboards:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-01; and
b. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment) allowing for Freeway Adjacent Digital Display Billboards within the City of Oxnard by amending specific provisions of Article IX of Chapter 16 of the Oxnard City Code, subject to certain findings.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/6YWWXKtBXSo
Legislative Body: City Council
Contact: Maureen Tamuri, (805) 385-7882

6. Community Development Department
SUBJECT: Project Name: RiverPark Boulevard Electronic Billboard Project; Located on an approximately 0.25-acre undeveloped site located between the U.S. 101 and RiverPark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard (APN: 132-0-311-075) and along the Ventura Freeway (Highway 101) in the RiverPark Specific Plan area. (30 minutes)
RECOMMENDATION: That the City Council:

1. Conduct a public hearing, and

Take the actions identified under one of the two following options:

Option 1 – Applicants' Original Request/Staff's Recommended Action – Allowing the development of a Freeway Adjacent Digital Display Billboard:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-02; and

b. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan) for text amendments to the RiverPark Specific Plan, subject to certain findings; and
c. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-670-06 (Development Agreement No. A-8515), subject to certain findings; and
d. Adopt a Resolution Approving Planning and Zoning Permit No. 20-500-07 (Special Use Permit) and overturn the Planning Commission's Denial, subject to certain conditions and findings.

Option 2 – Planning Commission Recommendation – Denying the development of a Freeway Adjacent Digital Display Billboard:

a. Provide direction to City staff to return at a date certain meeting with the appropriate resolutions of denial for Planning and Zoning Permit Nos. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan), Planning and Zoning Permit No. 20-670-06 (Development Agreement No. A-8515), and Planning and Zoning Permit No. 20-500-07 (Special Use Permit).

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/8O39aFT6T0Y
Legislative Body: City Council
Contact: Maureen Tamuri, (805) 385-7882

7. Community Development Department
SUBJECT: Project Name: Ventura Road Electronic Billboard Project; Located on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. APN: N/A and along the Ventura Freeway (Highway 101) in The RiverPark Specific Plan area. (30 minutes)
RECOMMENDATION: That the City Council:

1. Conduct a public hearing, and

Take the actions identified under one of the two following options:

Option 1 – Applicants' Original Request/Staff's Recommended Action – Allowing the development of a Freeway Adjacent Digital Display Billboard:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-02; and
b. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-03; and
c. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan) for text amendments to the RiverPark Specific Plan, subject to certain findings; and
d. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-670-05 (Development Agreement No. A-8516), subject to certain findings; and

e. Adopt a Resolution Approving Planning and Zoning Permit No. 20-500-06 (Special Use Permit) and overturning the Planning Commission's Denial, subject to certain conditions and findings.
f. Adopt Resolution declaring its intention to vacate its right, title and interest in an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard an direct the City Clerk to schedule a public hearing in accordance with the vacation procedures contained in California Streets and Highway Code Section 8300 et seq to be held on Tuesday April 18, 2023 at 6:00 p.m. at the at the City Council Chambers of the City of Oxnard located at 305 West Third Street in Oxnard, California.

Option 2 – Planning Commission Recommendation – Denying the development of a Freeway Adjacent Digital Display Billboard:

a. Provide direction to City staff to return at a date certain meeting with the appropriate resolutions of denial for Planning and Zoning Permit Nos. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan), Planning and Zoning Permit No. 20-670-05 (Development Agreement No. A-8516), Planning and Zoning Permit No. 20-500-06 (Special Use Permit), and Planning and Zoning Permit No. 21-660-03 (Street Vacation).

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/QLdwREOpx_8
Legislative Body: City Council
Contact: Maureen Tamuri, (805) 385-7882

N. REPORTS

1. Community Development Department
SUBJECT: City of Oxnard 2022 General Plan Annual Progress Report. (10 minutes)
RECOMMENDATION: That the Oxnard City Council receive and file the City of Oxnard 2022 General Plan and Housing Element Annual Progress Report.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/ClkZH57-gGM
Legislative Body: City Council
Contact: Maureen Tamuri, (805) 385-7882

2. Finance Department
SUBJECT: FY 2022-23 Budget Mid-Year Review. (20 minutes)
RECOMMENDATION: That the City Council:

1. Receive an update on the FY 2022-23 revenue and expenditure projections for major funds,
2. Recommend the City Council approve a budget appropriation request in the amount of $430,000 to General Fund (101) for the Fire Department and $533,218 to Golf Course Fund (651) for a total appropriation of $963,218; and

3. Adopt a resolution approving amendments to the Position Control Resolution.

(This item did not originate in a committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/svk09kCnV1U
Legislative Body: City Council
Contact: Denise Olson, (805) 200-5400

3. Fire Department

SUBJECT: Authorization to Submit a Grant Application to Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) Grant not to exceed $350,000 for the Purchase and Installation of Smoke and Carbon Monoxide Detectors. (20 minutes)
RECOMMENDATION: That the City Council adopt a resolution authorizing:

1. The submission of a grant application to the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) not to exceed $350,000 for the purchase and installation of smoke and carbon monoxide detectors with a 5% local match;
2. The City Manager or designee to execute the grant agreements if grant funds are awarded to the City;
3. The Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2023-2024 for the use of grant funds and perform all other required financial actions; and
4. The Fire Chief or designee to submit non-financial reports.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/Ty5pjNf4ujo
Legislative Body: City Council
Contact: Alexander Hamilton, (805) 385-7700

4. City Manager Department

SUBJECT: Risk to the ERP Project related to Aaron Starr Lawsuit preventing City from Obtaining Council-Approved Bonds; Fifth Amendment to Project Management Contract; and Annual Report. (10 minutes)
RECOMMENDATION: That the City Council:

1. Approve using up to $2,500,000 from Fiscal Year 2022-23 General Fund to cash fund the portion of all FY 2022-23 Enterprise Resource Planning (ERP) project expenditures in excess of the initial bond proceeds received in prior fiscal years (with additional FY 2023-24 General Fund as listed in budget to cash fund the FY 2023-24 ERP project expenditures if litigation remains pending that prevents City from issuing bonds); and
2. Approve and authorize the Mayor to execute a Fifth Amendment to the Professional Services Agreement with Kreative Core Technologies Corp (9431-21-FN) in the amount of $2,120,000 for a new not to exceed contract amount of $4,720,000 and to extend the term from December 31, 2023, to December 31, 2024, for Project Management Services related to the Human Capital Management (HCM), Energov, Enterprise Asset Management (EAM), and Utility Billing phases of the City's multi-year Enterprise Resource Planning (ERP) implementation; and

3. Receive and file the ERP system annual report.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/ZxsNqas93ec
Contact: Shiri Klima, (805) 385-7487

O. ADJOURNMENT

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY
AGENDA ITEM NO. H.1

DATE: March 21, 2023

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: Termination of Local Emergency Due to COVID-19.

RECOMMENDATION

That the City Council adopt a resolution proclaiming the termination of a local emergency due to COVID-19.

BACKGROUND

In response to the spread of COVID-19:

On March 4, 2020, the Governor proclaimed a State of Emergency to exist in California;
On March 12, 2020, the Ventura County Health Officer declared a Local Health Emergency
On March 13, 2020, the President of the United States declared a National Emergency;
On March 13, 2020, the City Manager acting as the City's Director of Emergency Services ("Director") proclaimed the existence of a local emergency; and
On March 17, 2020, pursuant to Government Code Section 8630(b), the City Council adopted Resolution 15,304 ratifying the Director's proclamation.

In response to the local emergency, pursuant to Oxnard City Code Section 6-3, the Director promulgated the following orders:

On March 19, 2020, Director Order 20-01 temporarily staying evictions;
On March 19, 2020, Director Order 20-02 suspending certain city requirements regarding building records, restrictions on delivery hours, restrictions on drive-thru hours, parking restrictions, penalties for late renewal of businesses tax certificates, termination of utility services, and the issuance of building permits;
On March 26, 2020, Director Order 20-03 suspended certain regulations regarding alcoholic beverage businesses;
On April 7, 2020, Director Order 20-04 temporarily closing certain parks and park facilities;
On April 8, 2020, Director Order 20-05 temporarily allowing the use of recreational vehicles as housing for quarantined persons and essential workers;
On April 9, 2020, Director Order 20-06 establishing COVID-19 guidelines for construction activities;
On April 10, 2020, Director Order 20-07 establishing citation procedures for violations of COVID-19 issued orders;
On April 14, 2020, Director Order 20-08 extending certain permits and planning entitlements;
On April 22, 2020, Director Order 20-09 regarding curbside pick up tent and sign regulations;
On May 21, 2020, Director Order 20-10 allowing outdoor dining at certain establishments;
On July 23, 2020, Director Order 20-12 allowing businesses to operate outdoors;
On August 3, 2020, Director Order 20-13 suspending fees and penalties for late payment of CUPA fees;
On May 7, 2021, Director Order 21-01 restoring enforcement of parking restrictions related to street sweeping;
On May 7, 2021, Director Order 21-02 rescinding Director Orders 20-04, 20-05 and 20-07;
On June 6, 2021, Director Order 21-03 rescinding certain sections of Director Order 20-02 (restoring certain penalties);
On March 14, 2022, Director Order 22-01 allowing shipping containers to be stored in the M-1 and M-2 zones for a period of no more than 12 months upon issuance of a temporary use permit; and

On March 29, 2022, Director Order 22-02 rescinding Director Orders 20-01, 20-02, 20-03, 20-06, 20-09, 20-10, 20-13 immediately and 20-08 and 20-12 effective June 30, 2022.

On February 28, 2023, the Governor issued a proclamation terminating the state's COVID-19 State of Emergency.

Pursuant to Government Code Section 8630(d) and Section B. of Resolution 15,304, the local emergency exists until terminated by the City Council. Given the termination of the state's COVID-19 State of Emergency, staff recommends Council adopt the resolution attached to this item to terminate the local emergency and rescind any previously issued Director Orders still in effect (Director Order 22-01).

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Jason Zaragoza, Deputy City Attorney, Stephen Fischer, City Attorney

ATTACHMENTS

1. Resolution Terminating COVID Local Emergency.v2

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD PROCLAIMING TERMINATION OF A LOCAL EMERGENCY DUE TO COVID-19

WHEREAS, Government Code section 8630 and Chapter 6 of the Oxnard City Code empower the City Manager of the City of Oxnard ("City"), acting in the capacity of the Director of Emergency Services ("Director"), to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the Ventura County Health Officer declared a Local Health Emergency in response to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency concerning COVID-19; and

WHEREAS, on March 13, 2020, in response to COVID-19 the Director proclaimed the existence of a local emergency; and

WHEREAS, pursuant to Government Code Section 8630(b), on March 17, 2020 the City Council adopted Resolution 15,304 ratifying the Director's proclamation; and

WHEREAS, pursuant to Government Code Section 8630(d), Oxnard City Code Section 6-3(B)(3), and Section B. of Resolution 15,304, the local emergency exists until terminated by the City Council; and

WHEREAS, on February 28, 2023, the Governor issued a proclamation terminating the state's COVID-19 State of Emergency; and

WHEREAS, the spread of COVID-19 has decreased such that it no longer presents an imminent threat to health and safety warranting the proclamation of a local emergency.

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NOW, THEREFORE, the City Council of the City of Oxnard, State of California, does hereby proclaim the termination of said local emergency. Any previously issued Director Orders promulgated by the Director of Emergency Services in response to the local emergency are hereby rescinded.

PASSED and ADOPTED this 21st day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
John C. Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY
AGENDA ITEM NO. H.2

DATE: March 21, 2023

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org

SUBJECT: Termination of Local Emergency Due to Severe Storms.

RECOMMENDATION

That the City Council adopt a resolution proclaiming the termination of a local emergency due to severe storms.

BACKGROUND

Government Code section 8630 and Chapter 6 of the Oxnard City Code ("OCC") empower the City Manager of the City of Oxnard ("City"), acting in the capacity of the Director of Emergency Services ("Director"), to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session. On January 4, 2023, the Governor proclaimed a State of Emergency to exist in California as a result of the winter storms related to a series of atmospheric river systems that occurred and were forecast. On January 8, 2023, the President of the United States of America declared a state of emergency in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding and mudslides.

Beginning on January 9, 2023, City staff dedicated resources to respond within Oxnard and to assist other agencies in responding to severe storms throughout the County. On January 18, 2023, the Director of Emergency Services proclaimed the existence of a local emergency due to severe storms. The proclamation was necessary to ensure that the City was eligible to apply for reimbursement for costs related to the City's response to the emergency. The City Council ratified the Director's proclamation at a special City Council meeting on January 24, 2023.

The Police, Fire, and Public Works Departments closely coordinated the City's actions and staffing augmentations to ensure staff could meet the needs of our residents during this extraordinary weather event. This included having additional emergency response units and specialty-trained swift water rescue teams. Public Works had additional staff to manage road closures, flooding issues, and downed trees. The City's Emergency Operations Center (EOC) was activated at a monitoring level to assist in coordination and information sharing, both within the City and with our partners around the County.

The conditions that warranted the proclamation of a local emergency due to severe storms no longer exists.

Pursuant to Government Code Section 8630(d), the local emergency exists until terminated by the City Council. By adopting the resolution attached to this item, the Council will terminate the local emergency due to severe storms.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The Fire Department is working with FEMA to ensure the city is reimbursed for all allowable storm-related costs.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Jason Zaragoza, Deputy City Attorney, Stephen Fischer, City Attorney

ATTACHMENTS

1. Resolution Terminating Severe Storms Local Emergency.v2

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD PROCLAIMING TERMINATION OF A LOCAL EMERGENCY DUE TO SEVERE STORMS

WHEREAS, on January 4, 2023, the Governor proclaimed a State of Emergency to exist in California as a result of the winter storms related to a series of atmospheric river systems that occurred; and

WHEREAS, on January 8, 2023, the President of the United States of America declared a state of emergency in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding and mudslides; and

WHEREAS, severe winter storms commencing on or about January 4, 2023 created conditions of extreme peril to the safety of persons and property within the City and throughout the County of Ventura ("County"); and

WHEREAS, these severe storms caused damage within the City and throughout the County; and

WHEREAS, beginning on January 9, 2023, City staff dedicated resources to respond within Oxnard and to assist other agencies in responding to severe storms throughout the County, including making available additional emergency response units and specialty-trained swift water rescue teams, managing road closures, flooding issues, and downed trees, and activating the City's Emergency Operations Center at a monitoring level to assist in coordination and information sharing, both within the City and throughout the County; and

WHEREAS, on January 18, 2023, the Director of Emergency Services ("Director") proclaimed the existence of a local emergency due to severe storms; and

WHEREAS, on January 24, 2023, the City Council adopted a resolution ratifying the Director's proclamation of a local emergency due to severe storms; and

WHEREAS, the conditions that warranted the local emergency proclamation no longer exist; and

WHEREAS, pursuant to Government Code Section 8630(d) and Section B. of the resolution ratifying the Director's proclamation, the local emergency exists until terminated by the City Council.

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Resolution No.

NOW, THEREFORE, the City Council of the City of Oxnard, State of California, does hereby proclaim the termination of said local emergency.

PASSED and ADOPTED this 21st day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
John C. Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS AGENDA ITEM NO. I.1

DATE: March 21, 2023

TO: City Council

FROM: Shiri Klima, Deputy City Manager, (805) 385-7487, shiri.klima@oxnard.org

SUBJECT: Appointment of Member to Serve on the City's Parks, Recreation, and Community Services Commission. (5 minutes)

RECOMMENDATION

That the Mayor, with the approval of the City Council, appoint Oscar Hernandez to serve on the Parks, Recreation, and Community Services Commission representing District 5.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/Qt_GRZLiU9o

BACKGROUND

Oxnard City Code section 2-36 states that the Mayor, with the approval of the City Council, shall appoint the members of each Citizen Advisory Group (CAG). The process is outlined in that provision, including nomination by each Council member congruent with his or her term in office. Section 2-37 states that each commissioner shall undergo the City's formal background check procedures before appointment.

DISCUSSION

The Parks, Recreation, and Community Services Commission (PRCSC) is concerned with all matters pertaining to the parks, recreation, and community services activities in the City. The PRCSC is composed of seven members, all of whom must reside in the City and be over the age of 18. For this purpose, Councilwoman Basua nominates Oscar Hernandez to represent D5, who has passed the City's formal background check procedures.

Staff will return on a rolling basis with additional Council nominations to fill the remaining vacancies in the City's CAGs, committees, and boards.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Samantha Shapiro, Project Manager

ATTACHMENTS

1. Appointment of Members to Serve on the PRCSC

Appointment of Members to Serve on the City's Parks, Recreation, and Community Services Commission

City Council

March 21, 2023

Samantha Shapiro, Project Manager

CITY OF OXNARD CALIFORNIA

RECOMMENDATION

That the Mayor, with the approval of the City Council, appoint Oscar Hernandez to serve on the Parks, Recreation, and Community Services Commission representing District 5.

PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION	
Function	Is concerned with all matters pertaining to the parks, recreation and community services activities in the City and serves as a liaison between the City Council and the community on such matters.
Requirements	7 members must reside in City and be over age 18
Nomination	Councilwoman Basua nominates Oscar Hernandez (D5)

CITY OF OXNARD CALIFORNIA

THE END

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.1

DATE: March 21, 2023

TO: City Council

FROM: Rose Chaparro, City Clerk, (805) 385-7805, rose.chaparro@oxnard.org

SUBJECT: Approval of Minutes.

RECOMMENDATION

That the City Council approve the minutes of the February 7, 2023, February 11, 2023, and February 21, 2023 regular meetings as presented.

BACKGROUND

Approval of Minutes.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Rose Chaparro, City Clerk

ATTACHMENTS

1. MINUTES 02 07 2023 CC Regular Meeting
2. MINUTES 02 11 2023 CC Regular Meeting
3. MINUTES 02 21 2023 CC Regular Meeting

MINUTES

OXNARD CITY COUNCIL
Regular Meeting
February 7, 2023

A. ROLL CALL, POSTING OF AGENDA

At 5:01 p.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council, (concurrently with the Oxnard Housing Authority), in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Oscar Madrigal, Bert E. Perello, Gabriel (Gabe) Teran, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Councilmember Gabriela Basua joined the meeting at 5:11 p.m.

Housing Authority Commissioner Jose Andrade joined the meeting at 6:00 p.m. Commissioner Francisco Vega was absent.

Staff members present in person were Alexander Nguyen, City Manager; Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Stephen M. Fischer, City Attorney; Ken Rozell, Chief Assistant City Attorney; Jason Benites, Police Chief; Denise Shadinger, Assistant Chief of Police; Tim Kelley, Special Operations Commander; Alexander Hamilton, Fire Chief; Michael Wolfe, Public Works Director; Steve Howlett, Assistant Public Works Director; Joseph Marcinko, Assistant Public Works Director; Tim Beaman, Supervising Civil Engineer; Jeff Pengilley, P.E., CDD Assistant Director & Building Official; Kathleen Mallory, Planning & Sustainability Manager; Helen Miller, Chief Information Officer; Steve Naveau, Human Resources Director; Emilio Ramirez, Housing Director; Elsa Brown, Affordable Housing Manager; Terrel Harrison, Cultural & Community Services Director; Phillip Molina, City Treasurer; Eden Alomeri, Revenue & Licensing Director & Assistant City Treasurer; Beth Vo, Assistant Chief Financial Officer; Adam Smith, Project Manager; Dee Lai, Assistant City Clerk and Rose Chaparro, City Clerk.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council and Housing Authority.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION (5:00 PM)

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
   Name of case: City of Oxnard v. Starr
   Court of Appeal, Second Appellate District, Division Six Case No. B314601 (Ventura County Superior Court Case No. 56-2020-00539039-CU-MC-VTA)
   Legislative Body: City Council

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code section 54956.9(d)(4))
   Based on existing facts and circumstances, the City Council shall decide whether to initiate litigation in one potential case.

DRAFT

Legislative Body: City Council

At 5:03 p.m., the City Council recessed to a closed session. At 6:02 p.m., the City Council reconvened in open session in the Council Chambers. The City Attorney announced that the City Council by a unanimous vote has directed the City Attorney to initiate an action. The action, the defendants, and the other particulars shall, once unsealed, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

D. OPENING CEREMONIES (6:00 PM)

The flag salute was followed by a moment of silence.

E. CEREMONIAL ITEMS

1. SUBJECT: Presentation of a Proclamation Designating the Month of February, 2023 as "Black History Month."

Mayor Zaragoza read the proclamation and presented it to members of the MLK Committee of Ventura County: Wesley Harris, Tracy Harris, Camren Harris, Ryanna Harris, and Mark Campos. Also, Kimberly Kelly, Chapter President of the Ventura County Alumnae Chapter, Delta Sigma Theta Sorority, Inc., Farwest Region; Angela Mitchell Landers, Juneteenth Celebration of Ventura County; Regina Crawford, Ventura County Chapter of the NAACP; 20th Century Onyx Club; Community Advocacy Coalition; Omega Psi Phi Fraternity, Inc.; and Le'Shune Clark with the AKA Xi Kappa which made remarks. Black History Month remains a powerful symbolic celebration and a time for acknowledgement, reflection, and inspiration. The national 2023 Black History Month theme, "Black Resistance," explores how African Americans have addressed historic and ongoing disadvantage and oppression, as evidenced by recent events. Councilmembers followed with remarks. Public comments were received from Bruce Stewart from the Juneteenth Committee of Ventura County.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Ronald Arruejo, Planning Commissioner and Chair of the East Village Neighborhood Council (Announcement of the District 6 Special Election Candidate Forum); Lang Martinez, Homeless Advocate (LA Times Newspaper Article about the Homeless Crisis), Diana Velzy, Chair of INCO (locations for bulky item drop-off update), Rena Olmedo (700 block of Marbella Court, multiple street lights broken), and Luciano Morales (CEO of Gogo Scooters).

G. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

City Manager Nguyen introduced Police Chief Benites who provided an update on the recent fires in the private property located along 5th Street and Harbor Boulevard and the surrounding neighborhoods. This situation is due to homeless encampments in that area. There is weekly outreach by Police to offer services. Chief Benites that there is current litigation to determine ownership of the private property and next steps to resolve the situation.

1. City Manager Department

SUBJECT: COVID-19 Update from Director of Emergency Services.

RECOMMENDATION: That the City Council re-authorize remote teleconference meetings of the legislative bodies of the City of Oxnard in accordance with Assembly Bill 361 based on the

following findings: (i) the current COVID-19 situation, particularly with its variants, is causing, and will continue to cause, imminent risks to the health and safety of persons within the City, including City Council members, City staff, appointed officials, and members of the public; (ii) state and local officials continue to impose or recommend measures to promote social distancing; and (iii) the Governor's COVID-19 State of Emergency is still in effect; and (iv) numerous public agencies throughout Ventura County are still operating in accordance with Assembly 361, for the reasons stated herein.

Alexander Nguyen, City Manager and Stephen M. Fischer, City Attorney presented and provided an update on the Governor's Covid-19 State of Emergency. No public comments were received.

It was moved by Councilmember Perello, seconded by Councilmember Teran, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello,Teran, and Zaragoza voted in favor; motion passed 6-0.

H. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS

Councilmembers sang happy birthday to Councilmember Basua.

Councilmember Teran announced the upcoming District 2 Neighborhood Council meetings. He thanked the Chicano Studies Research Center, City Manager Nguyen and City staff for a comprehensive study that is being conducted by the UCLA Chicano Studies Research Center at the City of Oxnard.

Mayor Zaragoza thanked the City Manager Nguyen for leading the UCLA Chicano Studies and the outstanding session held at Oxnard College. He also thanked City Manager Nguyen, Mayor Pro Tem MacDonald, Jack Villa, and Roger Poirier for leading the Town Hall Meeting for District 4. The event was well attended.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-1 through K-5 were discussed among the Council and staff. Consent agenda item K.3 was pulled from the agenda.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None received.)

K. INFORMATION/CONSENT AGENDA

1. City Clerk Department
   SUBJECT: Approval of Minutes.
   RECOMMENDATION: That the City Council approve the minutes of the January 3, 2023 regular meeting as presented.

2. Police Department
   SUBJECT: Police Department Mobile Command Vehicle Purchase.
   RECOMMENDATION: That City Council:

   1. Approve and authorize the Purchasing Manager to execute a Purchase Order with Emergency

Vehicles Incorporated (EVI) in the amount of $700,094.75

2. Approve the purchase and use of the mobile command vehicle as military equipment as defined by Government Code 7070(c)5

(Community Services, Public Safety, and Housing & Development Committee approved 2-0.)

3. Housing Department
SUBJECT: First Amendment to Agreement A-8434 for Housing Professional Services.
RECOMMENDATION: That the Housing Authority Board of Commissioners Approve and authorize the execution of the First Amendment to Agreement A-8434 with Nan McKay & Associates, Inc. for Housing Choice Voucher case management services, increasing the amount from $200,000 to $400,000 and extending the term by one year

(The Community Services, Public Safety, Housing & Development Committee approved 2-0 on January 10, 2023)

4. Housing Department
SUBJECT: First Amendment to Agreement 9660-22-HO for Housing Contracts Administration Services.
RECOMMENDATION: 1. That the City Council:

1. Approve and authorize the execution of a First Amendment to Agreement 9660-22-HO with Michael Baker International to increase the not to exceed amount on their contract from $120,000 to $481,000; and

2. That the Housing Authority Board of Commissioners approve and authorize the Chairperson to use up to $164,000 in Housing Authority Funds to pay for Housing Contracts Administration Services under Agreement 9660-22-HO.

(The Community Services, Public Safety, Housing & Development Committee approved 2-0 on January 10, 2023.)

5. Housing Department
SUBJECT: Mobile Home Park Rent Stabilization System Annual Activity Report for 2022.
RECOMMENDATION: That the City Council receive and file the 2022 Annual Activity Report for the Mobile Home Park Rent Stabilization System, as adopted by the Mobile Home Park Rent Review Board.
(This item did not originate in Committee.)

Consent Items K.1, K.2, and K.5:
It was moved by Councilmember Perello, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

Consent Item K.3: This item was pulled from the agenda.

Housing Authority Consent Item K.4:

It was moved by Councilmember Perello, seconded by Councilmember Madrigal, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Zaragoza and Commissioner Andrade voted in favor; motion passed 7-0.

L. REPORTS

1. City Treasurer
   SUBJECT: City Treasurer's Monthly Investment Report for the Period Ending December 31, 2022.
   RECOMMENDATION: That the City Council receive and file the report.

Phillip Molina, City Treasurer presented. No public comments were received. Report was received and filed, no formal action was required.

2. City Manager Department
   SUBJECT: Conduct an Oral Discussion Regarding Shifting Gears; Making Adjustments to Align with Economic and Social Circumstances, and Make Decisions to Modify American Rescue Plan Act (ARPA) Projects, Council Priorities, and the Outlook on the City's Restoration Budgets. (120 minutes)
   RECOMMENDATION: That the City Council conducts a robust oral discussion and deliberation regarding the following:

   1. The need for the City to shift gears and make adjustments to align with economic and social circumstances;
   2. Modify ARPA projects;
   3. Modify the timelines of Council priorities from five to seven years; and
   4. Extend the Restoration Budgets from three to five years.

Alexander Nguyen, City Manager; Ashley Golden, Assistant City Manager; Michael Wolfe, Public Works Director; and Steve Howlett, Assistant Public Works Director presented and answered questions. Public comments and written comments were received from Bryan Rodriguez. Council provided direction to staff. Report was received and filed, no formal action was required.

3. City Manager Department
   SUBJECT: Water Policy and Related Litigation Update. (10 minutes)
   RECOMMENDATION: That the City Council receive and file the Water Policy Report and Update on related Litigation.

   This item is not subject to the California Environmental Quality Act pursuant to Public Resources Code 21080(b)(4).

   (Public Works and Transportation Committee approved 3-0.)

Michael Wolfe, Public Works Director presented and answered questions. Shiri Klima, Deputy City Manager was also available to answer questions. No public comments were received. Report was received and filed, no formal action was required.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting

at 8:55 p.m.

ROSE CHAPARRO
City Clerk

JOHN C. ZARAGOZA
Mayor

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
Water Rates Workshop
February 11, 2023

A. ROLL CALL, POSTING OF AGENDA

At 10:07 a.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council, in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Oscar Madrigal, Bert E. Perello, Gabriel (Gabe) Teran, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Councilmember Gabriela Basua joined the meeting at 10:11 a.m.

Staff members present in person were Alexander Nguyen, City Manager; Shiri Klima, Deputy City Manager; Stephen M. Fischer, City Attorney; Michelle (Elle) McCarron, Assistant City Attorney; Michael Wolfe, Public Works Director; Joseph Marcinko, Assistant Public Works Director; Omar Castro, Water Division Manager; Chris Peyton, Water Operations Manager; Abraham Maldonado, Water Resources Manager; Timothy Beaman, Supervising Civil Engineer; Jazmin Charlesworth, Administrative Services Coordinator; Dee Lai, Assistant City Clerk; and Rose Chaparro, City Clerk.

Consultant Steve Gagnon, P.E., Vice President at Raftelis Financial Consultants, Inc. also participated via videoconference.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Public comments were received from Ray Blattel (traffic issues).

D. REPORTS

1. Public Works Department

SUBJECT: Water Rates Workshop. (60 minutes)
RECOMMENDATION: That the City Council provide comments and feedback on the goals, variable input, structure options, and process for the proposed water rates.

(This item is exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21080(b)(8) and CEQA Guidelines section 15273.)

DRAFT

Michael Wolfe, Public Works Director introduced Steve Gagnon, P.E., Vice President from Raftelis Financial Consultants, Inc., who presented and answered questions. Omar Castro, Water Division Manager was also available to answer questions. Public comments were received from Ray Blattel. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

E. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 12:06 p.m.

ROSE CHAPARRO
City Clerk

JOHN C. ZARAGOZA
Mayor

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
February 21, 2023

A. ROLL CALL, POSTING OF AGENDA

At 5:31 p.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council (concurrently with the Oxnard Housing Authority), in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Councilmembers Gabriela Basua, Oscar Madrigal, Bert E. Perello, Gabriel (Gabe) Teran, Mayor Pro Tem Bryan A. MacDonald, and Mayor John C. Zaragoza were present.

Housing Authority Commissioner Jose Andrade joined the meeting at 6:00 p.m. Commissioner Francisco Vega was absent.

Staff members present in person were Alexander Nguyen, City Manager; Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Stephen M. Fischer, City Attorney; Kenneth Rozell, Chief Assistant City Attorney; Jason Benites, Police Chief; Alexander Hamilton, Fire Chief; Michael Wolfe, Public Works Director; Steve Howlett, Assistant Public Works Director; Jeff Pengilley, P.E., Community Development Assistant Director & Building Official; Emilio Ramirez, Housing Director; Albert Ramirez, Assistant Housing Director; Elsa Brown, Affordable Housing Manager; Denise Olson, Interim Chief Financial Officer; Beth Vo, Assistant Chief Financial Officer; Mark Sewell, Assistant Chief Financial Officer; Cesar Perfecto, Controller; Jennifer Yates, Purchasing Manager; Phillip Molina, City Treasurer; Dee Lai, Assistant City Clerk and Rose Chaparro, City Clerk.

Staff members Omar Castro, Water Division Manager; Kevin Thompson, Parks Manager; Marc Amon, Police Commander; and Samantha Shapiro, Project Manager participated via videoconference.

Auditor Eden Casareno, Partner In-Charge of Attest Services with Eadie + Payne LLP also participated via videoconference.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council and Oxnard Housing Authority.

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION (5:30 PM)

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)

DRAFT

Property: 411 West Pleasant Valley Road (APN 205-0-320-225)
Agency Negotiator: Emilio Ramirez, Housing Director; Ashley Golden, Assistant City Manager
Negotiating Party: Yong Lee; Soo J. Lee; Soo B. Lee
Under Negotiation: Price and terms of payment
Legislative Body: City Council

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)
Property: 451 West Pleasant Valley Road (APN 205-0-320-235)
Agency Negotiator: Emilio Ramirez, Housing Director; Ashley Golden, Assistant City Manager
Negotiating Party: Norma Rushing
Under Negotiation: Price and terms of payment
Legislative Body: City Council

At 5:33 p.m., the City Council recessed to a closed session. At 6:01 p.m., the City Council reconvened in open session in the Council Chambers. The City Attorney announced that items C.1 and C.2 were reviewed and that there were no reportable actions out of closed session.

D. OPENING CEREMONIES (6:00 PM)

The flag salute was followed by a moment of silence.

E. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Juan Magana (unsafe traffic conditions and concerns for student safety around school areas), Lang Martinez (LA Times article on the homeless crisis), Gary Davis, Secretary for the Oxnard Performing Arts Center Corporation Board (Oxnard Performing Arts Center & Convention Center recommendation to raze complex and construct a new, mixed-use campus, combining residential and commercial facilities).

F. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

City Manager Nguyen provided community updates. Information was provided about the Utility Bill Assistance Community Workshops Program. Community workshops are being held to assist households with water utility bill assistance. For questions, contact the Community Action Ventura County at (805) 436-4000. The City of Oxnard District 6 Special Election will be held on Tuesday, March 7, 2023. Therefore, the regularly scheduled City Council meeting will be cancelled. The County of Ventura Department of Airports launches three noise studies for the Oxnard and Camarillo Airports. The first community information meetings for the Part 150 Noise Studies are scheduled for March 20, 2023 (Camarillo Airport) and March 21, 2023 (Oxnard Airport). For information visit: vcairports.org.

1. Public Works Department
SUBJECT: Reconsideration of Local Emergency Due to Ongoing Drought Conditions.

RECOMMENDATION: That the City Council adopt **Resolution No. 15,664** confirming the need to continue the local emergency declared on May 17, 2022, due to drought conditions and lack of adequate water supply.

(This item is not subject to the California Environmental Quality Act pursuant to Public Resources Code section 21080(b)(4)).

Michael Wolfe, Public Works Director presented and answered questions. No public comments were received.

It was moved by Councilmember Perello, seconded by Mayor Pro Tem MacDonald, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

G. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS

Mayor Pro Tem MacDonald that this year, he will serve as the Board of Directors Chair for the Ventura County Transportation Commission (VCTC). He has stepped down as the Chair for the Gold Coast Transit District Board but will continue on the Board of Directors as a board member. He also announced that he has been re-selected as the Board Vice Chair for the Southern California Regional Rail Authority (Amtrak Pacific Surf liner). The agency that provides rail transportation in Southern California for residents of Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura Counties. He hopes to be selected the Board Chair next year.

Councilmember Perello thanked the public speakers that participated in the meeting tonight. He attended a few Board meetings for agencies that he serves on, as well as Neighborhood Council meetings. There meetings were very informative. It was good to see the representation from the various neighborhoods, as well as the information provided at these meetings. He attended an 85 year old, a 30 year old, and a 3 year old birthday parties over the weekend. This gave him a perspective of the different stages and expectations of life and how Council's decisions can impact lives. He made an announcement about the upcoming Disabled American Veterans Golf Tournament which is being sponsored by the Ventura Elks Lodge #1430. The second annual tournament is being held on Sunday, May 7 2023, at the Olivas Links Golf Course in Ventura. Registration deadline is April 30, 2023.

Councilmember Madrigal participated in "Read Across America" for 2nd, 3rd, and 4th graders at Brekke Elementary School, Kamala Elementary School, and Juan Lagunas Soria Elementary School. He thanked the students and teachers for the work they do. He said that he is expecting a letter from the Kamala Elementary School students regarding their concerns about the Kamala Neighborhood and Kamala Park.

Councilmember Teran also thanked the public speakers in attendance at tonight's meeting. He announced his attendance at the Sierra Linda Neighborhood Council meeting. He also plans to attend the Wagon Wheel, Riverpark and South Bank Neighborhood Council meetings as well.

He announced that a District 2 Town Hall meeting will be held on March 22, 2023, at Rio Vista School, which will be focusing on the City Manager's presentation on disparity around job opportunities, advancement for career, and education for residents of Oxnard.

Mayor Zaragoza announced that he recently attended the Ventura County Air Pollution Control District meeting to protect public health and agriculture from the adverse effects of air pollution. He also attended the Ventura Local Agency Formation Committee (LAFCO) meeting. Mayor Zaragoza also attended the Ventura County Family Justice Center meeting with District Attorney Erik Nasarenko, Sheriff Jim Fryhoff, City of Oxnard Police Chief Jason Benites were also in attendance at this two day event for the Family Justice Center in the City of Oxnard. Police Chief Benites serves on the Family Justice Center Oxnard Satellite Committee. The Ventura County Family Justice Center brings services, support and understanding to victims, survivors and their families and is working to improve the provision of services to victims of crime in Ventura County and committed to public safety, the pursuit of truth and justice, and ensures victims are protected. The state has earmarked $1 million to create an Oxnard satellite office of the Ventura County Family Justice Center. The pilot project in Oxnard would also be overseen by the Ventura County District Attorney's Office.

1. City Manager Department
   SUBJECT: Appointment of Members to Serve on the City's CAG's.
   RECOMMENDATION: That the Mayor, with the approval of the City Council, make the following appointments:

   1. To Senior Services Commission: Clark Owens (D1);
   2. To Community Relations Commission: Helaine Stallion (D1) and Tiffany Lopez (at large);
   3. To Cultural Arts Commission: Teodoro Lopez (D1);
   4. To Parks, Recreation and Community Services Commission: Miguel Fernandez (D1); and
   5. To Planning Commission: Steven Nash (D1).

It was moved by Councilmember Perello, seconded by Mayor Zaragoza, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

H. REVIEW OF INFORMATION/CONSENT AGENDA

Items J-1 through J.6 were discussed among the Council and staff.

I. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None received.)

J. INFORMATION/CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the minutes of the January 17, 2023 regular meeting as presented.

2. City Manager Department
SUBJECT: List of City Manager Approved Contracts - Informational Only.
RECOMMENDATION: That the City Council receive and file the list of City Manager approved contracts for the period June 1, 2022 through December 31, 2022.

3. Public Works Department
SUBJECT: Agreement 32300182 with MERITO Foundation, Agreement 32300196 with Reality Improv Connection, Inc. and Agreement 32300195 with KTU&A, Inc. for the Oxnard Beautification and Clean-up Program, Project C2317.
RECOMMENDATION: That the City Council approve and authorize the following for a total of $734,832 in Project funds for the Oxnard Beautification and Clean-up Program:

1. A Professional Services Agreement with the MERITO Foundation in the amount of $219,001 for a term through June 30, 2024 for the Project;
2. A Professional Services Agreement with Reality Improv Connection, Inc. in the amount of $245,948 for a term through June 30, 2024 for the Project; and
3. A Professional Services Agreement with KTU&A, Inc. in the amount of $269,883 for a term through June 30, 2024 for the Project.

(Recommendation 1 is categorically exempt from the California Environmental Quality Act pursuant to Title 14 of the California Code of Regulations Section 15304(b); and Recommendations 2 and 3 are not projects subject to CEQA.)

(This item did not originate in Committee as this is a grant-funded project.)

4. Housing Department
SUBJECT: Plaza Vista Apartments Drain Line and Electrical Panel Project.
RECOMMENDATION: That the Board of Commissioners of the Housing Authority of the City of Oxnard approve and authorize execution of the following firm-fixed price contracts:

1. Agreement number A-8512 in the amount of $267,472.92 with Oscalibur Plumbing, Inc. to replace the plumbing drain line at the Plaza Vista public housing site using funds appropriated from the 2019 Capital Fund grant; and

2. Agreement number A-8510 in the amount of $341,857.79 to replace the main electrical panels at the Plaza Vista public housing site using funds appropriated from the 2019 Capital Fund grant.

(The Community Services, Public Safety, Housing & Development Committee approved 3-0.)

5. City Manager Department
SUBJECT: Authorize the Programming of Additional Ongoing Funding for Park Maintenance Projects and the Approval of Two New One-Time Projects into Measure O.
RECOMMENDATION: That the City Council authorize the programming of the following additional ongoing funding for park maintenance projects and the approval of two new projects into Measure O:

1. Increase funding for existing Measure O project MO5701 (College Park Maintenance) from $838,524 annual budget by $27,000 to $865,524 annual budget and existing project MO5702 (East Village Park Operating Maintenance) from $91,301 annual budget by $3,000 to $94,301 annual budget;
2. Approve the following new Measure O project with associated one-time funding: Tier 2 Seismic Evaluation for the Performing Arts Center - $200,000; and
3. Approve the following new Measure O project with associated one-time funding: Facilities Assessment - $340,000.

(The Measure O Citizen Oversight Committee reviewed this item on January 26, 2023, and determined that it should proceed to Council).

6. City Treasurer
SUBJECT: General Banking Services Agreement.
RECOMMENDATION: That the City Council receive and file the agreement with Bank of America in an estimated amount of $500,000 for an initial term of 3 years with an option to renew for 5 one-year periods.

(Finance and Governance Committee approved 3-0.)

Consent Items No. J.1, J.2, J.5 and J.6:
It was moved by Councilmember Perello, seconded by Mayor Zaragoza, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

Consent Items No. J.3:
It was moved by Councilmember Perello, seconded by Mayor Zaragoza, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, and Zaragoza voted in favor; motion passed 5-0-1. Councilmember Teran abstained due to business relationship with previous employer.

Housing Authority Consent Item J.4:
It was moved by Councilmember Perello, seconded by Mayor Zaragoza, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, Zaragoza and Commissioner Andrade voted in favor; motion passed 7-0. Housing Authority Commissioner Vega was absent.

K. PUBLIC HEARINGS

1. Housing Department

SUBJECT: Substantial Amendment to the Fiscal Year 2020-2021 and 2022-2023 Annual Action Plans.

RECOMMENDATION: That the City Council:

1. Conduct a public hearing and receive comments related to the Substantial Amendment of the Fiscal Year 2020-2021 and 2022-2023 Annual Action Plans;

2. Approve a Substantial Amendment to the Fiscal Year 2020-2021 and 2022-2023 Annual Action Plans, reallocating Community Development Block Grant, Community Development Block Grant – Coronavirus, and HOME Investment Partnership funding;

3. Authorize the City Manager and his designees, to execute the required applications, certifications, and other pertinent documents for the submission of the Amendments to the United States Department of Housing and Urban Development;

4. Authorize the City Manager and his designees, to execute the appropriate agreements with subgrantees, and to adjust any of the funding activity, not to exceed ten percent, if the programs require more or less funding to meet their objectives; and

5. Authorize the City Manager and his designees, to incorporate any recommended changes resulting from public input to each of the aforementioned plans, as directed by the City Council, including amending any grant revenue and/or expenditure budgets to reflect the reallocations described in the 2022-2023 and 2020-21 mid-year budgets.

(This item did not originate in Committee.)

The City Clerk announced the affidavit of publication and stated that no written communications were received.

Emilio Ramirez, Housing Director presented and answered questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. No public comments were received.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff.

It was moved by Councilmember Basua, seconded by Councilmember Teran, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

L. REPORTS

1. Finance Department

SUBJECT: FY 21-22 Annual Comprehensive Financial Report and Summary Presentation.
RECOMMENDATION: That the City Council receive the FY 2021-22 Comprehensive Annual Financial Report (CAFR) and summary presentation from the City's external financial auditors, Eadie + Payne, LLP.

(This item is scheduled to be presented to the Finance and Governance Committee on February 14, 2023.)

(Presentation will be live upon consultant's request.)

Shiri Klima, Deputy City Manager introduced Eden Casareno, Partner In-Charge of Attest Services, Auditor with Eadie + Payne LLP, who presented and answered questions. Beth Vo, Assistant Chief Financial Officer was also available to answer questions. No public comments were received. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

2. Public Works Department

SUBJECT: Carryover of Encumbered Funds from Fiscal Year 2021-22 and Amended Budget Appropriations for Public Works for Fiscal Year 2022-23.
RECOMMENDATION: That the City Council approve:

1. The carryover of encumbered funds from Fiscal Year 2021-22 to Fiscal Year 2022-23 from available fund balances in the amounts of: A) $957,184 to the General Fund (101); B) $232,001 to the Wastewater Fund (611): and C) $115,181 to the Environmental Resources Fund (631) due to supply chain delays;

2. Fiscal Year 2022-23 budget appropriations from available fund balances in the amount of $115,811 to the Special Districts Fund (120) for new work and budget appropriation transfer of $7,300 from the General Fund (101) to Special Districts Fund (120) as the General Benefit contribution for applicable Districts; and

3. A Fiscal Year 2022-23 budget un-appropriation in the amount of $5,175,000 from the Water Bond Fund (609).

(The Finance and Governance Committee approved 3-0 and the Public Works and Transportation Committee approved 2-0.)

(This item is not subject to the California Environmental Quality Act.)

Michael Wolfe, Public Works Director presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the

recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

3. Housing Department
SUBJECT: Authorize the Housing Director to Execute HOME and CDBG Loan Agreements with Peoples' Self-Help Housing for Cypress Place at Garden City Phase I, a 90 Unit Affordable Rental Housing Project.
RECOMMENDATION: That the City Council:

1. Adopt **Resolution No. 15,665** authorizing the Housing Director to execute a $1,600,000 HOME Loan Agreement and a $1,500,000 CDBG Loan Agreement, and any and all related documents thereto, with Peoples' Self-Help Housing for the construction of Phase I of Cypress Place at Garden City, a ninety (90) unit affordable rental housing project located at 5536 and 5482 Cypress Road; and

2. Find that approval of the resolution and the acts authorized therein are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code sections 21159.21 and 21159.23.

(This item did not originate in Committee.)

Emilio Ramirez, Housing Director presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: Basua, MacDonald, Madrigal, Perello, Teran, and Zaragoza voted in favor; motion passed 6-0.

4. Information Technology Department
SUBJECT: Oxnard 311 - Performance Update Report.
RECOMMENDATION: That the City Council receive a City of Oxnard 311 constituent relationship management performance update for the period of performance year six (May 1, 2021, through April 30, 2022) and the first half of performance year seven (May 1, 2022, through October 31, 2022).

(Community Services, Public Safety, Housing & Development Committee approved 3-0.)

Helen Miller, Chief Information Officer and Helen Johnson, Interim IT MGIS Manager presented and answered questions. Jason Benites, Police Chief and Marc Amon, Police Commander also answered questions. No public comments were received. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

5. Finance Department
SUBJECT: Discussion of the State Auditor's 2021 Fiscal Health Ranking of California

Cities.
RECOMMENDATION: That the City Council receive the State Auditor's 2021 Fiscal Health Ranking of California Cities.

(This item was presented to the Finance and Governance Committee on January 10, 2023.)

Mark Sewell, Assistant Chief Financial Officer presented and answered questions. No public comments were received. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

M. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 8:02 p.m.

ROSE CHAPARRO
City Clerk

JOHN C. ZARAGOZA
Mayor

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.2

DATE: March 21, 2023

TO: City Council

FROM: Jason Benites, Police Chief, (805) 385-7624, jason.benites@oxnardpd.org

SUBJECT: Agreement for Police School Resource Officer Services.

RECOMMENDATION

That the City Council approve and authorize the City Manager to enter into a cost-sharing agreement between the City of Oxnard (City), and the Oxnard School District (OSD or District), from July 1, 2023, to June 30, 2026, for Police School Resource Officer (SRO) Services.

(The Community Services, Public Safety, Housing, and Development Committee approved 3-0 on February 14, 2023, to approve the staff recommendation and to forward the item for Council approval.)

BACKGROUND

The agreement sets forth guidelines between the OSD and the Oxnard Police Department to ensure an understanding of the goals of the SRO program and the District's commitment to reimburse the police department for a portion of the personnel costs associated with the program.

The District agrees to reimburse the Oxnard Police Department for the combined equivalent of 75% of personnel costs for two (2) SROs, including agreeing to fully reimburse the City for costs associated with staffing special school events.

School Resource Officer Program Overview

The SROs will serve the District with twenty-one (21) schools and approximately 15,000 students.

SROs assist school administrators in helping maintain a safe campus environment that is conducive to learning. SROs provide a visible presence to deter disturbances and identify trespassers on campuses. School officials rely on the training, knowledge, and experience of SROS to handle dangerous situations involving fights, weapons, and the identification of dangerous drugs. SROs also provide a service to the surrounding community by addressing concerns, such as loitering, speeding, and other traffic issues.

SROs are assigned to the District for three (3) years and their appointment follows the school's calendar year. The SROs handle police service calls in and around the school campuses, which provides relief to the department’s patrol division. SROs handle a variety of issues, typically including assaults, drugs, alcohol, weapon violations, threats, bullying, child abuse, child custody, court orders, truancy, traffic issues, gangs, mental health issues, runaways, and conflict among parents. SROs are responsible for investigating violations of criminal law. When it is both necessary and appropriate, SROs enforce these laws by citing or arresting offenders, but favor prevention and intervention strategies, viewing enforcement as a last resort. SROs frequently engage in counseling sessions, meetings, and presentations that have meaningful impacts on students and parents.

The Agreement for Police School Resource Officer Services and Cost Sharing

The agreement involves the reimbursement to the City for the services of two police officers that provide enhanced police services to the OSD. In general, the City is reimbursed for 75% of personnel costs related to the two SROs. The District's cost-sharing amount for one fiscal year is $235,851 (75% of the cost of the two officers).

The City shall submit to the District an invoice in the amount of $235,851 no less than 30 days prior to the end of each fiscal year for the 3-year term.

STRATEGIC PRIORITIES

This agenda item supports the Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and the health of our community.

FINANCIAL IMPACT

The SRO program costs and revenue generated through the 75% reimbursement from OSD will be included in the proposed General Fund budget of each fiscal year (FY2023-24, FY2024-25 & FY2025-26).

COMMITTEE OUTCOME

The Community Services, Public Safety, Housing, and Development Committee approved 3-0 on February 14, 2023, to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Luis McArthur, Police Commander

ATTACHMENTS

1. SRO Agreement with OSD FY 2023-2026 (3)
2. PowerPoint on SROs and OSD Partnership

Agreement No.

AGREEMENT FOR POLICE SCHOOL RESOURCE OFFICER SERVICES AND COST SHARING

THIS AGREEMENT FOR POLICE SCHOOL RESOURCE OFFICER SERVICES (**"Agreement"**) by and between the City of Oxnard, a municipal corporation (**"City"**) and the Oxnard School District ("**OSD**" or **"District"**) is made and entered into as of July 1, 2023. City and District are sometimes individually referred to as "Party" and collectively as "Parties."

WHEREAS, the purpose of this Agreement is to maintain the School Resource Officer (SRO) program and to set forth guidelines to ensure that law enforcement, school officials, and the communities they serve have a shared understanding of the goals of the SRO program and that SROs receive the necessary support and training to ensure a safe school environment while respecting the rights of students and improving the overall school climate;

WHEREAS, the parties agree that an effective SRO program sets forth: the role of the SRO within the context of the educational mission of the school; distinctions between disciplinary misconduct to be handled by school officials, and criminal offenses to be handled by law enforcement; respect for the rights of students; transparency and accountability; and minimum SRO training requirements;

WHEREAS, this Agreement focuses on the role of the SROs as it relates to students and faculty; it does not govern how SROs will conduct operations when dealing with adult non-school district employees in and around a school facility;

WHEREAS, the parties intend to work together to share costs and ensure the continuity of the School Resource Officer program on OSD school campuses.

City and District hereby agree as follows:

1. Scope of Services. The Oxnard Police Department (**"OPD"**) shall provide the services of one officer and one corporal to be assigned as School Resource Officers ("SROs") to OSD elementary and intermediate school campuses. The SROs will work with OSD district staff as well as staff at individual elementary and intermediate schools to determine schedules and specific services at each school site. This will allow the activities and support provided by the SROs to be tailored to the specific needs of each school, and it will also provide for flexibility of the SROs' law enforcement responsibilities and involvement with intracurricular and extracurricular activities.

2. Method of Performing Services. Subject to the terms and conditions of this Agreement, OPD personnel may determine the method, details, and means of performing the Services described herein as well as the duration of the Services. OPD shall perform services consistent with the SRO guidelines detailed in **Exhibit A** attached hereto and incorporated by this reference in full herein.

3. Cost Sharing; Reimbursement, Method of Payment. City and District agree that District shall be obligated to fund Seventy-Five percent (75%) of the cost to operate and administer the SRO program for FY 2023-2024, FY 2024-2025 and FY 2025-2026 and that City shall be obligated to fund the balance. City shall submit to District an invoice in the amount of Two Hundred Thirty-Five Thousand Eight Hundred and Fifty-One Dollars ($235,851) (total cost for one officer and one corporal) no less than thirty (30) days prior to the end of each fiscal year: June 30, 2024 for FY 2023-2024, June 30, 2025 for FY 2024-2025 and June 30, 2026 for FY 2025-2026.

   City shall send invoices to: Valerie Mitchell, Interim Assistant Superintendent, Oxnard School District 1051 South A Street, Oxnard, CA, 93030. District shall, within thirty (30) days of receiving such invoice, review the invoice and pay all charges.

4. Nonexclusive Services. This Agreement shall not be interpreted to prevent or preclude OPD personnel from rendering any services to any other person or entity as City in its sole discretion shall determine. City agrees that performing such services will not materially interfere with services to be performed under this Agreement.

5. Reporting Requirements for District/School Staff of Suspected Child Abuse Committed by a District/School Employee. Reports of suspected child abuse which would include any sexual misconduct by any District/School employee shall be reported immediately, or as soon as practicably possible, to the designated SRO. In the event that the SRO is not available, the on duty Oxnard Police Department Watch Commander is to be contacted. The police personnel receiving the report from the school district employee will make notification directly to the Family Protection Unit (FPU) Sergeant. This verbal notification to the SRO does not preclude the District/School from preparing and sending a fax or electronically transmitted written follow-up report within 36 hours of receiving the information concerning the incident (Form SS 8572 Suspected Child Abuse) or any other mandatory reporting requirements.

6. Term. The term of this Agreement shall be from July 1, 2023 to June 30, 2026, unless earlier terminated as provided herein. This Agreement may be renewed for up to two (2) additional annual terms through mutually agreed upon contract amendments.

7. Termination. Either Party may, by written notice to the other, terminate the whole or any part of this Agreement at any time and without cause by giving written notice to the other Party of such termination, and specifying the effective date thereof, at least thirty (30) business days before the effective date of such termination. Upon termination of this Agreement, City shall be compensated for those Services that City has provided to District up to the effective date of termination.

8. Force Majeure. City and District agree that neither City nor District shall be responsible for delays or failures in performance resulting from acts beyond the control of either Party. Such acts shall include, but not be limited to acts of God, strikes, lockouts, riots, acts of war, epidemics, governmental regulations imposed after this Agreement was

executed, fire, communication line failures, earthquakes, or other disasters.

9. Mutual Indemnification. Each Party shall defend, hold harmless, and indemnify the other Party and its officers, directors, employees, agents and representatives against any and all loss, liability, damage, or expense, including any direct, indirect or consequential loss, liability, damage, or cost of defense (including attorneys' fees) for injury or death to persons, including employees of either Party, and damage to property, including property of either Party, arising out of or in connection with the indemnifying Party's performance of this Agreement or failure to comply with any of its obligations contained in this Agreement. However, neither Party shall be indemnified hereunder for any loss, liability, damage, or expense resulting from its sole negligence or willful misconduct.

10. Delivery of Notices. All notices permitted or required under this Agreement shall be given to the respective Parties at the following addresses, or at such other address as the respective Parties may provide in writing for this purpose:

City:
Oxnard Police Department
251 South "C" Street
Oxnard, California 93030
Attention: Jason Benites, Assistant Chief of Police

District:
Oxnard School District
1051 South A Street
Oxnard, CA, 93030
Attention: Valerie Mitchell, Interim Assistant Superintendent

Such notice shall be deemed made when personally delivered or when mailed, forty-eight (48) hours after deposit in the U.S. Mail, first class postage prepaid and addressed to the Party at its applicable address. Actual notice shall be deemed adequate notice on the date actual notice occurred, regardless of the method of service.

11. Governing Law. This Agreement shall be governed by the laws of the State of California without regard to the conflicts of laws principles. This Agreement shall be deemed to have been made in the County of Ventura, regardless of the order of signatures of the Parties affixed hereto. Any litigation or other legal proceedings which arise under or in connection with this Agreement shall be conducted in a federal or state court located within or for the County of Ventura, California. The Parties consent to the personal jurisdiction and venue of a federal or state court located within or for the County of Ventura, California and hereby waive any defenses or objections thereto including defenses based on the doctrine of forum non conveniens.

12. Successors and Assigns. This Agreement shall be binding on the successors and assigns of the Parties.

13. Construction; References; Captions. Since the Parties or their agents have participated fully in the preparation of this Agreement, the language of this Agreement shall be

construed simply, according to its fair meaning, and not strictly for or against any Party. Any term referencing time, days or period of performance shall be deemed calendar days and not work days unless otherwise specified. All references to City include all officials, officers, employees, personnel, agents, volunteers, contractors and subcontractors of City, except as otherwise specified in this Agreement. All references to District include all officials, officers, employees, personnel, agents, volunteers, contractors and subcontractors of District, unless otherwise specified in this Agreement. The captions of the various paragraphs and sections are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

14. Assignment. The Parties may not assign, hypothecate or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the other Party.

15. Amendment; Modification. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

16. Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel or otherwise.

17. No Third Party Beneficiaries. This Agreement and the performance of the obligations hereunder are for the sole and exclusive benefit of City and District. No person or entity who or which is not a signatory to this Agreement shall be deemed to be benefited or intended to be benefited by any provision hereof, and no such person or entity shall acquire any rights or causes of action against either City or District hereunder as a result of the Parties performance or nonperformance of their respective obligations under this Agreement.

18. Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

19. Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate or convenient to attain the purposes of this Agreement.

20. Authority to Enter Agreement. Each Party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

21. Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original.

22. Entire Agreement. This Agreement contains the entire Agreement of the Parties with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements.

CITY OF OXNARD

_____
Alexander Nguyen, City Manager

APPROVED AS TO FORM

_____
Stephen M. Fischer, City Attorney

APPROVED AS TO CONTENT

_____
Jason Benites, Police Chief

OXNARD SCHOOL DISTRICT

_____
Dr. Karling Aguilera-Fort, Superintendent

EXHIBIT "A"

SRO Guidelines

ROLE OF THE SRO IN THE CONTEXT OF THE EDUCATIONAL MISSION OF THE SCHOOL DISTRICT TO ALIGN SUPPORTS AND SERVICES FOR STUDENTS, FAMILIES AND STAFF.

1. The mission of the SRO program is to assist the school in maintaining a safe environment and to develop a positive relationship between students and law enforcement.
2. School administrators shall be informed as to whether an SRO will be deployed to the school and shall participate in periodic performance reviews of the SRO.
3. The SRO shall meet with school administrators, teachers, parents, and student representatives at least annually and as needed to discuss issues of school safety.
4. The SRO shall be integrated into the school community through participation in faculty and student meetings and assemblies as appropriate.
5. The SRO shall maintain weekly activity reports and submit these reports to his or her direct supervisor.
6. The SRO will participate as a member of the OSD Interdisciplinary Wellness Team.

DISTINGUISHING DISCIPLINARY MISCONDUCT TO BE HANDLED BY SCHOOL OFFICIALS FROM CRIMINAL OFFENSES TO BE HANDLED BY LAW ENFORCEMENT

1. SROs are responsible for criminal public order offenses; they are not responsible for school discipline issues.
2. Absent a real and immediate threat, as determined by the SRO, to a student, teacher, or public safety and, unless there is sufficient evidence and circumstances that warrant police action or intervention, SROs should not get involved in school discipline issues. These should generally be handled by school officials rather than through formal law enforcement intervention (e.g., issuance of criminal citation, referral to a probation officer, or actual arrest.)

RESPECT FOR THE RIGHTS OF STUDENTS

1. Absent a real and immediate threat to a student, teacher, or public safety, an SRO may conduct or participate in a search of a student's person, possessions, or locker only where there is reasonable suspicion to believe that the search will turn up evidence that the child has committed or is committing a criminal offense.
    a. The SRO shall inform school administrators prior to conducting reasonable suspicion searches.
    b. The SRO shall not ask school officials to search a student's person, possessions, or locker in an effort to circumvent these protections.
    c. All searches at a minimum will be documented by a field interview report (FIR) that details the circumstances of the search.
2. When a school official conducts a search of a student's person, possessions, or locker, the school official may ask an SRO to be present or to participate in such a search only when

there is reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating the law and the search is justified in scope given such suspicion.

3. Absent a real and immediate threat to a student, teacher, or public safety, a school official shall attempt to minimize requests to have an SRO present or participate in the questioning of a student that involves non-criminal matters.
4. When an SRO interviews a student for a criminal matter, reasonable attempts should be made by a school official and/or an SRO to inform the student's parents of the circumstances which led to that interview when it is practical to do so and when it would not unreasonably interfere with such investigation.

SRO TRAINING REQUIREMENTS

1. Every SRO shall attend a 40-hour Peace Officers Standards and Training (POST) approved Basic School Resource Officer course within their first year of service. Additionally, an effort will be made to complete 10 hours of annual in-service training on topics such as:
    a. Child and adolescent development and psychology;
    b. Positive behavioral interventions and supports (PBIS), conflict resolution, peer mediation, or other restorative justice techniques;
    c. Children with disabilities or other special needs; and
    d. Cultural competency.

PROMOTING NON-PUNITIVE APPROACHES TO STUDENT BEHAVIOR

1. The SRO shall be familiar with and trained in programs adopting non-punitive approaches to discipline available in the school district. If a school has implemented a specific program designed to improve overall school climate or respond to student behaviors in specific ways, the SROs should participate in trainings associated with that program. Examples of such programs include but are not limited to Lesson One, Wellness Collaborative, and Olweus Bullying Program initiated at certain schools within some school districts.

TECHNOLOGY SERVICES AND SUPPORT

1. In order for the Oxnard PD's SROs to serve the students of the OSD, all SROs will be given a user-specific login and access to the OSD network to:
    a. Login
    b. Run productivity software, including Microsoft Office
    c. Print to District/School printers
    d. Access the Internet thru the District's Internet Filter
    e. Access WebMail from a third party provider
    f. Access Internet Filter override
2. SROs will not be provided:
    a. Access to install programs to workstations or servers
    b. Access to District email accounts or the District's email address book
    c. Access to the District's Student Information System
    d. Access to other District files

AGREEMENT FOR POLICE SCHOOL RESOURCE OFFICER SERVICES

FY 2023-2026

Commander Luis McArthur

CITY OF OXNARD CALIFORNIA

Recommendation:

That the City Council approve and authorize the City Manager to enter into a cost-sharing agreement between the City of Oxnard and the Oxnard School District from July 1, 2023, to June 30, 2026, for Police School Resource Officer (SRO) Services.

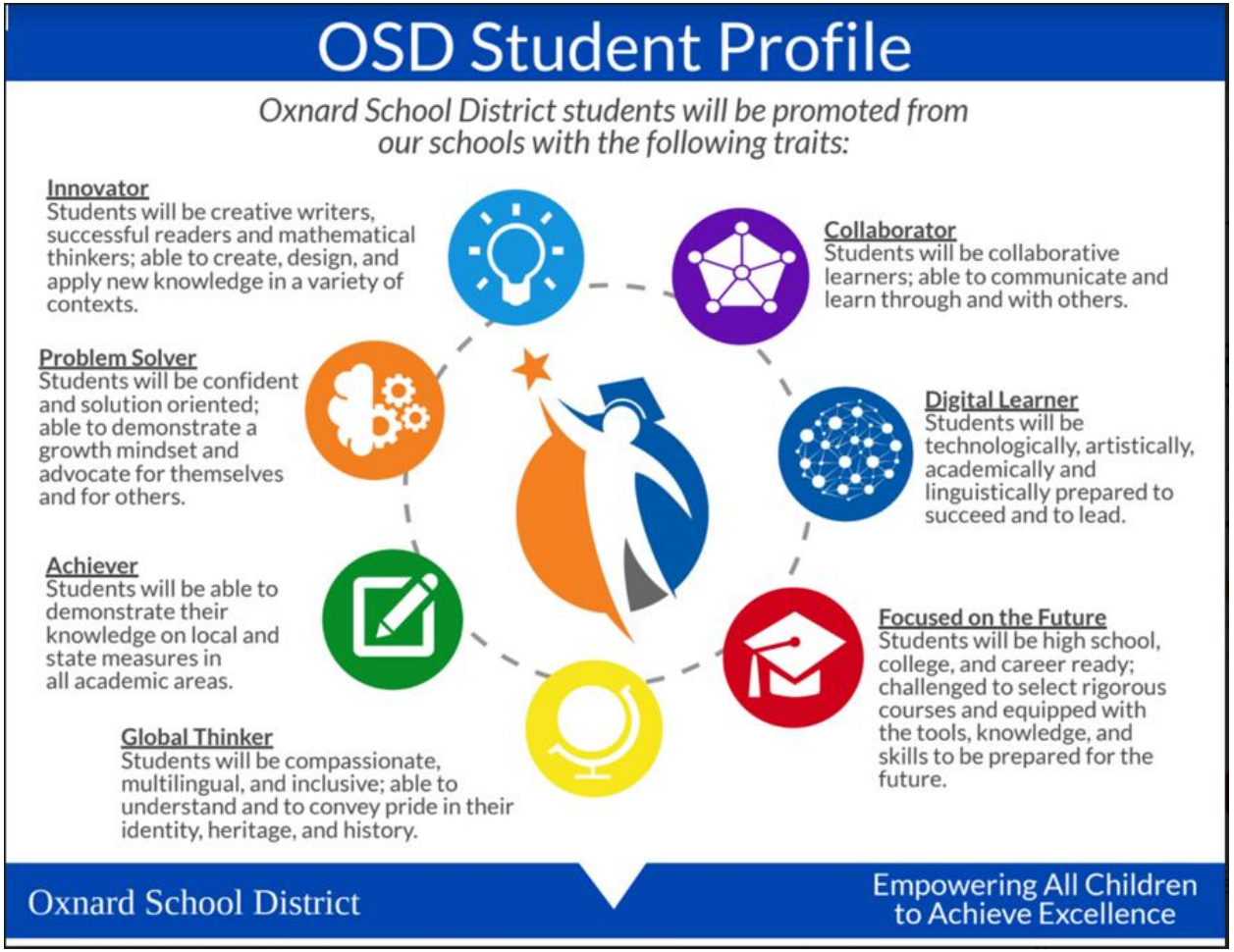
AGREEMENT FOR POLICE SCHOOL RESOURCE OFFICER SERVICES

The agreement involves the reimbursement to the City for the services of two police officers that provide enhanced police services to the OSD. In general, the City is reimbursed for 75% of personnel costs related to the two SROs. The District's cost-sharing amount for one fiscal year is $235,851 (75% of the cost of the two officers).

What Are School Resource Officers?

School Resource Officers (SROs) are Oxnard Police Officers dedicated to building community, providing support, and building positive relationships with OSD schools, students and families.

Officers go through specific training prior to becoming SROs



SROs will work to build a collaborative partnership that is positive for the students and supports their achievement of the traits in the OSD student profile.

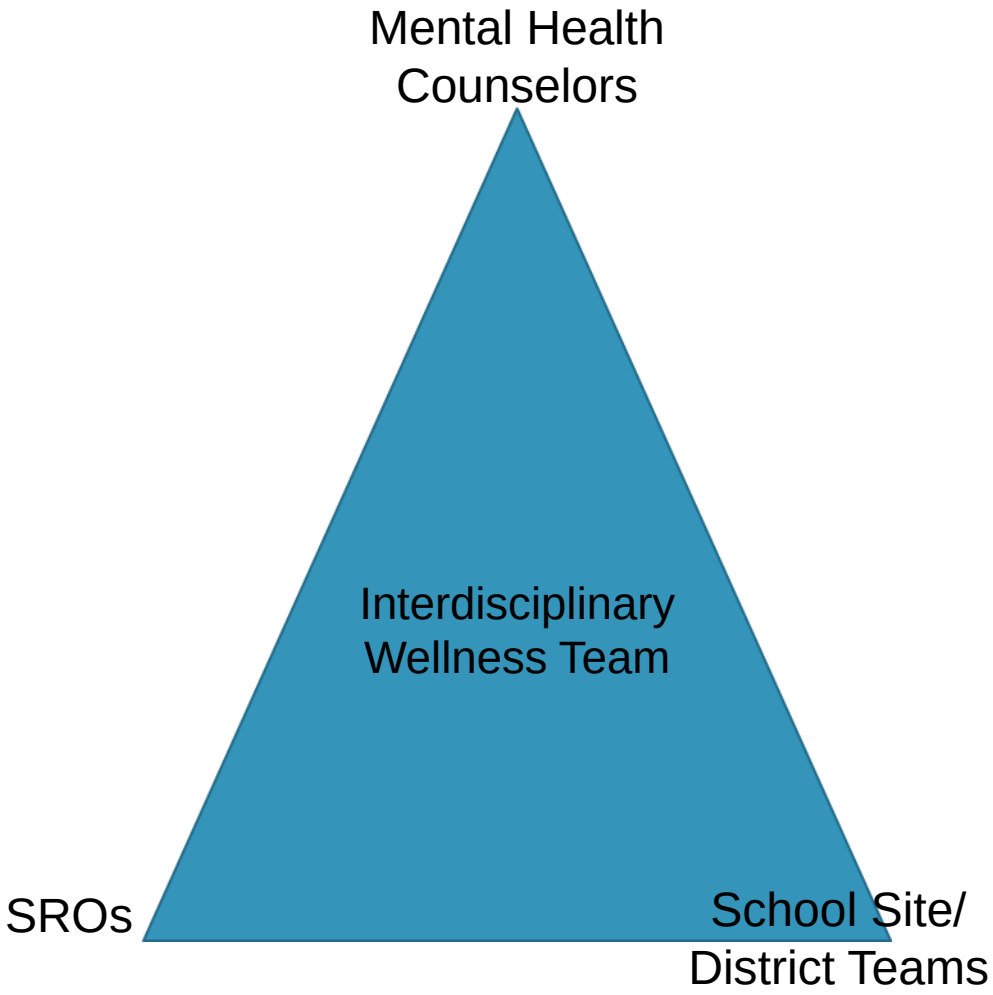
How Do SROs Build Community?

On a daily basis SROs:

- Ensure that all students, staff, and campuses are safe
- Serve as a liaison between schools and the police department
- Work with students on making positive choices that will help deter them from joining gangs and/or having problems with drugs and/or alcohol
- The presence of SROs on and around the campuses promotes positive relationships with students and builds trust with OPD. Links to the surrounding school community can help in keeping OSD campuses safe.

Proactive Partnership

- SROs will be part of a district wellness team with the focus on identifying and supporting students who have significant social-emotional and/or behavior needs. The team will work with school and district teams in a coordinated effort to provide support to students, families, and staff.
- Through this team, campus visits, and getting to know the students, SROs can help identify needs of students and work with sites on proactive strategies to prevent significant behavior issues.



Proactive Partnership

- The mission of the SRO program is to assist the school in maintaining a safe environment and to develop a positive relationship between students and law enforcement.
- The SRO shall be integrated into the school community through participation in faculty and student meetings and assemblies as appropriate.
- The SRO will participate as a member of the OSD Interdisciplinary Wellness Team.
- SROs and OPD can also provide training to students, staff and families on drugs and other issues.

Keeping the School Community Safe

- Respect for the rights of students
- Building positive relationships with students
- Preventative instead of reactive

Distinguishing Disciplinary Misconduct to be Handled by School Officials From Criminal Offenses to be Handled by Law Enforcement

SROs are responsible for criminal public order offenses; they are not responsible for school discipline issues.

Absent a real and immediate threat, as determined by the SRO, to a student, teacher, or public safety and, unless there is sufficient evidence and circumstances that warrant police action or intervention, SROs should not get involved in school discipline issues.

These should generally be handled by school officials rather than through formal law enforcement intervention (e.g., issuance of criminal citation, referral to a probation officer, or actual arrest.)

Absent a real and immediate threat to a student, teacher, or public safety, an SRO may conduct or participate in a search of a student's person, possessions, or locker **only** where there is reasonable suspicion to believe that the search will turn up evidence that the child has committed or is committing a criminal offense.

- The SRO shall inform school administrators prior to conducting reasonable suspicion searches.
- The SRO shall not ask school officials to search a student's person, possessions, or locker in an effort to circumvent these protections.
- All searches at a minimum will be documented by a field interview report (FIR) that details the circumstances of the search.

CITY OF OXNARD CALIFORNIA

QUESTIONS

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.3

DATE: March 21, 2023

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Public Project Construction Agreement 32300238 with 101 Roofing & Construction, Inc. for the Performing Arts Community Center Roof Replacement Project, Specification No. PW 23-34.

RECOMMENDATION

That the City Council approve and authorize the following for a total of $807,021.69 in Project funds for the Performing Arts Community Center Roof Replacement Project (Project No. C2248):

1. Execute an Agreement with 101 Roofing & Construction, Inc. in the amount of $620,785.92 for the Project;
2. Authorize a Project contingency amount of $124,157.18 with 101 Roofing & Contracting, Inc. for a total not to exceed value of $744,943.10 for the Project; and
3. A Project allocation amount of $62,078.59 for engineering, inspection, survey and project management for the Project.

(This item did not originate in Committee as this is a capital improvement project specifically listed in the Capital Improvement Program budget, which was previously approved by the City Council.)

(This item is categorically exempt from the California Environmental Quality Act pursuant to title 14 California Code of Regulations section 15301(d).)

BACKGROUND

The Project consists of furnishing all necessary labor, materials, equipment and other incidental and appurtenant work to complete roof replacement and repairs at the Performing Arts Community Center (PACC) located at 800 Hobson Way, Oxnard.

The roof has significant issues stemming from age. The building was constructed in the late 1960s and the last time the roof was replaced was 1991 for the Ventura Room, and 1993 for the Oxnard Room. A typical roof constructed of three-ply with gravel has a useful life expectancy of 15-20 years, depending on many factors such as the original construction workmanship and the level of preventative maintenance performed. This roof is over 30 years old.

The roof sections requiring replacement are the Oxnard and Ventura rooms and the bathroom/entry building between them. The existing flat roof sections have many leaks that have had impacts on the inside walls and finishes, to include impacts to the facility's staff and city residents who regularly frequent the facility. There are areas with drywall deterioration from the roof leaks, which will be handled separately, and are not included in the scope of this project. With a new roof, we can prevent further interior deterioration, programming impacts, and other problems.

Additionally, there are some minor structural modifications being made to the building for future HVAC equipment. Completing this roof project will enable future renovation projects for the building as laid out in the CIP under Appendix E: Non-Funded Projects.

Capital Improvement Program (CIP) Reference:

DISCUSSION

The specific work for this Project includes demolition of portions of the existing roofs including approximately 58 square feet of asbestos-containing materials, and damaged roof decking. It also includes the installation of a new single-ply PVC roofing system on flat-roof surfaces, structural enhancements at the building joint, structural reinforcement for future HVAC equipment, reworking roof drains and scuppers, and all other appurtenant and associated work in accordance with the contract documents.

The work is tentatively scheduled to begin in late Spring 2023 and continue into Summer 2023 (60 working days), unless delayed by unforeseen site conditions, weather impacts, or supply chain delays. Staff will work closely with the building occupants, patrons, area businesses, and residents directly impacted by the work to keep them informed of the project schedule. General project information will be disseminated to help keep the public informed as well.

The notice inviting formal bids (NIFB) on the Project was published on December 8, 2022, and all bids were due and opened on January 5, 2023. The City received the following bids:

101 ROOFING & CONSTRUCTION, INC.: $620,785.92
ARDALAN CONSTRUCTION COMPANY, INC.: $950,433.00

The lowest bidder is 101 Roofing & Construction, Inc. and its bid is responsive to the City's NIFB. Following this determination, procurement staff reviewed all documentation received from 101 Roofing & Construction, Inc. and its subcontractor. Procurement staff verified possession of required currently valid licenses, reviewed the federal Occupational Safety and Health Administration (OSHA) website for safety violations, and verified registration with the California Department of Industrial Relations (DIR). Based upon the available information and research performed to date, staff believes that the contractor is capable of satisfactorily completing the project. Thus, staff recommends that the City Council award the contract for this Project to 101 Roofing & Construction, Inc.

In addition to the project award amount of $620,785.92, staff recommends authorizing $186,235.77 for the project, which includes $124,157.18 for project contingency (20% of the contract costs) and $62,078.59 for the cost of engineering services and City staff (10% of the contract cost). A 20% contingency instead of the traditional 10% is recommended for this project due to the high potential for unforeseen issues with the roof and structural components, along with any hidden problems such as hazardous material that may be discovered once the existing roof is removed. Having the flexibility to address these potential issues expeditiously, in lieu of waiting for additional funding approvals, will mitigate any delay costs during construction. Engineering services include the following activities during construction: engineering, inspection, survey and project management. These recommendations bring the total estimated cost of the project to $807,021.69.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

The total future costs for this Project shall not exceed $807,021.69 which includes the construction agreement, contingency and project allocation. There are sufficient project budget appropriations to fund this agreement.

PACC Roofing Material Project

Project	Fund	Available Project Budget
Project 22AR32/C2248	American Rescue Plan Act (ARPA) - 204	$542,500
Project MO5602/C2043	Measure O - 104	$294,000
	Tax Allocation Bond (TAB) Historical Enhancement and Revitalization of Oxnard (HERO) - 315	$206,000
TOTAL AVAILABLE PROJECT BUDGET		**$1,042,500**

COMMITTEE OUTCOME

This item did not originate in Committee as this is a capital improvement project specifically listed in the Capital Improvement Program budget, which was previously approved by the City Council.

Prepared by: Timothy Beaman, Supervising Civil Engineer, Christopher Solis, Assistant City Engineer

ATTACHMENTS

1. A-32300238 101 Roofing & Construction

CONTRACT
CITY OF OXNARD CONTRACT FOR THE
PERFORMING ARTS COMMUNITY CENTER ROOF REPLACEMENT PROJECT
SPECIFICATION NO. PW 23-34

THIS CONTRACT ("Contract") is made and entered this _____ day of _____, 20___ ("Effective Date"), by and between the CITY OF OXNARD, a California municipal corporation ("City") and 101 ROOFING & CONSTRUCTION, INC. ("Contractor"). Contractor's license number is 831780.

In consideration of the covenants set forth herein, the parties hereto agree as follows:

1. Incorporation. The Contract consists of all Contract Documents, which shall include the Notice Inviting Bids, Instructions to Bidders, General Provisions, Special Provisions, Plans, Standard Plans, Greenbook, Reference Specifications, Bid (including documentation accompanying the Bid and post-Bid documentation submitted before the notice of award), insurance documentation, Bonds, the City business license, permits from regulatory agencies, Addenda, Change Orders and Supplemental Agreements. These documents are incorporated herein by reference.

2. Scope of Services. Contractor shall perform the Work in a good and workmanlike manner for the project identified as Performing Arts Community Center Roof Replacement Project, Specification No. PW 23-34 (the "Project"), as described in this Contract and in the incorporated Contract Documents.

3. Compensation. In consideration of the services rendered hereunder, City shall pay Contractor a not to exceed amount of SIX HUNDRED TWENTY THOUSAND SEVEN HUNDRED EIGHTY-FIVE DOLLARS AND NINETY-TWO CENTS ($620,785.92) in accordance with the prices as submitted in the Bid, attached hereto as Exhibit "A" and incorporated herein by this reference.

4. Antitrust Claims. In entering into this Contract, Contractor assigns to City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Business and Professions Code Section 16700 *et seq*.) arising from purchases of goods, services, or materials pursuant to the Contract. This assignment shall be made and become effective at the time City tenders final payment to Contractor without further acknowledgment by the parties.

5. Prevailing Wages. City and Contractor acknowledge that the Project is a public work to which prevailing wages apply. Copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Project are on file with the Project Coordinator at City Hall and will be made available to any interested party on request. Contractor and all Subcontractors are not qualified to bid on, be listed in a Bid proposal, or engage in the performance of any contract for public work, as defined in Labor Code Sections 1720 through 1861, unless registered and qualified to perform public work pursuant to Labor Code Section 1725.5 at the time of Bid submission.

6. Workers' Compensation. Labor Code Sections 1860 and 3700 provide that every contractor will be required to secure the payment of compensation to its employees. In accordance with the provisions of Labor Code Section 1861, by signing this Contract, the Contractor certifies as follows: "I am aware of the provisions of Section 3700 of the Labor Code which require every

employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the Work of this Contract."

7. Titles. The titles used in this Contract are for convenience only and shall in no way define, limit or describe the scope or intent of this Contract or any part of it.

8. Authority. Any person executing this Contract on behalf of Contractor warrants and represents that he or she has the authority to execute this Contract on behalf of Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

9. Entire Agreement. This Contract, including all incorporated documents, constitutes the entire agreement between the parties hereto with respect to the Project, and supersedes all previous agreements, promises, proposals, representations, understandings and negotiations, whether written or oral, between the parties regarding the subject matter.

10. Amendment. No Contract modification, amendment or supplement to this Contract other than Change Orders will be binding unless written and signed by the parties' duly authorized representatives.

11. Counterparts. This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A signed copy of this Contract transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Contract for all purposes.

[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the first written above.

CITY OF OXNARD

☒ John C. Zaragoza, Mayor[1] Date
☐ Alexander Nguyen, City Manager
☐ Jennifer Yates, Purchasing Manager
☐ [name] , Buyer

ATTEST:

Rose Chaparro, City Clerk (only if Mayor signs) Date

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney (always required) 1/13/23 Date

101 ROOFING & CONSTRUCTION, INC.

Angela Ciari, C.E.O.[2] Date

Nicholas Ciari, C.F.O. Date

[1] The City Council must authorize and the Mayor must sign any agreement over $200,000 annually. The City Manager may authorize and sign any agreement over $100,000 but up to $200,000 annually. The Purchasing Manager may authorize and sign any agreement up to $100,000 annually. A Buyer may authorize and sign any agreement up to $25,000 annually.

[2] **The City requires the following for any contract:**

- **For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;**
- **For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or**
- **For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.**

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

INSURANCE REQUIREMENTS FOR CONSTRUCTION PROJECTS
(WITH BUILDER'S RISK REQUIREMENT & POLLUTION/ASBESTOS)

1. Contractor shall obtain and maintain during the performance of any services under this Contract the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Contractor, its agents, representatives, employees or subcontractors. With respect to General Liability, Errors & Omissions, Contractors Pollution Liability, and or Asbestos Pollution Liability, Coverage should be maintained for a minimum for five (5) years after contract completion.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than $2,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project location or shall be twice the occurrence amount;

b. Business Automobile Liability Insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. If architectural, engineering, or electrical work will be performed under the Contract, Professional Liability/Errors and Omissions Insurance appropriate to the work being done in an amount not less than $1,000,000, with neither Contractor nor listed subcontractors having less than $500,000 individually. The Professional Liability/Errors and Omissions Insurance must be project specific with at least a one-year extended reporting period, or longer upon request.

d. Contractors Pollution Liability and/or Asbestos Pollution Liability and/or Errors & Omissions applicable to the work being performed, with a limit no less than $1,000,000 per claim or occurrence and $2,000,000 aggregate per policy period of one year.

e. Course of Construction Insurance providing coverage for "all risks" of loss in an amount not less than the completed value of the project, with City named as Owner and Insured.

f. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than $1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Contractor shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-E. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email. If you have not received your request or are having difficulty with electronic upload, contact insurance@oxnard.org

3. Contractor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Contractor agrees that the Commercial General Liability and Business Automobile Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-E or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages **(this must be endorsed)**. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Contractor shall also be applicable to Contractor's subcontractors. Contractor agrees to maintain appropriate agreements with subcontractors and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

1/23

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the sample accord form.

INS-E (Pollution) (2)

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	**GENERAL LIABILITY** [x] COMMERCIAL GENERAL LIABILITY [x] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE $2,000,000 PRODUCTS COMP/OP AGG. $2,000,000 PERSONAL & ADV. INJURY $2,000,000 EACH OCCURRENCE $2,000,000 FIRE DAMAGE (Any one fire) $ MED. EXPENSE (Any one person) $
A	**AUTOMOBILE LIABILITY** [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT $1,000,000 BODILY INJURY (Per person) $ BODILY INJURY (Per accident) $ PROPERTY DAMAGE $
A	**EXCESS LIABILITY** UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE $ AGGREGATE $
A	**WORKERS' COMPENSATION** AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT $1,000,000 DISEASE-POLICY LIMIT $1,000,000 DISEASE-EACH EMPLOYEE $1,000,000
A	**OTHER** Errors and omissions insurance or malpractice insurance available for the insured's profession; if architectural, engineering or electrical work will be performed under the Contract, Course of Construction Insurance Contractors Pollution Liability and/or Asbestos Pollution Liability				Minimum coverage $1,000,000 Each consultant/ $500,000 & listed sub-consultant Course of Construction Completed Value of Project Minimum coverage $1,000,000 Per claim

SAMPLE

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF OXNARD % Evident ID, Inc.
8520 Allison Pointe Blvd. Ste 223
PMB 5210
Indianapolis, Indiana 462500-4299 US Via Fax: 678-259-1007

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

GENERAL LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ☐ Included in Limits ☐ In Addition to Limits

☐ Deductible ☐ Self-Insured Retention (check which) of $ _____ with an Aggregate of $_____ applies to _____ coverage. ☐ Per Occurrence ☐ Per Claim (which)

APPLICABILITY This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY
☐ COMMERCIAL GENERAL LIABILITY ☐ Claims Made
☐ COMPREHENSIVE GENERAL LIABILITY Retroactive Date _____
☐ OWNERS & CONTRACTORS PROTECTIVE ☐ Occurrence

OTHER PROVISIONS

COVERAGES	LIABILITY LIMITS IN THOUSANDS $ EACH OCCURRENCE	LIABILITY LIMITS IN THOUSANDS $ AGGREGATE
☐ GENERAL		
☐ PRODUCTS/COMPLETED OPERATIONS		
☐ PERSONAL & ADVERTISING INJURY		
☐ FIRE DAMAGE		
☐ _____		
☐ _____		

Underwriter=s representative for claims pursuant to this insurance.

CLAIMS:
Name: _____
Address: _____
_____
Telephone: (____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or
   b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD % Evident ID, Inc.
8520 Allison Pointe Blvd. Ste 223
PMB 5210
Indianapolis, Indiana 462500-4299 US

AUTHORIZED REPRESENTATIVE

☐ Broker/Agent ☐ Underwriter ☐ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)

Telephone: ( ) Date Signed _____

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

☐ Deductible ☐ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. ☐ Per Occurrence ☐ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

☐ COMMERCIAL AUTO POLICY
☐ BUSINESS AUTO POLICY
☐ OTHER

OTHER PROVISIONS

LIMIT OF LIABILITY

$ _____ per accident, for bodily injury and property damage.

CLAIMS: Underwriter's representative for claims pursuant to this insurance.
Name: _____
Address: _____
Telephone: (____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or
   b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD % Evident ID, Inc.
8520 Allison Pointe Blvd. Ste 223
PMB 5210
Indianapolis, Indiana 462500-4299 US

AUTHORIZED REPRESENTATIVE

☐ Broker/Agent ☐ Underwriter ☐ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____

(original signature required)

Telephone: ( ) Date Signed _____

Bond No. _____

PAYMENT BOND
(LABOR AND MATERIALS)

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), State of California, has awarded to 101 ROOFING & CONSTRUCTION, INC., 1075 Vaquero Circle, Oxnard, CA 91361 ("Principal")
(Name and address of Contractor)

a contract (the "Contract") for the Work described as Performing Arts Community Center Roof Replacement Project, Specification No. PW 23-34.

WHEREAS, under the terms of the Contract, the Principal is required before entering upon the performance of any Work, to file a good and sufficient Payment Bond with the Agency to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code.

NOW, THEREFORE, we, the undersigned Principal, and _____

_____

_____
(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____ ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, and our heirs, assignees, successors, executors and administrators are held and firmly bound, jointly and severally, unto the Agency and all Contractors, Subcontractors, laborers, material suppliers, and other persons employed in the performance of the Contract and referred to in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the penal sum of Six Hundred Twenty Thousand Seven Hundred Eighty-Five Dollars and Ninety-Two Cents ($620,785.92), this amount being not less than one hundred percent (100%) of the total Contract Price in lawful money of the United States of America, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this Work or labor, that the Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this Bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this Bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this Bond.

Upon expiration of the time within which the California Labor Commissioner may serve a civil wage and penalty assessment against the principal, any of its Subcontractors, or both the principal and its Subcontractors pursuant to Labor Code Section 1741, and upon expiration of the time within which a joint labor management committee may commence an action against the principal, any of its Subcontractors, or both the principal and its Subcontractors pursuant to

Labor Code Section 1771.2, if the condition of this Bond be fully performed, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract, including all incorporated documents, shall in any manner affect its obligations on this Bond. The Surety hereby waives notice of any such change, extension, alteration, or addition. Additionally, the Surety hereby waives California Civil Code 2845 and 2849 as well as any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

"Principal"	"Surety"
101 ROOFING & CONSTRUCTION, INC. 1075 Vaquero Circle Oxnard, CA 91361	_____ _____
By: _____	By: _____
Its: _____	Its: _____
By: _____	By: _____
Its: _____	Its: _____
(Seal)	*(Seal)*

Notes: ***<u>This Bond</u> <u>must be executed in duplicate and dated, all signatures must be notarized</u>, and evidence of the authority of any person signing as attorney-in-fact must be attached. Date of Bond must not be before the Effective Date of the Contract. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.***

Bond No. _____

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), has awarded to 101 ROOFING & CONSTRUCTION, INC.,1075 Vaquero Circle, Oxnard, CA 91361 ("Principal")
(Name and address of Contractor)

a contract (the "Contract") for the Work described as Performing Arts Community Center Roof Replacement Project, Specification No. PW 23-34.

WHEREAS, Principal is required under the terms of the Contract to furnish a Bond for the faithful performance of the Contract.

NOW, THEREFORE, we, the undersigned Principal, and _____

_____

_____,
(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____ ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, are held and firmly bound unto the Agency in the penal sum of Six Hundred Twenty Thousand Seven Hundred Eighty-Five Dollars and Ninety-Two Cents ($620,785.92), this amount being not less than a hundred percent (100%) of the total Contract Price in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, assignees, successors, executors and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal, his, her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the Contract and any alteration thereof made as therein provided, on the Principal's part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Agency, its officers, agents and employees, as therein stipulated, then this obligation shall become null and void one (1) year from the date of recordation of the Notice of Completion for the Project; otherwise, it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered. Surety hereby waives any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract, including all incorporated documents, or of the Work to be performed thereunder or the Specifications accompanying the same shall in any way affect the Surety's obligations under this Bond. The Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the Work or to the

Specifications. Surety hereby waives California Civil Code 2845 and 2849. The City is the principal beneficiary of this Bond and has all rights of a party hereto.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

"Principal"	"Surety"
101 ROOFING & CONSTRUCTION, INC. 1075 Vaquero Circle Oxnard, CA 91361	_____ _____
By: _____	By: _____
Its: _____	Its: _____
By: _____	By: _____
Its: _____	Its: _____
(Seal)	*(Seal)*

Notes: ***<u>This Bond must be executed in duplicate and dated, all signatures must be notarized,</u> and evidence of the authority of any person signing as attorney-in-fact must be attached. Date of Bond must not be before the Effective Date of the Contract. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.***

EXHIBIT A

CITY OF OXNARD
BID SHEETS FOR PERFORMING ARTS COMMUNITY CENTER ROOF REPAIRS
SPECIFICATION NO. PW 23-34

Bidder's Name: 101 Roofing & Construction

To the Honorable Mayor and Members of the City Council:

In compliance with the Notice Inviting Bids, the undersigned hereby agrees to execute the Contract to furnish all labor, materials, equipment and supplies for the Project in accordance with the Contract Documents to the satisfaction and under the direction of the City Engineer at the following prices:

ITEM NO.	DESCRIPTION	PAYMENT REFERENCE	UNIT OF MEASURE	EST. QUANTITY	UNIT PRICE (+/-$)	BID AMOUNT
1	Mobilization and Demobilization (maximum 5% of Total Bid Price)	001000-2.1	LS			$25,000
2	Selective Demolition	001002-2.1	LS			$ 98,000
3	Cutting and Patching	017329-4.1	LS			$ 5,000
4	Asbestos Roofing Abatement	028200-4.1	SF	58	$ 100	$ 5,800
5	Metal Fabrications	055000-4.1	LS			$ 8200
6	Rough Carpentry	061000-4.1A	SF	7,394	$ 3.10	$ 22,921.40
7.	Fascia	061000-4.1B	LF	1,105	$ 30	33,150
8	PVC Membrane Roofing	075400-4.1	SF	24,644	$ 15.83	$ 390,114.52
9	Sheet Metal Flashing and Trim	076200-4.1	LF	2,500	$ 7	$ 17,500
10	Openings	077233-4.1 083113-4.1 092900-4.1	LS			$ 2,500
11	Joint Sealant	079200-4.1	LS			$ 1,000
12	Expansion Controls	079563-4.1	LF	110	10	~~1110~~ $1,100.
13	Cement Plaster	092400-4.1	LS			$ 1000
15	Paint	099113-4.1	LF	1,500	$ 5	$ 7,500

EXHIBIT A – PAGE 2

ITEM NO.	DESCRIPTION	PAYMENT REFERENCE	UNIT OF MEASURE	EST. QUANTITY	UNIT PRICE (+/-$)	BID AMOUNT
16	Conduits	16111-4-1	LF	400	$ 5	$ 2000
				TOTAL BID PRICE:$	620,795 92	

$620,785.92

Note: Several items may be adjusted or deleted. Any changes to the quantities for these items shall not classify as a substantial change as stipulated in Greenbook Section 7-3.5.1. Regardless of total actual volume compared to estimated quantities, the unit prices provided above shall be applied to the final quantity when payment is calculated for these items. No adjustment in the unit prices will be allowed. The City reserves the right to not use any of the estimated quantities, and if this right is exercised, the Contractor will not be entitled to any additional compensation. The cost of all labor, materials, export of material shall be included in the above unit costs; no additional compensation will be granted for such expenses.

TOTAL BID PRICE IN DIGITS: $ 620,795 92 $620,785.92

TOTAL BID PRICE IN WORDS: Six Hundred twenty thousand Seven Hundred Ninety Five dollars 92/100

Six hundred twenty thousand seven hundred eighty-five dollars & 92/100

Contractor must complete all Work within sixty (60) Working Days of the City's Notice to Proceed.

Bidder acknowledges receipt of all addenda:

Addendum:	Date Received:	Addendum:	Date Received:
#01	12-27-22	#05	
#02	12-30-22	#06	
#03		#07	
#04		#08	

Bidder's Name (Company): 101 Roofing & Construction

Signature: _____ Title: VP

Print: Nick Ciari Date: 1-9-23

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.4

DATE: March 21, 2023

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Grant Resolution for FY 2022 Consolidated Appropriations Act Community Project Funding Grant Application for $500,000.

RECOMMENDATION

That the City Council adopt a resolution authorizing the City Manager or designee to submit a grant application to the U.S. Environmental Protection Agency for $500,000 in Community Grants funds for the City of Oxnard Water Transmission Line Project and execute grant agreements, if awarded; authorizing the Finance Director or designee to submit financial reports and grant claims and approve budget appropriations for the use of the grant funds; and authorizing the Public Works Director or designee to submit non-financial reports.

(This item did not originate in Committee.)

BACKGROUND

In 2021, the House Appropriations Committee announced that it would accept a limited number of Community Project requests for consideration for FY 2022. Congresswoman Julia Brownley's office requested that the City submit a community projects proposal that would be considered for these earmarks.

The City considered multiple projects to propose, in terms of their fit within the grant program. An application was submitted for the City's 45-inch Diameter Water Transmission Main Replacement Project. This project increases the level of protection of the region's potable water supply and protects the U.S. Route 101 interregional highway which is critical as a lifeline for residents, industry, and national defense. The project will prevent seismic-related failure of the 45-inch transmission line of State Water Project water that provides potable water to a population of approximately 245,000 and runs directly under U.S. Route 101 where the pipeline has been identified among the most critical components of the City of Oxnard's water distribution lines. This pipeline supplies 60% of the City's water and 50% of the City of Port Hueneme's water which is then purveyed to Naval Base Ventura County's Point Mugu and Port Hueneme installations and also includes a future tie-in for the City of Ventura.

DISCUSSION

The FY 2022 Consolidated Appropriations bill included $500,000 for the City of Oxnard Water Transmission Line. The bill then cleared the House and Senate, and was signed into law by the President. This project will fund the completion of the National Environmental Policy Act (NEPA) process of the project.

In order to receive the funding, the City must submit a grant application package. The attached resolution authorizes the grant application submittal by staff.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

Approval of the recommended action will authorize the appropriation of grant funding, if awarded. Due to the City meeting the disadvantaged community criteria of the program, no matching funds are required.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Eric Humel, Grants Specialist

ATTACHMENTS

1. Grant Application Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE SUBMITTAL A GRANT APPLICATION FOR COMMUNITY GRANTS PROJECT FUNDING

WHEREAS, City Council Resolution No.12,053 sets out the procedure by which City staff may submit grant applications, following approval by resolution of the City Council; and

WHEREAS, the Public Works Department has requested that City Council approve the submittal of an application to the U.S. Environmental Protection Agency for $500,000 in Community Grants funds, to be used for the City of Oxnard Water Transmission Line Project.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager to the U.S. Environmental Protection Agency for the purpose of obtaining grant funding for the City of Oxnard Water Transmission Line. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Finance Director or designee is authorized to submit financial reports and grant claims and approve budget appropriations for the use of grant funds; and the Director of Public Works or his or her designee is authorized to submit non-financial reports.

PASSED AND ADOPTED THIS 21st Day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

John C. Zaragoza
Mayor

ATTEST:

_____

Rose Chaparro
City Clerk

APPROVED AS TO FORM:

_____

Stephen M. Fischer
City Attorney

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.5

DATE: March 21, 2023

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Professional Services Agreement 32300336 with Bureau Veritas Technical Assessments, LLC for Facilities Condition Assessment Report and Asset Management Program, Specification No. PW 22-127.

RECOMMENDATION

That the City Council approve and authorize a Professional Services Agreement with Bureau Veritas Technical Assessments, LLC in the amount not to exceed $340,000 for a three-year term for Facilities Condition Assessment Report and Asset Management Program.

(Public Works and Transportation Committee approved 2-0.)

BACKGROUND

The City of Oxnard Public Works Department (PW) is responsible for 116 buildings that are managed by the Facilities Division. Most of these buildings have been impacted by long-term deferred maintenance and deferred capital improvements for systems such as HVAC, roofing, structural, electrical, and plumbing. Additionally, the City does not have a comprehensive inventory of building assets or a condition assessment of each asset. Therefore, the City needs specialized consulting services to develop a gap assessment management program. A gap assessment measures the performance of each building to determine if the facility is meeting the needs of the occupants and the steps that are necessary to address the needs that are not being met. After the gap assessment management program is developed, staff will have the information that is necessary to plan and make data-driven decisions to help reduce the deferred maintenance, establish best practices, and prioritize the capital improvement needs with cost estimates to be included in the City's five-year Capital Improvements Program.

DISCUSSION

The Public Works Department solicited for consultant services through a Request for Proposals (RFP) for a facilities assessment and an asset management program. The asset management program includes providing recommendations for an Enterprise Asset Management System (EAMS). Due to the large number of city-owned buildings, this RFP focused on 41 of the 116 facilities (Attachment) based on use and priority. Another RFP will be used for the remaining buildings after the conclusion of this Agreement in three years. As part of the overarching program of facilities assessment, the validation of the total count of City buildings (i.e. 116) will be done. As such, since this building validation has not been completed in some time, the total number of buildings (i.e. 116) should be considered an estimate.

The closing date for submittals was July 7, 2022, and the City received a total of five proposals. Each proposal was reviewed and scored individually by members of an evaluation committee, which included the Facilities Manager, the Public Works Administrative Services Manager, and the Assistant Public Works Director. Bureau Veritas Technical Assessments, LLC (BV) has the highest score and their proposal is responsive to the City's RFP. Following this determination, procurement staff reviewed all documentation received from BV and their subcontractors. Based upon the available information and research performed to date, staff believes that the consultant is capable of satisfactorily completing the project. Therefore, staff recommends that the City Council award this Agreement to BV.

The specific tasks contained in the Scope of Work of this Agreement include:

Task 1 – Perform Asset Management Gap Analysis. A gap analysis must be conducted in order to establish new benchmarks for PW to allow for continuous improvement through the development of an Asset Management Program.

Task 2 - Develop and Implement Framework for Asset Management Program. In an effort to effectively coordinate asset management activities and ensure that assets fulfill their intended purpose, a framework must be developed as a part of this scope of services.

Consultant must also Develop Asset Management Plans. This is necessary to manage specific classes of critical assets. These plans will help develop asset class strategies that provide key information about each asset group, including risk, performance, capital expenditure, and operational expenditure.

Task 3 - Develop Condition Assessment Template and Final Recommendations Report. The Consultant will perform professional assessments on mechanical, electrical, plumbing, civil, and other required disciplines for each respective asset group.

Utilizing the Condition Assessment Template developed by the Consultant, field assessments will be conducted to further understand the existing conditions, both short-term and long-term renewal and replacement of the facilities systems, components, preventative maintenance, inspection improvement recommendations, and financial forecasts.

Task 4 – Create a master listing of the City asset registry and associated facility data. The intent of this task is to design, recommend, and (if the submission is approved) implementation of the new EAMS and comprehensive Asset Management Program. This new Asset Management Program should also include computerized maintenance management system (CMMS) capabilities to produce reports used by PW Leadership to make the best business decisions for future facility needs.

Task 5 – As Needed Service includes additional support related to the development of an Asset Management System and any work under this task that shall be pre-authorized by a designated City Representative.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

The total cost for this Agreement with Bureau Veritas Technical Assessments, LLC shall not exceed $340,000 for the Facilities Condition Assessment Report and Assessment Management Program with a term of three years.

Facilities will be the primary division using this Agreement with funding available from one-time Measure O funding that was approved by City Council on February 21, 2023. The contract will cover an assessment of 41 of the City's 116 buildings and will likely take three years to complete.

This Agreement provides the flexibility to add and remove buildings from the assessment provided the total services do not exceed $340,000.

Estimated Spending Plan with Bureau Veritas Technical Assessments, LLC					
Division	**FY 2022-23 (6 months)**	**FY 2023-24**	**FY 2024-25**	**FY 2025-26 (6 months)**	**TOTAL**
Facilities	$160,000	$100,000	$40,000	$40,000	**$340,000**

For Finance Use Only: Measure O Fund (Org. 1043740, Object 53200, Project # TBD)

COMMITTEE OUTCOME

The Public Works and Transportation Committee approved 2-0 on January 24, 2023, to approve the staff recommendation and to forward the item for Council approval. This staff report was amended based on the recommendation of the Committee Chair to provide more detailed information explaining a gap assessment. Please note Agreement Number 32300159 was changed to new Agreement Number 32300336.

Prepared by: Steve Howlett, Assistant Public Works Director

ATTACHMENTS

1. Agreement 32300336
2. City Building Locations List

AGREEMENT FOR PROFESSIONAL SERVICES
COVER PAGE

(1) Agreement Start Date: March 22, 2023

(2) Consultant: Bureau Veritas Technical Assessments LLC

(3) Services: Facility Condition Assessment/Report & Asset Management Program

(4) Schedule of Services: See Scope of Work Exhibit

(5) Agreement Ending Date: March 21, 2026

(6) Total Agreement Amount: $340,000

(7) City's Project Manager: Brian Allen

(8) Consultant's Project Manager: Mouaz Alrayes

(9) Insurance Coverage: INS-A

(10) Addresses for Notice:

FOR CONSULTANT:

Bureau Veritas Technical Assessments LLC
Attn: Mouaz Alrayes, Senior Project Manager
220 Technology Drive
Irvine, CA 92618

FOR CITY:

City of Oxnard
Attn: Brian Allen, Facilities Manager
1060 Pacific Ave. Bldg. 3
Oxnard, CA 93030

(11) Contact Emails:

CONSULTANT'S PROJECT MANAGER:

mouaz.alrayes@bureauveritas.com

CITY'S PROJECT MANAGER:

brian.allen@oxnard.org

The Agreement for Professional Services is attached hereto and incorporated herein by this reference. The following exhibits are also attached hereto and incorporated herein by this reference into the Agreement:

☑ Scope of Services Exhibit
☑ Rates and Costs Exhibit
☑ Insurance Exhibit (INS-A)

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into in Ventura County, California, on the date that is written as "(1) Agreement Start Date" on the Cover Page, which is attached hereto and incorporated herein by this reference. This Agreement is entered by and between the City of Oxnard ("City") and the person or entity listed as "(2) Consultant" on the Cover Page, subject to the following terms and conditions:

1. Scope of Services. Consultant shall provide to City the services listed as "(3) Services" on the Cover Page (the "Services"). Consultant shall provide the Services during the term of this Agreement, as set forth below, according to the schedule written as "(4) Schedule of Services" on the Cover Page, and as further explained in the Scope of Services Exhibit, which is attached hereto and incorporated herein by this reference. In the event of any conflict between the terms of this Agreement and any incorporated document(s), the terms of this Agreement shall control.

2. Standard of Performance. Consultant shall undertake and complete the Services to conclusion using the standard of care, skill and diligence normally provided by a professional person in the performance of similar consulting services.

3. Correction of Errors. Consultant shall correct, at its expense, all errors which may be disclosed during review of the Services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.

4. Term. This Agreement shall begin on the date that is written as "(1) Agreement Start Date" on the Cover Page and shall end on the date that is written as "(5) Agreement Ending Date" on the Cover Page. Time is of the essence in this Agreement.

5. Compensation. For the Services performed during the term of this Agreement, City shall pay Consultant an amount not to exceed the amount that is listed as "(6) Total Agreement Amount" on the Cover Page, at the rates listed in Rates and Costs Exhibit, attached hereto and incorporated herein by this reference. The rates in Rates and Costs Exhibit shall be in effect through the end of this Agreement. Except as otherwise expressly provided in this Agreement, City shall not be responsible for expenses incurred by Consultant in performing the Services.

6. Invoices. Consultant shall submit a payment request to City by the end of each calendar month listing the Services provided, costs of those Services, and total amount due for the month. Each invoice must also list the current balance on the Agreement, including that invoice, as well as the months remaining on the term of the Agreement. Invoices may be emailed to: invoices@oxnard.org.

7. Acceptance of Payment. Consultant's acceptance of final payment made pursuant to this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to the Services. City's payment shall not constitute nor be deemed a release of the responsibility and liability of Consultant for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Consultant and its employees, agents and subcontractors. Consultant shall provide City with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. If any sales tax is due for the Services performed by Consultant or materials or products provided to City by Consultant, Consultant shall pay the sales tax. City shall not reimburse Consultant for sales taxes paid by Consultant.

8. Non-Appropriation of Funds. Payments to be made to Consultant by City for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the conclusion of the last fiscal year in which City appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

9. Coordination of Services. The Services shall be coordinated with the person in the position listed in "(7) City's Project Manager" on the Cover Page, subject to the direction of the City Manager and Department Director. Consultant hereby designates the person in the position listed in "(8) Consultant's Project Manager" on the Cover Page as the person responsible for the Services who shall coordinate with City's Project Manager in making binding decisions in line with this Agreement on behalf of Consultant.

10. Personnel. Consultant represents that it has, or shall secure at its own expense, all personnel required to perform the Services. Any person who performs engineering services pursuant to this Agreement shall be licensed as a Civil Engineer by the State of California and in good standing. Consultant shall make reasonable efforts to maintain the continuity of Consultant's staff who are assigned to perform the Services. Consultant may associate with or employ associates or subcontractors in the performance of the Services, but at all times shall Vendor be responsible for its associates and subcontractors' labor, advice or materials provided in furtherance of providing the Services. Should any of Consultant's employees, assigns or subcontractors not conduct him- or herself appropriately, as determined by the City's Project Manager, in the process of providing the Services or any portion thereof, the City's Project Manager may notify the Consultant's Project Manager, who shall immediately handle the problem, as determined appropriate by him or her, such that the problem does not persist.

11. Additional Work. City may request additional specified work under this Agreement. The City's Project Manager must authorize all such work in writing before commencement. Consultant shall perform such work, and City shall pay for such additional work, in accordance with Rates and Costs Exhibit. Should the work not fall under any such listed rate or cost, Consultant shall submit a quote for all additional work, which the City's Project Manager must approve in writing by before any such work may commence. The City shall compensate Consultant for any work that does not fall under a rate or cost listed in the Rates and Costs Exhibit, and for which Consultant did not obtain the City's Project Manager's written approval before work commenced, as determined by the City's Project Manager in his or her sole discretion.

12. Audit. City shall have the option of inspecting, auditing and/or reproducing all records and other written materials used by Consultant in preparing its billings to City as a condition precedent to any payment to Consultant. Consultant will promptly furnish all documents requested by City. Additionally, if this Agreement is in excess of $10,000, the State Auditor may examine and audit Consultant for a period of 3 years after final payment under the Agreement. Regardless of whether a State audit is permitted, Consultant shall maintain and preserve all such records for a period of at least 3 years after final payment under the Agreement. Consultant shall include a copy of this Section 12 in all contracts with its subcontractors, and Consultant shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or City.

13. Termination. City may terminate this Agreement at any time, with or without cause and without penalty, upon 15 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice. Consultant may terminate this Agreement at any time, with or without cause and without penalty, upon 30 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed before the date of termination. In the event of termination of this Agreement by either party due to no fault or failure of performance by Consultant, City shall pay Consultant compensation for all Services satisfactorily completed in accordance with all of the terms and provisions of this Agreement, as determined by the City, before the effective date of termination; provided, in no event shall the Consultant receive an amount exceeding that which would have been paid to Consultant for the full performance of the Services.

14. Hold Harmless, Defense and Indemnity.

If Consultant provides any architectural, landscape architectural, engineering or land surveying ("design professional") services, to the maximum extent permitted by law, Consultant shall hold harmless, defend, and indemnify City, its legislative and advisory bodies, and the City's officials, directors, officers, employees, and agents (collectively, "Indemnitees") from and against any and all claims, demands, causes of action, damages, injuries, liabilities, losses, penalties, fines, judgments, costs or expenses, including reimbursement of attorneys' fees, court costs and costs of alternative dispute resolution, including but not limited to those relating to death or injury to any

person and injury to any property (collectively, "Claims"), to the extent that the Claims arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or of any of its officers, employees, subcontractors or agents in the performance of the Agreement or in the failure to comply with any of the obligations contained in this Agreement. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, to the extent required herein immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

If Consultant provides no design professional services, to the maximum extent permitted by law, Consultant shall hold harmless, defend and indemnify the Indemnitees from and against any and all Claims, which arise out of, pertain to, or relate to the performance of this Agreement, or the failure to comply with any of the obligations contained in this Agreement, by Consultant or of any of its officials, directors, officers, employees, subcontractors, or agents. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

The review, acceptance or approval of Consultant's work or work product by any of the Indemnitees shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This Section 14 shall survive completion of the Services or termination of this Agreement. The provisions of this Section 14 shall not be restricted by and does not affect the provisions of this Agreement relating to insurance

15. Insurance. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within the insurance document stated in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit, which is attached hereto and incorporated herein by this reference, unless the City's Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages. Consultant shall, before performance of any Services, file with the City's Risk Manager evidence of insurance coverage as specified in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit. Maintenance of insurance coverages by Consultant is a material element of this Agreement. Consultant's failure to maintain or renew insurance coverages or to provide renewal evidence, and any lapse in insurance coverage, may be considered a material breach of this Agreement.

16. Documents and Materials.

All final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data, photographs, specifications, information, images, video files, media, or other deliverables prepared, created, drawn, calculated, photographed or developed by Consultant pursuant to this Agreement ("Documents and Materials") shall be the City's property without restriction or limitation upon its use, duplication or dissemination. All Documents and Materials shall be considered "works made for hire," and all Documents and Materials and any and all intellectual property rights arising from their creation, including, but not limited to, all copyrights and other proprietary rights, shall be and remain the property of the City without restriction or limitation upon their use, duplication or dissemination by the City. Consultant shall not obtain or attempt to obtain copyright protection as to any Documents and Materials. Consultant hereby assigns to the City all ownership and any and all intellectual property rights to the Documents and Materials that are not otherwise vested in the City pursuant to this Section 16

a. Consultant shall deliver all Documents and Materials to City's Project Manager upon completion of the Services or termination of this Agreement without additional cost or expense to the City. Additionally, anytime at City's request, City shall be entitled to possession of, and Consultant shall furnish to City's Project Manager within

10 calendar days, any or all of the Documents and Materials without additional cost or expense to the City. In both situations, if Consultant prepares Documents and Materials on a computer, Consultant shall provide City with said Documents and Materials both in a printed format and in an electronic format that is acceptable to the City. Consultant may retain copies of these Documents and Materials but must request permission from the City before use, duplication or dissemination of these Documents and Materials for any purpose other than for the Services provided to the City pursuant to this Agreement

b. Any substantive modification of the Documents and Materials by City staff or any use of the completed Documents and Materials for other City projects, or any use of incomplete Documents and Materials, without the written consent of Consultant, shall be at City's sole risk and without liability or legal exposure to Consultant.

Consultant warrants and represents that it has secured all necessary licenses, consents or approvals to use any instrumentality, thing or component as to which any intellectual property right exists, including computer software, used in the rendering of the Services and the production of all Documents and Materials, and that the City has full legal title to and the right to use, duplicate or disseminate the Documents and Materials. Consultant shall defend, indemnify and hold Indemnitees harmless from any loss, claim or liability in any way related to a claim that City's use of any of the Documents and Materials is violating federal, state or local laws, any contractual provisions, or any laws relating to trade names, licenses, franchises, copyrights, patents or other means of protecting intellectual property rights and/or interests in products or inventions. Consultant shall bear all costs arising from the use of patented, copyrighted, trade secret or trademarked documents, materials, equipment, devices or processes in connection with its provision of the services and Documents and Materials. In the event the use of any of the Documents and Materials by the City is held to constitute an infringement and the use of any of the same is enjoined, Consultant, at its own expense, shall: secure for City the right to continue using the Documents and Materials by suspension of any injunction, or by procuring a license or licenses for City; or modify the Documents and Materials so that they become non-infringing while remaining in compliance with the requirements of this Agreement.

c. This Section 16 shall survive the termination of this Agreement

17. Confidentiality of Information.

a. For the purposes of this Agreement, "Confidential Information" means all information, in whatever form transmitted, relating to the past, present or future business affairs of the City, including without limitation, (i) technical information, including patent, copyright, trade secret, and other proprietary information, techniques, sketches, drawings, models, inventions, processes, apparatus, equipment, algorithms, software programs, software source documents, and formulas; or (ii) non-technical information, including without limitation finances, financial and accounting data and information, suppliers, customers, customer lists, purchasing data and any other information belonging to the City or to a third party whose information is in the City's possession or control under obligations of confidentiality, and which is disclosed to Consultant or is developed by Consultant in whole or in part at the City's expense.

b. All Documents and Materials shall be considered Confidential Information and shall not be reproduced, transmitted, disclosed or used by the Consultant without the written consent of the City, except as may be necessary for Consultant to fulfill its obligations to the City.

c. Notwithstanding the above, these limitations shall not apply to information that (i) is already known to Consultant at the time of that information's disclosure or becomes publicly known through no wrongful act or omission of Consultant, (ii) is communicated to a third party with the express written consent of City and is not subject to restrictions on further use or disclosure, (iii) is independently developed by Consultant and has no relation to this Agreement, or (iv) is required by law, court order, court-issued subpoena or other legal process to be disclosed;

provided, however, that before making such disclosure, Consultant shall immediately provide City with written notice and a reasonable opportunity for City to object to the disclosure or to take action to maintain the confidentiality of the information, unless such prior disclosure is legally impermissible.

d. Consultant shall use reasonable care to protect the Confidential Information. In the event of a breach or threatened breach of this Agreement, City shall be entitled to obtain an injunction prohibiting any such breach, the costs of which shall be paid by Consultant. Any relief granted shall be in addition to and not in lieu of any other legal or equitable relief, including money damages. The parties acknowledge that Confidential Information is valuable and unique and that disclosure of the Confidential Information in breach of this Agreement may result in irreparable injury to the City.

e. Other than an obligation upon the City to deal in good faith, the City makes no warranties and shall bear no liability or responsibility for errors or omissions in any Confidential Information disclosed under this Agreement or for any business decisions made by Consultant in reliance on any Confidential Information disclosed under this Agreement.

f. This Section 17 shall survive the termination of this Agreement.

18. Independent Contractor. Consultant is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of Consultant or any of its employees, except as stated in this Agreement. Consultant has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting Consultant, and it is free to dispose of all portions of its time which it is not obligated to devote to City in such a manner and to such persons, firms, or corporations as Consultant wishes except as expressly provided in this Agreement. This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services Consultant shall perform for the City. Except as City's Project Manager specifies in writing, Consultant and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. Consultant and its employees are not employees of City. Consultant and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. Consultant shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable. City shall have the right to offset against the amount of any compensation due to Consultant under this Agreement any amount due to City from Consultant as a result of its failure to promptly pay to City any reimbursement or indemnification arising under this Section 18.

19. Nondiscriminatory Employment. Consultant shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. Consultant understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, Consultant shall be responsible for such subcontractor's compliance with this Section 19.

20. Consultant's Representations. Consultant represents, covenants and guarantees that: a) Consultant is licensed, qualified, and capable of furnishing the labor, materials, and expertise necessary to perform the Services in accordance with the terms and conditions set forth in this Agreement; b) there are no obligations, commitments, or

impediments of any kind that will limit or prevent Consultant's full performance under this Agreement; c) to the extent required by the standard of practice, Consultant has investigated and considered the scope of Services performed, has carefully considered how the Services should be performed, and understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement.

21. Compliance with Laws. In performing the Services under this Agreement, Consultant shall comply with all applicable laws, ordinances and regulations. Before providing any Services under this Agreement, Consultant shall, at its own expense, obtain and maintain all required certificates, licenses and permits, including a City business tax certificate.

22. Conflict of Interest. If, in performing the Services set forth in this Agreement, Consultant makes, or participates in, a "governmental decision" as described in Title 2, Section 18704 of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Consultant shall be subject to City's conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Consultant's personnel providing the Services set forth in this Agreement. Furthermore, Consultant shall not to accept any employment or representation during the term of this Agreement or within 12 months after completion of the Services which is or may likely make Consultant "financially interested," as provided in California Government Code Sections 1090 and 87100, in any decisions made by City on any matter in connection with which Consultant has been retained pursuant to this Agreement.

23. Fictitious Name. If Consultant has a fictitious name, Consultant shall submit to City a new Fictitious Business Name Statement approved by any California county before Consultant's prior Fictitious Business Name Statement expires if such expiration may occur during the term of this Agreement, including any term amendment.

24. Non-Assignability. This Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience and specialized personal knowledge. Consultant shall not assign or transfer any interest in this Agreement or any part thereof, whether by assignment or novation, without City's prior written consent, which may be withheld for any reason or for no reason at all. Any purported assignment without written consent shall be null, void, and of no effect, and Consultant shall hold harmless, defend and indemnify Indemnitees from and against all Claims arising from or relating to any unauthorized assignment.

25. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant.

26. Applicable Law; Venue. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. Venue for any such action relating to the Agreement shall be in the Ventura County Superior Court.

27. Titles. The titles used in this Agreement are for convenience only and shall in no way define, limit or describe the scope or intent of this Agreement or any part of it.

28. Force Majeure. Neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include but are not be limited to acts of God, riots, acts of war, epidemics, fire, earthquakes, or other disasters.

29. Authority. Any person executing this Agreement on behalf of Consultant warrants and represents that s/he has the authority to execute this Agreement on behalf of Consultant and to bind it to the performance of these obligations.

30. Binding Agreement. The parties do not intend this Agreement to be binding upon them and shall not be held liable to its terms until it is fully executed by all required signers.

31. Integration; Amendment. This Agreement, including any other documents incorporated herein by specific reference, constitutes the entire and integrated agreement of City and Consultant regarding the subject matter described herein. This Agreement supersedes all prior oral or written communications, negotiations, representations, agreements and promises. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing, signed by both parties, that expressly refers to this Agreement.

32. Construction. In the event of any asserted ambiguity in or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or who drafted the Agreement in whole or in part.

33. No Waiver. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by City of any payment to Consultant constitute or be construed as a waiver by City of any breach of covenant, or any default that may then exist on the part of Consultant, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default.

34. Attorneys' Fees. The prevailing party shall be entitled to recover reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney's Office) and expenses, including investigation fees and expert witness fees, in addition to any other relief to which that party may be entitled, in any legal action or other proceeding, including an action for declaratory relief, for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement.

35. Notice. Except as otherwise required by law, a notice or communication authorized or required by this Agreement shall be in writing and shall be deemed received—on (a) the day of delivery if delivered by hand or overnight courier service during City's regular business hours or (b) the third business day following deposit in the United States mail, postage prepaid—to the addresses listed as "(10) Addresses for Notice" on the Cover Page or at such other address as one party may notify the other in writing.

36. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement. A signed copy of this Agreement transmitted by email to Project Managers' emails listed in "(11) Contact Emails" on the Cover Page or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

37. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

[Signatures on next page]

CITY OF OXNARD

☑ John C. Zaragoza, Mayor[1] Date
☐Jennifer Yates, Purchasing Manager[2]

ATTEST:

Rose Chaparro, CITY Clerk Date
(only if Mayor authorizes)

APPROVED AS TO FORM:

Stephen M. Fischer, CITY Attorney (always required) Date

BUREAU VERITAS TECHNICAL ASSESSMENTS, LLC

Erik Piller, Senior Vice President Date

Matt Munter, Executive Vice President[3] Date

[1] The City Council must authorize and the Mayor must execute any agreement over $200,000.
[2] The Purchasing Agent may execute any authorized agreement up to $200,000.
[3] The City requires the following for any contract:
• For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
• For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
• For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.
If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

SCOPE OF SERVICES EXHIBIT

The scope of services includes, but is not limited to, the following activities:

- Establish an Asset Management Program Framework
- Develop Asset Management Policy and Best Practices Guidelines
- Include a comprehensive assessment of all sites, buildings, building systems, and infrastructure.
- Follow ASTM E2018-15 Standard Guide for Property Condition Assessments, as applicable.
- Determine the present condition and estimated life expectancy of various building systems and components.
- Identify and document present condition of all physical assets including grounds, facilities, and infrastructure.
- Recommend corrections for all deficiencies and provide cost estimates for corrections.
- Prioritize and categorize deficient conditions, associated corrective actions, and information concerning building systems and deficiency categories.
- Establish anticipated renewal and replacement costs for the various systems and components.
- Result in strategic plan for capital repairs, lifecycle component replacement, and building modernization.
- Calculate the Current Replacement Value (CRV) and Facility Condition Index (FCI) for each facility.
- Collect Equipment Inventory data for Client properties.
- Establish a protocol for facility condition data to migrate/ transfer to a CMMS/IWMS system.
- Prepare a Preventive Maintenance Plan for assets to uploaded to CMMS system.

Task 1 – Establish Baseline

Perform a gap analysis of existing data, documentation, and asset management policy. These gaps will be documented, along with the business process recommendations to address these gaps and gather asset attribution in the development of an Asset Management Program for the City of Oxnard.

Task 2 - Asset Management Program Framework Development

Develop a framework which will include policy and best practices for the overall maintenance management and asset management programs in order to manage specific classes of critical assets. These plans will help develop asset class strategies that provide key information about each asset grouping including but not limited to the necessary level of risk, performance, capital expenditures, and operational expenditures required to maintain each class of assets.

In an effort to effectively coordinate asset management activities and ensure that assets fulfill their intended purpose, Consultants must provide format suggestions for each Asset Management Plan that include but are not limited to the following activities and elements:

- Implement Asset Management Governance Structure
- Asset Management Policy, Objectives, and Strategy
- Asset Information Management Process
- Asset Acquisition/Decommission Process
- Maintenance Optimization Best Practices
- Condition Assessment Procedure and Template
- Electronic Asset Management Guidebook/Manual and Dashboard
- Asset Classifications
- Asset Groupings
- Naming Conventions
- Location Hierarchy

- Asset Class Strategies
- Performance KPIs
- Replacement/Repair Operational Guidelines
- Executive Summary
- Asset Portfolio Overview
- Future Demand Impact Analysis
- Risk and Asset Failure Analysis
- Life Cycle Management Plan *(Renewal & Replacement)*
- Financial Forecast/Budgets
- Continuous Improvement Plan *(O&M Optimization)*

Listed below are various disciplines in which Asset Management Plans may be developed, but not limited to:

- Buildings and Structures
- Elevators
- Utilities
- High Voltage Systems
- Lighting (Parks & Athletic Fields)
- HVAC Systems
- Roofing Systems

The Consultant's team may include subcontractors for disciplines not self-performed. The use of such subcontractors is subject to PW approval.

Task 3 - Asset Condition Assessments

Develop Condition Assessment Template and Final Recommendations Report. The Consultant will perform professional assessments on mechanical, electrical, plumbing, civil, and other required disciplines for each respective asset grouping, on an on-call as needed basis. Specific condition assessments will aid in the development of the Asset Management Plans outlined in Task 2.

Utilizing the Condition Assessment Template developed by the Consultant, field assessments will be conducted to further understand the existing conditions, short- and long-term renewal and replacement of the facility, systems, components, preventative maintenance, or inspection improvement recommendations, and financial forecasts.

As a deliverable, the Consultant must:

- Provide professional assessments on the condition of assets.
- Provide alternative recommendations for ensuring a state of good repair and critical dates for renovation and replacement.
    - *(i.e. Renewal, Replacement, Repair, Retrofit)*
- Provide Capital Planning recommendations based on a phased approach to implementation.
- Provide Life-Cycle cost analysis and evaluation consisting of budget costs, cost savings, and total cost of ownership.
- Provide operational/maintenance recommendations to improve the function of assets.
- Review any documents regarding assets' physical composition as needed.

Task 3.2 – Field Assessments

The Assessment Team will conduct a walk-through survey of the facilities and sites to observe systems and components, identify physical deficiencies, and formulate recommendations to remedy the physical deficiencies. As a part of the walk-through survey, the Team will survey 100% of each facility. Consultant Team will survey the exterior and grounds, including the building exterior, roofs, sidewalk/ pavement, and recreational/other areas as applicable. They will interview the building maintenance staff about the property's historical repairs and replacements and their costs, level of preventive maintenance exercised, pending repairs and improvements, and frequency of repairs and replacements. The Assessment Team will develop opinions based on their site assessment, interviews with the City's building maintenance staff, and interviews with relevant maintenance contractors, municipal authorities, and experience gained on similar properties previously evaluated.

The Team may also question others who are knowledgeable of the property's physical condition and operation or knowledgeable of similar systems to gain comparative information to use in evaluation of the subject property.

The Assessment Team will review documents and information provided by the City's maintenance staff that could aid the knowledge of the property's physical improvements, extent and type of use, and/or assist in identifying material discrepancies between reported information and observed conditions.

The facility condition assessment will include the City- identified assets and will focus on the following facility and site systems and components:

- Site + Infrastructure
    - Topography: Observe general topography and note any unusual or problematic features or conditions observed or reported.
    - Paving, Curbing, and Parking: Identify material types of paving and curbing systems at the property.
    - Flatwork: Identify material flatwork at the property (sidewalks, plazas, patios, etc.).
    - Landscaping and Appurtenances: Identify material landscaping features, material types of landscaping (fences, retaining walls), and site appurtenances (irrigation systems, fountains, lighting, signage, ponds).
    - Utilities: Identify type of material utilities provided to the property (water, electricity, natural gas); and assess condition, physical deficiencies, life cycle repair, and replacement issues.

- Recreational Facilities
    - Identify any material on-site recreational facilities such as athletic fields, swimming pools, spas, tennis or basketball courts, jogging or bicycle paths, etc.
    - Observe the general conditions and note any reported physical deficiencies or any unusual items or conditions observed or reported.
- EV Charging Stations
    - With information provided by the client document the payment software providing access to the charging station, if any.
    - Identify the power source for the EV charging station and if possible, determine if the power used is billed to a client electrical meter.
    - Determine the age of the equipment and review for deterioration from weather and use. Identify the remaining useful life of the charging station equipment and the cost to replace the equipment.
    - Review the signage, paving and surface materials around the charging stations for deterioration.
    - For larger exhibits review any building materials used in the exhibit design and opine on their condition and Remaining Useful Life and the cost to replace the materials.
    - Comment on the condition of the paving and retaining walls at exterior exhibits and estimate their Remaining Useful Life

- Structural Frame + Building Envelope
    - Identify material elements of the structural frame and exterior walls, including the foundation system, floor framing system, roof framing system, facade or curtain- wall system, glazing system, exterior sealant, doors, commercial overhead doors, sliders, windows, and stairways, etc.
    - Observe general conditions and note any physical deficiencies identified or unusual items or conditions observed. Observations may be subject to grade, and rooftop vantage points.
    - Visually inspect observable areas for cracking and moisture infiltration as well as areas of apparent foundation settlement and displacement.
    - In the event more information or exploratory testing is required, in order to provide remedial measures, the report may include recommendation for additional investigative testing (Tier 1 or Tier 2).

- Wall Evaluation
    - Photograph elevations and details both from internal and external vantage points, as well as from adjacent structures where possible.
    - Observe representative operable and fixed panels on all facades, operating a representative sample of units to assess hardware and visually inspect exterior conditions and condition of waterproofing seals.
    - Assess curtain wall condition to determine water infiltration, damage, caulk degradation, metal panel degradation, stone degradation and anchoring, and other related curtain wall issues.

- Curtain Wall – As Required
    - Review curtain wall condition and a sampling of fixed panels on facades to assess hardware and visually review exterior conditions and the condition of waterproofing seals, where accessible without the use of lifts, ladders, scaffolding, suspension devices, or the like; may include observations from internal and external vantage points, as well as adjacent structures. Observations are limited to grade and may include accessible balconies or rooftop vantage points.
    - Review provided drawings and records of repair, replacement, and maintenance of framing and glazing.

- Roofing (Non-Invasive Visual)
    - Identify material roof systems (roof type, reported age, slope, drainage) and any unusual roofing conditions or rooftop equipment.
    - Observe general conditions of the roof system (membranes, attachment methods, flashings, counter flashings, pitch pans, gravel stops, parapets, miscellaneous appurtenances, insulation).
    - Observe for evidence of material repairs, significant ponding, or evidence of material roof leaks. Note if a roof warranty is in effect. Note any physical deficiencies identified or unusual items observed or reported.
    - Identify material rooftop equipment or accessories (antennas, lightning protection, HVAC equipment, solar equipment). Include any material problems reported.
    - BVTA understands that the City will provide OSHA compliant ladders, lifts and/or scaffolding (depending on roof type) so that the Project Manager may safely access roof areas. If requested, BVTA can provide a quote for lift and/or ladder access as needed. Observations will be limited to readily accessible areas

- Plumbing
    - Identify material plumbing systems at the property including domestic water supply, sanitary sewer, or any special or unusual plumbing systems (such as water features, fuel systems, gas systems, etc.).
    - Identify type and condition of restroom fixtures, drinking fountains and/or other plumbing equipment.
    - Observe general conditions and note any physical deficiencies identified or unusual items or conditions observed. Include any reported material system inadequacies.

- Air Conditioning + Ventilation
    - Identify the material air-conditioning and ventilation systems at the property. Include material equipment such as cooling towers, chillers (type of refrigerant used), package units, split systems, air handlers, thermal storage equipment, etc.
    - Identify material distribution systems (supply and return, make-up air, exhaust) at the property.
    - Observe general conditions, identify equipment reported age, note past material component upgrades/ replacements and apparent level of maintenance, and identify if a maintenance contract is in place (contractor name). If AC and ventilation systems are not operational at the time of the walk-through survey, provide an opinion of the condition to the extent reasonably possible.
    - Observe general conditions and note any physical deficiencies identified or unusual items or conditions
    - observed. Additionally, include any material-reported system inadequacies or operating deficiencies.
    - Identify and observe any special or unusual air- conditioning and ventilation systems or equipment (cold storage systems, special computer cooling equipment, etc.) and note any material-reported problems or system inadequacies.

- Electrical
    - Identify the electrical service provided and distribution system at the property.
    - Include material switchgear disconnects, circuit breakers, transformers, meters, emergency generators, general lighting systems, and other such equipment or systems.
    - Observe general electrical items (distribution panels, type of wiring, energy management systems, emergency power, lightning protection).
    - Observe general conditions and note any physical deficiencies identified or unusual items or conditions observed. Also, note the presence of any special or unusual electrical equipment, systems, or devices at the property, and include reported material problems or system inadequacies.

- Life Safety + Fire Protection
    - Identify material life safety/fire protection systems at the property, including sprinklers and stand pipes (wet or dry), fire hydrants, fire alarm systems, water storage, smoke detectors, fire extinguishers, emergency lighting, stairwell pressurization, smoke evacuation, etc.
    - Observe general conditions and note any material physical deficiencies identified or unusual items or conditions observed or reported including any reported system inadequacies.

- Elevators + Vertical Transportation
    - Identify vertical transportation systems at the property. Include the equipment manufacturer, equipment type, location, number, capacity, etc.
    - Observe elevator cabs, finishes, call and communication equipment, etc.
    - Identify the company that provides elevator/ escalator maintenance at the property. Observe general conditions and note any physical deficiencies identified or unusual items or conditions observed or reported including any reported material system inadequacies.
    - Out of Scope Issues: Performing any calculations, examination of operating system components such as cables, controller, motors, etc.; entering elevator/ escalator pits or shafts.
- Interior Elements
    - Identify offices, special use areas, and building standard finishes, including flooring, ceilings, walls, etc. Furnishings and fixed components will be reviewed and included in the cost estimate tables for replacements. Consultant will identify material building amenities or special features.
    - Observe general conditions and note any physical deficiencies identified or unusual items or conditions observed or reported.
- Food Service Spaces and Equipment
    - Assess all food service equipment and spaces (kitchen, cafeteria, dining, serving areas). Food service equipment (fixed equipment) will be evaluated for adherence to life/ safety code and ventilation requirements as well for condition and capital replacement.
- Special Systems and Equipment
    - Include all special systems and equipment, such as Emergency Medical Systems (EMC), chillers, radio towers, equipment lifts, chair lifts, chemical storage or treatment areas, storage tanks, dumbwaiters, vaults, public address systems, and telephone systems.
- Limited Accessibility Compliance
    - Provide a general statement of the subject building's likely compliance to the Americans with Disabilities Act to help identify whether Client may be exposed to issues and whether there is the need for further review.
- Energy Conservation Analysis
    - Consider energy conservation savings when making repair or replace recommendations and include these projects in the project prioritization.
    - Able to provide an Energy Audit (ASHRAE Level I, II, or III) or Benchmarking (EnergyStar) services as an additional service.
- Exhaust Collection Systems (Fire Stations)
    - verify existence of any exhaust collection systems in the apparatus bays. If a system is present, BVTA will conduct a carbon monoxide (CO) measurement at each exhaust collection system. If the apparatus bay shows evidence of irregular CO/CO2 levels, we will recommend additional testing from an industrial hygienist to determine levels of VOCs, NO2, SO2, CO and diesel exhaust particulates. Additional testing will verify performance standards with fire apparatus idling in bays, on the tarmac, and entering/exiting bays as would occur during normal station operation.

- **Task 4 – Enterprise Asset Management System (EAMS) Recommendation**

PW currently does not have a master listing of its asset registry and associated facility data. The intent of this task is to design, recommend, and (if the submission is approved) implementation of new EAMS and comprehensive Asset Management Program. This new Asset Management Program should also include computerized maintenance management system (CMMS) capabilities to produce reports used by PW Leadership to make the best business decisions for the future of the City.

This task, at a minimum, requires the Consultant to deliver the following deliverables:

- Provide review and guidance documentation to store, utilize, assess, improve, and revised support for all asset management activities. The method by which those tasks are performed and by whom within PW will be critical for the completion of this task.
- Prepare a detailed EAMS workflow script offering written instructions designed to reflect the process in which asset data is entered, managed, analyzed, and reported. These workflows should be cross-functional in nature to reflect the numerous PW stakeholders of the Asset Management Program.
- Develop specific criteria and parameters required for reports including, but not limited to, key performance indicators, the total cost of ownership, labor hours, Facility/System Condition Index, replacement value, estimated life expectancy, etc.
- Train PW personnel on all tasks and provide a technical user guide for the implementation EAMS & CMMS.
- Provide experienced, in-house consultant staff to work daily with PW personnel.

- Task 5 – As Needed Services
    - Additional as-needed support related to the development of the Asset Management System
    - Any work under this task shall be pre-authorized by the designated City Representative
- Task 6 – Optional – Bar Coding
    - For the above-referenced equipment, BVTA will apply a durable barcode / QR code/asset tag with a unique number for use as an identifier in the CMMS system. We will use labels supplied by the City or a vinyl tag for indoor applications, and a durable foil tag for outdoor use. Barcode / QR code numbers will be recorded in the database and all future work orders etc., and can be tied back into a single piece of equipment or system.
    - The cost of Barcoding / QR coding assumes that we will tag equipment during the FCA process.
    - Any work under this task shall be pre-authorized by the designated City Representative

Ranking And Classification
Based upon our observations, research and judgment, along with consulting commonly accepted empirical Expected Useful Life (EUL) tables; BVTA will render our opinion as to when a system or component will most probably necessitate replacement.

Accurate historical replacement records provided by the facility manager are typically the best source for this data. Exposure to the weather elements, initial system quality and installation, extent of use, the quality and amount of preventive maintenance exercised are all factors that impact the effective age of a system or component. As a result, a system or component may have an effective age that is greater or less than its actual age. The Remaining Useful Life (RUL) of a component or system equals the EUL less its effective age.

CONDITION RANKING OF BUILDING SYSTEMS / EQUIPMENT
Consultant can rate the condition of each facility with the below rating system, or another City-specified scale:

LEVEL	DESCRIPTION
5 Excellent	No visible defects, new or near new condition, may still be under warranty if applicable
4 Good	Good condition, but no longer new, maybe slightly defective or deteriorated, but is overall functional
3 Adequate	Moderately deteriorated or defective, but has not exceeded useful life
2 Marginal	Defective or deteriorated in need of replacement, exceeded useful life
1 Poor	Critically damaged or in need of immediate repair, well past useful life

Consultant can also include alternative categories to rank and weight priorities as required by the City, such as functional deficiencies, aesthetics, time-based urgencies, and other mission-critical factors.

Priority Classes
The analysis will include all cost observations be ranked by Priority Classes. The following five classes are typical but can be altered to meet your specifications and needs.

LEVEL	DESCRIPTION
5 Grandfathered – Does not meet current code	No action is required at this time but should substantial work be undertaken correction would be required
4 Years 6-10 / Years 15-20 – Recommended	Representing a sensible improvement to the existing conditions (not required for the most basic function of the facility, however, will improve overall usability and/or reduce long-term maintenance costs
3 Years 3-5 – Necessary Not Yet Critical	Requiring appropriate attention to preclude predictable deterioration, potential downtime, additional damage, and higher costs to remediation if deferred further
2 Years 1-2 – Potentially Critical	Requiring action in the next year including components experiencing intermittent operations, potential life safety issues, and rapid deterioration, returning a building component to normal operation
1 Immediate – Currently Critical	Requiring immediate action including a cited safety hazard and areas of accelerated deterioration, returning a building component to normal operation

RATES AND COSTS EXHIBIT

The following fees include all costs associated with travel, lodging, car rental, food, tools, equipment, and all other miscellaneous expenses applicable to the work related to the City's project.

Fee Breakdown	
PROGRAM MANAGEMENT	**$19,918.50**
FACILITY / SITE ASSESSMENTS	**$48,620.00**
FACILITY / SITE REPORTING	**$94,310.00**
CONSULTING PREVENTATIVE MAINTENANCE PLAN ROUTINES MAINTENANCE POLICY & ASSET MGMT. BEST PRACTICES ASSET & EQUIPMENT INVENTORY (FOR CMMS) MIGRATION TO CMMS CMMS CONSULTING AS NEEDED SERVICES	**$95,314.28** $34,398.83 $19,770.00 $24,079.18 $11,466.28 $5,600.00 See Rate Schedule
OPTIONAL (Not Included in Lump Sum Total) BARCODING/QR CODE TAGGING BARCODE LABELS (CAMCODE)	 $34,398.83 $2,970.00
OTHER/INCIDENTALS AS NEEDED (option totals included) **(Not Included in Lump Sum Total)**	$44,329.74
TOTAL	**$258,162.78**

Billing Schedule	
Assessments Completed	50%
Draft Reports (invoiced monthly)	45%
Final Report and Review	5%

The pricing stated herein is a fixed price for the scope detailed herein. Consultant will invoice monthly for work completed in prior month. Consultant will invoice 95% of allocated fees for submittal of draft report and 5% balance upon submittal of final reports. This is done as a convenience to City and does not reflect any reduction in total fee in event client does not pursue final reports. An invoice for the 5% balance will be submitted upon submittal of final reports or 60 days from submittal of draft reports whichever is sooner. All invoices will be payable within 30 days or upon the closing of the transaction, whichever comes first.

Job Title	Program Mgmt.	Site Assessments	Site Reporting	Other
Project Executive				
Program Manager	49.5	8	60	
Project Manager I (PE/RA)		190	315	
Project Manager II (PE/RA)	8	190	375	
Quality Control Manager				4
Administrative			16	18

Team Role	Hourly Rate ($)
Project Executive	$190.00
Program Manager	$140.00
Project Manager I (PE/RA)	$120.00
Project Manager II (PE/RA)	$130.00
Quality Control Manager	$135.00
Technical Report Reviewer	$115.00
Administrative	$80.00

INSURANCE EXHIBIT

Exhibit INS-A

INSURANCE REQUIREMENTS FOR CONSULTANTS (WITH ERRORS AND OMISSIONS REQUIREMENT)

1. Consultant shall obtain and maintain during the performance of any services under this Agreement the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Consultant, its agents, representatives, employees or subconsultants.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;

b. Business automobile liability insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office automobile liability coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. Professional liability/errors and omissions insurance appropriate to Consultant's profession to a minimum coverage of $1,000,000, with neither Consultant nor listed subconsultants having less than $500,000 individually. The professional liability/errors and omissions insurance must be project specific with at least a one year extended reporting period, or longer upon request.

d. Workers' compensation insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than $1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Consultant shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-A. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before commencement of services. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email (or fax if necessary) to the Risk Manager, addressed as follows (do not send hard copies):

City of Oxnard
Insurance Compliance
Reference No. _____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

3. Consultant agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Consultant agrees that the commercial general liability and business automobile liability insurance policies shall be endorsed to name City, its City Council, officers, employees, agents and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees, agents and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-A or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages (**this must be endorsed)**. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. The insurer shall declare any deductibles or self-insured retentions to and be approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Consultant shall also be applicable to Consultant's subconsultants. Consultant agrees to maintain appropriate agreements with subconsultants and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

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INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for commercial general liability and business automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that the Consultant/insurer use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the sample accord form.

INS-A.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
CODE SUB-CODE	**COMPANIES AFFORDING INSURANCE COVERAGE**
INSURED	COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE
	COMPANY LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	**GENERAL LIABILITY** [x] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE $1,000,000 PRODUCTS COMP/OP AGG . $1,000,000 PERSONAL & ADV. INJURY $1,000,000 EACH OCCURRENCE $1,000,000 FIRE DAMAGE (Any one fire) $ MED. EXPENSE (Any one person) $
A	**AUTOMOBILE LIABILITY** [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT $1,000,000 BODILY INJURY (Per person) $ BODILY INJURY (Per accident) $ PROPERTY DAMAGE $
A	**EXCESS LIABILITY** UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE $ AGGREGATE $
A	**WORKERS' COMPENSATION** AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT $1,000,000 DISEASE-POLICY LIMIT $1,000,000 DISEASE-EACH EMPLOYEE $1,000,000
A	**OTHER** Errors and omissions insurance or malpractice insurance available for the insured's profession				Minimum coverage $1,000,000 Each consultant/ & listed sub-consultant $500,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER	CANCELLATION
CITY OF OXNARD **Attn: Insurance Compliance** **Reference No._____** **P.O. Box 100085 – OX** **Duluth, GA 30096** **Via Email: cityofoxnard@ebix.com** **Via Fax: 678-259-1007**	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~ AUTHORIZED REPRESENTATIVE

GENERAL LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ❒ Included in Limits ❒ In Addition to Limits

❒ Deductible ❒ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. ❒ Per Occurrence ❒ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ❒ in which case only the following specific agreements and permits with the City are covered

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY
❒ COMMERCIAL GENERAL LIABILITY ❒ Claims Made
❒ COMPREHENSIVE GENERAL LIABILITY Retroactive Date _____
❒ OWNERS & CONTRACTORS PROTECTIVE ❒ Occurrence

OTHER PROVISIONS

COVERAGES

	LIABILITY LIMITS IN THOUSANDS $	
	EACH OCCURRENCE	AGGREGATE
❒ GENERAL		
❒ PRODUCTS/COMPLETED OPERATIONS		
❒ PERSONAL & ADVERTISING INJURY		
❒ FIRE DAMAGE		
❒ _____		
❒ _____		

CLAIMS: Underwriter's representative for claims pursuant to this insurance.

Name: _____
Address: _____
_____
Telephone: (_____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

INSURED. The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.

CONTRIBUTION NOT REQUIRED. As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.

SEVERABILITY OF INTEREST. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

CANCELLATION NOTICE. With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.

PROVISIONS REGARDING THE INSURED'S DUTIES. Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.

SCOPE OF COVERAGE. This policy, if primary, affords coverage at least as broad as:

Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or

If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

❒ Broker/Agent ❒ Underwriter ❒ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)
Telephone: (____) _____ Date Signed: _____

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ❒ Included in Limits ❒ In Addition to Limits

❒ Deductible ❒ Self-Insured Retention (check which) of $ _____ with an Aggregate of $_____ applies to coverage. ❒ Per Occurrence ❒ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ❒ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

❒ COMMERCIAL AUTO POLICY
❒ BUSINESS AUTO POLICY
❒ OTHER

OTHER PROVISIONS

LIMIT OF LIABILITY

$ _____ per accident, for bodily injury and property damage.

CLAIMS: Underwriter's representative for claims pursuant to this insurance.
Name: _____
Address: _____
_____
Telephone: (_____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.

CONTRIBUTION NOT REQUIRED. As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.

SEVERABILITY OF INTEREST. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

CANCELLATION NOTICE. With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.

PROVISIONS REGARDING THE INSURED'S DUTIES. Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.

SCOPE OF COVERAGE. This policy, if primary, affords coverage at least as broad as:

Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or

If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

❒ Broker/Agent ❒ Underwriter ❒ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)

Telephone: ( ) Date Signed _____

BUILDING NAME	ADDRESS	Total Stories	Square Footage	Building Code Name	Date Built		
Armory	351 S K St	1	11000	Armory	1951		
AWPF	5700 Perkins Rd	2	9920	AWPF	2012		
Building and safety	241 W 2nd St	1	8000	241 building			
Carnegie	424 S C St	3	8389	Carnegie	1949?		
City Yard	1060 Pacifc Ave.	1	54700	Corp Yard			
Civic Annex	300 W 3rd St	4	37596	FIB	1967		
Civic Center	305 W 3rd St	1	3840	Council Chambers	1967		
Civic Center East	305 W Third St	3	15000	East Wing	1969		
Civic Center West	305 W Third St	3	15000	West Wing	1967		
Colonia Boxing Center	520 E 1st st	2	1830	Boxing Center			
Colonia Gym	195 N Marquite St	1	10996	Colonia Gym	1991		
Colonia Youth Center	197 N Marquite St	1	3750	Youth Center			
Downtown Parking Structure	324 S B St	4	182000	Parking Garage	2004		
Environmental Resources	111 S Del Norte	2	110031	Del Norte	1996		
Field House	2101 W Vineyard Ave,	1	5000	Locker room	1986		
Fire Admin	360 W 2nd St	2	9708	Fire Admin	2008		
Fire Station 1	491 S K Street	1	7277	FS 1	1990		
Fire Station 2	531 E Pleasant	1	3727	FS 2	1965		
Fire Station 3	150 Hill St	1	3197	FS 3	1966		
Fire Station 4	230 W Vineyard	1	5676	FS 4	1972		
Fire Station 5	1450 Colonia	1	4060	FS 5	1973		
Fire Station 6	2601 Penisula	1	4250	FS 6	1998		
Fire Station 7	3300 Turnout Park	2	9449	FS 7	2004		
Fire Station 8	3000 S Rose Ave.	1	7540	FS 8	2014		
Gull Wing Museum	418 W 4th St	1	4000	Gull Wing			
Main Library	251 S A St	2	72000	Main Library	1992		
OTC	201 E 4th St	2	17774	OTC	1984		
PACC	800 Hobson Way	1	50585	PACC	1992		
PAL Gym	350 S K St	1	29613	PAL Gym	1951		
Police Annex	3001 sturgis R	1	60000	sturgis	2006		
Police Department	251 S C St	2	32592	Public safety	1978		
Police Department storage	251 S C St	1	1200	Police Print shop	1965		
River Ridge Golf Course	2401 W. Vineyard	3	14000	River Ridge	1989		
Servic Center	214 S C St.	1	27308	servic Center			
Social Security	425 S C St	1	13646	SS Building			
South Oxnard Branch Library	4300 Saviers Rd	2	23034	SOBL	2007		
South Oxnard Center	300 E Bard Rd	1	20000	SOC	1988		
Waste Water complex	5751 Perkins Rd	2	1350360	Wastewater Treatment Plant	1959		
Water Yard	251 S Hayes	2	26308	Water Plant			
Water Yard Admin	251 S Hayes	2	6409	Water Admin	1986		
Wilson Senior Center	350 N C St	1	12490	Wilson Center	1992		
	total Sq ft		2293255				

Current list of City Facilities
The City reserves the right to add or remove locations as deemed necessary

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.6

DATE: March 21, 2023

TO: Housing Authority

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: Kitchen Rehabilitation Project at Public Housing Sites.

RECOMMENDATION

That the Board of Commissioners of the Housing Authority of the City of Oxnard:

Approve and authorize the execution of a firm-fixed-price Agreement number A-8519 in the amount of $757,900 with MDJ Management, LLC to rehabilitate eighty-four kitchens at the "31-7 scattered public housing sites" using funds appropriated from the 2020 Capital Fund grant.

(The Community Services, Public Safety, Housing & Development Committee approved 3-0 on February 28, 2023 to approve the staff recommendation and to forward the item for Council approval.)

BACKGROUND

The project involves an extensive rehabilitation of 84 kitchens, including replacement of kitchen cabinets, sinks, faucets and range hoods, for public housing units. The units are located at various public housing scattered sites which are also referred to as “31-7 scattered sites”. Specifically, 11 units at Althea Court, 12 units at Fremont Way, 12 units at Hill Street, 18 units at Concord Drive, 21 units at Fashion Park Place, and 10 units at Cuesta Del Mar Drive.

The existing cabinets were installed in the 1970s. Only minor repairs, hinge replacements, and re-painting has been completed throughout the years. Due to normal wear and tear, age of the cabinets, and condition, it is necessary to replace them. The project schedule is under 180 days. The project manager will notify the residents based on the work schedule to stay out of the kitchen area during construction hours as much as they can. However, the contractor is expected to work with the residents if they decide to stay home and use the refrigerator and/or stove during construction. City staff will also ask the residents to empty their kitchen cabinets a day before the construction.

This project was planned for and included in the 2020 Capital Fund Program Five-Year Action Plan of the Housing Authority of the City of Oxnard.

ANALYSIS

The City of Oxnard and the Housing Authority of the City of Oxnard are members of Sourcewell (formerly known as the National Joint Powers Alliance), which competitively bids construction tasks with pre-set unit prices and specifications for general construction services including materials, equipment, and labor costs. The California Government Code authorizes public agencies to participate in cooperative purchasing agreements like those established by Sourcewell, while still complying with the local procurement policies. This project is subject to wage requirements of the Davis-Bacon and Related Acts (29 CFR Part 5) and the Section 3 Act of 1968 (24 CFR Part 75).

The Housing Authority of the City of Oxnard engaged Gordian, which is a service consultant authorized by Sourcewell, to procure a general contractor for the project.

MDJ Management, LLC submitted a proposal in the amount of $757,900. The proposed scope of work includes:

1. Removal of existing and installation of new: wall/base cabinets, countertops, range hood, kitchen sink and faucet, sink drain lines, faucet supply lines, and angle stops

2. ADA units will have ADA compliant cabinets installed

3. Electrical safe off and reconnection after installation is completed

4. Cabinet hardware for all doors and drawers will be included

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

The funding for this item will be from the Housing Authority Capital Fund Grant of 2020. The Capital Fund allocation to the Housing Authority of the City of Oxnard was $2,143,230. After deducting debt service, management fees and the cost of this agreement the remaining fund balance will be $774,296. There is no impact to any City Fund.

COMMITTEE OUTCOME

The Community Services, Public Safety, Housing & Development Committee approved 3-0 on February 28, 2023 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Agreement Number A-8519

CAPITAL IMPROVEMENT CONTRACT

Contract No: **A-8519**
Name of Contractor: MDJ Management
Address: 531 Main Street, #611, El Segundo, CA 90245

Project description: Kitchen Rehabilitation Project at Scattered Sites (31-7)

This Capital Improvement Contract (**"Contract")** is made at Oxnard, California, as of this 21st day of March 2023 between the City of Oxnard Housing Authority, called herein the **"Authority"**, and the above-named contractor (**"Contractor"**) for the construction of the capital improvement project described herein. The parties hereto agree as follows:

I. Type of Contract

This contract is a firm-fixed price contract as defined by 2CFR Part 200 and the Department of Housing and Urban Development (HUD) Handbook 7460.8, Rev. 2.

2. Contract Price

Contractor shall perform the scope of work per the detailed scope of work submitted for 84 Units located in the Scattered Sites (31-7). Authority shall pay Contractor, as described in **Exhibit A**, attached hereto and incorporated herein by this reference, in full payment for said work, the following sum: **$757,900.00.**

The above sum includes all taxes and the costs of any required bonds.

3. Payment Schedule

Authority shall pay Contractor no later than 30 calendar days after Authority accepts Contractor's invoices and Authority shall make final payment no later than 60 calendar days after Authority has issued and approved a certificate of completion for the work contemplated herein, provided that the Authority may withhold from progress payments an amount equal to 5 percent of the progress payment and may withhold from final payment an amount sufficient to protect the Authority from disputes equivalent to 150 percent of the value of any disputed amount of work.

4. Scope of Work

Contractor shall furnish all tools, equipment, apparatus, facilities, labor and materials necessary to, and shall perform and complete in a good, safe and workmanlike manner, the work described in the approved plans.

5. Contract Documents

The complete Contract consists of all the following, which are specifically incorporated herein by reference:

a. Change Orders
b. Contract Amendments –
c. This Contract
d. Amendments to HUD Form 5370-C
e. HUD Form 5370-C General Conditions for Non-Construction Contracts – Public Housing Programs
f. Specifications
g. Plans
h. Permits
i. Contractor's bid proposal and list of subcontractors (if applicable).
j. Performance and payment bonds as required by the specifications and applicable law. Unless otherwise specified, each such bond shall be 100 percent of the Contract price.
k. Insurance as required by the specifications and applicable law.
l. All applicable wage determinations, safety and health regulations, non-discrimination provisions, labor standards, and requirements if the Contract is federally assisted. This includes but is not limited to such items enumerated in the specifications and addenda thereto.

6. Indemnity

Contractor agrees to indemnify, hold harmless and defend Authority, its Commission, and each member thereof, and every officer, employee, representative or agent of Authority, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly form any acts or omissions related to this Agreement performed by Contractor or its agents, employees, Subcontractors, Contractors, and other persons acting on Contractor's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, willfulness or acts for which Contractor or its agents, employees, subcontractors, consultants and other persons acting on Contractor's behalf would be held strictly liable.

7. Time for Performance

The time limit for the completion of the work is **90 working days** after receipt of the Notice to Proceed.

Contractor shall not perform any work until the Authority issues a Notice to Proceed. Work will be completed within the time limit specified above and in the Notice to Proceed.

8. Acknowledgement

Contractor by signing hereunder acknowledges that he has reviewed all the foregoing documents and agrees with the requirements, conditions and covenants contained therein.

The parties agree that this Agreement may be transmitted and signed by electronic or digital means by either/any or both/all Parties and that such signatures shall have the same force and effect as original signatures, in accordance with California Government Code Section 16.5 and California Civil Code Section 1633.7.

CITY OF OXNARD
HOUSING AUTHORITY

_____
John C. Zaragoza
Chairman

MDJ MANAGEMENT

_____
Matthew McMillon
President

APPROVED AS TO FORM:

_____
Stephen M. Fischer,
Housing General Counsel

APPROVED AS TO INSURANCE:

_____
Rhonda Hodge
Housing Finance Officer

APPROVED AS TO COMPLIANCE:

_____
Rhonda Hodge
Contract Administrator

GENERAL CONDITIONS

Work Hours:

From 8:00 AM to 5:00 PM max. Including 1-hour lunch.
No work is allowed Saturdays, Sundays and during any official holidays.

Safety and Security:
The contractors are required to secure the work area during the work hours, lunch hours, weekends, and holidays. The contractors shall secure and render safe the entire construction area at the end of each working day. Work areas must be well barricaded and flagged, and all precautions should be taken to avoid injury or damage to any person or property and shall protect and indemnify the Housing against any claim or liability arising from or based on the lack of proper safeguards or negligence whether by it or its agents, employees or Subcontractors.

Compliance with all Laws:
The contractors shall comply with all applicable federal, State and local laws, ordinances, codes and regulations in force at the time the contractors perform pursuant to the contract documents.

Project Schedule:
The contractor is expected to complete the job in not to exceed ninety **(90) working days**.

Construction Debris:
Due to the nature of the job, the contractor is responsible for hauling away debris.

Storage Bin
The contractor shall provide bins and/or containers for temporary storage.

Warranty:
The contractor shall warranty the work for a period of **One (1) year** against workmanship.

Final Walkthrough, and Sign off:
The contractor is required to call for a final walk through with the project manager and/ or the Housing Authority staff after completion of the project. Upon approval, the contractor may bill the Housing Authority for said work. All the payments will be pending obtaining a final sign off from the City inspector and turning in those permits.

Work Order Signature Document

EZIQC Contract No.: CA-R7-GB06-123021-MDJ

[X] **New Work Order** [ ] **Modify an Existing Work Order**

Work Order Number.: 113054.00 Work Order Date: 02/22/2023

Work Order Title: OHA - Cabinet Install at Housing Authority

Owner Name:	Oxnard Housing Authority	Contractor Name:	MDJ Management
Contact:	Fredi Contreras	Contact:	Matt McMillon
Phone:	805-890-8319	Phone:	310-490-1521

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of Sourcewell EZIQC Contract No CA-R7-GB06-123021-MDJ.

Brief Work Order Description:

Time of Performance Estimated Start Date:
Estimated Completion Date:

Liquidated Damages Will apply: [ ] Will not apply: [X]

Work Order Firm Fixed Price: $757,900.00

Owner Purchase Order Number:

Approvals

Oxnard Housing Authority	Date	MDJ Management	2/22/23 Date

Detailed Scope of Work

To: Matt McMillon
MDJ Management
531 Main St #611
El Segundo, CA 90245
310-490-1521

From: Fredi Contreras
Oxnard Housing Authority
300 N. Marquita St.
oxnard, CA 93030
805-890-8319

Date Printed: February 22, 2023

Work Order Number: 113054.00

Work Order Title: OHA - Cabinet Install at Housing Authority

Brief Scope:

☐ **Preliminary** ☐ **Revised** ☒ **Final**

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work.

See attached

Subject to the terms and conditions of ezIQC Contract **CA-R7-GB06-123021-MDJ**.

2/22/23

MDJ Management — Date

Oxnard Housing Authority — Date

MDJ Management, LLC
License # 1044711
DIR # 1000061313
531 Main St. #611 El Segundo CA 90245
310-490-1521

Job Name: Oxnard housing Authority Cabinet Installation
Location: Oxnard, CA
Customer: Oxnard Housing Authority

Submission Date: 1/25/23

Detailed Scope of Work

Kitchen Cabinet Installation

- Removal of existing and Installation of new (like for like) in each apartment of the following:
  - Wall and base cabinets
  - Countertops
  - Range Hood
  - Kitchen Sink
  - Kitchen Faucet
  - Sink drain line
  - Faucet supply lines
  - Angle stops at wall
- 84 total units
  - 3 of which are ADA
    - ADA units to receive ADA compliant cabinets
- Electrical
  - Safe off of all countertop outlets and reconnection after installation completed
  - Disconnect and termination of garbage disposal outlet in existing box or a new box as needed
- Finishes:
  - New cabinets to be “Pecan” in color to match previous work completed
  - New countertops to match color of work completed at 801 C st.
  - ADA stovetop counters will be supplied with 6” cove base white ceramic tile
  - Minor touch up paint will be OHA approved “lily”
  - Cabinets to have pull hardware on all doors and drawers

List of Apartment Complexes and Unit Numbers

- Althea court – 11 Units
  - 1341, 1343, 1345, 1347, 1351, 1353, 1355, 1381, 1383, 1385, & 1387

- Fremont way – 12 Units
    - 1330, 1332, 1334, 1336, 1338, 1340, 1342, 1344, 1350, 1352, 1354, & 1356
- Hill Street – 12 Units
    - 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, & 237
- Concord Drive-18 Units
    - 2940, 2942, 2944, 2946, 2952, 2954, 3000, 3002, 3004, 3006, 3010, 3012, 3014, 3016, 3020, 3022, 3024, & 3026
- Fashion Park- 21 Units
    - 230, 231, 232, 233, 235, 237, 240, 241, 242, 243, 244, 245, 246, 247, 249, 250, 252, 253, 254, 255, & 256
- Cuesta Del Mar – 10 Units
    - 640, 642, 644, 646, 650, 656, 660, 662, 664, & 6565

Notes:

- Shop drawings will be provided for ADA, 2, 3, 4,and 5 bedroom units prior to construction
- 2 units per day
    - Demolition and installation of each unit to be completed in one day
    - Some delays between units to be expected as delivery of cabinets may require
- Any additional add on items will be at the request of Customer. Any adjustment shall be an additional cost.
- Price includes all labor (**Normal Working Hours - Davis Bacon Wages**), materials, equipment to complete this scope of work.
- Asbestos and Lead Report not included in plans
    - If area is found to be contaminated additional costs to be incurred
- Construction Exclusions:
    - OHA to be provided of installation schedule
        - All cabinets to be cleared and emptied on day of construction
        - A clear spot to be made available in adjacent room for temporary placement of refrigerator and stove during demolition/installation

CLARIFICATIONS AND EXCLUSIONS:

- Warranty
    - One year warranty against workmanship
    - Manufacturer's warranty varies
- We exclude plans, permits, permit fees, related fees, testing, inspection, survey, and engineering unless specified above
- We exclude utilities and hazardous or contaminated material.
- Construction water, power, and sanitary facilities available on site for MDJ's use at no cost.
- We exclude premium time.
- We exclude anything not specifically mentioned above.
- MDJ reserves the right to review, change, and/or delete any provisions of any prime contract or subcontract, which results from this quotation.
- All terms to be net 30 days in full upon receipt of invoice. Interest will be charged at the rate of 2% monthly on the unpaid balance.

BID PRICE: See Price Proposal

All work to be completed in a substantial and workmanlike manner according to standard practices for the sum of **See Price Proposal.** Any additional add on items will be at the request of Customer. Any adjustment shall be an additional cost.

Bid price is good for thirty (30) days only.

Any controversy or claim based on, arising out of, or relating to this agreement, or breach thereof, including any claim based on the work performed pursuant to this agreement, shall be submitted to the American Arbitration Association for binding arbitration in accordance with its rules. If any arbitration, legal action is brought to enforce this agreement, or arising out of or relating to the agreement, the prevailing party shall be entitled to recover from the non-prevailing party reasonable attorney fees and costs incurred, in addition to any and all other relief to which that party may be entitled.

Submitted by:



Matthew McMillon
President MDJ
310.490.1521
matt@buildwithmdj.com

Contractor's Price Proposal - Summary

Date: February 22, 2023

Re:

IQC Master Contract #:	CA-R7-GB06-123021-MDJ
Work Order #:	113054.00
Owner PO #:	
Title:	OHA - Cabinet Install at Housing Authority
Contractor:	MDJ Management
Proposal Value:	$757,900.00

Althea Court	**$124,918.97**
Concord Drive	**$203,900.47**
Cuesta Del Mar	**$113,685.54**
Fashion Park	**$238,199.68**
Fremont Way	**$136,239.28**
General	**-$195,283.22**
Hill Street	**$136,239.28**
Proposal Total	**$757,900.00**

Thisl total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: %

Contractor's Price Proposal - Detail

Date: February 22, 2023

Re:

IQC Master Contract #:	CA-R7-GB06-123021-MDJ
Work Order #:	113054.00
Owner PO #:	
Title:	OHA - Cabinet Install at Housing Authority
Contractor:	MDJ Management
Proposal Value:	$757,900.00

	Sect.	Item	Mod.	UOM	Description	Line Total
Labor	Equip.	Material	(Excludes)			

Althea Court

1 01 31 33 00 0007 EA — Electrician Minimum ChargeThis task should not be used in conjunction with any other tasks utilizing this labor trade, unless approved by owner. Task quantity is 1, unless approved by owner. — $5,623.03

	Quantity		Unit Price		Factor		Total
Installation	6.00	x	827.89	x	1.1320	=	5,623.03

for safe off and reconnection of countertop outlets as well as disconnect existing garbage disposal outlet . 2 units per day. 11 units in complex. 6 days

2 01 74 19 00 0016 EA — 40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material. — $916.89

	Quantity		Unit Price		Factor		Total
Installation	1.00	x	809.97	x	1.1320	=	916.89

for debris

3 06 41 13 00 0224 EA — 12" Wide, 35" High x 23-3/4" Deep, Single Drawer and Single Door, Solid Wood Face Frame, Thermofoil Door and Drawer Front, Base Cabinet — $8,079.36

	Quantity		Unit Price		Factor		Total
Installation	22.00	x	305.95	x	1.1320	=	7,619.38
Demolition	22.00	x	18.47	x	1.1320	=	459.98

removal of existing and installation of new. 2 units per apartment. 11 apartments

4 06 41 13 00 0232 EA — 36" Wide, 35" High x 23-3/4" Deep, Single Drawer and Double Door, Solid Wood Face Frame, Thermofoil Door and Drawer Front, Base Cabinet — $20,765.08

	Quantity		Unit Price		Factor		Total
Installation	33.00	x	500.44	x	1.1320	=	18,694.44
Demolition	33.00	x	55.43	x	1.1320	=	2,070.64

removal of existing and installation of new. 3 units per apartment. 11 apartments

5 06 41 13 00 0259 EA — 36" Wide, 12" High x 12" Deep, Double Door, Solid Wood Face Frame and Thermofoil Doors, Wall Cabinet — $14,126.92

	Quantity		Unit Price		Factor		Total
Installation	33.00	x	322.74	x	1.1320	=	12,056.28
Demolition	33.00	x	55.43	x	1.1320	=	2,070.64

removal of existing and installation of new. 3 units per apartment. 11 apartments

6 06 41 13 00 0284 EA — 18" Wide, 30" High x 12" Deep, Single Door, Solid Wood Face Frame and Thermofoil Door, Wall Cabinet — $4,163.70

	Quantity		Unit Price		Factor		Total
Installation	11.00	x	306.66	x	1.1320	=	3,818.53
Demolition	11.00	x	27.72	x	1.1320	=	345.17

removal of existing and installation of new. 1 unit per apartment. 11 apartments

7 06 41 13 00 0286 EA — 24" Wide, 30" High x 12" Deep, Single Door, Solid Wood Face Frame and Thermofoil Door, Wall Cabinet — $4,844.82

	Quantity		Unit Price		Factor		Total
Installation	11.00	x	352.12	x	1.1320	=	4,384.60
Demolition	11.00	x	36.96	x	1.1320	=	460.23

removal of existing and installation of new. 1 unit per apartment. 11 apartments

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Althea Court

8	06 41 13 00 0290	EA	36" Wide, 30" High x 12" Deep, Double Doors, Solid Wood Face Frame and Thermofoil Doors, Wall Cabinet								$6,216.29
				Quantity		Unit Price		Factor	=	Total	
			Installation	11.00	x	443.79	x	1.1320	=	5,526.07	
			Demolition	11.00	x	55.43	x	1.1320	=	690.21	
			removal of existing and installation of new. 1 unit per apartment. 11 apartments								
9	11 30 13 13 0016	EA	36" Venting Range Hood (Broan 40000)								$3,838.45
				Quantity		Unit Price		Factor	=	Total	
			Installation	11.00	x	246.32	x	1.1320	=	3,067.18	
			Demolition	11.00	x	61.94	x	1.1320	=	771.28	
			removal of existing and installation of new. 1 unit per apartment. 11 apartments								
10	11 30 13 13 0084	EA	1/3 HP Insulated Garbage Disposal (GE GFC320V)								$771.28
				Quantity		Unit Price		Factor	=	Total	
			Installation	0.00	x	249.98	x	1.1320	=	0.00	
			Demolition	11.00	x	61.94	x	1.1320	=	771.28	
			removal of existing garbage disposals. Not installing new units. 11 apartments								
11	12 36 61 19 0005	SF	1-1/4" Thick, Quartz Agglomerate Countertop With Backsplash								$39,941.04
				Quantity		Unit Price		Factor	=	Total	
			Installation	242.00	x	122.16	x	1.1320	=	33,465.00	
			Demolition	242.00	x	23.64	x	1.1320	=	6,476.04	
			removal of existing and installation of new. 11 apartments								
12	12 36 61 19 0007	EA	Cutout For Sink And/Or Faucet In Quartz Agglomerate Countertop								$1,724.85
				Quantity		Unit Price		Factor	=	Total	
			Installation	11.00	x	138.52	x	1.1320	=	1,724.85	
			one sink per apartment. 11 apartments								
13	22 01 40 81 0004	EA	Removal And Replacement Of Chrome Supply Lines To Sink/Lavatory, Pair								$327.36
				Quantity		Unit Price		Factor	=	Total	
			Installation	11.00	x	26.29	x	1.1320	=	327.36	
			replace supply lines 11 apartments								
14	22 01 40 81 0006	EA	Removal And Replacement Of Double Bowl Sink/Lavatory Drain Line								$708.02
				Quantity		Unit Price		Factor	=	Total	
			Installation	11.00	x	56.86	x	1.1320	=	708.02	
			replace drain line 11 apartments								
15	22 41 16 16 0003	EA	33" x 21" x 6-1/2" Stainless Steel Kitchen Sink, Double Bowl, 20 Gauge (Elkay D233213)								$8,809.79
				Quantity		Unit Price		Factor	=	Total	
			Installation	11.00	x	607.23	x	1.1320	=	7,561.23	
			Demolition	11.00	x	100.27	x	1.1320	=	1,248.56	
			removal of existing and installation of new. 11 apartments								
16	22 41 39 00 0006	EA	Chrome Two Handle Kitchen Faucet With Spray, Three Hole Installation, 8" Center (Delta 2402LF-LHP+H215)								$2,790.49
				Quantity		Unit Price		Factor	=	Total	
			Installation	11.00	x	177.25	x	1.1320	=	2,207.12	
			Demolition	11.00	x	46.85	x	1.1320	=	583.38	
			removal of existing and installation of new. 11 apartments								
17	22 42 39 00 0217	EA	1/2" NPT x 3/8" Compression Chrome, Quarter Turn Dual Angle Stop (SharkBite 25558)								$1,271.60
				Quantity		Unit Price		Factor	=	Total	
			Installation	22.00	x	41.22	x	1.1320	=	1,026.54	
			Demolition	22.00	x	9.84	x	1.1320	=	245.06	
			new angle stops installed in each apartment. 11 apartments								

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Subtotal for Althea Court **$124,918.97**

Concord Drive

18	01 31 33 00 0007	EA	Electrician Minimum ChargeThis task should not be used in conjunction with any other tasks utilizing this labor trade, unless approved by owner. Task quantity is 1, unless approved by owner.		$8,434.54
			Quantity x Unit Price x Factor = Total		
		Installation	9.00 x 827.89 x 1.1320 = 8,434.54		
			for safe off and reconnection of countertop outlets as well as disconnect existing garbage disposal outlet . 2 units per day. 18 units in complex. 9 days		
19	01 74 19 00 0016	EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.		$916.89
			Quantity x Unit Price x Factor = Total		
		Installation	1.00 x 809.97 x 1.1320 = 916.89		
			for debris		
20	06 41 13 00 0008	EA	12" Wide, 35" High x 23-3/4" Deep, Single Drawer and Single Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet		$14,599.40
			Quantity x Unit Price x Factor = Total		
		Installation	36.00 x 339.78 x 1.1320 = 13,846.71		
		Demolition	36.00 x 18.47 x 1.1320 = 752.69		
			removal of existing and installation of new. 2 units per apartment. 18 apartments		
21	06 41 13 00 0016	EA	36" Wide, 35" High x 23-3/4" Deep, Single Drawer and Double Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet		$37,531.37
			Quantity x Unit Price x Factor = Total		
		Installation	54.00 x 558.55 x 1.1320 = 34,143.04		
		Demolition	54.00 x 55.43 x 1.1320 = 3,388.33		
			removal of existing and installation of new. 3 units per apartment. 18 apartments		
22	06 41 13 00 0043	EA	36" Wide, 12" High x 12" Deep, Double Door, Solid Maple Face Frame and Doors, Wall Cabinet		$25,290.49
			Quantity x Unit Price x Factor = Total		
		Installation	54.00 x 358.30 x 1.1320 = 21,902.16		
		Demolition	54.00 x 55.43 x 1.1320 = 3,388.33		
			removal of existing and installation of new. 3 units per apartment. 18 apartments		
23	06 41 13 00 0068	EA	18" Wide, 30" High x 12" Deep, Single Door, Solid Maple Face Frame and Door, Wall Cabinet		$7,467.19
			Quantity x Unit Price x Factor = Total		
		Installation	18.00 x 338.75 x 1.1320 = 6,902.37		
		Demolition	18.00 x 27.72 x 1.1320 = 564.82		
			removal of existing and installation of new. 1 unit per apartment. 18 apartments		
24	06 41 13 00 0074	EA	36" Wide, 30" High x 12" Deep, Double Door, Solid Maple Face Frame and Door, Wall Cabinet		$11,179.50
			Quantity x Unit Price x Factor = Total		
		Installation	18.00 x 493.23 x 1.1320 = 10,050.05		
		Demolition	18.00 x 55.43 x 1.1320 = 1,129.44		
			removal of existing and installation of new. 1 unit per apartment. 18 apartments		
25	11 30 13 13 0016	EA	36" Venting Range Hood (Broan 40000)		$6,281.11
			Quantity x Unit Price x Factor = Total		
		Installation	18.00 x 246.32 x 1.1320 = 5,019.02		
		Demolition	18.00 x 61.94 x 1.1320 = 1,262.09		
			removal of existing and installation of new. 1 unit per apartment. 18 apartments		
26	11 30 13 13 0084	EA	1/3 HP Insulated Garbage Disposal (GE GFC320V)		$1,262.09
			Quantity x Unit Price x Factor = Total		
		Installation	0.00 x 249.98 x 1.1320 = 0.00		
		Demolition	18.00 x 61.94 x 1.1320 = 1,262.09		
			removal of existing garbage disposals. Not installing new units.18 apartments		

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Concord Drive

27	12 36 61 19 0005	SF	1-1/4" Thick, Quartz Agglomerate Countertop With Backsplash									$65,358.06
				Quantity		Unit Price		Factor	=	Total		
			Installation	396.00	x	122.16	x	1.1320	=	54,760.91		
			Demolition	396.00	x	23.64	x	1.1320	=	10,597.15		
			removal of existing and installation of new. 22 sf per apartment. 18 apartments									
28	12 36 61 19 0007	EA	Cutout For Sink And/Or Faucet In Quartz Agglomerate Countertop									$2,822.48
				Quantity		Unit Price		Factor	=	Total		
			Installation	18.00	x	138.52	x	1.1320	=	2,822.48		
			one sink per apartment. 18 apartments									
29	22 01 40 81 0004	EA	Removal And Replacement Of Chrome Supply Lines To Sink/Lavatory, Pair									$535.69
				Quantity		Unit Price		Factor	=	Total		
			Installation	18.00	x	26.29	x	1.1320	=	535.69		
			replace supply lines. 18 apartments									
30	22 01 40 81 0006	EA	Removal And Replacement Of Double Bowl Sink/Lavatory Drain Line									$1,158.58
				Quantity		Unit Price		Factor	=	Total		
			Installation	18.00	x	56.86	x	1.1320	=	1,158.58		
			replace drain line 18 apartments									
31	22 41 16 16 0003	EA	33" x 21" x 6-1/2" Stainless Steel Kitchen Sink, Double Bowl, 20 Gauge (Elkay D233213)									$14,416.02
				Quantity		Unit Price		Factor	=	Total		
			Installation	18.00	x	607.23	x	1.1320	=	12,372.92		
			Demolition	18.00	x	100.27	x	1.1320	=	2,043.10		
			removal of existing and installation of new. 18 apartments									
32	22 41 39 00 0006	EA	Chrome Two Handle Kitchen Faucet With Spray, Three Hole Installation, 8" Center (Delta 2402LF-LHP+H215)									$4,566.26
				Quantity		Unit Price		Factor	=	Total		
			Installation	18.00	x	177.25	x	1.1320	=	3,611.65		
			Demolition	18.00	x	46.85	x	1.1320	=	954.62		
			removal of existing and installation of new. 18 apartments									
33	22 42 39 00 0217	EA	1/2" NPT x 3/8" Compression Chrome, Quarter Turn Dual Angle Stop (SharkBite 25558)									$2,080.80
				Quantity		Unit Price		Factor	=	Total		
			Installation	36.00	x	41.22	x	1.1320	=	1,679.80		
			Demolition	36.00	x	9.84	x	1.1320	=	401.00		
			new angle stops installed in each apartment. 18 apartments									

Subtotal for Concord Drive **$203,900.47**

Cuesta Del Mar

34	01 31 33 00 0007	EA	Electrician Minimum ChargeThis task should not be used in conjunction with any other tasks utilizing this labor trade, unless approved by owner. Task quantity is 1, unless approved by owner.									$4,685.86
				Quantity		Unit Price		Factor	=	Total		
			Installation	5.00	x	827.89	x	1.1320	=	4,685.86		
			for safe off and reconnection of countertop outlets as well as disconnect existing garbage disposal outlet . 2 units per day. 10 units in complex. 5 days									
35	01 74 19 00 0016	EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.									$916.89
				Quantity		Unit Price		Factor	=	Total		
			Installation	1.00	x	809.97	x	1.1320	=	916.89		
			for debris									

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Cuesta Del Mar

36	06 41 13 00 0008	EA	12" Wide, 35" High x 23-3/4" Deep, Single Drawer and Single Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet									$8,110.78
				Quantity		Unit Price		Factor	=	Total		
			Installation	20.00	x	339.78	x	1.1320	=	7,692.62		
			Demolition	20.00	x	18.47	x	1.1320	=	418.16		
			removal of existing and installation of new. 2 units per apartment. 10 apartments									
37	06 41 13 00 0016	EA	36" Wide, 35" High x 23-3/4" Deep, Single Drawer and Double Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet									$20,850.76
				Quantity		Unit Price		Factor	=	Total		
			Installation	30.00	x	558.55	x	1.1320	=	18,968.36		
			Demolition	30.00	x	55.43	x	1.1320	=	1,882.40		
			removal of existing and installation of new. 3 units per apartment. 10 apartments									
38	06 41 13 00 0043	EA	36" Wide, 12" High x 12" Deep, Double Door, Solid Maple Face Frame and Doors, Wall Cabinet									$14,050.27
				Quantity		Unit Price		Factor	=	Total		
			Installation	30.00	x	358.30	x	1.1320	=	12,167.87		
			Demolition	30.00	x	55.43	x	1.1320	=	1,882.40		
			removal of existing and installation of new. 3 units per apartment. 10 apartments									
39	06 41 13 00 0068	EA	18" Wide, 30" High x 12" Deep, Single Door, Solid Maple Face Frame and Door, Wall Cabinet									$4,148.44
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	338.75	x	1.1320	=	3,834.65		
			Demolition	10.00	x	27.72	x	1.1320	=	313.79		
			removal of existing and installation of new. 1 unit per apartment. 10 apartments									
40	06 41 13 00 0074	EA	36" Wide, 30" High x 12" Deep, Double Door, Solid Maple Face Frame and Door, Wall Cabinet									$6,210.83
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	493.23	x	1.1320	=	5,583.36		
			Demolition	10.00	x	55.43	x	1.1320	=	627.47		
			removal of existing and installation of new. 1 unit per apartment. 10 apartments									
41	11 30 13 13 0016	EA	36" Venting Range Hood (Broan 40000)									$3,489.50
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	246.32	x	1.1320	=	2,788.34		
			Demolition	10.00	x	61.94	x	1.1320	=	701.16		
			removal of existing and installation of new. 1 unit per apartment. 10 apartments									
42	11 30 13 13 0084	EA	1/3 HP Insulated Garbage Disposal (GE GFC320V)									$701.16
				Quantity		Unit Price		Factor	=	Total		
			Installation	0.00	x	249.98	x	1.1320	=	0.00		
			Demolition	10.00	x	61.94	x	1.1320	=	701.16		
			removal of existing garbage disposals. Not installing new units. 10 apartments									
43	12 36 61 19 0005	SF	1-1/4" Thick, Quartz Agglomerate Countertop With Backsplash									$36,310.03
				Quantity		Unit Price		Factor	=	Total		
			Installation	220.00	x	122.16	x	1.1320	=	30,422.73		
			Demolition	220.00	x	23.64	x	1.1320	=	5,887.31		
			removal of existing and installation of new. ss sf per apartment. 10 apartments									
44	12 36 61 19 0007	EA	Cutout For Sink And/Or Faucet In Quartz Agglomerate Countertop									$1,568.05
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	138.52	x	1.1320	=	1,568.05		
			one sink per apartment. 10 apartments									
45	22 01 40 81 0004	EA	Removal And Replacement Of Chrome Supply Lines To Sink/Lavatory, Pair									$297.60
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	26.29	x	1.1320	=	297.60		
			replace supply lines 10 apartments									

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Cuesta Del Mar

46	22 01 40 81 0006	EA	Removal And Replacement Of Double Bowl Sink/Lavatory Drain Line									$643.66
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	56.86	x	1.1320	=	643.66		
			replace drain line 10 apartments									
47	22 41 16 16 0003	EA	33" x 21" x 6-1/2" Stainless Steel Kitchen Sink, Double Bowl, 20 Gauge (Elkay D233213)									$8,008.90
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	607.23	x	1.1320	=	6,873.84		
			Demolition	10.00	x	100.27	x	1.1320	=	1,135.06		
			removal of existing and installation of new. 10 apartments									
48	22 41 39 00 0006	EA	Chrome Two Handle Kitchen Faucet With Spray, Three Hole Installation, 8" Center (Delta 2402LF-LHP+H215)									$2,536.81
				Quantity		Unit Price		Factor	=	Total		
			Installation	10.00	x	177.25	x	1.1320	=	2,006.47		
			Demolition	10.00	x	46.85	x	1.1320	=	530.34		
			removal of existing and installation of new. 10 apartments									
49	22 42 39 00 0217	EA	1/2" NPT x 3/8" Compression Chrome, Quarter Turn Dual Angle Stop (SharkBite 25558)									$1,156.00
				Quantity		Unit Price		Factor	=	Total		
			Installation	20.00	x	41.22	x	1.1320	=	933.22		
			Demolition	20.00	x	9.84	x	1.1320	=	222.78		
			new angle stops installed in each apartment. 10 apartments									

Subtotal for Cuesta Del Mar **$113,685.54**

Fashion Park

50	01 31 33 00 0007	EA	Electrician Minimum ChargeThis task should not be used in conjunction with any other tasks utilizing this labor trade, unless approved by owner. Task quantity is 1, unless approved by owner.									$10,308.89
				Quantity		Unit Price		Factor	=	Total		
			Installation	11.00	x	827.89	x	1.1320	=	10,308.89		
			for safe off and reconnection of countertop outlets as well as disconnect existing garbage disposal outlet . 2 units per day. 21 units in complex. 11 days									
51	01 74 19 00 0016	EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.									$916.89
				Quantity		Unit Price		Factor	=	Total		
			Installation	1.00	x	809.97	x	1.1320	=	916.89		
			for debris									
52	06 41 13 00 0008	EA	12" Wide, 35" High x 23-3/4" Deep, Single Drawer and Single Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet									$17,032.64
				Quantity		Unit Price		Factor	=	Total		
			Installation	42.00	x	339.78	x	1.1320	=	16,154.50		
			Demolition	42.00	x	18.47	x	1.1320	=	878.14		
			removal of existing and installation of new. 2 units per apartment. 21 apartments									
53	06 41 13 00 0016	EA	36" Wide, 35" High x 23-3/4" Deep, Single Drawer and Double Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet									$43,786.60
				Quantity		Unit Price		Factor	=	Total		
			Installation	63.00	x	558.55	x	1.1320	=	39,833.55		
			Demolition	63.00	x	55.43	x	1.1320	=	3,953.05		
			removal of existing and installation of new. 3 units per apartment. 21 apartments									
54	06 41 13 00 0043	EA	36" Wide, 12" High x 12" Deep, Double Door, Solid Maple Face Frame and Doors, Wall Cabinet									$29,505.57
				Quantity		Unit Price		Factor	=	Total		
			Installation	63.00	x	358.30	x	1.1320	=	25,552.52		
			Demolition	63.00	x	55.43	x	1.1320	=	3,953.05		
			removal of existing and installation of new. 3 units per apartment. 21 apartments									

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Fashion Park

55	06 41 13 00 0068	EA	18" Wide, 30" High x 12" Deep, Single Door, Solid Maple Face Frame and Door, Wall Cabinet									$8,711.72
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	338.75	x	1.1320	=	8,052.77		
			Demolition	21.00	x	27.72	x	1.1320	=	658.96		
			removal of existing and installation of new. 1 unit per apartment. 21 apartments									
56	06 41 13 00 0074	EA	36" Wide, 30" High x 12" Deep, Double Door, Solid Maple Face Frame and Door, Wall Cabinet									$13,042.75
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	493.23	x	1.1320	=	11,725.06		
			Demolition	21.00	x	55.43	x	1.1320	=	1,317.68		
			removal of existing and installation of new. 1 unit per apartment. 21 apartments									
57	11 30 13 13 0016	EA	36" Venting Range Hood (Broan 40000)									$7,327.96
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	246.32	x	1.1320	=	5,855.52		
			Demolition	21.00	x	61.94	x	1.1320	=	1,472.44		
			removal of existing and installation of new. 1 unit per apartment. 21 apartments									
58	11 30 13 13 0084	EA	1/3 HP Insulated Garbage Disposal (GE GFC320V)									$1,472.44
				Quantity		Unit Price		Factor	=	Total		
			Installation	0.00	x	249.98	x	1.1320	=	0.00		
			Demolition	21.00	x	61.94	x	1.1320	=	1,472.44		
			removal of existing garbage disposals. Not installing new units. 21 apartments									
59	12 36 61 19 0005	SF	1-1/4" Thick, Quartz Agglomerate Countertop With Backsplash									$76,251.07
				Quantity		Unit Price		Factor	=	Total		
			Installation	462.00	x	122.16	x	1.1320	=	63,887.73		
			Demolition	462.00	x	23.64	x	1.1320	=	12,363.34		
			removal of existing and installation of new. ss sf per apartment. 21 apartments									
60	12 36 61 19 0007	EA	Cutout For Sink And/Or Faucet In Quartz Agglomerate Countertop									$3,292.90
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	138.52	x	1.1320	=	3,292.90		
			one sink per apartment., 21 apartments									
61	22 01 40 81 0004	EA	Removal And Replacement Of Chrome Supply Lines To Sink/Lavatory, Pair									$624.97
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	26.29	x	1.1320	=	624.97		
			replace supply lines, 21 apartments									
62	22 01 40 81 0006	EA	Removal And Replacement Of Double Bowl Sink/Lavatory Drain Line									$1,351.68
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	56.86	x	1.1320	=	1,351.68		
			replace drain line, 21 apartments									
63	22 41 16 16 0003	EA	33" x 21" x 6-1/2" Stainless Steel Kitchen Sink, Double Bowl, 20 Gauge (Elkay D233213)									$16,818.69
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	607.23	x	1.1320	=	14,435.07		
			Demolition	21.00	x	100.27	x	1.1320	=	2,383.62		
			removal of existing and installation of new. 21 apartments									
64	22 41 39 00 0006	EA	Chrome Two Handle Kitchen Faucet With Spray, Three Hole Installation, 8" Center (Delta 2402LF-LHP+H215)									$5,327.31
				Quantity		Unit Price		Factor	=	Total		
			Installation	21.00	x	177.25	x	1.1320	=	4,213.59		
			Demolition	21.00	x	46.85	x	1.1320	=	1,113.72		
			removal of existing and installation of new. 21 apartments									

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Fashion Park

65	22 42 39 00 0217	EA	1/2" NPT x 3/8" Compression Chrome, Quarter Turn Dual Angle Stop (SharkBite 25558)									$2,427.60
				Quantity		Unit Price		Factor	=	Total		
			Installation	42.00	x	41.22	x	1.1320	=	1,959.76		
			Demolition	42.00	x	9.84	x	1.1320	=	467.83		
			new angle stops installed in each apartment 21 apartments									

Subtotal for Fashion Park **$238,199.68**

Fremont Way

66	01 31 33 00 0007	EA	Electrician Minimum ChargeThis task should not be used in conjunction with any other tasks utilizing this labor trade, unless approved by owner. Task quantity is 1, unless approved by owner.									$5,623.03
				Quantity		Unit Price		Factor	=	Total		
			Installation	6.00	x	827.89	x	1.1320	=	5,623.03		
			for safe off and reconnection of countertop outlets as well as disconnect existing garbage disposal outlet . 2 units per day. 12 units in complex. 6 days									
67	01 74 19 00 0016	EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.									$916.89
				Quantity		Unit Price		Factor	=	Total		
			Installation	1.00	x	809.97	x	1.1320	=	916.89		
			for debris									
68	06 41 13 00 0008	EA	12" Wide, 35" High x 23-3/4" Deep, Single Drawer and Single Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet									$9,732.94
				Quantity		Unit Price		Factor	=	Total		
			Installation	24.00	x	339.78	x	1.1320	=	9,231.14		
			Demolition	24.00	x	18.47	x	1.1320	=	501.79		
			removal of existing and installation of new. 2 units per apartment. 12 Apartments									
69	06 41 13 00 0016	EA	36" Wide, 35" High x 23-3/4" Deep, Single Drawer and Double Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet									$25,020.91
				Quantity		Unit Price		Factor	=	Total		
			Installation	36.00	x	558.55	x	1.1320	=	22,762.03		
			Demolition	36.00	x	55.43	x	1.1320	=	2,258.88		
			removal of existing and installation of new. 3 units per apartment. 12 Apartments									
70	06 41 13 00 0043	EA	36" Wide, 12" High x 12" Deep, Double Door, Solid Maple Face Frame and Doors, Wall Cabinet									$16,860.33
				Quantity		Unit Price		Factor	=	Total		
			Installation	36.00	x	358.30	x	1.1320	=	14,601.44		
			Demolition	36.00	x	55.43	x	1.1320	=	2,258.88		
			removal of existing and installation of new. 3 units per apartment. 12 Apartments									
71	06 41 13 00 0068	EA	18" Wide, 30" High x 12" Deep, Single Door, Solid Maple Face Frame and Door, Wall Cabinet									$4,978.13
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	338.75	x	1.1320	=	4,601.58		
			Demolition	12.00	x	27.72	x	1.1320	=	376.55		
			removal of existing and installation of new. 1 unit per apartment. 12 Apartments									
72	06 41 13 00 0074	EA	36" Wide, 30" High x 12" Deep, Double Door, Solid Maple Face Frame and Door, Wall Cabinet									$7,453.00
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	493.23	x	1.1320	=	6,700.04		
			Demolition	12.00	x	55.43	x	1.1320	=	752.96		
			removal of existing and installation of new. 1 unit per apartment. 12 Apartments									

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Fremont Way

73	11 30 13 13 0016	EA	36" Venting Range Hood (Broan 40000)									$4,187.40
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	246.32	x	1.1320	=	3,346.01		
			Demolition	12.00	x	61.94	x	1.1320	=	841.39		
			removal of existing and installation of new. 1 unit per apartment. 12 Apartments									
74	11 30 13 13 0084	EA	1/3 HP Insulated Garbage Disposal (GE GFC320V)									$841.39
				Quantity		Unit Price		Factor	=	Total		
			Installation	0.00	x	249.98	x	1.1320	=	0.00		
			Demolition	12.00	x	61.94	x	1.1320	=	841.39		
			removal of existing garbage disposals. Not installing new units.12 Apartments									
75	12 36 61 19 0005	SF	1-1/4" Thick, Quartz Agglomerate Countertop With Backsplash									$43,572.04
				Quantity		Unit Price		Factor	=	Total		
			Installation	264.00	x	122.16	x	1.1320	=	36,507.27		
			Demolition	264.00	x	23.64	x	1.1320	=	7,064.77		
			removal of existing and installation of new. 22 SF per apartment. 12 Apartments									
76	12 36 61 19 0007	EA	Cutout For Sink And/Or Faucet In Quartz Agglomerate Countertop									$1,881.66
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	138.52	x	1.1320	=	1,881.66		
			one sink per apartment. 12 Apartments									
77	22 01 40 81 0004	EA	Removal And Replacement Of Chrome Supply Lines To Sink/Lavatory, Pair									$357.12
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	26.29	x	1.1320	=	357.12		
			replace supply lines. 12 Apartments									
78	22 01 40 81 0006	EA	Removal And Replacement Of Double Bowl Sink/Lavatory Drain Line									$772.39
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	56.86	x	1.1320	=	772.39		
			replace drain line. 12 Apartments									
79	22 41 16 16 0003	EA	33" x 21" x 6-1/2" Stainless Steel Kitchen Sink, Double Bowl, 20 Gauge (Elkay D233213)									$9,610.68
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	607.23	x	1.1320	=	8,248.61		
			Demolition	12.00	x	100.27	x	1.1320	=	1,362.07		
			removal of existing and installation of new. 12 Apartments									
80	22 41 39 00 0006	EA	Chrome Two Handle Kitchen Faucet With Spray, Three Hole Installation, 8" Center (Delta 2402LF-LHP+H215)									$3,044.17
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	177.25	x	1.1320	=	2,407.76		
			Demolition	12.00	x	46.85	x	1.1320	=	636.41		
			removal of existing and installation of new. 12 Apartments									
81	22 42 39 00 0217	EA	1/2" NPT x 3/8" Compression Chrome, Quarter Turn Dual Angle Stop (SharkBite 25558)									$1,387.20
				Quantity		Unit Price		Factor	=	Total		
			Installation	24.00	x	41.22	x	1.1320	=	1,119.86		
			Demolition	24.00	x	9.84	x	1.1320	=	267.33		
			new angle stops installed in each apartment. 12 Apartments									

Subtotal for Fremont Way **$136,239.28**

General

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

General

82	01 22 16 00 0002	EA	Reimbursable FeesReimbursable Fees will be paid to the contractor for eligible costs as directed by Owner. Insert the appropriate quantity to adjust the base cost to the actual Reimbursable Fee. If there are multiple Reimbursable Fees, list each one separately and add a comment in the "note" block to identify the Reimbursable Fee (e.g. sidewalk closure, road cut, various permits, extended warranty, expedited shipping costs, etc.). A copy of each receipt shall be submitted with the Price Proposal.								-$211,948.22
				Quantity		Unit Price		Factor	=	Total	
			Installation	-211,948.22	x	1.00	x	1.0000	=	-211,948.22	
			Discount offered to client								
83	01 22 16 00 0002	EA	Reimbursable FeesReimbursable Fees will be paid to the contractor for eligible costs as directed by Owner. Insert the appropriate quantity to adjust the base cost to the actual Reimbursable Fee. If there are multiple Reimbursable Fees, list each one separately and add a comment in the "note" block to identify the Reimbursable Fee (e.g. sidewalk closure, road cut, various permits, extended warranty, expedited shipping costs, etc.). A copy of each receipt shall be submitted with the Price Proposal.								$16,665.00
				Quantity		Unit Price		Factor	=	Total	
			Installation	15,150.00	x	1.00	x	1.1000	=	16,665.00	
			Bond 2%								

Subtotal for General **-$195,283.22**

Hill Street

84	01 31 33 00 0007	EA	Electrician Minimum ChargeThis task should not be used in conjunction with any other tasks utilizing this labor trade, unless approved by owner. Task quantity is 1, unless approved by owner.								$5,623.03
				Quantity		Unit Price		Factor	=	Total	
			Installation	6.00	x	827.89	x	1.1320	=	5,623.03	
			for safe off and reconnection of countertop outlets as well as disconnect existing garbage disposal outlet . 2 units per day. 12 units in complex. 6 days								
85	01 74 19 00 0016	EA	40 CY Dumpster (5 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.								$916.89
				Quantity		Unit Price		Factor	=	Total	
			Installation	1.00	x	809.97	x	1.1320	=	916.89	
			for debris								
86	06 41 13 00 0008	EA	12" Wide, 35" High x 23-3/4" Deep, Single Drawer and Single Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet								$9,732.94
				Quantity		Unit Price		Factor	=	Total	
			Installation	24.00	x	339.78	x	1.1320	=	9,231.14	
			Demolition	24.00	x	18.47	x	1.1320	=	501.79	
			removal of existing and installation of new. 2 units per apartment. 12 Apartments								
87	06 41 13 00 0016	EA	36" Wide, 35" High x 23-3/4" Deep, Single Drawer and Double Door, Solid Maple Face Frame, Door and Drawer Front, Base Cabinet								$25,020.91
				Quantity		Unit Price		Factor	=	Total	
			Installation	36.00	x	558.55	x	1.1320	=	22,762.03	
			Demolition	36.00	x	55.43	x	1.1320	=	2,258.88	
			removal of existing and installation of new. 3 units per apartment. 12 Apartments								
88	06 41 13 00 0043	EA	36" Wide, 12" High x 12" Deep, Double Door, Solid Maple Face Frame and Doors, Wall Cabinet								$16,860.33
				Quantity		Unit Price		Factor	=	Total	
			Installation	36.00	x	358.30	x	1.1320	=	14,601.44	
			Demolition	36.00	x	55.43	x	1.1320	=	2,258.88	
			removal of existing and installation of new. 3 units per apartment. 12 Apartments								

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Hill Street

89	06 41 13 00 0068	EA	18" Wide, 30" High x 12" Deep, Single Door, Solid Maple Face Frame and Door, Wall Cabinet									$4,978.13
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	338.75	x	1.1320	=	4,601.58		
			Demolition	12.00	x	27.72	x	1.1320	=	376.55		
			removal of existing and installation of new. 1 unit per apartment. 12 Apartments									
90	06 41 13 00 0074	EA	36" Wide, 30" High x 12" Deep, Double Door, Solid Maple Face Frame and Door, Wall Cabinet									$7,453.00
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	493.23	x	1.1320	=	6,700.04		
			Demolition	12.00	x	55.43	x	1.1320	=	752.96		
			removal of existing and installation of new. 1 unit per apartment. 12 Apartments									
91	11 30 13 13 0016	EA	36" Venting Range Hood (Broan 40000)									$4,187.40
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	246.32	x	1.1320	=	3,346.01		
			Demolition	12.00	x	61.94	x	1.1320	=	841.39		
			removal of existing and installation of new. 1 unit per apartment. 12 Apartments									
92	11 30 13 13 0084	EA	1/3 HP Insulated Garbage Disposal (GE GFC320V)									$841.39
				Quantity		Unit Price		Factor	=	Total		
			Installation	0.00	x	249.98	x	1.1320	=	0.00		
			Demolition	12.00	x	61.94	x	1.1320	=	841.39		
			removal of existing garbage disposals. Not installing new units. 12 Apartments									
93	12 36 61 19 0005	SF	1-1/4" Thick, Quartz Agglomerate Countertop With Backsplash									$43,572.04
				Quantity		Unit Price		Factor	=	Total		
			Installation	264.00	x	122.16	x	1.1320	=	36,507.27		
			Demolition	264.00	x	23.64	x	1.1320	=	7,064.77		
			removal of existing and installation of new. 22 SF per apartment. 12 Apartments									
94	12 36 61 19 0007	EA	Cutout For Sink And/Or Faucet In Quartz Agglomerate Countertop									$1,881.66
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	138.52	x	1.1320	=	1,881.66		
			one sink per apartment. 12 Apartments									
95	22 01 40 81 0004	EA	Removal And Replacement Of Chrome Supply Lines To Sink/Lavatory, Pair									$357.12
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	26.29	x	1.1320	=	357.12		
			replace supply lines 12 Apartments									
96	22 01 40 81 0006	EA	Removal And Replacement Of Double Bowl Sink/Lavatory Drain Line									$772.39
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	56.86	x	1.1320	=	772.39		
			replace drain line 12 Apartments									
97	22 41 16 16 0003	EA	33" x 21" x 6-1/2" Stainless Steel Kitchen Sink, Double Bowl, 20 Gauge (Elkay D233213)									$9,610.68
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	607.23	x	1.1320	=	8,248.61		
			Demolition	12.00	x	100.27	x	1.1320	=	1,362.07		
			removal of existing and installation of new. 12 Apartments									
98	22 41 39 00 0006	EA	Chrome Two Handle Kitchen Faucet With Spray, Three Hole Installation, 8" Center (Delta 2402LF-LHP+H215)									$3,044.17
				Quantity		Unit Price		Factor	=	Total		
			Installation	12.00	x	177.25	x	1.1320	=	2,407.76		
			Demolition	12.00	x	46.85	x	1.1320	=	636.41		
			removal of existing and installation of new. 12 Apartments									

Contractor's Price Proposal - Detail Continues..

Work Order Number: 113054.00
Work Order Title: OHA - Cabinet Install at Housing Authority

Hill Street

99	22 42 39 00 0217	EA	1/2" NPT x 3/8" Compression Chrome, Quarter Turn Dual Angle Stop (SharkBite 25558)							$1,387.20
				Quantity		Unit Price		Factor	=	Total
			Installation	24.00	x	41.22	x	1.1320	=	1,119.86
			Demolition	24.00	x	9.84	x	1.1320	=	267.33
			new angle stops installed in each apartment 12 Apartments							

Subtotal for Hill Street **$136,239.28**

Proposal Total **$757,900.00**

This total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding.

The Percentage of NPP on this Proposal: **%**

Subcontractor Listing

Date: February 22, 2023

Re:

IQC Master Contract #:	CA-R7-GB06-123021-MDJ
Work Order #:	113054.00
Owner PO #:	
Title:	OHA - Cabinet Install at Housing Authority
Contractor:	MDJ Management
Proposal Value:	$757,900.00

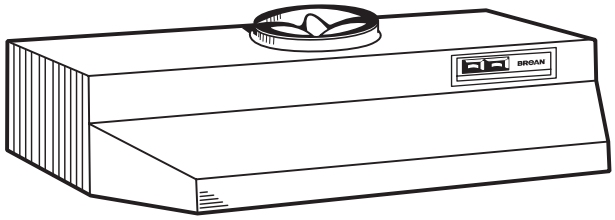
Name of Contractor	Duties	Amount	%
Bentley Construction Group		$583,000.00	76.92

BROAN

SPECIFICATION SHEET

42000 SERIES TWO-SPEED 7" ROUND RANGE HOOD

(42000 and 42000D Models)



Quality construction and ease of installation make the 42000 the popular choice in vertically-ducted economy hoods.

FEATURES

- Rocker-type fan and light switches
- Polymeric blade and light lens (accepts up to 75W bulb)
- Washable aluminum filter
- Mitered sides and hemmed bottom for safety and good looks
- Model BP87 double-leaf damper (available separately or included with 42000D Series)
- Contemporary styling in White, Almond and Stainless Steel
- Available in 30" and 36" widths
- **Special Order Color -** Black (30" and 36" only)
- **Special Order Size -** 24" and 42" (White, Biscuit, Almond and Stainless Steel only)

SPECIFICATIONS

VOLTS	AMPS	RPM	SONES	CFM	DUCT
120	2.0	1750	6.0	190	7" Round

HVI-2100 CERTIFIED RATINGS comply with new testing technologies and procedures prescribed by the Home Ventilating Institute, for off-the-shelf products, as they are available to consumers. Product performance is rated at 0.1 in. static pressure, based on tests conducted in a state-of-the-art test laboratory. Sones are a measure of humanly-perceived loudness, based on laboratory measurements.

TYPICAL SPECIFICATION

Range hood shall be Broan Model 42000.

Unit shall be ducted vertically into 7" round ductwork.

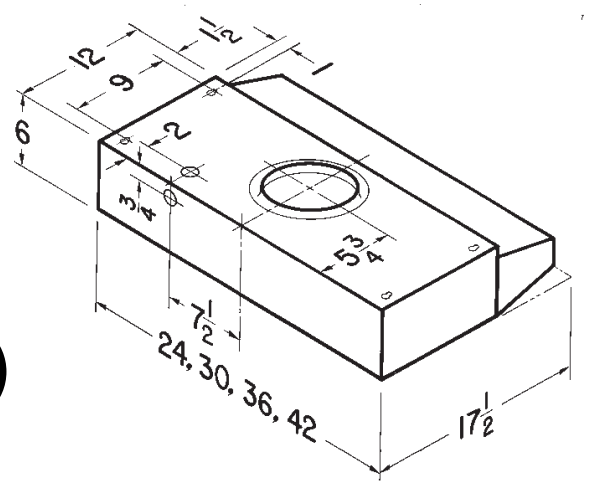
Motor to be permanently lubricated. RPM not to exceed 2750.

Unit shall have two-speed fan switch and separate light switch.

Sides shall be mitered and bottom edge hemmed - with no sharp edges.

Air delivery shall be no less than 190 CFM and sound level no greater than 6.0 sones. All air and sound ratings shall be certified by HVI.

Unit shall be U.L. listed.



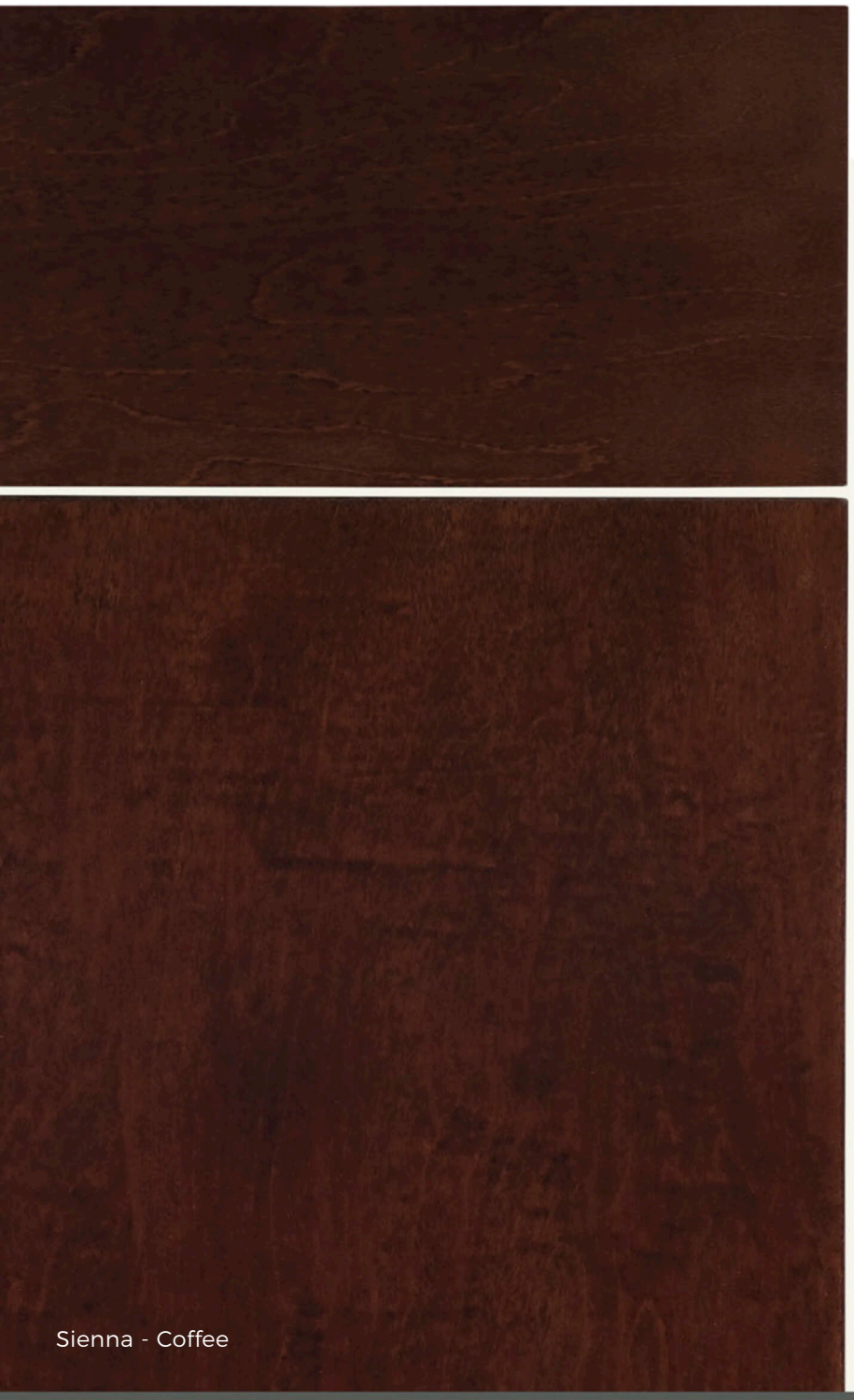
Broan-NuTone LLC, 926 West State Street, Hartford, WI 53027 (1-800-637-1453)

REFERENCE	QTY.	REMARKS	Project
			Location
			Architect
			Engineer
			Contractor
			Submitted by Date

Sienna

Real Wood Veneer

- 5/8" thick door frames and drawer fronts
- Slab door style; veneer edgebanded door for stain finishes; HDF door for paint finishes
- Slab drawer fronts
- Available in standard reveal, full overlay, or frameless



Sienna - Coffee

Stain Finishes

- Pecan [2] [3]
- Coffee [1] [2] [3]
- Slate [2] [3]
- Nebbia [2] [3]
- Graphite [2] [3]
- Nuvoloso [1] [2] [3]
- Espresso [1] [2] [3]

Paint Finishes

- Dover White [4]
- Dove Grey [4]
- Grigio Grey [4]
- Dark Knight [4]

Available Construction + Price Groups

[1] GROUP 1 Poplar

[2] GROUP 2 N. American Hardwood

[3] GROUP 3 Maple

[4] GROUP 4 Poplar + Paint

Visit mwccabinetry.com for more information about finishes and availability.



Alvar Cabinet Pull

PART# 264-Pull

DESCRIPTION

The curved profile of Alvar, from Jeffrey Alexander, is a graceful yet straightforward, contemporary look that is particularly enchanting. Five pull center-to-center options accommodates multiple drawer and door sizes to achieve a streamlined, clean configuration. Accent painted or stained cabinets with one of seven beautiful finishes, or mix finishes in two-toned designs, this pull collection blends well with raised panel, flat panel and Shaker style cabinets. Each item is individually wrapped to protect the item from damage. Attachment hardware is included.

More Information

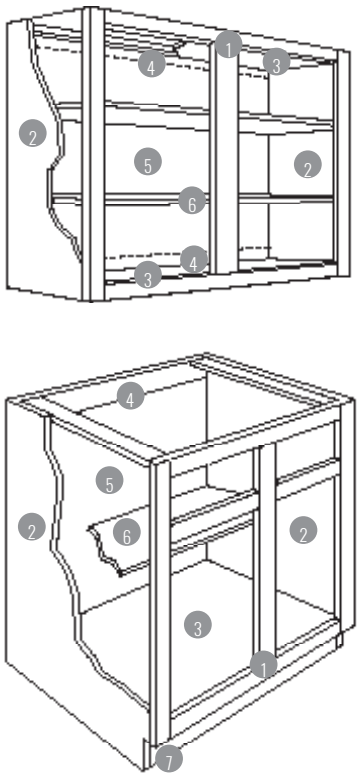
FEATURES

- Perfect for Kitchens, Baths, Closets, and Furniture
- Individually wrapped to protect the product from damage
- Two 1" and two 1-3/4" breakaway screws included
- Lifetime Warranty
- Features higher hand clearance - great for Universal Design and Aging in Place
- See, touch and feel first! Order a free sample of this pull in up to 7" center-to-center!

Details

Item Number	264-Pull
Collection	Alvar
Brand	Jeffrey Alexander

Framed Allwood Construction



1. FRONT FRAME – 3/4" thick kiln dried solid hardwood. Pocket screw construction frame joinery reinforced with nail. Stiles 1 1/2" wide. Mulls 3" wide. Rails 1 1/2" wide. Stiles dadoed to receive ends.
2. END PANELS – Standard: Nominal 1/2" (12mm) thick multi-ply birch veneer plywood with matching laminate exterior surfaces. End panels are inserted into dado in face frame and recessed 3/16". Upgrade: Nominal 1/2" (12mm) thick multi-ply hardwood plywood with maple veneer on exterior surface and birch veneer on interior surface. All end panels are constructed with the same dado joinery as above and are recessed 3/16".
3. TOP/BOTTOM PANELS – Nominal 1/2" (12mm) thick multi-ply hardwood plywood. Tops and bottoms set into grooved end panels and stapled. Bottoms are supported at rear of base cabinets by nominal 1/2" (12mm) thick multi-ply hardwood plywood.
4. HANGING RAILS – Wall cabinets have nominal 1/2" (12mm) thick x 3 1/2" high multi-ply hardwood plywood. Each is running full cabinet width at the top and bottom. Base cabinets have a nominal 1/2" (12mm) thick x 3 1/2" high multi-ply hardwood plywood hang rail at the top. Hang rails are captured between end panels recessed behind back panel for Wall cabinets and in front of back panel for Base, and Tall cabinets. Tall cabinets have nominal 1/2" (18mm) thick x 3 1/2" high multi-ply hardwood plywood hang rail.
5. BACK PANEL – Nominal 1/8" (3mm) thick hardwood with maple grained interior. Securely glued and stapled to end panels and hang rails. Back panels are fully captured on wall cabinets. Plywood back available.
6. SHELVES – Nominal 1/2" (12mm) thick multi-ply hardwood plywood, with hardwood veneer banded front edge. Shelves are adjustable in all standard wall cabinets and fixed in base cabinets.
7. TOE KICK – Nominal 1/2" (12mm) thick multi-ply hardwood plywood. Toe kick is 4 1/2" high and recessed 4 1/2".

DRAWERS – Standard: Nominal 1/2" (12mm) high multi-ply hardwood plywood, front, back, and sides with butt construction. Drawer bottoms a Nominal 1/8" (3mm) thick hardboard with maple grain, inserted and glued into dado in front, back and sides.

DRAWER GUIDES – High-quality epoxy coated steel, Cushion-Tec™, side mounted guides, self-adjusting in mounting brackets. Built-in stop, self-closing and stay-closed features with a 100 lb. rated load capacity.

DOVETAIL DRAWER (upgrade only) – Front, back and sides are 5/8" (16mm) thick solid birch hardwood with dovetail construction. Drawer bottoms are nominal 1/4" (6mm) thick multi-ply hardwood birch plywood inserted and stapled into dado in front, back, and sides.

SOFT-CLOSE UNDERMOUNT DRAWER GUIDE (deluxe upgrade with dovetail drawer only) – High-quality steel, undermount construction provides full drawer access. Self-adjusting in mounting brackets. Built-in stop, self-closing, and stay closed features with a 75 lb. rated load capacity. Provides soft-close feature that helps reduce drawer slamming. Drawers are full extension, self-adjusting in mounting brackets. Built-in stop, self-closing, and stay closed features with a 100 lb. rated load capacity.

HINGES – Standard: Heavy-duty, high-quality steel, concealed 2-way adjustable hinge with self-closing feature. Upgrade: Gentle-Touch (soft-close) Hinge: Heavy-duty, high-quality steel, concealed 6-way hinge with soft close resistance.

FINISH – Furniture quality protective finish system on doors, drawer fronts, front frames, and veneer plywood end panels consisting of sanding, stain, catalyzed sealer and catalyzed clear top coats.

Contact your sales representative for information on NAUF options.

NOTICE: The product specifications appearing herein supersede and cancel all previous sheets, supplements and addenda, and represent current manufacturing standards and procedures.

Master WoodCraft Cabinetry reserves the right to make specification changes for continued product improvement.

For aesthetic considerations the furniture and cabinet industries have made veneer on composite panel substrate the standard method of construction for raised panel-in-frame doors in some wood species. Within the Master WoodCraft Cabinetry product line, those species include oak, birch, and maple.

DAYTON
SPECIFICATIONS

Dayton Stainless Steel 33" x 22" x 5-3/8" Equal Double Bowl Drop-in Sink
Model(s) GE23322

PRODUCT SPECIFICATIONS

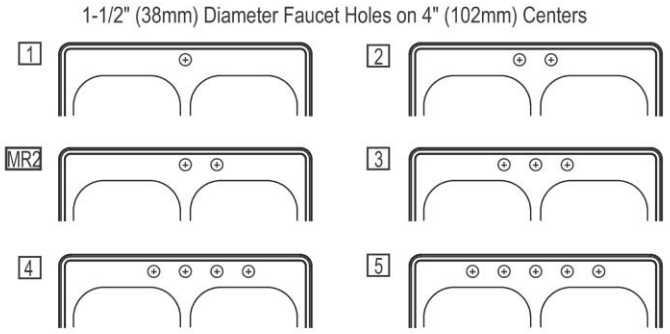
Dayton Stainless Steel 33" x 22" x 5-3/8" Equal Double Bowl Drop-in Sink. Sink is manufactured from 22 gauge 300 series Stainless Steel with a Satin finish, Rear Center drain placement, and Bottom only pads.

Installation Type:	Drop-in
Material:	300 series Stainless Steel
Finish:	Satin
Gauge:	22
Sound Deadening:	Bottom only pads
Number of Bowls:	2
Sink Dimensions:	33" x 22" x 5-3/8"
Bowl 1 Dimensions:	14" x 15-3/4" x 5-1/4"
Bowl 2 Dimensions:	14" x 15-3/4" x 5-1/4"
Drain Size:	3-1/2" (89mm)
Drain Location:	Rear Center
Minimum Cabinet Size:	36"
Mounting Hardware:	Part # 64090012 included for countertops up to 3/4" (19mm) thick
Template Included:	No
Cutout Template #:	1000001189

Template is available for download at elkay.com. CAD software will be required to open the template.

Cutout Dimensions for Drop-in Installation:
32-3/8" x 21-3/8" (822mm x 543mm) with 1-1/2" (38mm) corner radius

Hole Drilling Configurations:





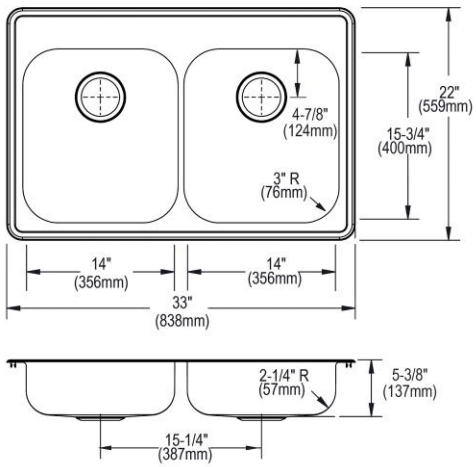
AMERICAN PRIDE. A LIFETIME TRADITION.
Like your family, the Elkay family has values and traditions that endure. For almost a century, Elkay has been a family-owned and operated company, providing thousands of jobs that support our families and communities.

Product Compliance: ADA & ICC A117.1
ASME A112.19.3/CSA B45.4
Buy American Act

Sinks are listed by IAPMO® as meeting the applicable requirements of the Uniform Plumbing Code®, International Plumbing Code®, and National Plumbing Code of Canada.

Complies with ADA & ICC A117.1 accessibility requirements when installed according to the requirements outlined in these standards.

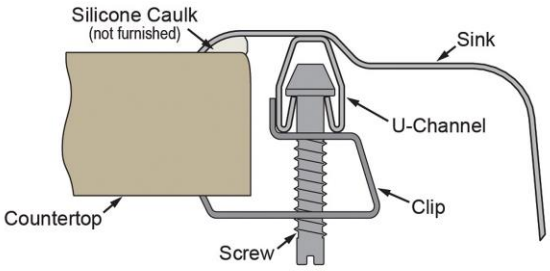
Clean and Care Manual (PDF)
Installation Instructions (PDF) - 1000005236
Warranty (PDF)



PART:_____QTY: _____
PROJECT:_____
CONTACT:_____
DATE:_____
NOTES:_____
APPROVAL:_____

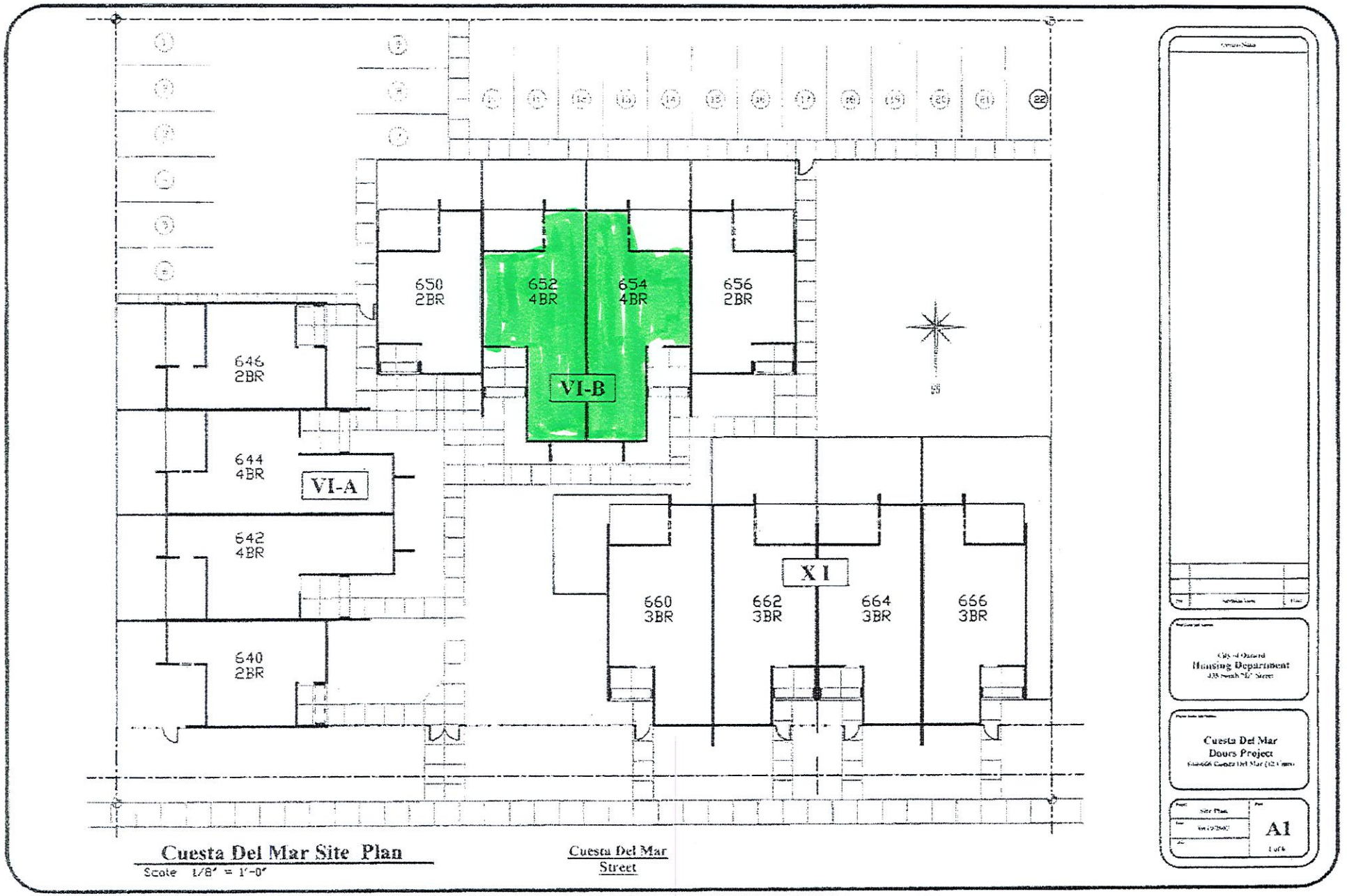
In keeping with our policy of continuing product improvement, Elkay reserves the right to change product specifications without notice. Please visit elkay.com for the most current version of Elkay product specification sheets. This specification describes an Elkay product with design, quality, and functional benefits to the user. When making a comparison of other producers' offerings, be certain these features are not overlooked.

Installation Profile:

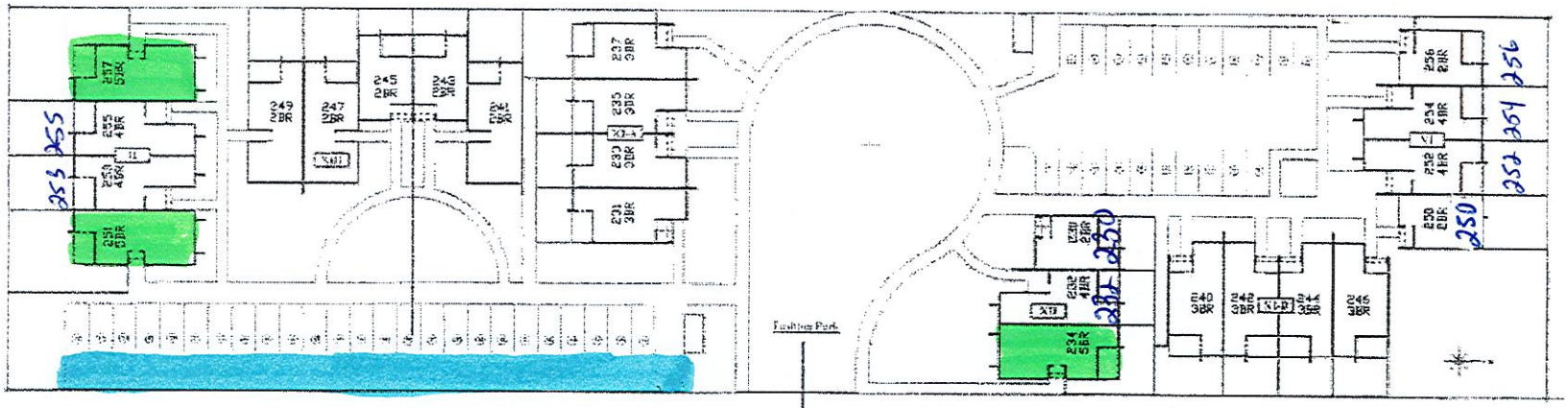


Optional Accessories		
CB1516	Elkay Hardwood 15" x 16-3/4" x 3/4" Cutting Board Spec Sheet (PDF)	
D1125	Dayton 3-1/2" Stainless Steel Drain with Removable Basket Strainer and Rubber Stopper Spec Sheet (PDF)	
LKWRB1316SS	Elkay Stainless Steel 12-1/2" x 15" x 7" Rinsing Basket Spec Sheet (PDF)	

In keeping with our policy of continuing product improvement, Elkay reserves the right to change product specifications without notice. Please visit elkay.com for the most current version of Elkay product specification sheets. This specification describes an Elkay product with design, quality, and functional benefits to the user. When making a comparison of other producers' offerings, be certain these features are not overlooked.


650
2BR
652
4BR
654
4BR
656
2BR
646
2BR
VI-B
644
4BR
VI-A
642
4BR
640
2BR
XI
660
3BR
662
3BR
664
3BR
666
3BR
Cuesta Del Mar Site Plan
Scale 1/8" = 1'-0"
Cuesta Del Mar
Street
Housing Department
Cuesta Del Mar
Doors Project
A1

10 Units



Fashion Park Place Town Houses

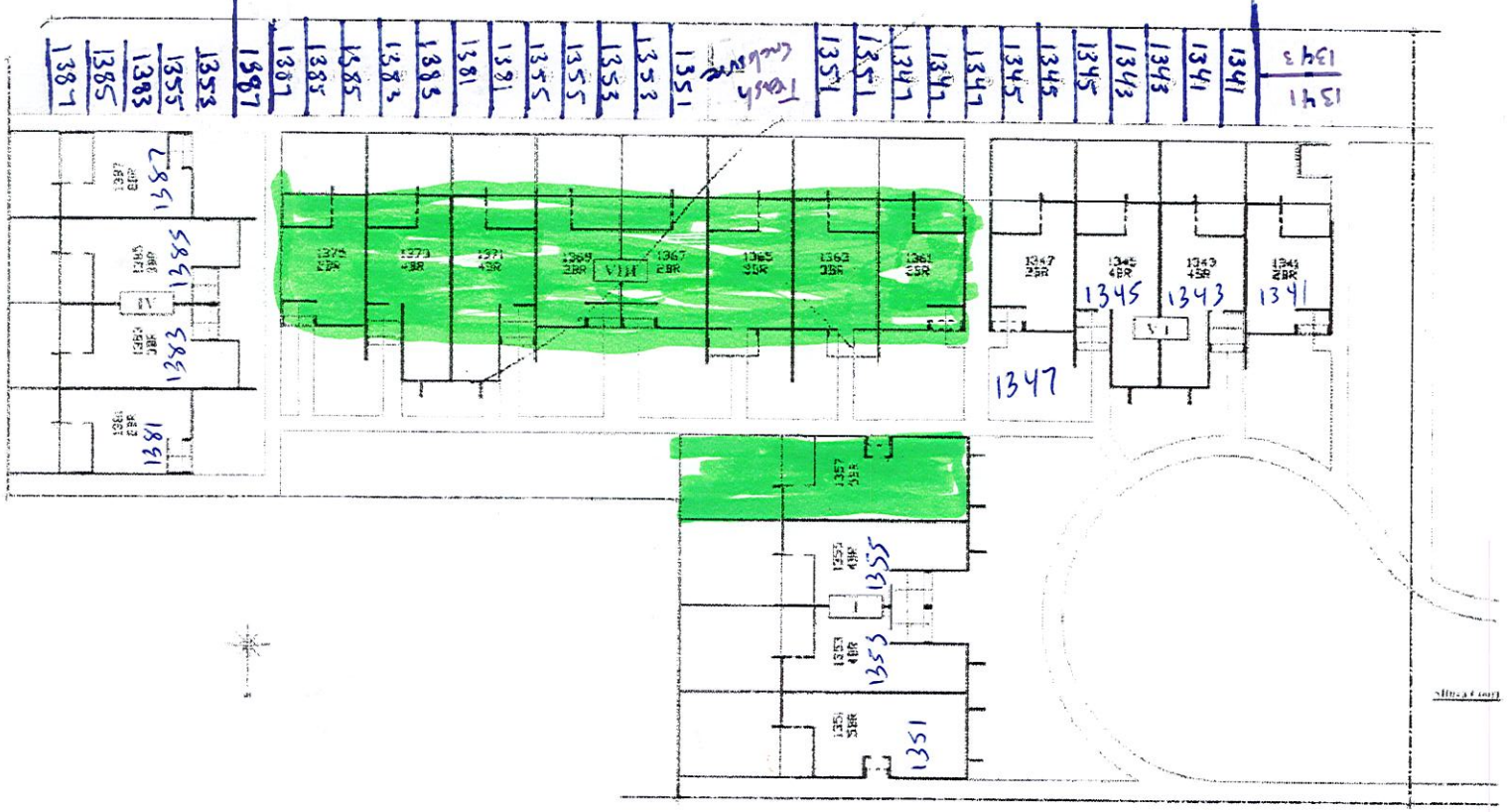
Not to scale

21 Units

Housing Department

Fashion Park
Doors Project

A1



Althea Court Town Houses

Althea Ct.

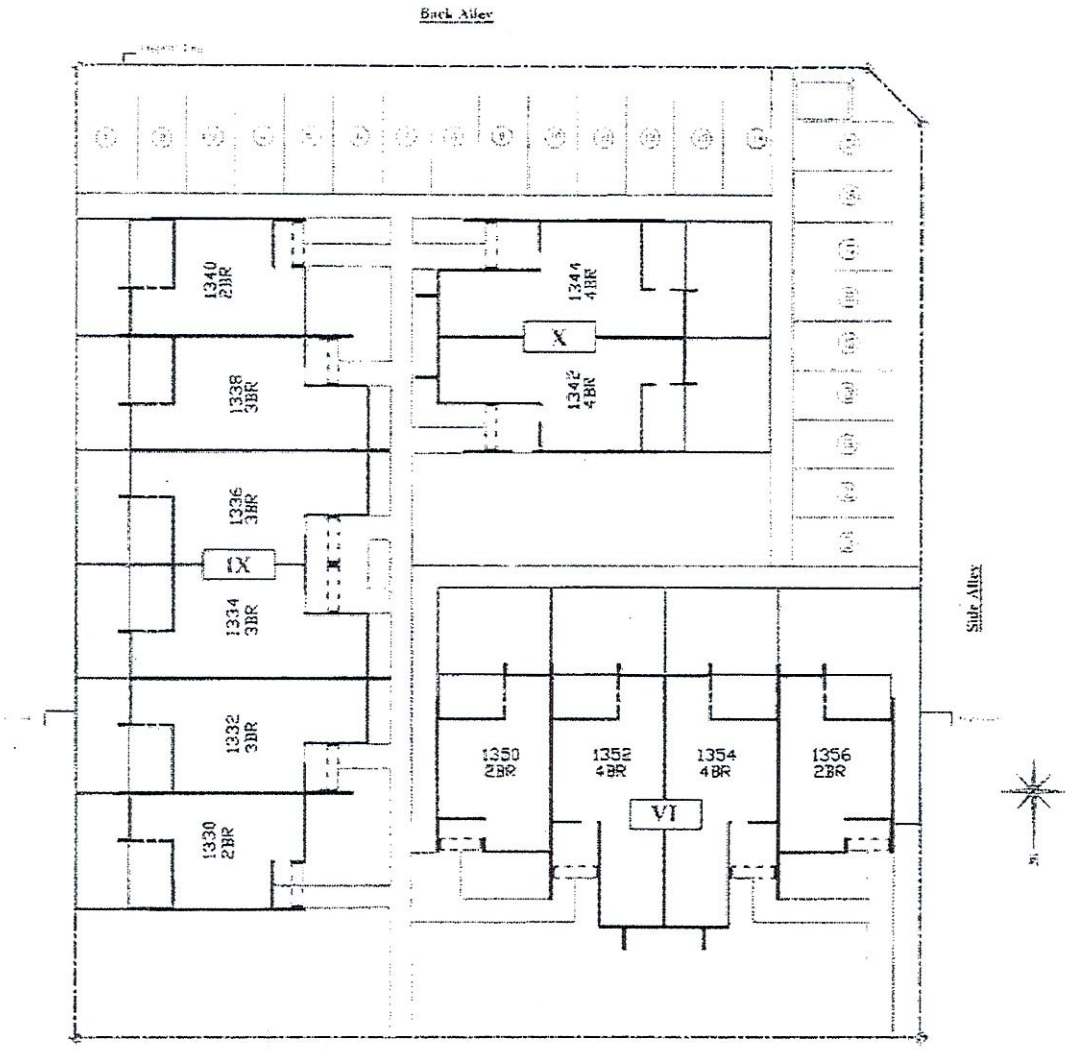
11 Units

Housing Department

Althea Court

A1

(6)



Fremont Way Town Houses

Not to scale

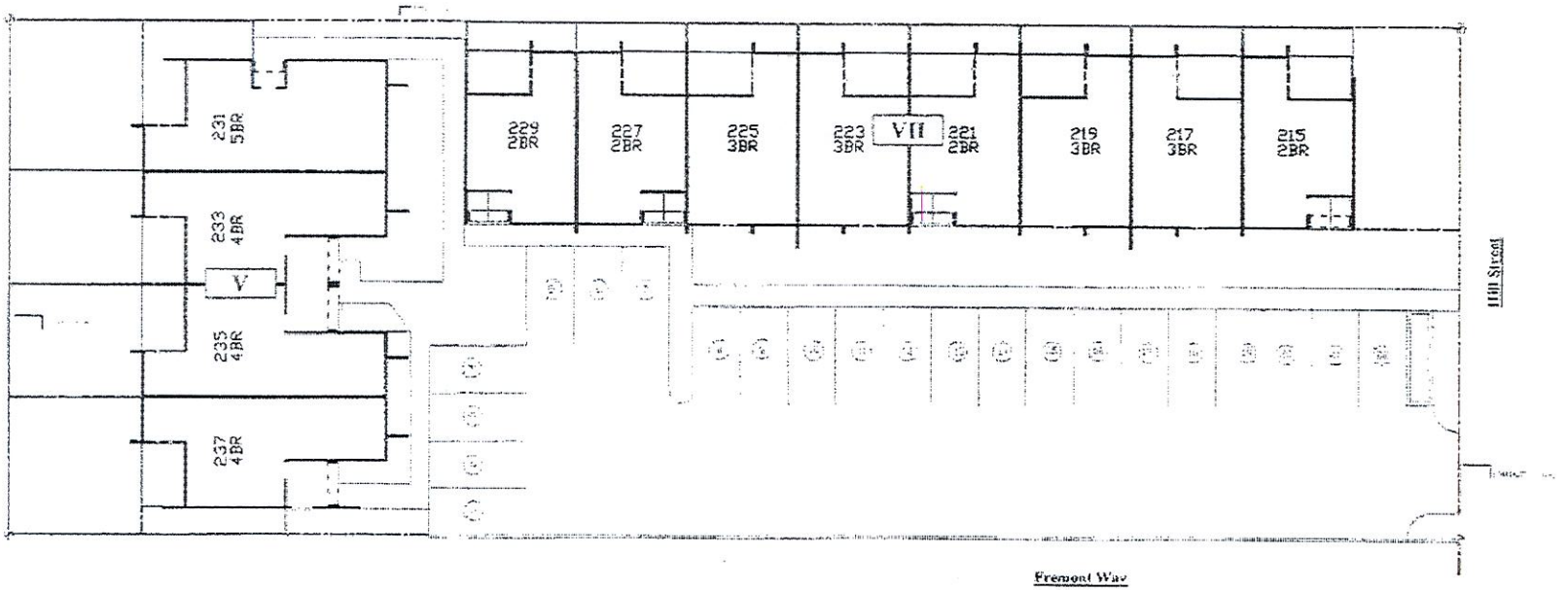
12 Units

Housing Department

Fremont Way
Doors Project

A1

5



Hill Street Town Houses

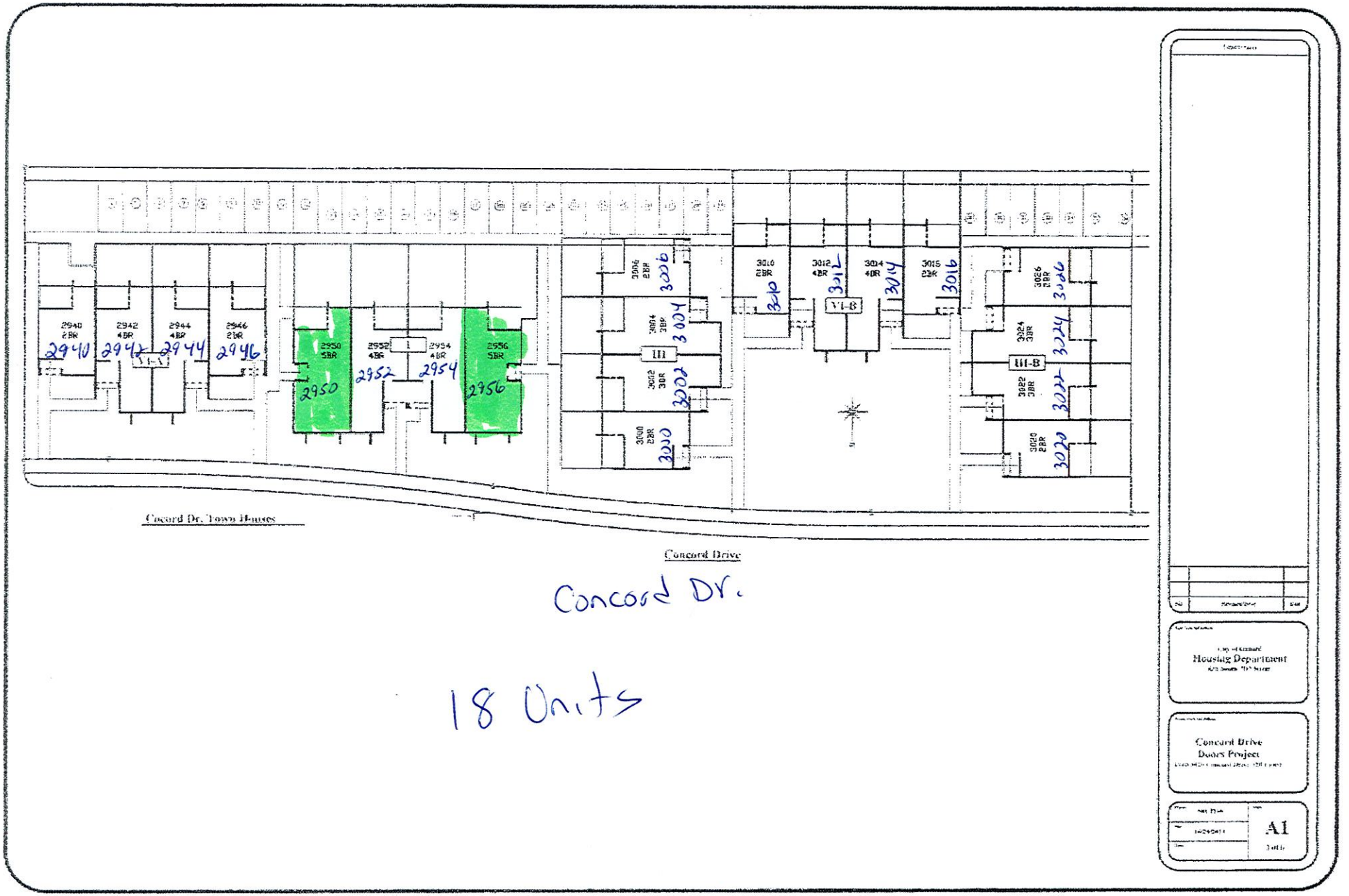
Not to scale

12 Units

City of Oxnard
Housing Department
435 South "D" Street

Hill Street
Doors Project
215-237 Hill Street (12 Units)

A1
4 of 6


2940 2BR
2942 4BR
2944 4BR
2946 2BR
VI-A
2950 5BR
2952 4BR
2954 4BR
2956 5BR
3004 2BR
3004 3BR
III
3012 3BR
3008 2BR
3010 2BR
3012 4BR
VI-B
3014 4BR
3016 2BR
3026 2BR
3024 3BR
III-B
3022 3BR
3020 2BR
Concord Dr. Town Houses
Concord Drive
Concord Dr.
18 Units
Housing Department
Concord Drive
Doors Project
A1

(3)

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.7

DATE: March 21, 2023

TO: City Council

FROM: Stephen Fischer, City Attorney, (805) 385-7483, stephen.fischer@oxnard.org
Rose Chaparro, City Clerk, (805) 385-7805, rose.chaparro@oxnard.org

SUBJECT: Campaign Contribution and Loan Limit Adjustment.

RECOMMENDATION

That the City Council adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADJUSTING CAMPAIGN CONTRIBUTION LIMITS AND LOAN LIMITS SET FORTH IN SECTIONS 2-443 AND 2-444 OF THE OXNARD CITY CODE.

BACKGROUND

At a special election held on March 3, 2020, Oxnard voters passed the *Oxnard Government Accountability and Ethics Act* ("Measure B"). Measure B added multiple provisions to the Oxnard City Code (OCC), including Article VI to Chapter 2 that imposed campaign contribution and loan limitations (collectively, "Contribution Limits").

OCC Section 2-245 requires the Contribution Limits to be adjusted at two-year intervals beginning in 2023 to reflect the annual consumer price index ("CPI") over the previous two-year period. OCC Section 2-248(F) requires the City Clerk to initiate the adjustment of the Contribution Limits to reflect the CPI adjustment. The City Clerk has calculated the CPI adjustment as specified in OCC Section 2-245.

The resolution under City Council consideration adjusts the Contribution Limits as follows:

For the Offices of the City Council:
1. The $500 limit in OCC Section 2-243(A) is increased to $564.
2. The $1,000 limit in OCC Section 2-243(A) is increased to $1,127.
3. The $500 limit in OCC Section 2-243(B) is increased to $564.

For the Offices of the Mayor, City Clerk, and City Treasurer:
1. The $750 limit in OCC Section 2-444(A) is increased to $845.
2. The $1,500 limit in OCC Section 2-444(A) is increased to $1,691.
3. The $500 limit in OCC Section 2-444(B) is increased to $564.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to reinforce, stabilize, improve, and strengthen the organizational foundation of the City in order to build a modern, high-functioning City government that effectively and efficiently supports the operating departments in providing high-quality services and programs for our residents and businesses.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Jason Zaragoza, Deputy City Attorney, Kenneth Rozell, Chief Assistant City Attorney, Rose Chaparro, City Clerk

ATTACHMENTS

1. Campaign Limits Adjustment Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD ADJUSTING CAMPAIGN CONTRIBUTION LIMITS AND LOAN LIMITS SET FORTH IN SECTIONS 2-443 AND 2-444 OF THE OXNARD CITY CODE

WHEREAS, at a special election held on March 3, 2020, Oxnard voters passed the *Oxnard Government Accountability and Ethics Act* ("Measure B"); and

WHEREAS, Measure B added Article VI to Chapter 2 to the Oxnard City Code ("OCC"), imposing campaign contribution and loan limitations (collectively, "Contribution Limits"); and

WHEREAS, OCC Section 2-245 requires the Contribution Limits to be adjusted at two year intervals beginning in 2023 to reflect the annual consumer price index ("CPI") over the previous two-year period; and

WHEREAS, OCC Section 2-248(F) requires the City Clerk to initiate the adjustment of the Contribution Limits to reflect the CPI adjustment; and

WHEREAS, the City Clerk has calculated the CPI adjustment as specified in OCC Section 2-245.

NOW, THEREFORE, the City Council of the City of Oxnard resolves that the following Contribution Limits are hereby adjusted as specified in OCC Section 2-245:

A. For the Offices of the City Council:

1. The $500 limit in OCC Section 2-243(A) is increased to $564.
2. The $1,000 limit in OCC Section 2-243(A) is increased to $1,127.
3. The $500 limit in OCC Section 2-243(B) is increased to $564.

B. For the Offices of the Mayor, City Clerk and City Treasurer:

1. The $750 limit in OCC Section 2-444(A) is increased to $845.
2. The $1,500 limit in OCC Section 2-444(A) is increased to $1,691.
3. The $500 limit in OCC Section 2-444(B) is increased to $564.

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PASSED AND ADOPTED THIS 21st day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
John C. Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.8

DATE: March 21, 2023

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Public Project Agreement 32300257 with Blackpointe Group Construction & Management Inc. for On-Call Fencing Repair Services Project (Rebid), Specification No. SD 23-53R.

RECOMMENDATION

That the City Council approve and authorize an agreement with Blackpointe Group Construction & Management Inc. for a total amount not to exceed $400,000 for a three-year term for On-Call Fencing Repair Services.

(This item is categorically exempt from the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15301(d).)

(Public Works and Transportation Committee approved 2-0.)

BACKGROUND

The Public Works Department oversees and manages parks, facilities, streets, public right of ways, landscape maintenance districts, community facilities districts, and waterways districts throughout the City of Oxnard. Within each of the areas mentioned above, there are designated services that are funded by the general fund, utilities, and special assessment districts where the maintenance for various types of fencing is required for both safety and aesthetic purposes.

DISCUSSION

Throughout the year, staff receives reports of damaged, vandalized, or deteriorating fencing located throughout the City. This On-Call Fencing Repair Services Agreement will allow Public Works staff to be responsive to the maintenance needs of the City.

The Agreement is tentatively scheduled to begin in April 2023, and continue into April 2026. Staff will work with the Neighborhood Councils, who represent the communities where the work will be performed, to provide information regarding the scheduled repairs, as well as communicating directly with the neighbors and residents who are adjacent to the work being performed. Staff will also provide general project information to be disseminated through social media for public information.

The notice inviting formal bids (NIFB) was published on December 22, 2022 and all bids were due and opened on January 11, 2023. The City received two bids, which are the cumulative total of the bid items and the hourly rates for both scheduled and non-scheduled labor. The following bids are the cumulative totals for the hourly rate of scheduled and unscheduled labor:

Blackpointe Group Construction & Management Inc.: $458.99
Fenceworks Inc.: $3,629.00

The lowest bidder is Blackpointe Group Construction & Management Inc. (Blackpointe) and their bid is responsive to the

City's NIFB. Following this determination, procurement staff reviewed all documentation received from Blackpointe Group Construction & Management Inc. There are no subcontractors. Procurement staff verified possession of the required and currently valid licenses, reviewed the federal Occupational Safety and Health Administration (OSHA) website for safety violations, and verified registration with the California Department of Industrial Relations (DIR). Based upon the available information and research performed to date, staff believes the contractor is capable of satisfactorily completing the Agreement. Thus, staff recommends that the City Council award this Agreement to Blackpointe Group Construction & Management Inc.

Forty notices of invitations were sent directly to contractors that perform this work and have the appropriate licenses for this NIFB. The NIFB was also posted on Ebidboard, Public Purchase, Dodge Analytic, TriCo Reprographics, Bid America, and advertised in the Vida Newspaper.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

The total cost for this Agreement with Blackpointe Group Construction & Management Inc. shall not exceed $400,000 over the three year term of this Agreement. Each service provided through this Agreement shall be issued by a task order and subject to available funding. The Special Districts, Streets, Facilities, and Parks Maintenance Divisions will share the total amount of this agreement. Staff within each Division will ensure sufficient funding of tasks prior to initiating task orders or incurring services, consistent with the City Council approved Operating Budgets.

Division	**Account**	**Allocation Amount**
Special Districts	Assessment Funds - Various	$250,000
Streets Maintenance	Gas Tax Fund - 1813401-53200	$60,000
Facilities Maintenance	Facilities Fund - 7353740-53200	$30,000
Parks	General Fund - Various	$60,000
TOTAL		**$400,000**

For Finance Use Only: $60K - State Gas Tax Fund (Org. 1813401, Obj. 53200), $30K - Facilities Fund (7353740, Obj. 53200)

COMMITTEE OUTCOME

The Public Works and Transportation Committee approved 2-0 on February 28, 2023 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Steve Howlett, Assistant Public Works Director

ATTACHMENTS

1. Agreement 32300257 - Blackpointe - SD 23-53
2. City of Oxnard Special Districts Map
3. City of Oxnard Special Districts Legend

CITY OF OXNARD CONTRACT FOR
ON-CALL FENCING REPAIR SERVICES PROJECT (REBID)
SPECIFICATION NO. SD 23-53R

THIS CONTRACT ("Contract") is made and entered this _____ day of _____, 2023 ("Effective Date"), by and between the CITY OF OXNARD, a California municipal corporation ("City") and BLACKPOINTE GROUP CONSTRUCTION & MANAGEMENT INC. ("Contractor"). Contractor's license number is 969297.

In consideration of the covenants set forth herein, the parties hereto agree as follows:

1. Incorporation. The Contract consists of all Contract Documents, which shall include the General Provisions, Special Provisions and all documents referenced in either the General or Special Provisions as well as the Contractor's Bid Response. These documents are incorporated herein by reference.

2. Scope of Services. Contractor shall perform all Tasks in a good and workmanlike manner for the project identified as the On-Call Fencing Repair Services Project (Rebid), Specification No. SD 23-53R ("Project"), as described in this Contract and in the Contract Documents, throughout the Contract Term. The Bid Sheets from the Contractor's Bid Response are attached hereto as "Exhibit A" and incorporated herein by this reference. The Special Provisions from the Contract Documents are attached hereto as "Exhibit B" and incorporated herein by this reference.

3. Compensation. In consideration of the services rendered pursuant to the requirements listed in the Contract Documents, City shall pay Contractor for each Task in accordance with the Contract Unit Prices submitted in the Bid and included in the attached Exhibit A, which in any case shall not exceed four hundred thousand dollars ($400,000) during the Contract Term.

4. Contract Term. The Contract Term shall begin on the Effective Date and end three (3) years thereafter, unless sooner terminated pursuant to the Contract Documents.

5. Antitrust Claims. In entering into this Contract, Contractor assigns to City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Section 15) or under the Cartwright Act (Business and Professions Code Section 16700 *et seq*.) arising from purchases of goods, services, or materials pursuant to the Contract Documents. This assignment shall be made and become effective at the time City tenders final payment to Contractor without further acknowledgment by the parties.

6. Prevailing Wages. City and Contractor acknowledge that the Tasks comprising the Project are public works to which prevailing wages apply. Once the Project Manager issues a Task Order, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the corresponding Task will be on file with the Project Coordinator at City Hall and will be made available to any interested party on request. Contractor and all Subcontractors are not qualified to bid on, be listed in a Bid proposal, or engage in the performance of any contract for public work, as defined in Labor Code Sections 1720 through 1861, unless registered and qualified to perform public work pursuant to Labor Code Section 1725.5 at the time of Bid submission.

7. Workers' Compensation. Labor Code Sections 1860 and 3700 provide that every contractor will be required to secure the payment of compensation to its employees. In accordance with the provisions of Labor Code Section 1861, by signing this Contract, the Contractor certifies as

follows: “I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the Work of this Contract.”

8. Titles. The titles used in this Contract are for convenience only and shall in no way define, limit or describe the scope or intent of this Contract or any part of it.

9. Authority. Any person executing this Contract on behalf of Contractor warrants and represents that he or she has the authority to execute this Contract on behalf of Contractor and has the authority to bind Contractor to the performance of its obligations hereunder.

10. Entire Agreement. This Contract, including all incorporated documents, constitutes the entire agreement between the parties hereto with respect to the Project and all related Tasks and supersedes all previous agreements, promises, proposals, representations, understandings and negotiations, whether written or oral, between the parties regarding the subject matter.

11. Amendment. No modification, amendment or supplement to this Contract other than Change Orders or Task Orders shall be binding unless made in writing and signed by the duly authorized representatives of both parties.

12. Counterparts. This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. A signed copy of this Contract transmitted by facsimile, email or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Contract for all purposes. This provision shall likewise apply to all Task Orders and other Contract Documents.

[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the first written above.

CITY OF OXNARD

☒ John C. Zaragoza, Mayor[1] Date
☐ Alexander Nguyen, City Manager
☐ Purchasing Manager

ATTEST:

Rose Chaparro, City Clerk (only if Mayor signs) Date

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney (always required) Date

BLACKPOINTE GROUP CONSTRUCTION & MANAGEMENT INC.

Laurel Schittone, CEO[2] Date

Victor Schittone, Secretary Date

[1] The City Council must authorize and the Mayor must sign any agreement over $200,000 annually. The City Manager may authorize and sign any agreement over $100,000 but up to $200,000 annually. The Purchasing Manager may authorize and sign any agreement up to $100,000 annually. A Buyer may authorize and sign any agreement up to $25,000 annually.

[2] The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

Exhibit INS-D

INSURANCE REQUIREMENTS FOR SMALL/MEDIUM CONSTRUCTION AND SERVICES CONTRACTS (WITHOUT BUILDER'S RISK REQUIREMENT)

1. Contractor shall obtain and maintain during the performance of any services under this Contract the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Contractor, its agents, representatives, employees or subcontractors.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project location or shall be twice the occurrence amount;

b. Business Automobile Liability Insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto;"

c. If architectural, engineering, or electrical work will be performed under the Contract, Professional Liability/Errors and Omissions Insurance appropriate to the work being done in an amount not less than $1,000,000, with neither Contractor nor listed subcontractors having less than $500,000 individually. The Professional Liability/Errors and Omissions Insurance must be project specific with at least a one-year extended reporting period, or longer upon request.

d. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than $1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Contractor shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-D. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements will be requested via email. If you have not received your request or are having difficulty with the electronic upload, contact insurance@oxnard.org.

4. Contractor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

5. Contractor agrees that the Commercial General Liability and Business Automobile Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General Liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-D or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037).**

6. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages **(this must be endorsed).** Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

7. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

8. All insurance standards applicable to Contractor shall also be applicable to Contractor's subcontractors. Contractor agrees to maintain appropriate agreements with subcontractors and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	**GENERAL LIABILITY** [x] COMMERCIAL GENERAL LIABILITY [x] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE $1,000,000 PRODUCTS COMP/OP AGG. $1,000,000 PERSONAL & ADV. INJURY $1,000,000 EACH OCCURRENCE $1,000,000 FIRE DAMAGE (Any one fire) $ MED. EXPENSE (Any one person) $
A	**AUTOMOBILE LIABILITY** [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				ED SINGLE $1,000,000 INJURY $ n) INJURY $ ent) TY DAMAGE $
A	**EXCESS LIABILITY** UMBRELLA FORM OTHER THAN UMBRELLA FORM				CCURRENCE $ AGGREGATE $
A	**WORKERS' COMPENSATION** AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT $1,000,000 DISEASE-POLICY LIMIT $1,000,000 DISEASE-EACH EMPLOYEE $1,000,000
A	**OTHER** Errors and omissions insurance or malpractice insurance available for the insured's profession; if architectural, engineering or electrical work will be performed under the Agreement				Minimum coverage $1,000,000 Each consultant/ $500,000 & listed sub-consultant

SAMPLE

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

City of Oxnard % Evident ID, Inc.
8520 Allison Pointe Blvd Ste 223
PMB 52150
Indianapolis, Indiana 46250-4299 US

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

SUBMIT IN DUPLICATE

GENERAL LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")

Agreement No.: 32300257
ENDORSEMENT NO.
ISSUE DATE (MM/DD/YY)

PRODUCER
Telephone:

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE □ Included in Limits
□ In Addition to Limits

NAMED INSURED

□ Deductible □ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. □ Per Occurrence □ Per Claim (which)

APPLICABILITY This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here □ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY
□ COMMERCIAL GENERAL LIABILITY
□ COMPREHENSIVE GENERAL LIABILITY
□ OWNERS & CONTRACTORS PROTECTIVE

□ Claims Made
Retroactive Date _____
□ Occurrence

COVERAGES

	LIABILITY LIMITS IN THOUSANDS $	
	EACH OCCURRENCE	AGGREGATE
□ GENERAL		
□ PRODUCTS/COMPLETED OPERATIONS		
□ PERSONAL & ADVERTISING INJURY		
□ FIRE DAMAGE		
□ _____		
□ _____		

OTHER PROVISIONS

Underwriter=s representative for claims pursuant to this insurance.

CLAIMS:
Name:
Address:

Telephone: (____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.

2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.

3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.

5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.

6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:

a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or

b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

City of Oxnard % Evident ID, Inc.
8520 Allison Pointe Blvd Ste 223
PMB 52150
Indianapolis, Indiana 46250-4299 US

AUTHORIZED REPRESENTATIVE

□ Broker/Agent □ Underwriter □ ____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)

Telephone: ( ) Date Signed _____

Rev.1 2/22 INS-D.doc

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER
Telephone:

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

NAMED INSURED

☐ Deductible ☐ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. ☐ Per Occurrence ☐ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

☐ COMMERCIAL AUTO POLICY
☐ BUSINESS AUTO POLICY
☐ OTHER

LIMIT OF LIABILITY

$ per accident, for bodily injury and property damage.

OTHER PROVISIONS

CLAIMS: Underwriter's representative for claims pursuant to this insurance.
Name: _____
Address: _____
Telephone:
(_____
) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or
   b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

City of Oxnard % Evident ID, Inc.
8520 Allison Pointe Blvd Ste 223
PMB 52150
Indianapolis, Indiana 46250-4299 US

AUTHORIZED REPRESENTATIVE

☐ Broker/Agent ☐ Underwriter ☐ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____

(original signature required)

Telephone: ( ) Date Signed _____

Bond No. _____

PAYMENT BOND
(LABOR AND MATERIALS)

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), State of California, has awarded to _____

_____("Principal")
(Name and address of Contractor)

a contract (the "Contract") for the Work described as the On-Call Fencing Repair Services Project (Rebid), Specification No. SD 23-53R (the "Project").

WHEREAS, under the terms of the Contract, the Principal is required before entering upon the performance of any Work, to file a good and sufficient Bond with the Agency to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code.

NOW, THEREFORE, we, the undersigned Principal, and _____

_____

_____
(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____ ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, and our heirs, assignees, successors, executors and administrators are held and firmly bound, jointly and severally, unto the Agency and all Contractors, Subcontractors, laborers, material suppliers, and other persons employed in the performance of the Contract and any Task related to the Contract and referred to in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code in the penal sum of _____ Dollars ($_____), this amount being not less than a hundred percent (100%) of the total not to exceed Contract Price, in lawful money of the United States of America, for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to this Work or labor that the Surety will pay the same in an amount not exceeding the amount hereinabove set forth, and also in case suit is brought upon this Bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing this obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

It is hereby expressly stipulated and agreed that this Bond shall inure to the benefit of any and all persons, companies, and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, so as to give a right of action to them or their assigns in any suit brought upon this Bond.

The Project shall be considered "accepted" for the purposes of triggering Bond deadlines at the Contractor's final completion of all Tasks, the City's acceptance of all Tasks, and the end of the Contract Term, whichever occurs last. Upon expiration of the time within which the California Labor Commissioner may serve a civil wage and penalty assessment against the principal, any

of its Subcontractors, or both the principal and its Subcontractors pursuant to Labor Code Section 1741, and upon expiration of the time within which a joint labor management committee may commence an action against the principal, any of its subcontractors, or both the principal and its subcontractors pursuant to Labor Code Section 1771.2, if the condition of this Bond be fully performed, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the Contract, including all incorporated documents, shall in any manner affect its obligations on this Bond. The Surety hereby waives notice of any such change, extension, alteration, or addition. Additionally, the Surety hereby waives California Civil Code Sections 2845 and 2849 as well as any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

"Principal"	"Surety"
_____	_____
_____	_____
By: _____	By: _____
Its: _____	Its: _____
By: _____	By: _____
Its: _____	Its: _____
(Seal)	*(Seal)*

Note: This Bond must be executed in duplicate and dated, all Surety signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. The date of

the Bond must not be before the Contract's Effective Date. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

Bond No. _____

PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS that:

WHEREAS the City of Oxnard ("Agency"), has awarded to _____

_____

_____ ("Principal")

(Name and address of Contractor)

a contract (the "Contract") for the Work described as the On-Call Fencing Repair Services Project (Rebid), Specification No. SD 23-53R (the "Project").

WHEREAS, Principal is required under the terms of the Contract to furnish a Bond for the faithful performance of the Contract.

NOW, THEREFORE, we, the undersigned Principal, and _____

_____

_____,

(Name and address of Surety)

a corporation organized and existing under the laws of the State of _____ ("Surety") a duly admitted surety insurer under the laws of the State of California, as Surety, are held and firmly bound unto the Agency in the penal sum of _____

_____Dollars ($_____), this amount being not less than a hundred percent (100%) of the total not to exceed Contract Price, in lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, assigns, successors, executors and administrators, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, if the hereby bounded Principal, his, her or its heirs, executors, administrators, successors or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and provisions in the Contract and any alteration thereof made as therein provided for all Tasks, on the Principal's part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the Agency, its officers, agents and employees, as therein stipulated, within the Contract Term, then this obligation shall become null and void; otherwise, it shall be and remain in full force and effect.

As a part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by Agency in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered. Surety hereby waives any statutes of limitation, statutes of repose and laches as they may apply to an action on this Bond.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract, including all incorporated documents, or of the Work to be performed under any Task Order shall in any way affect the Surety's obligations under this Bond. The Surety

hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Contract or to the Work in any Task Order. Surety hereby waives California Civil Code 2845 and 2849. The City is the principal beneficiary of this Bond and has all rights of a party hereto.

IN WITNESS WHEREOF, this instrument has been duly executed by Principal and Surety, on the date set forth below, the name of each party being hereto affixed and these presents duly signed by its undersigned representative(s) pursuant to authority of its governing body.

Dated: _____

"Principal"	"Surety"
_____	_____
_____	_____
By: _____	By: _____
Its: _____	Its: _____
By: _____	By: _____
Its: _____	Its: _____
(Seal)	*(Seal)*

Note: This Bond must be executed in duplicate and dated, all Surety signatures must be notarized, and evidence of the authority of any person signing as attorney-in-fact must be attached. The date of Bond must not be before the Contract's Effective Date. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of California.

EXHIBIT A

CITY OF OXNARD

BID SHEETS FOR ON-CALL FENCING REPAIR SERVICES (REBID)
SPECIFICATION NO. SD 23-53R

Bidder's Name: Blackpointe Group Construction & Management Inc

To the Honorable Mayor and Members of the City Council:

In compliance with the Notice Inviting Bids, the undersigned hereby agrees to execute the Contract to furnish all labor, equipment and supplies for the Tasks comprising the Project in accordance with the Contract Documents to the satisfaction and under the direction of the Project Manager at the following prices:

ITEM NO.	DESCRIPTION	UNIT	UNIT PRICE HOURLY RATES
1	Non-Scheduled Urgent Work Hourly Labor Rates	Hourly Rate Monday-Friday 8:00am-5:00pm **Work begins within 4 hours	$ 91.54 /hr
2	Non-Scheduled Urgent Work Hourly Labor Rates	Hourly Rate Monday-Friday 5:01pm - 7:50am **Work begins within 4 hours	$ 121.51 /hr
3	Non-Scheduled Urgent Work Hourly Labor Rates	Hourly Rate Saturday, Sunday and Holidays **Work begins within 4 hours	$ 155.66 /hr
4	Scheduled Work Hourly Labor Rates	Hourly Rate Monday-Friday 8:00am-5:00pm	$ 90.28 /hr
		TOTAL BID PRICE (TOTAL OF ALL HOURLY RATES:	$ 458.99

Hourly Rate at fully burdened cost and Contractor shall pay prevailing wages. All unit costs must include the current burdened prevailing wage rate.

**Work must begin within that time period.

EXHIBIT B

SPECIAL PROVISIONS

1000 DESCRIPTION AND LOCATION OF WORK

The Contractor shall furnish all necessary labor, materials, equipment and other incidental and appurtenant Work to repair or replace existing steel, wood, chain-link and CMU block wall fencing, gates and concrete footings, in conformance with the lines, grades, and requirements to match existing fencing and gates for the City of Oxnard.

Scope of Work does not include installation of new fencing where current fencing does not already exist.

The Work will be at various locations throughout the City of Oxnard including, but not limited to, buildings, parks, ballfields (including backstops), landscape maintenance districts and other properties as defined in each Task Order. The Contractor shall only remove the length of fencing that can be reinstalled during that same Working Day of construction unless otherwise specified and or directed by the Project Manager. Fencing shall meet all current City of Oxnard building codes requirements.

1001-2 MATERIALS

All fence materials or component parts furnished shall conform in type, size, kind, and shape to existing and shall be acceptable to the Project Manager. The materials for fencing include but are not limited to posts, pickets, rails, post caps and all necessary fittings and appurtenances required for proper installation. The Contractor will provide the Project Manager with the specifications of all items for the fence and gates for approval before installation. Only new materials are to be used on the projects. Markup on materials may not exceed 15%.

Concrete for fence posts shall be class 520-C-2500 as per Section 201 of the Greenbook, with a minimum compressive strength of 2500 psi.

Materials for backfill shall conform to Section 217 Bedding And Backfill Materials of the Greenbook.

1001-3 CONSTRUCTION, REPAIR AND MAINTENANCE

Before Work commences in the area, the Contractor will inspect the site with the Project Manager and have a clear understanding of the Work to be done. After the construction is complete, the Contractor will again inspect the site with the Project Manager for approval. The Project Manager will periodically monitor the construction of Work to determine if the Work is being performed in accordance with the contract requirements.

All of the material for the new fence panels will be approved by the Project Manager before any Work begins. The new fence will include, but not be limited to, posts pickets, rails, post caps and will be installed at locations as directed by the Project Manager.

Posts shall be embedded at least 30” into 36” deep, with a 12” minimum diameter concrete footing.

All metal Work shall be per the Greenbook Section 206 Miscellaneous Metal Items and Section 304 Metal Fabrication and Construction.

Painting of existing fencing will be by hand or spray. Two coats will be required on all parts. The final surface will be of even color without streaks, drips, bubbles, incomplete coverage or any other surface imperfection. Paint used will be appropriate for the location of the project and approved by the Project Manager before application Wrought iron fencing shall have a powder coated finish and the product shall be approved for use by the Project Manager before installation. If necessary, the fence will be reinforced at the joints with either welding or welded on metal that will not detract from the decorative appeal of the fence. All welding will be performed in a workman-like manner with solid joints of minimum protrusion. Completed fences will be solid and have minimal flexure. Any excessive splatter of the weld will be ground off.

All excavation and backfill shall conform to Section 300-3 Structure Excavation And Backfill of the Greenbook.

1001-4 MEASUREMENTS

The installation of new fence panels will be measured by the linear foot (LF) of fence installed including post and concrete footings, complete-in-place. The gates installed will be measured by linear foot (LF) of gates installed including all attachments, complete-in-place.

1001-5 DEMOLITION AND REMOVAL OF EXISTING FENCE AND GATES

The Contractor shall furnish all materials, tools, equipment, devices, appurtenances, facilities, and services as required for performing the demolition and removal Work.

Contractor shall remove existing fence and gates, including posts, concrete footings, and any attachments. Hauling and disposal of demolished material off-site shall be the Contractor's responsibility and shall not constitute a pay item but shall be considered incidental to fence and gate construction. Whenever a telephone or telegraph pole, pipeline, conduit, sewer, roadway, or other utility is encountered that must be removed or relocated, the Contractor shall advise the Project Manager, who will notify the proper local authority or owner and attempt to secure prompt action. Any holes or openings shall be backfilled with acceptable material per Section 217 Bedding And Backfill Materials of the Greenbook, and properly compacted.

All Work shall be done in a workmanlike manner with care taken not to disturb the surrounding area and existing fence to remain. Any damage done to the area or existing fence to remain caused by the Contractor's operations, shall be repaired to the original condition by the Contractor at no expense to the City.

Safety And Fencing: The Contractor shall comply with all applicable current federal, state and local safety and health regulations.

The Contractor shall furnish and place a safety fence around the site of the work adequate to secure the demolition site, including any resulting debris or excavation, and to prevent pedestrian access. The safety fence shall be erected before demolition and shall not be removed until the hazard is removed and all Work is completed. The fencing, including all materials, shall be considered incidental to the demolition. The fencing material shall remain the property of the Contractor.

Clean Up: The area of the fence line shall be left neat and free of any debris caused by the demolition or installation of the fence at the end of each Work day and at job completion as to not pose any unsafe or hazardous condition to the public or City staff.

1001-6 RESPONSE TIME.

Contractor shall respond to all requests as required, 24 hours per day, 365 days per year, including weekends and holidays. All costs for labor for these requests shall be included in the Bid sheets.

Response time by the Contractor shall be as stated below:

1. **Non-Scheduled Urgent Work:**

   Contractor must verbally respond within thirty (30) minutes of telephone notification by the City. Contractor must be on the site within four (4) hours of the notification and begin Work immediately. Urgent repairs are those where public interest and necessity demand the immediate expenditure of public money to avoid harm to or to safeguard life, health or property.

2. **Scheduled Work:**

   Contractor must verbally respond within twenty (24) hours of notification by the City. The scope of Work and schedule shall be mutually agreed to between Project Manager and Contractor before work begins. Work under this category shall be planned and scheduled Monday through Friday between the hours of 8:00 am and 5:00 pm unless otherwise agreed to by the Project Manager.

1000-7 PAYMENT AND INVOICING

Invoice shall include a summary of the work performed, detailed backup of all labor, receipts from all sub-contractors, equipment rentals, and materials. The City will not pay for an invoice over the amount specified in the Task Order unless a Task Order amendment is executed.

1000-8 TASK ORDER PROCESS

1. Each project will be assigned a Task Order. Scheduled Work will be pre-approved by a Task Order issued by the Project Manager prior to starting Work. Work can begin only after a fully executed Task Order is issued to the Contractor. Non-Scheduled Urgent Work will have a Task Order issued as soon as the scope and fees are made available. The scope and fees shall be provided by the Contractor as soon as possible following the start of Non-Scheduled Urgent Work.

2. Task Orders shall include all estimated labor, materials, and taxes needed to complete the scope of Work. The Task Order shall include all materials, labor, and taxes; if it does not, the Contractor shall clarify any missing information before commencing Work.

3. Materials and equipment rental will be reimbursed at cost (Contractor must include receipt of purchase with the invoice submitted to the City) plus fifteen percent (15%) for material

handling and Contractor will be required to itemize the supplies cost within the Task Order.

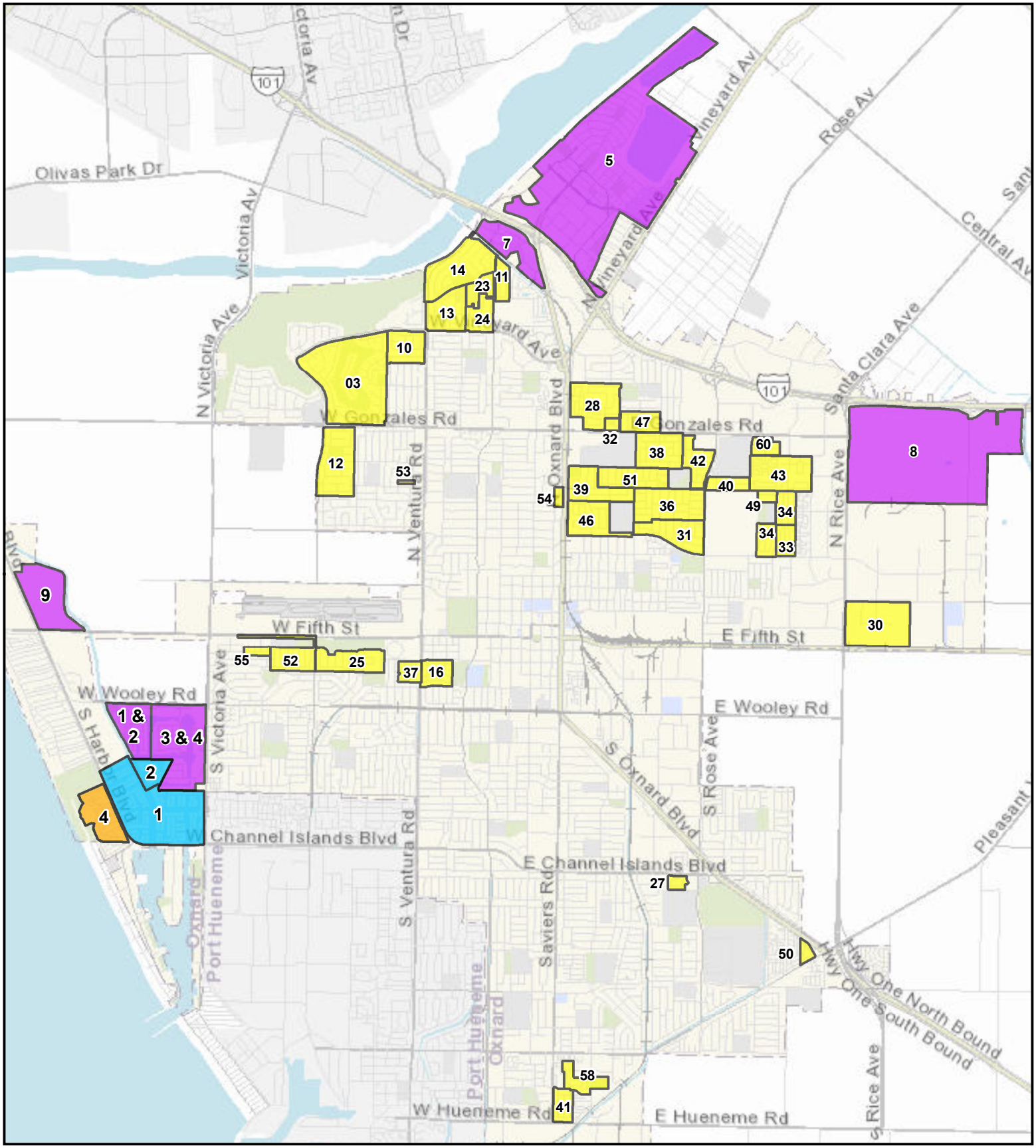
4. A separate invoice is required for each Task Order issued pursuant to the Contract. Contractor is required to itemize the number of hours it will take for completion of a Task Order. Contractor shall request a Task Order amendment if expenses surpass the original Task Order fee. Upon mutual agreement between City and Contractor, City shall issue a Task Order amendment for the increased cost.

5. Contractor shall only invoice for time spent at the location of service. The City shall not pay for time spent en route or traveling to acquire parts or supplies unless pre-approved by the Project Manager and included in the Task Order. Contractor to communicate arrival time and departure time with Project Manager on day of service.

6. For Scheduled Work, Contractor shall meet with the Project Manager to review and understand the project scope prior to submitting a project proposal.

7. For Non-Scheduled Urgent Work, Contractor shall meet with the Project Manager within seventy-two (72) hours of starting Work to confirm the scope. Contractor shall provide a project fee within seventy-two (72) hours after scope confirmation.

CITY OF OXNARD ASSESSMENT DISTRICTS



Maintenance Assessment District (District No.)

Community Facilities District (District No.)

Waterway Assessment District (Zone No.)

Landscape Maintenance District (District No.)

Created by:
CITY OF OXNARD
Geographic Information Systems Division
January 2022

3,000 0 3,000 6,000 Feet

This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

N W E S

Data Source:
City of Oxnard GIS Division
County of Ventura GIS Program

CITY OF OXNARD – SPECIAL DISTRICTS

LANDSCAPE MAINTENANCE DISTRICT * COMMUNITY FACILITIES DISTRICTS
WATERWAYS ASSESSMENT DISTRICTS * MAINTENANCE ASSESSMENT DISTRICTS

COMMUNITY FACILITIES DISTRICTS	
1 & 2 – Westport at Mandalay Bay	7 – Wagon Wheel
3 & 4 – Seabridge at Mandalay Bay	8 – Sakioka Farms
5 – Riverpark	9 – Northshore at Mandalay Bay

LANDSCAPE MAINTENANCE DISTRICTS	
3 – Riverridge	37 – Pacific Cove
10 – Country Club	38 – Aldea Del Mar
11 – St Tropez	39 – El Sueno Promesa
12 – Standard Pacific	40 – Cantada
13 – Le Village	41 – Pacific Cove
14 – California Cove	42 – Cantabria/Coronado
16 – California Lighthouse	43 – Greenbelt
23 – Greystone	46 – Daily Ranch
24 – Vineyards	47 – Sycamore Place
25 – The Pointe	49 – Cameron Ranch
27 – Rose Island	50 – PV Senior Housing
28 – Harborside	51 – Pfeiler
30 – Haas Automation	52 – Wingfield
31 – Rancho De La Rosa	53 – Huff Court
32 – Oak Park	54 – Meadowcrest
33 – El Paseo	55 – Wingfield West
34 – Sunrise Pt/Sunset Cove	58 – Westwind
36 – Villa Santa Cruz	60 – Artisan

MAINTENANCE ASSESSMENT DISTRICT
4 – Mandalay Beach/Colony

WATERWAYS ASSESSEMENT DISTRICTS	
Zone 1 – Mandalay Bay Zone	2 – Harbour Island

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.9

DATE: March 21, 2023

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Agreement 32300154 with Auto Body International, Inc. for Light and Medium Duty Paint and Body.

RECOMMENDATION

That the City Council approve and authorize an Agreement with Auto Body International, Inc. for a one-year term with the option to extend for two consecutive one year periods for a maximum contract term of three years, and a total contract not-to-exceed amount over the entire possible contract term of $375,000 for light and medium duty paint and body work.

(Public Works and Transportation Committee approved 2-0.)

BACKGROUND

The Fleet Services Division of the Public Works Department performs maintenance and repairs of the City's 955 fleet vehicles and equipment valued over $50 million. As part of the ongoing fleet management, Fleet Services requires a vendor to provide as-needed automotive body repairs for City vehicles and equipment. The Fleet Services shop is not equipped with the frame rack, permitted spray booth or any other specialized equipment required to perform body repairs. Additionally, the staff does not have specialized training in performing such body repairs.

Throughout the course of normal operations, vehicles and equipment experience damages to the body, paint and frame that may be a result of a collision, traffic incident, or other unforeseen events. Such damages require paint, body, and frame repairs to be performed by an outside vendor under the direction of Fleet Services. These services are necessary in order to ensure the City's fleet vehicles and equipment are safe, reliable and in good operating condition. Fleet averages approximately 45 light and medium duty body shop repairs annually and have been using a third-party vendor for these repairs for the past 25 years.

DISCUSSION

Historically, Fleet Services would informally bid each repair service to four local vendors, which has been time consuming, resulting in repair delays. In an effort to be more cost-effective and efficient, staff released a formal bid for automotive body repairs. On November 3, 2022, the Purchasing Division released a Request for Bid (RFB) PW 23-54 with a closing date of December 1, 2022. The solicitation did not receive any bidders. Purchasing inquired with the vendors regarding their lack of response to the bid and learned that the vendors were not familiar with the process through Public Purchase but were still interested in bidding. As a result, Purchasing recommended that Fleet Services repost the bid.

The bid was reposted on December 14, 2022, with a close date of December 28, 2022. The City received three responses, Auto Body International, Inc., Commercial Auto Body and Paint, and Oxnard Auto Body. As a result of the RFB, the City determined Auto Body International, Inc. to be the lowest responsive bidder.

Auto Body International, Inc. is located in Oxnard and meets all required City contractual provisions including possession of a City business tax certificate, insurance certificates and corporate filing with the California Secretary of State. Based

upon the available information and research performed to date, staff believes the vendor is capable of satisfactorily completing the Agreement. Thus, staff recommends that the City Council award this Agreement to Auto Body International, Inc.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The total cost for this agreement with Auto Body International, Inc. shall not exceed $375,000 through March 20, 2026, if extended. Funding will begin in Fiscal Year 2022-23 and there are sufficient funds in the Fleet Services Fund (741). Subsequent fiscal year funding will be requested in the annual budget process. The estimated spending plan per year is as follows:

Estimated Spending Plan for Light and Medium Duty Paint and Body					
Account Number	**FY 2022-23 3 months**	**FY 2023-24 12 months**	**FY 2024-2025 12 months**	**FY 2025-26 9 months**	**TOTAL**
7413750-55030	$ 35,000	$ 125,000	$ 125,000	$ 90,000	**$375,000**

For Finance Use Only: Fleet Fund (Org. 7413750, Object 55030)

COMMITTEE OUTCOME

The Public Works and Transportation Committee approved 2-0 on February 28, 2023 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Jose Arreola, Fleet Services Manager, Brian Yanez, Assistant Public Works Director

ATTACHMENTS

1. Agreement 32300154

TRADE SERVICE AGREEMENT
BETWEEN
THE CITY OF OXNARD AND AUTO BODY INTERNATIONAL, INC.

By This Trade Services Agreement ("Agreement"), the CITY of Oxnard ("CITY") agrees to engage the services of Auto Body International, Inc. ("SERVICE PROVIDER"), and SERVICE PROVIDER agrees to perform the services for CITY as herein described, for the compensation, during the term, and otherwise subject to the covenants and conditions herein set forth. CITY and SERVICE PROVIDER may be individually referred to as "Party" or collectively as the "Parties."

1. SUMMARY DESCRIPTION OF SERVICES. Auto Body International, Inc. will provide auto body repair and painting services for fleet vehicles and equipment, to include but not be limited to general body repair, dent repair, component replacement for exterior/interior body components, collision damage repair, glass repair/replacement including windshields, painting all or portions of vehicle bodies, and other repair services.

2. PARTIES.

CITY OF Oxnard ("CITY"), a general law and municipal corporation of the State of California, located at 300 West Third Street, Oxnard California 93030

Auto Body International, Inc. ("SERVICE PROVIDER"), a corporation of the State of California, located at 932 East 5th St, Oxnard California 93030

3. TERM OF AGREEMENT: From (Date): 3/22/23 To (Date): 3/22/24

3.1 Time is of the essence in this Agreement.

3.2 Any Optional Extension (initial term, plus any option to extend) shall not exceed a total of three (3) years. The CITY in its sole discretion may exercise the optional extension upon 60 days written notice to the SERVICE PROVIDER in accordance with Section 11 of this Agreement. SERVICE PROVIDER shall issue its written consent to the CITY's exercise of the option extension within 10 days of receipt of notice from the CITY. All Notices shall comply with section 20 of this Agreement.

3.3 The CITY shall have the option for (2) two consecutive (1) one-year extensions, in accordance with the scope of work and general terms and conditions of the Trade Services Agreement. Any price increases or decreases shall be negotiated at time of contract extension.

3.4 All services required of SERVICE PROVIDER under this Agreement shall be completed on or before the end of the term of the Agreement.

4. AGREEMENT AMOUNT: $375,000.00

5. AGREEMENT EXHIBITS: The following documents memorialized below are the only exhibits to this agreement and are incorporated by reference as though fully set forth herein. In the event of a conflict between the Exhibits and this Agreement, the Agreement controls.

Exhibit A: Scope of Services
Exhibit B: Schedule of Compensation
Exhibit C: Insurance Requirements
Exhibit D: Living Wage Policy
Exhibit E: Prevailing Wage Policy

6. DESIGNATED REPRESENTATIVES.

The Designated Representatives listed below shall be authorized to act on behalf of the named Party, be responsible for negotiations and contractual matters, and coordinate with each other to perform the services under this Agreement. Additionally, SERVICE PROVIDER's services shall be performed or immediately supervised by the SERVICE PROVIDER's Representative:

CITY Designated Representative:
Name: Jose Arreola
Title: Fleet Services Manager
Phone: (805) 385-8011
Email: jose.arreola@oxnard.org
Mailing Address (if differs from above):
1060 Pacific Ave, Bldg 2
Oxnard, CA 93030

SERVICE PROVIDER Designated Representative:
Name: Heriberto Saucedo
Title: President/CEO
Phone: (805) 486-7811
Email: abicollision@yahoo.com
Mailing Address (if differs from above):

7. CONTRACTUAL PREREQUISITES.

7.1. This Agreement must first be executed by the SERVICE PROVIDER, after which the Agreement shall be approved as to form by the CITY Attorney, then executed by the Mayor, or an authorized person on behalf of the CITY, and if executed by the Mayor shall also be executed by the CITY Clerk.

7.2. A request for modification of the terms, prior to execution of the Agreement, must be made in writing and presented to the Designated Representative of the CITY prior to the time this Agreement is executed.

7.3. All proof of business license, insurance, and W-9 forms is required prior to execution of this Agreement.

7.4 SERVICE PROVIDER shall not perform any work under this Agreement until a proof of insurance has been provided to the City as required under Section 24 of this Agreement.

8. SERVICE PROVIDER'S SERVICES.

8.1 SERVICE PROVIDER shall perform the tasks, obligations, and services set forth in the "Scope of Services," attached to and incorporated into this Agreement as

"Exhibit A." Once this Agreement is executed, the Scope of Services may only be modified by written Amendment pursuant to Section 12 of this Agreement.

8.2 The Services shall be coordinated with the designated City Project Manager set forth in Exhibit A subject to the direction of the City Manager or Department Director. SERVICE PROVIDER hereby designates its Project Manager as set forth in "Exhibit A" as the person responsible for the Services who shall coordinate with City's Project Manager in executing the scope of services under this Agreement.

9. COMPENSATION.

CITY shall pay SERVICE PROVIDER for the services performed pursuant to the terms of this Agreement in the time and manner set forth in the "Schedule of Compensation," attached to and incorporated into this Agreement as **"**Exhibit B." CITY shall pay SERVICE PROVIDER an amount not to exceed the amount that is listed in "Exhibit B." Once this Agreement is executed, the Schedule of Compensation may only be modified by written Amendment pursuant to Section 12 of this Agreement, and may be subject to approval by the City Council.

10. PAYMENT & INVOICES.

The CITY shall pay all undisputed portions of any applicable invoice within forty-five (45) days after receipt of an invoice. In the event the CITY disputes one or more items in an invoice, the CITY shall, within forty-five (45) days after receipt of such invoice, notify the SERVICE PROVIDER of the item(s) being disputed and the reason(s) therefore. The CITY may withhold payment for such disputed items until resolution of the dispute.

10.1 Payment Request. SERVICE PROVIDER shall submit a payment request to CITY by the end of each calendar month listing the Services provided, costs of those Services, and total amount due for the month. Invoices may be emailed to: **invoices@oxnard.org**.

10.2 Non-Appropriation of Funds. Payments to be made to SERVICE PROVIDER by CITY for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of CITY. In the event CITY does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the conclusion of the last fiscal year in which CITY appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

10.3 SERVICE PROVIDER's acceptance of final payment made pursuant to this Agreement shall constitute a release of CITY from all claims and liabilities for compensation to SERVICE PROVIDER for anything completed, finished or relating to the Services. CITY's payment shall not constitute nor be deemed a

release of the responsibility and liability of SERVICE PROVIDER for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by CITY for any defect or error in the Services performed by SERVICE PROVIDER and its employees, agents and Subcontracted service providers.

10.4 SERVICE PROVIDER shall provide CITY with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. If any sales tax is due for the Services performed by SERVICE PROVIDER or materials or products provided to CITY by SERVICE PROVIDER, SERVICE PROVIDER shall pay the sales tax. CITY shall not reimburse SERVICE PROVIDER for sales taxes paid by SERVICE PROVIDER.

11. OPTION TO EXTEND AGREEMENT.

When in the CITY's best interest, this Agreement may only be extended, if the City in its discretion exercises the option to extend pursuant to Section 3.2 and 3.3 of the Agreement. The initial term, plus any option to extend, shall not exceed a total of five (5) years. **If no option to extend the Agreement appears in section 3.2 and 3.3, this Agreement shall not be extended.**

12. MODIFICATION OF AGREEMENT.

This Agreement may be amended, modified, or otherwise altered, or its provisions waived, only upon mutual consent of the Parties by written amendment, and as authorized by the Oxnard Municipal Code, Article IV, Sections 4-59 and 4-60.

13. TERMINATION OF AGREEMENT.

CITY may terminate this Agreement at any time, with or without cause and without penalty, upon fifteen (15) calendar days' prior written notice pursuant to Section 31 of this agreement. Such termination shall be effective on the date specified in the notice, or if no date is specified, then fifteen (15) calendar days from the date of the notice. CITY shall be liable to SERVICE PROVIDER only for work done by SERVICE PROVIDER up to and including the date of termination of this Agreement unless the termination is for cause, in which event SERVICE PROVIDER need be compensated only to the extent required by law. SERVICE PROVIDER may terminate this Agreement at any time during the term of the Agreement by giving the CITY sixty (60) calendar days' written notice.

14. INDEPENDENT CONTRACTOR

SERVICE PROVIDER is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of SERVIE PROVIDER or any of its employees, except as

stated in this Agreement. SERVICE PROVIDER has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting SERVICE PROVIDER. This Agreement shall not be interpreted to prevent or preclude SERVICE PROVIDER from rendering any services for SERVICE PROVIDER's own account or to any other person or entity as SERVICE PROVIDER in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services the SERVICE PROVIDER shall perform for the City. The CITY retains the right to provide general instructions to and observe the SERVICE PROVIDER in the performance of all services done on behalf of the CITY.

SERVICE PROVIDER and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. SERVICE PROVIDER and its employees are not employees of City. SERVICE PROVIDER and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. SERVICE PROVIDER shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City.

15. LAWFUL PERFORMANCE.

SERVICE PROVIDER shall abide by all Federal, State, and Local Laws and Regulations as may be related to the performance of duties under this Agreement. SERVICE PROVIDER, at its sole expense, shall obtain and maintain during the term of this Agreement, all appropriate permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement.

16. SAFETY REQUIREMENTS.

SERVICE PROVIDER shall not perform any services for the CITY when the SERVICE PROVIDER is impaired by alcohol or a controlled substance. When there is reasonable cause to believe that any person has violated this provision, that person shall be immediately removed from the premises and be subject to any applicable civil and/or criminal penalties under the CITY's Code and/or under state law. All work performed under this Agreement shall be performed in such a manner as to provide safety to the public. The CITY reserves the right to issue restraining or cease and desist orders to SERVICE PROVIDER when unsafe or harmful acts are observed or reported relative to the performance of the work under this Agreement. The acceptance of SERVICE PROVIDER's work by CITY shall not operate as a release of the SERVICE PROVIDER from such standard of care and workmanship.

17. OWNERSHIP OF SERVICE PROVIDER'S WORK PRODUCT, CONFIDENTIALITY & DISCLOSURE.

CITY shall be the owner of any and all technical documents and records, including, computations, plans, correspondence, and/or other pertinent data and information, both hard copy and electronic, gathered or prepared by SERVICE PROVIDER in performance of this Agreement and shall be entitled to immediate possession of the same upon completion of the work under this Agreement, or at any earlier or later time when the same may be requested by CITY.

17.1. Records and Inspections. The SERVICE PROVIDER shall maintain full and accurate records, with respect to all services and matters covered under this Agreement. The CITY shall have free access at all reasonable times to such records, both hard copy and electronic, and the right to examine and audit the same and to make transcripts therefrom, and to inspect all program data, documents, proceedings, and activities.

17.2. Deliverables. SERVICE PROVIDER shall deliver to the CITY the studies, plans, specifications, or other documents as are identified in the Scope of Services; and SERVICE PROVIDER shall, upon completion of all work, submit to the CITY all information developed in the course of the SERVICE PROVIDER's services. SERVICE PROVIDER shall, in such time and in such form as the CITY may require, furnish reports concerning the status of services required under this Agreement. SERVICE PROVIDER shall, upon request by CITY and upon completion or termination of this Agreement, deliver to the CITY all material furnished to SERVICE PROVIDER by the CITY.

17.3. Ownership – Generally. All inventions, discoveries, enhancements, changes, or improvements of computer programs developed pursuant to this Agreement shall be the property of the CITY, and all patents or copyrights shall be assigned to the CITY, unless otherwise agreed. SERVICE PROVIDER agrees that CITY may make modifications to computer software furnished by SERVICE PROVIDER without infringing SERVICE PROVIDER's copyright or any license granted to CITY, unless otherwise agreed.

17.4. Ownership of Documents. Every report, draft, work product, map, record, and other document reproduced, prepared, or caused to be prepared by the SERVICE PROVIDER pursuant to or in connection with this Agreement shall be the exclusive property of the CITY.

17.5. Confidentiality. Information that is exempt from disclosure to the public is confidential. This includes information relating to the past, present, or future affairs of the City or information belonging to a third party whose information is in the City's possession or control under obligations of confidentiality. SERVICE PROVIDER may be granted access to information that is exempt from disclosure to the public (Government Code Section 6254 and 6254.16) and may contain "trade secrets"

(see Government Code Section 6254.7(d)) when it is necessary for SERVICE PROVIDER to perform its obligations pursuant to this Agreement. If SERVICE PROVIDER is granted such access to confidential information, SERVICE PROVIDER shall not be considered to be a member of the public as that term is used in Government Code Section 6254.5.

17.6. Disclosure of Information. SERVICE PROVIDER shall not disclose, publish, or authorize others to disclose or publish, design data, drawings, specifications, reports, or other information pertaining to the projects assigned to SERVICE PROVIDER by the CITY or other information to which the SERVICE PROVIDER has had access during the term of this Agreement without the prior written approval of the CITY's Designated Representative during the term of this Agreement and for a period of two (2) years after the termination of this Agreement.

17.7. **No Warranty.** Other than an obligation upon the CITY to deal in good faith, the CITY makes no warranties and shall bear no liability or responsibility for errors or omissions in any Confidential Information disclosed under this Agreement or for any business decisions made by SERVICE PROVIDER in reliance on any Confidential Information disclosed under this Agreement.

18. ASSIGNMENT.

This Agreement is for the non-professional services of SERVICE PROVIDER. Any attempt by SERVICE PROVIDER to assign the benefits or burdens of this Agreement without the prior written approval of CITY shall be prohibited and shall be null and void. SERVICE PROVIDER's services pursuant to this Agreement shall be provided by the SERVICE PROVIDER's Designated Representative or directly under his/her supervision, and SERVICE PROVIDER shall not assign another to supervise the SERVICE PROVIDER's performance of this Agreement without the prior written approval of CITY, by and through the CITY's Designated Representative.

19. NOTICE OF BREACH AND OPPORTUNITY TO CURE.

Neither Party will be in breach of this Agreement where the breach is capable of being cured, or until written notice of the breach is received from the non-breaching Party. The Party charged with breach will have fifteen (15) calendar days from the date of receiving such notice in which to cure the breach or otherwise respond. If the circumstances leading to the charge that the Agreement was breached have not been cured or explained to the satisfaction of the other Party within fifteen (15) days from the date on which the breaching Party received notice of breach, the non-breaching Party may terminate this Agreement.

20. NOTICES.

All notices given or required to be given pursuant to this Agreement shall be in writing and may be given by personal delivery or by first-class mail. Notice sent by mail shall be addressed to each Party's Designated Representative as set forth above in Section 6. When addressed in accordance with this Section, such notice shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices shall be deemed given at the time of actual delivery. Changes may be made in the names or addresses of persons to whom notices are to be given by giving notice in the manner prescribed in this Section.

21. COVENANTS AND CONDITIONS.

Each term and each provision of this Agreement to be performed by SERVICE PROVIDER shall be construed to be both a covenant and a condition.

22. WAIVER.

CITY's review or acceptance of, or payment for, work product prepared by SERVICE PROVIDER under this Agreement will not be construed to operate as a waiver of any rights CITY may have under this Agreement or of any cause of action arising from SERVICE PROVIDER's performance. A waiver by CITY of any breach of any term, covenant, or condition contained in this Agreement will not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this Agreement, whether of the same or different character.

23. INDEMNIFICATION, HOLD HARMLESS & DEFENSE.

23.1 As a separate and independent covenant from SERVICE PROVIDER's obligations under this section, SERVICE PROVIDER shall to the fullest extent permitted by law, immediately defend, indemnify, and hold harmless CITY, its legislative and advisory bodies, and the CITY's officials, directors, officers, employees, and agents (the "Indemnitees") from and against all liabilities regardless of nature, type, or cause, arising out of or resulting from or in connection with SERVICE PROVIDER's performance of this Agreement or SERVICE PROVIDER's failure to comply with any of its obligations contained in this Agreement. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. SERVICE PROVIDER's obligation to indemnify applies unless it is adjudicated that any of the liabilities covered by this Section are the result of the sole active negligence or sole willful misconduct of any of the Indemnitees.

23.2 The duty to defend is a separate and distinct obligation from SERVICE PROVIDER's duty to indemnify. SERVICE PROVIDER shall be obligated to defend in all legal, equitable, administrative, or special proceedings, with counsel approved by the CITY Attorney, immediately upon tender to SERVICE PROVIDER of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An

allegation or determination of negligence or willful misconduct by any of the Indemnitees shall not relieve SERVICE PROVIDER from its separate and distinct obligation to defend the Indemnitees. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes the obligation to provide independent defense counsel if SERVICE PROVIDER asserts that liability is caused in whole or in part by the negligence or willful misconduct of the Indemnitees. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of any of the Indemnitees, SERVICE PROVIDER may submit a claim to CITY for reimbursement of reasonable attorneys' fees and defense costs.

23.3 The review, acceptance or approval of SERVICE PROVIDER's work or work product by any of the Indemnitees shall not affect, relieve or reduce SERVICE PROVIDER's indemnification or defense obligations. SERVICE PROVIDER waives any right of contribution against CITY or any of CITY's officers, employees, agents, or volunteers arising out of such failure to inspect, review, monitor, or supervise the work performed by SERVICE PROVIDER pursuant to this Agreement. The provisions of this Section shall not be restricted by and do not affect the provisions of this Agreement relating to Section 24. The SERVICE PROVIDER's obligations under this Section of the Agreement shall survive the termination of the Agreement.

23.4 SERVICE PROVIDER agrees to pay all required taxes on amounts paid to SERVICE PROVIDER under this Agreement, and to indemnify and hold CITY harmless from any and all taxes, assessments, penalties, and interest asserted against CITY by reason of the independent contractor relationship created by this Agreement. SERVICE PROVIDER shall be solely responsible for, and shall save CITY harmless from, all matters relating to the payment of SERVICE PROVIDER's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable. CITY shall have the right to offset against the amount of any compensation due to SERVICE PROVIDER under this Agreement any amount due to CITY from SERVICE PROVIDER as a result of its failure to promptly pay to CITY any reimbursement or indemnification arising under this Section.

24. INSURANCE.

SERVICE PROVIDER shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within "Exhibit C", which is attached hereto and incorporated herein by this reference, unless the Risk Manager waives, in writing, the requirement that SERVICE PROVIDER obtain and maintain such insurance coverages. Such insurance must be issued by a company satisfactory to the Risk Manager. SERVICE PROVIDER shall, before performance of any Services pursuant to this Agreement, file with the Risk Manager evidence of insurance coverage as specified in "Exhibit C". Maintenance of insurance coverages by SERVICE PROVIDER is a material element of this Agreement. SERVICE PROVIDER'S failure to

maintain or renew insurance coverages or to provide renewal evidence shall be considered a material breach of this Agreement.

25. LIVING WAGE REQUIREMENTS.

During the term of this Agreement, SERVICE PROVIDER understands and agrees that if Living Wages are applicable subject to the 2002 Oxnard City Council Living Wage Policy, attached as "Exhibit D" to this Agreement. SERVICE PROVIDER will pay and/or provide the wages and/or benefits required therein to all of its employees engaged in whole or in part in performing the services provided for by this Agreement. The duty to pay the correct wage is the responsibility of the SERVICE PROVIDER.

26. PREVAILING WAGE REQUIREMENTS.

26.1. Application. The payment of State prevailing wages as designated for Ventura County shall apply to public works projects. However, this section shall not apply to work performed on a public works project of twenty-five thousand dollars ($25,000) or less when the project is for construction, alteration, demolition, installation, or repair work; or to work performed on a public works project of fifteen thousand dollars ($15,000) or less when the project is for maintenance work. Prevailing wages are required to be paid to all workers, including subcontracted employees.

26.2. Compliance with California Department of Industrial Relations (DIR). To determine if this Agreement is subject to compliance monitoring and enforcement, go to:
https://www.dir.ca.gov/Public-Works/PublicWorksSB854FAQ.html

26.3. Contract Splitting. It is unlawful to split, or separate into small portions, work orders, projects, purchases, or public works projects for the purpose of evading these prevailing wage requirements.

26.4. Use of Prevailing Wages vs. Living Wages. In the event that there is a difference between the amount of wages to be paid under the CITY of Oxnard's local Living Wage requirements and the requirements of this provision, the wage rate that is the higher of the two shall be applicable to this Agreement. The duty to pay the correct wage is the responsibility of the SERVICE PROVIDER.

27. [RESERVED] -

28. [RESERVED] –

29. [RESERVED] -

30. DISPUTES.

Except as otherwise provided in these provisions, any dispute concerning a question of fact arising under this Agreement, shall be decided by the CITY's Designated Representative, who shall reduce this decision to writing and mail a copy to the SERVICE PROVIDER. The decision of the CITY's Designated Representative shall be final and conclusive unless SERVICE PROVIDER requests mediation within ten (10) calendar days. Pending final decision of a dispute, the SERVICE PROVIDER shall proceed diligently with the performance of the Agreement and in accordance with the decision of the CITY's Designated Representative.

31. DISPUTE RESOLUTION.

Should an unresolved dispute arise out of this Agreement, any Party may request that it be submitted to mediation. The Parties shall meet in mediation within a reasonable time not to exceed forty five (45) days of a request. The mediator shall be agreed to by the mediating Parties. In the absence of an agreement on a mediator, the Parties shall each submit one name from mediators listed by the American Arbitration Association, the California State Board of Mediation and Conciliation, or other agreed-upon service. The mediator shall be selected by a "blindfold" process. The cost of mediation shall be borne equally by both Parties. Neither Party shall be deemed the prevailing Party. No Party shall be permitted to file a legal action without first meeting in mediation and making a good faith attempt to reach a mediated settlement. The mediation process, once commenced by a meeting with the mediator, shall last until agreement is reached by the Parties but not more than sixty (60) calendar days, unless the maximum time is extended in writing by both Parties.

32. AUDIT.

CITY shall have the option of inspecting, auditing and/or reproducing all records and other written materials: used by SERVICE PROVIDER in preparing its billings to CITY as a condition precedent to any payment to SERVICE PROVIDER; or for other purposes relating to the Agreement. SERVICE PROVIDER will promptly furnish all documents requested by CITY. Additionally, if this Agreement is in excess of $10,000, the State Auditor may examine and audit SERVICE PROVIDER for a period of 3 years after final payment under the Agreement. Regardless of whether a State audit is permitted, SERVICE PROVIDER shall maintain and preserve all such records for a period of at least 3 years after final payment under the Agreement or until an audit has been completed and accepted by CITY, whichever occurs later. SERVICE PROVIDER shall maintain all such records in CITY or to promptly reimburse CITY for all reasonable costs incurred in conducting the audit at a location other than in CITY, including but not limited to expenses for personnel, salaries, private auditor, travel, lodging, meals and overhead. SERVICE PROVIDER shall include a copy of this Section in all contracts with its subcontractors, and SERVICE PROVIDER shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or CITY.

33. ADVERTISING AND PUBLICITY

SERVICE PROVIDER shall not use the name of or refer to CITY directly or indirectly in any advertisement, news release, or professional or trade publication without prior written approval from the City Manager. This Section shall survive the termination of this Agreement.

34. NONDISCRIMINATORY EMPLOYMENT.

SERVICE PROVIDER shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. SERVICE PROVIDER understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, SERVICE PROVIDER shall be responsible for such subcontractor's compliance with this Section.

35. FORCE MAJEURE.

Neither the SERVICE PROVIDER nor the CITY shall be responsible for any delay caused by any contingency beyond their control, including, but not limited to, war or insurrection, walkouts by the Party's own employees, fires, natural calamities, riots, or demands or requirements of governmental agencies other than the CITY.

36. GOVERNING LAW.

The terms of this Agreement shall be interpreted according to the laws of the State of California. Should litigation occur, venue shall be in the Superior Court of California, County of Ventura.

37. SEVERABILITY.

If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect and be enforceable.

38. INTEGRATED AGREEMENT.

This Agreement and the attached exhibits referenced herein to this Agreement represent the entire understanding between the Parties. No verbal agreement or implied covenant shall be held to vary the provisions of this Agreement. This

Agreement shall bind and inure to the benefit of the Parties to this Agreement and any subsequent successors and assigns.

39. NO THIRD-PARTY BENEFICIARY.

This Agreement shall not be construed to be an agreement for the benefit of any third-party or parties, and no third party or parties shall have any claim or right of action under this Agreement.

40. AUTHORITY TO EXECUTE.

Each Party hereto expressly warrants and represents that through its Designated Representative it has the authority to execute this Agreement on behalf of its corporation, partnership, business entity, or governmental entity, and warrants and represents that the Designated Representative has the authority to bind each Party to the performance of its obligations hereunder.

41. EXECUTION – COUNTERPARTS.

This Agreement may be executed in any number of counterparts and each such duplicate counterpart shall constitute an original, but they shall not be effective nor enforceable unless and until it is executed with the handwritten signature of an authorized representative of each of the relevant Parties. No counterpart shall be deemed to be an original or presumed delivered unless and until the counterpart executed by the other Party to this Agreement is in the physical possession of the Party seeking enforcement thereof.

42. INCONSISTENT OR CONFLICTING TERMS.

In the event of any contradictions or inconsistencies between any attached documents or exhibits incorporated by reference herein and the provisions of the Agreement itself, the terms of the Agreement shall control. Any exhibit that is attached and incorporated by reference shall be limited to the purposes for which it is attached, as specified in this Agreement. Any contractual terms or conditions contained in such exhibit imposing additional obligations on the CITY are not binding upon the CITY's Designated Representative unless specifically agreed to in writing, and initiated by CITY's Designated Representative, as to each additional contractual term or condition.

43. ACKNOWLEDGEMENT.

By signing below, SERVICE PROVIDER acknowledges that it has reviewed the CITY's Trade Services Agreement terms and conditions and insurance requirements and that SERVICE PROVIDER hereby agrees to full compliance.

[Signatures on next page]

In witness whereof, the Parties have entered into this Agreement on the date as written in section 3 and upon signature of all Parties.

CITY OF OXNARD

Jennifer Yates,[1] Purchasing Agent — Date

ATTEST:

Rose Chaparro, CITY Clerk (only if Mayor authorizes) — Date

APPROVED AS TO FORM:

Stephen M. Fischer, CITY Attorney (always required) — 2/1/23 Date

AUTO BODY INTERNATIONAL, INC.

Heriberto Saucedo, CEO/President[2] — 1-24-23 Date

Heriberto Saucedo, CFO — 1-24-23 Date

[1] The City Council must authorize any agreement over $200,000 annually. The City Manager may authorize any agreement over $100,000 up to $200,000 annually. The Purchasing Agent may authorize any agreement up to $100,000 annually. All agreements shall be executed by the Purchasing Agent.

[2] The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

EXHIBIT A

TRADE SERVICE AGREEMENT
(CITY of Oxnard and AUTO BODY INTERNATIONAL, INC.)

SCOPE OF SERVICES

SCOPE OF WORK
AUTO BODY LIGHT/ MEDIUM DUTY

The selected proposer will provide body repair and painting to the City of Oxnard on an as needed basis. The proposer must have a minimum of five (5) years recent experience performing similar work/services. The work shall be performed at the proposer's shop unless otherwise agreed to in writing City of Oxnard. Compensation will be based on the prices proposed on the bid form attached as Attachment A.

Body Repair and Painting:

The proposer will provide auto body repair and painting services for fleet vehicles and equipment, to include but not be limited to general body repair, dent repair, component replacement for exterior/interior body components, collision damage repair, glass repair/replacement including windshields, painting all or portions of vehicle bodies, and other repair services. Bent parts are to be straightened and reinforced or replaced if necessary including aluminum body parts. In the event that vehicle decals are damaged, the proposer will obtain new decals from the City of Oxnard or a designated decal provider and apply new decals to the repaired vehicle. Decal removal and installation are to be included in the repair estimate. All bodywork will receive at least three coats of primer: two (2) during bodywork repair, and a minimum of one (1) during the painting process.

General Shop Requirements:

The proposer's body shop will meet the following minimum requirements:

a) Be able to perform complete body repairs, as well as paint vehicles and equipment
b) Maintain a paint booth that is in legal compliance with all applicable laws
c) Maintain a secure storage area for all City of Oxnard owned vehicles
d) Possess a MIG and TIG welder or other electric spot welding equipment for body welding including aluminum body repairs
e) The proposer shall ensure that the vehicle computer systems are disconnected from the vehicle before any welding is done. The proposer is to replace, at his/her expense, any vehicle on board computers damaged by not disconnecting the computers before any welding operations

f) Be available during normal business hours Monday through Friday, 8:00 a.m. to 5:00 p.m.

Estimate Process Requirements:

The proposer will provide estimates for body repair and painting on an as needed basis as requested by City of Oxnard. Estimates will include:

a) Make, model and mileage of vehicle
b) License plate number, VIN number and City of Oxnard unit number
c) BOLDLY state if the estimate is in relation to an incident and note the incident report number (MVIR) and date, if any
d) Itemized list of description of work to be performed
e) Estimated number of labor hours of task
f) Itemized list of parts and paint materials costs
g) All incidentals or miscellaneous shop supplies and charges shall be included and priced accordingly
h) Total repair estimate is to include sales tax
i) Approximate schedule to complete the repairs after receiving a notice to proceed
j) If applicable, any recommendations for future repairs
k) All estimates shall be from an applicable industry standard Collision and Estimating Reference Guide used by insurance appraisers. Proposers shall provide the name and version of the guide or software used

Prior to any repair, the proposer and City of Oxnard Fleet Service Writer or Fleet Supervisor will review the estimate and confirm that the estimate includes an accurate description of the vehicle condition. All repair estimates must be approved by the City of Oxnard in writing in advance of work being performed. Repair work will not start until a notice to proceed is received. The Proposer will assume full liability and responsibility for all vehicles and contents (including radios, aftermarket lighting and other standard or installed equipment) placed in its custody by the City of Oxnard under this contract.

Parts:

All parts used to provide automotive body repair will be new Original Equipment Manufacturer (OEM). Any and all incidental charges shall be included in the proposer's hourly rate. Proposers shall furnish new unused O.E.M., remanufactured O.E.M., vehicle body parts, materials and labor as required in accordance with the provisions and specifications contained herein. If OEM parts are not available or obsolete, notification to the City of Oxnard is required for approval.

Alignment:

Proposer agrees to perform realignment of all vehicles when needed. This shall be a thrust alignment for frame vehicles and four wheel alignment for unibody vehicles. A printout of the readings after the alignment will be included in each repair order. Proposer will ensure personnel or sub-contractor is qualified to perform alignment work.

Frame Work:

Proposer agrees to perform frame straightening of all vehicles when needed. Proposer will ensure personnel or sub-contractor is qualified to perform all framework.

Airbag Components:

All airbag components shall be replaced with NEW O.E.M. parts when the decision has been made to replace the components.

Major Repairs:

If metal body or plastic components are damaged beyond repair, the damaged area will be cut out and replaced with new metal or plastic that is equal to or greater than the original thickness of the component.

Painting Process Requirements:

The paint process will consist of the following in the order listed, utilizing the latest state-of the-art painting and paint matching systems, mixing tools, California compliant water based or solvent based paints and clear coats and spraying tools:

- Primer
- Base Coat
- Clear Coat

Acceptable Paint Manufacturers:

All paints used will be from a qualified and reputable paint manufacturer, such as Diamont, Dupont, PPG, Akzonobel Sikkens or equivalent. Proposers shall provide the name of the paint manufacturer used and warranty in each estimate. No single stage paints shall be used. All Paints shall be CARB compliant.

Warranty:

All parts and supplies provided shall be warranted for a minimum period of six (6) months or twelve thousand (12,000) miles, or for any manufacturer warranty period, whichever is greater. Warranted parts shall be replaced with new parts. All warranty information will be made available to the City of Oxnard. Unsatisfactory repairs include, but are not limited to, paint swirls, fish eye

blemishes, mismatched paint color, buffer burns, as well as any other defects and/or imperfection in body work or paint finish.

Pickup and Delivery:

The proposer will provide free pickup and delivery of vehicles, including vehicle tow as necessary, when repairs or painting is required. The repaired vehicles will be returned to the City of Oxnard by personnel with the knowledge necessary to review and discuss the quality of completeness of the repairs and review the vehicle condition report with the City of Oxnard representative. If it is determined that the vehicle is not properly repaired, the vehicle will be returned to the proposer's shop for repair and delivery at no additional charge. All vehicles shall be returned to the City of Oxnard within 24 hours of completion of repairs.

Time for Performance:

Time is of the essence in returning City of Oxnard vehicles to service. The successful proposer agrees that work assigned under contract shall receive priority over the other work in its shop, unless specific prior approval has been obtained from the City of Oxnard.

EXHIBIT B

TRADE SERVICE AGREEMENT
(CITY of Oxnard and AUTO BODY INTERNATIONAL, INC.)

SCHEDULE OF COMPENSATION

Labor Costs

Line Item	Vehicle Type	Type of Labor	Quantity	Unit of Measure	Price
1	Light Duty	Body Repair	1	Per Hour	$56.00
2	Light Duty	Aluminum Body Repair	1	Per Hour	$70.00
3	Light Duty	Frame Repair	1	Per Hour	$68.00
4	Light Duty	Glass Repair	1	Per Hour	$56.00
5	Light Duty	Mechanical Repair	1	Per Hour	$70.00
6	Light Duty	Paint	1	Per Hour	$56.00
7	Light Duty	Paint Supplies	1	Per Hour	$38.00
8	Medium Duty	Body Repair	1	Per Hour	$56.00
9	Medium Duty	Frame Repair	1	Per Hour	$68.00
10	Medium Duty	Glass Repair	1	Per Hour	$56.00
11	Medium Duty	Mechanical Repair	1	Per Hour	$70.00
12	Medium Duty	Paint	1	Per Hour	$56.00
13	Medium Duty	Paint Supplies	1	Per Hour	$38.00
				Bid Total	**$695.00**

Parts and Supplies

Line Item	Product	Specifications	Discount Off Manufacturer's Suggested Retail Price
14	OEM Replacement Parts	Domestic, Light Duty	5% Off
15	OEM Replacement Parts	Import, Light Duty	5% Off
16	Aftermarket/ Used Replacement Parts	Light Duty	5% Off
17	OEM Replacement Parts	Medium Duty	5% Off
18	Aftermarket/ Used Replacement Parts	Medium Duty	5% Off

EXHIBIT C

TRADE SERVICES AGREEMENT
(CITY of Oxnard and AUTO BODY INTERNATIONAL, INC.)

INSURANCE REQUIREMENTS

Prior to contract approval, CONSULTANT/SERVICE PROVIDER/SELLER/BIDDER (hereafter referred to as "SERVICE PROVIDER") must procure, agree to maintain and supply evidence of insurance at the levels listed and in accordance with the other provisions listed in this document.

[See next pages]

Exhibit INS-V

INSURANCE REQUIREMENTS FOR VENDORS/CONTRACTORS
(WHO REPAIR, INSTALL OR MAINTAIN VEHICLES AND EQUIPMENTS IN VENDORS/CONTRACTORS CARE, CUSTODY AND CONTROL)

City of Oxnard's Fleet Services Department cannot process any transactions until the following insurance documents have been submitted.

1. Contractor shall obtain and maintain during the performance of any services under this Contract the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Contractor, its agents, representatives, employees or subcontractors.

   a. Commercial General Liability Insurance, including Contractual Liability in an amount not less than $1,000,000 Occurrence/$2,000,000 Aggregate for bodily injury and property damage for each claimant for General Liability with coverage equivalent to Insurance Services Office Garage Insurance Coverage form. Contractor is required to provide Additional Insured Endorsement naming City of Oxnard as additional insured.

   b. Business Automobile Liability Insurance in an amount of $1,000,000 combined single limit for bodily injury and property damage which may arise from or in connection with the performance of services hereunder by Vendor/Contractor, its agents, representatives, employees or subcontractors. Contractor is required to provide Additional Insured Endorsement naming City of Oxnard as additional insured.

   c. When City vehicles are in the care, custody and control of the Contractor, Garagekeepers Legal Liability in an amount not less than $1,000,000 per claimant must be provided.

   d. Workers' Compensation Insurance in compliance with the laws of the State of California, and Employer's Liability Insurance in an amount not less than $1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Contractor shall, prior to performance of any services, file with the Risk Manager, certificates of insurance with original endorsements effecting coverage required by this Exhibit INS-T. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements will be requested via email. If you have not received your request or are having difficulty with the electronic upload, contact insurance@oxnard.org.

3. Contractor agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better. Contractor is responsible to provide immediate notification to Risk Manager in the event coverage is suspended, voided, canceled or reduced in coverage.

4. Contractor agrees that the Commercial General Liability Insurance and Garagekeepers Legal Liability Insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Contractor; products and completed operations of Contractor; premises owned, occupied or used by Contractor; or automobiles owned, leased, hired or borrowed by Contractor. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **Required forms for Commercial General Liability Insurance and Garagekeepers Legal Liability Endorsements are ISO form CG 2010 11/85 or if not available, CG 2010 with an edition date prior to 01/04 and CG 2037, or equivalent.**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance or self-insurance coverages **(this must be endorsed)**. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the Contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Contractor shall also be applicable to Contractor's subcontractors. Contractor agrees to maintain appropriate agreements with subcontractors and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

12/22

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notice of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

INS-V.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	**GENERAL LIABILITY** [x] COMMERCIAL GENERAL LIABILITY [x] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE $1,000,000 PRODUCTS COMP/OP AGG. $1,000,000 PERSONAL & ADV. INJURY $1,000,000 EACH OCCURRENCE $1,000,000 FIRE DAMAGE (Any one fire) $ MED. EXPENSE (Any one person) $
A	**AUTOMOBILE LIABILITY** [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT $1,000,000 BODILY INJURY $ (Per person) BODILY INJURY $ (Per accident) PROPERTY DAMAGE $
A	**EXCESS LIABILITY** UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE $ AGGREGATE $
A	**WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY**				STATUTORY LIMITS EACH ACCIDENT $1,000,000 DISEASE-POLICY LIMIT $1,000,000 DISEASE-EACH EMPLOYEE $1,000,000
A	**OTHER** Errors and omissions insurance or malpractice insurance available for the insured's profession; if architectural, engineering or electrical work will be performed under the Agreement				Minimum coverage $1,000,000 Each consultant/ & listed sub-consultant $500,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

City of Oxnard % Evident ID, Inc.
8520 Allison Pointe Blvd Ste 223
PMB 52150
Indianapolis, Indiana 46250-4299
US

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

GENERAL LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER
Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

☐ Deductible ☐ Self-Insured Retention (check which) of $ ____
with an Aggregate of $_____ applies to __
coverage. ☐ Per Occurrence ☐ Per Claim
(which)

APPLICABILITY This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:
CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY ☐ Claims Made
☐ COMMERCIAL GENERAL LIABILITY Retroactive Date _____
☐ COMPREHENSIVE GENERAL LIABILITY _____
☐ OWNERS & CONTRACTORS PROTECTIVE ☐ Occurrence

COVERAGES

	LIABILITY LIMITS IN THOUSANDS $	
	EACH OCCURRENCE	AGGREGATE
☐ GENERAL		
☐ PRODUCTS/COMPLETED OPERATIONS		
☐ PERSONAL & ADVERTISING INJURY		
☐ FIRE DAMAGE		
☐ _____		
☐ _____		

OTHER PROVISIONS

CLAIMS:
Underwriter's representative for claims pursuant to this insurance.
Name: _____
_____ _____
_____
(_____) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG 0001; or
   b. If excess, affords coverage which is at least as broad as the primary insurance form CG 0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

City of Oxnard % Evident ID, Inc.
8520 Allison Pointe Blvd Ste 223
PMB 52150
Indianapolis, Indiana 46250-4299 US

AUTHORIZED REPRESENTATIVE

☐ Broker/Agent ☐ Underwriter ☐ __
I _____
(print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.
Signature _____
(original signature required)
Telephone: (_____) _____
Date Signed _____

Rev. 12/22 INS-T.doc

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT FOR THE CITY OF OXNARD (the "City")	**SUBMIT IN DUPLICATE** ENDORSEMENT NO. / ISSUE DATE (MM/DD/YY)
PRODUCER Telephone: NAMED INSURED	POLICY INFORMATION: Insurance Company: Policy No.: Policy Period: (from) (to) LOSS ADJUSTMENT EXPENSE ☐ Included in Limits ☐ In Addition to Limits ☐ Deductible ☐ Self-Insured Retention (check which) of $ __ with an Aggregate of $_____ applies to _ coverage. ☐ Per Occurrence ☐ Per Claim (which) APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered: CITY AGREEMENTS/PERMITS
TYPE OF INSURANCE COMMERCIAL AUTO POLICY BUSINESS AUTO POLICY OTHER	**OTHER PROVISIONS**
LIMIT OF LIABILITY **$ _____ per accident, for bodily injury and property damage.**	**CLAIMS:** Underwriter's representative for claims pursuant to this insurance. Name:_____ Address:_____ Telephone:(_____)_____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED.** The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED.** As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST.** This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE.** With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES.** Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE.** This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or
   b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER	
City of Oxnard % Evident ID, Inc. **8520 Allison Pointe Blvd Ste 223** **PMB 52150** **Indianapolis, Indiana 46250-4299 US**	**AUTHORIZED REPRESENTATIVE** ☐ Broker/Agent ☐ Underwriter ☐ _____ I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement. Signature _ *(original signature required)* Telephone: (_____) _____ Date Signed _____

Rev.12/22 INS-T.doc

EXHIBIT D

TRADE SERVICES AGREEMENT
(CITY of Oxnard and AUTO BODY INTERNATIONAL, INC.)

LIVING WAGE POLICY

Pursuant to the Living Wage Policy adopted July 9, 2002 by the City Council and effective October 1, 2002, the City Manager and City Attorney are directed to include the following language in all standard trade services contracts and all unique trade services contracts governed by the Living Wage Policy.

A. SERVICE PROVIDER shall compensate any employee of SERVICE PROVIDER who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as the Living Wage Policy Exhibit. While this Agreement is in effect, SERVICE PROVIDER shall pay such employee no less than $18.22 per hour for each hour that such employee provides services under this Agreement. In addition, while this Agreement is in effect, SERVICE PROVIDER shall provide to such employee no less than 96 hours of paid leave per calendar year.

B. SERVICE PROVIDER agrees to post, at a location readily accessible to those employees providing services to the CITY, a copy of the Living Wage Policy adopted by City Council on July 9, 2002 and effective October 1, 2002.

C. If SERVICE PROVIDER fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to SERVICE PROVIDER, effective immediately.

D. In addition, if SERVICE PROVIDER fails to comply with the Living Wage Policy in any manner, SERVICE PROVIDER shall pay to CITY a fine of $500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. SERVICE PROVIDER shall pay such fine and penalty within fifteen (15) calendar days after the City Manager or designee provides written notice to SERVICE PROVIDER of the amount owed.

CITY OF OXNARD LIVING WAGE REQUIREMENTS
EFFECTIVE JULY 1, 2022

SERVICE PROVIDER shall compensate any employee of SERVICE PROVIDER who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit D. While this Agreement is in effect, SERVICE PROVIDER shall pay such employee no less than $18.22 per hour for each hour that such employee provides services under this Agreement. This hourly rate shall be adjusted on July 1, 2023, and each July 1 thereafter, according to the percentage change in the Consumer Price Index, all items, prepared by the Bureau of Labor Statistics for the Los Angeles area relating to all urban consumers (CPI-U), index base 1982-84=100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, SERVICE PROVIDER shall provide to such employee no less than 96 hours of paid leave per calendar year.

a. SERVICE PROVIDER agrees to post, at a location readily accessible to those employees providing services to the CITY, a copy of the Living Wage Policy adopted by the Oxnard City Council on July 9, 2002 and effective October 1, 2002.

b. If SERVICE PROVIDER fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to SERVICE PROVIDER, effective immediately.

c. In addition, if SERVICE PROVIDER fails to comply with the Living Wage Policy in any manner, SERVICE PROVIDER shall pay to CITY a fine of $500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. SERVICE PROVIDER shall pay such fine and penalty within fifteen (15) calendar days after the City Manager or designee provides written notice to SERVICE PROVIDER of the amount owed.

EXHIBIT E

TRADE SERVICES AGREEMENT
(CITY of Oxnard and AUTO BODY INTERNATIONAL, INC.)

PREVAILING WAGE

1. SERVICE PROVIDER acknowledges that the Project defined in the Agreement between SERVICE PROVIDER and CITY is a "public work" as defined in Division 2, Part 7, Chapter 1 of the California Labor Code ("Chapter 1"), and that this Agreement is subject to Chapter 1 and the rules and regulations established by the Director of Industrial Relations ("DIR") implementing such statutes. SERVICE PROVIDER shall perform the Project as a public work. SERVICE PROVIDER shall comply with and be bound by all the terms, rules and regulations described in Chapter 1 and the DIR's rules and regulations as though set forth in full herein.

2. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Agreement are on file at City Hall and will be made available to any interested party on request. SERVICE PROVIDER acknowledges receipt of a copy of the DIR determination of such prevailing rate of per diem wages, and SERVICE PROVIDER shall post such rates at each job site covered by this Agreement.

3. SERVICE PROVIDER is required to post job site notices, as prescribed by regulation. See Labor Code Section 1771.4(a)(2).

4. SERVICE PROVIDER shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. SERVICE PROVIDER shall, as a penalty to CITY, forfeit not more than $200 for each calendar day or portion thereof for each worker paid less than the DIR's determined prevailing rates for the work or craft in which the worker is employed pursuant to this Agreement by SERVICE PROVIDER or any subcontractor. The Labor Commissioner shall determine the amount of the penalty as described in Section 1775.

5. SERVICE PROVIDER shall comply with Labor Code Section 1776, which requires SERVICE PROVIDER and each subcontractor to (1) keep accurate payroll records and verify such records in writing under penalty of perjury, (2) certify and make such payroll records available for inspection, and (3) inform CITY of the location of the records.

6. SERVICE PROVIDER shall comply with Labor Code Sections 1777.5, 1777.6 and 1777.7 and California Administrative Code Title 8, Section 200 et seq. concerning the employment of apprentices on public works projects for all apprenticeable occupations. Before commencing work under this Agreement, SERVICE PROVIDER shall provide CITY with a copy of the information submitted to any applicable apprenticeship program. Within 60 days after concluding the Project,

SERVICE PROVIDER and each of its subcontractors shall submit to CITY a verified statement of the journeyman and apprentice hours performed under this Agreement.

7. SERVICE PROVIDER may not be debarred or suspended throughout the Agreement Term pursuant to Labor Code Section 1777.1 or 1777.7. If he, she or it becomes debarred or suspended in the Agreement Term, SERVICE PROVIDER must immediately notify CITY.

8. SERVICE PROVIDER is not qualified to bid on, be listed in a Bid proposal, or engage in the performance of any contract for public work, as defined in Labor Code Sections 1720 through 1861, unless currently registered and qualified to perform public work pursuant to Labor Code Section 1725.5. SERVICE PROVIDER shall continue without interruption to stay registered and qualified to perform public work pursuant to Section 1725.5 for the duration of the term of this Agreement. This provision does not apply to construction, alteration, demolition, installation or repair work of $25,000 or less or to maintenance work of $15,000 or less.

9. SERVICE PROVIDER acknowledges that 8 hours labor constitutes a legal day's work. SERVICE PROVIDER shall comply with and be bound by Labor Code Section 1810.

10. SERVICE PROVIDER shall comply with and be bound by Labor Code Section 1813 concerning penalties for workers who work excess hours. SERVICE PROVIDER shall, as a penalty to CITY, forfeit $25 for each worker employed in the performance of this Agreement by SERVICE PROVIDER or by any subcontractor for each calendar day during which such worker is required or permitted to work more than 8 hours in any calendar day and 40 hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code Section 1815, work performed by SERVICE PROVIDER's employees in excess of 8 hours per day and 40 hours per week shall be permitted upon public work upon compensation for all hours worked in excess of 8 hours per day at not less than 1 ½ times the basic rate of pay.

11. The Project listed in the Agreement is subject to compliance monitoring and enforcement by the DIR.

12. SERVICE PROVIDER shall be responsible for each and every one of its subcontractors' compliance with Chapter 1, the DIR's rules and regulations, and Labor Code Sections 1860 and 3700. SERVICE PROVIDER shall include in the written contract between it and each subcontractor a copy of, and a requirement that each subcontractor shall comply with, those statutory provisions. SERVICE PROVIDER shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractors' compliance, including without limitation, conducting a periodic review of the certified payroll records of each subcontractor, and upon becoming aware of the failure of the subcontractor to pay its workers the specified prevailing rate of wages, SERVICE PROVIDER shall diligently take corrective action to halt or rectify any failure.

13. To the maximum extent, SERVICE PROVIDER shall hold harmless, defend (with counsel approved by the City Attorney) and indemnify CITY, its legislative bodies, and its officials, officers, employees and agents from any demand or claim for damages, compensation, fines, penalties or other amounts arising out of or incidental to any acts or omissions listed above by any person or entity (including Service Provider, its subcontractors, and each of their officials, officers, employees and agents) in connection with any work undertaken or in connection with the Agreement, including without limitation the payment of all attorneys' fees and other related costs. All duties of SERVICE PROVIDER under this Section shall survive Agreement termination.

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.10

DATE: March 21, 2023

TO: City Council

FROM: Alexander Hamilton, Fire Chief, (805) 385-7700, alexander.hamilton@oxnard.org

SUBJECT: Blanket Purchase Orders No. 32300265 Increase Request for All Star Fire Equipment.

RECOMMENDATION

That the City Council authorize the Mayor to execute an amendment to Blanket Purchase Order No. 32300265 with All Star Fire Equipment to increase the Purchase Order by $200,000 for a total amount not to exceed $400,000 for the purchase of structural firefighting Personal Protective Equipment (PPE) or turn outs and fire hose.

(The Community Development, Public Safety and Housing Committee approved 3-0 on 28 February, 2023 to forward the item for Council approval.)

BACKGROUND

Currently the Fire Department has an existing Blanket Purchase Order (BPO) for All Star Fire Equipment with a Not To Exceed amount of $200,000. All Star is the approved vendor locally to supply turnouts manufactured by Lion. The department uses Lion for their turnouts as they are the only United Laboratories (UL) verified particulate blocking firefighting turnout gear on the market. The design helps limit our firefighters exposure to carcinogenic materials found in the products of combustion.

DISCUSSION

The Fire Department has an existing BPO for All Star Fire Equipment with a Not To Exceed amount of $200,000. Currently, the department has spent approximately $170,000, primarily for turnouts but also for hoods, helmets, boots and other miscellaneous equipment and supplies. The Fire Department needs to increase the value of this BPO to $400,000 to allow for the purchase of 25 sets of turnouts for the recruit academy scheduled to begin February 21, 2023. Additionally, the department had to remove 15 sets of turnouts from service after they failed their annual inspection. These two purchases will be approximately $181,000. The department will also likely need to purchase fire hose from All Star Fire Equipment so we are raising the Not To Exceed amount to ensure there is an adequate limit for all needs for the remainder of the fiscal year.

STRATEGIC PRIORITIES

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

There is sufficient FY2022-23 budget available in the Fire Department's budget to fund this amendment.

For Finance Use Only: General Fund ($106K - Org. 1012501, Obj. 52610, Project B2301 FIRE ACADEMY, $75K - Org. 1012501, Obj. 52610)

COMMITTEE OUTCOME

The Community Development, Public Safety and Housing Committee approved 3-0 on 28 February, 2023 to forward the item for Council approval.

Prepared by: Alexander Hamilton, Fire Chief

ATTACHMENTS

1. Increase All Star PO PPT

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.10

DATE: March 21st, 2023

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Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/FJHRLrzKqOw

BACKGROUND

Currently the Fire Department has an existing Blanket Purchase Order (BPO) for All Star Fire Equipment with a Not To Exceed amount of $200,000. All Star is the approved vendor locally to supply turnouts manufactured by Lion. The department uses Lion for their turnouts as they are the only United Laboratories (UL) verified particulate blocking firefighting turnout gear on the market. The design helps limit our firefighters exposure to carcinogenic materials found in the products of combustion.

DISCUSSION

The Fire Department has an existing BPO for All Star Fire Equipment with a Not To Exceed amount of $200,000. Currently, the department has spent approximately $170,000, primarily for turnouts but also for hoods, helmets, boots and other miscellaneous equipment and supplies. The Fire Department needs to increase the value of this BPO to $400,000 to allow for the purchase of 25 sets of turnouts for the recruit academy scheduled to begin February 21, 2023. Additionally, the department had to remove 15 sets of turnouts from service after they failed their annual inspection. These two purchases will be approximately $181,000. The department will also likely need to purchase fire hose from All Star Fire Equipment so we are raising the Not To Exceed amount to ensure there is an adequate limit for all needs for the remainder of the fiscal year.

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Prepared by: Alexander Hamilton, Fire Chief

ATTACHMENTS

1. Increase All Star PO PPT

FIRE DEPARTMENT
Increasing Blanket PO for All Star Fire Equipment

Alexander Hamilton, Fire Chief

CITY OF OXNARD CALIFORNIA

RECOMMENDATION

That the City Council authorize the Mayor to execute an amendment to Blanket Purchase Order No. 32300265 with All Star Fire Equipment to increase the Purchase Order by $200,000 for a total amount not to exceed $400,000 for the purchase of structural firefighting Personal Protective Equipment (PPE) or turn outs and fire hose.



BACKGROUND

- In March 2018, the city released an RFB for structural firefighting turnouts.
- Lion manufacturing was the only vendor that responded to the request.
- All Star Fire Equipment is the sole vendor for Lion turnouts due to territorial restrictions
- RedZone is the only UL verified particulate blocking turnout material.



DISCUSSION

- The city currently has a not-exceed-amount of $200,000 in this agreement, with $170,000 has been spent so far
- The department needs to order 25 sets of turnouts for the upcoming recruit academy ($113,456.13)
- Additionally the department had to remove 15 sets of turnouts from service due to damage. This was an unanticipated expense. ($68,073.68)
- The department anticipates ordering some more hose hence raising the not to exceed amount to $400,000

CITY OF
OXNARD
CALIFORNIA

QUESTIONS?

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.11

DATE: March 21, 2023

TO: City Council

FROM: Alexander Hamilton, Fire Chief, (805) 385-7700, alexander.hamilton@oxnard.org

SUBJECT: Purchase Order with Motorola for $277,438.89 for 25 Radios.

RECOMMENDATION

That the City Council authorize the Mayor to sign a Purchase Order with Motorola Solutions in the amount of $277,438.89 for the purchase of twenty-five (25) APX 8000 all-band portable radios with spare batteries and remote speaker microphones.

(The Community Development, Public Safety and Housing Committee approved 3-0 on February 28, 2023 to forward the item for Council approval.)

BACKGROUND

The Oxnard Fire Department (OFD) dispatch services are provided by Ventura County Fire Protection District (VCFD)Fire Communications Center (FCC). FCC will be transitioning their communications from single band radios to all-band radios in the next two (2) to four (4) years. Additionally, the Oxnard Police Department (OPD) will be transitioning from single band Very High Frequency (VHF) to 800 Megahertz (800MHz) radio communications in the next two (2) to three (3) years. Both of these changes will require OFD to replace all mobile and portable radios to maintain our ability to be dispatched by FCC and maintain operational communications with OPD.

DISCUSSION

Currently, the OFD utilizes the Motorola APX 6000 single-band portable radios and has begun incorporating Motorola APX8000 radios into use. The Motorola APX 8000 all-band portable radios are identical to the APX 6000 radios already in use with the exception of the increased all-band capability. Once FCC completes the transition to a new all-band dispatch system and/or OPD begins using 800 MHz communications, all OFD radios will need all-band functionality to communicate with FCC or OPD. The identical operation of the APX 6000 and APX 8000 will be critical while both radios overlap in service over the next few years. Additionally, the Ventura County Fire Department is also transitioning to the use of APX 8000 handheld radios and will be able to assist with troubleshooting, repairs and programming if needed. Pursuant to City of Oxnard Ordinance Number 2943, adopted June 19, 2018, the use of a "cooperative agreement", whereby multiple government agencies, cooperative entities, or jurisdictions enter into a contract to procure from each other or to collectively procure a vendor, contractor or consultant is permitted. Twenty Five (25) radios will be purchased from Motorola Solutions based on cooperative agreement pricing provided by Houston-Galveston Area Council ("H-GAC") contract number RA05-21, valid August 1, 2021 through July 31, 2023. The agreement provides a 27% discount off list prices for participating agencies.

STRATEGIC PRIORITIES

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

The cost of twenty-five (25) Motorola APX8000 portable radios is included in the OFD FY22/23 budget.

COMMITTEE OUTCOME

The Community Development, Public Safety and Housing Committee approved 3-0 on February 28, 2023 to forward the item for Council approval.

Prepared by: Alexander Hamilton, Fire Chief

ATTACHMENTS

1. Motorola Solutions Quote 25 APX8000
2. PO for radios PPT

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.11

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FINANCIAL IMPACT

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Prepared by: Alex Hamilton, Fire Chief

ATTACHMENTS

1. Motorola Solutions Quote 1952187
2. Motorola PPT

MOTOROLA SOLUTIONS

QUOTE-1952187
(25) APX 8000 XE RSM

Billing Address:
OXNARD FIRE DEPT, CITY OF
360 W SECOND ST
OXNARD, CA 93030
US

Quote Date:11/14/2022
Expiration Date:02/14/2023
Quote Created By:
Mark Streker
Sr. Account Executive
mark.streker@
motorolasolutions.com
8052498391

End Customer:
OXNARD FIRE DEPT, CITY OF
Mike McCaslin
michael.mccaslin@oxnard.org
805-625-3396

Contract: HGAC

Line #	Item Number	Description	Qty	List Price	Disc %	Sale Price	Ext. Sale Price
	APX™ 8000 Series	APX8000XE					
1	H91TGD9PW7AN	APX 8000 ALL BAND PORTABLE MODEL 3.5	25	$7,475.00	27.0%	$5,456.75	$136,418.75
1a	QA02006AC	ENH: APX8000XE RUGGED RADIO	25	$880.00	27.0%	$642.40	$16,060.00
1b	QA01427AG	ALT: APX8000/XE HOUSING GREEN	25	$28.00	27.0%	$20.44	$511.00
1c	Q806CB	ADD: ASTRO DIGITAL CAI OPERATION	25	$567.00	27.0%	$413.91	$10,347.75
1d	Q361AN	ADD: P25 9600 BAUD TRUNKING	25	$330.00	27.0%	$240.90	$6,022.50
1e	H38BS	ADD: SMARTZONE OPERATION	25	$1,650.00	27.0%	$1,204.50	$30,112.50
1f	Q629AH	ENH: AES ENCRYPTION AND ADP	25	$523.00	27.0%	$381.79	$9,544.75
1g	QA00580AA	ADD: TDMA OPERATION	25	$495.00	27.0%	$361.35	$9,033.75
1h	QA03400AA	DEL: FCC NARROWBANDING MANDATE	25	$0.00	0.0%	$0.00	$0.00

Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the ""Underlying Agreement"") that authorizes Customer to purchase equipment and/or services or license software (collectively ""Products""). If no Underlying Agreement exists between Motorola and Customer, ther Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

MOTOROLA SOLUTIONS

QUOTE-1952187
(25) APX 8000 XE RSM

Line #	Item Number	Description	Qty	List Price	Disc %	Sale Price	Ext. Sale Price
1i	Q53AF	ADD: FRONT PANEL PROGRAMMING & CLONING	25	$165.00	27.0%	$120.45	$3,011.25
1j	Q498AU	ENH: ASTRO 25 OTAR W/ MULTIKEY	25	$814.00	27.0%	$594.22	$14,855.50
1k	Q887AU	ADD: 5Y ESSENTIAL SERVICE	25	$306.00	0.0%	$306.00	$7,650.00
2	PMMN4137A	XVE500 REMOTE SPEAKER MICROPHONE, HIGH IMPACT GREEN, NO CHANNEL KNOB	25	$642.60	25.0%	$481.95	$12,048.75

Subtotal	$346,890.00
Total Discount Amount	$91,273.50
Estimated Tax	$21,822.39
Grand Total	$277,438.89(USD)

Notes:

- ****5Y ESSENTIAL SERVICE Not taxable in Ca.

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Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

MOTOROLA SOLUTIONS PURCHASE ORDER

ALEXANDER HAMILTON,FIRE CHIEF

OXNARD
CALIFORNIA

MOTOROLA SOLUTIONS

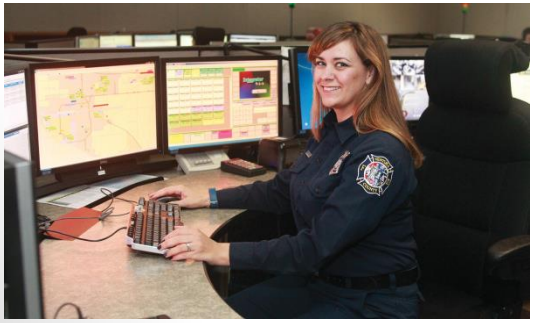
RECOMMENDATION:

That the Community Services, Public Safety, Housing & Community Development Committee recommend the City Council authorize the Mayor to sign a Purchase Order with Motorola Solutions in the amount of $277,438.89.

OXNARD CALIFORNIA

BACKGROUND

- OXNARD FIRE DEPARTMENT IS DISPATCHED BY VENTURA COUNTY FIRE DEPARTMENT'S FIRE COMMUNICATIONS CENTER (FCC)
- FCC WILL TRANSFER DISPATCH SERVICES TO ALL-BAND RADIOS WITHIN THE NEXT 2-3 YEARS.
- OXNARD FIRE DEPARTMENT WILL BE REQUIRED TO REPLACE ALL MOBILE AND PORTABLE RADIOS TO CONTINUE RECEIVING COMMUNICATIONS FROM FCC



MOTOROLA SOLUTIONS

THE EQUIPMENT:

- MOTOROLA APX 8000XE (25)
- USED BY RESPONDERS ON EVERY EMERGENCY
- MISSION CRITICAL TO SAFE OPERATIONS



OXNARD CALIFORNIA

WHY MOTOROLA APX 8000?

- INTEROPERABILITY (VHF, UHF, 700 MHZ)
- REGIONAL STANDARDIZATION
- QUALITY
- USED WITH PREVIOUSLY PURCHASED RADIOS







OXNARD CALIFORNIA

PROCUREMENT PROCEDURE

- COOPERATIVE AGREEMENT
- ALLOWABLE PER CITY OF OXNARD ORDINANCE NUMBER 2943
- HOUSTON-GALVESTON AREA CONTRACT RA05-21
- DISCOUNT OF 27%

HGACBuy
THE SMART PURCHASING SOLUTION

MOTOROLA SOLUTIONS PURCHASE ORDER







QUESTIONS?

FIRE
FD
OXNARD
Est. 1899
RESCUE

CITY OF
OXNARD
CALIFORNIA

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.12

DATE: March 21, 2023

TO: City Council

FROM: Shiri Klima, Deputy City Manager, (805) 385-7487, shiri.klima@oxnard.org

SUBJECT: Update on Status and Accomplishments of Current Measure O Projects.

RECOMMENDATION

That the City Council receive and file this report.

(The Measure O Citizen Oversight Committee heard this update at its January 26, 2023, meeting and recommended the item be forwarded to the City Council.)

BACKGROUND

At the March 1, 2023, City Council meeting, staff presented an update on the status of each active Measure O project. This is the same status report one year later.

DISCUSSION

As of January 10, 2023, Measure O funds a total of 41 active projects: 24 ongoing operational projects, 6 ongoing debt service items, and 11 one-time funded projects. Ongoing funded projects receive a specific amount of funds each fiscal year; if staff does not use all of the funding from that fiscal year, we cannot roll over unused funds to the following fiscal year. One-time funded projects receive the approved funding only once, and staff expend the funds throughout the course of the project, even if these funds roll over to the next fiscal year. Once the funds are depleted that project receives no more funding.

Many of the Measure O funded programs that were halted during the pandemic resumed in-person activity in 2022 as it became safe to do so. However, the pandemic still influenced project progress in 2022 by causing supply chain delays, materials shortages, and inflation. Despite these challenges, Measure O projects moved forward and progressed well. In the table below are the status updates on all active Measure O funded projects.

	Project Name	Expenses as of 1/10/2023	Status Update on Project	Project Accomplishments
Ongoing Projects				
1.	MO5401 - Homework Center Main Library	$24,060 expended of the $64,894.00 annual budget.	The Homework Center provided both digital and in-person	• Over 191 students have been served. • Over 134 hours have been dedicated by staff to digital

			homework help. Digital help was made available to K-12 students during regular library hours by appointment via video conferencing. In-person help was mostly done by appointment, but as of November 2022 walk-in hours were reestablished.	homework help through 2022.
2.	MO5402 - Library Wi-Fi Operational	Of the $2,000 annual budget, no fund has been expended in FY23 because this service was prepaid in another year.	Wifi provides a connection point for both staff and patrons as the internal physical network is old, close to end of life, and unreliable at times.	• Over 86 digital programs and electronic resources available to patrons • Wifi available to community at three library locations • 1.8 Terabytes of data used August 1 through December 31, 2022 (1TB is equivalent to 1 million books, 250 2-hour movies, or 213 DVDs.)
3.	MO5403 - Library Integrated System	$21,413 expended of the $79,315 annual budget.	Staff have continued to use the system through 2022 with no major issues. It has proven stable, reliable and efficient and has been used for both in-person and phone patron transactions.	• Over 95,273 physical items were checked out in 2022 via in-person checkout, a 176% increase from the previous year. • 228 orders of library materials were sent to the library's material

			Without an efficient system, staff would not be able to check out material to patrons, maintain item records, add material ordering records and provide integration with the public library catalog.	vendor via the system. • Over 6,957 new items were cataloged and added to the collection in 2022, a 184% increase from the previous year.
4.	MO5513 - Recreation Services	No funds have been expended to date in FY23, but anticipated to be fully expended by the end of FY23. The annual budget is $85,735.	Funding supports after-school program fixed costs for 10 local schools.	Program serves over 1,000 children grades 1-8.
5.	MO5514 - Oxnard Afterschool	No funds have been expended to date in FY23, but anticipated to be fully expended by the of FY23. The annual budget is $107,673.	Funding supports after-school program fixed cost for 20 local schools.	Program serves over 1,589 children grades 1-8.
6.	MO5504 - PAL Operational	$61,547 expended out of the $209,644.	In 2022, PAL held: • PAL Community Cinema (summer): 8 showings at 8 parks for a total of 3,000 viewers • Backpack Distribution: 400 participants • Meet-Up Clean-up: 8 parks with a total of 616 participants	In 2022, Oxnard PAL program served a total of 8,179 participants. The PAL site is no longer being used as a shelter, and all programs are anticipated to return to the facility in February 2023.

			• PAL Dance Program: 103 youth participants • Turkey Giveaway 2022: distributed 500 turkeys to Oxnard families • PAL Santa's Workshop: served 1,589 children • The annual Kids Fest served 2,048 participants Additionally, 8 Oxnard PAL youth participated in the California PAL Youth Leadership Conference (Anaheim, CA) and 4 in the National PAL Youth Summit (Potomac, MD).	
7.	MO5506 - College Park Programs	$29,783 expended of the $115,000 annual budget.	• Food Distribution every Wednesday serving 1,500 families weekly. • Soccer field rentals	College Park fields for soccer reservations served over 150 soccer teams aged 6 to 18 years and 4 adult leagues serving over 100 adult teams.
8.	MO5507- City Corps Townkeeper	$330,316 expended out of $1,321,263	Projects are scheduled based on community needs and essential services,	City Corps Townkeeping crews continued to provide the citywide cleanup activities in 2022. For example, over 17,000 pounds of waste was removed from City

			including but not limited to: • Bus stop benches • Downtown and concrete trash cans • Alley clean up and maintenance	alleyways in September and October 2022. In addition, City Corps also helped with different community events such as festivals and neighborhood cleanups.
9.	MO5508- Preschool to You	$35,323 expended out of the $174,304	Preschool to You classes were offered from January to December 2022 in the mornings at five parks throughout the City. Two additional classes were added to support families with younger children: Tot Imagination (March - June 2022) ran three days per week. Tiny Tots (September - October 2022) ran three days per week.	Preschool to You has served 850 youth; Tot Imagination has served 99 youth; Tiny Tots has served 264 youth for a grant total of 1,124 total youth served, a significant increase from the prior year due to the program resuming post-pandemic.
10.	MO5501- Mobile Activity Center Services	$19,683 expended of the $44,000 annual budget.	• Spring Session services operated 5 afternoons per week for 2 weeks at one location (Southwinds). • 5 mornings per week were added to Summer Session for a total of 8	In 2022, the mobile activity center served 306 residents during Spring Session and 2,455 residents during Summer Session. A significant increase due to the program resuming post-pandemic. Much of this budget is expected to be expended this summer.

			weeks at 15 different park locations.	
11.	MO5502- Senior Nutrition Program	$11,619 expended out of the $40,294 annual budget.	The City took over home-delivered meals in July 2021. In February 2022, Senior Centers reopened and offered congregate meals to seniors. In January 2023, the City opened Colonia Senior Center as a third senior nutrition on-site location. During Covid, this program received an influx of external funding.	• In 2022, 20,289 congregate meals were served. • In 2022, 24,170 home-delivered meals were served. • The City currently serves 216 homebound seniors and 206 congregate participants.
12.	MO5505- Day at the Park - Special Needs	$6,762 expended of the $16,596 annual budget.	In 2022, the City offered: • Special Pops Fun Club (July - October) • Art classes (3 6-week sessions from July-December) • Collaboration with Oxnard Main Library for Art	• In 2022, Day at the Park served 865 participants (plus 286 participants in the other activities listed below, for a total served of 1,151 participants) • Oxnard Special Population was held in-person for all programming for the first time since 2020. Virtual art classes were offered

			Shows (July & September) • Special Pops Challenger sports: golf, football, Superbowl, dance, Special Pops Day at the Park, Special Pops Events	for participants with medical restrictions. Programming included: Day at the Park, Art Classes, Gardening, Golf, Football, Dance, and Fun Club. • Special events offered were: Truck or Treat, Cars & Coffee, and Santa's Workshop. • Collaborated with Oxnard Main Library for Oxnard Special Populations Art Shows and participated in the Oxnard Christmas Parade with Alias Dance.
13.	MO1401 - Spanish Languages Interpretation	$23,825 expended of the $57,402 annual budget.	The vendor translates all Council and Committee meetings to Spanish.	In the past, the vendor translated live in the Council Chambers as meetings progressed. Now, the vendor is translating the virtual public meetings.
14.	MO4301- Safe Homes Safe Family	$138,739 expended of the $362,386 annual budget.	Due to COVID-19, the Safe Homes Safe Families Repeat Offender Program was put on hold. The program resumed in July of 2022. Reported cases from both Fiscal Year 20/21 and 21/22 were combined. The required annual inspections can now resume.	• From July 1, 2022 - January 1, 2023: o There are 744 cases qualified to be reviewed for the program. o Approximately 575 cases were reviewed with approximately 169 still pending review. o Out of those 575 cases, 124 cases had qualifying factors. • 15 properties which include 13 different property owners are eligible to be

			All required meetings can now be scheduled and resume.	enrolled in the program. • This includes an approximate total of 182 residential units. • There were 11 potential new property owners with a total of 251 residential units that may qualify if they have one more qualifying case.
15.	14IN02- Ormond Beach Enhancement	$2,194 expended of the $14,416 annual budget.	Annual funding pays for monitoring, reporting, and clearance required per coastal development permits issued by the Coastal Commission. Funding also pays for small amounts of annual clearing and cutting by Oxnard City Corps of invasive plants, shrubs, and trees. Funding is also used to pay the monthly costs for the rental and service of portable restrooms at Ormond and electricity and maintenance charges for the caretaker trailer.	In 2022, the final vegetation survey and report were completed, which focused on ongoing monitoring and establishment of the natives that were planted and on the regrowth of the non-natives that were cut. City Corps performed one day of invasive plant removal in 2022 and purchased a stump grinder to continue removing any resprouting stumps of invasive shrubs and trees at the site.
16.	MO1603- Measure O Audit	Of the $5,000 annual budget, no funds have been expended.	This year (and going forward) Measure O activity was	The Measure O audit is still in process and expected to be complete in the coming months.

		(Invoice recently received.)	audited in conjunction with the City's Annual Comprehensive Financial Report.	
17.	MO2209- Fire Advanced Life Support	$19,423 expended of the $136,000 annual budget.	Funds allow the Fire Department to provide advanced life support services to the community. This is an increase in service level from the basic life support services previously provided.	The funds utilized were primarily for Personal Protective Equipment (PPE) for Emergency Medical Response. The balance of these funds will be expended for the cost of the paramedic incentive. Those costs are moved once a year, so it will not be reflected until closer to year end. Ordinarily, the department has one paramedic on duty each day. During the worst of COVID, all of our paramedics were upstaffed, resulting in a 777% increase in Oxnard Firefighters doing Advanced Life Support (ALS) procedures.
18.	MO5101- Homeless Program	$1,484,261 expended of the $1,744,749 FY22-23 budget ($1,103,547 in FY22-23 Budget plus $641,202 FY21-22 carryover per 6/30/22 Staff Report Item I.6)	Continued operation of the homeless 110 bed shelter on K Street in a Covid responsive operation.	• 80 persons served daily (normally 110, but currently under COVID response for social distancing as County and State guidelines have not relaxed for homeless shelters).
19.	MO2102- 911 System (CAD/RMS)	$181,494 expended of the $936,029 annual budget.	The New World Public Safety 911 system is fully implemented and is being upgraded on a regular basis.	This application supports the City Council's stated priority of maintaining 9-1-1 emergency response times through data integration between the Public Safety 911 Computer-Aided Dispatching (CAD) system and Record Management System

				(RMS). This system allows staff to identify and separate calls by type of service or emergency. This enables public safety personnel to service the most dire of requests in the least amount of time. To provide context, the Police Department responded to 97,706 incidents in 2022. 293 of these were emergencies of the highest priority.
20.	MO2101- Enhance Community Police	$1,742,765 expended of the $3,824,743 annual budget.	The project timeline is ongoing and does not have a current end date. Measure O funding covers ongoing personnel expenses.	This funding continues to enable the Police Department to field officers in our Neighborhood Policing Team (NPT). NPT Officers work to implement longer term solutions beyond what can be solved with a 911 call. They are the centerpiece of the Police Department's annual goal of community engagement and have a positive impact on response times and community relations. • NPT officers assist a variety of public safety resources in addressing problems related to crime, traffic, and quality of life. They also apply problem-solving strategies to locations that are the subject of multiple/frequent police responses. The long-term impact is a reduction in the number of

				calls for service, which supports maintaining/reducing 9-1-1 response times. • Homeless Liaison Officers responded to over 4,000 calls for service involving the homeless population. • Increased the number of beat coordinators from 9 to 11, which restores an earlier NPT model (which had a beat coordinator in every beat). • NPT Officers coordinated the fireworks suppression campaign from May-July to over 300 tips via the hotline and email and nearly 200 warning letters were sent out to prior offenders. • NPT Officers handle quality of life issues such as Loud Party/Notice Complaint follow-up. Over 350 warning letters were sent to residences where officers responded for loud parties or disturbances and nearly 100 civil citations were issued for social host ordinance violations. • NPT Officers assist the Illegal Dumping

				Task Force to provide law enforcement input regarding this citywide issue. • NPT Officers regularly attend neighborhood council meetings, interacting with residents while providing public safety information, including reported crime trends and prevention tips. • NPT Officers provide “crime prevention through environmental design” assessments to residents and business owners free of charge, and upon request. • NPT Officers support a variety of community engagement events, including community efforts to raise acceptance for autism, mental health awareness, breast cancer awareness, Alzheimer's awareness, suicide prevention, and domestic violence awareness.
21.	MO5702- East Village Park Operating Maintenance	$37,332 expended of the $91,301 annual budget.	Ongoing general maintenance and utilities of East Village Park.	Ongoing general maintenance and utilities of College Park. Funding pays for five permanently assigned FTEs (collectively this

				park and College Park) and all operational costs.
22.	MO3101- ITS Annual Maintenance	Of the $35,121 annual budget, no funds have been expended.	The City is upgrading the Centralized Traffic Signal System via another CIP. Meanwhile, this project improves signal timing and performs equipment replacement at needed locations to help maintain the 165 signal locations in the City.	In 2022, utilizing different funding (including a grant), Signal Maintenance responded to and completed 99 signal requests received through the Oxnard 311 system.
23.	MO3102- Alley & Roadway Repair	$166,877 expended and $200,357 encumbered out of the $501,672 annual budget.	Ongoing maintenance of alleys and street repairs and maintenance.	• Beginning of 2022: responded to 286 locations that needed road repairs. • Between January 1, 2022, and December 15, 2022, we used 1,709 tons of hot asphalt that covered approximately 227,149 sq. ft.
24.	MO5701- College Park Maintenance	$320,908 expended of the $838,524 annual budget.	Ongoing general maintenance and utilities of College Park.	Ongoing general maintenance and utilities of College Park. Funding pays for five permanently assigned FTEs (collectively this park and East Village Park) and all operational costs.
Ongoing and One-Time Debt Service				
25.	MO2108- Dispatch Consoles	$153,719 expended of the $320,426 annual budget.	Project completed in March 2021. This is the ongoing debt service for these console	Project completion included the installation of seven new dispatch console systems and the required staff training.

			systems. The debt maturity date is 3/30/2025.	
26.	MO2203- Fire Station 8 Lease Debt	Of the $1,390,869 annual budget, $1,110,443 was expended in	This is an ongoing lease payment for Fire Station 8. The debt maturity date is 12/1/2031.	Fire Station 8 normally houses 10 personnel every day. Additionally this station houses an Urban Search & Rescue (USAR) vehicle and equipment. It is an invaluable resource to south end residents.
27.	MO2207- Fire Trucks	$110,214 expended of the $229,739 annual budget.	This is an ongoing lease payment for two fire engines. The debt maturity date is 3/30/2025.	The two engines were placed into service in December 2019. They are currently protecting residents in Council District 4 (from Fire Station 1) and in Council District 1 (from Fire Station 6). In 2022, E61 responded to 3,295 requests for service. E66 responded to 2,698 requests for service.
28.	MO2208- Handheld Radios	$26,103 expended of the $54,412 annual budget.	Radios were purchased on the 2018 Bank of America Lease Purchase line of credit and were deployed in FY18. This is the ongoing debt service for these radios. The debt maturity date is 3/30/2025.	Over 100 new portable radios were purchased and deployed to Firefighters. These radios are in service and continue to be used on a daily basis in the City. These radios provide clearer communication channels allowing our first responders to more efficiently address calls for service and leading to decreased loss of life and property.
29.	MO3103- 2014 Lease Service Street Bond	Of the $1,666,750 annual budget, no funds have been expended to date in FY23.	This is a debt payment on previous jobs. The debt	Construction was completed in November 2022 for Phase 2 of La Colonia Neighborhood for street resurfacing,

			maturity date is 6/1/2029.	and staff is working with the contractor to schedule the improvements for the final phase (Phase 3) of La Colonia Neighborhood.
30.	MO2215 - Station 8 Bonds 2014 - Reserve	$1,750,000 appropriated in FY23 in addition to standard annual payment of $1,390,869.	A one-time payment of $1,750,000 in addition to standard annual payment of $1,350,869, which will allow the City to pay down the bond debt early and result in interest savings.	The balance of the Station 8 bond debt will be repaid in FY 23/24.
One-Time Projects				
31.	MO5511- New Senior Center	$70,762 expended out of a $93,250 one-time budget.	Feasibility study completed in March 2022.	Due to internal staffing capacity and competing priorities this project has not moved to the design phase. Additional funding is also needed for the RFP for design and construction documents.
32.	MO4302- Tenant Relocation Assistance	No funds have been expended out of a $20,000 one-time budget.	No funds have been expended to date; the Safe Homes Safe Family program kicked off in July 2019 and no requests for assistance have been submitted as of December 2022.	Funds are available for use as needed.
33.	MO8101- Economic Development Strategy	No funds have been expended out of a	This project is on-hold pending the Community	Staff has continued to provide resources and support to local

		$25,000 one-time budget.	AssessmentStaff is in the process of writing a request for proposals (RFP) to hire a consultant that can study the post-COVID commercial landscape, perform a leakage and gap analysis, and create a three to five year strategic plan that will guide staff in setting economic development priorities.	businesses as they recover from COVID and continue to struggle with a shortage of workers and the cost of inflation. In addition to creating a "job seeker" email list of over 2,700, staff collaborated with Oxnard College and the West Ventura County Business Alliance to hold job fairs with local employers and worked with Amazon in recruiting and hiring Oxnard residents. Staff has begun to draft an RFP, which will be issued in the first quarter of 2023, to hire a consultant.
34.	MO5102- Homeless Shelter Acquisition	$3,294 expended and $1,463,948 encumbered out of a $1,550,000 one-time budget.	Second and B Streets shelter/ mixed use development began construction in June 2022.	Construction of the building shell is being funded by other funding sources. The City will use Measure O funds for the tenant improvements for the homeless shelter anticipated to be completed in spring 2024.
35.	MO2111- Roof Replacement - Sturgis Annex	$21,357 expended out of a $1,025,000 one-time budget.	Plans and specifications completed by a design professional. Designs approved and awaiting approval for permitting.	Lowest bidder has been selected, and item will proceed to City Council for award of contract soon. Construction will begin shortly thereafter. Construction is anticipated to be completed by Summer 2023.
36.	MO5516- Roof Replacement - Wilson Center	$20,570 expended out of a $400,000 one-time budget.	Plans and specifications completed by a design professional. Designs	Bid is opening on 1/25/23 and will proceed to City Council on 3/7/23. Construction will commence shortly thereafter and be

			approved and awaiting approval for permitting.	completed by the end of Summer 2023.
37.	MO5602- Roof Replacement - PACC Rental	$238 expended out of a $295,000 one-time budget.	Plans and specifications completed by a design professional. (MO5602 also has $250,000 TAB HERO funding.) Designs approved and awaiting approval for permitting.	Bid is opening on 1/25/23 and will proceed to City Council on 3/7/23. Construction will commence shortly thereafter and be completed by the end of Summer 2023.
38.	MO5509- Colonia Gym Facilities Repairs	$12,332 expended of a $18,000 one-time budget	Resurfacing of gym floor is complete. Remaining funds will be used for a bottle refill station, new gym wall pads in areas directly behind each basketball hoop, and other similar items that make the Colonia Gym more functional and safe.	Project to be completed by June 2023.
39.	MO5404 - Library Tech Infrastructure Upgrade	No funds have been expended of $450,000 one-time budget.	This is an additional allocation of funds to project MO5402 - Library Wi-Fi Operational, but has its own project name and number. Project funds will implement new design, architecture and	These funds were allocated on October 27, 2022. This project is tied to a funded ARPA project that is in the planning phase.

			equipment to establish a reliable and secure system for the library's technological infrastructure and platforms.	
40.	215709 - 12 Alleyways	$2,250,000 one-time budget	Resurfacing of badly deteriorated alleys in the Fremont North neighborhood.	This project was completed in November 2022; however, final accounting tasks remain.
41.	MO7302 - IT Equip Refresh/Upgrades	$300,000 one-time budget	Not started. Project replaces old, outdated equipment to improve the functionality and increase the City's cyber resilience and security.	Project not yet started.

The above table was compiled using expenses as of January 10, 2023.

Completed Projects

Since January 2022, the following four projects have been completed and removed from the above list. All four of the following projects completely spent down their Measure O funding and were closed.

1. MO2213 – Fire Station Alert System (one time). Fire Stations 4 and 6 now have an up-to-date, reliable alerting system for emergency response incidents. The upgraded alert system announces more information to the personnel in the station. It also has a large clock/timer so personnel can ensure they meet the City's performance goal of leaving the station within 60 seconds of an emergency response notification.
2. MO5515 – Roof Replacement of the Colonia Gym (one time). The roof was replaced for both the gym and the youth center to prevent damage to the structure and equipment.
3. MO5712 – Tree Mortality Event Response (one time). The project removed 476 hazardous dead and/or dying trees in the City.
4. MO5710 – Tree Trimming Services Program (one time). Staff utilized the funding to eliminate the backlog of 2,700 trees that needed to be trimmed.

Weaned Project

As of July 1, 2022, the following project has been weaned entirely from Measure O to the General Fund. That means it has been removed from the above list, the Measure O project has been closed (but the work continues in the General Fund), and no further Measure O funds are being expended for this purpose.

1. MO2201 – Fire Station 8 Operations (ongoing). The City operates the College Park Headquarters Fire Station Number 8 located on 3.1 acres on the southeast corner of South Rose Avenue and East Channel Islands

Boulevard. The four-apparatus bay station contains 13,036 square feet with living quarters. The station has an engine company, a truck company and a battalion chief for a staff of eight firefighters per work shift with a total of 24 firefighter positions. This is a stand-alone station that has its own fueling and emergency power systems and is designed to be an essential public safety building. Measure O paid both for operations and the lease debt payment for this fire station; operations have since been transferred to the General Fund, and the balance of the Station 8 bond debt will be repaid in the coming few years.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact of this update.

COMMITTEE OUTCOME

The Measure O Citizen Oversight Committee heard this update at its January 26, 2023, meeting and recommended the item be forwarded to the City Council.

Prepared by: Shiri Klima, Deputy City Manager

ATTACHMENTS
None

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.1

DATE: March 21, 2023

TO: City Council

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: TEFRA Hearing - Casa Aliento Apartments. (15 minutes)

RECOMMENDATION

That the City Council:

1. Conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing regarding the issuance of tax-exempt bond financing not to exceed $22,000,000 by the California Statewide Communities Development Authority (CSCDA) for the benefit of Casa Aliento, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 70-unit multifamily rental housing project located at 1245 North Oxnard Boulevard, known as Casa Aliento Apartments (Bonds).

2. Adopt a resolution approving the issuance of the Bonds by the CSCDA.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/lrR3NoWkkRE

BACKGROUND

PURPOSE

Casa Aliento, LP. (the "Borrower") has requested that the California Statewide Communities Development Authority ("CSCDA") serve as the municipal issuer of tax-exempt multi-family housing revenue bonds in an aggregate principal amount not to exceed $22,000,000 (the "Bonds"). The proceeds of the Bonds will be used for the purpose of making a loan to the Borrower, to enable the Borrower to finance the acquisition, construction, improvement and equipping of a 70-unit affordable multifamily housing rental project located at 1245 Oxnard Blvd., Oxnard, California (the "Project"), which will be owned and operated by the Borrower. On November 30, 2022 the project received an award of private activity bond allocation from the California Debt Limit Allocation Committee. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance

DISCUSSION

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Oxnard ("City") must conduct a public hearing (the "TEFRA Hearing") providing the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Adoption of the resolution is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act (TEFRA), the Internal Revenue Code and the California Government Code Section 6500 (and following). Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an "applicable elected representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the

financing of the Project. A public notice was published in the Vida Newspaper on February 16, 2023.

CSCDA is a joint powers authority sponsored by the League of California Cities ("League") and the California State Association of Counties ("CSAC"). CSCDA was created by the League and CSAC in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. CSCDA is comprised of more than 530 members, including the City of Oxnard. CSCDA has issued more than $70 billion through 1,800+ financings since 1988 and consistently ranks in the top 10 of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

There is no fiscal impact to the City. The Bonds will be issued as limited obligations of CSCDA, payable solely from revenues and receipts derived from a loan to be made by CSCDA to the Borrower with the Bond proceeds. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance and is not named in any of the disclosure documents describing the Bonds or the proposed financing.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Public Notice.v2
2. Resolution.v2
3. PowerPoint Presentation

NOTICE OF PUBLIC HEARING REGARDING ISSUANCE OF EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT FOR CASA ALIENTO APARTMENTS

NOTICE IS HEREBY GIVEN that, on Tuesday, March 21, 2023 at 6:00 p.m., or as soon thereafter as the matter can be heard, the City Council of the City of Oxnard (the "City") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), at which it will hear and consider information concerning a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed $22,000,000 in outstanding aggregate principal amount, to finance or refinance the acquisition, rehabilitation and development of a multifamily rental housing project located at 1245 North Oxnard Boulevard, Oxnard, California. The facilities are to be owned by Casa Aliento, LP (the "Borrower") or a partnership of which Community Development Partners (the "Developer") or a related person to the Developer is the general partner (the "Project").

Those wishing to comment on the proposed financing or refinancing and the nature and location of the Project may attend the hearing at Council Chambers, 305 West Third Street, Oxnard, California or submit written comments, which must be received by the City prior to the hearing. Written comments may be submitted via email by 3:00 P.M. on the day of the meeting to cityclerk@oxnard.org or mail to City of Oxnard at 300 West 3rd Street, 4th Floor, Oxnard, California 93030 Attention: City Clerk. If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at (805) 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled.

Beginning at 6:00 p.m., Spectrum Channel 10, Frontier Channel 35 will televise and broadcast the meeting at which the public hearing will be conducted. For further information, contact Emilio Ramirez, City of Oxnard Housing Department, 435 South "D" Street, Oxnard, CA 93030 at (805) 385-8096.

CITY CLERK
CITY OF OXNARD

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT FOR CASA ALIENTO APARTMENTS

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Oxnard (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Casa Aliento, LP or a partnership of which Community Development Partners (the "Developer") or a related person to the Developer is the general partner, has requested that the Authority adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed $22,000,000 in outstanding aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, rehabilitation and development of a multifamily rental housing project located 1245 North Oxnard Boulevard, Oxnard, California (the "Project"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds

which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitutes approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any fund whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 6. This resolution shall take effect immediately upon its passage.

ADOPTED by the City Council of the City of Oxnard at a regular meeting of said Council held on the 21st day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

TEFRA HEARING FOR STATE BOND ISSUANCE

Casa Aliento

Emilio Ramirez, Director
Housing Department
City Council
March 21, 2023

CITY OF OXNARD CALIFORNIA

TEFRA HEARING

1. Developer applying for issuance of $22,000,000 of tax-exempt Multi-Family Housing Revenue Bonds from California Statewide Communities Development Authority (CSCDA)
2. Purpose: finance the development, construction and equipping of rehabilitation of Casa Aliento Apartments, an 70-unit multi-family rental housing facility for low-income households
3. Public Hearing under Tax Equity Fiscal Responsibility Act (TEFRA) required when State Bonds are sought for construction or rehabilitation of housing
4. TEFRA Hearing to provide for community input on bond issuance hosted by City Council of city where project is located
5. Bonds are issued by CSCDA (not by local government)

CASA ALIENTO APARTMENTS

1. When completed, Project will provide 70 affordable housing units
2. Motel conversion of former Vagabond
3. Bonds issued by state CSCDA
4. No City financial obligation or liability arising from state bond issuance
5. Sole obligation of the City of Oxnard relative to the bond issuance is to host TEFRA hearing to receive public comment
6. Developed by Community Development Partners

RECOMMENDATIONS

That the City Council:

1. Conduct a Tax Equity and Fiscal Responsibility Act Hearing in consideration of the issuance of tax-exempt bond financing by the California Statewide Communities Development Authority for the benefit of Casa Aliento, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 70-unit multifamily rental housing project generally known as Casa Aliento Apartments.
2. Adopt a resolution approving the issuance of Bonds by the California Statewide Communities Development Authority not to exceed $22,000,000, for the benefit of Casa Aliento, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 70-unit multifamily rental housing project generally known as Casa Aliento Apartments.

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.2

DATE: March 21, 2023

TO: City Council

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: TEFRA Hearing - Vintage at Lockwood Apartments. (15 minutes)

RECOMMENDATION

That the City Council:

1. Conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing regarding the issuance of tax-exempt bond financing not to exceed $75,000,000 by the California Statewide Communities Development Authority (CSCDA) for the benefit of Vintage at Lockwood, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 341-unit multifamily rental housing project located at Outlet Center Drive & Lockwood Street known as Vintage at Lockwood Apartments (Bonds).

2. Adopt a resolution approving the issuance of the Bonds by the CSCDA.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/Sv0cm44I_ds

BACKGROUND

PURPOSE

Vintage at Lockwood, LP. (the "Borrower") has requested that the California Statewide Communities Development Authority ("CSCDA") serve as the municipal issuer of tax-exempt multi-family housing revenue bonds in an aggregate principal amount not to exceed $75,000,000 (the "Bonds"). The proceeds of the Bonds will be used for the purpose of making a loan to the Borrower, to enable the Borrower to finance the acquisition, construction, improvement and equipping of a 341-unit affordable multifamily housing rental project located at Outlet Center Drive & Lockwood Street, Oxnard, California (the "Project"), which will be owned and operated by the Borrower. On November 30, 2022 the project received an award of private activity bond allocation from the California Debt Limit Allocation Committee. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance.

DISCUSSION

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Oxnard ("City") must conduct a public hearing (the "TEFRA Hearing") providing the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Adoption of the resolution is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act (TEFRA), the Internal Revenue Code and the California Government Code Section 6500 (and following). Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an "applicable elected

representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project. A public notice was published in the Vida Newspaper on February 16, 2023.

CSCDA is a joint powers authority sponsored by the League of California Cities ("League") and the California State Association of Counties ("CSAC"). CSCDA was created by the League and CSAC in 1988 to enable local government and eligible private entities access to low-cost, tax-exempt financing for projects that provide a tangible public benefit, contribute to social and economic growth and improve the overall quality of life in local communities throughout California. CSCDA is comprised of more than 530 members, including the City of Oxnard. CSCDA has issued more than $70 billion through 1,800+ financings since 1988 and consistently ranks in the top 10 of more than 3,000 nationwide public issuers of tax-exempt debt, as measured by annual issuance amount.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

There is no fiscal impact to the City of Oxnard. The Bonds will be issued as limited obligations of CSCDA, payable solely from revenues and receipts derived from a loan to be made by CSCDA to the Borrower with the Bond proceeds. The City bears no liability with respect to the issuance of the Bonds. Further, the City is not a party to any of the financing documents related to the Bond issuance and is not named in any of the disclosure documents describing the Bonds or the proposed financing.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Public Notice.Vintage.v2
2. Resolution.Vintage.v2
3. PowerPoint Presentation

NOTICE OF PUBLIC HEARING REGARDING ISSUANCE OF EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT FOR VINTAGE AT LOCKWOOD APARTMENTS

NOTICE IS HEREBY GIVEN that, on Tuesday, March 21, 2023 at 6:00 p.m., or as soon thereafter as the matter can be heard, the City Council of the City of Oxnard (the "City") will conduct a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), at which it will hear and consider information concerning a proposed plan of financing providing for the issuance by the California Statewide Communities Development Authority of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed $75,000,000 in outstanding aggregate principal amount, to finance or refinance the acquisition, construction and development of a senior multifamily rental housing project located at 2001 Outlet Center Drive & 2152 Lockwood Street, Oxnard, California. The facilities are to be owned by Vintage at Lockwood, LP (the "Borrower") or a partnership of which Vintage Housing Development, Inc. (the "Developer") or a related person to the Developer is the general partner (the "Project").

Those wishing to comment on the proposed financing or refinancing and the nature and location of the Project may attend the hearing at Council Chambers, 305 West Third Street, Oxnard, California or submit written comments, which must be received by the City prior to the hearing. Written comments may be submitted via email by 3:00 P.M. on the day of the meeting to cityclerk@oxnard.org or mail to City of Oxnard at 300 West 3rd Street, 4th Floor, Oxnard, California 93030 Attention: City Clerk. If you plan to attend the hearing, staff suggests that you contact the City Clerk's Office at (805) 385-7803 the Thursday prior to the scheduled date to confirm that the hearing has not been rescheduled.

Beginning at 6:00 p.m., Spectrum Channel 10, Frontier Channel 35 will televise and broadcast the meeting at which the public hearing will be conducted. For further information, contact Emilio Ramirez, City of Oxnard Housing Department, 435 South "D" Street, Oxnard, CA 93030 at (805) 385-8096.

CITY CLERK
CITY OF OXNARD

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT FOR VINTAGE AT LOCKWOOD APARTMENTS

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 et seq. and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Oxnard (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Vintage at Lockwood, LP or a partnership of which Vintage Housing Development, Inc. (the "Developer") or a related person to the Developer is the general partner, has requested that the Authority adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed $75,000,000 in outstanding aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, construction and development of a senior multifamily rental housing project located at 2001 Outlet Center Drive & 2152 Lockwood Street, Oxnard, California (the "Project"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, the members of this City Council (this "City Council") are the applicable elected representatives of the City; and

WHEREAS, there has been published, at least 7 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on a date specified in such notice; and

WHEREAS, such public hearing was conducted on such date, at which time an opportunity was provided to interested parties to present arguments both for and against the issuance of the Bonds; and

WHEREAS, the Authority is also requesting that the City Council approve the issuance of any refunding bonds hereafter issued by the Authority for the purpose of refinancing the Bonds which financed the Project (the "Refunding Bonds"), but only in such cases where federal tax laws would not require additional consideration or approval by the City Council; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds and the Refunding Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitutes approval of the Bonds for the purposes of (a) Section 147(f) of the Code and (b) Section 9 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any fund whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 6. This resolution shall take effect immediately upon its passage.

ADOPTED by the City Council of the City of Oxnard at a regular meeting of said Council held on the 21st day of March, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____

John C. Zaragoza, Mayor

ATTEST:

_____

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

TEFRA HEARING FOR STATE BOND ISSUANCE

Vintage at Lockwood

Emilio Ramirez, Director
Housing Department
City Council
March 21, 2023

CITY OF OXNARD CALIFORNIA

TEFRA HEARING

1. Developer applying for issuance of $75,000,000 of tax-exempt Multi-Family Housing Revenue Bonds from California Statewide Communities Development Authority (CSCDA)
2. Purpose: finance the development, construction and equipping of rehabilitation of Vintage at Lockwood Apartment, an 341-unit multi-family rental housing facility for low-income households
3. Public Hearing under Tax Equity Fiscal Responsibility Act (TEFRA) required when State Bonds are sought for construction or rehabilitation of housing
4. TEFRA Hearing to provide for community input on bond issuance hosted by City Council of city where project is located
5. Bonds are issued by CSCDA (not by local government)

VINTAGE AT LOCKWOOD APARTMENTS

1. When completed, Project will provide 341 affordable housing units
2. New construction
3. Bonds issued by state CSCDA
4. No City financial obligation or liability arising from state bond issuance
5. Sole obligation of the City of Oxnard relative to the bond issuance is to host TEFRA hearing to receive public comment

RECOMMENDATIONS

That the City Council:

1. Conduct a Tax Equity and Fiscal Responsibility Act Hearing in consideration of the issuance of tax-exempt bond financing by the California Statewide Communities Development Authority for the benefit of Vintage at Lockwood, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 341-unit multifamily rental housing project generally known as Vintage at Lockwood Apartments.
2. Adopt a resolution approving the issuance of Bonds by the California Statewide Communities Development Authority not to exceed $75,000,000, for the benefit of Vintage at Lockwood, LP, to provide financing for the acquisition, construction, improvement, and equipping of a 341-unit multifamily rental housing project generally known as Vintage at Lockwood Apartments.

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.3

DATE: March 21, 2023

TO: Housing Authority

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: 5-Year Public Housing Agency(PHA) Plan, Annual Agency Plan and Capital Fund Program Five-Year Action Plan for Low Rent Public Housing. (10 minutes)

RECOMMENDATION

That the Board of Commissioners for the Housing Authority of the City of Oxnard:

1. Conduct a public hearing to receive comments concerning the fourth year of the 5-Year PHA Plan, the 2023 Capital Fund Budget, and the Capital Fund Five-Year Action Plan; and

2. Adopt a resolution:

   a. Approving the 2023 Annual Agency Plan, 5-Year PHA Plan for the Housing Authority;

   b. Authorizing and directing the Chairman to execute the Department of Housing and Urban Development Public Housing Agency Certification Compliance Form certifying the Housing Authority's compliance with HUD's policies and procedures;

   c. Authorizing the Housing Director to execute and submit all reports, documents and all other certifications required to comply with policies and procedures of the Department of Housing and Urban Development regarding the Annual Agency Plan and the 5-Year PHA Plan;

   d. Approving the 2023 Capital Fund Budget and Capital Fund Five-Year Action Plan; and

   e. Authorizing the Housing Director to accept and expend the funds as indicated in the 2023 Capital Fund Budget and Capital Fund Five-Year Action Plan.

(The Community Services, Public Safety, Housing & Development Committee approved 3-0 on February 14, 2023 to approve the staff recommendation and to forward the item for Council approval.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/pNVGm1VMH20

BACKGROUND

The Quality Housing and Work Responsibility Act of 1998 (the Act) requires Oxnard Housing Authority to submit a 5-Year PHA Plan and an Annual Agency Plan. The purpose of the 5-Year PHA Plan and Annual Agency Plan, along with the program policies for the Public Housing Program (Admissions and Continued Occupancy Policy) and the Housing Choice Voucher Program (Administrative Plan), is to provide a framework for local accountability, along with an easily-identifiable source document where public housing residents,housing voucher participants, and members of the public may locate basic information regarding a housing authority's policies, rules and regulations and services provided by the

agency.

The 5-Year PHA Plan covers fiscal years 2020-2025 and the Annual Agency Plan covers fiscal year 2023. Updates must be submitted to the Department of Housing and Urban Development at least seventy-five days prior to the beginning of each fiscal year, and must include certifications that each Plan is consistent with the City of Oxnard's Consolidated Plan and in accordance with Housing and Urban Development requirements.

DISCUSSION

The 5-Year PHA Plan and Annual Agency Plan identify the Oxnard Housing Authority's goals and objectives that will enable Oxnard to serve the needs of low-income, very low-income, and extremely low-income families. The current 5-year PHA Plan was adopted in fiscal year 2020. Revisions, new activities, progress towards goals and objectives, and updates are outlined in the Annual PHA Plan (Attachment 1). The proposed revisions include a significant amendment to the Housing Choice Voucher Administrative plan and undertaking new activities related to conversion of public housing to project-based rental assistance or project-based vouchers and applying for new project-based voucher allocations. These activities were provided for in the 5-Year PHA Plan.

Adoption of a limited homeless preference to the Housing Choice Voucher Administrative Plan

The Department of Housing and Urban Development's regulations (24 CFR 982.207) permit PHAs to establish local preferences based on local housing needs and priorities. The addition of a homeless preference was discussed with the Resident Advisory Board (RAB) in 2021 and contemplated in the 2022 Annual Plan. Since then, Staff has again discussed this preference with the RAB and presented the concept to Council Committee and the full Council in 2022. The proposed change will allow for applicants who meet the definition of "homeless" to be eligible for the homeless preference. The revision to the Housing Choice Voucher Administrative Plan will be as follows:

Homeless Limited Preference (1 point)
Applicants and families who meet the definition of "homeless" will be eligible for the homeless preference. A certification of homelessness completed by a homeless services provider is required. The OHA limits the number of families that qualify for the homeless preference to fifteen (15) families annually. Once the OHA is serving fifteen (15) families in a given year, and one family leaves the program, the next family on the waitlist who meets the preference criteria will be served.

Undertaking of new activities related to conversion and project-based vouchers

In June 2020, the Oxnard Housing Authority (OHA) launched a yearlong effort "Rethink and Renew" to identify opportunities to streamline operations, improve customer service, modernize public housing units, expand programs, and close budget deficits. As part of the effort, the Department of Housing and Urban Development (HUD) provided technical assistance and assigned CVR Associates, Inc. (CVR) to conduct a thorough assessment and develop a repositioning plan to transition the OHA's public housing portfolio to a Section 8 project-based subsidy. CVR is a national, full-service management-consulting firm that provides services to public and private entities in the affordable housing industry. The term "repositioning" refers to the removal of a property from the Public Housing subsidy platform either through Rental Assistance Demonstration Program, Section 18 Demolition/Disposition, Streamlined Voluntary Conversion or the Section 32 Homeownership Program and replacing it with Section 8 assistance. Moving towards a Section 8 project-based subsidy provides a more stable stream of subsidy, is more conducive to raising debt and equity, and allows OHA to leverage funding for rehabilitation of its units. This strategy does not reduce the number of units in the inventory but rather ensures its long-term preservation by changing the funding source. In October 2021, CVR issued a formal report to the staff with a suggested implementation and phasing strategy for implementing repositioning strategies over a five-year period (see Attachment 2). In fiscal year 2022, the OHA focused on training, capacity building, procedural development, and workflow process modifications to increase management efficiencies, effectiveness, and overall program compliance. This step is necessary to prepare for the implementation of any repositioning strategies.

For the 2023 Annual PHA plan, the OHA will begin the process of moving the repositioning activities forward. This will include procuring the appropriate firms and consultants for the completion of a physical needs assessment for each individual property, a financial analysis on the impact on both the development proformas and annual operating budget for each strategy option, environmental reviews, and development of a multiphase asset repositioning plan. The OHA has

begun discussions with public housing residents regarding preliminary repositioning plans and will continue to engage all stakeholders to ensure concerns and requirements are addressed. Any conversion strategy adopted will require the OHA to submit an application for HUD approval.

In addition to activities related to the public housing program, the OHA will undertake efforts to identify and apply for new voucher allocations for project-based voucher activities. The project-based voucher is subsidized housing assistance that is tied to a specific unit. The target population will be determined by HUD's notice of funding availability and interest from affordable housing developers. The goal is to increase the number of affordable housing units available to low-income families.

Capital Fund Budget and Capital Fund Program 5-Year Action Plan

Besides any proposed revisions and new activities, the last component of the Annual Agency Plan and the 5-Year PHA Plan has to do with the adoption of an annual Capital Fund budget as well as a Capital Fund Program 5-Year Action Plan. The primary purpose of the Capital Fund Program is to preserve and maintain the integrity of the Oxnard Housing Authority's public housing stock and to fund necessary improvements. For the coming fiscal year, the Oxnard Housing Authority is presenting a budget of $1,538,180 for the Capital Fund Program activities. The final capital fund amount that the OHA will be awarded is yet to be determined as it is based on congressional appropriation. An estimated $441,180 of the budget is allocated towards debt repayment (principal and interest payment for 2004 capital fund revenue bond) and $357,000 towards administrative expenses. The remaining $740,000 is being used towards capital improvements, specifically, the American with Disabilities Act 504-conversion project and improvements necessary in preparation for real estate assessment center (REAC) inspections. The 504-conversion project refers to a multi-phase conversion project that will bring the Oxnard Housing Authority into compliance with the American with Disabilities Act. These regulations establish a minimum number of dwelling units that must be accessible for individuals with disabilities. As a result of the demolition of units in the 31-1 (Colonia Village), the Oxnard Housing Authority is deficient in 24 accessible units. The units have been selected from each project site based on ease of conversion, availability of space and cost effectiveness. In fiscal year 2023, the conversion of the units within the Althea Court and Fashion Park Place projects will take place. Besides the 504-conversion project, the OHA will be inspecting all public units and making any necessary improvements to ensure they meet REAC requirements. REAC inspections are completed by HUD every 1 to 3 years to ensure public housing and multifamily housing properties meet federal inspection standards. The proposed annual Capital Fund Program (CFP) budget and CFP Five-Year Action plan are set forth in Attachments 3 and 4.

5-Year PHA Plan, Annual Agency Plan and Capital Fund Program Process

A copy of the proposed Annual Agency Plan, the 2023 CFP Budget, and CFP Five-Year Action Plan is posted on Oxnard Housing Authority's website, at all Oxnard Housing Authority's site offices and the City Clerk's Office. The opportunity for suggestions or recommendations from the public was made available for public comment on December 1, 2022 for forty-five days (closed January 14, 2023).

The Oxnard Housing Authority conducted a public meeting on December 1, 2022 and January 26, 2023 and staff presented to the Resident Advisory Board (RAB) at those meetings and responded to inquiries from Resident Advisory Board members and others. The RAB consists of Tenant Commissioners, public housing residents, and housing choice voucher program participants. The RAB provides comments, suggestions, and feedback to the OHA.The following verbal questions were received during the meetings (summarized):

Comment: Is the homeless preference for the same program that has been in existence for many years?

Response: The preference is related to the same program. There has been a homeless set aside program in place for the past 7 years. The existing program allows for 15 vouchers to be designated for homeless individuals and families per year. Due to the way the program was set up, there is no mechanism in place that allows staff to identify eligible applicants in an efficient manner. Additionally, it is not possible to open the waitlist specifically for this program once the existing waitlist has been exhausted and there are vouchers remaining. By adopting a preference, there will be a mechanism to identify eligible applicants and the OHA will be able to open the waitlist for this preference, if needed.This preference was proposed to the RAB in 2021 and temporarily adopted, in accordance with the waivers published by the Department of Housing and Urban Development under Notice PIH 2021-14 (HA), as a response to the COVID pandemic. The temporary waivers have expired; therefore, the OHA is proposing to formally adopt the preference to the Housing

Choice Voucher Program Administrative Plan.

Comment: Can the capital fund be used to paint the interior of all public housing units?

Response: A portion of the Fiscal Year 2023's Capital Fund Budget is going towards repairs and improvements needed in preparation for inspections that the Department of Housing and Urban Development is conducting. If a unit requires painting due to normal wear and tear, it will be completed. In addition, public housing residents need to report their requests for their individual units by placing a work order. The unit will be assessed to determine corrective action.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

This item has no impact on any City fund. The approval of the recommended action will enable the Oxnard Housing Authority to obtain various Housing and Urban Development funds, including approximately $1,538,180 under the Capital Fund. Adoption of the 5-Year PHA Plan and the Annual Agency Plan is required for the Oxnard Housing Authority to receive the funds set forth in the Capital Fund Program Budget and Capital Fund Program Five-Year Action Plan.

COMMITTEE OUTCOME

The Community Services, Public Safety, Housing & Development Committee approved 3-0 on February 14, 2023 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Annual PHA Plan for 2023
2. CVR Associates, Inc. Report
3. CFP Budget 2023
4. CFP Five Year Action Plan
5. PowerPoint Presentation
6. Resolution (5)

Streamlined Annual PHA Plan *(High Performer PHAs)*	**U.S. Department of Housing and Urban Development** **Office of Public and Indian Housing**	**OMB No. 2577-0226** **Expires 03/31/2024**

Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

Applicability. The Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

Definitions.

(1) ***High-Performer PHA*** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.

(2) ***Small PHA*** - A PHA that is not designated as PHAS or SEMAP troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.

(3) ***Housing Choice Voucher (HCV) Only PHA*** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.

(4) ***Standard PHA*** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.

(5) ***Troubled PHA*** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.

(6) ***Qualified PHA*** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A. PHA Information.

A.1

PHA Name: Oxnard Housing Authority PHA **Code**: CA 031
PHA Type: ☒ High Performer
PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2023
PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)
Number of Public Housing (PH) Units **520** **Number of Housing Choice Vouchers (HCVs)** **1,904**
Total Combined **2,424**
PHA Plan Submission Type: ☒ Annual Submission ☐ Revised Annual Submission

Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.

A copy of the PHA plan is located on the Oxnard Housing Authority's website:
https://www.oxnard.org/city-department/housing/agency-plan-reports/

☐ **PHA Consortia**: (Check box if submitting a Joint PHA Plan and complete table below)

Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
				PH	HCV
Lead PHA:					
N/A					

B.	Plan Elements
B.1	**Revision of Existing PHA Plan Elements.** (a) Have the following PHA Plan elements been revised by the PHA since its last **Annual PHA Plan** submission? Y N ☐ ☒ Statement of Housing Needs and Strategy for Addressing Housing Needs. ☐ ☒ Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. ☐ ☒ Financial Resources. ☐ ☒ Rent Determination. ☐ ☒ Homeownership Programs. ☐ ☒ Safety and Crime Prevention. ☐ ☒ Pet Policy. ☐ ☒ Substantial Deviation. ☒ ☐ Significant Amendment/Modification (b) If the PHA answered yes for any element, describe the revisions for each element below: **Administrative Plan significant amendment:** Adopting a homeless limited preference. Applicants and families who meet the definition of "homeless" will be eligible for the homeless preference. A certification of homelessness completed by a homeless services provider is required. The PHA limits the number of families that qualify for the homeless preference to fifteen (15) families annually. Once the PHA is serving (15) families under the preference in a given year, and one family leaves the program, the next family on the waitlist who meets the preference criteria will be served. (c) The PHA must submit its Deconcentration Policy for Field Office Review. The PHA's deconcentration policies are listed on Chapter 4-Applications, waiting list and tenant selection of the Admissions and Continued Occupancy Policy and the Housing Choice Voucher Administrative Plan which are available online: https://www.oxnard.org/city-department/housing/section-8/admin-plan/ https://www.oxnard.org/city-department/housing/public-housing/acop/
B.2	**New Activities.** (a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year? Y N ☐ ☒ Hope VI or Choice Neighborhoods. ☐ ☒ Mixed Finance Modernization or Development. ☐ ☒ Demolition and/or Disposition. ☐ ☒ Conversion of Public Housing to Tenant Based Assistance. ☒ ☐ Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD. ☒ ☐ Project Based Vouchers. ☐ ☒ Units with Approved Vacancies for Modernization. ☐ ☒ Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). (b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan. The PHA plans on taking the preliminary steps to begin repositioning activities. This will include procuring the appropriate firms and consultants for the completion of a physical needs assessment for each individual property, a financial analysis on the impact on both the development pro formas and annual operating budget for each strategy option, environmental reviews, and development of a multiphase asset repositioning plan. The PHA has almost reached the 20% program cap for conversion of tenant-based vouchers to project-based vouchers. The goal is to pursue funding opportunities that are for project-based voucher allocations that can be excluded from the program cap.

B.3	**Progress Report.** Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan. **SEE ATTACHMENT B.3 Progress Report**
B.4.	**Capital Improvements.** Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved. See Capital Fund 5 Year Action Plan in EPIC approved by HUD June 7, 2022.
B.5	**Most Recent Fiscal Year Audit**. (a) Were there any findings in the most recent FY Audit? Y N ☐ ☒ (b) If yes, please describe:
C.	**Other Document and/or Certification Requirements.**
C.1	**Resident Advisory Board (RAB) Comments.** (a) Did the RAB(s) have comments to the PHA Plan? Y N ☒ ☐ (b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations. **SEE ATTACHMENT C.1(b) RAB Comments**
C.2	**Certification by State or Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.3	**Civil Rights Certification/Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.** Form 50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan.
C.4	**Challenged Elements.** If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

(a) Did the public challenge any elements of the Plan?

Y N

☐ ☒

If yes, include Challenged Elements.

D. Affirmatively Furthering Fair Housing (AFFH).

D.1 Affirmatively Furthering Fair Housing.

Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.

Fair Housing Goal:

Describe fair housing strategies and actions to achieve the goal

N/A – PHA has not received request to submit an AFH at this time.

The Oxnard Housing Authority will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015.

Fair Housing Goal:

Describe fair housing strategies and actions to achieve the goal

	Fair Housing Goal:
	Describe fair housing strategies and actions to achieve the goal

Instructions for Preparation of Form HUD-50075-HP
Annual Plan for High Performing PHAs

A. PHA Information. All PHAs must complete this section. (24 CFR §903.4)

A.1 Include the full **PHA Name**, **PHA Code**, **PHA Type**, **PHA Fiscal Year Beginning** (MM/YYYY), **PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCVs), PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the public hearing and proposed PHA Plan. (24 CFR §903.23(4)(e))

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. Plan Elements.

B.1 Revision of Existing PHA Plan Elements. PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the "yes" box. If an element has not been revised, mark "no."

☐ **Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA's strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR §5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR §903.7(a).

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA's reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii))

☐ **Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions**. Describe the PHA's admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA's policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. 24 CFR §903.7(b) Describe the PHA's procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists. 24 CFR §903.7(b) A statement of the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. (24 CFR §903.7(b) Describe the unit assignment policies for public housing. 24 CFR §903.7(b)

☐ **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c)

☐ **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. (24 CFR §903.7(d)

☐ **Homeownership Programs**. A description of any homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. For years in which the PHA's 5-Year PHA Plan is also due, this information must be included only to the extent that the PHA participates in homeownership programs under section 8(y) of the 1937 Act. (24 CFR §903.7(k) and 24 CFR §903.12(b).

☐ **Safety and Crime Prevention (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5))

☐ **Pet Policy.** Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. (24 CFR §903.7(n))

☐ **Substantial Deviation.** PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. (24 CFR §903.7(r)(2)(i)

☐ **Significant Amendment/Modification**. PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32 REV-3, successor RAD Implementation Notices, or other RAD Notices.

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b))

B.2 New Activities. If the PHA intends to undertake any new activities related to these elements or discretionary policies in the current Fiscal Year, mark "yes" for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark "no."

☐ **HOPE VI.** 1**)** A description of any housing (including project name, number (if known) and unit count) for which the PHA will apply for HOPE VI; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Hope VI is a separate process. See guidance on HUD's website at: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6 **.** (Notice PIH 2011-47)

☐ **Mixed Finance Modernization or Development. 1)** A description of any housing (including name, project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD's website at: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6/mfph#4

☐ **Demolition and/or Disposition.** With respect to public housing only, describe any public housing development(s), or portion of a public housing development projects, owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition approval under section 18 of the 1937 Act (42 U.S.C. 1437p); and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA's last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. Approval of the PHA Plan does not constitute approval of these activities. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm. (24 CFR §903.7(h))

☐ **Conversion of Public Housing under the Voluntary or Mandatory Conversion programs.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at:

http://www.hud.gov/offices/pih/centers/sac/conversion.cfm**.** (24 CFR §903.7(j))

☐ **Conversion of Public Housing under the Rental Assistance Demonstration (RAD) program.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to Project-Based Assistance or Project-Based Vouchers under RAD. See additional guidance on HUD's website at: Notice PIH 2012-32 REV-3, successor RAD Implementation Notices, and other RAD notices.

☐ **Project-Based Vouchers.** Describe any plans to use HCVs for new project-based vouchers. (24 CFR §983.57(b)(1)) If using project-based vouchers, provide the projected number of project-based units and general locations and describe how project-basing would be consistent with the PHA Plan.

☐ **Units with Approved Vacancies for Modernization.** The PHA must include a statement related to units with approved vacancies that are undergoing modernization in accordance with 24 CFR §990.145(a)(1).

☐ **Other Capital Grant Programs** (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

B.3 Progress Report. For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan. (24 CFR §903.7(r)(1))

B.4 Capital Improvements. PHAs that receive funding from the Capital Fund Program (CFP) must complete this section. (24 CFR §903.7 (g)). To comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan in EPIC and the date that it was approved. PHAs can reference the form by including the following language in the Capital Improvement section of the appropriate Annual or Streamlined PHA Plan Template: "See Capital Fund 5 Year Action Plan in EPIC approved by HUD on XX/XX/XXXX."

B.5 Most Recent Fiscal Year Audit. If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided. (24 CFR §903.7(p))

C. Other Document and/or Certification Requirements

C.1 Resident Advisory Board (RAB) comments. If the RAB had comments on the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. (24 CFR §903.13(c), 24 CFR §903.19)

C.2 Certification by State of Local Officials. Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. (24 CFR §903.15). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan. Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154; or 24 CFR 5.160(a)(3) as applicable (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations. impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o)).

C.4 Challenged Elements. If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.

D. Affirmatively Furthering Fair Housing.

D.1 Affirmatively Furthering Fair Housing.

The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: "To implement goals and priorities in an AFH, strategies and actions shall be included in program participants' … PHA Plans (including any plans incorporated therein) …. Strategies and actions must affirmatively further fair housing …." Use the chart provided to specify each fair housing goal from the PHA's AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless , the PHA will address its obligation to affirmatively further fair housing by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 7.02 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

Attachment B.3
Progress Report: PHA Goals and Objectives for 5-Year Plan Fiscal Years 2020-2025

HUD Strategic Goal #1: Advance Economic Opportunity

PHA Goal One: Expand the supply of assisted housing.

Objective: Apply for additional tenant based, project based, and special purpose vouchers
Progress: The Oxnard Housing Authority's (OHA) Veterans Affairs Supportive Housing (VASH) voucher allocation has increased by 25 additional vouchers for a total of 77. The OHA was awarded 40 Mainstream Vouchers and 46 Emergency Housing Vouchers. An additional allocation of 14 Housing Choice Vouchers were also awarded. An interest letter was submitted to HUD expressing interest in the Stability Voucher Program and plan on applying for vouchers, if approved.

Objective: Development of additional rental housing
Progress: Las Cortes, Inc. a non-profit corporation was established with the purpose of creating affordable housing. To date, phase I and phase II of the Las Cortes project have been completed which involved the demolition and replacement of 260 public housing units. Currently, phase III of the project is in the planning phase which will result in additional rental housing units. The OHA is working in partnership with several developers constructing or rehabilitating affordable projects, to project base vouchers. This action will increase the number of low-income families who receive subsidized housing assistance but are successful in locating a unit.

Objective: Decrease Public Housing Vacancy Rate
Progress: Public Housing vacancy rate was sustained. The units designated for conversion to comply with the Department of Housing and Urban Development's ADA-Section 504 regulation, were not factored. The units will be taken offline as they are vacated.

Objective: Increase Housing Choice Voucher Budget Utilization
Progress: Utilization rate was impacted by the restrictions and challenges presented by the COVID-19 pandemic. For example, offices were closed to the public, stay at home orders were in place throughout the fiscal year, and staff capacity was reduced by 50%. In FY 2022, the OHA contracted NanMckay and Associates Inc. to provide the temporary staffing support necessary to address work backlogs. Three simultaneous efforts are underway to increase utilization: the increase of the Payment Standard (maximum amount of rent paid for a unit on the Section 8 program) to 110% of the fair market rents published by the Department of Housing and Urban Development (agencies pay between 90% to 120% based on their local rent market needs); acceptance of rent increases (rent increases were halted during the pandemic); and efforts to increase the number of new vouchers issued.

Objective: Create a Housing Navigation team
Progress: Housing Locator position was created to provide field-based housing location services to program participants. The Housing Locator works closely with participants and their case workers in the rental process. The Housing Locator maintains and coordinates communication, between participants, landlords, property managers, case workers, community partners, and staff. In addition, a partnership with Ventura County United Way was established to leverage the various landlord incentive programs for homeless individuals and families they offer which in turn helps OHA's voucher holders to secure units.

PHA Goal Two: Expand Family Self-Sufficiency (FSS) Program

Objective: Increase program participation

Progress: Fiscal years 2020 and 2021 presented a challenge to the OHA's efforts to increase FSS program participation. Offices were closed to the public making it necessary to move towards on-line recertifications. In fiscal year 2022, HUD published mandated updates to the FSS program which resulted in a temporary suspension of new admissions to the program. The OHA shifted focus to completing the necessary legwork to ensure the program meets compliance requirements and that all policies and procedures are up to date with new federal regulations. Staff is also working on educating program participants on the new changes. The OHA will shift its focus to new admissions upon completion of transition of any existing participants who wish to enter into a new contract.

Objective: Expand the scope and types of services offered to participants. For example: job training and educational programs that will increase self-sufficiency and income generation

Progress: Efforts had been placed on hold due to COVID-19 restrictions. However; the OHA worked with community partners to bring COVID-19 related relief and assistance programs to participants and residents. The OHA partnered with the Ventura County Credit Union and the Housing Authority of the City of San Buenaventura to offer money management workshops (virtually). The OHA is also working on a Memorandum of Understanding with the Oxnard Adult School to offer ESL Classes and Digital Literacy courses for public housing residents and program participants. In FY 2022, the OHA launched its scholarship program and awarded 3 scholarships to youth who are pursuing a higher education and live in Public Housing or their household is part of the Section 8 program. College preparation workshops are also offered in partnership with Oxnard College and California State University Channel Islands.

Objective: Build new partnerships with employers and service providers

Progress: Efforts have been negatively impacted due to COVID-19 restrictions in place. However; the OHA partnered with Amazon to host multiple job fairs in 2021. The OHA partnered with Embassy Suites by Hilton, Boys & Girls Clubs of Greater Oxnard and Port Hueneme, Gold's Gym, and the United States Census 2020 to host a community wide job fair in 2020. In 2022, the OHA partnered with Southwest Carpenters, who will be offering paid apprenticeships, with employment guarantee, at no cost to interested Section 8 and Public Housing program participants.

Objective: Revamp marketing efforts

Progress: Efforts have been placed on hold until all COVID-19 restrictions are lifted. However; electronic and mailers continue to be sent.

Objective: Increase progress meetings with program participants

Progress: Virtual and telephone meetings are held with program participants, however; staff has now begun holding one on one meetings with program participants.

PHA Goal Three: Supportive Services for Residents

Objective: Resident Opportunities and Self-Sufficiency (ROSS) program Coordinator to expand coordination of self-sufficiency services to each project site

Progress: Efforts have been placed on hold until all local COVID-19 restrictions are lifted. However; a community survey is being completed to gather the necessary data on the needs of each project site and to identify activities that will have the greatest impact in helping residents increase self-sufficiency. All new efforts described under PHA Goal two for the Family Self Sufficiency (FSS) program have been launched in collaboration with the ROSS program coordinator.

Objective: Increase collaboration between ROSS and FSS activities

Progress: ROSS activities have been focused primarily on coordinating programs and services that assist residents and program participants to navigate the impact of COVID-19. As the pandemic has begun to subside, the activities hosted by the ROSS program are being reinitiated. The FSS program coordinator is working closely with the ROSS program coordinator to promote collaboration of new activities.

Objective: Leverage capacity with resident advisory board teams to increase participation and outreach

Progress: This objective was on hold due to COVID-19 restrictions. In January 2023, the OHA began efforts to increase resident participation in the resident advisory board and is holding elections to fill vacancies within each tenant association. The tenant associations are made up of public housing residents who work in partnership with the OHA to identify and address the needs of residents. Once in-person meetings are resumed, participation is expected to increase.

HUD Strategic Goal #2: Reduce Homelessness

PHA Goal One: Increase percentage of admissions to mainstream housing programs

Objective: Apply for Mainstream Vouchers

Progress: The OHA was awarded 40 vouchers.

Objective: Establish partnerships with local Health and Human Service Agencies

Progress: The OHA is working in partnership with the Ventura County Human Services Agency.

Objective: Partner with Community Service Agencies throughout the Ventura county that offer homeless programs

Progress: The OHA hired a full-time Homeless Assistance Program Coordinator who is working with community service agencies to provide an array of services to our homeless population. For example, OHA partnered with the Ventura County and Salvation Army to implement a “One Stop” program that provides services in areas frequented by non-housed homeless individuals.

Objective: Collaborate with Ventura County’s Continuum of Care to establish a referral system

Progress: The OHA has established a referral system with the Ventura County’s Continuum of Care agency.

PHA Goal Two: Set Aside Homeless Voucher Program

Objective: Increase utilization of homeless set aside vouchers

Progress: Homeless Services Coordinator position has been filled and a Housing Navigation Locator position has been created. The issuance of homeless set aside vouchers was decreased due to the decreased capacity that has stemmed from COVID-19 restrictions in place. However; in FY2022, all vouchers were issued or committed. The OHA is seeking new funding opportunities to increase the allocation of vouchers.

Objective: Establish MOU with Supportive Services Provider

Progress: The OHA has established a referral system with the Ventura County's Continuum of Care agency. In addition, the OHA is working with United Way of Ventura County to explore possibilities of increasing supportive services through their homelessness initiatives.

Objective: Develop a plan to move homeless applicants from shelter to permanent housing

Progress: The OHA is currently working with Ventura County, the Salvation Army, the Ventura County Workforce Development Board and the Ventura County's Continuum of Care to establish a program that will move individuals from homelessness to permanent housing via the use of Mainstream vouchers, Veterans Affairs Supportive Housing (VASH) vouchers, and Homeless set aside vouchers.

PHA Goal Three: VASH Program

Objective: Increase utilization of Veterans Affairs Supportive Housing (VASH) vouchers

Progress: The OHA is working with the U.S. Department of Veterans Affairs' regional office to discuss ways in which referrals can be increased for the VASH program. In addition, the OHA has committed vouchers to new developments that will serve the Veteran population. The OHA has less than 10 vouchers available.

Objective: Increase collaboration efforts with local VA clinic to identify eligible Veterans

Progress: The OHA is working with U.S. Department of Veterans Affairs' regional office includes reaching out to the local VA clinic to increase referrals.

PHA Goal Four: Build a Navigation Center

Objective: Increase street outreach and case management

Progress: The OHA hired a Homeless Assistance Program Coordinator dedicated to coordinate both street outreach and case management. In partnership with the Salvation Army, street outreach services have been expanded throughout the OHA's jurisdiction.

Objective: Lead the operation of the city owned navigation center

Progress: Construction of Navigation Center began in FY 2022.

Objective: Establish partnerships with recuperative care, supportive service, and permanent housing providers

Progress: The OHA has established partnerships with multiple community service providers to assist in the efforts of connecting homeless individuals with supportive services. For example, the "One Stop" program which brings services to areas that are frequented by non-housed homeless individuals. The OHA also launched an encampment response plan to address a large homeless encampment site. A variety of services are being offered onsite including: hygiene services, outreach, and case management.

HUD Strategic Goal #3: Enhance Rental Assistance

PHA Goal One: Transition public housing to a more sustainable platform

Objective: Expand the rehabilitation of existing housing

Progress: Improvements to public housing units include:

- Rehabilitation of exterior walls for OHA's turn key units (Projects located on Fremont, Althea, Hill, Fashion Park, Concord and Cuesta Del Mar) which included scrapping all peeling paint, filling in cracks, paint exterior walls, fascia and all exterior doors as well as carport posts and trash enclosures; the removal and replacement of all cracked concrete in backyard patios
- Flooring replacement for the Felicia project (100 units located on Felicia Court)
- Toilet sensor project for the Felicia project (100 units located on Felicia Court) and the Colonia project (70 units located on Colonia Road) which involved installation of toilet sensors to detect leaks or running toilets
- Kitchen cabinet replacement project for the Palm Vista Project (100 units located at 801 S. C St) which included the replacement of cabinets, plumbing fixtures, sink and range hood
- Boiler replacement project for the Plaza Vista Project (100 units located at 401 S. C St) which included replacement of both heater and domestic hot water heater boilers, holding tank, and all plumbing up to the walls
- Alley way pavement repairs for the Fashion Park project (24 units located on Fashion Park Place)
- Replaced all of the common area lighting with LED light fixtures for both Palm Vista Project (100 units located at 801 S. C St) and the Plaza Vista Project (100 units located at 401 S. C St)
- Replaced fire sprinklers for both Palm Vista Project (100 units located at 801 S. C St) and the Plaza Vista Project (100 units located at 401 S. C St)
- Painted the interior common walls/hallways for the both Palm Vista Project (100 units located at 801 S. C St) and the Plaza Vista Project (100 units located at 401 S. C St)

Currently, the OHA is working on:

- Replacing the electrical panels and drain lines at the Plaza Vista Project (100 units located at 401 S. C St)
- Two construction phases of the 504-compliance project (this project refers to number of units the OHA must have in its inventory that have been adapted to meet the needs of disabled persons) will be completed in the first quarter of calendar year 2023, specifically 2 units at the Pleasant Valley project (5191 and 5201 Squires Drive) are being split to 4 accessible units and 5 units at the Palm Vista (located at 801 S. C St.) project will be modified.

Objective: Increase value of OHA's real property asset portfolio

Progress: The OHA will continue monitoring the private market for opportunities to expand its current property asset portfolio. In fiscal year 2022, the OHA increased its portfolio by acquiring a 4-unit apartment complex located at 1250 Azalea St, a 4-unit apartment complex located at 2051 Mariposa St, and a single-family residence located at 3139 S. J St. All of the units are leased by low income families.

Objective: Merge Capital Fund and Maintenance Teams

Progress: The Capital Fund team has been realigned and now reports to the Maintenance Department. The synergies between both teams offer the added benefit of ensuring that the ongoing maintenance needs of projects are factored in when capital improvement decisions are made. In addition, the capital fund team now has access to additional project management support.

Objective: Transition Public Housing Units with significant unmet capital needs to Rental Assistance Demonstration Program (RAD) or Project Based Projects

Progress: The OHA launched the effort titled "Rethink and Renew" to restructure operations. As part of the effort, the OHA submitted a technical assistance and capacity building engagement grant request to the Department of Housing and Urban Development (HUD). The request was approved. HUD assigned the consultant, CVR Associates, Inc. to complete an analysis and issue a repositioning report tailored to OHA. The term repositioning refers to changing the funding structure for the units currently owned by the OHA under the Public Housing Program to a Section 8 subsidy. This change will provide for a more stable stream of funding and also allow the OHA to leverage funds for rehabilitation of its units. The OHA intends to move forward the preliminary repositioning activities in fiscal year 2023.

HUD Strategic Goal #4: Streamline Operations

PHA Goal One: Reduce administrative burden

Objective: Participate in HUD's Moving to Work Demonstration Cohort program

Progress: On Hold. Due to COVID-19 indirect and direct impact to operations, the OHA is focusing on resuming to normal operations.

Objective: Streamline processes and procedures for annual and re-certifications

Progress: The OHA has launched an on-line, web-based recertification portal for Public Housing residents. In FY 2022, the OHA moved to on-line recertifications for the Housing Choice Voucher program.

Objective: Implement consistent forms, letters, and notices for all programs

Progress: The OHA has begun standardizing forms for the Public Housing Program. A committee of staff members has been established to review notices before they are released to residents. Once finalized, forms will be standardized for the Housing Choice Voucher Program.

Objective: Develop strategies to reshape workforce capacity

Progress: The COVID-19 pandemic required for the OHA to shift focus from identifying streamlining opportunities to establishing immediate processes to minimize the impact to delivery of services. However; the OHA has resumed normal operations, filled all vacant positions, has training efforts underway, and is working on standardizing procedures.

Objective: Identify and eliminate administrative practices not required by HUD

Progress: The COVID-19 pandemic required for the OHA to shift focus from identifying streamlining opportunities to establishing immediate processes to minimize the impact to delivery of services. Effort has been relaunched and has a target completion date of FY2023.

PHA Goal Two: Improve customer service

Objective: Deliver services more efficiently

Progress: The OHA launched the effort titled "Rethink and Renew" to restructure operations. The goal is to improve landlord and tenant relations and customer service. Although the COVID-19 pandemic temporarily halted the efforts, the task is underway.

Objective: Reduce turnaround time-frames for reasonable accommodation requests

Progress: Reasonable accommodation requests are reviewed and dispositioned within 48-72 hours from receipt. If an accommodation exceeds the approval authority level of the Program Supervisor, it is submitted within 24 hours to the Housing Programs Manager for review so that the response is not delayed.

Objective: Move towards on-line web-based applications

Progress: Completed. The OHA launched an on-line applications and resident's web-based portal.

Attachment C.1 (b)
Resident Advisory Board Comments

HOUSING AUTHORITY OF THE CITY OF OXNARD
ANNUAL AGENCY PLAN PROPOSED CHANGES
SUMMARY OF TENANT COMMENTS

Although no written comments were received, the following is a summary of the verbal comments received at the Resident Advisory Board (RAB) Meetings (summarized):

Comment: The homeless preference is for the same program that has been in existence for many years?
Response: There has been a homeless set aside program for the past 7 years. The program allows for 15 vouchers to be designated for homeless individuals and families per year. However; due to the way the program was set up, it is not possible to open the waitlist once the entire waitlist has been exhausted and vouchers are still available. By adopting a preference, there will be a mechanism to identify eligible applicants and the OHA will be able to open the waitlist for this preference, if needed. This preference was proposed to the RAB in 2021 and temporarily adopted, in accordance with the waivers published by the Department of Housing and Urban Development under Notice PIH 2021-14 (HA), as a response to the COVID pandemic. The temporary waivers have expired; therefore, the OHA is proposing to formally adopt the preference to the Housing Choice Voucher Program Administrative Plan. This action requires presenting before the committee and Board of Commissioners.

Comment: Can the capital fund be used to pain the interior of all public housing units?
Response: A portion of the Fiscal Year 2023's Capital Fund Budget is going towards repairs and improvements needed in preparation for inspections that the Department of Housing and Urban Development is conducting. If a unit requires painting due to normal wear and tear, it will be completed. In addition, public housing residents need to report their requests for their individual units by placing a work order, the unit will be assessed to determine corrective action.

Administrative Plan

Electronic copy of Administrative Plan is located on OHA's website:

https://www.oxnard.org/city-department/housing/section-8/admin-plan/

Admissions and Continued Occupancy Plan

Electronic copy of Administrative Plan is located on OHA's website:

https://www.oxnard.org/city-department/housing/public-housing/acop/

Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan *(All PHAs)*

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan

I, Emilio Ramirez , the Housing Director
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2020-2025 and/or Annual PHA Plan for fiscal year 2023 of the Housing Authority of the City of Oxnard is consistent with the
PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

City of Oxnard

Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR §§ 903.7(o)(3) and 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or State Consolidated Plan.

The PHA's goals and objectives are aligned with the Consolidated Plan. Specifically, on section AP-20 of the plan. The PHA is working on improving supply of affordable rental housing inventory, reducing homelessness, and increase in availability of social services.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official:	Title:
Emilio Ramirez	Director of Housing and Redevelopment
Signature:	Date:

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Certifications of Compliance with PHA Plan and Related Regulations *(Standard, Troubled, HCV-Only, and High Performer PHAs)*	**U.S. Department of Housing and Urban Development** Office of Public and Indian Housing **OMB No. 2577-0226** **Expires 3/31/2024**

PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations including PHA Plan Elements that Have Changed

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the___ 5-Year and/or **X** Annual PHA Plan, hereinafter referred to as" the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning **2023**, in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
   (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
   (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
   (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
- Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
- The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
- The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).

9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act**,** the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Housing Authority of the City of Oxnard — PHA Name

CA 031 — PHA Number/HA Code

X Annual PHA Plan for Fiscal Year 20**23**

_____ 5-Year PHA Plan for Fiscal Years 20____ - 20____

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Executive Director:		Name Board Chairman:	
Emilio Ramirez		John C. Zaragoza	
Signature	Date	Signature	Date

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to ensure compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

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Oxnard Housing Authority Repositioning Report



Prepared By: CVR Associates, Inc.

October 2021

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Section 1: Introduction

The Housing Authority of the City of Oxnard (HACO) is in Ventura County, California and manages 520 public housing units, under an Annual Contribution Contract (ACC) with HUD, and administers 1,840 Housing Choice Vouchers (HCV).

HUD issued work plan number CVR-O-19-07-04 Oxnard Asset Repo to CVR Associates, Inc. (CVR) to provide technical assistance to HACO. As a part of this work plan, CVR has been tasked with assisting HACO develop an Asset Repositioning Plan to transition from their Public Housing portfolio from the public housing program to a Section 8 based subsidy.

Key Considerations for Repositioning

1. Conversion to a Section 8 project-based subsidy platform will provide a more stable stream of subsidy that will enhance the long-term viability of the portfolio.
2. Repositioning HACO public housing assets will not reduce the number of units in the inventory.
3. Conversion to a Section 8 project-based platform is more conducive to raising debt and equity.
4. Non-RAD PBV rents are greater than RAD rents for HACO.
5. HACO does not have sufficient public housing funds available to make the necessary renovations the units are projected to need over the next ten years.
6. Using long-term debt could leverage HACO funding and provide additional funding for rehabilitation of the units.

DRAFT

Section 2: Background

HACO Public Housing Portfolio

HACO's public housing portfolio is located within the City of Oxnard. A summary of the current Oxnard public housing portfolio units by bedroom size is outlined below.

Development	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	Total
Felicia Court	-	-	24	60	14	2	**100**
Colonia Road	-	-	18	30	20	2	**70**
Pleasant Valley Village	-	10	36	38	12	4	**100**
Plaza Vista Senior Apartments	18	32	-	-	-	-	**50**
Althea Court	-	-	8	4	6	2	**20**
Hill Street	-	-	4	4	4	-	**12**
Fashion Park Place	-	-	8	8	5	3	**24**
Concord Drive	-	0	8	4	6	2	**20**
Cuesta Del Mar	-	-	4	4	3	1	**12**
Fremont Square	-	-	4	4	4		**12**
Palm Vista Senior Apartments	-	100	-	-	-	-	**100**
Total	**18**	**142**	**114**	**156**	**74**	**16**	**520**

Demolition of the 146-unit Colonia Village public housing site was completed in 2019 and is not included in the above summary.

Section 504 Compliance and Conversion Plan

HACO currently has a Section 504 Conversion Plan that will increase the number of Section 504 mobility impairment units by 25 as outlined below

- Pleasant Valley Village - 4 units
- Colonia Road - 4 units
- Scattered Sites properties - 6 units
- Palm Vista Senior Apartments - 11 units

The plan also includes making the 11 units at Palm Vista Senior Apartments compliant with respect to Section 504 requirements for audio and visual impairments. HACO believes the recent demolition of The Court (Cal 31-1), which significantly reduced the number of accessible units in the inventory, has necessitated the requirement to quickly produce additional accessible units

DRAFT

The new unit mix based on the implementation of the current 504 conversion plan, would be as follows:

Development	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR	Total
Felicia Court	-	-	24	60	14	2	**100**
Colonia Road	-	4	22	30	18		**74**
Pleasant Valley Village	-	12	38	38	12	2	**102**
Plaza Vista Senior Apartments	18	32	-	-	-	-	**50**
Althea Court	-	-	8	4	6	2	**20**
Hill Street	-	-	4	4	4	-	**12**
Fashion Park Place	-	3	11	8	5	0	**27**
Concord Drive	-	2	10	4	6	0	**22**
Cuesta Del Mar	-	-	4	4	3	1	**12**
Fremont Square	-	-	4	4	4		**12**
Palm Vista Senior Apartments	-	100	-	-	-	-	**100**
Total	**18**	**153**	**125**	**156**	**72**	**7**	**531**

We have used the current 504 conversion plan's unit mix above in our financial projections for this repositioning report.

However, we believe the current Section 504 Conversion Plan, combined with existing accessible units would result is a unit distribution that does not appear to meet the requirements of 24 CFR Part 8.26:

> "Distribution of Accessible Dwelling Units (*accessible dwelling units shall, to the maximum extent feasible. be distributed throughout projects and sites and shall be available in a sufficient range of sizes and amenities so that a qualified individual with handicaps' choice of living arrangements is, as a whole, comparable to that of other persons eligible for housing assistance under the same program*)."

As part of the repositioning efforts, CVR recommends that HACO reassess the existing 2018 Section 504 conversion plan to ensure the reconfiguration is consistent with the requirements of 24 CFR Part 8 as part of the Asset Repositioning plan. This may result in increased costs which would require revisions to the financial analysis. Further details were provided under separate cover.

Capital Needs

Ameresco completed an "Asset Management Plan" in 2012 for HACO's public housing inventory. While this plan was not completed in the typical HUD Physical Needs Assessment format, it did identify projected physical component replacement needs of the HACO units through 2041. The report identified approximately $62.4 million of physical component replacements needed between 2020 and 2041. It does not appear that the Ameresco assessment considered any

potential hazardous materials abatement, other environmental abatement required, or accessibility improvements needed.

Under separate cover, CVR has provide recommendations regarding HACO's capital needs. Below is a breakdown of the estimated capital need cost for each property.

Property	Immediate Needs	Year 1-5	Years 6-10	Years 11-15	Years 16-20	Total Capital Needs
Felicia Court	1,624,189	2,447,714	828,352	1,246,964	1,536,969	7,684,188
Colonia Road	1,386,196	2,537,358	1,712,433	3,505,718	2,020,893	11,162,598
Pleasant Valley Village	950,423	3,586,916	1,214,482	5,697,002	4,120,229	15,569,051
Plaza Vista Senior Apartments	623,342	1,340,000	2,550,000	452,633	1,716,240	6,682,215
Althea Court	487,500	267,147	20,000	263,608	368,000	1,406,255
Hill Street	822,568	459,573	33,746	449,205	620,933	2,386,026
Fashion Park Place	983,429	585,229	40,346	554,976	742,363	2,906,343
Concord Drive	892,813	496,219	36,628	486,263	673,959	2,585,882
Cuesta Del Mar	487,149	271,887	19,986	265,889	367,735	1,412,645
Fremont Square	487,500	274,155	20,000	267,119	368,000	1,416,774
Palm Vista Senior Apartments	290,359	2,483,885	3,599,940	1,774,403	1,053,085	9,201,672
Total	**9,035,469**	**14,750,083**	**10,075,913**	**14,963,779**	**13,588,406**	**$62,413,650**

CVR also conducted a visual assessment of properties and the overall impression from the on-site visit was that HACO takes significant pride in the care, maintenance, and upkeep of the properties and no significant, immediate physical deficiencies were observed during our limited assessment.

In addition, the most recent REAC inspection reports identified several health and safety deficiencies, including the condition of doors and their ancillary components at multiple properties including apartment and common area doors at the Plaza Vista and Palm Vista high-rise buildings.

Systemic, Health and Safety items, and potential Capital Needs items identified in the REAC inspections may also warrant increased attention prior to and while developing the scope of repositioning work. These items include:

- Site work including landscape, erosion, overgrown vegetation, and fencing and gates. This was also an item mentioned as high-priority by HACO staff during the on-site visit.
- Clogged drain lines, which were also mentioned in the on-site visit as a high-priority item by HACO staff.

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- Foundation cracks and rotted subfloor at Felicia Court Building 48, Building 144 – 3010 Turnkey Scattered Sites, and Building 146 – 2950 Turnkey Scattered Sites.

We assumed most of the Ameresco work identified through 2019 has been addressed. For purposes of estimated construction costs, we used the costs for years 2020 through 2031. Due to the age of the Ameresco report, CVR increased these costs by 30%. This should account for inflation and any potential hazardous materials abatement, 504 conversion revisions needed or other unknown factors. A summary of the estimated needs for each HACO property is outlined below:

Property	Construction Cost	Per Unit	HCC
Felicia Court	9,770,236	97,702	60%
Colonia Road	10,127,942	136,864	85%
Pleasant Valley Village	11,915,742	116,821	77%
Plaza Vista Sr.	4,816,510	96,330	91%
Althea Court	1,186,941	98,912	60%
Hill Street	2,002,392	100,120	60%
Fashion Park Place	2,467,486	91,388	60%
Concord Drive	2,170,010	98,637	64%
Cuesta Del Mar	1,201,092	100,091	60%
Fremont Square	1,189,052	99,088	60%
Palm Vista Sr.	10,763,784	107,638	91%

In addition to the HACO recommended unit repairs, the Ameresco report also identified almost $1 million of repairs would be need for the administrative buildings over the next 20 years.

Current Housing Authority Funding Available

Capital Fund Program Funds

HUD provides capital fund grants to Housing Authorities annually through its Capital Fund Program (CFP) for the development, financing, and modernization of public housing developments. However, the funds may not be used for luxury improvements, direct social services, cost funded by other HUD programs, and ineligible activities as determined by HUD on a case-by-case basis.

In addition, Housing Authorities may use up to 10% of their annual CFP allocation for CFP-related administrative costs and 10% for management improvements. CVR has projected a total

of 25% of each projected annual CFP allocation would be utilized for these items in this repositioning report.

CFP regulations require housing authorities to obligate their annual CFP fund allocation within 2 years of receipt and to expend the fund within 4 years. HUD may extend the PHA's obligation date for Capital Fund used in a RAD conversion for up to thirty-six months from the previous obligation end date and the expenditures end dates will be correspondingly extended.

Below is a chart of CFP fund allocations HACO has received over the past 5 years and the amounts obligated and spent for each allocation as of September 30, 2021

Calendar Year award	CFP	Obligated	Expended	Available
2017	1,486,849	1,486,849	1,486,849	-
2018	2,180,463	2,063,671	1,247,774	116,792
2019	2,165,525	615,337	443,094	1,550,188
2020	2,143,230	611,034	410,743	1,532,196
2021	2,384,050	-		2,384,050
Total	10,360,117	4,776,891	3,588,459	5,583,226

CVR has utilized the unobligated balances as of September 30, 2021, as available funding for this Repositioning Report. We have also utilized the 2021 CFP grant amount as the projected CFP funding base amounts for the next 5 years. These amounts will be reduced proportionately as units are repositioned from the public housing subsidy platform to Section 8 voucher subsidy platform.

Demolition and Disposition Transitional Funding

HUD provides housing authorities with a formula-based add-on to their CFP grants for 5 years after a PHA has removed units from its inventory because of HUD-approved demolition or disposition. These CFP add-ons are called Demolition and Disposition Transitional Funding (DDTF) and have the same restrictions as Capital Funds. These funds are not awarded for RAD conversions.

CVR has incorporated these funds currently being received for demolished units at Colonia Village. In addition, we have incorporated projected DDTF funds received through the repositioning of other public housing units.

Operating Reserve Funds

Pursuant to PIH Notice 2019-23 RAD Notice Rev 4, PHAs are permitted to use available public housing funding, including Operating Reserves, Capital Funds, and Demolition and Disposition Transitional Funding as source of capital in the development budget to support conversion,

whether for rehabilitation or new construction, as well as to increase initial contract rents, Eligible conversion-related uses for these funds include pre-development, development, or rehabilitation costs of the Development, establishment of capital replacement reserve or operating reserve, payment of Capital Fund Financing Program (CFFP), Operating Fund Financing Program (OFFP), or Energy Performance Contract (EPC) debt, and increase of the initial contract rent.

Operating Reserves are not allowed as development source for units that are repositioned under Section 18 only and are not part of a RAD conversion. Those funds must be spent prior to conversion under Section 18.

As of June 30, 2021 HACO had a significant amount of Reserve Funds that could be used for repositioning activities. The Financial Data Schedule, shows HACO has $8.3M in unrestricted Excess Cash/cash reserves, in the LIPH program as outlined below.

AMP	Felicia Court	Colonia Road	Pleasant Valley Village	Plaza Vista Sr.	Scattered Sites	Palm Vista Sr.	Total
Excess Cash	1,784,834	1,364,854	1,630,593	738,226	1,457,948	1,365,463	8,341,918

PHAs are prohibited from using Operating funds on the capital improvements, including operating reserves, at the Public Housing units unless those Developments are undergoing a RAD conversion.

Althea Court Insurance Funds

HACO has approximately $1.6M of insurance funds remaining in restricted assets due to of a fire that burned down an 8 unit building at Althea Court. These funds have been incorporated into the financial projections to support the new construction of the 8 units.

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Section 3: Repositioning and Recapitalization

HUD defines Repositioning as the removal of a property from the Public Housing Section 9 subsidy platform either through RAD, Section 18 Demolition/Disposition, Section 22 Voluntary Conversion, Section 33 Required Conversion, or Section 32 Homeownership and replacing it with Section 8 assistance. In most cases, this conversion is intended to preserve the assets as long-term affordable housing although, in some instances, repositioning can also mean the conversion to tenant based assistance or the sale of Public Housing units to low-income homebuyers and the award of replacement vouchers.

HUD defines Recapitalization as the use of current agency funds or third-party sources to complete necessary physical improvements to a Public Housing property, often by leveraging the Section 8 rental assistance. Recapitalization can be achieved using PHA funds, (Operating Subsidies and Capital Funds), LIHTC, private debt, state and local funding, grants, and in limited cases, Historic and New Market tax credits. It is possible for a housing authority to reposition its public housing inventory to Section 8 without recapitalization, but given the significant physical needs of HACO's units, recapitalization should also be done in conjunction with the repositioning.

Program Characteristics

There are several Program Characteristics for each repositioning option that must be considered when evaluating a property for repositioning including, but not limited to:

- Tenant Protection Vouchers
- Demolition and Disposition Transition Funds
- Asset Repositioning Fees
- Resident Rights
- Replacement Housing Requirements
- Disposition Requirements
- Use of Sales Proceeds
- Use of Public Housing Program Funds
- Tenant Consent to Project Base Vouchers
- Public Housing Closeout Requirements
- Faircloth Impacts

HUD's "Repositioning Options: Summary of Key Characteristics" chart (Exhibit A) provides a summary of these program characteristics for each of repositioning option.

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Rent Analysis

RAD

Generally, the best Repositioning options chosen, considering characteristics for each option, is primarily determined by the option that provides the highest rent resulting in a higher net income that can be leveraged to maximize the levels of debt and equity that can be achieved.

The contract rent for converting to RAD is determined by the Housing Authority's current funding. The current funding is based on the sum of the following:

- Per unit monthly (PUM) subsidy eligibility at full occupancy under the Operating Fund program, based on the current year's Operating Fund appropriation (incorporating any pro-ration and excluding Asset Repositioning Fee);
- The amount of the PHA's Capital Fund Formula Grant attributable to the standing units at the project (i.e., excluding DDTF), divided by the units recognized under the Capital Fund Formula, i.e., "standing units", divided by twelve; and
- PUM adjusted formula income under the Operating Fund program, i.e., tenant rent.

The rents are adjusted annually through HUD's automated Operating Cost Adjustment Factor (OCAF) and updated in a RAD Rent Schedule every 2 years. The most recent RAD Rent Schedule was published in December 2020 and included an OCAF for 2021 as outlined below.

Development	PIC Number	0-Bedroom	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom	5-Bedroom
COLONIA VILLAGE	CA031000001	$541	$648	$820	$1,147	$1,360	$1,564
COLONIA VILLAGE	CA031000002	$534	$639	$809	$1,132	$1,342	$1,543
COLONIA VILLAGE	CA031000003	$554	$663	$839	$1,173	$1,391	$1,600
PLEASANT VALLEY	CA031000004	$537	$642	$813	$1,138	$1,349	$1,551
PLAZA VISTA	CA031000005	$709	$849	$1,074	$1,503	$1,782	$2,049
OXNARD TOWNHOMES	CA031000007	$588	$704	$891	$1,247	$1,478	$1,700
PALM VISTA	CA031000008	$662	$793	$1,004	$1,404	$1,664	$1,914
RAD AVERAGE		**$589**	**$705**	**$893**	**$1,249**	**$1,481**	**$1,703**

When the Housing Authority converts under RAD, it must choose between converting the property under Project Based Rental Assistance (RAD PBRA) or Project Based Vouchers (RAD PBV) to determine the initial contract rent.

RAD PBV. If the Housing Authority converts under PBVs, the rent is set at the **lower** of 110% of the FMR, Reasonable Rent, or RAD contract rent. Based on the current RAD Contract rent

and the FMRs for Ventura County, the initial contract rent would be set at the RAD rents as outlined above, subject to a Rent Reasonableness study.

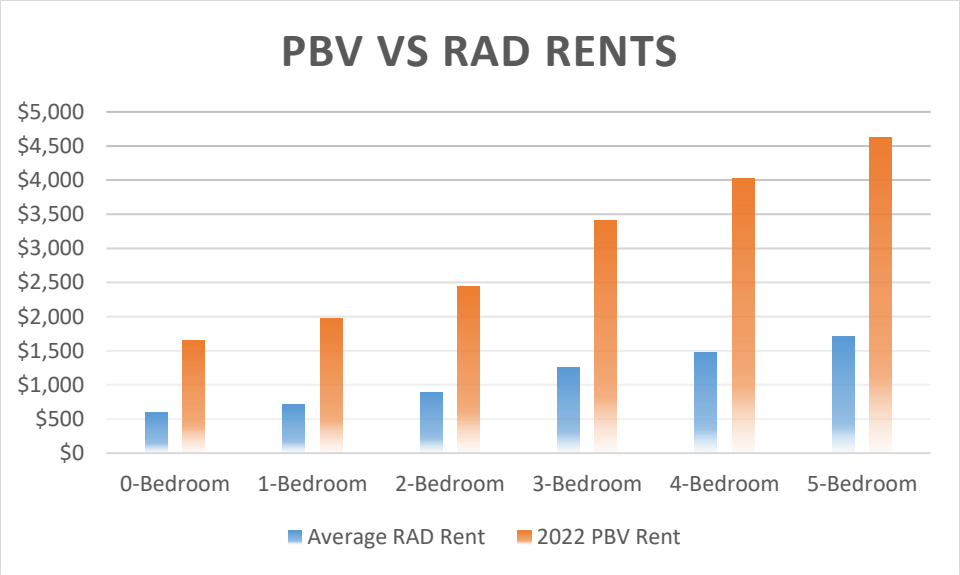
RAD PBRA. Under the PBRA option, the RAD vouchers would be administered by a 3rd Party. The initial contract rent would be set at the **lower** of 120% of the local Fair Market Rents (FMR) or the RAD contract rent and would not be subject to Rent Reasonableness. Based on the current RAD Contract rents and the FMRs for Ventura County, the initial contract rent would be set at the RAD rents.

NON-RAD PBV Rents

PBVs can also be applied to units without using RAD. The maximum approvable rents for Non-RAD Project-Based Vouchers in Oxnard, CA are significantly higher than the current RAD PBRA/PBV options. They can be set at up to 110% of the Fair Market Rent (FMR) as long as the proposed rents are reasonable as compared to similar market rate units.

Below are the potential PBV rents:

Development	0-Bedroom	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom	5-Bedroom
2022 HUD FMR	$1,507	$1,792	$2,218	$3,101	$3,655	$4,203
Non-RAD PBV RENTS	$1,658	$1,971	$2,440	$3,411	$4,021	$4,623



Due to the higher Non-RAD PBV rents, CVR recommended Non-RAD approaches wherever possible in this repositioning report to ensure the best operating cash flows for each project and to support debt service for potential funding gaps. It is important to also note that since HACO manages a voucher program, HACO would earn administrative fees on the new vouchers.

Section 4: Repositioning Options

HUD provides four main options for converting Public Housing to Section 8, which can often be used in combination:

- The Rental Assistance Demonstration Program (RAD).
- The Section 18 Demolition or Disposition.
- The Streamlined Voluntary Conversion (SVC).
- The Section 32 Homeownership Program.

Rental Assistance Demonstration (RAD)

HUD's RAD program provides a Housing Authority the ability to convert their public housing and other HUD-assisted properties to long-term, project-based Section 8 rental assistance to achieve the preservation and improvement of their housing stock by enabling access to the private and public debt and equity market to address immediate and long-term capital needs. Additionally, the RAD program provides a 20-year Housing Assistance Payment (HAP) contract that provides stability in the funding source for the Housing Authority. RAD conversions can be accomplished utilizing several approaches. CVR has provided a financial comparison of each option in Exhibit B. Based on this analysis, the RAD/Section 18 Blends provide the best RAD alternatives for HACO due to the level of construction.

PIH Notice 2021-07 provides the latest guidance for RAD/Section 18 Blends. There are two types of RAD/Section 18 Blends.

- **RAD/Section 18 Small PHA Blend**. For any PHA with 250 or fewer Public Housing units, up to eighty percent (80%) of the units in a Converting Project may by disposed of under Section 18. To be eligible, the PHA must submit a feasible repositioning plan approved by the PHA's Board of Commissioners and acceptable to HUD that removes all of a PHA's Public Housing ACC units, reflects that the PHA will not develop additional Public Housing units and will result in the closeout of the PHA's Section 9 Public Housing Program and termination of its Section 9 ACC. Additionally, any PBV contract created under this Section 3(a)(3)(c) must be administered by an HCV contract administrator with at least 250 HCV units under its HCV ACC prior to creation of such PBV contract.

- **RAD/Section 18 Construction Blend.** To be eligible for the construction blend, the proposed transaction may not use 9% tax credits. The RAD/Section 18 Construction Blend is a tiered system for determining the percentages of RAD and Non-RAD PBVs that can be received based on the amount of actual construction costs, inclusive of General Condition, Overhead, and Profit, as a percentage of HUD's Hard Construction Costs (HCC). The percentages of HCC and associated RAD/Section 18 Construction Blends are outlined below.

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RAD / Section 18 Blend	
Required HCC Threshold	RAD / Section 18 Blend Percentage
>30%	80% RAD / 20% Section 18
>60%	60% RAD / 40% Section 18
>90%	40% RAD / 60% Section 18
>90% + high-cost area*	20% RAD / 80% Section 18

*Oxnard is not considered a high-cost area.

Section 18 Demolition/Disposition

HUD PIH Notice 2021-07 provides guidance on the requirements to request HUD approval to demolish and/or dispose of public housing property under Section 18 of the U.S. Housing Act of 1937, as amended, as well as related Tenant Protection Voucher (TPV) eligibility for such actions.

If approved, the Housing Authority could convert the TPVs issued to project-based vouchers (PBVs) which have higher rents. This would allow the Housing Authority to raise additional debt to address construction cost and potential gaps.

Another key feature of Section 18 Disposition is the eligibility for phase-out funding under the Operating Fund and Capital Fund programs, called, respectively, Asset Repositioning Fees (ARF) and Demolition Disposition Transition Funds (DDTF). ARF funds provide for a declining phase-out of operating subsidies over two years (if disposition) or three years (if demolition). Under DDTF, the Capital Fund Grant is continued for five years without any phase down.

Under the Notice, HUD describes seven separate ways that a public housing project can qualify for disposition under Section 18 (See Exhibit C). We believe the two most likely ways HACO units could be approved for disposition are summarized below.

- Scattered Site Units

  Due to the distance between units and lack of uniformity of systems (e.g. HVAC, utilities), the PHA demonstrates an unsustainability to operate and/or maintain the units as public housing. For purposes of this notice, scattered site unit generally mean units in non-contiguous **buildings with four or fewer total units**. CVR is recommending this approach for the 12 Scattered Site Oxnard Townhome units at Cuesta del Mar.

- RAD / Section 18 Small PHA Blends

  The 2021-07 PIH Notice also allows Housing Authorities with 250 or fewer public housing units to convert up to 80% of its units to PBV. Given the higher PBV levels for Oxnard, this approach would allow each property to support additional debt. However, since

HACO currently has 520 ACC units, the Housing Authority would need to reposition at least 270 ACC units before it could qualify for this option.

For purposes of this report, CVR is recommending utilizing this approach for units that qualify due to the difference in the funding gap and ability to develop with limited need for tax credit equity.

It is important to note that this approach would result in the closeout of the HACO's Section 9 public housing program and termination of its Section 9 ACC.

Section 22 Streamline Voluntary Conversion

Under Section 22 Streamline Voluntary Conversion, if the Housing Authority has 250 or fewer public housing units on its ACC, the Housing Authority could be issued Tenant Based Vouchers (TBV) for up to 100% of the units and convert those vouchers into PBVs. However, the Voluntary Conversion option requires the residents to voluntarily convert their Tenant Based Voucher rights to have the PBV assistance and willingly give up their ability to receive a tenant-based voucher that could be used at the property or off-site in the private market.

The voluntary conversion stipulation of this approach makes it difficult to underwrite financing because it involves variables the Housing Authority does not control or cannot predict. We would typically estimate that only 50% to 80% of the residents would voluntarily convert their TBV to a PBV. Since this percentage will result in the same number of PBVs or fewer than the RAD/Section 18 Construction Blend, CVR did not utilize this approach in our financial analysis.

Section 32 Homeownership Program

This option allows a PHA to sell Public Housing units to low-income households, based on a PHA-adopted, and HUD-approved Homeownership Plan. It is an alternative disposition program to allow for affordable homeownership. Section 32 offers PHAs a flexible way to sell Public Housing units to low-income families, with preference given to current residents of the unit(s) being sold. The basic program requirements are that the purchasers must be low-income (80% below AMI) and have received HUD approved homeownership training, and that all units are at a standard that meets local code or if there is no code, meet Housing Quality Standards (HQS). Any other requirements and program eligibility are largely determined by the local PHA. Any sale proceeds generated must be used for Public Housing, Section 8 or other low-income housing needs, which could include buying and selling more units under the approved Section 32 homeownership plan. Also, the PHA may request Section 8 TPVs to protect HUD-assisted families and for all vacant units in the project that were occupied by an assisted family in the 24 months prior to Section 32 approval.

Although Section 32 is a path to Section 8 TPVs, it is not a path to project-base the current Public Housing units because the units have been sold to low-income families for homeownership. However, when a PHA receives the TPVs following a Section 32 action, the PHA may be able to project-base other units using the TPVs under certain conditions, such as when TPVs were

awarded for vacant units. A PHA is eligible for ARF but not DDTF under Section 32; however, a PHA does still retain its Faircloth Authority.

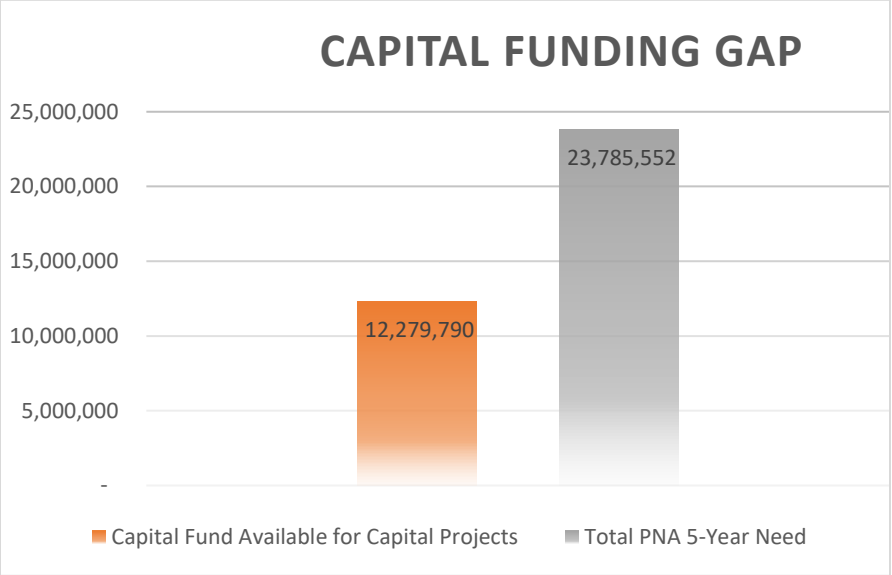
Due to the complexity of implementing this program, the extended amount of time it would take, and the fact that HACO units are not very conducive to conversion to homeownership, we have not included this approach in our financial analysis.

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Section 5: Recapitalization Options

Typically, HUD capital funding does not keep pace with the capital needs of the Housing Authority's properties. Oxnard is no different.

As previously mentioned, the Ameresco report identified $23.8M in capital needs for HACO properties in the next 5 years, not including planned 504 conversions. However, HACO is only projected to receive $12.2M in capital funds to address those needs over the next 5 years.



The recapitalization process allows Housing Authorities to use third-party sources to complete necessary physical improvements to a Public Housing property, often by leveraging the Section 8 rental assistance. Two of the most likely outside sources that are available to HACO include:

- Debt Only
- Low-Income Housing Tax Credits

Debt Only

A project's supportable debt is based, in large part, on its Net Operating Income (NOI), (Revenue – Operating Expenses). As discussed above in the Repositioning section, rents for Non-RAD PBVs in Oxnard are significantly higher than the current HUD RAD contract rents; therefore, utilizing repositioning options that maximize Non-RAD PBVs would generate higher operating income and more supportable debt.

There are several advantages to using debt over the low-income housing tax credit options, including:

- Less complicated transaction results in faster closing

- Less complicated transaction also results in lower transaction costs
- Less likely to require a Developer
- Property management does not need LIHTC experience
- No over-income issues with LIHTC income limits

Based on our financial analysis, the Debt only financing approach would provide sufficient funding to support the needed renovations for all HACO properties except the 102-unit Pleasant Valley property. Pleasant Valley will require Low-Income Housing Tax Credits to supplement their debt and complete renovations needed.

Low-Income Housing Tax Credits

There are two types of Low-Income Housing Tax Credits – 4% credits and 9% credits. The 4% credits are available "as of right" with tax-exempt bonds; the latter are awarded on a competitive basis by each state's tax credit agency. The 4% credits have generally allowed PHAs to undertake a higher level of rehab than could be supported by debt. The 9% credit transactions have mostly involved new construction or substantial rehabilitation.

As mentioned above, the only HACO property that would need to combine LIHTCs with debt is Pleasant Valley. Based on our financial analysis, 4% tax credits would provide sufficient equity funding for Pleasant Valley and would also be easier to obtain than the competitive 9% LIHTCs.

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Section 6: Recommended Approaches

Property	Approach	Debt?	Equity	Total Uses	Total Sources	Projected Gap
Cuesta Del Mar	RAD / Section 18 Construction Blend	Y	N	2,445,309	2,026,127	(419,181)
Hill Street	RAD / Section 18 Construction Blend	Y	N	4,002,683	2,886,147	(1,116,536)
Concord Drive	RAD / Section 18 Construction Blend	Y	N	4,440,434	3,718,048	(722,386)
Althea Court	RAD / Section 18 Construction Blend	Y	N	5,162,012	3,876,866	(1,285,146)
Fremont Square	RAD / Section 18 Construction Blend	Y	N	2,423,222	1,938,066	(485,155)
Felicia Court	RAD / Section 18 Construction Blend	Y	N	18,256,447	16,579,060	(1,677,386)
Pleasant Valley Village	RAD / Section 18 Construction Blend	Y	Y	47,879,865	47,879,865	0
Colonia Road	RAD / Section 18 Small PHA	Y	N	19,539,252	19,539,252	0
Palm Vista Sr. Apt	RAD / Section 18 Small PHA	Y	N	19,310,573	14,682,792	(4,627,781)
Plaza Vista Sr. Apt	RAD / Section 18 Small PHA	Y	N	10,069,784	6,380,402	(3,689,382)
Fashion Park Place	RAD / Section 18 Small PHA	Y	N	5,116,988	5,116,988	0
Total				**138,717,097**	**125,113,324**	**(13,603,773)**

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Section 7: Implementation and Phasing Strategy

Utilizing current and projected Capital Funds, anticipated Section 18 DDTF, and operating reserves and private debt made available through a RAD conversion the Housing Authority will have sufficient revenue to address the capital needs of their portfolio include new construction at Althea Court. A summary of the projected sources and uses for implementing the Repositioning Strategy over the next five years is outlined in the following table.

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CAPITAL SOURCES:	2022	2023	2024	2025	2026	Totals
Annual CFP Funding	$2,065,145	$883,771	$550,863	$111,724	$0	$3,611,503
Unobligated Prior Year Funding	$5,583,226					$5,583,226
Operating Reserve / Excess Cash	$3,242,782	$1,630,593	$2,103,080	$1,365,463		$8,341,918
Althea Insurance Proceeds	$1,615,259					
DDTF	$0	$858,149	$996,104	$1,242,059	$0	$3,096,313
TOTAL SOURCES	**12,506,412**	**3,372,514**	**3,650,047**	**2,719,246**	**0**	**22,248,219**

NON-REPOSITIONING USES:	2022	2023	2024	2025	2026	Totals
Operations, Admin, Other	$516,286.25	$435,480.13	$386,741.83	$338,445.80	$0.00	$1,676,954
(% of CFP/DDTF)	*25%*	*25%*	*25%*	*25%*	*25%*	
Bond Service	$440,790	$440,790	$440,790			$1,322,370
New Construction / Office Building				$2,500,000	$3,357,037	$5,857,037
REAC / Health & Safety Critical repairs	$500,000	$400,000	$300,000	$0		$1,200,000
REPOSITIONING USES	**2022**	**2023**	**2024**	**2025**	**2026**	**Totals**
PBV Only Comprehensive Rehab	$0	$0	$0	$0	$0	$0
Site Name						
# of Units	*0*	*0*	*0*	*0*	*0*	*0*
RAD/PBV Small PHA	$0	$0	$3,689,382	$2,796,685	$0	$6,486,067
Site Name			Plaza Vista Sr. Colonia Road	Palm Vista / Fashion Park Place		
# of Units	*0*	*0*	*151*	*100*	*0*	*251*
RAD/PBV Conversion	$5,705,791	$0	$0	$0	$0	$5,705,791
Site Name	Felicia Court / Oxnard Townhomes	Pleasant Valley Village				
# of Units	*178*	*102*	*0*	*0*	*0*	*280*
TOTAL USES	**7,162,867**	**1,276,270**	**4,816,914**	**5,635,131**	**3,357,037**	**22,248,219**

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*Please note that CVR is does not anticipate receiving any DDTF past 2025 due to using those funds to increase the RAD rents for Palm Vista.

Phase I

Next, The Housing Authority should submit a RAD applications for **Cuesta Del Mar**, **Hill Street, Concord Drive, Althea Court, Fremont Square, Felicia Court, and Pleasant Valley** with the intention of redeveloping these properties under the RAD / Section 18 Construction Blend approach

utilizing only debt for the financing for each property except Pleasant Valley, which will require both debt and equity.

This approach would result in a projected total development budget gap for the Debt Only properties of approximately $5.7M and would only require an LIHTC equity partner for Pleasant Valley. Since this approach converts under the RAD program, the Housing Authority would be allowed to use Capital Funds and any Operating Reserves to fill the gap.

Phase II

Once the Phase I properties are converted and removed from PIC, the Housing Authority would be under the 250 unit threshold and would be eligible to reposition utilizing RAD / Section 18 Small PHA, however converting under this option would require the Housing Authority to close out its Section 9 Public Housing program. This would prevent HACO from developing additional affordable housing under HUD Faircloth to RAD program but would generate more operating revenue. If HACO has a desire to develop new units utilizing their Faircloth availability, HACO should convert the units remaining units under a RAD / Section 18 Construction Blend.

Based on the financial advantages, HACO should convert **Fashion Park Place, Colonia Road, Palm Vista, and Plaza Vista** under the RAD / Section 18 Small PHA. This approach would result in a projected total development budget gap of approximately $6.5M and would use Debt only to finance the developments. Since this approach converts under RAD, the Housing Authority would be allowed to use Capital Funds and any Operating Reserves to fill the gap.

Phase III

Faircloth–to-RAD

After the repositioning of the current public portfolio is complete, the Housing Authority would have sufficient Developer fees, non-federal funding, and cash to consider new construction.

If the Housing Authority decides to convert the final 250 units under a RAD / Section 18 Construction Blend, they could use HUD's Faircloth-to-RAD, process to develop new units. Through this process, HACO can develop public housing units using HUD's public housing mixed-finance program with pre-approval to convert the property to a long-term Section 8 contract following construction. With early-stage RAD conversion approvals, lenders and investors will have revenue certainty through familiar Section 9 contracts to underwrite the construction of the development.

HUD has streamlined the mixed-finance development and RAD conversion processes to eliminate duplicative steps and predictability.

The Housing Authority would need to identify the site construction and begin predevelopment for new construction including Environmental Review and Site and Neighborhood standards.

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As of September 30, 2021, HACO has 114 units in their Faircloth availability. The Housing Authority would be able to convert up to 114 units to RAD as part of a mixed-finance development. In addition to RAD units, the Housing Authority can put PBVs on 25 percent of units in the new development. Since, the properties would have RAD/Public Housing units HACO would be able to utilizes Capital Funds, DDTF, and Operating Reserve as part of the Development budget.

HOTMA

The Housing Authority should consider sites that formerly had public housing to take advantage of the replacement units provision found in the HOTMA guidance. PIH Notice 2017-21 HOTMA guidance, states that certain units do not count towards the PBV percentage limitation and are exempt from the income-mixing requirement when PBV assistance is attached to them.

New construction units developed under the PBV program may be excluded from the limitation, provided the unit qualifies as a replacement unit. The unit must meet all the following requirements to meet this exception to the limitation:

1. The unit that the PBV newly constructed unit is replacing (i.e., the original unit) must have received one of the forms of HUD assistance or must have been subject to a rent restriction because of one of the HUD loan or insurance programs listed above no more than 5 years from the date the PHA either issued the RFP for PBV assistance or awarded the PBV pursuant to a prior competition for other governmental funds.
2. The newly constructed unit is located on the same site as the unit being replacing.
3. One of the primary purposes of the planned development of the PBV new construction project is or was to replace the affordable rental units that previously existed at the site.

HACO could take advantage of these HOTMA provisions to rebuild new units at the former Colonia Road site. The increased revenue generated by the PBVs, and not being limited to 25% of the new units being PBV, would allow HACO to support a large amount of debt.

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Section 8: Next steps

Once HACO has reviewed and finalized this Repositioning Plan, the following details the initial steps recommended for moving the repositioning activities forward.

- Provide a presentation to the Board of Commissioners to obtain concurrence with the concepts and approach.
- Update the PHA Plan to incorporate the planned repositioning activities.
- Conduct resident meetings to begin to explain the repositioning plans. It's important to emphasize that these are just preliminary plans and any implementation activities will be at least one year away.
- Procure firms to:
    i. Conduct a RAD Capital Needs Assessment;
    ii. Conduct an Environmental Review;
    iii. Prepare construction design documents; and
    iv. Assist with programmatic requirements of the repositioning activities.

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Appendix

Private Market Loans

Rents. The cash flow is determined by the operating income minus the expenses. The operating income is primarily determined by the level of rents. For the four different Repositioning options, the rents are set by the published 2020 RAD rents, current Tenant Based Voucher Payment Standard, and Project-Based Vouchers at 110% of the 2022 Ventura County FMR. However, a rent reasonableness study would be needed to determine the actual rent amount.

Expenses. Estimated operating expenses based on a 3-year average of the 2018 – 2020 Financial Data Schedule, were used to determine: the amount of debt the properties could support, the Net Operating Income, and the 20-year cash flow.

Loan Terms. Based on higher PBV rents, Oxnard would be able to support private debt and complete the necessary level of physical improvements needed to ensure a quality, safe, and marketable unit. Debt is not allowed if the units remain ACC, and RAD only rents may not support debt over a 20-year period. The amount of debt that could be put on the properties is determined by the terms of the loan and the cash flow of the properties. For this analysis, we assumed the same loan terms for each conversion option:

Interest – 5%

Loan term – 30 years

Debt Service Coverage ratio – 120%

LIHTC Equity. The Low-Income Housing Tax Credit program is the federal government's primary policy tool for encouraging development and rehabilitation of affordable rental housing. Developers are awarded federal tax credits, which are sold to investors, to finance the initial construction cost in exchange for agreeing to reserve a certain fraction of units that are rent-restricted and for lower-income households. This program couples well with Public Housing units and PHAs looking to reposition and recapitalize since their units are currently rent restricted and for lower-income households.

While the LIHTC program is a federal program, the tax credits are administered by state Housing Finance Agencies (HFAs) that award the tax credits to developers through a competitive process. The HFAs will publish a Qualified Allocation Plan (QAP) to describe how tax credits will be awarded, the process for applying for tax credits, and what is included in the application.

There are two types of LIHTCs available to developers; 9% credits which are limited, awarded on a competitive basis, and are generally used for new construction or sustainable rehabilitation, and 4% tax credit which are generally unlimited and are commonly used for acquisition and rehabilitation. 4% tax credits must be used in combination with federally tax-exempt bonds financing.

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For this analysis, we used the following assumptions and information:

- Developer Fee is set at 15% based on the QAP;
- All scenarios are based on a 4% tax credit award and $.90 per $1 in the credits; and
- All sites, except Concord Dr, is in a Qualified Census Tract (QCT) or Difficult Development Area (DDA).

Capital Fund Financing Program (CFFP)

Under a CFFP, a PHA borrows private capital to finance public housing development or modernization activities using a portion of its CFP grant for debt services payments and usual and customary financing costs on the debt. With HUD's prior written approval, a PHA secures such payments by granting to the lender a security interest in its future annual Capital Funds grants. HACO currently has a CFFP loan that was used to renovate a number of properties in the past.

Resident Notification Requirements

RAD

Prior to applying to participate in the Rental Assistance Demonstration, the PHA must:

1. Provide written notification to legitimate resident organizations of the PHA's intent to pursue a conversion;
2. Provide written notification in the form of a RAD Information Notice (RIN) to residents of projects proposed for conversion to inform the residents of the PHA's intent to pursue a conversion and of their rights in connection with a proposed conversion (whether any relocation is anticipated). A General Information Notice (GIN) must also be issued if it is required by the Uniform Relocation Assistance and Real Property Acquisition Act (URA). The URA regulations at 49 CFR part 24 and relevant program regulations specify the time by which a GIN must be issued, which may be different than the timing for issuance of the RIN. URA and program regulations also specify the entity responsible for issuing GINs. See the RAD Fair Housing, Civil Rights, and Relocation Notice for additional detail regarding the timing, content and purpose of these resident notifications;
3. Following issuance of the RIN, conduct at least two meetings with residents of projects proposed for conversion to discuss conversion plans and provide opportunity for comment, which discussion must include a description of resident rights and a description of the PHAs preliminary intentions, to the extent formulated, with respect to:

a) whether the conversion will include a transfer of assistance and potential locations to which the assistance would be transferred,

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b) plans to partner with an entity other than an affiliate or instrumentality of the PHA if such partner will have a general partner or managing member ownership interest in the proposed Project Owner,

c) change in the number or configuration of assisted units or any other change that may impact a household's ability to re-occupy the property following repairs or construction,

d) de minimis reduction of units which had been vacant for more than 24 months at the time of RAD Application, and

e) the scope of work; and

4. Prepare comprehensive written responses to comments received in connection with the required resident meeting on the proposed conversion to be submitted with the RAD Application.

After a PHA is selected to participate in the Demonstration (i.e., receipt of CHAP) but prior to requesting a Concept Call, the PHA must have at least one meeting with residents to discuss updated conversion plans covering, at a minimum, the topics listed above, and to solicit feedback on proposed property improvements, if appropriate. Additional resident meetings may be required if the PHA requests extension to the submission of the Financing Plan.

Following a successful Concept Call and invitation to submit a Financing Plan, the PHA must have at least one more meeting with residents prior to submission of the Financing Plan to discuss updated conversion plans covering, at a minimum, the topics listed above, and the anticipated Financing Plan submission.

Upon issuance of the RAD Conversion Commitment (RCC), the PHA must also notify residents that conversion of the project has been approved, and address, as appropriate, anticipated timing of the conversion, the anticipated duration of the work, the revised terms of the lease and house rules, any anticipated relocation, and opportunities and procedures for the exercise of the choice-mobility option. Households in the affected project(s) who do not want to transition to the Section 8 program may, be offered, if available, the opportunity to move to other public housing owned by the PHA. The following notices will need to be distributed:

1. Notice of Eligibility;
2. RAD Relocation Notice;
3. Notice of Non-Displacement; and
4. Right to Return (if applicable).

Additional meetings with residents are required to discuss any substantial change to the conversion plans relative to what was presented in the previous resident meetings.

PHAs must provide residents with notification of public housing lease termination in accordance with 24 CFR § 966.4(l)(3) and local law and shall enter into new Section 8 leases effective as of the effective date of the HAP Contract. Additionally, if residents are required to move,

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residents must be issued a 90-day notice (if applicable) and a 30-day notice to vacate to be temporarily or permanently rehoused.

Section 18

Meetings with residents of projects proposed for conversion are needed to discuss plans and provide an opportunity for comment, in which the discussion must include a description of resident rights and a description of the PHAs preliminary intentions, to the extent formulated.

Section 18 includes relocation provisions for residents of covered projects that are similar to, but not identical to, the URA. Under Section 18, the only required notice is the 90 day notice to vacate. The General Information Notice and Notice of Eligibility or Non-Displacement are not required, but are recommended.

Section 22

For purposes of a voluntary conversion, written notice shall constitute the General Information Notice (GIN).

The written notice shall include all the following:

1. The development will no longer be used as public housing and that the family may be displaced as a result of the conversion;
2. The family will be offered comparable housing, which may include tenant-based or project-based assistance, or occupancy in a unit operated or assisted by the PHA (if tenant-based assistance is used, the comparable housing requirement is fulfilled only upon relocation of the family into such housing);
3. Any necessary counseling with respect to the relocation will be provided, including any appropriate mobility counseling (the PHA may finance the mobility counseling using Operating Fund, Capital Fund, or Section 8 administrative fee funding);
4. The family may be relocated to other decent, safe, sanitary, and affordable housing that is, to the maximum extent possible, housing of their choice;
5. If the development is used as housing after conversion, the PHA must ensure that each resident may choose to remain in the housing, using tenant-based assistance towards rent;
6. Where Section 8 voucher assistance is being used for relocation, the family will be provided with the vouchers at least 90 days before displacement;
7. Additional information required for conversions subject to the URA. If the voluntary conversion is subject to the URA, the written notice described in paragraph (g)(4) of the URA must also provide that:
    a. The family will not be required to move without at least 90-days advance written notice of the earliest date by which the family may be required to move, and that the family will not be required to move permanently until the family is offered comparable housing as provided in paragraph (g)(4)(ii)(B) of the URA;

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b. Any person who is an alien not lawfully present in the United States is ineligible for relocation payments or assistance under the URA, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as provided in the URA regulations at 49 CFR 24.208.
c. The family has a right to appeal the PHA's determination as to the family's application for relocation assistance for which the family may be eligible.
d. Families residing in the development will be provided with the URA Notice of Relocation Eligibility or Notice of Non-displacement (as applicable) as of the date HUD approves the conversion.

To convert TBVs to PBVs under Section 22 Streamlined Voluntary Conversion, residents would have to voluntarily consent to the PBV assistance and willingly give up their tenant-based voucher. Written Consent – The family must be given at least 30 days from the date of the family briefing to make their decision. The consent form provided to each family at the briefing must explicitly acknowledge a family's consent or non-consent. The consent form must indicate that it must be signed by the head of household and include the name and telephone number of a PHA employee that families can contact directly if they should have any questions or need additional information. If a family does not respond, informs the PHA that they wish to retain HCV assistance, or affirmatively withholds consent, the PHA shall not include that unit under a PBV HAP contract.

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EXHIBIT A

Repositioning Options: Summary of Key Characteristics (3-2021)

This chart compares the key program characteristics of each main repositioning option, from eligibility for TPVs to impact on Faircloth

Program	Eligible for TPVs?	Eligible for DDTF?	Eligible for ARF?	Resident Right to Return?	Replacement Housing Required?	Disposition Required?	Use of Sales Proceeds	Use of PH Program Funds	Tenant Consent to PBV?	Removal of all units and Closeout required?[1]	Reduces Faircloth?
RAD	No	No	No	Yes	Yes	No	Affordable housing purposes per RAD Notice[2]	Yes	No	No	Yes
Streamlined RAD (50 or Fewer Units)	No	No	No	Yes	Yes	No	Affordable housing per RAD Notice	Yes	No	Yes	Yes
Section 18 Disposition – • Obsolescence • Health and Safety • Scattered Sites • Infeasible Operation	Yes	Yes	Yes	No	No	Yes	Low-income housing[3]	No	No	No	No
Section 18 Disposition – • 50 or Fewer Units	Yes	Yes	Yes	No	No	Yes	See footnote 3	No	No	Yes	No
Section 18 Disposition – • Efficient and Effective	Partial	Yes	Yes	No	No	Yes	See footnote 3	No	No	No	No
Section 18 Disposition – • RAD/Section 18 Blends[4]	Yes	Yes	Yes[5]	Yes	Yes	Yes[6]	Affordable housing purposes per RAD Notice[7]	Yes	No	No[8]	No[9]
Voluntary Conversion	Yes	No	No	No[10]	No	No[11]	See footnote 3	No	Yes	No	No
Streamlined Voluntary Conversion (250 or Less Units)	Yes	No	No	No	No	No	See footnote 3	No	Yes	Yes	No
Required Conversion	Yes	No	No	No	No	No	See footnote 3	No	N/A[12]	No	No
Section 32 Homeownership	Yes	No	Yes	No	No	Yes	Purposes related to low-income housing. Simliar to footnote 3	No	N/A	No	No

[1] Close-out refers to the requirement for a PHA to end their public housing program through ACC termination, transfer or consolidation. See PIH Notice 2019-13

[2] Affordable Housing Purposes means activity that supports the pre-development, development or rehabilitation of other RAD conversions, public housing, section 8 of the Act, Low-Income Housing Tax Credits (LIHTC), or other federal or local housing programs serving households with incomes at or below 80% of area median income, or that provide services or amenities that will be used primarily by low-income households as defined by the 1937 Act.
A PHA is prohibited from receiving excess sales proceeds if public housing funds are part of the development budget, except when it is the PHA's last remaining units.

[3] For the provision of low-income housing (as defined by the 1937 Act) or to benefit the public housing residents of the PHA; or leveraging amounts for securing commercial enterprises, on-site in public housing projects of the PHA, appropriate to serve the needs of the public housing residents. This statutory prescribed use of proceeds is narrower than Affordable Housing Purposes, as defined by the RAD Notice, which generally allows proceeds to be used for housing and related services that serve families at or below 80% of AMI.

[4] These provisions apply to RAD/Section 18 Construction and Small PHA Blends described in PIH Notice 2021-07. These provisions only apply to the Section 18 (not RAD) units.

[5] PHAs are eligible for ARF for units with Section 18 approval for an entire project or entire building in a project (as project is defined in 24 CFR part 990 and by public housing not by RAD). If some units in a building are being converted under RAD, the PHA is not eligible for ARF for the units in that building approved under Section 18 because 990.190(h) requires an entire building to be disposed under Section 18.

[6] HUD releases the DOT and approves the real estate transaction (including disposition) for the Section 18 units in a blend pursuant to the RAD requirements.

[7] HUD releases the DOT and approves the real estate transaction (including proceeds) for the Section 18 units in a blend pursuant to the RAD requirements.

[8] For the Small PHA blend, PHA must have a HUD-approved repositioning plan that removes all of a PHA's public housing units, but units do not need to be removed in the blend application

[9] For the Small PHA blend, PHA's repositioning plan must reflect that it will not develop new public housing units under Faircloth

[10] PHAs can "voucher-out" families using tenant-based assistance. No hard unit replacement is required. However, if the project is used as rental housing after conversion, the PHA must ensure that each resident may choose to remain in the housing, using tenant-based assistance towards rent.

[11] Section 22 does not require a disposition—a PHA may retain the property after a conversion. However, if the PHA plans to use the project as rental housing after conversion, since families have the right to remain in the unit using tenant-based assistance, and the PHA can't sign two sides of the Section 8 contract, it may need to dispose to another entity (including one it wholly controls) or otherwise ensure compliance with Section 8 HAP separate entity requirements.

[12] If the project is used as rental housing after conversion, the PHA must ensure that each resident may choose to remain in the housing, using tenant-based assistance towards rent. However, the units cannot be project-based. See PIH Notice 2019-10.

EXHIBIT B

Approach	Althea Court PBV With Equity No Debt Comp Rehab	Althea Court PBV With Equity With Debt Comp Rehab	Althea Court PBV No Equity With Debt Comp Rehab	Althea Court RAD / Section 18 With Equity No Debt Comp Rehab	Althea Court RAD / Section 18 With Equity With Debt Comp Rehab	Althea Court RAD / Section 18 No Equity With Debt Comp Rehab	Althea Court RAD S18 Small PHA With Equity No Debt Comp Rehab	Althea Court RAD S18 Small PHA With Equity With Debt Comp Rehab	Althea Court RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**20**	**20**	**20**	**20**	**20**	**20**	**20**	**20**	**20**
Gross Residential Revenue:	798,264	798,264	798,264	423,768	423,768	545,784	723,960	723,960	723,960
Less Vacancy and Bad Debt:	(39,913)	(39,913)	(39,913)	(21,188)	(21,188)	(27,289)	(36,198)	(36,198)	(36,198)
Effective Residental Income:	758,351	758,351	758,351	402,580	402,580	518,495	687,762	687,762	687,762
Other Income:	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400	2,400
Gross Effective Income:	760,751	760,751	760,751	404,980	404,980	520,895	690,162	690,162	690,162
Less Residential OpEx	(211,260)	(211,260)	(211,260)	(211,260)	(211,260)	(211,260)	(211,260)	(211,260)	(211,260)
Replacement Reserves	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)
Net Operating Income	542,491	542,491	542,491	186,720	186,720	302,635	471,902	471,902	471,902
Less Debt Service	0	(452,076)	(452,076)	0	(155,600)	(252,196)	0	(393,252)	(393,252)
Cash Flow	542,491	90,415	90,415	186,720	31,120	50,439	471,902	78,650	78,650
Uses									
Construction Cost	1,186,941	1,186,941	1,186,941	1,186,941	1,186,941	2,786,941	1,186,941	1,186,941	1,186,941
General Conditions/Overhead/ Profit	166,172	166,172	166,172	166,172	166,172	390,172	166,172	166,172	166,172
Hard Cost contingency	135,311	135,311	135,311	135,311	135,311	317,711	135,311	135,311	135,311
Acquisition	9,100,000	9,100,000	0	3,200,000	3,200,000	0	7,900,000	7,900,000	0
Relocation	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000
Soft Costs(not including acquisition and developer fee)	372,106	372,106	223,264	372,106	372,106	524,224	372,106	372,106	223,264
Soft Cost Contingency	18,605	18,605	11,163	18,605	18,605	26,211	18,605	18,605	11,163
Developer Fee	736,870	736,870	179,285	441,870	441,870	411,526	676,870	676,870	179,285
Replacement Reserve	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000
Reserves	109,130	335,168	335,168	109,130	186,930	235,228	109,130	305,756	305,756
Total Uses	12,295,135	12,521,173	2,707,303	6,100,135	6,177,935	5,162,012	11,035,135	11,231,761	2,677,891
Sources									
Private Loan	0	6,949,511	6,949,511	0	2,391,948	3,876,866	0	6,045,242	6,045,242
LIHTC Equity	4,468,605	4,468,605	0	2,206,771	2,206,771	0	4,008,571	4,008,571	0
Seller Take Back Financing	9,100,000	9,100,000	0	3,200,000	3,200,000	0	7,900,000	7,900,000	0
Total Sources	13,568,605	20,518,116	6,949,511	5,406,771	7,798,719	3,876,866	11,908,571	17,953,813	6,045,242
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**$1,273,470**	**$7,996,943**	**$4,242,208**	**($693,364)**	**$1,620,785**	**($1,285,146)**	**$873,436**	**$6,722,052**	**$3,367,351**
	-	-	-	-	-	-	-	-	-
Operating Pro formas	-	-	-	-	-	-	-	-	-
Year 1	542,491	90,415	90,415	186,720	31,120	50,439	471,902	78,650	78,650
Year 2	551,263	99,187	99,187	188,376	32,777	54,414	479,262	86,011	86,011
Year 5	578,257	126,181	126,181	193,158	37,559	66,433	501,849	108,597	108,597
Year 19	717,732	265,656	265,656	209,603	54,004	122,963	616,914	223,662	223,662
Year 20	728,536	276,460	276,460	210,244	54,645	126,915	625,701	232,450	232,450
Total	12,645,743	3,604,229	3,604,229	4,001,438	889,445	1,773,959	10,930,620	3,065,587	3,065,587

Approach	Felicia Court PBV With Equity No Debt Comp Rehab	Felicia Court PBV With Equity With Debt Comp Rehab	Felicia Court PBV No Equity With Debt Comp Rehab	Felicia Court RAD / Section 18 With Equity No Debt Comp Rehab	Felicia Court RAD / Section 18 With Equity With Debt Comp Rehab	Felicia Court RAD / Section 18 No Equity With Debt Comp Rehab	Felicia Court RAD S18 Small PHA With Equity No Debt Comp Rehab	Felicia Court RAD S18 Small PHA With Equity With Debt Comp Rehab	Felicia Court RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**
Gross Residential Revenue:	3,425,592	3,425,592	3,425,592	2,260,200	2,260,200	2,260,200	3,112,152	3,112,152	3,112,152
Less Vacancy and Bad Debt:	(171,280)	(171,280)	(171,280)	(113,010)	(113,010)	(113,010)	(155,608)	(155,608)	(155,608)
Effective Residental Income:	3,254,312	3,254,312	3,254,312	2,147,190	2,147,190	2,147,190	2,956,544	2,956,544	2,956,544
Other Income:	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Gross Effective Income:	3,266,312	3,266,312	3,266,312	2,159,190	2,159,190	2,159,190	2,968,544	2,968,544	2,968,544
Less Residential OpEx	(830,000)	(830,000)	(830,000)	(830,000)	(830,000)	(830,000)	(830,000)	(830,000)	(830,000)
Replacement Reserves	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)
Net Operating Income	2,401,312	2,401,312	2,401,312	1,294,190	1,294,190	1,294,190	2,103,544	2,103,544	2,103,544
Less Debt Service	0	(2,001,094)	(2,001,094)	0	(1,078,492)	(1,078,492)	0	(1,752,954)	(1,752,954)
Cash Flow	2,401,312	400,219	400,219	1,294,190	215,698	215,698	2,103,544	350,591	350,591
Uses									
Construction Cost	9,770,236	9,770,236	9,770,236	9,770,236	9,770,236	9,770,236	9,770,236	9,770,236	9,770,236
General Conditions/Overhead/ Profit	1,367,833	1,367,833	1,367,833	1,367,833	1,367,833	1,367,833	1,367,833	1,367,833	1,367,833
Hard Cost contingency	1,113,807	1,113,807	1,113,807	1,113,807	1,113,807	1,113,807	1,113,807	1,113,807	1,113,807
Acquisition	40,100,000	40,100,000	0	21,600,000	21,600,000	0	35,100,000	35,100,000	0
Relocation	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Soft Costs(not including acquisition and developer fee)	3,062,969	3,062,969	1,837,781	3,062,969	3,062,969	1,837,781	3,062,969	3,062,969	1,837,781
Soft Cost Contingency	153,148	153,148	91,889	153,148	153,148	91,889	153,148	153,148	91,889
Developer Fee	4,371,998	4,371,998	1,453,155	3,400,199	3,400,199	1,453,155	4,075,199	4,075,199	1,453,155
Replacement Reserve	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000	1,300,000
Reserves	432,500	1,433,047	1,433,047	432,500	971,746	971,746	432,500	1,308,977	1,308,977
Total Uses	62,022,492	63,023,038	18,717,748	42,550,692	43,089,938	18,256,447	56,725,692	57,602,169	18,593,678
Sources									
Private Loan	0	30,761,714	30,761,714	0	16,579,060	16,579,060	0	26,947,194	26,947,194
Deferred fees	1,871,998	1,871,998	0	900,199	900,199	0	1,575,199	1,575,199	0
LIHTC Equity	22,419,874	22,419,874	0	16,241,690	16,241,690	0	21,417,072	21,417,072	0
Seller Take Back Financing	40,100,000	40,100,000	0	21,600,000	21,600,000	0	35,100,000	35,100,000	0
Total Sources	64,391,872	95,153,586	30,761,714	38,741,889	55,320,949	16,579,060	58,092,271	85,039,465	26,947,194
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**$2,369,381**	**$32,130,548**	**$12,043,967**	**($3,808,804)**	**$12,231,011**	**($1,677,386)**	**$1,366,579**	**$27,437,296**	**$8,353,517**
Operating Pro formas									
Year 1	2,401,312	400,219	400,219	1,294,190	215,698	215,698	2,103,544	350,591	350,591
Year 2	2,441,214	440,120	440,120	1,311,949	233,457	233,457	2,137,490	384,537	384,537
Year 5	2,564,242	563,148	563,148	1,365,857	287,365	287,365	2,241,928	488,974	488,974
Year 19	3,206,322	1,205,228	1,205,228	1,625,079	546,587	546,587	2,781,036	1,028,082	1,028,082
Year 20	3,256,547	1,255,453	1,255,453	1,643,679	565,187	565,187	2,822,755	1,069,802	1,069,802
Total	56,251,061	16,229,188	16,229,188	29,350,899	7,781,065	7,781,065	49,016,082	13,957,009	13,957,009

Approach	Colonia Road PBV With Equity No Debt Comp Rehab	Colonia Road PBV With Equity With Debt Comp Rehab	Colonia Road PBV No Equity With Debt Comp Rehab	Colonia Road RAD / Section 18 With Equity No Debt Comp Rehab	Colonia Road RAD / Section 18 With Equity With Debt Comp Rehab	Colonia Road RAD / Section 18 No Equity With Debt Comp Rehab	Colonia Road RAD S18 Small PHA With Equity No Debt Comp Rehab	Colonia Road RAD S18 Small PHA With Equity With Debt Comp Rehab	Colonia Road RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**74**	**74**	**74**	**74**	**74**	**74**	**74**	**74**	**74**
Gross Residential Revenue:	2,834,784	2,834,784	2,834,784	2,304,960	2,304,960	2,304,960	2,560,800	2,560,800	2,560,800
Less Vacancy and Bad Debt:	(141,739)	(141,739)	(141,739)	(115,248)	(115,248)	(115,248)	(128,040)	(128,040)	(128,040)
Effective Residental Income:	2,693,045	2,693,045	2,693,045	2,189,712	2,189,712	2,189,712	2,432,760	2,432,760	2,432,760
Other Income:	8,880	8,880	8,880	8,880	8,880	8,880	8,880	8,880	8,880
Gross Effective Income:	2,701,925	2,701,925	2,701,925	2,198,592	2,198,592	2,198,592	2,441,640	2,441,640	2,441,640
Less Residential OpEx	(768,120)	(768,120)	(768,120)	(768,120)	(768,120)	(768,120)	(768,120)	(768,120)	(768,120)
Replacement Reserves	(25,900)	(25,900)	(25,900)	(25,900)	(25,900)	(25,900)	(25,900)	(25,900)	(25,900)
Net Operating Income	1,907,905	1,907,905	1,907,905	1,404,572	1,404,572	1,404,572	1,647,620	1,647,620	1,647,620
Less Debt Service	0	(1,589,921)	(1,589,921)	0	(1,170,477)	(1,170,477)	0	(1,373,017)	(1,373,017)
Cash Flow	1,907,905	317,984	317,984	1,404,572	234,095	234,095	1,647,620	274,603	274,603
Uses									
Construction Cost	10,127,942	10,127,942	10,127,942	10,743,459	10,743,459	10,743,459	10,127,942	10,127,942	10,127,942
General Conditions/Overhead/ Profit	1,417,912	1,417,912	1,417,912	1,504,084	1,504,084	1,504,084	1,417,912	1,417,912	1,417,912
Hard Cost contingency	1,154,585	1,154,585	1,154,585	1,224,754	1,224,754	1,224,754	1,154,585	1,154,585	1,154,585
Acquisition	31,800,000	31,800,000	0	23,500,000	23,500,000	0	27,500,000	27,500,000	0
Relocation	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000	259,000
Soft Costs(not including acquisition and developer fee)	3,175,110	3,175,110	1,905,066	3,368,074	3,368,074	2,020,845	3,175,110	3,175,110	1,905,066
Soft Cost Contingency	158,755	158,755	95,253	168,404	168,404	101,042	158,755	158,755	95,253
Developer Fee	3,995,146	3,995,146	1,495,976	3,726,316	3,726,316	1,585,318	3,780,146	3,780,146	1,495,976
Replacement Reserve	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Reserves	397,010	1,191,970	1,191,970	397,010	982,248	982,248	397,010	1,083,518	1,083,518
Total Uses	54,485,460	55,280,420	19,647,704	46,891,102	47,476,340	20,420,751	49,970,460	50,656,968	19,539,252
Sources									
Private Loan	0	24,440,978	24,440,978	0	17,993,095	17,993,095	0	21,106,631	21,106,631
Deferred fees	1,495,146	1,495,146	0	1,226,316	1,226,316	0	1,280,146	1,280,146	0
LIHTC Equity	20,394,868	20,394,868	0	17,704,189	17,704,189	0	18,746,413	18,746,413	0
Seller Take Back Financing	31,800,000	31,800,000	0	23,500,000	23,500,000	0	27,500,000	27,500,000	0
Total Sources	53,690,013	78,130,991	24,440,978	42,430,505	60,423,601	17,993,095	47,526,558	68,633,190	21,106,631
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**($795,447)**	**$22,850,571**	**$4,793,273**	**($4,460,596)**	**$12,947,261**	**($2,427,656)**	**($2,443,902)**	**$17,976,221**	**$1,567,379**
Operating Pro formas									
Year 1	1,907,905	317,984	317,984	1,404,572	234,095	234,095	1,647,620	274,603	274,603
Year 2	1,938,511	348,591	348,591	1,425,112	254,635	254,635	1,673,021	300,004	300,004
Year 5	2,032,635	442,714	442,714	1,487,812	317,335	317,335	1,750,895	377,878	377,878
Year 19	2,517,481	927,560	927,560	1,798,598	628,121	628,121	2,145,730	772,713	772,713
Year 20	2,554,923	965,002	965,002	1,821,662	651,186	651,186	2,175,737	802,721	802,721
Total	44,411,091	12,612,678	12,612,678	32,181,428	8,771,894	8,771,894	38,086,855	10,626,522	10,626,522

Approach	Pleasant Valley Village PBV With Equity No Debt Comp Rehab	Pleasant Valley Village PBV With Equity With Debt Comp Rehab	Pleasant Valley Village PBV No Equity With Debt Comp Rehab	Pleasant Valley Village RAD / Section 18 With Equity No Debt Comp Rehab	Pleasant Valley Village RAD / Section 18 With Equity With Debt Comp Rehab	Pleasant Valley Village RAD / Section 18 No Equity With Debt Comp Rehab	Pleasant Valley Village RAD S18 Small PHA With Equity No Debt Comp Rehab	Pleasant Valley Village RAD S18 Small PHA With Equity With Debt Comp Rehab	Pleasant Valley Village RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**102**	**102**	**102**	**102**	**102**	**102**	**102**	**102**	**102**
Gross Residential Revenue:	3,641,256	3,641,256	3,641,256	2,381,112	2,381,112	2,381,112	3,274,272	3,274,272	3,274,272
Less Vacancy and Bad Debt:	(182,063)	(182,063)	(182,063)	(119,056)	(119,056)	(119,056)	(163,714)	(163,714)	(163,714)
Effective Residental Income:	3,459,193	3,459,193	3,459,193	2,262,056	2,262,056	2,262,056	3,110,558	3,110,558	3,110,558
Other Income:	12,240	12,240	12,240	12,240	12,240	12,240	12,240	12,240	12,240
Gross Effective Income:	3,471,433	3,471,433	3,471,433	2,274,296	2,274,296	2,274,296	3,122,798	3,122,798	3,122,798
Less Residential OpEx	(1,054,272)	(1,054,272)	(1,054,272)	(1,054,272)	(1,054,272)	(1,054,272)	(1,054,272)	(1,054,272)	(1,054,272)
Replacement Reserves	(35,700)	(35,700)	(35,700)	(35,700)	(35,700)	(35,700)	(35,700)	(35,700)	(35,700)
Net Operating Income	2,381,461	2,381,461	2,381,461	1,184,324	1,184,324	1,184,324	2,032,826	2,032,826	2,032,826
Less Debt Service	0	(1,984,551)	(1,984,551)	0	(986,937)	(986,937)	0	(1,694,022)	(1,694,022)
Cash Flow	2,381,461	396,910	396,910	1,184,324	197,387	197,387	2,032,826	338,804	338,804
Uses									
Construction Cost	11,915,742	11,915,742	11,915,742	11,915,742	11,915,742	11,915,742	11,915,742	11,915,742	11,915,742
General Conditions/Overhead/ Profit	1,668,204	1,668,204	1,668,204	1,668,204	1,668,204	1,668,204	1,668,204	1,668,204	1,668,204
Hard Cost contingency	1,358,395	1,358,395	1,358,395	1,358,395	1,358,395	1,358,395	1,358,395	1,358,395	1,358,395
Acquisition	39,700,000	39,700,000	0	19,800,000	19,800,000	0	33,900,000	33,900,000	0
Relocation	357,000	357,000	357,000	357,000	357,000	357,000	357,000	357,000	357,000
Soft Costs(not including acquisition and developer fee)	3,735,585	3,735,585	2,241,351	3,735,585	3,735,585	2,241,351	3,735,585	3,735,585	2,241,351
Soft Cost Contingency	186,779	186,779	112,068	186,779	186,779	112,068	186,779	186,779	112,068
Developer Fee	4,814,706	4,814,706	1,765,276	3,819,706	3,819,706	1,765,276	4,524,706	4,524,706	1,765,276
Replacement Reserve	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000
Reserves	544,986	1,537,262	1,537,262	544,986	1,038,455	1,038,455	544,986	1,391,997	1,391,997
Total Uses	68,281,397	69,273,672	24,955,297	47,386,397	47,879,865	24,456,490	62,191,397	63,038,408	24,810,032
Sources									
Private Loan	0	30,507,413	30,507,413	0	15,171,641	15,171,641	0	26,041,270	26,041,270
Deferred fees	2,274,706	2,274,706	54,364	1,279,706	1,279,706	54,364	1,984,706	1,984,706	54,364
LIHTC Equity	24,104,146	24,104,146	0	17,267,170	17,267,170	0	22,672,570	22,672,570	0
Seller Take Back Financing	39,700,000	39,700,000	0	19,800,000	19,800,000	0	33,900,000	33,900,000	0
Total Sources	66,078,852	96,586,265	30,561,777	38,346,876	53,518,517	15,226,005	58,557,275	84,598,546	26,095,634
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**($2,202,545)**	**$27,312,593**	**$5,606,480**	**($9,039,521)**	**$5,638,651**	**($9,230,485)**	**($3,634,122)**	**$21,560,138**	**$1,285,602**
Operating Pro formas									
Year 1	2,381,461	396,910	396,910	1,184,324	197,387	197,387	2,032,826	338,804	338,804
Year 2	2,418,726	434,175	434,175	1,197,647	210,710	210,710	2,063,119	369,097	369,097
Year 5	2,533,108	548,557	548,557	1,237,288	250,351	250,351	2,155,734	461,712	461,712
Year 19	3,116,562	1,132,011	1,132,011	1,406,756	419,819	419,819	2,618,626	924,604	924,604
Year 20	3,161,178	1,176,627	1,176,627	1,417,176	430,239	430,239	2,653,283	959,261	959,261
Total	55,192,498	15,501,478	15,501,478	26,105,222	6,366,482	6,366,482	46,721,589	12,841,149	12,841,149

Approach	Plaza Vista Sr.Apt PBV With Equity No Debt Comp Rehab	Plaza Vista Sr.Apt PBV With Equity With Debt Comp Rehab	Plaza Vista Sr.Apt PBV No Equity With Debt Comp Rehab	Plaza Vista Sr.Apt RAD / Section 18 With Equity No Debt Comp Rehab	Plaza Vista Sr.Apt RAD / Section 18 With Equity With Debt Comp Rehab	Plaza Vista Sr.Apt RAD / Section 18 No Equity With Debt Comp Rehab	Plaza Vista Sr.Apt RAD S18 Small PHA With Equity No Debt Comp Rehab	Plaza Vista Sr.Apt RAD S18 Small PHA With Equity With Debt Comp Rehab	Plaza Vista Sr.Apt RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**50**	**50**	**50**	**50**	**50**	**50**	**50**	**50**	**50**
Gross Residential Revenue:	1,114,776	1,114,776	1,114,776	883,080	883,080	883,080	1,001,016	1,001,016	1,001,016
Less Vacancy and Bad Debt:	(55,739)	(55,739)	(55,739)	(44,154)	(44,154)	(44,154)	(50,051)	(50,051)	(50,051)
Effective Residental Income:	1,059,037	1,059,037	1,059,037	838,926	838,926	838,926	950,965	950,965	950,965
Other Income:	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Gross Effective Income:	1,065,037	1,065,037	1,065,037	844,926	844,926	844,926	956,965	956,965	956,965
Less Residential OpEx	(441,400)	(441,400)	(441,400)	(441,400)	(441,400)	(441,400)	(441,400)	(441,400)	(441,400)
Replacement Reserves	(17,500)	(17,500)	(17,500)	(17,500)	(17,500)	(17,500)	(17,500)	(17,500)	(17,500)
Net Operating Income	606,137	606,137	606,137	386,026	386,026	386,026	498,065	498,065	498,065
Less Debt Service	0	(505,114)	(505,114)	0	(321,688)	(321,688)	0	(415,054)	(415,054)
Cash Flow	606,137	101,023	101,023	386,026	64,338	64,338	498,065	83,011	83,011
Uses									
Construction Cost	4,816,510	4,816,510	4,816,510	4,816,510	4,816,510	4,816,510	4,816,510	4,816,510	4,816,510
General Conditions/Overhead/ Profit	674,311	674,311	674,311	674,311	674,311	674,311	674,311	674,311	674,311
Hard Cost contingency	549,082	549,082	549,082	549,082	549,082	549,082	549,082	549,082	549,082
Acquisition	10,200,000	10,200,000	0	6,500,000	6,500,000	0	8,400,000	8,400,000	0
Relocation	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000
Soft Costs(not including acquisition and developer fee)	1,509,976	1,509,976	905,986	1,509,976	1,509,976	905,986	1,509,976	1,509,976	905,986
Soft Cost Contingency	75,499	75,499	45,299	75,499	75,499	45,299	75,499	75,499	45,299
Developer Fee	1,653,807	1,653,807	716,619	1,468,807	1,468,807	716,619	1,563,807	1,563,807	716,619
Replacement Reserve	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000	1,750,000
Reserves	229,450	482,007	482,007	229,450	390,294	390,294	229,450	436,977	436,977
Total Uses	21,633,635	21,886,192	10,114,814	17,748,635	17,909,479	10,023,101	19,743,635	19,951,162	10,069,784
Sources									
Private Loan	0	7,764,845	7,764,845	0	4,945,138	4,945,138	0	6,380,402	6,380,402
Deferred fees	0	0	0	0	0	0	0	0	0
LIHTC Equity	7,836,074	7,836,074	0	6,417,636	6,417,636	0	7,146,023	7,146,023	0
Seller Take Back Financing	10,200,000	10,200,000	0	6,500,000	6,500,000	0	8,400,000	8,400,000	0
Total Sources	18,036,074	25,800,919	7,764,845	12,917,636	17,862,774	4,945,138	15,546,023	21,926,426	6,380,402
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**($3,597,561)**	**$3,914,727**	**($3,349,969)**	**($4,830,999)**	**($46,705)**	**($5,077,963)**	**($4,197,612)**	**$1,975,263**	**($3,689,383)**
Operating Pro formas									
Year 1	606,137	101,023	101,023	386,026	64,338	64,338	498,065	83,011	83,011
Year 2	613,933	108,819	108,819	389,420	67,732	67,732	503,700	88,646	88,646
Year 5	637,457	132,343	132,343	399,202	77,513	77,513	520,476	105,422	105,422
Year 19	746,803	241,689	241,689	432,430	110,742	110,742	592,450	177,395	177,395
Year 20	754,339	249,225	249,225	433,678	111,990	111,990	596,898	181,844	181,844
Total	13,612,355	3,510,069	3,510,069	8,264,232	1,830,465	1,830,465	10,986,490	2,685,403	2,685,403

Approach	Hill Street PBV With Equity No Debt Comp Rehab	Hill Street PBV With Equity With Debt Comp Rehab	Hill Street PBV No Equity With Debt Comp Rehab	Hill Street RAD / Section 18 With Equity No Debt Comp Rehab	Hill Street RAD / Section 18 With Equity With Debt Comp Rehab	Hill Street RAD / Section 18 No Equity With Debt Comp Rehab	Hill Street RAD S18 Small PHA With Equity No Debt Comp Rehab	Hill Street RAD S18 Small PHA With Equity With Debt Comp Rehab	Hill Street RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**12**	**12**	**12**	**12**	**12**	**12**	**12**	**12**	**12**
Gross Residential Revenue:	473,760	473,760	473,760	373,488	418,380	373,488	436,608	436,608	436,608
Less Vacancy and Bad Debt:	(23,688)	(23,688)	(23,688)	(18,674)	(20,919)	(18,674)	(21,830)	(21,830)	(21,830)
Effective Residental Income:	450,072	450,072	450,072	354,814	397,461	354,814	414,778	414,778	414,778
Other Income:	1,440	1,440	1,440	1,440	1,800	1,440	1,440	1,440	1,440
Gross Effective Income:	451,512	451,512	451,512	356,254	399,261	356,254	416,218	416,218	416,218
Less Residential OpEx	(126,756)	(126,756)	(126,756)	(126,756)	(158,445)	(126,756)	(126,756)	(126,756)	(126,756)
Replacement Reserves	(4,200)	(4,200)	(4,200)	(4,200)	(5,250)	(4,200)	(4,200)	(4,200)	(4,200)
Net Operating Income	320,556	320,556	320,556	225,298	235,566	225,298	285,262	285,262	285,262
Less Debt Service	0	(267,130)	(267,130)	0	(196,305)	(187,748)	0	(237,718)	(237,718)
Cash Flow	320,556	53,426	53,426	225,298	39,261	37,550	285,262	47,544	47,544
Uses									
Construction Cost	2,002,392	2,002,392	2,002,392	2,002,392	2,002,392	2,002,392	2,002,392	2,002,392	2,002,392
General Conditions/Overhead/ Profit	280,335	280,335	280,335	280,335	280,335	280,335	280,335	280,335	280,335
Hard Cost contingency	228,273	228,273	228,273	228,273	228,273	228,273	228,273	228,273	228,273
Acquisition	5,400,000	5,400,000	0	3,800,000	4,000,000	0	4,800,000	4,800,000	0
Relocation	42,000	42,000	42,000	42,000	52,500	42,000	42,000	42,000	42,000
Soft Costs(not including acquisition and developer fee)	627,750	627,750	376,650	627,750	627,750	376,650	627,750	627,750	376,650
Soft Cost Contingency	31,387	31,387	18,832	31,387	31,387	18,832	31,387	31,387	18,832
Developer Fee	745,521	745,521	294,848	665,521	675,521	294,848	715,521	715,521	294,848
Replacement Reserve	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000
Reserves	65,478	199,043	199,043	65,478	180,000	159,352	65,478	184,337	184,337
Total Uses	10,023,136	10,156,701	4,042,374	8,343,136	8,678,158	4,002,683	9,393,136	9,511,995	4,027,668
Sources									
Private Loan	0	4,106,443	4,106,443	0	3,017,689	2,886,147	0	3,654,308	3,654,308
Deferred fees	0	0	0	0	0	0	0	0	0
LIHTC Equity	3,687,848	3,687,848	0	3,074,470	3,156,056	0	3,457,831	3,457,831	0
Seller Take Back Financing	5,400,000	5,400,000	0	3,800,000	4,000,000	0	4,800,000	4,800,000	0
Total Sources	9,087,848	13,194,291	4,106,443	6,874,470	10,173,745	2,886,147	8,257,831	11,912,140	3,654,308
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**($935,288)**	**$3,037,590**	**$64,069**	**($1,468,666)**	**$1,495,587**	**($1,116,536)**	**($1,135,305)**	**$2,400,145**	**($373,359)**
Operating Pro formas									
Year 1	320,556	53,426	53,426	225,298	39,261	37,550	285,262	47,544	47,544
Year 2	325,721	58,591	58,591	228,557	42,414	40,809	289,720	52,002	52,002
Year 5	341,608	74,478	74,478	238,498	51,965	50,750	303,405	65,687	65,687
Year 19	423,586	156,456	156,456	287,533	97,332	99,785	373,177	135,459	135,459
Year 20	429,927	162,797	162,797	291,154	100,542	103,406	378,510	140,792	140,792
Total	7,467,453	2,124,853	2,124,853	5,152,925	1,396,016	1,397,965	6,609,892	1,855,532	1,855,532

Approach	Fashion Park Place PBV With Equity No Debt Comp Rehab	Fashion Park Place PBV With Equity With Debt Comp Rehab	Fashion Park Place PBV No Equity With Debt Comp Rehab	Fashion Park Place RAD / Section 18 With Equity No Debt Comp Rehab	Fashion Park Place RAD / Section 18 With Equity With Debt Comp Rehab	Fashion Park Place RAD / Section 18 No Equity With Debt Comp Rehab	Fashion Park Place RAD S18 Small PHA With Equity No Debt Comp Rehab	Fashion Park Place RAD S18 Small PHA With Equity With Debt Comp Rehab	Fashion Park Place RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**	**27**
Gross Residential Revenue:	961,560	961,560	961,560	633,708	633,708	633,708	860,220	860,220	860,220
Less Vacancy and Bad Debt:	(48,078)	(48,078)	(48,078)	(31,685)	(31,685)	(31,685)	(43,011)	(43,011)	(43,011)
Effective Residental Income:	913,482	913,482	913,482	602,023	602,023	602,023	817,209	817,209	817,209
Other Income:	3,240	3,240	3,240	3,240	3,240	3,240	3,240	3,240	3,240
Gross Effective Income:	916,722	916,722	916,722	605,263	605,263	605,263	820,449	820,449	820,449
Less Residential OpEx	(285,201)	(285,201)	(285,201)	(285,201)	(285,201)	(285,201)	(285,201)	(285,201)	(285,201)
Replacement Reserves	(9,450)	(9,450)	(9,450)	(9,450)	(9,450)	(9,450)	(9,450)	(9,450)	(9,450)
Net Operating Income	622,071	622,071	622,071	310,612	310,612	310,612	525,798	525,798	525,798
Less Debt Service	0	(518,393)	(518,393)	0	(258,843)	(258,843)	0	(438,165)	(438,165)
Cash Flow	622,071	103,679	103,679	310,612	51,769	51,769	525,798	87,633	87,633
Uses									
Construction Cost	2,440,495	2,440,495	2,440,495	2,467,486	2,467,486	2,467,486	2,440,495	2,440,495	2,440,495
General Conditions/Overhead/ Profit	341,669	341,669	341,669	345,448	345,448	345,448	341,669	341,669	341,669
Hard Cost contingency	278,216	278,216	278,216	281,293	281,293	281,293	278,216	278,216	278,216
Acquisition	10,400,000	10,400,000	0	5,200,000	5,200,000	0	8,800,000	8,800,000	0
Relocation	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500	94,500
Soft Costs(not including acquisition and developer fee)	765,095	765,095	459,057	773,557	773,557	464,134	765,095	765,095	459,057
Soft Cost Contingency	38,255	38,255	22,953	38,678	38,678	23,207	38,255	38,255	22,953
Developer Fee	1,099,560	1,099,560	363,689	845,969	845,969	367,607	1,019,560	1,019,560	363,689
Replacement Reserve	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000	750,000
Reserves	147,326	406,522	406,522	147,326	276,747	276,747	147,326	366,408	366,408
Total Uses	16,355,117	16,614,313	5,157,102	10,944,257	11,073,679	5,070,422	14,675,117	14,894,199	5,116,988
Sources									
Private Loan	0	7,968,963	7,968,963	0	3,979,051	3,979,051	0	6,735,670	6,735,670
Deferred fees	0	0	0	0	0	0	0	0	0
LIHTC Equity	5,978,860	5,978,860	0	4,006,919	4,006,919	0	5,365,481	5,365,481	0
Seller Take Back Financing	10,400,000	10,400,000	0	5,200,000	5,200,000	0	8,800,000	8,800,000	0
Total Sources	16,378,860	24,347,823	7,968,963	9,206,919	13,185,971	3,979,051	14,165,481	20,901,151	6,735,670
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**$23,743**	**$7,733,510**	**$2,811,861**	**($1,737,338)**	**$2,112,292**	**($1,091,371)**	**($509,636)**	**$6,006,952**	**$1,618,682**
Operating Pro formas									
Year 1	622,071	103,679	103,679	310,612	51,769	51,769	525,798	87,633	87,633
Year 2	631,708	113,315	113,315	314,019	55,176	55,176	533,509	95,344	95,344
Year 5	661,263	142,871	142,871	324,130	65,287	65,287	557,054	118,889	118,889
Year 19	811,415	293,022	293,022	366,574	107,731	107,731	673,913	235,748	235,748
Year 20	822,849	304,457	304,457	369,112	110,269	110,269	682,598	244,433	244,433
Total	14,391,957	4,024,107	4,024,107	6,824,313	1,647,453	1,647,453	12,052,776	3,289,476	3,289,476

Approach	Concord Drive PBV With Equity No Debt Comp Rehab	Concord Drive PBV With Equity With Debt Comp Rehab	Concord Drive PBV No Equity With Debt Comp Rehab	Concord Drive RAD / Section 18 With Equity No Debt Comp Rehab	Concord Drive RAD / Section 18 With Equity With Debt Comp Rehab	Concord Drive RAD / Section 18 No Equity With Debt Comp Rehab	Concord Drive RAD S18 Small PHA With Equity No Debt Comp Rehab	Concord Drive RAD S18 Small PHA With Equity With Debt Comp Rehab	Concord Drive RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**22**	**22**	**22**	**22**	**22**	**22**	**22**	**22**	**22**
Gross Residential Revenue:	793,152	793,152	793,152	555,456	555,456	555,456	707,016	707,016	707,016
Less Vacancy and Bad Debt:	(39,658)	(39,658)	(39,658)	(27,773)	(27,773)	(27,773)	(35,351)	(35,351)	(35,351)
Effective Residental Income:	753,494	753,494	753,494	527,683	527,683	527,683	671,665	671,665	671,665
Other Income:	2,640	2,640	2,640	2,640	2,640	2,640	2,640	2,640	2,640
Gross Effective Income:	756,134	756,134	756,134	530,323	530,323	530,323	674,305	674,305	674,305
Less Residential OpEx	(232,386)	(232,386)	(232,386)	(232,386)	(232,386)	(232,386)	(232,386)	(232,386)	(232,386)
Replacement Reserves	(7,700)	(7,700)	(7,700)	(7,700)	(7,700)	(7,700)	(7,700)	(7,700)	(7,700)
Net Operating Income	516,048	516,048	516,048	290,237	290,237	290,237	434,219	434,219	434,219
Less Debt Service	0	(430,040)	(430,040)	0	(241,864)	(241,864)	0	(361,849)	(361,849)
Cash Flow	516,048	86,008	86,008	290,237	48,373	48,373	434,219	72,370	72,370
Uses									
Construction Cost	2,170,010	2,170,010	2,170,010	2,170,010	2,170,010	2,170,010	2,170,010	2,170,010	2,170,010
General Conditions/Overhead/ Profit	303,801	303,801	303,801	303,801	303,801	303,801	303,801	303,801	303,801
Hard Cost contingency	247,381	247,381	247,381	247,381	247,381	247,381	247,381	247,381	247,381
Acquisition	8,700,000	8,700,000	0	4,900,000	4,900,000	0	7,300,000	7,300,000	0
Relocation	77,000	77,000	77,000	77,000	77,000	77,000	77,000	77,000	77,000
Soft Costs(not including acquisition and developer fee)	680,298	680,298	408,179	680,298	680,298	408,179	680,298	680,298	408,179
Soft Cost Contingency	34,015	34,015	20,409	34,015	34,015	20,409	34,015	34,015	20,409
Developer Fee	950,326	950,326	322,678	760,326	760,326	322,678	880,326	880,326	322,678
Replacement Reserve	650,000	650,000	650,000	650,000	650,000	650,000	650,000	650,000	650,000
Reserves	120,043	335,063	335,063	120,043	240,975	240,975	120,043	300,968	300,968
Total Uses	13,932,874	14,147,895	4,534,522	9,942,874	10,063,807	4,440,434	12,462,874	12,643,799	4,500,426
	0	0	0	0	0	0	0	0	0
Sources	0	0	0	0	0	0	0	0	0
Private Loan	0	6,610,774	6,610,774	0	3,718,048	3,718,048	0	5,562,511	5,562,511
Deferred fees	0	0	0	0	0	0	0	0	0
LIHTC Equity	4,648,151	4,648,151	0	3,211,895	3,211,895	0	4,119,004	4,119,004	0
Seller Take Back Financing	8,700,000	8,700,000	0	4,900,000	4,900,000	0	7,300,000	7,300,000	0
Total Sources	13,348,151	19,958,925	6,610,774	8,111,895	11,829,942	3,718,048	11,419,004	16,981,515	5,562,511
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**($584,723)**	**$5,811,030**	**$2,076,252**	**($1,830,980)**	**$1,766,136**	**($722,386)**	**($1,043,079)**	**$4,337,716**	**$1,062,085**
Operating Pro formas									
Year 1	516,048	86,008	86,008	290,237	48,373	48,373	434,219	72,370	72,370
Year 2	524,084	94,044	94,044	293,757	51,892	51,892	440,618	78,769	78,769
Year 5	548,739	118,699	118,699	304,314	62,450	62,450	460,165	98,315	98,315
Year 19	674,258	244,218	244,218	351,744	109,880	109,880	557,386	195,536	195,536
Year 20	683,837	253,797	253,797	354,873	113,009	113,009	564,628	202,778	202,778
Total	11,949,726	3,348,919	3,348,919	6,463,108	1,625,821	1,625,821	9,961,492	2,724,505	2,724,505

Approach	Cuesta Del Mar PBV With Equity No Debt Comp Rehab	Cuesta Del Mar PBV With Equity With Debt Comp Rehab	Cuesta Del Mar PBV No Equity With Debt Comp Rehab	Cuesta Del Mar RAD / Section 18 With Equity No Debt Comp Rehab	Cuesta Del Mar RAD / Section 18 With Equity With Debt Comp Rehab	Cuesta Del Mar RAD / Section 18 No Equity With Debt Comp Rehab	Cuesta Del Mar RAD S18 Small PHA With Equity No Debt Comp Rehab	Cuesta Del Mar RAD S18 Small PHA With Equity With Debt Comp Rehab	Cuesta Del Mar RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**12**	**12**	**12**	**12**	**12**	**12**	**12**	**12**	**12**
Gross Residential Revenue:	480,996	480,996	480,996	302,820	302,820	302,820	425,268	425,268	425,268
Less Vacancy and Bad Debt:	(24,050)	(24,050)	(24,050)	(15,141)	(15,141)	(15,141)	(21,263)	(21,263)	(21,263)
Effective Residental Income:	456,946	456,946	456,946	287,679	287,679	287,679	404,005	404,005	404,005
Other Income:	1,440	1,440	1,440	1,440	1,440	1,440	1,440	1,440	1,440
Gross Effective Income:	458,386	458,386	458,386	289,119	289,119	289,119	405,445	405,445	405,445
Less Residential OpEx	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)
Replacement Reserves	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)
Net Operating Income	327,430	327,430	327,430	158,163	158,163	158,163	274,489	274,489	274,489
Less Debt Service	0	(272,859)	(272,859)	0	(131,803)	(131,803)	0	(228,741)	(228,741)
Cash Flow	327,430	54,572	54,572	158,163	26,361	26,361	274,489	45,748	45,748
Uses									
Construction Cost	1,201,092	1,201,092	1,201,092	1,201,092	1,201,092	1,201,092	1,201,092	1,201,092	1,201,092
General Conditions/Overhead/ Profit	168,153	168,153	168,153	168,153	168,153	168,153	168,153	168,153	168,153
Hard Cost contingency	136,924	136,924	136,924	136,924	136,924	136,924	136,924	136,924	136,924
Acquisition	5,500,000	5,500,000	0	2,700,000	2,700,000	0	4,600,000	4,600,000	0
Relocation	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000
Soft Costs(not including acquisition and developer fee)	376,542	376,542	225,925	376,542	376,542	225,925	376,542	376,542	225,925
Soft Cost Contingency	18,827	18,827	11,296	18,827	18,827	11,296	18,827	18,827	11,296
Developer Fee	560,231	560,231	178,539	420,231	420,231	178,539	515,231	515,231	178,539
Replacement Reserve	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Reserves	65,478	201,907	201,907	65,478	131,379	131,379	65,478	179,848	179,848
Total Uses	8,419,247	8,555,676	2,515,837	5,479,247	5,545,148	2,445,309	7,474,247	7,588,617	2,493,778
	0	0	0	0	0	0	0	0	0
Sources	0	0	0	0	0	0	0	0	0
Private Loan	0	4,194,504	4,194,504	0	2,026,127	2,026,127	0	3,516,302	3,516,302
Deferred fees	0	0	0	0	0	0	0	0	0
LIHTC Equity	3,086,694	3,086,694	0	2,013,281	2,013,281	0	2,741,668	2,741,668	0
Seller Take Back Financing	5,500,000	5,500,000	0	2,700,000	2,700,000	0	4,600,000	4,600,000	0
Total Sources	8,586,694	12,781,198	4,194,504	4,713,281	6,739,409	2,026,127	7,341,668	10,857,970	3,516,302
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**$167,447**	**$4,225,521**	**$1,678,667**	**($765,966)**	**$1,194,260**	**($419,181)**	**($133,579)**	**$3,269,353**	**$1,022,524**
Operating Pro formas									
Year 1	327,430	54,572	54,572	158,163	26,361	26,361	274,489	45,748	45,748
Year 2	332,732	59,874	59,874	160,080	28,277	28,277	278,732	49,991	49,991
Year 5	349,049	76,191	76,191	165,829	34,026	34,026	291,744	63,003	63,003
Year 19	433,404	160,545	160,545	191,649	59,846	59,846	357,790	129,050	129,050
Year 20	439,942	167,083	167,083	193,351	61,549	61,549	362,816	134,075	134,075
Total	7,634,478	2,177,308	2,177,308	3,521,731	885,681	885,681	6,348,137	1,773,327	1,773,327

Approach	Fremont Square PBV With Equity No Debt Comp Rehab	Fremont Square PBV With Equity With Debt Comp Rehab	Fremont Square PBV No Equity With Debt Comp Rehab	Fremont Square RAD / Section 18 With Equity No Debt Comp Rehab	Fremont Square RAD / Section 18 With Equity With Debt Comp Rehab	Fremont Square RAD / Section 18 No Equity With Debt Comp Rehab	Fremont Square RAD S18 Small PHA With Equity No Debt Comp Rehab	Fremont Square RAD S18 Small PHA With Equity With Debt Comp Rehab	Fremont Square RAD S18 Small PHA No Equity With Debt Comp Rehab
Unit Count	**12**	**12**	**12**	**12**	**12**	**12**	**12**	**12**	**12**
Gross Residential Revenue:	473,760	473,760	473,760	295,584	295,584	295,584	418,032	418,032	418,032
Less Vacancy and Bad Debt:	(23,688)	(23,688)	(23,688)	(14,779)	(14,779)	(14,779)	(20,902)	(20,902)	(20,902)
Effective Residental Income:	450,072	450,072	450,072	280,805	280,805	280,805	397,130	397,130	397,130
Other Income:	1,440	1,440	1,440	1,440	1,440	1,440	1,440	1,440	1,440
Gross Effective Income:	451,512	451,512	451,512	282,245	282,245	282,245	398,570	398,570	398,570
Less Residential OpEx	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)	(126,756)
Replacement Reserves	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)	(4,200)
Net Operating Income	320,556	320,556	320,556	151,289	151,289	151,289	267,614	267,614	267,614
Less Debt Service	0	(267,130)	(267,130)	0	(126,074)	(126,074)	0	(223,012)	(223,012)
Cash Flow	320,556	53,426	53,426	151,289	25,215	25,215	267,614	44,602	44,602
Uses									
Construction Cost	1,189,052	1,189,052	1,189,052	1,189,052	1,189,052	1,189,052	1,189,052	1,189,052	1,189,052
General Conditions/Overhead/ Profit	166,467	166,467	166,467	166,467	166,467	166,467	166,467	166,467	166,467
Hard Cost contingency	135,552	135,552	135,552	135,552	135,552	135,552	135,552	135,552	135,552
Acquisition	5,400,000	5,400,000	0	2,600,000	2,600,000	0	4,500,000	4,500,000	0
Relocation	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000
Soft Costs(not including acquisition and developer fee)	372,768	372,768	223,661	372,768	372,768	223,661	372,768	372,768	223,661
Soft Cost Contingency	18,638	18,638	11,183	18,638	18,638	11,183	18,638	18,638	11,183
Developer Fee	552,372	552,372	176,792	412,372	412,372	176,792	507,372	507,372	176,792
Replacement Reserve	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Reserves	65,478	199,043	199,043	65,478	128,515	128,515	65,478	176,984	176,984
Total Uses	8,292,327	8,425,892	2,493,750	5,352,327	5,415,364	2,423,222	7,347,327	7,458,833	2,471,691
	0	0	0	0	0	0	0	0	0
Sources	0	0	0	0	0	0	0	0	0
Private Loan	0	4,106,443	4,106,443	0	1,938,066	1,938,066	0	3,428,241	3,428,241
Deferred fees	0	0	0	0	0	0	0	0	0
LIHTC Equity	3,038,749	3,038,749	0	1,965,337	1,965,337	0	2,693,724	2,693,724	0
Seller Take Back Financing	5,400,000	5,400,000	0	2,600,000	2,600,000	0	4,500,000	4,500,000	0
Total Sources	8,438,749	12,545,192	4,106,443	4,565,337	6,503,403	1,938,066	7,193,724	10,621,965	3,428,241
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**$146,422**	**$4,119,300**	**$1,612,693**	**($786,991)**	**$1,088,039**	**($485,155)**	**($153,604)**	**$3,163,132**	**$956,550**
Operating Pro formas									
Year 1	320,556	53,426	53,426	151,289	25,215	25,215	267,614	44,602	44,602
Year 2	325,721	58,591	58,591	153,068	26,994	26,994	271,720	48,708	48,708
Year 5	341,608	74,478	74,478	158,388	32,314	32,314	284,303	61,291	61,291
Year 19	423,586	156,456	156,456	181,831	55,757	55,757	347,972	124,960	124,960
Year 20	429,927	162,797	162,797	183,337	57,263	57,263	352,801	129,789	129,789
Total	7,467,453	2,124,853	2,124,853	3,354,706	833,226	833,226	6,181,112	1,720,872	1,720,872

Approach	Palm Vista Sr. Apt PBV With Equity No Debt Comp Rehab	Palm Vista Sr. Apt PBV With Equity With Debt Comp Rehab	Palm Vista Sr. Apt PBV No Equity With Debt Comp Rehab	Palm Vista Sr. Apt RAD / Section 18 With Equity No Debt Comp Rehab	Palm Vista Sr. Apt RAD / Section 18 With Equity With Debt Comp Rehab	Palm Vista Sr. Apt RAD / Section 18 No Equity With Debt Comp Rehab	Palm Vista Sr. Apt RAD S18 Small PHA With Equity No Debt Comp Rehab	Palm Vista Sr. Apt RAD S18 Small PHA With Equity With Debt Comp Rehab	Palm Vista Sr. Apt RAD S18 Small PHA With Equity With Debt Comp Rehab
Unit Count	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**	**100**
Gross Residential Revenue:	2,365,200	2,365,200	2,365,200	1,757,040	1,912,560	1,912,560	2,061,120	2,216,640	2,216,640
Less Vacancy and Bad Debt:	(118,260)	(118,260)	(118,260)	(87,852)	(95,628)	(95,628)	(103,056)	(110,832)	(110,832)
Effective Residental Income:	2,246,940	2,246,940	2,246,940	1,669,188	1,816,932	1,816,932	1,958,064	2,105,808	2,105,808
Other Income:	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000
Gross Effective Income:	2,258,940	2,258,940	2,258,940	1,681,188	1,828,932	1,828,932	1,970,064	2,117,808	2,117,808
Less Residential OpEx	(788,900)	(788,900)	(788,900)	(788,900)	(788,900)	(788,900)	(788,900)	(788,900)	(788,900)
Replacement Reserves	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)	(35,000)
Net Operating Income	1,435,040	1,435,040	1,435,040	857,288	1,005,032	1,005,032	1,146,164	1,293,908	1,293,908
Less Debt Service	0	(1,195,867)	(1,195,867)	0	(837,527)	(837,527)	0	(1,078,257)	(1,078,257)
Cash Flow	1,435,040	239,173	239,173	857,288	167,505	167,505	1,146,164	215,651	215,651
Uses									
Construction Cost	10,763,784	10,763,784	10,763,784	10,763,784	10,763,784	10,763,784	10,763,784	10,763,784	10,763,784
General Conditions/Overhead/ Profit	1,506,930	1,506,930	1,506,930	1,506,930	1,506,930	1,506,930	1,506,930	1,506,930	1,506,930
Hard Cost contingency	1,227,071	1,227,071	1,227,071	1,227,071	1,227,071	1,227,071	1,227,071	1,227,071	1,227,071
Acquisition	24,000,000	24,000,000	0	14,300,000	16,800,000	0	19,200,000	21,600,000	21,600,000
Relocation	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000	350,000
Soft Costs(not including acquisition and developer fee)	3,374,446	3,374,446	2,024,668	3,374,446	3,374,446	2,024,668	3,374,446	3,374,446	3,374,446
Soft Cost Contingency	168,722	168,722	101,233	168,722	168,722	101,233	168,722	168,722	168,722
Developer Fee	3,756,143	3,756,143	1,597,369	3,271,143	3,396,143	1,597,369	3,516,143	3,636,143	3,636,143
Replacement Reserve	850,000	850,000	850,000	850,000	850,000	850,000	850,000	850,000	850,000
Reserves	411,950	1,009,883	1,009,883	411,950	830,713	830,713	411,950	951,078	951,078
Total Uses	46,409,046	47,006,980	19,430,938	36,224,046	39,267,810	19,251,768	41,369,046	44,428,175	44,428,175
Sources									
Private Loan	0	18,383,402	18,383,402	0	12,874,838	12,874,838	0	16,575,448	16,575,448
Deferred fees	1,256,143	1,256,143	0	771,143	896,143	0	1,016,143	1,136,143	1,136,143
LIHTC Equity	17,954,674	17,954,674	0	14,236,066	15,194,470	0	16,114,538	17,034,606	17,034,606
Seller Take Back Financing	24,000,000	24,000,000	0	14,300,000	16,800,000	0	19,200,000	21,600,000	21,600,000
Total Sources	43,210,817	61,594,219	18,383,402	29,307,209	45,765,451	12,874,838	36,330,681	56,346,197	56,346,197
	-	-	-	-	-	-	-	-	-
(Gap)/Surplus	**($3,198,229)**	**$14,587,240**	**($1,047,536)**	**($6,916,837)**	**$6,497,642**	**($6,376,930)**	**($5,038,365)**	**$11,918,023**	**$11,918,023**
Operating Pro formas									
Year 1	1,435,040	239,173	239,173	857,288	167,505	167,505	1,146,164	215,651	215,651
Year 2	1,456,027	260,160	260,160	866,720	179,892	179,892	1,161,373	233,815	233,815
Year 5	1,520,088	324,221	324,221	894,710	217,107	217,107	1,207,399	289,065	289,065
Year 19	1,837,516	641,650	641,650	1,012,344	385,832	385,832	1,424,930	557,688	557,688
Year 20	1,861,065	665,198	665,198	1,019,389	397,098	397,098	1,440,227	577,205	577,205
Total	32,878,934	8,961,600	8,961,600	18,841,080	5,680,337	5,680,337	25,860,007	7,884,664	7,884,664

Annual Capital Fund Plan (CFP)

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

US Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant:
Oxnard Housing Authority	Capital Fund Program Grant No: **CA16-P031-501-23** Replacement Housing Factor Grant No: Date of CFFP: 04/26/2004	**2023** **FFY of Grant Approval:**

Type of Grant:
[X] Original annual Statement **[ ] Reserve for Disasters/Emergencies** **[ ] Revised Annual Statement (Revision no:)**
[ ] Performance and Evaluation Report for Period Ending: **[ ] Final Performance and Evaluation Report**

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised [2]	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 25% of line 23) [3]	$ 140,000.00			
3	1408 Management Improvements (Not to exceed 10% of line 23)	$ 12,000.00			
4	1410 Administration (may not exceed 10% of line 23)	$ 105,000.00			
5	1415 Liquidated Damages				
6	1480 Fees and Costs/ (A& E fees)	$ 20,000.00			
7	1480 Advertising	$ 5,000.00			
8	1480 Planning Salaries/ Benefits	$ 40,000.00			
9	1480 Audit				
10	1440 Site Acquisition				
11	1480 Site Improvement				
12	1480 Dwelling Structures	$ 740,000.00			
13	1480 Dwelling Equipment - Nonexpendable				
14	1480 Nondwelling Structures				
15	1480 Nondwelling Equipment (Computer Hardware)	$ 20,000.00			
16	1480 Construction Vehicle				
17	1480 Demolition				
18	1480 Moving to Work Demonstration				
19	1480 Relocation Costs				
20	1480 Development Activities [4]				
21	9001 Collateralization or Debt Service paid by PHA	$ 441,180.00			
22	1480 Contingency (may not exceed 8% of line 23)	$ 15,000.00			
23	Amount of Annual Grant: (sum of lines 1 - 22)	**$ 1,538,180.00**			

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

US Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226

Part I: Summary

PHA Name:	Grant Type and Number	FFY of Grant:
Oxnard Housing Authority	Capital Fund Program Grant No: CA16-P031-501-23 Replacement Housing Factor Grant No: Date of CFFP: 04/26/2004	2023 FFY of Grant Approval:

Type of Grant:

[X] Original annual Statement [ ] Reserve for Disasters/Emergencies [ ] Revised Annual Statement (Revision no:)

[ ] Performance and Evaluation Report for Period Ending: [ ] Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost [1]	
		Original	Revised [2]	Obligated	Expended
24	Amount of line 23 Related to LBP Activities				
25	Amount of line 23 Related to Section 504 compliance	$ 485,000.00			
26	Amount of line 23 Related to Security - Soft Costs	$ 15,000.00			
27	Amount of line 23 Related to Security - Hard Costs				
28	Amount of line 23 Related to Energy Conservation Measures				

Signature of Executive Director	Date	Signature of Public Housing Director	Date

[1] To be completed for the Performance and Evaluation Report.

[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.

[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.

[4] RHF funds shall be included here.

Part II: Supporting Pages

PHA Name:	**Grant Type and Number**	**Federal FFY of Grant:**
Oxnard Housing Authority	Capital Fund Program Grant No: **CA16-P031-501-23** CFFP (Yes/No): Replacement Housing Factor Grant No:	**2023**

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised[1]	Funds Obligated [2]	Funds Expended [2]	
CAL 31-0	Operations	1406		$ 140,000.00				
PHA WIDE								
	Professional Development/							
	Professional Development /Training	1408		$ 5,000.00				
	Consultants/							
	Consultants	1408		$ 5,000.00				
	Disaster Preparedness	1408		$ 2,000.00				

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Oxnard Housing Authority	**Grant Type and Number** Capital Fund Program Grant No: **CA16-P031-501-23** CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2023

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised[1]	Funds Obligated [2]	Funds Expended [2]	
CAL 31-0								
PHA WIDE								
	Administration	1410		$ 105,000.00				
	Fees & Costs	1480		$ 20,000.00				
	Advertising	1480		$ 5,000.00				
	Planning Salaries/Benefits	1480		$ 40,000.00				
	Computer Hardware	1480		$ 20,000.00				
	Bond Payment	9001		$ 441,180.00				
	Contingency	1480		$ 15,000.00				
	Total 31-0:			**$ 646,180.00**				

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages

PHA Name: Oxnard Housing Authority	**Grant Type and Number** Capital Fund Program Grant No: **CA16-P031-501-23** CFFP (Yes/ No): Replacement Housing Factor Grant No:	**Federal FFY of Grant:** 2023

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised[1]	Funds Obligated [2]	Funds Expended [2]	
CAL 31-0								
OHA Wide	Security Systems	1480		$ 15,000.00				
	Pre-Reac Improvements	1480		$ 240,000.00				
	504 Conversion	1480		$ 485,000.00				
	CA16-P031-501-23 Total:			**$ 740,000.00**				

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

Part III: Implementation Schedule for Capital Fund Financing Program					
PHA Name: **Oxnard Housing Authority**	**Grant Type and Number** Capital Fund Program Grant No: **CA16-P031-501-23** CFFP (Yes/ No): Yes Replacement Housing Factor Grant No:				**Federal FFY of Grant:** **2023**
Development Number Name/HA-Wide Activities	All Funds Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reason for Revised target Dates [1]
	Original Obligation End Date	Actual Obligation End Date	Original Expenditure End Date	Actual Expenditure End Date	
CAL 31-0	4/16/2025		4/16/2027		
PHA-Wide					
CAL 31-2	4/16/2025		4/16/2027		
Felicia Court					
CAL 31-3	4/16/2025		4/16/2027		
Colonia Road					
CAL 31-4	4/16/2025		4/16/2027		
Pleasant Valley					
CAL 31-5	4/16/2025		4/16/2027		
Plaza Vista					
CAL 31-7	4/16/2025		4/16/2027		
Scattered Sites					
CAL 31-8	4/16/2025		4/16/2027		
Palm Vista					

[1] Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9j of the U.S. Housing Act of 1937, as amended.

Capital Fund Program Five-Year Action Plan **Part I: Summary**					
PHA Name: **Oxnard Housing Authority**				[X] Original 5-Year Plan [ ] Revision no:	
Development Number/Name/HA-Wide	Year 1 2023	Work Statement for Year 2 FFY Grant: 2024 PHA FY: 2025	Work Statement for Year 3 FFY Grant: 2025 PHA FY: 2026	Work Statement for Year 4 FFY Grant: 2026 PHA FY: 2027	Work Statement for Year 5 FFY Grant: 2027 PHA FY: 2028
	Annual Statement				
CAL 31-0 OHA-Wide		$ 357,000.00	$ 377,000.00	$ 357,000.00	$ 337,000.00
OHA Wide		$ -	$ 100,000.00	$ -	$ 720,000.00
CAL 31-1 The Courts					
CAL 31-2 Felicia Court			$ -	$ -	$ -
CAL 31-3 Colonia Road		$ 140,000.00	$ 290,000.00		$ -
CAL 31-4 Pleasant Valley		$ -	$ -	$ 400,000.00	$ -
CAL 31-5 Plaza Vista		$ 280,000.00	$ -	$ -	$ -
CAL 31-7 Scattered Sites		$ -	$ 290,000.00	$ 300,000.00	$ -
CAL 31-8 Palm Vista		$ 280,000.00	$ -	$ -	$ -
CFP Funds Listed for 5-year Planning		**$ 1,057,000.00**	**$ 1,057,000.00**	**$ 1,057,000.00**	**$ 1,057,000.00**
Replacement Housing Factor Funds					

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages - Work Activities

Activities for Year 1 2023	Activities for Year: 2 FFY Grant: 2024 PHA FY: 2025			Activities for Year: 3 FFY Grant: 2025 PHA FY: 2026		
	Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
See	PHA-Wide	Operations	$ 140,000.00	PHA-Wide	Operations	$ 140,000.00
Annual	Cal 31-0			Cal 31-0		
Statement						
		Management Improvement	$ 12,000.00		Management Improvement	$ 12,000.00
		Administration	$ 105,000.00		Administration	$ 105,000.00
		A&E Fees	$ 20,000.00		A&E Fees	$ 20,000.00
		Advertising	$ 5,000.00		Advertising	$ 5,000.00
		Planning Salaries/ Benefits	$ 40,000.00		Planning Salaries/ Benefits	$ 40,000.00
		Energy Audit	$ 20,000.00		Computer Hardware	$ 20,000.00
		Debt. Service	$ -		Physical Needs Assessment	$ 20,000.00
		Contingency	$ 15,000.00		Contingency	$ 15,000.00
	Cal 31-0 Subtotal:		**$ 357,000.00**	Cal 31-0 Subtotal:		**$ 377,000.00**

Capital Fund Program Five-Year Action Plan Part II: Supporting Pages - Work Activities						
Activities for Year 1 2023	Activities for Year: 2 FFY Grant: 2024 PHA FY: 2025			Activities for Year: 3 FFY Grant: 2025 PHA FY: 2026		
	Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
	OHA Wide			**OHA Wide**	RAD	
See					Preliminary Development Work	$ 100,000.00
Annual						
Statement	**OHA Wide Subtotal:**		**$ -**	**OHA Wide Subtotal:**		**$ 100,000.00**
	Colonia Village			**Felicia Court**		
	CAL 31-3	Alley Repair	$ 140,000.00	CAL 31-2	Walkways	$ 290,000.00
	CAL 31-3 Subtotal		**$ 140,000.00**	**CAL 31-2 Subtotal**		**$ 290,000.00**
				Pleasant Valley		
				CAL 31-4		
	Plaza Vista					
	CAL 31-5	Elevator	$ 280,000.00	**CAL 31-4 Subtotal:**		**$ -**
	CAL 31-5 Subtotal:		**$ 280,000.00**			
				Scattered Sites		
	Scattered Sites			CAL 31-7	Furnaces	$ 290,000.00
	CAL 31-7					
				CAL 31-7 Subtotal:		**$ 290,000.00**
	CAL 31-7 Subtotal:					
	Palm Vista					
	CAL 31-8	Elevator	$ 280,000.00	**Palm Vista**		
				CAL 31-8		
				CAL 31-8 Subtotal:		**$ -**
	CAL 31-8 Subtotal:		**$ 280,000.00**			
Total CFP Estimated Cost			**$ 1,057,000.00**	**Total CFP Estimated Cost**		**$ 1,057,000.00**

Capital Fund Program Five-Year Action Plan
Part II: Supporting Pages --- Work activities

Activities for Year: 4 FFY Grant: 2026 PHA FY: 2027			Activities for Year: 5 FFY Grant: 2027 PHA FY: 2028		
Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
PHA-Wide	Operations	$ 140,000.00	PHA-Wide	Operations	$ 140,000.00
Cal 31-0			Cal 31-0		
	Management Improvement	$ 12,000.00		Management Improvement	$ 12,000.00
	Administration	$ 105,000.00		Administration	$ 105,000.00
	A&E Fees	$ 20,000.00		A&E Fees	$ 20,000.00
	Advertising	$ 5,000.00		Advertising	$ 5,000.00
	Planning Salaries/ Benefits	$ 40,000.00		Planning Salaries/ Benefits	$ 40,000.00
	Computer Hardware	$ 20,000.00		Computer Hardware	
	Contingency	$ 15,000.00		Contingency	$ 15,000.00
Cal 31-0 Subtotal:		**$ 357,000.00**	Cal 31-0 Subtotal:		**$ 337,000.00**

Capital Fund Program Five-Year Action Plan Part II: Supporting Pages --- Work activities					
Activities for Year: 4 FFY Grant: 2026 PHA FY: 2027			Activities for Year: 5 FFY Grant: 2027 PHA FY: 2028		
Development Name/Number	**Major Work Categories**	**Estimated Cost**	**Development Name/Number**	**Major Work Categories**	**Estimated Cost**
OHA Wide			OHA Wide	Windows	$ 370,000.00
Felicia Court				Water Meters	$ 350,000.00
CAL 31-2	Walkways				
	Windows		**OHA Wide Subtotal**		**$ 720,000.00**
CAL 31-2 Subtotal:		$ -	**CAL 31-2 Subtotal:**		
			Colonia Village		
Colonia Village			CAL 31-3		
CAL 31-3					
CAL 31-3 Subtotal			**CAL 31-3 Subtotal**		
Pleasant Valley			**Pleasant Valley**		
CAL 31-4	Flooring	$ 400,000.00	CAL 31-4		
CAL 31-4 Subtotal:		**$ 400,000.00**	**CAL 31-4 Subtotal:**		
Plaza Vista			**Plaza Vista**		
CAL 31-5			CAL 31-5		
CAL 31-5 Subtotal:			**CAL 31-5 Subtotal:**		
Scattered Sites			**Scattered Sites**		
CAL 31-7	Building Redevelopment	$ 300,000.00	CAL 31-7		
CAL 31-7 Subtotal:		**$ 300,000.00**	**CAL 31-7 Subtotal:**		$ -
CAL 31-8 Subtotal:			**CAL 31-8 Subtotal:**		
Total CFP Estimated Cost		**$ 1,057,000.00**	**Total CFP Estimated Cost**		**$ 1,057,000.00**

5-YEAR AGENCY PLAN
AND
ANNUAL PLAN

Emilio Ramirez, Director
Housing Department

City Council
March 21, 2023

CITY OF OXNARD CALIFORNIA

5-Year and Annual Agency Plan

1. The 5-Year PHA and the Annual Agency Plan provide a description of the Housing Authority's basic regulations, requirements and operational program policies. The current 5-Year PHA plan was adopted in 2020. The Annual Agency plan outlines any revisions, new activities, and progress towards the PHA's goals and objectives.

2. Required by 24 CFR Part 903

3. Serves as the application for Capital Fund Grants which provide the funding for capital improvements for Public Housing

4. Due to HUD by April 14, 2023 – at least 75 days prior to the start of the fiscal year

Proposed Revisions

1. Proposed Amendment to the Housing Choice Voucher (Section 8) Administrative Plan:

-**Adoption of local limited homeless preference:** Applicants and families who meet the definition of “homeless” will be eligible. A certification of homelessness completed by a homeless services provider is required. The OHA limits the number of families that qualify for the homeless preference to fifteen (15) families annually.

Proposed New Activities

The OHA intends to undertake the following new activities related to the following in the 2023 Annual PHA Plan:

1. Conversion of Public Housing to Project Based: In June 2020, the OHA launched the "Rethink and Renew" effort to streamline operations, improve customer services, modernize public housing units, expand programs, and close budget deficits. As part of the effort, the Department of Housing and Urban Development approved for CVR Associates, Inc. (CVR) to provide an assessment of the OHA's public housing portfolio.

-CVR issued a report that outlines various strategies to transition the OHA's public housing portfolio to a Section 8 subsidy. This action will provide a more stable stream of subsidy, is more conducive to raising debt/equity, and will allow OHA to leverage funding for rehabilitation of its public housing units.

-The OHA proposes to begin the process of analyzing the feasibility of the strategic opportunities identified by CVR through related activities including: physical needs assessments, financial analysis, and environmental reviews, and development of an asset repositioning plan.

2. Project-based vouchers: In addition, the OHA will undertake efforts to identify and apply for new voucher allocations for project-based vouchers. The project-based voucher is subsidized housing assistance that is tied to a specific unit. The goal is to increase the number of affordable units available to low-income families.

Capital Fund Budget

1. Purpose of the capital fund program is to maintain and preserve the integrity of the Oxnard Housing Authority's pubic housing units and to fund necessary improvements

2. The Fiscal Year 2023 requested capital fund budget is: $1,538,180

3. Approximately $740,000 will be used towards capital improvements:

-504-conversion project which refers to the multi-phase project through which 24 existing units are being converted to ensure they accessible to individuals with disabilities. This is a requirement from the Department of Housing and Urban Development.

-All public housing units will be inspected and any necessary repairs will be completed to ensure they meet federal inspection standards.

The remaining funds will be allocated towards debt repayment and administrative expenses.

Public Comments

1. The forty-five day public comment period commenced on December 1, 2022
2. Staff held public meetings on December 1, 2022 and January 26, 2023.
3. The following questions were received (summarized)

   Question: Is the homeless preference the same program that has been existence?

   Response: Yes. The preference relates to the homeless set aside program which has been in existence por the past 7 years. The preference would apply to applicants for the 15 homeless set aside vouchers.

   Question: Can the capital fund be used to paint the interior of all public housing units?

   Response: Funds are being allocated towards repairs identified during unit inspections. However; public housing residents are asked to report their request for their individual unit by placing a work order.

Recommendation

That the Board of Commissioners for the Housing Authority of the City of Oxnard:

1. Hold a public hearing to receive comments concerning the fourth year of the 5-Year PHA Plan, the 2023 Capital Fund Program (CFP) Budget, and the CFP Five-Year Action Plan; and
2. Adopt a resolution:
   a) Approving the 2023 Annual Agency Plan, 5-Year PHA Plan for the Housing Authority;
   b) Authorizing and directing the Chairman to execute the Department of Housing and Urban Development (HUD) Public Housing Agency Certification Compliance Form certifying the Housing Authority's compliance with HUD's policies and procedures;
   c) Authorizing the Housing Director to execute and submit all reports, documents and all other certifications required to comply with HUD's policies and procedures regarding the Annual Agency Plan and the 5-Year PHA Plan;
   d) Approving the 2023 CFP Budget and CFP Five-Year Action Plan; and
   e) Authorizing the Housing Director to accept and expend the funds as indicated in the 2023 CFP Budget and CFP Five-Year Action Plan.

CITY OF OXNARD CALIFORNIA

End of Presentation

HOUSING AUTHORITY OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF OXNARD APPROVING THE 5-YEAR PUBLIC HOUSING AGENCY (PHA) PLAN, THE ANNUAL AGENCY PLAN, THE 2023 CAPITAL FUND PROGRAM (CFP) BUDGET, THE CFP FIVE-YEAR ACTION PLAN AND AUTHORIZING THE HOUSING DIRECTOR TO EXECUTE AND SUBMIT THE PLANS AND CAPITAL FUNDS STATEMENT

WHEREAS, the Housing Authority of the City of Oxnard (OHA) is required by the U.S. Department of Housing and Urban Development (HUD) to develop and adopt a 5-Year PHA Plan and Annual Agency Plan for HUD's review and approval in order to be eligible to receive HUD funding utilized for the OHA's operation; and

WHEREAS, The OHA adopted a 5-Year Agency Plan in 2020; and

WHEREAS, on March 21, 2023, the OHA conducted a public hearing on the proposed fourth year of the 2020-2025 Five-Year PHA Plan, the Annual Agency Plan, the 2023 CFP Budget and the CFP Five-Year Action Plan.

WHEREAS, the OHA wishes to adopt its Annual Agency Plan, the fourth year of the 5-Year PHA Plan for Fiscal Years 2020-2025, the CFP Five-Year Action Plan, and the 2023 CFP Budget.

NOW THEREFORE, the Board of Commissioners of the Housing Authority of the City of Oxnard resolves as follows:

1. The Board hereby approves the Annual Agency Plan, the fourth year of the 5-Year PHA Plan for Fiscal Years 2020-2025, the CFP Five-Year Action Plan, and the 2023 CFP Budget, as presented to the Board on March 21, 2023; and

2. The Board authorizes and directs the chairman to execute the HUD Public Housing Agency Certification Compliance Form certifying the Housing Authority's compliance with HUD's policies and procedures; and

3. The Board authorizes the Housing Director to execute and submit all reports and documents required to comply with HUD's policies and procedures regarding the Agency Plan; and

4. The Board authorizes the Housing Director to accept and expend the funds as indicated in the 2023 CFP Budget and the CFP Five-Year Action Plan.

APPROVED AND ADOPTED THIS 21st DAY OF MARCH 2023 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

_____
John C. Zaragoza, Chairman

Attest:

_____
Rose Chaparro, Secretary-Designate

Approved as to form:

_____
Stephen M. Fischer, General Counsel

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.4

DATE: March 21, 2023

TO: City Council

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: Third Amendment to the 2021-2022 Annual Action Plan to Incorporate Supplemental HOME American Rescue Plan (ARP) funding. (20 minutes)

RECOMMENDATION

That City Council:

1. Conduct a public hearing and receive public comments relating to the HOME ARP Allocation Plan;

2. Approve the HOME ARP Allocation Plan, as a Third Amendment to the 2021-2022 Annual Action Plan;

3. Authorize the City Manager, and his designees, to submit the Third Amendment to the 2021-2022 Annual Action Plan to the U.S. Department of Housing and Urban Development, including the required applications, certifications and other pertinent documents to complete the submitted items for federal approval;

4. Authorize the City Manager, and his designees, to approve the appropriations for the HOME American Rescue Plan funding for staff operations, approved projects and related consulting contracts, not to exceed $2,772,021; and

5. Authorize the City Manager and his designees to execute the appropriate agreements with the HOME American Rescue Plan partners, consultants, and contractors, allow the use in the administration of funds, and allow the adjustments to any future funding needs not to exceed ten percent of the award if the programs require more or less funding to meet their objectives.

(This item is routine in nature and therefore, this item did not originate in the Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/-adSu-WLnoQ

BACKGROUND

On September 20, 2021, the United States Department of Housing and Urban Development (HUD) awarded the City of Oxnard $2,772,021 in HOME American Rescue Plan (HOME ARP) funding. The City is allowed to use up to 15% of the award for administrative expenses. Within the 15% administrative cap, the City of Oxnard can immediately begin using up to 5% or $135,601.05 for administrative expenses, prior to having an approved HOME ARP Allocation Plan.

On January 4, 2022, City Council accepted the HOME ARP funds and directed staff to return when the HOME ARP Allocation Plan was completed.

HOME ARP is a new funding source from the Federal government for local and state governments, streamlined through the HOME (HOME) Investment Partnerships program. The primary purpose of the HOME ARP funds is to assist households who are homeless, at risk of becoming homeless, and other vulnerable populations, by providing housing,

rental assistance, supportive services and non-congregate shelter to reduce homelessness and increase housing stability.

To receive HOME ARP funds the City of Oxnard must develop a HOME ARP Allocation Plan after community engagement, which will then be incorporated into the jurisdictions 2021-2022 Annual Action Plan. For the City of Oxnard, the HOME ARP Allocation Plan would be incorporated as the Third Amendment to the 2021-2022 Annual Action Plan. In summary, the plan must include the following:

1. Summary of consultation process and comments
2. Description of qualifying populations
3. An assessment of unmet needs and gaps in housing and homeless services
4. Summary of planned use of HOME ARP funds

Once the HOME ARP Allocation Plan is complete and approved by HUD, the City of Oxnard will be able to access the full award of the grant and execute the program.

DISCUSSION

Consultation played a vital role in the development of this HOME ARP Allocation Plan (Plan). To develop this Plan, the City of Oxnard launched collaborative effort to consult with the Ventura County Continuum of Care, affordable housing developers, service providers and residents of Oxnard. Below is a summary of the outreach and consultation efforts the staff undertook:

1. On January 11, 2023, staff attended the Ventura County Continuum of Care meeting to present the HOME ARP information to the Continuum of Care members and solicit feedback regarding the prioritization of homeless needs.
2. On January 11, 2023, Community Meeting was held for the HOME ARP Allocation Plan for the public to provide input on the needs of the community and use of the funds.
3. On December 21, 2022, a survey commenced for the public to comment on the funds and to prioritize the needs and gaps that should be addressed. The survey will complete on March 21, 2023.

In accordance with the City's Citizen Participation Plan, the public hearing is scheduled for March 21, 2023. This public hearing will provide further opportunity for the City Council and the public to consider the funding recommendations and to receive public comments for the draft of the HOME-ARP Allocation Plan as an Amendment to the 2021 Annual Action Plan. The HOME-ARP Allocation Plan was made available to the public for a 30-day review period beginning February 17, 2023 and ending on March 21, 2023. Notice of the Public Hearing date, public review and comment period was published in the VIDA Newspaper on February 16, 2023 in Spanish and English. The draft of the HOME-ARP Allocation Plan as an Amendment to the 2021 and the City's Citizen Participation Plan are available electronically on the City of Oxnard Housing Department, Grants Management website.

<u>Consultation and Public Outreach Results</u>

The Continuum of Care participation included feedback from ten providers, most of which are service providers. Eight questions were posed in the survey with a high number of answers finding the development of affordable housing a high priority for those that are elderly, homeless or single parents with children. Individual representatives from developer organizations also provided responses about their interest in partnering with the City of Oxnard to construct new affordable housing projects using HOME ARP funding.

Throughout the public outreach process, the community survey included outreach to residents and requested input. As of February 14, 2023, the Housing Department has received twelve responses to the public survey. Residents expressed concerns about the increased numbers of people experiencing homelessness in the City of Oxnard, as well as the need for supportive services. The lack of affordable housing was identified as the primary cause of increased homelessness. The comments received also identified constructing new affordable housing as one of the biggest needs in Oxnard.

As supported by the results of the public meetings and surveys, the City is proposing to use its HOME ARP funds to support the new construction of affordable housing units.

The 2021-2022 Annual Action Plan Amendment and HOME ARP Allocation Plan budget includes:

Activity	Proposed Funding Amount
Development of Affordable Rental Housing	$2,356,218
5% Pre-Amendment Administrative Funds	$138,601
10% Administrative Funds Balance	$277,202
Total	**$2,772,021**

During the consultation and outreach process numerous affordable housing developers expressed interest in utilizing HOME ARP funding to construct affordable housing. If the Annual Action Plan Amendment and HOME ARP Allocation Plan is approved by City Council and HUD, the Housing Department will make the HOME ARP funds available through the issuance of a Request for Proposals (RFP). Once the Housing Department completes the RFP process, the selected project will be brought back for final approval and recommendation to City Council.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

The funding received will increase financial resources for housing the homeless and supportive services. There is no funding match requirement, as there is in the regular HOME program, therefore no additional funding is required by the City of Oxnard’s General Fund. All HOME ARP funding must be used by September 30, 2030.

For Finance Use Only: HOME Fund (Orgs. 2028101 & 2028105, Project #(s) TBD)

COMMITTEE OUTCOME

This item is routine in nature and therefore, this item did not originate in Committee.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Draft HOME American Rescue Plan
2. PowerPoint Presentation

DRAFT

City of Oxnard
HOME-American Rescue Plan
Allocation Plan



Submitted to the U.S. Department of Housing
and Urban Development (HUD) as a
Substantial Amendment to the 2021 Annual Action Plan (AAP)

City of Oxnard Housing Department,
Grants Management Division
435 South D Street, Oxnard, CA 93030
Alexander Nguyen, City Manager

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(This document is subject to change pending HUD approval)

INTRODUCTION

The American Rescue Plan Act of 2021 (ARP) appropriated $5 billion to communities across the U.S. to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations. These funds were allocated by formula to HOME participating Jurisdictions. Funding for this grant must be expended on eligible activities by 2030. This special round of funding is called the "HOME-ARP" program.

HOME-ARP funds can only be expended on eligible activities as listed below:

- The provision of Supportive Services (such as housing counseling, homelessness prevention, childcare, job training, legal services, case management, moving costs, rental applications, and rent assistance)
- Acquisition and Development of Non-Congregate Shelters: Purchase and Development of Non-Congregate Shelter (these structures can remain in use as a non-congregate shelter or can be converted to 1) emergency shelter under the Emergency Solutions Grants (ESG) Program; 2) permanent housing under the Continuum of Care (CoC) Program; or 3) affordable housing under the HOME Program)
- Tenant-Based Rental Assistance (TBRA)
- Production or Preservation of Affordable Housing (such as acquisition and rehabilitation)
- Non-Profit Operating (5% maximum allocation) (may not exceed the greater of 50 percent of the general operating expenses of the organization for that fiscal year)
- Non-Profit Capacity Building (5% maximum allocation) (may not exceed the greater of 50 percent of the general operating expenses of the organization for that fiscal year)
- Administration and Planning for the HOME ARP Program (15% maximum allocation)

HOME-ARP funds must be used primarily to benefit individuals or families from the following qualifying populations:

- Sheltered and unsheltered homeless populations
- Those currently housed populations at the risk of homelessness
- Those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Other families requiring services, housing assistance, or to prevent homelessness
- Those at greatest risk of housing instability or in unstable housing situations

Through the ARP, HUD allocated $2.7 million in HOME-ARP funds to the City of Oxnard, with the award pending the completion of the planning process. The process included required planning, community and stakeholder consultation, and a gap analysis. The City of Oxnard HOME-ARP Allocation Plan describes how the City intends to distribute HOME-ARP funds and address the needs of the qualifying populations. This Plan will be submitted to HUD as a substantial amendment to the Federal Fiscal Year 2021 Annual Action Plan for review and acceptance.

CONSULTATION

Summarize the consultation process:

The community outreach and engagement process for the HOME-ARP grant provided multiple opportunities for subject matter experts within the community, stakeholders, and organizations to assess the needs, gaps, and barriers relating to homeless preventative services. Consultation methods included a HOME-ARP summary webpage, stakeholder meetings, two online surveys in English, a public comment period of the City of Oxnard HOME-ARP Allocation Plan (AP), and a public hearing.

The City of Oxnard consulted with organizations and service providers to identify unmet needs and gaps in housing and service delivery systems, along with recommendations for funding. Below is a list of the stakeholders/organizations consulted through the Stakeholder and individual focus group meetings.

List the organizations consulted, and summarize the feedback received from these entities:

Table 1 summarizes the stakeholders and organizations consulted in the creation of this Plan, the services they provide, method of consultation, and a summary of feedback.

Table 1 – Stakeholder/Organizations Consulted and Summary of Feedback

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
Ventura County CoC	Social Service Provider	Survey Stakeholder meeting	The need is great for Permanent Supportive Housing and affordable housing. There are gaps in supportive services which impact housing retention.
People Self Help Housing	Affordable Housing Developer	Stakeholder Meeting	GAP financing helps development become more competitive. New construction is tied to supportive services. There's a need for more affordable housing.
United Way	Social Service Provider	Stakeholder Meeting	Supports the need for affordable housing. We try to set participants up for success by providing services and collaborating with other providers.
Many Mansions	Affordable Housing Developer	Survey Stakeholder Meeting	The need is great for the production of affordable housing. The biggest impediment is the lack of funding; it's hard to secure funding.
Ventura County Community Development Corporation	Community Development	Survey Stakeholder Meeting	Policy changes around unemployment would prevent homelessness. The rent relief program started during Covid-19 should continue.

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
			Supports the need for affordable housing.
Ventura County Homeless and At Risk	Homeless Service Provider Homeless; At Risk Homeless	Survey Stakeholder Meeting	Rent regulation is necessary. Supports the need for more affordable housing.
Cabrillo Economic Development Corp	Affordable Housing Developer	Survey Stakeholder Meeting	Staff turnover within the City of Oxnard has impacted the ability to develop affordable housing. Staffing and resource constraints are a challenge. NEPA approval took longer than anticipated. Has completed 9 projects and 1 breaking ground soon.
Coalition for Family Harmony	Homeless Service Provider Homeless	Survey	Supports the need for affordable housing.
County of Ventura Human Services Agency	Supportive Service Provider	Survey	Supports the need for affordable housing.
Diversity Collective Ventura County	Supportive Service Provider	Survey	Supports the need for affordable housing.
Turning Point Foundation	Homeless Service Provider	Survey	Affordable housing is the end solution to homelessness, so it is needed.
The Salvation Army	Social Services Provider	Survey	Supports the need for affordable housing.
Gold Coast Health Plan	Health Service Provider	Stakeholder Meeting	Supports the need for affordable housing.
Help of Ojai	Basic Needs Provider	Stakeholder Meeting	Supports the need for affordable housing.
Mercy House	Homeless Service Provider	Stakeholder Meeting	Supports the need for affordable housing.
For the Need Foundation	Social Services Provider	Stakeholder Meeting	Supports the need for affordable housing.
Samaritan Center	Homeless Service Provider	Stakeholder Meeting	Supports the need for affordable housing.
Spirit of Santa Paula	Homeless Service Provider	Stakeholder Meeting	Supports the need for affordable housing.
Commission on Homelessness – City of Oxnard	Citizen Advisory Group	Stakeholder Meeting	Supports the need for affordable housing.
Coalition for Family Harmony	DV Service provider	Stakeholder Meeting	Supports the need for affordable housing
CAUSE (Central Coast Alliance United for a Sustainable Economy)	Homeless Service Provider	Stakeholder Meeting	Supports the need for affordable housing.

SURVEYS

During the consultation process, the City of Oxnard disseminated a community survey with a survey flyer in English and Spanish. The community survey flyer was included in the city's neighborhood newsletter packet which was distributed weekly to approximately 300 residents. The community survey and flyer were posted on the City website. Additionally, the survey was posted at the Oxnard Public Library, Housing Department and broadcasted on the public viewing local TV Channels 10/35. The City of Oxnard uses flyers and neighborhood newsletters to increase community awareness regarding initiatives occurring in the City. The survey asked residents to give feedback on how the City should use the HOME ARP grant, and to prioritize the most important needs regarding homelessness in Oxnard. Surveys and comments were accepted from December 21, 2022 to –March 21, 2023. Responses were received from twelve (12) interested community members.

CONSULTATION MEETINGS

The City of Oxnard held a series of stakeholder meetings to obtain feedback and comments concerning homelessness in Oxnard and the opportunities HOME ARP grant could provide. The City held meetings and discussions with the Ventura Continuum of Care, non-profit providers of supportive services, and community members in Oxnard.

- Ventura Continuum of Care meeting and Presentation – January 11, 2023
- Oxnard Community Meeting- Oxnard Library – January 11, 2023
- Service Provider Roundtable Discussion – January 25, 2023, virtual meeting
- Developer Roundtable Discussion – January 23, 2023, virtual meeting

In addition to the meetings the City engaged in dialog with Oxnard Housing Authority regarding HOME-ARP and discussed their perspective on HOME-ARP relative to housing needs. The Housing Authority supports the City's application for HOME ARP funding and recommended using the grant to construct affordable housing developments. Letters of support were received from the Oxnard Housing Authority, and the Ventura County Continuum of Care.

PUBLIC PARTICIPATION

Describe the public participation process, including information about and the dates of the public comment period and public hearing(s) held during the development of the Plan:

In accordance with the requirements for public participation for the HOME ARP, and the City of Oxnard Citizen Participation Plan, The City of Oxnard held two public hearings and one community meeting to solicit public comment regarding the HOME-ARP Substantial Amendment of the 2021 Annual Action Plan.

The City of Oxnard held an administrative public hearing on December 15, 2021 to receive public comments on the HOME- ARP goals and funding priorities. The Public Notices of public hearing was published on November 11, 2021 in the Ventura County VIDA newspaper in English and Spanish, posted on the City website, Housing Department, Library, and the City Clerk's office. The public hearing notices, also in English and Spanish, were included in the neighborhood weekly packets and distributed weekly prior to the Hearing to approximately 300 residents and broadcasted on the public viewing local TV channel 10/35. The public comment period begam December 15, 2021, and ended on February 3, 2022. During the public comment period, there were no written public comments submitted. One verbal public comment was received during the public hearing.

The Community Meeting was held January 11, 2023, at the Oxnard Public Library. The Community meeting was held in the evening, to allow residents and stakeholders to have the greatest opportunity to participate. The Public Notices was published on December 27, 2022, in the Ventura County Star newspaper in English and Spanish. The public notice and community meeting flyer were posted on the City of Oxnard website, Housing Department, Library, and the City Clerk's office. The public notice and community meeting flyer in the neighborhood weekly packets and distributed prior to the Meeting to approximately 300 residents and broadcasted on the public viewing local TV channel 10/35. The flyers were available in English and Spanish.

The Draft 2021 Annual Action Plan Amendment for the HOME-ARP Allocation Plan was made available for public review and comment from February 17, 2023, to March 21, 2023. While the HOME-ARP requirements only require a 15-day comment period, The City of Oxnard made the draft HOME ARP Allocation Plan Available for 30 days for public review. The public review and comment period began February 17, 2023 and end on March 21, 2023.

The City of Oxnard held a public hearing on March 21, 2023 to receive comments on the draft 2021 Annual Action Plan Amendment for the HOME- ARP Allocation Plan prior to adoption by the City Council. The Public Notice of public hearing and public comment period were published on February 16, 2023 in the Ventura County VIDA newspaper in English and Spanish, posted on the City website, Housing Department, Library, and the City Clerk's office. The public hearing notices in English and Spanish were included in the Neighborhood weekly packets which were distributed weekly prior to the Hearing to approximately 300 residents and broadcasted on the public viewing local TV channel 10/35. The public comment period started February 17, 2023 and ended on March 21, 2023.

The Public meetings and public hearings were held and conducted in accordance with 24 CFR Part 91 and the City's Citizen Participation Plan. Stakeholder input was recorded and incorporated into the HOME ARP Allocation Plan. Concurrently the City solicited public feedback through newspapers, official governmental websites, and an online survey. These meetings were conducted to ensure inclusion of all residents of the region, target areas, beneficiaries of federal resources awarded through the public awards process, and public and private agencies operating in the City. The Public Hearings and meetings are in compliance with the Americans with Disabilities Act. If the public requires special assistance to participate in a meeting, the individual would contact the City Clerk's Office or department, notated on the agenda. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for persons accessibility to the meeting, notifications are reflected on the meeting agenda.

Describe any efforts to broaden public participation:

Outreach activities included community and stakeholder engagement opportunities that were promoted by the City of Oxnard and its community partners. Methods of engagement focused on creating occasions to participate in surveys available online; stakeholder, organization, and individual focus group meetings; public hearings; and public comment of the Draft City of Oxnard HOME-ARP Allocation Plan, proposed budget, and activities. To broaden public participation, all correspondence including surveys and public notices were posted at the Housing Department, Library, the City Clerk's office and online on the city's website.

SURVEYS AND NEIGHBORHOOD NEWSLETTERS

During the consultation process, the City of Oxnard distributed a community survey using a survey flyer in English and Spanish. The survey flyer was distributed weekly in the City's neighborhood packet to approximately 300 Oxnard residents. The City of Oxnard uses flyers and neighborhood newsletters to increase community awareness regarding initiatives occurring in the City. The survey asked residents to give feedback on how the City should use the HOME ARP grant, and to prioritize the most pressing needs regarding homelessness in Oxnard. Surveys and comments were accepted from December 2022-March 2023

CONSULTATION MEETINGS

The City of Oxnard held a series of Stakeholder meetings to obtain feedback and comments concerning homelessness in Oxnard and the opportunities HOME ARP grant could provide. The City held meetings and discussions with the Ventura Continuum of Care, non-profit providers of supportive services, and community members in Oxnard.

- Ventura Continuum of Care meeting and Presentation – January 11, 2023
- Oxnard Community Meeting- Oxnard Library- January 11, 2023
- Service Provider Roundtable Discussion- Virtual Meeting
- Developer Roundtable Discussion –Virtual Meeting

In addition to the meetings the City engaged in dialog with Oxnard Housing Authority regarding HOME-ARP and discussed their perspective on HOME-ARP relative to Housing. The Housing Authority supports the City's application for HOME ARP funding and recommended using the grant to construct affordable

housing. In addition to the Letter of Support from the Oxnard Housing Authority, they received a letter of support from the Ventura Continuum of Care.

Summarize the comments and recommendations received through the public participation process:

Because the City of Oxnard has a lack of interim housing for all qualifying populations, comments focused on the need for more affordable housing, supportive services and additional non-congregate shelters.

The community expressed concern and frustration about the increased number of people experiencing homelessness in the City of Oxnard. Most survey participants, public forum speakers and other stakeholders identified a lack of available affordable housing as the primary cause of increased homelessness. They also identified constructing additional affordable housing for HOME ARP QPs as a solution to the homelessness issue in the City. Below are comments submitted by the community.

> *"The homeless issue is at a critical level. There is a huge encampment near 5th Street and Harbor with hundreds of homeless people living there. Fires frequently break out there, posing a great risk to nearby homes. There is a steady stream of homeless people walking behind the houses on Canal Street. The start of an encampment is now directly behind our house at 1040 Canal Street. These encampments pose a huge safety issue for many, many reasons - fires and criminal activity are only a couple of them. It is also a humanitarian issue and a financial issue, as property values plummet with homeless camps nearby."*
>
> *"I don't know the answer to ending homelessness. But I hate waking up every night to the smell of burning trash and living with the threat of their fires getting out of control. It's also dangerous having wondering homeless people along Harbor Blvd, especially since the city prefers to ignore residents' requests to reduce the speed and install a traffic signal or stop sign."*
>
> *"The best, long-term solution is funding the creating of deed-restricted housing. Affordable housing funds such as HOME-ARP should be used to fund affordable housing developments."*
>
> *"In order of importance, I rate the following: 1. constructing affordable housing for homeless households. 2. Supportive Services for homeless households 3. Rental Assistance for homeless households. 4. Purchase and construction of homeless shelter with private space. While there is no doubting the necessity for homeless shelters, if more affordable housing options for those who are homeless were accessible, along with supportive services, more people would have a place to call home rather than a transient haven of solitude."*
>
> *"Shelters are a Band-Aid to the homeless crisis. We need to focus on long-term goals. Tiny homes could be used as a temporary and long-term solution. As, affordable housing with supportive services are utilized to maintain housing security. Financial assistance also enables for clients to achieve housing in the private sector including the supportive services needed to achieve and maintain permanent housing.*
>
> *Create laws against large corporations from buying rental units or creating fair market rates in which corporations can rent the units. Build more affordable housing with less criteria to obtain a unit."*

"Many of the people that we see who are displaced need emergency shelter, and longer than 1 or 2 nights. The LGBTQ+ community, and most especially our transgender population, are served best with a private space, including a private bathroom and shower. There needs to be some sort of plan in place that not only provides short term shelter but offers a way for the homeless to gain income so they can eventually get back on their feet."

"Affordable housing is the end solution to homelessness, so it is needed. However, in order for homeless persons to prepare to be successful in housing and stay housed they need support services such as mental health services, employment assistance and substance use services. These services are critical in addressing barriers and challenges that contributed to their homelessness. These two activities are equally as important and go hand in hand. Providing financial assistance to individuals to help them afford rental units is another strategy that is needed. Homelessness is a complicated issue and will only be solved by a multi-faceted strategy with several activities. Implement an array of housing options, temporary, transitional, permanent supported, permanent, financial assistance for rents and related expenses as well as supportive services. Services are critical for success in solving homelessness. Without the services the housing will not be fully utilized to the maximum benefit and the crisis will still persist."

"I believe there's a lot of elderly homeless that need a place to stay their last days here on earth but we need to honor them and make sure that it's a place where they don't have to go out and look for work and struggle in their last years of life. Maybe churches could get involved in this. Families need to be our next priority because they are building our future in their children and if they don't have a good start, we're not going to have a very good future. Is very difficult to see women out on the streets alone with no one to go to, and no support. That is why domestic violence is in the same place. It's very hard to put veterans and disabled adults in order; there's a need for both, however, veterans do have another outlet the elderly do not have because they're not veterans. I believe rehabilitation companies are taking care of the homeless with substance use disorder because when you go into a rehabilitation center, it will cure and give you the steps you need to get out of homelessness. The chronically homeless are very difficult. And sex offenders are really the outliers here."

"Oxnard has a large homeless population and many of those who are in this situation need more than shelter but additional support services."

Summarize any comments or recommendations not accepted and state the reasons why:

All comments were accepted.

NEEDS ASSESSMENT AND GAP ANALYSIS

Describe the size and demographic composition of qualifying populations within the PJ's boundaries:

Homeless

City of Oxnard Homeless Statistics

The 2022 Homeless PIT count found 793 homeless individuals in Oxnard. Of the total homeless persons in Oxnard, 330 were sheltered homeless and 443 were unsheltered. Unsheltered homeless are those who were found to live in locations not meant for human habitation. Approximately 73% of the unsheltered homeless reported sleeping outdoors and 23% were in vehicles, the remainder reported sleeping in abandoned buildings. Of the total sheltered homeless counted, 96% (318) were in emergency shelter and (12) were in transitional housing. The City of Oxnard is one of the cities in Ventura County Continuum of Care and has the largest number of homeless persons, in the County. Approximately 35% of the homeless population in Ventura County was counted in the City of Oxnard.

The 2022 Homeless Count of unsheltered homeless identified 300 Non-Hispanic White persons, 296 Latino persons and Black persons in Oxnard. Of the total, there were 166 chronically homeless persons and 18 veterans.

Ventura County Homeless

According to the 2022 Point in Time Count, there were 2,238 homeless persons in Ventura County. Of the total counted, approximately 61% (1,356 persons) were unsheltered and 39% (882 persons) were sheltered. The majority of the unsheltered homeless were adults (1,350 persons); the remainder (6) were children under 18. The homeless in Ventura County is predominately White, representing 78% of the population. The 2022 Homeless Count identified 91 (7%) Black persons and 138 (10%) persons of multiple or other races. The remaining five percent were Asian, Native American, or Pacific Islanders. Latinos make up 50% of the unsheltered homeless in Ventura County.

Approximately 83% of the homeless are adults aged 25-61, five percent are under the age of 25. In addition, there were 629 chronically homeless persons, 71 veterans, 62 transitional age youth (18-24 years old), and 149 seniors (age 62+) were counted.

For the purposes of this analysis, a data was provided for Ventura County and the City of Oxnard. It is important consider the impact of homeless conditions in Oxnard from a countywide perspective.

Although Point-In-Time counts are widely used to estimate the homeless population of an area, the data represents a one-day count of the homeless. The results can be affected by factors including weather, resources, and methodologies; therefore, numbers may understate the true extent of homelessness.

At-risk of Homelessness

According to HUD, persons at greatest risk of housing instability are those: 1) earning 30% or below the HAMFI and are severely cost-burdened (paying 50% or more on housing); or 2) are earning 50% or less of HAMFI and meet one of the following conditions:

- Has moved two or more times in the two months immediately preceding their application for homelessness prevention assistance.
- Is living in the home of another because of economic hardship.
- Has been formally notified of eviction within 21 days after the date of application for assistance.
- Lives in a hotel or motel and the cost of staying at the hotel or motel is not borne by a federal, state, or local government program.
- Lives in an over-crowded (more than one person per room) single-room occupancy (SRO) or efficiency apartment units or lives in a severely overcrowded (more than 1.5 persons per room) larger housing unit.
- Is exiting a publicly funded institution, or system of care (health care facility, mental health facility, foster care or other youth facility, or correction program or institution).
- Increased risk of homelessness, as identified in the recipient's approved Consolidated Plan.

According to the 2015-2019 Chas Data here were households in Oxnard. Of the total households, approximately 11,875 (23%) were classified as low-income households, meaning their total household income was less than 80% of AMI for the Oxnard Area. Households with lower incomes have an increased risk of homelessness, especially households with incomes at or below 30% of Area Median income. Extremely low-income (ELI) households (<30% AMI) comprise thirteen (13) percent (6,849) of Oxnard 's households have significant housing needs. According to the CHAS Data compiled by HUD, 28 percent of the City's ELI households are renters, a group particularly vulnerable to rising rents. Severely cost burdened households often must choose between paying for housing expenses or other necessities such as food, transportation, medication, and other needs.

Living in overcrowded conditions was identified as significant housing problem in Oxnard. Of the total renter occupied households in the City, approximately 74% percent were living in overcrowded conditions (more than 1 persons per room), of the Total renters 6,269 were living in severely overcrowded conditions. while percent of total owner-occupied households were living under these conditions. Oxnard also has larger average household sizes than Ventura County The 2020 Census Bureau data noted that 9.1% or approximately 76,790 of the 843,843 residents of the County were living below the poverty level. These persons are at risk of becoming homeless. Many of these persons can become homeless because of social structural issues such as increases in rent, loss of job, and rising health care costs. In addition, personal experiences such as domestic violence, physical disabilities, mental illness, and substance abuse can cause members of a low-income household or an entire household to become homeless.

Fleeing, Attempting to Flee DV, SA, Stalking or Human Trafficking

The U.S. Center for Disease Control's National Intimate Partner and Sexual Violence Survey (2015) found 43.6 percent of women (nearly 52.2 million) in the U.S. experienced some form of contact sexual violence in their lifetime, with 4.7 percent of women experiencing this violence in the 12 months preceding the survey. Social service agencies assisting victims of domestic violence, spousal abuse indicate increased over the past 10 years. Immigrant women are particularly vulnerable to abuse and are reluctant to report incidences or seek assistance. The National Network to End Domestic Violence found:

- Domestic violence is the leading cause of homelessness for women and children.
- Over 90 percent of homeless women have experienced severe physical or sexual violence at some point in their lives, and 63 percent have been victims of intimate partner violence as adults.
- Over 80 percent of survivors entering shelters identified "finding housing I can afford" as a need second only to "safety for myself."

According to the 2022 Point-In-Time Homeless Count for Ventura County, 130 are homeless because of domestic violence or intimate partner violence. Of these homeless, 41 were from Oxnard. The immediate housing needs of victims of domestic violence relate to shelter and transitional housing. The count of sheltered persons in domestic violence shelters, revealed there were 29 in shelter at the time of the 2022 Homeless Count.

The State of California Department of Justice data found there were 1,952 calls for service in 2021 from victims of domestic violence in Oxnard. Human Trafficking data was also examined. According to the most current data from the Human Trafficking Institute, from 2015-2020 there were 155 human trafficking cases in the state of California. For the purposes of this report, the data counted cases from adult and child victims and didn't separate forced labor cases from assault cases.

Other Populations at Greater Risk of Housing Instability

Persons with Disabilities - A disability is defined as a long-lasting physical, mental, or emotional condition that impairs an individual's mobility, ability to work, or ability for self-care. The special housing needs of disabled persons result from limited, often fixed incomes; shortage of accessible housing; and higher health care costs associated with the disability.

According to the ACS 2018 data, Ten percent (10 %) of Oxnard 's population has some type of disability, and of the total disabled population (20,804), 17 percent were employed and 40 percent were seniors. In addition to persons with other disabilities, 2019 DDS data reveals there are over Oxnard residents with developmental disabilities, with approximately two-thirds under the age of 18. The available data reveals, over 80 percent of persons with developmental disabilities reside with of parents, families, or guardians.

Elderly - According to the ACS 2018 data, Ten percent (10 %) of Oxnard 's population has some type of disability, and of the total disabled population (20,804), 17 percent were employed, and 40 percent were seniors. In addition to persons with other disabilities, 2019 DDS data reveals there are over 2,600 Oxnard residents with developmental disabilities, with approximately 60 percent under the age of 18. The available data reveals, over 80 percent of persons with developmental disabilities reside with of parents, families, or guardians.

Female-Headed Households - Female-headed households with children tend to have lower incomes, which limits their housing options and access to supportive services. The Census ACS 2014-2018 data estimates 9,563 female-headed households in Oxnard and 15 percent of these households had a related child under the age of 18. Female headed households with children have an increased risk of living in poverty are at risk of homelessness.

Veterans and Families that include a Veteran Family Member

As defined by HUD, Veterans and Families that include a Veteran Family Member that meet the criteria for one of the qualifying populations described are eligible to receive HOME-ARP assistance.

According to the 2022 Homeless Count, there were 71 unsheltered homeless veterans counted in Ventura County. Approximately 18 were in Oxnard. Demographic data regarding race was available for the sheltered homeless. There were 49 sheltered homeless veterans identified in the 2022 Homeless Count. Approximately 44 experienced chronic homelessness in Ventura County. Of the total sheltered veterans 41 were White, three (3) Black, and five (5) of multiple races. Of the total sheltered veterans, 11 were Latino. The count also revealed there were 41 disabled, sheltered homeless veterans, representing 83% of the total sheltered veterans in Ventura County.

Identify and consider the current resources available to assist Qualifying Populations, including congregate and non-congregate shelter units, supportive services, TBRA, and affordable and permanent supportive rental housing

A list of existing community resources for HOME-ARP Qualifying Populations is available in the appendix.

Describe the unmet housing and service needs of the qualifying populations.

Homeless

The Ventura County Continuum of Care Housing Inventory indicates there are 2.313 beds/units to assist homeless persons in Ventura County. Point in time data also revealed 91% units or beds were near or at full capacity at the time of the 2022 Homeless count, indicating an inadequate supply of shelter beds, interim housing, and permanent supportive housing for homeless throughout Ventura County. The permanent supportive housing (PSH) is filled, except for a few HUD VASH beds/units.

The Ventura Continuum of Care reported receiving 3,114 calls for housing assistance in 2021. Approximately 40% (1,244) of all calls came from Oxnard. Of the total calls, received 834 came from currently homeless persons in Oxnard in need of housing assistance. The County of Ventura Healthcare for the Homeless reported 12,093 persons enrolled that met the Health Resources & Services Administration (HRSA) definition of homeless (includes doubled up and at-risk persons). Of this number, approximately 30% of persons (3,627) were literally homeless (on the streets, emergency shelter or transitional housing). In addition, The Ventura County Office of Education tracks the number homeless students in public schools based on the Federal Department of Education definition of homelessness (includes doubled up and at-risk persons). During the 2022 school year 4,456 students were considered homeless, Of this total, approximately 449 were literally homeless (as defined by HUD).

The data reveals there are 834 literally homeless persons seeking housing assistance through the continuum of care, when considering the additional literally homeless from the other programs, it further compounds the unmet need for suitable housing.

At-Risk of Homelessness

The Ventura County Continuum of Care homeless services system saw 3,770 persons, including.
2,849 single adults and 921 persons in families, including 558 children. A total of 2,750 referrals were made to programs including homeless prevention assistance, emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing. During 2021, Ventura County 2-1-1 continued to see increased calls for housing assistance which resulted in the top unmet need category.

In addition, the Ventura Continuum of Care reported receiving 3,114 calls for housing assistance in 2021. Approximately 40% (1,244) of all calls came from Oxnard. Of the total calls, received 410 came from persons at risk of homelessness in Oxnard in need of housing assistance.

The County of Ventura Healthcare for the Homeless reported 12,093 persons enrolled that met the Health Resources and Services Administration (HRSA) definition of homeless (includes doubled up and at-risk persons). In addition, The Ventura County Office of Education tracks the number homeless students in public schools based on the Federal Department of Education definition of homelessness (includes doubled up and at-risk persons). During the 2022 school year 4,456 students were considered homeless in Ventura County

Other groups at risk of homelessness include very low and extremely low-income households paying 50% of more of their income on housing costs. This also greatly impacts female-headed households and persons in overcrowded housing conditions. The Oxnard Housing Element revealed there are 11,580 very low and extremely low, severely cost burdened households. They are paying more than 30% of their income on housing. The City's Regional Housing Needs study found the City of Oxnard needs to build provide their share of 8,500 affordable housing units by 2029. Of the total, 6,420 are needed to build affordable housing for Oxnard's lower income households.

Persons Fleeing DV, Stalking Human Trafficking, and Veterans

While the Ventura County Continuum of Care has some shelter options for domestic violence survivors and veterans, the units available are typically not permeant housing. The limited number of transitional units Oxnard available for persons fleeing domestic violence, is not enough to permanently house 130 persons who are homeless due to domestic violence. It also does not keep pace with the 155 human trafficking victims in the State of California. At the time of the 2022 Homeless Count approximately 91% of the beds/units were at capacity.

Despite the housing services and other benefits available through HUD and Veterans Affairs, some qualifying Veterans (e.g., those honorably discharged) do not pursue these opportunities for a variety of reasons. Many of the reasons for homelessness stem from long-term health issues, as well as an overall lack of affordable housing (particularly for those Veterans with families) and other barriers such as poor credit and criminal backgrounds.

Those requiring services or assistance to prevent homelessness or housing instability

The provision of enough affordable housing units is the most important factor to promoting housing stability. The City of Oxnard lacks enough affordable housing, for lower income individuals and families. Nearly every group with special housing needs has limited financial resources for housing. The Oxnard Housing element data reveals, the City needs to construct 8,500 affordable housing units by 2029 in accordance with its Regional Housing Goals. The units needed are only expected to increase in the future.

Identify any gaps within the current shelter and housing inventory as well as the service delivery system:

The 2022 Continuum of Care Housing Inventory revealed 91 percent of their available beds/units were at capacity at the time of the point and time count. In addition, agencies serving the homeless and area developers identified a need for affordable housing. Housing is needed to serve the homeless and persons at risk of becoming homeless. Permanent Housing options were identified as the best way to reduce homelessness, along with having necessary supportive services. The housing inventory and survey data are in the appendix.

Identify the characteristics of housing associated with instability and an increased risk of homelessness if the PJ will include such conditions in its definition of "other populations" as established in the HOME-ARP Notice:

The City of Oxnard will use HOME ARP to assist other populations at risk of housing instability. Factors the City will consider include low income, cost burdened renters, the elderly, persons with disabilities, as well as those living in overcrowded housing conditions.

Identify priority needs for qualifying populations:

Overall Top Priorities

There is an overall need for affordable permanent supportive housing in Oxnard. The data and feedback from stakeholders held that providing permanent supportive housing was the most effective way to address homelessness in Oxnard. The construction of housing of additional affordable units would help provide relief to an overwhelmed homeless services system. Following housing, stakeholders identified the need for supportive services.

Explain how the level of need and gaps in its shelter and housing inventory and service delivery systems based on the data presented in the plan were determined:

The needs and gaps in the shelter and housing inventory and service delivery systems included in this plan were identified through data from several sources, including stakeholder meetings, surveys, public engagement, and various studies and reports A list of all the sources cited in this plan is included in the appendix.

HOME-ARP ACTIVITIES

Describe the method for soliciting applications for funding and/or selecting developers, service providers, sub-recipients and/or contractors and whether the PJ will administer eligible activities directly:

Pending HUD approval of its HOME-ARP Allocation Plan, the City will issue a Notice of Funding Availability (NOFA) for interested and experienced service providers and developers of affordable multifamily housing in accordance with City procurement procedures.

If any portion of the PJ's HOME-ARP administrative funds were provided to a sub-recipient or contractor prior to HUD's acceptance of the HOME-ARP allocation plan because the sub-recipient or contractor is responsible for the administration of the PJ's entire HOME-ARP grant, identify the sub-recipient or contractor and describe its role and responsibilities in administering all of the PJ's HOME-ARP program:

The City of Oxnard anticipates using up to five percent of HOME- ARP HOME administration funds prior to HUD acceptance of the allocation Plan for administration and planning of the program. The City anticipates administering HOME ARP internally. No subrecipients or contractors will administer the Oxnard HOME ARP program.

Use of HOME-ARP Funding

PJ must indicate the amount of HOME-ARP funding that is planned for each eligible HOME-ARP activity type and demonstrate that any planned funding for nonprofit organizations, operating assistance, nonprofit capacity building, and administrative costs is within HOME-ARP limits.

HOME-ARP Budget

Activity Type	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services			
Acquisition and Development of Non-Congregate Shelters			
Expansion of Affordable Rental Housing	2,356,218		
Nonprofit Operating		5%	5%
Nonprofit Capacity Building			5%
Administration and Planning	415,803	15%	15%
Total HOME ARP Allocation	**2,772,021**		

Describe how the PJ will distribute HOME-ARP funds in accordance with its priority needs identified in its needs assessment and gap analysis:

There is an overall need for affordable housing in Oxnard. The data and feedback from stakeholders held that providing permanent supportive housing was the most effective way to address homelessness in Oxnard. The construction of housing of additional affordable units would help provide relief to an overwhelmed homeless services system. Following housing, stakeholders identified the need for supportive services.

The City of Oxnard believes by expanding the development of affordable rental housing it will be able to assist all qualified populations by providing longer term affordable housing opportunities. The expansion will allow for a space for currently fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking individuals or families, veterans, those currently facing homelessness and those at risk of homelessness. The City of Oxnard intends to allocate its HOME-ARP funds to the Development of Affordable Rental Housing, which may include contributions of capital and/or operating subsidies for the purpose of quickly creating and supporting new units of affordable housing for priority Qualifying Populations.

Describe how the characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities:

HOME ARP qualifying populations require a wide range of services and support to remain housed. The highest priority needs, which were consistently identified through consultations and reinforced with the data describing the lack of units available to the extremely low-income population along with the lack of

available shelter bed were increasing the supply of affordable rental housing units. The City of Oxnard needs affordable housing and other options to address homelessness. Production of affordable housing was identified as the best method to address homelessness, long term for the City. Each unit developed will help an overburdened homeless service delivery system. It's most needed for Oxnard, because the largest share of homeless persons in Ventura County (sheltered and unsheltered) are in the city.

HOME-ARP Production Housing Goals

Estimate the number of affordable rental housing units for qualifying populations that the PJ will produce or support with its HOME-ARP allocation:

The exact number of units that will be created with HOME-ARP funds will depend on a number of factors, including but not limited to: construction type and cost; type of HOME-ARP assistance requested (e.g., capital or operating subsidy); availability of other subsidies; and cost of land. It is estimated that the City's HOME-ARP allocation will result in 20 new affordable housing units for Qualifying Populations.

Describe the specific affordable rental housing production goal that the PJ hopes to achieve and describe how it will address the PJ's priority needs:

The City of Oxnard anticipates projects will be primarily funded with HOME ARP funds. The estimated units to be created with HOME ARP funds will increase the number of housing units available to serve Qualifying Populations, with preferences for households experiencing homelessness, those at risk of homelessness, and persons with high risk of housing instability in our community.

PREFERENCES

Identify whether the PJ intends to give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project:

The City of Oxnard seeks to provide affordable housing for eligible HOME ARP homeless persons, those at risk of homelessness and other populations with high risk of housing instability. The other populations include low-income renters. The Gap and needs analysis revealed the City of Oxnard has the highest total homeless counts in Ventura County, and will give preference to persons experiencing homelessness, those at risk of homelessness, and persons with high risk of housing instability.

If a preference was identified, explain how the use of a preference or method of prioritization will address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or category of qualifying population, consistent with the PJ's needs assessment and gap analysis:

The Gap and needs analysis revealed the City of Oxnard has the highest total homeless counts in Ventura County, both sheltered and unsheltered homeless. The City will use HOME-ARP to assist homeless persons, those at risk of homelessness, as well as other populations at risk of housing instability.

If a preference was identified, describe how the PJ will use HOME-ARP funds to address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the preference:

The City of Oxnard will use HOME-ARP to provide affordable housing to homeless persons, those at risk of homelessness, as well as low-income renters at risk of housing instability. The Gap and needs analysis revealed the City of Oxnard has the highest total homeless counts in Ventura County, both sheltered and unsheltered homeless. Oxnard also has lower income renters that are at great risk of housing instability including the elderly, persons with disabilities, cost burdened renters, and persons living in overcrowded conditions. The three preference groups will provide housing opportunities to the broadest range of households in the City.

HOME-ARP Refinancing Guidelines

If the PJ intends to use HOME-ARP funds to refinance existing debt secured by multifamily rental housing that is being rehabilitated with HOME-ARP funds, the PJ must state its HOME-ARP refinancing guidelines in accordance with 24 CFR

92.206(b). The guidelines must describe the conditions under which the PJ will refinance existing debt for a HOME-ARP rental project, including:

The City of Oxnard does not plan to refinance existing debt secured by multifamily rental housing with its HOME-ARP funds.

APPENDICES

APPENDIX A HOME-ARP CERTIFICATIONS AND SF424S

APPENDIX B PUBLIC NOTICE AND COMMENTS RECEIVED

APPENDIX C EXISTING COMMUNITY RESOURCES LIST (RESPONSE TO OPTIONAL QUESTION)

APPENDIX D COMMUNITY SURVEYS AND DATA SOURCES

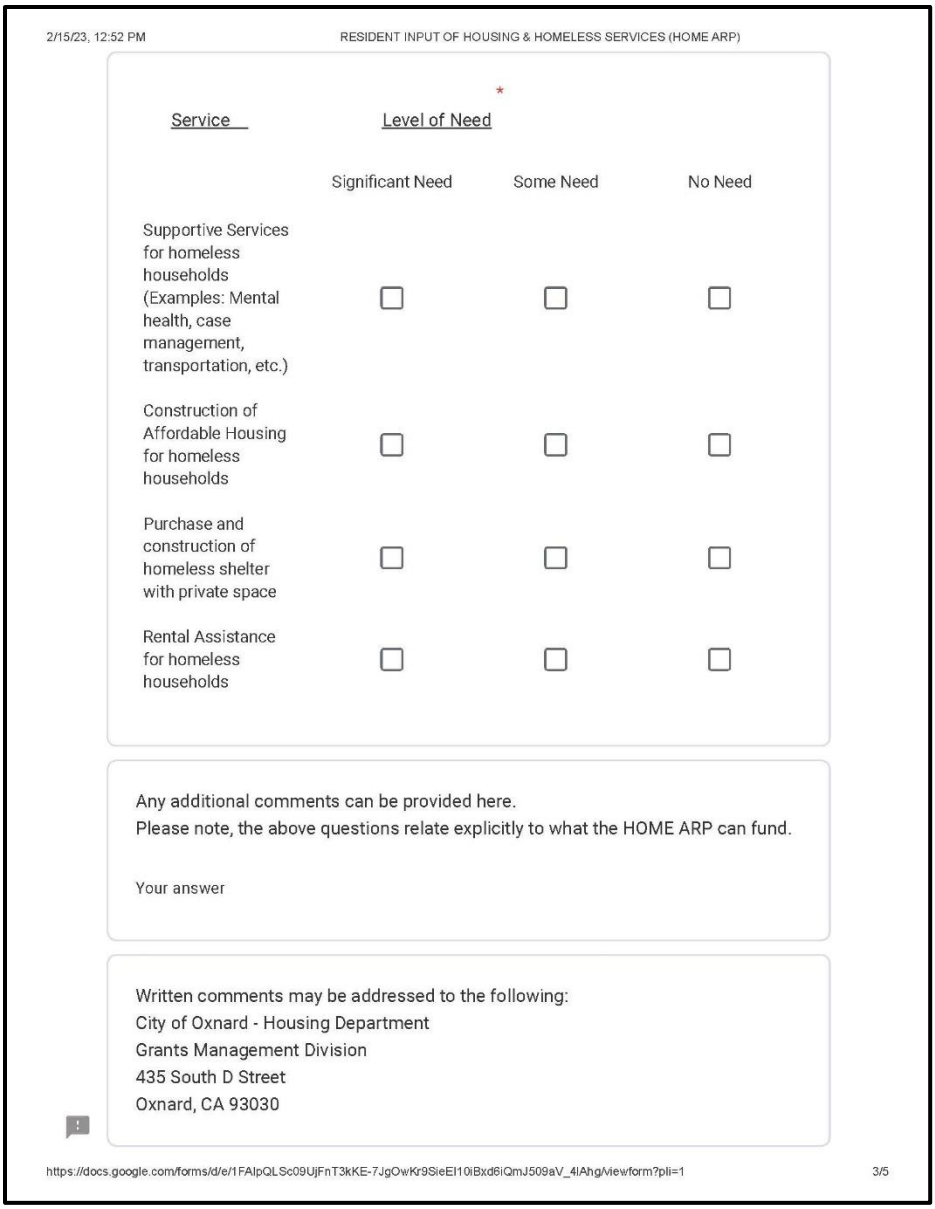
APPENDIX A HOME-ARP CERTIFICATIONS AND SF424S (TO BE SIGNED AFTER PUBLIC MEETING)

APPENDIX B PUBLIC NOTICE AND COMMENTS RECEIVED (TO BE ADDED)

APPENDIX C EXISTING COMMUNITY RESOURCES LIST (RESPONSE TO OPTIONAL QUESTION)

APPENDIX D COMMUNITY SURVEYS AND DATA SOURCES

APPENDIX C HOME-ARP NEEDS ASSESSMENT SURVEY



2/15/23, 12:52 PM RESIDENT INPUT OF HOUSING & HOMELESS SERVICES (HOME ARP)

*

Service	Level of Need		
	Significant Need	Some Need	No Need
Supportive Services for homeless households (Examples: Mental health, case management, transportation, etc.)	☐	☐	☐
Construction of Affordable Housing for homeless households	☐	☐	☐
Purchase and construction of homeless shelter with private space	☐	☐	☐
Rental Assistance for homeless households	☐	☐	☐

Any additional comments can be provided here.
Please note, the above questions relate explicitly to what the HOME ARP can fund.

Your answer

Written comments may be addressed to the following:
City of Oxnard - Housing Department
Grants Management Division
435 South D Street
Oxnard, CA 93030

https://docs.google.com/forms/d/e/1FAIpQLSc09UjFnT3kKE-7JgOwKr9SieEI10iBxd6iQmJ509aV_4lAhg/viewform?pli=1 3/5

Figure 1 - Oxnard HOME ARP Needs Assessment Survey

APPENDIX B DATA SOURCES

APPENDIX C SF-424S AND CERTIFICATIONS

APPENDIX D REFERENCES

Appendix A

SF 424 Forms and HOME-ARP Certifications

Note: Forms will be signed after public hearing

SF 424 to be signed after public hearing

OMB Number: 4040-0004
Expiration Date: 12/31/2022

Application for Federal Assistance SF-424

* 1. Type of Submission:
- [ ] Preapplication
- [x] Application
- [ ] Changed/Corrected Application

* 2. Type of Application:
- [ ] New
- [ ] Continuation
- [ ] Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: City of Oxnard

* b. Employer/Taxpayer Identification Number (EIN/TIN):

* c. UEI:

d. Address:

* Street1: 300 West 3rd St.

Street2:

* City: Oxnard

County/Parish:

* State: California

Province:

* Country: USA: UNITED STATES

* Zip / Postal Code:

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

* First Name:

Middle Name:

* Last Name:

Suffix:

Title:

Organizational Affiliation:

* Telephone Number:

Fax Number:

* Email:

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

US Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

CFDA Title:

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

HOME ARP will be used as follows
Development of affordable housing $2,356,218
Program Administration: $415,803

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding ($):

* a. Federal	2,772,021
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☐ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☐ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29) U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statue(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statue(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.

14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED
City of Oxard	

SF-424D (Rev. 7-97) Back

HOME-ARP CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the participating jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing pursuant to 24 CFR 5.151 and 5.152.

Uniform Relocation Act and Anti-displacement and Relocation Plan --It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It will comply with the acquisition and relocation requirements contained in the HOME-ARP Notice, including the revised one-for-one replacement requirements. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42, which incorporates the requirements of the HOME-ARP Notice. It will follow its residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the HOME-ARP program.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose
accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and program requirements.

Section 3 --It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.

HOME-ARP Certification --It will use HOME-ARP funds consistent with Section 3205 of the American Rescue Plan Act of 2021 (P.L. 117-2) and the CPD Notice: *Requirements for the Use of Funds in the HOME-American Rescue Plan Program*, as may be amended by HUD, for eligible activities and costs, including the HOME-ARP Notice requirements that activities are consistent with its accepted HOME-ARP allocation plan and that HOME-ARP funds will not be used for prohibited activities or costs, as described in the HOME-ARP Notice.

_____ _____

Signature of Authorized Official Date

_____

Title

Appendix B

Public Notices and Public Comments Received During Comment Period and Public Hearing

Emilio Ramirez
Housing Director
435 South D Street
Oxnard, CA 93030
(805) 385-8096
emilio.ramirez@oxnard.org

CITY OF OXNARD CALIFORNIA

24 January 2023

Elsa Brown
City of Oxnard
435 South D Street
Oxnard, CA 93030

Re: HOME ARP GRANT

Dear Ms. Brown:

The Oxnard Housing Authority offers this letter in support of the City of Oxnard's application for HOME-ARP funds. We understand the HOME ARP grant will allow the City to provide increased housing opportunities for homeless persons, persons at risk of homelessness as well as persons fleeing domestic violence and veterans that fall into these categories.

As a housing provider in Oxnard, we share common goals with the City, relative to affordable housing. The Oxnard Housing Authority supports the construction of affordable rental housing units as the most effective, highest priority HOME ARP strategy for addressing homelessness. OHA also supports the provision of supportive services to ensure tenants have opportunities for success in permanent housing as a secondary use of HOME ARP grant.

If you have any questions regarding this commitment, feel free to contact me directly at 805.312.1774 or emilio.ramirez@oxnard.org.

Sincerely,

Emilio Ramirez
Director

VENTURA COUNTY CONTINUUM OF CARE ALLIANCE | ENDING HOMELESSNESS IN VENTURA COUNTY

February 15, 2023

RE: City of Oxnard HOME American Rescue Plan (ARP) Program

To Whom It May Concern:

The Ventura County Continuum of Care (VC CoC) offers this letter in support of the City of Oxnard's application for the HOME-ARP grant. We understand the HOME ARP grant will allow the City to provide housing opportunities for persons experiencing homelessness, persons at risk of homelessness as well as persons fleeing domestic violence and veterans that fall into these categories.

We share many common goals with the City to prevent and end homelessness in our community. The VC CoC supports the use of HOME ARP funds for the construction of affordable rental housing units. We believe it is the most effective strategy to provide long term solutions to end homelessness in Oxnard. The construction of new permanent supportive housing units aligns with our Homelessness Plan goal to create and maintain stable affordable housing for persons experiencing homelessness.

Please reach out if you have any questions. We appreciate the partnership and thank you for making strides to achieve the goal of ending homelessness in Ventura County.

Sincerely,

Jennifer Harkey

Jennifer Harkey, MPA
Ventura County Continuum of Care Program Director
County of Ventura – County Executive Office
805-658-4342
Jennifer.Harkey@ventura.org

Dawn Dyer
Dyer Sheehan Group
Chair of the Board

Manuel Minjares
County of Ventura District 3
Vice Chair of the Board

Kevin Clerici
Downtown Ventura Partners

Paul Drevenstedt
Ventura County Public Defender's Office

Jack Edelstein
Community Advocate

Juliana Gallardo
People's Self-Help Housing

Stefany Gonzalez
United Way of Ventura County
Lived Expertise

Ingrid Hardy
City of Thousand Oaks

Mara Malch
City of Simi Valley

Michael Nigh
Area Housing Authority of Ventura County

Emilio Ramirez
Oxnard Housing Department

Nancy Wharfield
Gold Coast Health Plan

Appendix C

List of Existing Community Resources for HOME-ARP Qualifying Populations

Response to Optional Allocation Plan Question

Table C-13 Agencies Serving Homeless and Low-Income Persons

Service Provider	Location	Services Provided
Alcohol and Drug Programs, Mom and Kids Recovery Center	Ventura	Short-term housing voucher program for women and children in need of housing while in treatment program.
Cabrillo Economic Development Corporation	County	Develops low- and moderate-income housing projects in the county. Also leadership development, community organization, management training, and resource development. Provides housing for permanent, seasonal, and migrant farmworkers.
Candelaria American Indian Council	Ventura	Emergency assistance (food and shelter) and job linkage for American Indian clients and veterans. Information and referral.
Care and Share	Simi	One-time emergency services, food and shelter. Eviction prevention.
Catholic Charities*	Ventura, Moorpark, Thousand Oaks	Emergency shelter vouchers, temporary emergency material aid. Counseling. Rental assistance, food pantries.
Community Action of Ventura County	Oxnard, Ventura	Financial assistance provided (when available) for eviction prevention and move-in cost assistance. Case management and other support services to prevent reoccurrence of homelessness. Weatherization services, utility assistance, and food distribution.
Habitat for Humanity	County	Building of affordable homes for lower-income and farmworker households
Housing Authorities		
County Area Housing Authority*	Newbury Park	Administer HUD Section 8 Rental Assistance and conventional public housing projects. Provide fair housing counseling. Waiting lists vary from 3 to 6 years.
Oxnard Housing Authority	Oxnard	
Port Hueneme Housing Authority	Port Hueneme	
Santa Paula Housing Authority	Santa Paula	
Ventura City Housing Authority	Ventura	
Human Services Agency Homeless I & R Program	County	Information and referral. Outreach, assessment, and brief casework for homeless individuals and families.
Interface Youth Crisis Services	Ventura	Hotline counseling, shelter for homeless, abused, or runaway children.
Jewish Family Services*	Thousand Oaks, Ventura	Services to homeless and other non-housing-related assistance.
Khepera House	Ventura	Residential drug/alcohol recovery program and graduate houses for men.
Lighthouse Women and Children's Mission	County	Overnight shelter, emergency shelter program for homeless women and children, employment search program for homeless women and children, and a life recovery (drug, alcohol, and life-challenging issues) program for women and children.
Lutheran Social Services*	Thousand Oaks	Eviction prevention, move-in assistance, and other non-housing-related assistance. Seniors-Caring Neighbor Program.

Service Provider	Location	Services Provided
Many Mansions	County	Affordable housing and life-enriching services to low-income residents of Ventura County. Own 9 apartment-style properties that provide housing to over 1,300 individuals in need.
Miracle House	Ventura	Residential recovery program for women with dual dependency on drugs and alcohol.
Project Understanding	Ventura	Small loans and grants for move-in expenses, eviction prevention, and other non-housing-related assistance.
Saint John's Community Outreach	Oxnard	Emergency lodging and other non-housing-related assistance. Revolving loan fund.
Salvation Army – Oxnard Corps	Oxnard	Food pantry and non-housing-related assistance.
Salvation Army – Service Extension*	Simi	Short-term lodging vouchers, other non-housing-related assistance.
Salvation Army – Ventura Corps	Ventura	Short-term lodging vouchers, other non-housing-related assistance.
Senior Homesharing	Ventura	Matches seniors with other seniors and non-seniors in need of shared housing.
Turning Point Foundation	Ventura	Drop-in center and shelter for homeless mentally ill and clients in west Ventura, other non-housing-related assistance.
Ventura County Council on Aging	Oxnard	Senior services.
Ventura County Rescue Mission (VCRMA)	County	Meals for the public, emergency shelter for men, and an alcohol and drug recovery program for men. Also has a separate facility that provides housing for women and children. Provides a safe harbor 24-hour emergency shelter.
Victory Outreach Recovery Homes	Ventura, Oxnard	Drug recovery homes for men and women.

Source: Ventura County Draft Housing Element, January 2008; 2000 County of Ventura Consolidated Plan (Updated); re-confirmed by City of Oxnard, 2020.

** These providers are located in the eastern portion of Ventura County and more difficult to reach for an Oxnard homeless person.*

MAIL/MESSAGES

Oxnard

- Community Action Program of Ventura County
  621 Richmond Ave 805-436-4000

Ventura

- Catholic Charities – 303 N. Ventura Ave..... 805-643-4694
- Turning Point Foundation (mentally ill)
  536 E. Thompson Blvd..... 805-652-2151

MEALS (also see Food)

- Rescue Mission – 6th & Meta, Oxnard – Dinner 5:30–6 p.m. (Monday–Friday, 11–11:30 a.m. and Saturday, 12–12:30 p.m.)
- Many Meals – 121 Davis St, Santa Paula – Wednesday, 5–6 p.m.
- Family to Family – 303 N. Ventura Ave, Ventura (Monday, Wednesday, Friday, 11 a.m.–noon and Saturday, Sunday, 8–9 a.m.)

MEDICAL

- Health Care for the Homeless..... 805-652-6694
- Whole Person Care. 805-339-1122
  email..... wholepersoncare@ventura.org

Countywide

- Children's Medical/Dental Services 805-652-5960
- Ventura County Medical Center (VCMC)
  300 Hillmont Ave, Ventura..... 805-652-6000

Oxnard

- Clinicas del Camino Real – 650 Meta St 805-487-5351
- Las Flores Women's Ctr – 2400 S. C St..... 805-240-7000
- Las Islas Medical Clinic – 325 W. CI Blvd..... 805-240-9500
- Public Health Clinic – 2500 S. C St, #D..... 805-385-9451
- Salvation Army – 622 W. Wooley Rd, – free clinic (Monday & Thursday) 805-483-9235

Santa Paula

- Santa Paula Hospital – 825 N. 10th St..... 805-933-8600

Ventura

- Clinicas del Camino Real – (dental & medical)
  200 S. Wells Rd..... 805-647-6322
- Public Health Clinic – 3147 Loma Vista Rd..... 888-285-5012

MENTAL HEALTH

- Crisis Team – 24-hour Hotline 866-998-2243
- Rise Team/OD line 805-981-4233
- Mental Health Liaison..... 805-981-4227
  Bilingual Liaison..... 805-981-3331
- NAMI (Support/Advocacy)
  5251 Verdugo Way, #K, Camarillo 805-641-2426
- STAR (Access to Mental Health Svcs)..... 866-998-2243
- Turning Point Foundation
  New Visions Center 1065 E. Main, Vta 805-652-0596
  Oxnard Club House – 426 W. 5th St 805-247-0750
- Ventura County Mental Health Services
  4258 Telegraph Rd, Ventura..... 805-477-5700
  1911 Williams Dr, Oxnard..... 805-981-4200
  2500 S. C St, #C, Oxnard 805-385-9420
  725 W. Main St, 3rd floor, Santa Paula 805-933-8480

SENIOR CITIZENS SERVICES

- 24-hour Helpline.....dial 2-1-1
- Adult Protective Services (abuse/neglect)..... 805-654-3200
- Area Agency on Aging
  646 County Square Dr, #100, Ventura..... 805-477-7300
- Mental Health, Older Adult Services..... 805-777-3500
- Ombudsman Services (visit nursing homes)..... 805-656-1986
- Senior Nutrition (meal site information) 805-477-7300

SHELTERS

Domestic Violence Shelters:

- Coalition for Family Harmony..... 805-654-1111
  Spanish Hotline 800-300-2181
- Interface Children & Family Services 805-485-6114

Year-Round Shelters

- Mercy House: Oxnard Navigation Center + The Arch 805-399-9099
- Rescue Mission – (men only) 234 E. 6th St, Oxnard 805-487-1234
- Salvation Army – Hope Center (single adults).....805-648-4977
- Turning Point Foundation – Our Place Shelter (mentally ill)
  536 E. Thompson Blvd, Ventura.....805-652-2151
- Lighthouse – (women & children).....805-385-7200
- Women's Shelter/Kingdom Center, Oxnard.....805-487-3445

Winter Shelters – (December–March)

- Ojai Valley Family Shelter (call for information).....805-804-7094
- Temporary Emergency Shelter (call for information).....dial 2-1-1

SHOWERS/TOILETS

- Community Action Program of Ventura County
  621 Richmond, Oxnard..... 805-436-4000
- Our Place Shelter (mentally ill)
  536 E. Thompson Blvd, Ventura..... 805-652-2151
- Rescue Mission – 234 E. 6th St, Oxnard..... 805-487-1234

TRANSITIONAL HOUSING

- City Center – 837 E. Thompson Blvd, Ventura..... 805-628-9035
- Kingdom Center (Gabriel's House) 1450 Rose Ave, Oxnard..... 805-487-3400
- Lighthouse Family Center, Oxnard..... 805-385-7200
- RAIN Transitional Living Center (families & singles)
  Call for an application.....805-383-7505
- Tender Life Maternity Home.....805-653-7474
- Turning Point Countywide Supported Housing:
  River Haven (Ventura).....805-652-2151
  Veterans Transitional Housing (Ventura)..... 805-652-0000 x102

VETERANS SERVICES

- County of Ventura Veteran Services
  2901 N. Ventura Road, 3rd Floor, Oxnard 805-477-5155
- Department of Veterans Affairs – Outpatient Clinic
  Veterans Center – Counseling Services (Monday–Friday, 8 a.m.–4:30 p.m.)
  1690 Universe Ct, Oxnard 805-204-9135
- Disabled Veterans Outreach (EDD).....805-288-8400
- Gold Coast Veterans Foundation
  4001 Mission Oaks Blvd, #D, Camarillo 805-482-6550
  Walk-in hours – Wednesdays, 8 a.m.–4 p.m.
- Ventura Veterans Center (Counseling)
  790 E. Santa Clara St, #1000 805-585-1860
- Veterans Home of Ventura – 10900 Telephone Rd, Ventura ... 805-659-7502
- Veterans Transitional Housing (Ventura)..... 805-652-0000 x102

YOUTH SERVICES

- Interface Youth Rescue Line – 24-hour Hotline 805-469-5882
- Independent Living Prog (former Foster Youth)..... 805-654-3245
- Pacific Clinics – Transition Aged Youth (TAY Tunnel)
  141 W. 5th St, #D, Oxnard..... 805-240-2538
- Teen Runaway Helpline.....800-RUN-AWAY
- Transitions (Ventura County Behavioral Health)..... 805-981-6830
  Toll Free..... 866-998-2243

Most of the agencies listed can offer only limited, temporary assistance, depending on available funds. Refer to the Eastern Ventura County Resources brochure for resources available in other regions of the county.

Please email updated listings to
hsa.communications@ventura.org

COUNTY of VENTURA
Human Services Agency

This brochure was prepared by:
County of Ventura Human Services Agency
Homeless Services Program

805-385-1800

www.vchsa.org

56-15-070 9/22

Existing Resources for HOME-ARP QPs

COUNTY of VENTURA
Human Services Agency

Resources
for People Experiencing Homelessness
Western Ventura County

Camarillo • Fillmore • Ojai • Oxnard
Port Hueneme • Santa Paula • Ventura

This information current as of
September 2022

ALCOHOL & DRUG SERVICES

- 24-hour Helpline ..... dial 2-1-1
- County Alcohol/Drug Line 805-981-9200
- Alcoholics Anonymous – Countywide Information 805-389-1444
  Español (Spanish) 805-988-0329
- Al-Anon of Ventura County 805-495-0270
- Oxnard Center – 1911 Williams Dr 805-981-9200
- Ventura Center – 5850 Thille St, #205 805-652-6919
- Khepera House – 330 N. Ventura Ave, Vta 805-653-2596
- Lighthouse Recovery 805-385-7200
- New Start for Moms – 1911 Williams Dr, Oxnard 805-981-9250
- Palmer Drug/Alcohol Abuse Program 805-482-1265
- Prototypes (women/children)
  2150 N Victoria Ave, Oxnard 805-382-6296
- Rescue Mission (men) – 234 E. 6th St, Oxnard 805-487-1234
- Teen Challenge 805-648-3295
- Victory Outreach – 2875 Elba St, Ventura 805-293-9182

BENEFITS

- Human Services Agency—CalWORKs, General Relief, CalFresh (Food Stamps), Medi-Cal
  Oxnard, Port Hueneme, Camarillo
  1400 Vanguard Dr, Oxnard 805-385-9363
  Santa Paula – 725 E. Main 805-933-8300
  Fillmore – 828 Ventura St, #200 805-524-8666
  Ventura & Ojai
  4651 Telephone Rd, #100, Ventura 805-658-4100
- Social Security Administration 800-772-1213
  Oxnard – 2000 Outlet Center Dr, #250
  Ventura – 6477 Telephone Rd, #1
- Unemployment Benefits Claims – English 800-300-5616
  Spanish 800-326-8937

BUS

- ADA/Dial-a-Ride ..... 805-485-2319 or 800-438-1112
- Gold Coast Transit – Countywide Transportation Information 800-438-1112
- Camarillo Area Transit 805-988-4228
- Fillmore Area Transportation Corporation 805-524-2319
- Greyhound Bus – 201 E. 4th St, Oxnard 805-487-2707
  Information 800-231-2222
- Gold Coast Transit – Ventura 805-643-3158
  Oxnard 805-487-4222
- Heritage Valley Dial-A-Ride 805-933-2267
- VCTC Bus Passes 800-438-1112
  Oxnard Transit Center 805-487-4222
  Camarillo City Hall 805-388-5300
  Santa Paula City Hall 805-933-4201
  Fillmore City Hall 805-524-3701

CAMPGROUNDS/CAMPING

- County Park Information 805-654-3951
- State Park Information 800-444-7275/805-968-1033
  Fillmore – Kenny Grove – 823 N. Oak 805-524-0750
  Ojai – Lake Casitas – 11311 Santa Ana Rd 805-649-2233
- **County Beach/Park Campgrounds** (14 days maximum)
  Ojai – Camp Comfort – 11969 N. Creek Rd 805-654-3951
  Dennison Park – 7250 Santa Paula/Ojai Rd 805-654-3951
  Santa Paula – Steckel Park 805-654-3951
  Ventura – Emma Wood – Rincon Parkway, Hwy 1 805-654-8444
  Faria Beach – 4350 W. PCH 805-654-3951
  Foster Park – 438 Casitas Vista Rd 805-654-3951
  Hobson Park – 5210 W. PCH 805-654-3951
  Lake Casitas – 11311 Santa Ana Rd 805-649-2233
- **State Beach Campgrounds** 916-445-8949
  ..... TTY 916-445-8952

CHILDREN'S SERVICES

- California Children's Services – VC HCA 805-981-5281
- Children's Crisis Team – 24-hour Hotline 1-866-431-2478
- Child Development Resources (CDR) (childcare, Head Start Preschool) 805-485-7878
- Children & Family Services (abuse/neglect, adoption, foster care)
  24-hour Hotline 805-654-3200
- Children's Mental Health (access line) 800-671-0887
- County Schools Homeless Education Project 805-437-1522
- School on Wheels (tutoring/supplies) 800-923-1100

CITIZENSHIP/IMMIGRATION

- El Concilio Del Condado – 301 S. C St, Oxnard 805-486-9777 x232
- U.S. Citizenship and Immigration Services 800-375-5283
  ..... TTY 800-767-1833

DENTAL

- Children – referrals from CHDP 805-981-5291
- Children's Resource Program – 199 Figueroa St 805-641-9802
- Clinicas Del Camino Real (fee for services)
  Oxnard – 650 Meta St 805-483-3600
  Santa Paula – 500 E. Main St 805-933-0895
  Ventura – 200 S. Wells Rd 805-659-0560
- Oxnard Dental Group 805-278-9499
- Salvation Army Free Clinic – 622 W. Wooley Rd, Oxnard (Call for appointment) 805-483-9235

DISABLED PERSONS

- Department of Rehabilitation
  1701 Pacific Ave, #120, Oxnard 805-385-2400
- Independent Living Resource Center
  1802 Eastman Ave, #112, Ventura 805-650-5993
  Voice/Text (TTY) 805-650-5993 Video phone 805-256-1036
- Tri-Counties Regional Center
  2401 E. Gonzales Rd, #100, Oxnard 805-485-3177

DOMESTIC VIOLENCE

- Adult & Child Abuse & Neglect – 24-hour Hotline 805-654-3200
  24-hour Bilingual Hotline 800-300-2181
- Coalition for Family Harmony 805-654-1111
- Interface Children & Family Services 800-636-6738

DROP-IN SERVICES

- Community Action Program of Ventura County
  621 Richmond Ave, Oxnard 805-436-4000
- Ojai Community Assist Program – 108 Fox St, Ojai 805-640-3320
- One-Stop Centers 805-652-6694
  Camarillo – Church of the Nazarene
  280 Antonio Ave (4th Thursday, 8:30–11 a.m.)
  Oxnard – The Salvation Army, 622 W. Wooley Rd (Wednesday, 8:30–11 a.m.)
  Santa Paula – Buen Pastor Church, 1029 E. Santa Paula St
  (Friday, 9–11:30 a.m.)
  Ventura – Public Health Auditorium, 3147 Loma Vista (10 a.m.–12:30 p.m.)
  River Haven – Harbor Blvd & Olivas Park Dr (Monday, 12:30–3:30 p.m.)

EMPLOYMENT/JOB TRAINING

- America's Job Center – 2901 N. Ventura Rd, Oxnard 805-204-5100
- Center for Employment Training (CET) – 761 S. C St, Oxnard 805-487-9821
- Community Action of VC – 621 Richmond, Oxnard 805-436-4000
- Employment Development Department (EDD)
  2901 N. Ventura Rd, Oxnard 805-288-8400
- Employee Aptitude & Placement
  660 N. Ventura Ave, Ventura (Monday–Friday, 9–11 a.m.) 805-648-5868
- Fillmore Active Adult Center
  533 Santa Clara St, Fillmore 805-933-8300
- Goodwill Industries – 130 Lombard St, Oxnard 805-981-0130
- Job Corps (16–24 year olds) 800-733-5627
- Ojai Community Assist Program – 108 Fox St, Ojai 805-640-3320
- Santa Clara Valley Community Service Center
  725 E. Main St, #301, Santa Paula 805-933-8300
- Unemployment Benefits Claims – English 800-300-5616
  Spanish 800-326-8937
- Ventura Community Service Center – 4651 Telephone Rd 805-654-3434
- Workforce Development Board (WDB)
  2901 N. Ventura Road, 3rd floor, Oxnard 805-477-5306

FOOD (also see Meals)

- FOOD Share – countywide food pantry information 805-983-7100
- Community Action of VC – 621 Richmond, Oxnard 805-436-4000
- Community Assistance of Santa Paula (CASP)
  133 N. Mill St. (Monday) 805-525-8890
- Ojai Community Assist Program – 108 Fox St, Ojai 805-640-3320
- Spirit of Santa Paula (call first) 805-340-5025
- WIC (women, infants, children) ..... Toll Free 800-781-4449 #3

HOMELESS & HOUSING SERVICES

- Cabrillo Economic Development Corporation (affordable housing)
  702 County Square Dr, #100, Ventura 805-659-3791
  287 Riverpark Blvd, Oxnard 805-485-2260
- Community Action Program – 621 Richmond, Oxnard 805-436-4000
- Housing Rights Center 800-477-5977
- Homeless Prevention & Rental Deposit 805-385-1800
- Many Mansions – Housing Central 805-497-0344
- Mental Health Housing/STAR 866-998-2243
- Project Understanding – 2734 Johnson Dr, #E 805-652-1326
- St. Vincent de Paul 805-487-1558
- The Salvation Army, Safe Sleep Ventura 805-648-5032
- Turning Point Foundation (mentally ill)
  536 E. Thompson Blvd, Ventura 805-652-2151

HOUSING AUTHORITIES

(No emergency housing provided)

- Housing Rights Center 800-477-5977
- Area Housing Authority (Ojai & unincorporated areas)
  1400 W. Hillcrest Dr, Newbury Park 805-480-9991
- Oxnard Housing Authority – 435 S. D St 805-385-8041
  Public Housing 805-385-8114
  Section 8 805-385-8097
- Port Hueneme Housing Authority
  250 N. Ventura Rd 805-986-6527
- Santa Paula Housing Authority
  15500 W. Telegraph Rd, #B11 805-525-3339
- Ventura Housing Authority
  Public Housing – 995 Riverside St 805-648-5008
  Section 8 – 11122 Snapdragon St, #100 805-647-5990

INFORMATION AND REFERRAL

Dial 2-1-1 for Information 24 hours/7 days/week about Community Resources near you

- Area Agency on Aging (seniors) 805-477-7300
- County of Ventura 800-660-5474
- Homeless Services Program Information 805-385-1800

LAUNDRY

- Community Action Program of Ventura County
  621 Richmond, Oxnard (Monday & Friday only, 8 a.m.–noon) 805-436-4000
- Community Assistance Program
  108 Fox St, Ojai 805-640-3320
- Laundry of Love – Ventura County 805-642-3262
  Mission Plaza – 110 N. Olive – 1st Tuesday, 5:30–8 p.m.
  Quik Wash – 9298 Telephone Rd – 2nd Tuesday, 5–7 p.m.
  2611 E. Thompson Blvd. – 3rd Tuesday, 5:30–8 p.m.
- Turning Point Foundation (mentally ill)
  536 E. Thompson Blvd, Ventura 805-652-2151

LEGAL SERVICES

- California Bar Association – Legal Clinic – (family law/tenant/landlord/bankruptcy) (Monday–Friday) 805-650-7599
- California Rural Legal Assistance
  338 S. A St, Oxnard 805-483-8083
- Grey Law (60 yrs.+)
  3585 Maple St, #128, Ventura 805-658-2266
- Housing Rights Center 800-477-5977
- Jewish Family Services – 740 E. Main St, Vta 805-641-6565
- Self Help Legal Access Center Ventura
  800 S. Victoria Ave, Rm #106, Ventura 805-289-8724

Appendix D

Housing Gaps and Service Needs Data - Ventura County Housing Inventory 2022

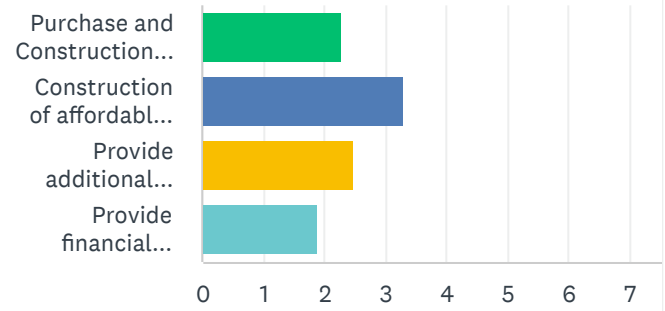
Survey Results from Service Providers and Local Developers

List of Data Sources referenced for City of Oxnard HOME Allocation Plan

Homeless Needs Survey-Service Providers (Oxnard)

Below are eligible activities to b...

Answered: 10 Skipped: 0



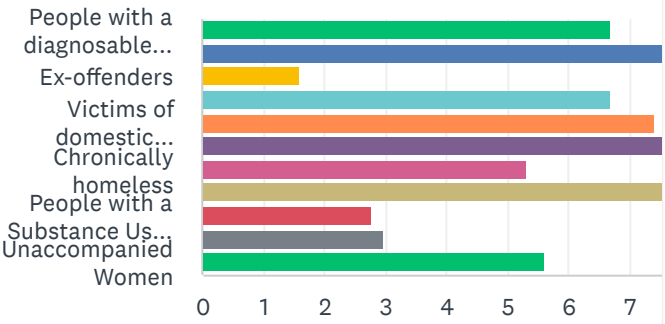
Please provide an explanation f...

Answered: 8 Skipped: 2

"Oxnard has a large homeless population those who are in this situation need more t additional support services.

Which homeless subpopulation ...

Answered: 10 Skipped: 0



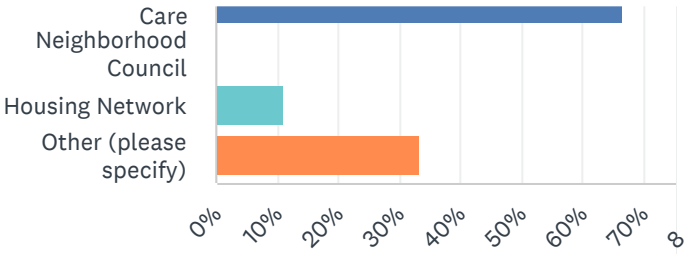
Please provide an explanation f...

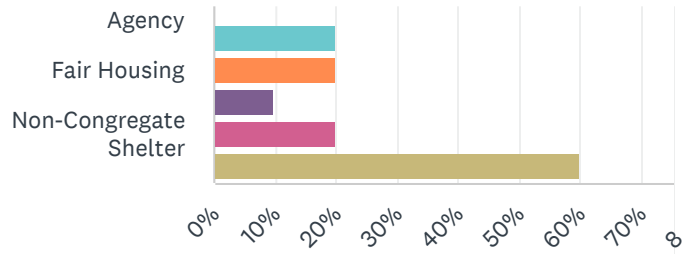
Answered: 6 Skipped: 4

"It's difficult to rank these in an order, but on additional resources available to those with numbers 7-11."

Is your organization a member o...

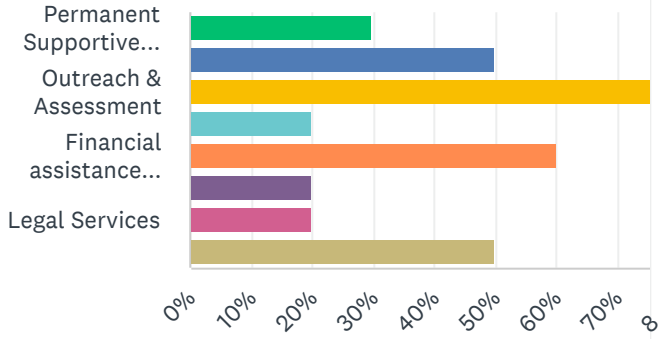
What is your Agency type?





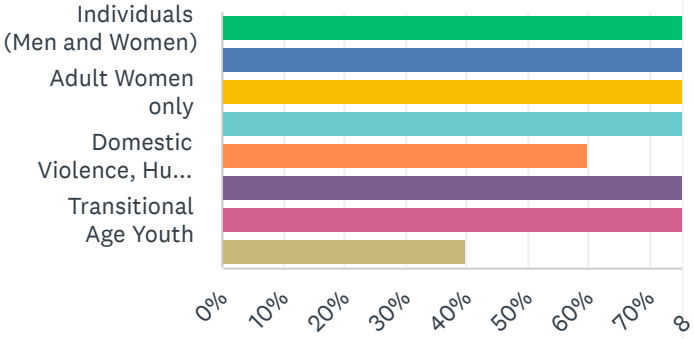
What services does your agency...

Answered: 10 Skipped: 0



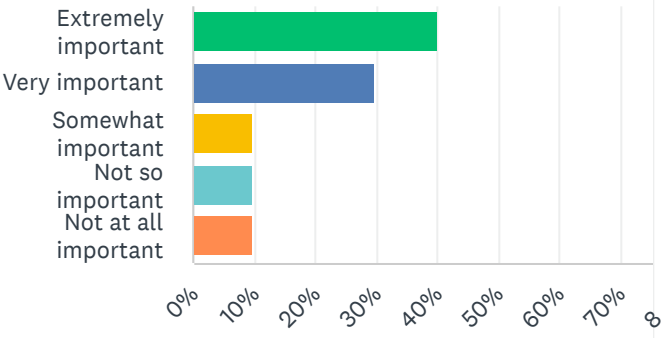
What population(s) does your a...

Answered: 10 Skipped: 0



What level of importance would...

Answered: 10 Skipped: 0



What can the city do to reduce ...

Answered: 8 Skipped: 2

"Address holistic approaches and provide programs for segments of the population glove with businesses and police dep

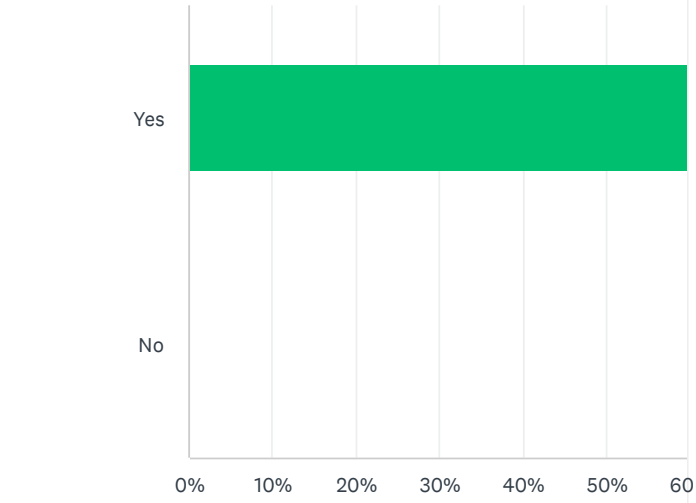
Answered: 7 Skipped: 3

“Just the Contused su

Homeless Needs Survey-Housing Developers (Oxnard)

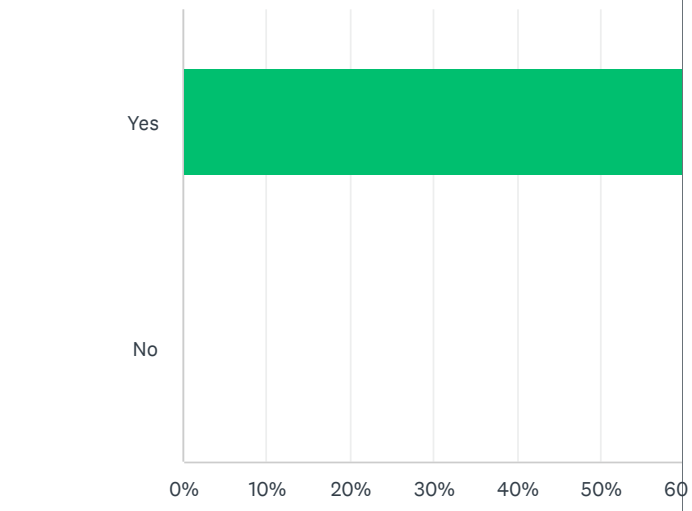
Are you a community housing develop...

Answered: 3 Skipped: 0



Have you previously developed afforda...

Answered: 3 Skipped: 0



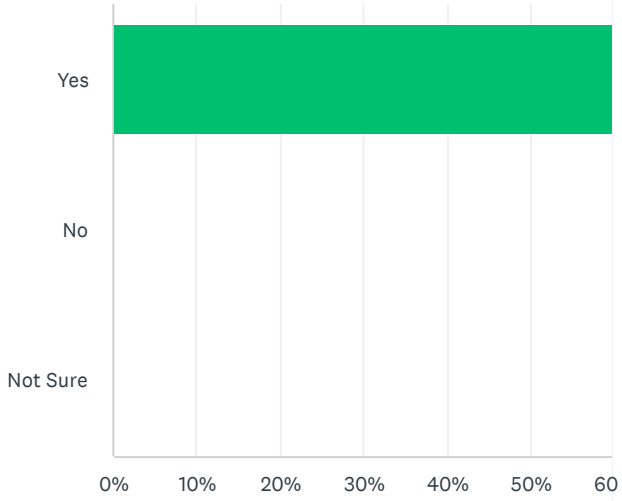
If you answered yes to the previous que...

Answered: 3 Skipped: 0

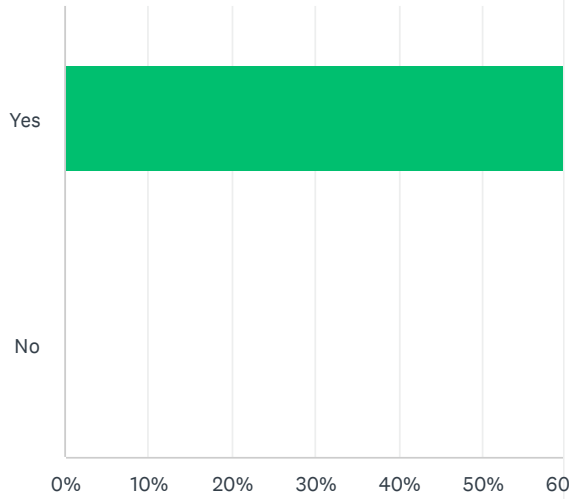
"We are currently developin an affordable housing d

Are there any proposed affordable hou...

Answered: 3 Skipped: 0



Answered: 3 Skipped: 0

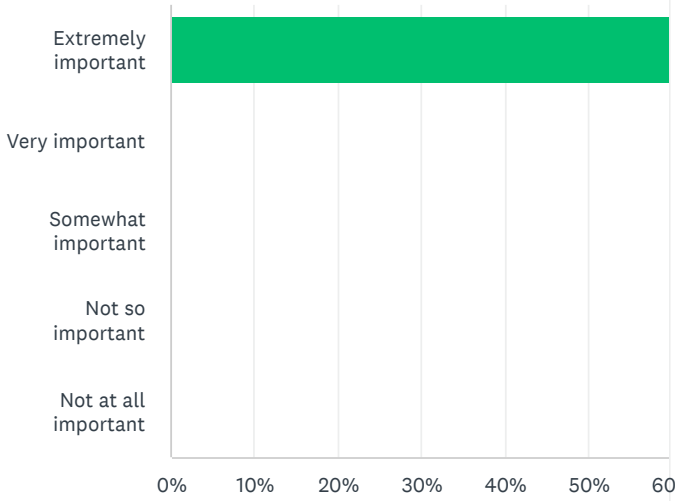


Answered: 3 Skipped: 0

"Of course. We w
partner to the

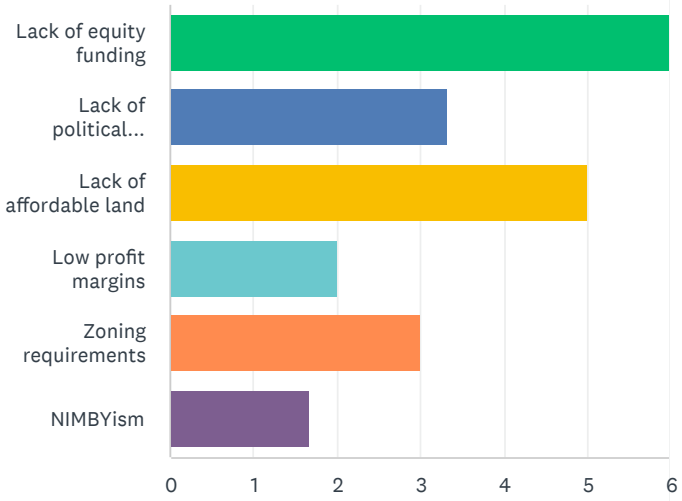
How important is access to federal, sta...

Answered: 3 Skipped: 0



Please rank the barriers to affordable h...

Answered: 3 Skipped: 0

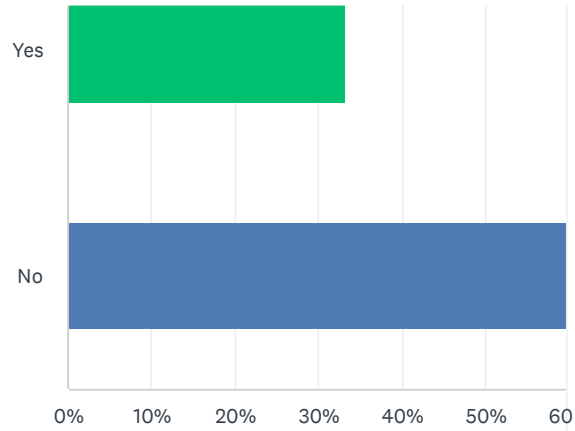


Would you need technical assistance w...

Answered: 3 Skipped: 0

What can the City do to encourage dev...

Answered: 3 Skipped: 0



acquisition. Expedite plan check and entitlement. P
to reduce cost. Allow parking reductions. Make la
ground leases. Ensure market rate projects contribu
land are committed before DDAs are approved

← PREV

Dashboard Share Link

P d b

2022 Housing Inventory Chart

Year	Proj. Type	Organization Name	Project Name	Bed Type	Target Pop.	Year-Round Beds	Seasonal Beds	PIT Count	Total Beds	Utilization Rate
2022	ES	County of Ventura	Project Roomkey	Voucher beds	SMF	243		243	243	100%
2022	ES	County of Ventura Human Services Agency	HHAP Family Emergency Shelter	Other beds	SMFHC	5		5	5	100%
2022	ES	County of Ventura Human Services Agency	Human Services Motel Vouchers	Voucher beds	SMFHC	31		31	31	100%
2022	ES	HCA Healthcare for the Homeless	HCH ESG Motel Vouchers	Voucher beds	SMF	53		53	53	100%
2022	ES	Interface Children and Family Services	HEART Human Trafficking (HT) Shelter	Facility-based beds	DV	6		2	6	33%
2022	ES	Interface Children and Family Services	Minor Youth Shelter	Facility-based beds	NA	6		3	6	50%
2022	ES	Interface Children and Family Services	Safe Haven Emergency Shelter	Facility-based beds	DV	18		5	18	28%
2022	ES	Kingdom Center	Kingdom Center Emergency Shelter - 1450	Facility-based beds	HC	10		10	10	100%
2022	ES	Lighthouse Women and Children	Safe Harbor Shelter	Facility-based beds	HC	63		61	63	97%
2022	ES	Mercy House	Mercy House ARCH Shelter	Facility-based beds	SMF	32		32	32	100%
2022	ES	Mercy House	Mercy House Non-congregate shelter	Facility-based beds	SMF	50		49	50	98%
2022	ES	Mercy House	Oxnard Navigation Center	Facility-based beds	SMF	80		80	80	100%
2022	ES	National Health Foundation	Pathways Recuperative Care	Facility-based beds	SMF	12		7	12	58%
2022	ES	Ojai Valley	Family Shelter	Other beds	SMFHC	0	10	6	10	60%
2022	ES	Salvation Army	Salvation Army Emergency Shelter	Facility-based beds	SMF	12		12	12	100%
2022	ES	Samaritan Center	PADS Winter Shelter	Other beds	SMF	0	18	18	18	100%
2022	ES	Spirit of Santa Paula	Harvard Navigation Center Shelter	Facility-based beds	SMFHC	39		39	39	100%
2022	ES	The Coalition for Family Harmony	Emergency Domestic Violence Shelter	Facility-based beds	DV	56		25	56	45%
2022	ES	Turning Point Foundation	Our Place Shelter ESG	Facility-based beds	SMF	4		4	4	100%
2022	ES	United Way of Ventura County	UWVC Bridge Motel Placement	Voucher beds	SMF	0	5	1	5	20%
2022	ES	Ventura County Rescue Mission	Emergency Shelter	Facility-based beds	SM	52		41	52	79%
2022	OPH	County of Ventura Human Services Agency	Castillo del Sol	Facility-based beds	SMF	6		6	6	100%
2022	OPH	Oxnard Housing Authority	Homeless Vouchers	Voucher beds	SMFHC	67		67	67	100%
2022	PSH	Area Housing Authority of the County of Ventura	VASH Vouchers		Veterans	20		20	20	100%
2022	PSH	Cabrillo Economic Development Corporation	Snapdragon Place Apartments		CH	37		37	37	100%
2022	PSH	County of Ventura Human Services Agency	Homeless Services--Choices		SMFHC	25		25	25	100%
2022	PSH	Housing Authority of the City of San Buenaventura	El Portal		SMF	14			14	
2022	PSH	Housing Authority of the City of San Buenaventura	HUD Mainstream Voucher Program		SMF	45		45	45	100%
2022	PSH	Housing Authority of the City of San Buenaventura	HUD Vash Vouchers		Veterans	127		95	127	75%
2022	PSH	Housing Authority of the City of San Buenaventura	Willet Ranch		NA	15			15	
2022	PSH	Many Mansions	Casa de Paz		CH	16		16	16	100%
2022	PSH	Many Mansions	D Street		CH TAY	5		5	5	100%
2022	PSH	Many Mansions	Esseff Village		CH	20		20	20	100%
2022	PSH	Many Mansions	Hillcrest Villas		CH SMFHC	30		30	30	100%
2022	PSH	Many Mansions	La Rahada Apartments		CH	8		8	8	100%
2022	PSH	Many Mansions	Ormond Beach Villas OPH		Veterans	19		19	19	100%
2022	PSH	Many Mansions	Peppertree Apartments		CH SMFHC	22		22	22	100%
2022	PSH	Many Mansions	Richmond Terrace		CH	13		13	13	100%
2022	PSH	Oxnard Housing Authority	VASH Vouchers		Veterans	77		55	77	71%
2022	PSH	Project Understanding	Shore at WAV		SMFHC	32		32	32	100%
2022	PSH	Santa Paula Housing Authority	Citricos		CH Seniors	5		5	5	100%
2022	PSH	Turning Point Foundation	Stevenson Place		CH	10		10	10	100%
2022	PSH	Turning Point Foundation	Wooley House Permanent Housing		CH	7		7	7	100%
2022	PSH	Turning Point Foundation	Wooley House Permanent II		CH	8		8	8	100%
2022	PSH	Ventura County Behavioral Dept.	La Rahada		CH	3		3	3	100%
2022	PSH	Ventura County Behavioral Dept.	Oxnard Tenant Based Rental Assistance		CH	12		12	12	100%
2022	PSH	Ventura County Behavioral Dept.	Snapdragon Phase II		CH	15		15	15	100%
2022	PSH	Ventura County Behavorial Health Department	Castillo Del Sol		CH	18		18	18	100%
2022	PSH	Ventura County Behavorial Health Department	East County and Oxnard Tenant Based Rental Assistance		CH	22		22	22	100%
2022	PSH	Ventura County Behavorial Health Department	El Patio Hotel		CH	16		16	16	100%
2022	PSH	Ventura County Behavorial Health Department	Harvard Place		CH	12		12	12	100%
2022	PSH	Ventura County Behavorial Health Department	Paseo De Luz		CH HC	24		24	24	100%
2022	PSH	Ventura County Behavorial Health Department	Paseo Santa Clara/Paseo Del Rio		CH HC	15		15	15	100%
2022	PSH	Ventura County Behavorial Health Department	Santa Paula CoC		CH	3		3	3	100%
2022	PSH	Ventura County Behavorial Health Department	Villa Calleguas		CH	23		23	23	100%
2022	RRH	County of Ventura Human Services Agency	Bringing Families Home		SMFHC	70		70	70	100%
2022	RRH	County of Ventura Human Services Agency	HDAP		SMFHC	9		9	9	100%
2022	RRH	County of Ventura Human Services Agency	HSA CoC State ESG-CV RRH		SMFHC	24		24	24	100%
2022	RRH	Human Services Agency	HSA CESH RRH		SMFHC	30		30	30	100%
2022	RRH	Human Services Agency	HSA CHSP CALWORKS RRH 144		HC	204		204	204	100%
2022	RRH	Lutheran Social Services	Its A New Day LSS Rapid ReHousing Project		SMFHC	49		49	49	100%
2022	RRH	Mercy House	HHAP RRP		NA	4		4	4	100%
2022	RRH	Mercy House	Oxnard ESG RRP		NA	18		18	18	100%
2022	RRH	Salvation Army	CoC Rapid Re-Housing		HC	24		24	24	100%
2022	RRH	Salvation Army	ESG Rapid Re-Housing		SMFHC	42		42	42	100%
2022	RRH	Turning Point Foundation	H2H Rapid ReHousing		SMF	42		42	42	100%
2022	SH	Turning Point Foundation	Our Place Shelter		SMF	10		10	10	100%
2022	TH	Human Services Agency	RAIN Transitional Living Center		SMFHC	36		11	36	31%
2022	TH	Interface Children and Family Services	Safe Journey Transitional Shelter		DV	12		4	12	33%
2022	TH	Kingdom Center	Kingdom Center Transition House - 1450		SFHC	12		12	12	100%
2022	TH	The River Community	Tender Life		DV	20		17	20	85%
2022	TH	Salvation Army	Salvation Army GPD Veterans Housing		Veterans	5		5	5	100%
2022	TH	The City Center	Transitional Living Program		HC	73		73	73	100%
2022	TH	Turning Point Foundation	River Haven		SMF	20		20	20	100%
2022	TH	Turning Point Foundation	Veterans Transitional Housing		Veterans	13		13	13	100%
						Sum : 2280	Sum : 33	Sum : 2116	2313	91%

Color Key

- Not in HMIS
- Domestic Violence Program
- New Program in 2022
- In HMIS

Population Key

- SMFHC Single Male/Female + Households w/children
- SMF Single Male/Female
- HC Households (families) with children
- CH Chronically Homeless
- DV Domestic Violence project
- TAY Transition Age Youth (18-24)

Project Type

- ES Emergency Shelter
- PSH Permanent Supportive Housing
- TH Transitional Housing

References

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HOME AMERICAN RESCUE PLAN ALLOCATION PLAN

Emilio Ramirez, Director
Housing Department

City Council
March 21, 2023

CITY OF OXNARD CALIFORNIA

Background

- 2021 American Rescue Plan (ARP) Act HUD Program through the HOME Investment Partnerships program
- Exclusively to address homelessness needs
- Requires an allocation plan to access 100% of the funds
- Requires an amendment to the 2021 · 2022 Annual Action Plan





Purpose of HOME ARP Funding

The primary purpose of the HOME ARP funds is to assist households who are homeless, at risk of becoming homeless, and other vulnerable populations, by providing housing, rental assistance, supportive services and non-congregate shelter to reduce homelessness and increase housing stability







Examples of Funding Uses

1. Non-congregate shelters
2. The construction, acquisition and rehabilitation of rental housing for purposes such as permanent supportive housing;
3. Non-profit operating and capacity-building assistance to non-profits and homeless providers;
4. Support services such as homeless prevention programs;
5. Housing counseling;
6. Tenant-based rental assistance



Public Outreach

December 15, 2022
- Administrative Public Hearing

December 21, 2022
- Public Survey Commenced

January 11, 2023
- Presentation Continuum of Care
- Community Meeting

February 17, 2023
- Draft Plan Out for Public Comments

Outreach Results

Targeted Participants	Continuum of Care Participants	Residents	Developers
Results	Highest Priority: Affordable Housing Development for Elderly Homeless or Single Parents with Children	Highest Priority: Affordable Housing Development	Highest Priority: Partnering with the City for Development of Affordable Housing

Proposed Funding

Activity	Proposed Funding Amount
Development of Affordable Rental Housing	$2,356,218
5% Pre-Amendment Administrative Funds	$138,601
10% Administrative Funds Balance	$277,202
Total	**$2,772,021**







Recommendations

It is recommended that the City Council:

1. Conduct a public hearing and receive public comments relating to the HOME ARP Allocation Plan;
2. Approve the HOME ARP Allocation Plan, as a Third Amendment to the 2021-2022 Annual Action Plan;
3. Authorize the City Manager, and his designees, to submit the Third Amendment to the 2021-2022 Annual Action Plan to the U.S. Department of Housing and Urban Development, including the required applications, certifications and other pertinent documents to complete the submitted items for federal approval;

Recommendations

4. Authorize the City Manager, and his designees, to approve the appropriations for the HOME American Rescue Plan funding for staff operations, approved projects and related consulting contracts, not to exceed $2,772,021; and

5. Authorize the City Manager and his designees to execute the appropriate agreements with the HOME American Rescue Plan partners, consultants, and contractors, allow the use in the administration of funds, and allow the adjustments to any future funding needs not to exceed ten percent of the award if the programs require more or less funding to meet their objectives.

CITY OF OXNARD CALIFORNIA

End of Presentation

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.5

DATE: March 21, 2023

TO: City Council

FROM: Maureen Tamuri, Interim Community Development Director, (805) 385-7882, maureen.tamuri@oxnard.org

SUBJECT: Project Name: Freeway Adjacent Digital Display Billboards Ordinance: The project location is the U.S. Highway 101 adjacent property within the City of Oxnard City limit. (20 minutes)

RECOMMENDATION

That the City Council:

1. Conduct a public hearing, and

Take the actions identified under one of the two following options:

Option 1 – Staff's Recommended Action – Allowing up to four Freeway Adjacent Digital Display Billboards at least 100 feet away from residentially zoned parcels and at least 2,000 feet away from other Freeway Adjacent Digital Display Billboards:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-01; and
b. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment) allowing for Freeway Adjacent Digital Display Billboards within the City of Oxnard by amending specific provisions of Article IX of Chapter 16 of the Oxnard City Code, subject to certain findings.

Option 2 – Planning Commission Recommendation – Allowing up to three Freeway Adjacent Digital Display Billboards at least 250 feet away from residentially zoned parcels and at least 2,500 feet away from Freeway Adjacent Digital Display Billboards:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-01; and
b. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment) allowing for Freeway Adjacent Digital Display Billboards within the City of Oxnard by amending specific provisions of Article IX of Chapter 16 of the Oxnard City Code, subject to certain findings.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/6YWWXKtBXSo

BACKGROUND

EXECUTIVE SUMMARY:

The project includes a request for amendments to Article IX of Chapter 16 of the Oxnard City Code entitled Advertising Signs to permit up to four Freeway Adjacent Digital Display Billboards within the City, subject to specific conditions. The request before the City Council only sets the minimum and maximum standards (height, size, separation etc.) to which future development proposals would be held. Future development proposals would require a Special Use Permit and Development Agreement, whereby both the Planning Commission (Commission) and the City Council may request additional separation or disapprove a project due to site specific concerns.

The Ordinance, as originally drafted and recommended to the Commission, includes:

- Freeway Adjacent Digital Display Billboards (Billboard) could be located on City- owned property or right-of-way in any non-residential zones within 400 feet of the freeway right-of-way for U.S. Highway 101 (U.S. 101) within the City, subject to specific conditions

  - *The Commission recommended this be increased to 500'. (This is inconsistent with the environmental analysis because it increases the area in which the billboards would be allowed. If the City Council incorporates the Commission's recommended changes, staff recommends this change be excluded because it is not consistent with the environmental review.)*

- Freeway Adjacent Digital Billboard must be placed at a distance of at least 100 feet from the property line of any residentially zoned parcel

  - *The Commission recommended this be increased to 250 feet;*

- Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display or 80 feet to the top of the sign

  - *No change recommended by the Commission*

- Each Freeway Adjacent Digital Billboard shall be separated from every other Freeway Adjacent Digital Billboard by at least 2,000 feet, with a maximum of five (5) allowed in the City

  - Staff recommends keeping the distance at 2,000 feet but reducing the maximum number to four (4), which is consistent with two Council approved Exclusive Negotiating Agreements.
  - *The Commission increased this to 2,500 feet and reduced the maximum allowed to three (3) Freeway Adjacent Digital Billboards within the City.*

- Eight (8) second minimum display time of each still image.

  - *The Commission recommended increasing the minimum display time of each still image from eight (8) seconds to twelve (12) seconds.*

Staff continues to recommend the approval of the Freeway Adjacent Digital Display Billboards as presented and recommended to the Commission, with the exception of decreasing the maximum number of billboards allowed from five to four as noted above, based upon:

1. City Council authorization, approval, and continued extensions of Exclusive Negotiation Agreements (ENAs) with both Outfront Foster Interstate and Clear Channel since 2019, which identified up to two potential Freeway Adjacent Digital Display Billboard locations in their respective ENA areas (for a total of four billboards). With the Commission's recommend to increase the separation from residential uses, the two proposed Outfront Foster Interstate locations, that are also on tonight's agenda, would not be allowed;
2. Compliance with State laws established by the California Department of Transportation (Caltrans), which is the agency responsible for regulating freeway safety;
3. Consistency with the General Plan, zoning, and the environmental review, specifically the negligible lighting impacts which does not allow an increase in illumination at any residentially zoned property by more than 0.5

footcandles. (This is further discussed in the "Key Projects Concerns" section of this report).

If Council does not approve staff's recommendation on the subject Ordinance, the Special Use Permits, Development Agreements, and environmental analysis associated with two specific locations proposed by Outfront Foster Interstate that are also on tonight's Council agenda cannot be approved. The Commission's recommendation to increase the distance from residential zones means that the specific locations proposed by Outfront Foster Interstate would not be allowed under the City's regulations (ordinance).

Role of the Commission and City Council

Pursuant to Oxnard City Code (OCC) Section 2-95, the Commission is an advisory body that provides land use recommendations to the City Council on items such as General Plan Amendments, Specific Plans, Ordinance Amendments, and Development Agreements. Therefore, while the City Council is to consider the recommendations of the Commission, the Council may take action that is not consistent with the recommendations of the Commission.

In summary, at this public hearing, the City Council has the option to move forward with: (1) the Freeway Adjacent Digital Display Billboards Ordinance as originally drafted that would allow for the billboard locations identified in ENAs; or (2) the Freeway Adjacent Digital Display Billboards Ordinance as modified by the Commission, which would require Outfront Foster Interstate to identify alternative locations for their potential signs. Should the City Council choose to take another action other than those identified, the City Council can direct staff to return at a future public hearing with revised approval documents incorporating the direction provided.

For the benefit of the City Council, this staff report provides: 1) the background of the ENA discussions and Billboards; 2) a summary of the Commission hearings; 3) summaries of the ordinance and associated environmental review; and 5) a discussion of key concerns raised at Commission.

BACKGROUND:

ENA Discussions and Extensions

On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for two potential digital billboard sites each. Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period and two additional six-month terms if the projects were being diligently pursued by the parties. The ENAs are currently on the 7th Amendment, which runs through June 6, 2023. It is important to note that in the 6th Amendment, the Council removed the term "City-Owned" from the areas to be considered for billboards for Clear Channel (but not for Outfront Foster Interstate). This change was requested by Clear Channel and approved by the City Council because there are few properties or rights of way within this Freeway corridor that comply with the California Department of Transportation (Caltrans) laws and standards. Outfront Foster Interstate has already identified two proposed locations, both of which are on tonight's City Council agenda. To allow for these and other potential signs contemplated under the Clear Channel ENA, the City is proceeding with the proposed Project.

Existing Off-Site Advertising Signs (Billboards) and Freeway Oriented Signage

The City currently allows for billboards in the form of Off-site advertising signs in General Commercial (C-2), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), Light Manufacturing (M-1), and Heavy Manufacturing (M-2) zones pursuant to the specific regulations of OCC 16-608. Under the proposed ordinance, the Freeway Adjacent Digital Display Billboards would be regulated separately from the Off-site advertising signs. The allowance of Freeway Adjacent Digital Display Billboards is much more limited, as they would only be allowed within 400 feet of U.S. 101 and only on City-owned property and rights-of-way.

In addition to the existing Off-site advertising signs, the City has permitted two digital signs as allowed by the RiverPark Specific Plan (The Collection) and the Rose Santa Clara Specific Plan (Oxnard Auto Center). These signs are not defined as Off-site advertising signs and generally limited to the display of businesses located within the Collection or the Oxnard Auto Center. They were both permitted under their respective Specific Plans; therefore, no additional digital signage would be allowed without changes to the Specific Plans. Also, the Collection sign is approximately 110 feet away from the closest residential zoned property.

PROJECT REQUESTS:

The request is for City Council approval of the Ordinance (PZ 20-580-06) and Mitigated Negative Declaration (MND) 22-01. The Freeway Adjacent Digital Display Billboards Ordinance (PZ 20-580-06) is summarized in the Executive Summary section of this report and the attached Commission staff report.

Staff recommends approval of the Ordinance as drafted (Attachment 4). The Commission recommended approval of the Ordinance, with the amendments described in the Executive Summary and included in Attachment 5.

Pursuant to the California Environmental Quality Act (CEQA) Section 15060, the City, as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND used the City of Oxnard CEQA Thresholds, and California recommended thresholds to determine if an environmental impact was large enough to be considered significant.

The MND found that implementing the proposed Project would result in potentially significant impacts associated with aesthetics (lighting), air quality, biological resources, cultural and tribal resources, and noise. Mitigation measures have been required to reduce each potentially significant impact to less than significant. Compliance with State law and the General Plan goals and policies identified within Sections 3.1 (Aesthetics and Urban Design), 3.3 (Air Quality), 3.4 (Biological Resources), 3.6 (Cultural Resources and Tribal Cultural Resources), and 3.12 (Noise) and implementation of the required mitigation measures within the Draft Mitigated Negative Declaration would reduce potential significant impacts. These measures include: (AES-1 through AES-3) regulating light trespass, including an operating mechanism for electronic billboard malfunctions or failures, conducting a third-party test for the installed electronic billboard, (AQ-1) demonstrating that the electronic billboard would not exceed Ventura County Air Pollution Control District thresholds of significance, (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting protocol focused survey for least Bell's vireo, and (CUL-1 through CUL-3) monitoring and collecting, if necessary, any discovered historical, archaeological, paleontological, and tribal cultural resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining substantial impacts would occur. These mitigations will be applicable to any future projects developed under the Ordinance.

The MND was available for public review from June 30, 2022, and ended on July 29, 2022. The City of Oxnard received five comment letters on the Draft MND. The comment letters and responses to each comment have been prepared and included in the Final IS/MND. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

KEY PROJECT CONCERNS

<u>Lighting Impacts on Residential Properties</u>
Concerns were raised by Commissioners and members of the public regarding lighting impacts on residential properties. Despite the MND determination that a 100' distance from a billboard to a residential project had a negligible increase in lighting, the Commission recommended increasing the minimum required residential setback from 100 feet to 250 feet. This was also partially in response to a comment provided by the County of Ventura (County), which recommended a 200-foot setback. However, the County comments provided no reasoning or analysis to support the change other than citing another jurisdiction. City staff reviewed the other jurisdiction's ordinance, cited by the County comment letter, and found that it does not include the specific lighting restrictions contained in the proposed Ordinance and required environmental mitigations, which are intended to minimize lighting levels, and impacts on residentially zoned property. Therefore, simply comparing the required residential setback without accounting for the other requirements is inappropriate, as the lighting impacts at those distances may be significantly different. As drafted, the Ordinance builds in standards that in combination with the mitigation measures reduce lighting impacts to less than significant at 100' from residential projects.

City Staff and the City's CEQA consultant prepared the MND, which analyzed lighting impact on any residential properties, including any residentially zoned property in the City and the County. The MND found that subject to the proposed Ordinance and required mitigation measures, there would not be a significant lighting impact based on the recommendations from the International Commission on Illuminance. Pursuant to the proposed Ordinance and Mitigation

Measures, the maximum allowable increase in illumination at any residentially zoned property would be 0.5 footcandles. These signs are oriented towards the freeway and include directionally oriented louvers to direct the lighting toward the freeway. Given the directional nature of the signs and the requirements of the proposed ordinance and mitigation measures, the maximum illumination in the direction of a residential zoned property is 0.2 footcandles at approximately 100 feet, based on lighting studies. While the specific number at any residentially zoned property may vary, at no time may it exceed 0.5 footcandles. This is significantly below the City adopted lighting requirements, which require projects be illuminated to a level of 1-7 footcandles throughout a project. Therefore, any additional lighting generated by the billboard would be negligible. Lastly, the proposed 100-foot setback is consistent with the City's previous approval of the Collection electronic sign, which is approximately 110 feet away from residentially zoned property.

Traffic Safety

Concerns were raised by some of the Commissioners regarding traffic safety. As the billboards are oriented to be viewed from the adjacent freeway, views from other adjacent streets would be minimal. However, as it relates to U.S. 101, any billboards developed under the proposed Ordinance are required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. These regulations ensure that the signs are constructed, operated, and maintained in a manner that would not adversely affect the vision of drivers on the highway. Per the California Department of Transportation (Caltrans) website for Outdoor Advertising, Caltrans "regulates the placement of outdoor advertising (ODA) displays visible from California highways. Caltrans performs regular reviews of freeways and highways identified on the National Highway System to enforce outdoor advertising requirements under the Federal Highway Beautification Act and the State's Outdoor Advertising Act." Therefore, each sign constructed under the proposed ordinance would require a permit from Caltrans. With the inclusion of the State regulation in the ordinance and the requirement for a permit from Caltrans, each individual electronic billboard would not substantially increase hazards to drivers along U.S. 101, and less than significant impacts would occur. A comment letter was provided by the California Highway Patrol (CHP), which included statements claiming that signs result in increased traffic collisions; however, the claims were unsupported. Caltrans also submitted a comment letter during the public review period for the MND. Caltrans did not raise any concerns regarding the proposed Ordinance as long as the individual signs obtained the appropriate local and state permits. As Caltrans is the agency responsible for highway safety and allows for electronic billboards throughout the State, the City finds that subject to compliance with State and local regulations, there would not be any significant impacts related to traffic safety.

Visual Impacts

Concerns were raised by some of the Commissioners regarding overall visual impacts primarily related to the overall number of billboards as well as the proximity of the billboards. As a result, the Commission recommended that the maximum number of billboards be reduced from five (5) to three (3) and increased the minimum distances between the billboards from 2,000 feet to 2,500 feet. Following the Commission hearing, staff amended the maximum number of allowed billboards from 5 to 4, to be consistent with the ENAs. The ordinance would only allow the proposed billboards within the U.S. 101 corridor, which is generally characterized by urban or high-density development, as well as other similar large scale signage such as the existing Auto Center, Collection, and Esplanade signs. In addition to these signs there are numerous larger illuminated freeway signs, including electronic ones, along the corridor. The allowance of these new sign types would be consistent with the overall nature of the corridor. Lastly, the height of the signs are intentionally measured from the adjacent freeway grade. This form of measurement is used to ensure a consistent maximum height as viewed from the Freeway, due to portions of the freeway which are significant above or below the adjacent grade. This method of measurement is consistent with other freeway oriented billboard ordinances and will ensure a consistent view of the signs as people travel along the Highway.

While the proposed Ordinance would allow for up to four (4) billboards, each billboard would be subject to approval by both the Commission and City Council. Therefore, while the proposed Ordinance provides the flexibility to allow up to four, the City would not be obligated to allow for four billboards should the decision maker decide not to approve that number of signs. The State regulation requires that freeway-oriented billboards be separated by at least 1,000 feet. As originally drafted, the proposed ordinance required that any proposed billboards be separated by at least 2,000 feet. Aesthetic impacts, including impacts on views, were analyzed as part of the environmental analysis. The analysis determined that with the limit on the number of signs, the already increased separation requirement, and the commercial nature of the existing corridor, the proposed Ordinance would not have a significant visual impact. Lastly, as previously mentioned, the ordinance only establishes the minimum separation requirements. As City Staff, Commission, and City Council review proposals for each sign, the City can require additional increased distance due to site-specific concerns.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

The proposed Ordinance would allow for the development of Freeway Adjacent Digital Display Billboards, which are required to provide a public benefit to the City. Separate Public Hearings on the subject City Council agenda include Special Use Permits (SUPs) and their associated Development Agreements for two proposed Freeway Adjacent Digital Billboards. The Development Agreement is the mechanism to receive public benefits. If Council approves the subject Ordinance, Council will consider the associated SUPs, environmental documents, and Development Agreements. Those staff reports discuss the specific fiscal impacts; however, in summary, the Applicant would pay to the City thirty percent of the Annual Net Revenue, with a minimum guarantee of $150,000 per year per sign. This would equal a range of approximately $4.5M - $8.4M per sign ($9M- 16.8M if both signs are approved) over the thirty year term of the Development Agreements.

COMMITTEE OUTCOME

This is a Public Hearing and was reviewed by the Commission; therefore this item did not originate in Committee.

During the Commission's public hearing on January 19, 2023, Commissioners asked a series of questions as a result of staff's presentation. Five public comment letters/emails were received prior to the meeting, and one verbal comment was provided during the public comment period on Ordinance (PZ 20-580-06). The questions and comments were generally in regard to the impacts on views, lighting, and traffic safety. Following Commission deliberation, a motion was made and seconded to modify the proposed Ordinance as described in the Executive Summary section of this report. The January 19, 2023 Planning Commission meeting can be viewed online at the following link: https://www.youtube.com/watch?v=DIS7Q-hYfgg.

This motion carried 3 (in favor) - 2 (against), with two commissioners absent.

Attachment 5 reflects the Commission's recommended Ordinance to City Council, with the exception of increasing the distance from the freeway from 400 feet to 500 feet. This increased distance increases the area where billboards would be allowed, which is inconsistent with the current environmental analysis, and is therefore not included in the draft Ordinance. The Commission's recommended action would still allow for Freeway Adjacent Digital Display Billboards; however the areas in which they could be allowed would be very limited and the two on the subject Council agenda could not be permitted.

Prepared by: Joe Pearson II, AICP, Planning & Environmental Services Manager

ATTACHMENTS

1. Planning Commission Staff Report Materials dated 1_19_2023 and PC Public Comments
2. Final IS-MND_Billboard Ordinance_Final (22-01)
3. Resolution Adopting Mitigated Negative Declaration (MND) 22-01
4. Ordinance Approving PZ Permit No. 20-580-06 (Ordinance Amendment)
5. Ordinance Approving PZ Permit No. 20-580-06 (Ordinance Amendment)
6. Staff Presentation

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Joe Pearson II, Planning Manager

DATE: January 19, 2023

SUBJECT: **Project Name: Freeway Adjacent Digital Display Billboards Ordinance**; Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment); The project location is the entire City of Oxnard, consisting of all areas within the City limit.

1) **Recommendation:** That the Planning Commission ("**Commission**"):
   - **a)** Adopt Resolution 2023-XX recommending that the City Council adopt a Mitigated Negative Declaration (MND) 22-01; and
   - **b)** Adopt Resolution 2023-XX recommending that the City Council approve Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment).

2) **Project Description and Applicant:** The proposed project includes a request for amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The installation and operation of individual electronic billboards would require approval of a Special Use Permit and Development Agreement. No Freeway Adjacent Digital Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display or 80 feet to the top of the sign. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of five (5) allowed in the City.

   The request includes adoption of the proposed Final Initial Study/Mitigated Negative Declaration (IS-MND) and adoption of the Mitigation Monitoring and Reporting Program (MMRP) which has been prepared pursuant to provisions of the California Environmental Quality Act (CEQA) Guidelines, Section 15063. For purposes of CEQA compliance, the City of Oxnard is identified as the Lead Agency for this Project. The Lead Agency is responsible for preparing this IS-MND in accordance with CEQA and the CEQA Guidelines. The IS-MND identifies and discusses potential impacts, mitigation measures, monitoring

requirements, and residual impacts for identified subject areas. As mandated by the CEQA Guidelines, the IS-MND has been subject to the City's internal review process and reflects the Lead Agency's independent review and judgment and objectivity with regard to the scope, content, and adequacy of analysis. Filed by the City of Oxnard, 214 S C Street, Oxnard, CA 93030 (the "Applicant").

3) **Background Information:**

a) On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites. Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties. On November 17, 2020 Council amended the ENAs to allow for an additional 6 months (until June 2021), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties. On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties. To allow for these and other potential signs in the future the City is proceeding with the proposed Project.

b) The City currently allows for billboards in the form of Off-site advertising signs throughout the City in General Commercial (C-2), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), Light Manufacturing (M-1), and Heavy Manufacturing (M-2) zones pursuant to OCC 16-608. Under the proposed ordinance the Freeway Adjacent Digital Display Billboards, would be regulated separately from the Off-site advertising signs. The allowance of Freeway Adjacent Digital Display Billboards, is much more limited, as they are only allowed within 400 feet of the U.S. Highway 101 and only on City owned property. Similar to the Off-site advertising signs these signs would only be allowed within commercially zoned property. In addition to the existing off-site advertising signs the City has previously allowed two digital signs at the Collection and the Oxnard Auto Center. These signs are generally limited to the display of businesses located with the Collection or the Oxnard Auto Center. They were both permitted under their respective Specific Plans, therefore no additional signage would be allowed without changes to the Specific Plans.

4) **Environmental Determination:** Pursuant to the California Environmental Quality Act (CEQA) Section 15060, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts

associated with aesthetics (lighting), air quality, biological resources, cultural resources and tribal cultural resources, and noise. Mitigation measures have been required to reduce each potentially significant impact to less than significant. Compliance with State law and the General Plan goals and policies identified within Sections 3.1 (Aesthetics and Urban Design), 3.3 (Air Quality), 3.4 (Biological Resources), 3.6 (Cultural Resources and Tribal Cultural Resources), and 3.12 (Noise) and implementation of the required mitigation measures within the Draft Mitigated Negative Declaration would reduce potential significant impacts. These measures include: (AES-1 through AES-3) regulating light trespass, including an operating mechanism for electronic billboard malfunctions or failures, conducting a third party test for the installed electronic billboard, (AQ-1) demonstrating that the electronic billboard would not exceed Ventura County Air Pollution Control District thresholds of significance, (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting protocol focused survey for least Bell's vireo, and (CUL-1 through CUL-3) monitoring and collecting, if necessary, any discovered historical, archaeological, paleontological, and tribal cultural resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur.

The MND was available for public review from June 30, 2022, and ended on July 29, 2022. The City of Oxnard received five comment letters on the Draft MND. The comment letters and responses to each comment have been prepared and included in the Final IS/MND. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

With the inclusion of the mitigations for the areas noted above, the Project will not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration (MND) was prepared with mitigation measures and monitoring program in accordance with the provisions of CEQA (Attachment C).

5) Project Analysis:

a) ***General Discussion:*** Pursuant to Oxnard City Code (OCC) Section 2-95, the Planning Commission is an advisory body which provides land use recommendations to the City Council on items such as General Plan Amendments, Specific Plans, Ordinance Amendments and Development Agreements. The Planning Commission is the decision maker for Special Use Permit pursuant to OCC Section 16-531.

The proposed project includes a request for amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard.

The installation and operation of individual electronic billboards will require approval of a Special Use Permit and Development Agreement. The specific limitations of the

Freeway Adjacent Digital Display Billboards are as follows:

- Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway and no more than five (5) are allowed within the City.

- No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel.

- The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display.

- The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width. Each billboard shall be separated from every other billboard by at least 2,000 feet.

- All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings.

- Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.

- All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

- A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

- The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

- In approving a Development Agreement for any Freeway Adjacent Digital

Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public.

b) ***General Plan Consistency:*** Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The proposed Project does not conflict with General Plan land use, goals and policies. The project's consistency review with General Plan policies is included as Attachment B. The proposed Project has been determined to be consistent with the General Plan.

c) ***State Regulations:*** The proposed billboards are required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. These regulations are intended to ensure that the signs are constructed, operated, and maintained in a manner that would not adversely affect the vision of drivers upon the highway. Also, Caltrans regulates the placement of outdoor advertising displays visible from California highways, therefore each sign constructed under the proposed ordinance would require an outdoor Advertising (ODA) License from Caltrans. With the inclusion of the State regulation in the ordinance and the requirement for a permit from Caltrans, the each individual electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur.

6) Community Workshop and Public Input: A Community Workshop was held on December 20, 2021 for two proposed signs along River Park Boulevard and Ventura Road. Public notice signs were posted onsite. Notifications were mailed to the RiverPark Neighborhood. Approximately 2,000 notices were mailed. The meeting was held online. Eight members of the community attended this meeting, and two people spoke on the items. The video from the online workshop was also posted on the City's website for members of the public to view separately. The primary concern identified at the Community Workshop was related to general allowance of electronic billboards and lighting impacts. Future signs developed under this ordinance would be subject to the City Community Workshop requirements, as applicable. Also, along with the public review period for the MND, a notice was posted in the newspaper and sent to state and local agencies, as well as interested parties. As noted above comments from the public review period have been included in the response to comments.

Consistent with public noticing requirements, the Planning Commission hearing was advertised in the local newspaper.

7) Appeal Procedure: The action of the Planning Commission on the Ordinance Amendment is a recommendation of either approval or denial to the City Council.

Attachments:

A. Final IS-MND (December 2022)
B. General Plan Consistency Chart

C. Draft Planning Commission Resolution Recommending Adoption of Mitigated Negative Declaration (MND) 22-01
D. Draft Planning Commission Resolution Recommending Approval of PZ Permit No. 20-580-06 (Zoning Text Amendment)
E. Staff Presentation

ATTACHMENT B - City of Oxnard 2030 General Plan Consistency Analysis

Freeway Adjacent Digital Display Billboards Ordinance

January 19, 2023 Planning Commission

Level I: Direct Applicability to a Proposed Policy, Project or Program
Level II: Related or Indirect Applicability to the Proposed Policy, Project, or Program
Level III: No or Distance Applicability to the Proposed Policy, Project, or Program.
All polices not listed are designated as Level III are deemed consistent with the 2030 General Plan.

General Plan Chapter Abbreviations	Chapter:
SC: Sustainable Community	2
CD: Community Development	3
ICS: Infrastructure and Community Services	4
ER: Environmental Resources	5
SH: Safety and Hazards	6
MC: Military Compatibility	7
HE: 2021-2029 Housing Element	8

2030 General Plan		Level I	Level II	Rationale
Policy CD-3.1	***Neighborhood Preservation*** Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses as determined through environmental review and/or determination by the Planning Commission.	X		The ordinance would only allow the proposed signs within the U.S. Highway 101 corridor, which is generally characterized by urban or high density development, as well as other similar large scale signage such as the existing auto center, collection, and esplanade signs. In addition to these signs there are numerous larger freeway signs along the corridor. The allowance of these new sign types would be consistent with the overall nature of the corridor. Where signage would abut existing development, mitigation has been incorporated, in particular lighting mitigation, which would mitigate impacts on existing development. These include separation requirements from residential uses and limitations on illumination
Policy CD-4.1	***Mitigate Land Use Conflicts*** Mitigate conflicts between commercial and other land uses, especially residential and recreational uses***.***	X		

				levels which would require applicants to demonstrate that light trespass illuminance of 0.5 fc or greater for urban areas and 0.2 fc or greater for natural areas is not exceeded. With the implementation of these measures we can anticipate that future potential conflicts would be mitigated. Also, in addition to these existing mitigations, future projects would be subject to a site specific analysis, which may produce additional mitigations, if warranted.
Policy CD-8.5	***Impact Mitigation*** Ensure that new development avoids or mitigates impacts on air quality, traffic congestion, noise, and environmental resources to the maximum extent feasible.	X		All mitigation measures from the MND will be included as conditions of approval on future developments. Future projects would be subject to a site specific analysis which would ensure mitigation of any impacts to the maximum extent feasible.
Policy CD-9.1	***Neighborhood Identity*** Recognize, preserve, and improve the visual identity and character of existing neighborhoods. Infill development shall respect historic structures and be of compatible scale and character with historic areas**.**		X	The proposed site is located within a designated Urban Village which contains other urban uses compatible with large scale advertisement. Also, as the sign is located along the U.S. Highway 101 corridor which contains other similar signage including the Collection sign, the Auto Center sign, and the Esplanade sign as well as large freeway informational signs. As a result, the new proposed sign type would be consistent with the existing neighborhood character.
Policy CD-9.3	***Gateway Enhancement*** Designate major entryways as gateways into the City. The City shall use landscaping, decorative lighting, signage and/or other streetscape design techniques to enhance the City's identity, sense of place, and provide visual emphasis to the streetscapes to the City.		X	As proposed the signs would be limited to a total of 5 maximum and they are required to be at least 2,000 apart from each other. Given these limitations, the development of the signs would not have a significant impact on the overall view corridor. The development of these signs will not preclude the development of gateway enhancement efforts, particularly as people exit the highway and enter into the City.

Policy CD-9.4	***View Corridor Preservation*** Ensure all public and private investments positively contribute to the overall character of the City by minimizing impacts on important view corridors by creating edge treatments along greenbelt areas and a landscaped buffer corridor of at least 30 feet along designated scenic corridors and other major transportation corridors.		X	
Policy CD-11.3	***Protect and Enhance Cultural Resources*** Ensure that new public and private investment protects and enhances Oxnard's existing cultural resources, traditional neighborhoods, and historic districts, to the extent feasible.		X	The project includes mitigations, which have been included in the conditions, to protect potential cultural resources. Future projects would be subject to a site specific analysis which would ensure mitigation of any impacts to the maximum extent feasible.

Policy ER-1.1	***Protect Oxnard's Natural and Cultural Resources*** Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.	X		Due to the possible placement of signs near sensitive resources, such as the Santa Clara River, mitigations have been incorporated. The illuminance impacts on natural areas were based on recommendations from the International Commission on Illumination (CIE). The CIE identifies impacts on natural areas as an illuminance of 0.2 foot-candle (fc) or greater (CIE, 2003). Therefore, a significant light impact on adjacent natural areas and associated species would occur if light levels are 0.2 fc or greater. Lastly, with regard to construction noise impacts. Mitigations have been incorporated to require pre construction nesting bird surveys if construction takes place during nesting season.
Policy ER-2.2	***Designation and Protection of Sensitive Habitat Areas*** Evaluate existing and potential sensitive habitat areas (Environmentally Sensitive Habitat Area in the Coastal Zone – ESHA) as resource protection or open space land uses, including but not limited to: 1) Ormond Beach wetlands and upland areas, 2) Santa Clara River estuary and riverbed, 3) Edison Canal and harbor-related habitat areas, and 4) various dune habitat areas.	X		

Policy ER-2.4	***Design Review Process*** Use the environmental and design review process to protect designated sensitive habitat, and promote open space.	X		
Policy ER-3.1	***Preservation of Riparian Habitat*** Require the preservation and enhancement of the riparian habitat along the Santa Clara River, Edison Canal, the McGrath Lake vicinity, and within the Ormond Beach wetlands.		X	
Policy ER-3.2	***Review of Development Proposals*** Review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands and be open to requiring greater protection.	X		
Policy ER-4.5	***Planning in Sensitive Areas*** Require careful planning of new development in or near areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat.	X		
Policy ER-6.1	***Incorporate Views in New Development*** Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not significantly impede or disrupt them and ensure that important vistas and view corridors are enhanced. Require development to provide physical breaks to allow views into these vistas and view corridors.		X	This policy includes the incorporation of views in new development. This policy requires development to provide physical breaks to allow views into scenic vistas and view corridors. Future projects would generally include the development of mono pole structure with the elevated sign face, so there would be a minimal impact on views at the freeway level. However,future projects would be subject to a site specific analysis which would ensure mitigation of any impacts to the maximum extent feasible, including any possible visual impacts. Therefore, the Project would be consistent with this policy.
Policy ER-6.2	***Protect and Enhance Major Scenic Resources*** Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.	X		

Policy ER-6.5	***Control of Lighting and Glare*** Require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor light fixtures.	X		The proposed electronic billboard would require a California Department of Transportation Outdoor Advertising Act Permit from Caltrans. The proposed billboard would comply with the brightness requirements outlined in the Outdoor Advertising Act and the City regulations and mitigation, in that the illumination shall not be of such brilliance or so positioned as to cause a hazardous condition on adjacent highways.
Policy ER-11.1	***Archaeological Resource Surveys*** Continue to require a qualified archaeologist to perform a cultural resources study prior to project approval. Inspection for surface evidence of archaeological deposits, and archaeological monitoring during grading should be required in areas where significant cultural resources have been identified or are expected to occur.	X		Once future sites are determined a survey shall be completed, if one has not already been completed. Future projects would be subject to a site specific analysis which would ensure mitigation of any impacts to the maximum extent feasible.
Policy ER-11.2	***Mitigating the Impact of New Development on Cultural Resources*** Ensure that alternatives are considered, including planning construction to avoid archeological sites, deeding archaeological sites into permanent conservation easements, and planning parks, greenspace or other open space to incorporate archaeological sites in the event that development threatens significant archaeological resources.	X		
Policy ER-11.3	***Development Applicants to Conduct Research*** Continue to require project applicants to have a qualified archaeologist conduct a record search at the South Central Coast Information Center located at California State University Fullerton and other appropriate historical repositories, conduct field surveys where appropriate, and prepare technical reports, where appropriate, meeting California Office of		X	

	Historic Preservation Standards (Archaeological Resource Management Reports) prior to project approval.			
Policy ER-11.6	***Identification of Archaeological Resources*** In the event that archaeological/paleontological resources are discovered during site excavation, continue to require that grading and construction work on the project site is suspended until the significance of the features can be determined by a qualified archaeologist/paleontologist.	X		
Policy ER-14.12	***Use VCAPCD Air Quality Assessment Guidelines*** Use the VCAPCD Air Quality Assessment Guidelines and recommended analytical tools for determining and mitigating project air quality impacts and related thresholds of significance for use in environmental documents. The City shall continue to cooperate with the VCAPCD in the review of development proposals.		X	Project environmental analysis was prepared in compliance with APCD guidelines. Comments from APCD have been incorporated into the final IS/MND. Future projects would be subject to a site specific analysis which would ensure mitigation of any impacts to the maximum extent feasible.

Policy SH-1.1	***Minimize Liquefaction Risk*** Ensure that structures for human occupancy are only constructed or placed on a potential liquefaction site if the approved geological report shows that an acceptable hazard risk would be created and/or required mitigation measures are met.		X	The future projects would be developed in compliance with all applicable state and local building codes.
Policy SH-1.3	***Building Code Standards*** Require that all new buildings and alterations to existing buildings be built according to the seismic requirements adopted within the most current City of Oxnard Building Code, or its adopted equivalent.	X		

Policy SH-1.4	***Soil, Geologic, and Structural Evaluation Reports*** Require that adequate soils, and geologic and structural evaluation reports be prepared by registered soils engineers, engineering geologists, and/or structural engineers, as appropriate, for applicable development.	X		
Policy SH-1.5	***Required Geologic Reports*** Continue to require the submission of a geological report for proposed development located in a potential liquefaction area.		X	
Policy SH-1.7	***Soil Investigations*** Continue to require a complete site-specific soils investigation that addresses liquefaction and compressible soil characteristics and identifies construction techniques or other mitigation measures to prevent significant impacts upon the proposed development.		X	
Policy SH-1.8	***Mitigating Seismic Hazards*** Where necessary, utilize the expert mitigation measures such as those identified in Special Publication 117: Guidelines for Analyzing and Mitigating Seismic Hazards in California (prepared by the Southern California Earthquake Center) to minimize risk associated with seismic activity.		X	

ATTACHMENT
C

Planning Commission Resolution
Mitigated Negative Declaration (MND) 22-01

RESOLUTION NO. 2023-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL DENY MITIGATED NEGATIVE DECLARATION 22-01 TO AMEND OXNARD CITY CODE (OCC) CHAPTER 16 (ZONING CODE) PERTAINING TO THE PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS TO OCC CHAPTER 16, ARTICLE II, SECTIONS 16-596 (SIGN DEFINITIONS), SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES, SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS, AND SEC. 16-610. GENERAL RESTRICTIONS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 20-580-06, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to permitting Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The installation and operation of individual electronic billboards would require approval of a Special Use Permit and Development Agreement. No Freeway Adjacent Digital Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display or 80 feet to the top of the sign. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of five (5) allowed in the City. to OCC Chapter 16, Article II, Sections 16-596 (Sign Definitions), Sec. 16-608. Signs In General Commercial and Industrial Zones, Sec. 16-609. Freeway Adjacent Digital Display Billboards, and Sec. 16-610. General Restrictions ("Project"); and

WHEREAS, the City is the lead agency for purposes of the project pursuant to Public Resources Code section 21067; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, Pursuant to provisions of the California Environmental Quality Act and CEQA Guidelines, Section 15063, and following an Initial Study and environmental assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, the Planning Division has prepared a Mitigated Negative Declaration with mitigation measures and monitoring program in accordance with the provisions of CEQA, including, without limitation CEQA Guidelines Sections 15070, 15071, 15072, and 15073, which have been incorporated as conditions; and

WHEREAS, a Notice of Intent to Adopt an Initial Study and Draft Mitigated Negative Declaration (IS-MND) for the Project was published and posted on June 30, 2022, at the State Office of Planning and Research (OPR) website and at the Ventura County Recorder's Office pursuant to CEQA Guidelines Sections 15072 and 15073; and

WHEREAS, the public comment period on the DEIR ran for thirty (30) days commencing on June 30, 2022 and ending on July 29, 2022; and

WHEREAS, after the close of the comment period on the IS/MND, the IS/MND was modified as set forth in Chapter 4 of the Response to Comment document; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City has prepared Final IS/MND 22-01 containing all comments received on the Draft IS/MND 22-01, written responses to all substantive comments, and necessary changes to the text of the Draft IS/MND 22-01; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-01; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of the Final IS/MND 22-01; and

WHEREAS, the comments of the Commissioners, agencies, interested groups, and members of the public have received adequate responses; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion to Deny the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council deny an Final IS/MND 22-01, incorporated by reference:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Final IS/MND has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21189).

SECTION 3. The Final IS/MND was presented to the Planning Commission, which, at a hearing before the public, reviewed and considered the information contained in the Mitigated Negative Declaration/Initial Study prior to making a recommendation to the City Council regarding the Project and its associated development entitlements.

SECTION 4. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-01

prepared for the Project. The Final IS/MND 22-01 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-01 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

SECTION 5. The Planning Commission hereby recommends to the City Council the not adopt Final IS/MND 22-01, set forth attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole.

SECTION 6. The Planning Commission hereby recommends that the City Council approve the resolution denying Final IS/MND 22-01, attached to the January 19, 2023 Planning Commission staff report and incorporated by reference.

SECTION 7. The Secretary shall certify the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council adopt an Final IS/MND 22-01, attached to the staff report and incorporated by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of January, 2023, by the following vote:

_____
Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 19th day of January, 2023, and carried by the following vote:

AYES:	Commissioner(s):	Commissioners Chavez, Dr. Lopez, and Nash.
NOES:	Commissioner(s):	Chair Arruejo and Vice-Chair Stewart
ABSENT:	Commissioner(s):	Commissioners Connelly and Zielsdorf
ABSTAIN:	Commissioner(s):	
RECUSED:	Commissioner(s):	

_____
Joe Pearson II, Secretary

ATTACHMENT D

Draft Planning Commission Resolution Recommending Approval of PZ Permit No. 20-580-06 (Zoning Text Amendment)

RESOLUTION NO. 2023-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONE TEXT AMENDMENT NO. PZ 20-580-06 TO AMEND OXNARD CITY CODE (OCC) CHAPTER 16 (ZONING CODE) PERTAINING TO THE PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS TO OCC CHAPTER 16, ARTICLE II, SECTIONS 16-596 (SIGN DEFINITIONS), SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES, SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS, AND SEC. 16-610. GENERAL RESTRICTIONS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 20-580-06, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to permitting Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The installation and operation of individual electronic billboards would require approval of a Special Use Permit and Development Agreement. No Freeway Adjacent Digital Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display or 80 feet to the top of the sign. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of five (5) allowed in the City. to OCC Chapter 16, Article II, Sections 16-596 (Sign Definitions), Sec. 16-608. Signs In General Commercial and Industrial Zones, Sec. 16-609. Freeway Adjacent Digital Display Billboards, and Sec. 16-610. General Restrictions ("Project"); and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for a Zoning Text Amendment (PZ 20-580-06) in accordance with the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information and deliberated the merits of the Project. The Planning Commission voted to amend staff's recommended action to:

1. Allow for Freeway Adjacent Digital Display Billboards to be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within five hundred (500) feet of the freeway right-of-way for US Highway 101, instead of only four hundred (400) feet.

2. Decrease the maximum number of Freeway Adjacent Digital Display Billboards from five (5) to three (3).

3. Increase the separation between Freeway Adjacent Digital Display Billboards from 2000 feet to 2500 feet.

4. Increase the minimum required residential setback from one hundred (100) feet to two hundred and fifty (250) feet

5. Increase the minimum display time of each still image from eight (8) seconds to Twelve (12) seconds; and

WHEREAS, the Planning Commission finds that the proposed zone text amendment, as amended, serves the public interest and general welfare by encouraging the orderly development of electronic billboards which will provide a public benefit ot the City of Oxnard; and

WHEREAS, the proposed Zoning Text Amendment is in the public interest and reflects the input from residents, decision-makers, and other stakeholders in the community. There are no changes recommended under the proposed zoning text amendments, as amended, that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by establishing regulations related to the siting, permitting, and operation of Freeway Adjacent Digital Display Billboards within the City of Oxnard; and

WHEREAS, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND

would reduce potential significant impacts. These measures include: (AES-1 through AES-3) regulating light trespass, including an operating mechanism for electronic billboard malfunctions or failures, conducting a third party test for the installed electronic billboard, (AQ-1) demonstrating that the electronic billboard would not exceed Ventura County Air Pollution Control District thresholds of significance, (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting protocol focused survey for least Bell's vireo, and (CUL-1 through CUL-3) monitoring and collecting, if necessary, any discovered historical, archaeological, paleontological, and tribal cultural resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-01 prepared for the Project. The Final IS/MND 22-01 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-01 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, the Commission considered Final IS/MND 22-01 prior to making recommendations on the Project; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the proposed ZTA is consistent with the 2030 General Plan; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC, herein attached as Exhibit 1, would establish specific provisions consistent with the 2030 General Plan; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance attached hereto as Exhibit 1.

SECTION 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Resolution.

SECTION 2. In recommending adoption of this ordinance for the text amendment to allow for the billboards, the Planning Commission finds and determines the project is in compliance with the California Environmental Quality Act because Final MND No. 22-01 was considered by the Planning Commission at the public hearing for the Development Agreement. The Final MND No. 22-01 was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code

§§ 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. With implementation of the MND No. 22-01 mitigation measures, there is no substantial evidence that the proposed project will have a significant effect upon the environment.

SECTION 3. The Planning Commission, based on the findings set forth herein, recommends that the City Council of the City of Oxnard adopt PZ No. 20-580-06 attached hereto as Exhibit 1 and incorporated herein by this reference to this Resolution.

SECTION 4. The Planning Commission hereby recommends that the City Council adopt the ordinance approving the ordinance amendment.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of January 2023 by the following vote:

_____
Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 19th day of January, 2023, and carried by the following vote:

AYES: Commissioners: Chair Arruejo, Vice-Chair Stewart, and Commissioner Chavez

NOES: Commissioners: Commissioners Dr. Lopez and Nash

ABSENT: Commissioners: Commissioners Connelly and Zielsdorf

ABSTAIN: Commissioners:

RECUSED: Commissioners:

_____
Joe Pearson II, Secretary

EXHIBIT A

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Section I. The following definitions in Section 16-596(A) of Division 1 of Article IX of the Oxnard City Code are hereby added or amended to read as follows (new text underlined; deletions in red strikethrough):

~~FLASHING SIGN~~ ANIMATED SIGN – Any sign ~~containing or illuminated by lights which are intermittently on and off, change in intensity, or create the illusion of flashing in any manner.~~ designed to attract attention through movement or the semblance of movement of the whole or any part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or any other method or device which suggests movement, but not including flags, banner signs, or Freeway Adjacent Digital Display Billboards.

DIGITAL DISPLAY - A sign face that displays images through the use of grid lights, cathode-ray projections, light-emitting diodes (LEDs), plasma screens, liquid-crystal displays (LCDs), fiber optics, or other electronic media or functionally equivalent technology.

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARD - A pole sign or changeable message sign, which features a Digital Display, erected and/or maintained for advertising, in whole or in part, a business, activity, service or product not sold or produced on the premises upon which the sign is placed, which is located in any parcel in a commercial, industrial, or public facilities zone within four hundred (400) feet of the freeway right-of-way for US Highway 101. This definition does not include an Outdoor Advertising Sign.

OUTDOOR ADVERTISING SIGN - Any sign painted on or affixed to any structure, or erected as a free-standing sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition includes such terms as "off-site sign" and "non-accessory sign." This definition does not include subdivision tract directional signs. This definition does not include a Freeway Adjacent Digital Display Billboard.

Section II. Section 16-608, subsection (G) of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES.

Only the following signs are permitted in the C-2, C-P-D, CBD, C-M, M-L, M-1, M-2, BRP and M-P-D zones, with or without planned development additive zones:

[. . .]

(G) Off-site advertising signs with no Digital Displays, also known as Outdoor Advertising Signs~~billboards and outdoor advertising~~, where conditionally permitted by this ~~chapter~~ Article IX, may be approved, subject to the ~~following provisions~~ requirements below. This subsection (G) does not apply to Freeway Adjacent Digital Display Billboards, which are governed by Section 16-609.

[. . .]

(K) Freeway Adjacent Digital Display Billboards shall be permitted as provided in Section 16-609.

Section III. Section 16-609 of Division 3, of Article IX of the Oxnard City Code is hereby added to read as follows (new text underlined):

SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS.

(A) Before a Freeway Adjacent Digital Display Billboard may be installed within the City, the applicant must first obtain a Special Use Permit (SUP) granted in accordance with Sections 16-530 to 16-553 and enter into a statutory Development Agreement with the City that addresses the terms and conditions of any approved Freeway Adjacent Digital Display Billboard, including but not limited to message cycling, light intensity, and any annual payments, if any, to be paid to the City. Both the SUP and the Development Agreement are subject to the approval of the City Council, following a recommendation by the Commission.

(B) In addition to the findings required by the Oxnard City Code for granting a SUP, Freeway Adjacent Digital Display Billboards approved pursuant to this Section 16-609 shall be subject to the following limitations:

1. **Location**. Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within five hundred (500) feet of the freeway right-of-way for US Highway 101. The total number of Freeway Adjacent Digital Display Billboard shall not exceed a total of three (3) within the City.

2. **Distance from residential uses**. No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 250 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.

3. **Height**. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display

Billboard shall not exceed eighty (80) feet as measured from the pavement level of US Highway 101.

4. **Size and Spacing**. The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width, with the area of each face not to exceed an overall maximum amount of eight hundred and fifty (850) square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,500 feet.

5. **Design.** All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

6. **Orientation**. Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.

7. **Brightness**. All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

8. **Display cycle**. A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least twelve (12) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

9. **Compliance with law**. The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 *et seq.*), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

10. **Required Finding of Public benefit**. In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public. Such public benefits may include, without limitation, the removal of legal non-conforming

billboards, advertising of City events and public service announcements, and/or annual financial contributions to the City.

11. **Required Findings**. In addition to the finding required for granting a SUP under section 16-531, in approving a Special Use Permit for a Freeway Adjacent Digital Display Billboard, the decision maker must also find that it:

    a. Complies with the requirements of Section 16-609 and this Chapter;

    b. Will not create a significant traffic or other public safety hazard;

    c. Will be of appropriate size, scale, and design for the area in which it will be located; and

    d. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

Section IV. Section 16-610 of Division 4, of Article IX of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-610. GENERAL RESTRICTIONS.

(A) General requirements and limitations for signs in all zones, except Freeway Adjacent Digital Display Billboards which are governed exclusively by Section 16-609, are as follows: [. . .]

ATTACHMENT E

Staff Presentation

Freeway Adjacent Digital Display Billboards Ordinance

Planning & Zoning Permit No. 20-580-06 (Ordinance Amendment)

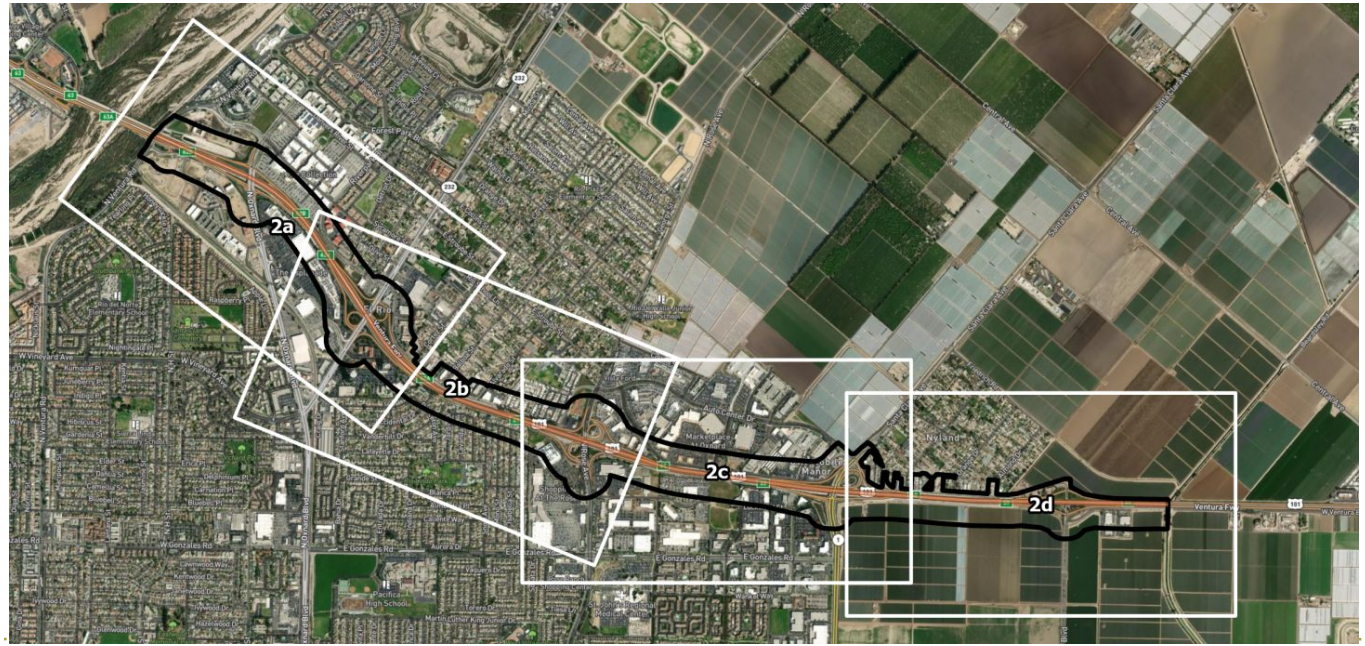
Joe Pearson II, Planning Manager

Planning Commission
January 19, 2023

CITY OF OXNARD CALIFORNIA

Project Description

- A request to allow for amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard.



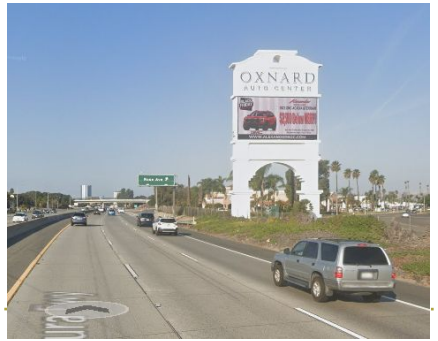
Background - Exclusive Negotiation Agreements (ENA)

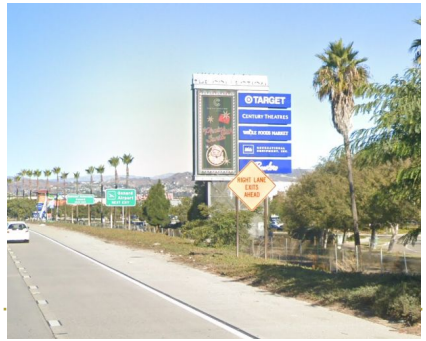
- On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites.
- Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties.
- On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties.

Background - Existing Billboard Regulations

- The City currently allows for billboards in the form of Off-site advertising signs throughout the City in General Commercial (C-2), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), Light Manufacturing (M-1), and Heavy Manufacturing (M-2) zones pursuant to OCC 16-608.
- In addition to the existing off-site advertising signs the City has previously allowed two digital signs at the Collection and the Oxnard Auto Center. These signs are generally limited to the display of businesses located with the Collection or the Oxnard Auto Center. They were both permitted under their respective Specific Plans.









Proposed Ordinance

- Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway and no more than five (5) are allowed within the City.
- No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel.
- The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display.
- The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width. Each billboard shall be separated from every other billboard by at least 2,000 feet.

Proposed Ordinance (Cont.)

- All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings.
- Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.
- All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.
- A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

Proposed Ordinance (Cont.)

- The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.
- In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public.

Applicable General Plan Policies

- Many policies are directly or indirectly applicable to the proposed project. Some of the key policies are:
  - Community Development Policy 3.1& 4.1 - Land Use Conflicts
  - Community Development Policy 9.1, 9.3, & 9.4 - Neighborhood Identity Gateway Enhancement/View Corridor Preservation
  - Environmental Resource Policies 6.1, 6.2, and 6.5 - Views in New Development/Scenic Resources, Lighting and Glare
  - Community Development Policy 8.5 - Impact Mitigation

Environmental Review

- An environmental consultant, under the supervision of Planning Division staff, prepared IS/MND which evaluated potential environmental impacts of the proposed Project. The IS/MND was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

- City prepared a Mitigated Negative Declaration (MND):
  a. MND review period for 30 days (30 days required)
  b. City received four comment letters
  c. Comments and responses included in MND
  d. Changes made to Draft MND for Final MND based on comments

- Final IS/MND includes a Mitigation Monitoring and Reporting Program:
  a. Details process to implement required mitigation measures
  b. After implementation of conditions and mitigation measures, all potentially significant impacts reduced to less than significant levels

Environmental Review

- Final IS/MND identified the following:
  - Class 2 impacts (potentially significant by mitigable, mitigation required)
    - Aesthetics
    - Air Quality
    - Biological Resources
    - Cultural and Tribal Cultural Resources
    - Noise
  - All other impact area were identified as Class 3 (less than significant)

- Staff determined that there is no substantial evidence that the Project will have a significant effect on the environment.

Public Notice

- Discussed at Community Workshop held on December 20, 2021
  - Public notice signs were posted onsite.
  - Notifications were mailed to the RiverPark Neighborhood.
- Notice of PC hearing was provided:
  - Newspaper

- To date, no public comments have been received.

Staff Recommendation

Recommendation: That the Planning Commission:

a) Adopt a resolution recommending that the City Council adopt a Mitigated Negative Declaration (MND) 22-01; and

b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment).

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Loera, Miriam <miriam.loera@oxnard.org>

[Ask Planning Action] Re: Digital Display Billboards Ordinance Agenda Item G.1 for Planning commission

1 message

'Don Barry' via Planning <planning@oxnard.org> Thu, Jan 19, 2023 at 2:58 PM
Reply-To: Don Barry <don.barry54@aol.com>
To: planning@oxnard.org

1-19-2023

Dear Planning Commission - Digital Display Billboards Ordinance Agenda Item G.1

I ask that the Planning Commission to carefully consider the purpose and intent of the Billboard ordinance. While the staff report's General Plan analysis concludes that because there are several existing billboards, two that include electronic digital signs, this then makes it compatible to add more electronic signage to an existing condition. Most local jurisdictions that I am familiar with in our part of southern central coast region, would not at all seek to add more and more signage, in fact, likely reduce what can be visual clutter and not at all an enhancement to the local community. Thus, the Planning Commission's technical recommendations to the City Council on this proposed ordinance is incredibly important on a serious land use matter.

While city staff clearly has spent significant analysis and time on this, working with consultants, what is not clear is the real benefit to the city of adding numerous large signs with nighttime glare and potential community impacts. How will these electronic signs, displaying what images and text, will foster public benefit? The example image shows what appears to be a "Hulu Streaming Service Commercial". This stretch of Highway 101 is our main gateway and showcases the image of our great city to region. How will numerous electronic signs in a mile or so corridor be positive to the city visitor? How will these signs be helpful to our residents? Nothing in the General Plan analysis provided direction or vision that the City, from a policy basis, is seeking this to be a signage corridor. That is a fundamental question the Planning Commission should consider and deliberate on if the new ordinance is warranted at all.

If the Planning Commission does determine that this is important to create billboards in this corridor of the city (which I hope you do not), then the Commission should carefully address the ordinance standards proposed. It is notable that the staff report and environmental review states that all illumination verification of a new sign happens well after the ordinance is approved and further, after a sign permit is approved and constructed. This is too late. The City of Ventura auto mall sign, the most recent digital sign in our region, was not at all received well by the nearby community of Montalvo. Our city needs to learn from this and take serious how to put in place provisions to lessen impacts. Therefore, I ask you Commission to consider more siting location limitations as well as specific light/glare control operational provisions to address the nighttime impacts that will impact the surrounding communities, where we continue to place more and more needed housing --- this signage will be in direct conflict. Please take my comments seriously as a voice of the community.

Thank you for your consideration. Thanks also to the Planning staff for the work that they do for our public consideration, documentation that fosters debate, and your Commission actions.

Sincerely,

Don Barry, Oxnard resident and homeowner, 22 years.

COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY
DAVE WARD, AICP
Planning Director

January 18, 2023

City of Oxnard Planning Commission
Council Chambers
305 West Third Street
Oxnard, CA 93030

SUBJECT: Response to Proposed Freeway Adjacent Digital Ordinance Display Billboards Ordinance Project, Riverpark Boulevard Electronic Billboard Project and Ventura Road Electronic Billboard Project (MND No. 22-01, MND No. 22-02, and MND No. 22-03)

Dear City of Oxnard Planning Commission,

Thank you for providing the Ventura County Planning Division (Planning Division) with the opportunity to comment regarding the Billboard projects that are planned to be heard by your Commission on January 19th, 2023 (MND No. 22-01, MND No. 22-02, and MND No. 22-03). The Planning Division submitted a comment letter addressing the three separate projects on July 29th, 2022, in response to the Mitigated Negative Declarations (MND). The Planning Division appreciates the efforts of the City in their response to comments and the changes that were made to the MND and proposed Billboard Ordinance. Specifically, we appreciate the response to comments about cumulative impacts and the ordinance changes to limit the maximum number of allowable billboards to five, along with clarification on how the height of the billboards is measured.

Approximately 30 percent of the total planning area for the proposed Billboard Ordinance is located adjacent to portions of the El Rio/ Del Norte and Nyeland Acres unincorporated communities. The Riverpark Boulevard Electronic Billboard project in specific would be located approximately 1,800 feet from residential development in the unincorporated community of El Rio, which is a designated disadvantaged community in the County's General Plan. The Ventura County General Plan Policy LU-17.2 directs the Planning Division to consider impacts and quality of life issues for residents[1]. This letter is intended to inform your Commission that the proposed Riverpark Boulevard Electronic Billboard and others that may be allowed under the ordinance could have direct and cumulative impacts on existing development and communities in the County's jurisdiction.

[1] General Plan Program LU-17.2, Siting of Uses: Within designated disadvantaged communities, the County shall consider environmental justice issues as they relate to potential health impacts associated with land use decisions to reduce the adverse health effects of hazardous materials, industrial activities, and other uses that may negatively impact health or quality of life for affected county residents.

Potential Visual Impacts

To address concerns with light pollution, light trespass and illuminance, specified standards and mitigation measures were discussed in the proposed Billboard Ordinance MND. However, there are still concerns with glare and light pollution, specifically in the evening with respect to the nearby residential communities. The proposed Billboard Ordinance requires projects to be tested for impacts after they are built and the MND did not evaluate potential impacts from public viewing locations such as public roadways in the unincorporated area of Ventura County, particularly the El Rio and Nyeland Acres communities.

Given that the visual impacts have not been tested and future siting locations are unknown, the Planning Division recommends that the City adopt the same or greater 200-foot setback requirement from residential zones (including unincorporated areas) as Los Angeles County, rather than the proposed 100-foot setback, to limit light spill onto residential communities.[2] In addition to a 200 foot setback, the Planning Division recommends that the ordinance include a standard that allows for billboard brightness to be adjusted accordingly and include an evening time shut off period.[3] With the 200 foot setback and these two additional operational measures, the City can still achieve the objective of the Billboard Ordinance with context-sensitivity to the surrounding residential communities.

In closing, thank you again for the opportunity to comment on the proposed Billboard Ordinance and the Riverpark and Ventura Boulevard proposed Electronic Billboard projects. The Planning Division appreciates the constructive coordination and positive working relationship with the City's Community Development Department. If you have any questions about this letter, please contact Joel Hayes at Joel.Hayes@ventura.org or 805.654.2834.

Sincerely,

Dave Ward, AICP I Planning Director
County of Ventura, Planning Division

[2] When assessing the distance from Digital Billboard Display's to residential parcels, Los Angeles County's zoning code, Section 22.114.070 prescribes standards for outdoor advertising signs, and states that such signs shall not be permitted within 200 feet of a residential zone located on the same side of the street or highway.

[3] The City of Ventura's Auto Center electronic billboard display is routinely turned off at 10 p.m. to mitigate light emittance and nuisance in the evening time.

CITY OF OXNARD CALIFORNIA

Pearson II, Joe <joe.pearson@oxnard.org>

Freeway Adjacent Digital Display Billboards Ordinance

1 message

Darron B <darronbaida@gmail.com> Wed, Jan 18, 2023 at 6:51 PM
To: "Pearson II, Joe" <joe.pearson@oxnard.org>

Mr. Pearson,
I would like to submit the following comments for tomorrow's meeting please:
The proposed electronic billboard proposed in MND No. 22-02 is located approximately 1,000 ft. from the nearest electronic billboard and therefore cannot be constructed under the draft ordnance revision which requires 2,000 ft. of separation. Please see attached image. I request it be shown at the meeting please.

The draft ordnance tied to these electronic billboards dismiss comments by the Ventura Sheriff and City of Ventura asserting concerns are "less than significant" without substantiation. The ordnance revision comment responses refer to this Mitigated Negative Declaration process as the avenue to address some key concerns. I request that all concerns brought forth in the Freeway Adjacent Digital Display Billboards Ordinance be adequately addressed and substantiated in writing by the proposer for each of the digital billboards being proposed. The answers and substantiation should be resubmitted for public review and evaluation. Specifically request explanation of why similar project mitigation measures are not required for each of these proposals such as: 10pm shut off curfew, 200 ft. setback from residential areas, brightness adjustment based on ambient lighting conditions.

As this project has continued for so long a time since initial public mailing, request that a new mailer be provided to all residences that would be affected by these signs. That should include all residents of Oxnard that are likely to use the 101 freeway and have their driving and traffic impacted by new distractions as well as surrounding cities and unincorporated areas of the county that are likely to pass oxnard on the 101 freeway and experience like impacts.

Request explanation of "substantial public benefit to the City and to the general public." for each of the proposed signs. Should it be assumed that this is net public benefit? Surely a single dollar paid in tax from a project that significantly degrades the city and traffic would not qualify under "substantial public benefit to the City and to the general public.", correct?

Thank you.
Darron Baida



Signage Location.png
1109K

CITY OF OXNARD CALIFORNIA

Loera, Miriam <miriam.loera@oxnard.org>

[Ask Planning Action] No to Digital Billboards

1 message

aurelio ocampo <ocampo76@hotmail.com> Mon, Jan 16, 2023 at 12:12 PM
To: "Planning@oxnard.org" <Planning@oxnard.org>
Cc: Gabriel Teran <gabeteran805@gmail.com>, Bert Perello <perellobert@gmail.com>

Dear Planning Commissioners,

As a long time Oxnard resident and business owner, and one who supports the urbanizing of certain areas while preserving others, I 100% oppose having more billboards, especially digital billboards along the 101 freeway in Oxnard.

Nothing says suburban monotony more than large oversized digital billboards. Admit it, we don't travel to other cities to visit places that look like every other place in the country. Places that are filled with oversized signage, 7-11gas corners, and advertising clutter are uninspiring and provide corporations a free-for-all advertising and spaces that make those areas look unatractive. You find these places EVERYWHERE. We like places that are unique and have a good sense of identity. In Ventura County, part of our identity is having preserved many of our natural spaces like farmland, rivers, mountains and beaches. At the same time, we are creating vibrant downtowns that support small businesses and developing new, walkable and livable neighborhoods.

Having more billboards will only put us along side other suburban place in the US. Not to mention the nightime light polution and visual clutter that we'll experience driving along the freeway. Ventura's new digital billboard is still a nuasance to me and feels out of place. As you drive down the 101 freeway there are some communities like Santa Barbara that have restrictions on billboards and those places feel more welcoming because they focus on better buildings and placemaking to lure people and business in. The lack of billboards or small storefront signs didn't stop me from visiting, it actually made me want to visit more.

The Collection's popularity and success had less to do with billboards and more to do with it's design being inspired by Urban planning with its walkable, single-laned streets and walkable sidewalks intersecting the storefronts that mimic a old-town feel, like a true mainstreet.

Let's bring business to Oxnard through Urbanization not suburbanization. Experiences and identity not monotony.

Aurelio Ocampo, Jr
Board Member, Congress for the New Urbanism, California Chapter
Member, Oxnard Community Planning Group
Founder, Friends of Campus Park
Oxnard Resident and Downtown Business Owner

CITY OF OXNARD CALIFORNIA

Loera, Miriam <miriam.loera@oxnard.org>

[Ask Planning Action] Billboards

1 message

Sonny Bignami <bignamiwork@gmail.com> Mon, Jan 16, 2023 at 9:34 AM
To: planning@oxnard.org

Good morning,

My name is Sonny Bignami and I am an Oxnard resident. I am emailing in regards to the Digital Billboard plan. Please do not add billboards, and please consider removing the current ones throughout the city as they are outdated, unattractive and a canvas for taggers and graffiti. In regards to the freeways, please consider landscaping, repainting brick walls one color after graffiti removal has caused for multi color and patchy looking walls, repainting or power washing bridges/overpasses, etc as I'm sure many people agree the city of Oxnard is deserving and in need. Billboards can be a distraction and aesthetically not the most appealing and are not a priority. Please make Oxnard beautiful - we cannot continue to just add lipstick on a pig. Driving through Camarillo, Thousand Oaks, Ventura there is so much greenery, no missing patches of plants, walls are not containing patches of mismatched paint, bridges are not dirty, etc. Thank you for your time and consideration and I hope to see new and important plans for the city. If you have any questions, I am reachable via email or by phone at (805) 427-4888.

Thank you,
Sonny Bignami

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

State Clearinghouse Number 2022060701

Prepared for
City of Oxnard
Community Development Department

October 2022

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

Prepared for

City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
805.385.8272

October 2022

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ESA

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Appendix

A Freeway Adjacent Digital Display Billboards Revised Draft Ordinance

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CHAPTER 1

Introduction

This Response to Comments document was prepared to respond to comments that were received on the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). The Final Initial Study/Mitigated Negative Declaration (Final IS/MND) consists of the Public Review Draft IS/MND and this Response to Comments document. The Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). Documents relating to this Final IS/MND were cited and incorporated. All documents are available for review at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

1.1 CEQA Requirements

Before the City of Oxnard may approve the project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the Oxnard City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis.

CEQA Guidelines Section 15074 states that prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. Therefore, the decision making body will be considering the following documents that constitute the Final IS/MND prior to making a decision on the project.

- The Public Review Draft IS/MND
- Response to Comment Document which includes:
  - Comments and recommendations received on the Public Review Draft IS/MND;
  - A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND;
  - The response of the Lead Agency to substantive environmental points raised in the review and consultation process.

This Response to Comments document for the Freeway Adjacent Digital Display Billboards Ordinance presents the following chapters:

- Chapter 1: Introduction – this chapter incudes an introduction to the Response to Comments and the CEQA process and requirements
- Chapter 2: Comment Letters – this chapter includes a list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND
- Chapter 3: Response to Comments – this chapter includes the written comments received on the Public Review Draft IS/MND as well as the written responses to each comment
- Chapter 4: Errata – this chapter includes any revisions made to the Public Review Draft IS/MND in response to comments received or initiated by the Lead Agency
- Chapter 5: Mitigation and Monitoring Program (MMRP) – this chapter includes a list of the mitigation measures, identification of the responsible implementation agency, agency responsible for monitoring, timing of implementation, and date of compliance for each mitigation measure

1.2 CEQA Process

Public Participation Process

Notice of Intent of the Public Review Draft IS/MND

The Notice of Intent (NOI) of the Public Review Draft IS/MND was posted on June 30, 2022 with the Ventura County Clerk Recorder. The Public Review Draft IS/MND was circulated for a 30-day public review until July 29, 2022. The NOI for the Public Review Draft IS/MND was circulated to state and local agencies and interested parties requesting a copy of the NOI. Copies of the Public Review Draft IS/MND were made available for review at the City of Oxnard Community Development Department located at 214 S. C Street, Oxnard, California, 93030 and at the Oxnard Public Library, 251 South "A" Street. The document was also available at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

Evaluation and Response to Comments

In accordance with Article 6 of the *CEQA Guidelines*, the City of Oxnard, as the Lead Agency, was required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. This Response to Comments document provides written responses to each comment received on the Public Review Draft IS/MND.

Final IS/MND Approval

As the Lead Agency, the City of Oxnard is required to determine the adequacy of the Final IS/MND (Public Review Draft IS/MND and Response to Comments). The City can adopt the Final IS/MND if they find on the basis of the whole record before it (including the Public Review Draft IS/MND and Response to Comments) that there is no substantial evidence that the project will have a significant effect on the environment and that the Final IS/MND reflects the City's independent judgment and analysis.

Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Oxnard will file a Notice of Determination (NOD) with the Ventura County Clerk Recorder within five working days of project approval.

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CHAPTER 2
Comment Letters

The Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) for the Freeway Adjacent Digital Display Billboards Ordinance was circulated for public review for 30 days (June 30, 2022 through July 29, 2022). The City of Oxnard received four comment letters from public agencies during the public review period, as listed in the table below. Each comment letter has been assigned an alphabetical designation (A through D). Each comment within each letter has been assigned a numerical designation so that each comment could be cross-referenced with an individual response. The comments and responses are provided in Chapter 3.

COMMENT LETTERS RECEIVED

Comment No.	Commenting Agency	Date of Comment
A	California Highway Patrol	July 27, 2022
B	Ventura County Air Pollution Control District	July 26, 2022
C	County of Ventura Resource Management Agency, Planning Division	July 29, 2022
D	California Department of Transportation	July 25, 2022

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CHAPTER 3
Responses to Comments

Following are the comment letters and the written responses to each of the comments that were received during the public review period of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). In some instances, in response to the comment, the City of Oxnard has made additions or deletions to the text of the Public Review Draft IS/MND; additions are included as <u>underlined text</u> and deletions are shown as ~~stricken text~~.

CITY OF OXNARD CALIFORNIA

Comment Letter A

Pearson II, Joe <joe.pearson@oxnard.org>

RE: Environmental Impact Report (SCH # 2022060701)

1 message

Primicerio, Jarod@CHP <JPrimicerio@chp.ca.gov> Wed, Jul 27, 2022 at 12:41 PM
To: "Joe.Pearson@Oxnard.org" <Joe.Pearson@oxnard.org>
Cc: CHP-701_AA_Desk <701_AA_Desk@chp.ca.gov>, CHP-EIR <EIR@chp.ca.gov>, "state.clearinghouse@opr.ca.gov" <state.clearinghouse@opr.ca.gov>

The California Highway Patrol's (CHP) Ventura Area office received an Environmental Impact Report (SCH # 2022060701) for a proposed digital billboard adjacent to the US-101 Freeway, located within the City of Oxnard. The CHP Ventura Area was requested to evaluate the proposal; specifically, in regard to the potential impact it may have on departmental operations, public safety, increased calls to the communications center/dispatch, increased response times, and traffic congestion.

This proposed digital billboard, coupled with the two additional proposed digital billboards (SCH # 2022060700 and SCH # 2022060706), all adjacent to the US-101 Freeway within the City of Oxnard, will likely cause a drastic increase to traffic congestion already severely impacted in the region. There are currently two digital billboards adjacent to the US-101 Freeway within the City of Oxnard, thus adding three additional, there would be a total of five digital billboards within less than a four mile stretch along this portion of the Freeway. The magnitude of the project may place a greater strain on limited public safety resources with an expected increase in vehicular traffic on US-101. A potential delay of emergency response due to extended response times places the public at risk. The potential increase in traffic may cause an increase in motor services, crashes, and injuries to motorists. Consequently, these incidents will cause an increase in calls to the CHP Ventura Communications Center and dispatchers. The proposed area is currently experiencing significant growth with the construction of retail and residential properties. The digital sign(s) will exacerbate the traffic congestion and may create long-term detrimental impact to the residents, visitors, and first responders within the Ventura Area. A-1

Should you have any questions, please contact Lieutenant Sergio Perez or myself at (805) 662-2640.

Sincerely,

Jarod Primicerio

CAPTAIN JAROD PRIMICERIO
CALIFORNIA HIGHWAY PATROL
VENTURA AREA
4656 VALENTINE ROAD
VENTURA , CA 93003
OFFICE (805) 662-2640

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Comment Letter A: California Highway Patrol – July 27, 2022

Comment A-1

The comment asserts that the proposed Freeway Adjacent Digital Display Billboards Ordinance along with the Riverpark Boulevard Electronic Billboard and Ventura Road Electronic Billboard could cause a drastic increase in traffic congestion along U.S. 101 within the City of Oxnard. The comment further states that the increase in traffic volumes and congestion on U.S. 101 would result in a potential delay on emergency response and could result in an increase in motor services, crashes, and injuries.

Response to Comment A-1

The implementation of future electronic billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance including the Riverpark Boulevard Electronic Billboard and the Ventura Road Electronic Billboard would not result in a substantial amount of traffic. As discussed in Section 3.15 a) of the Public Review Draft IS/MND, the construction of individual electronic billboards under the proposed Ordinance would generate a nominal number of construction vehicle trips for the activities to place at electronic billboard on an individual site. This nominal number of trips would not conflict with the circulation system and would result in less than significant impacts. In addition, long-term activities associated with the proposed Ordinance include periodic visits to each individual electronic billboard site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system.

The traffic volumes resulting from construction and operation of the individual billboards would result in a nominal amount of traffic and nominal effect on congestion. Furthermore, with a nominal effect on congestion, the individual billboards would result in less than significant potential for delaying emergency response and would result in less than significant increases in motor services, crashes, and injuries.

The congestion and safety concerns raised in this comment do not appear to be a direct result of implementing electronic billboards, but may result from cumulative development throughout the City of Oxnard. Because the Project would not result in an increase in daily or weekly operational traffic volumes, the Project would not contribute to potential cumulative traffic volume increases along U.S. 101 that would contribute to increases in motor services, crashes, and injuries to motorists.

As discussed in Section 3.15 c) in the Public Review Draft IS/MND, the proposed billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would be required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each

image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the individual electronic billboards would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur. Furthermore, the Project will require an Outdoor Advertising Act Permit from the California Department of Transportation to ensure that the proposed electronic billboard does not represent a danger to motorists traveling along U.S. 101.

Ventura County
Air Pollution
Control District

4567 Telephone Rd
Ventura, California 93003

tel 805/303-4005
fax 805/456-7797
www.vcapcd.org

Ali Reza Ghasemi, PE
Air Pollution Control Officer

Comment Letter B

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT

Memorandum

TO: Joe Pearson II, Sr. Planner, City of Oxnard DATE: July 26, 2022

FROM: Nicole Collazo, Air Quality Specialist, Planning Division

SUBJECT: Draft Mitigated Negative Declaration for the Freeway Adjacent Digital Display Billboards Ordinance (RMA 22-018)

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Freeway Adjacent Digital Display Billboards Ordinance project (project). The project proposes amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The Lead Agency is the City of Oxnard. APCD submits the following comments for the project's MND.

GENERAL COMMENTS B-1

Air Quality Section

1) Item a and b, Page 24-25. VCOG is no longer responsible for developing the AQMP. This is language contained in our 2003 Ventura County Air Quality Assessment Guidelines and no longer applies. The AQMP is developed by the APCD using SCAG's population growth forecasts in its air quality modeling and forecasting. We recommend amending this section. We also note that our 2022 AQMP is currently in development and scheduled to be adopted at the end of 2022.

2) Item c, Page 27. For future individual projects under this ordinance that undergo an environmental review, as indicated in Mitigation Measure AQ-1, applicable mitigation measures to reduce NOx and diesel particulate matter emissions is the use of Tier 3 and Tier 4 EPA diesel rating off-road construction equipment and on-road construction vehicle with an engine model year of 2010 or greater. B-2

Thank you for the opportunity to comment on the project's MND. If you have any questions, you may contact me at nicole@vcapcd.org.

Comment Letter B: Ventura County Air Pollution Control District – July 26, 2022

Comment B-1

This comment states that the Ventura Council of Governments (VCOG) no longer responsible for developing the Ventura County Air Quality Management Plan (VCAQMP) but Ventura County APCD is responsible.

Response to Comment B-1

The City of Oxnard thanks the Ventura County Air Pollution Control District for clarifying that the VCOG no longer provides forecasted regional population, housing, and employment for the VCAQMP.

The fourth sentence of the first paragraph on page 24 of the Public Review Draft IS/MND is revised as follows:

> VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

The second paragraph on page 24 and extending to page 25 of the Public Review Draft IS/MND is revised as follows:

> The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

Comment B-2

This comment states that applicable measures to reduce NOx and diesel particulate matter emissions is through the use of Tier 3 and Tier 4 EPA diesel rating off-road construction equipment and on-road construction vehicle with an engine model year of 2010 or greater.

Response to Comment B-2

The City of Oxnard thanks the Ventura County Air Pollution Control District for identifying potential measures to reduce NOx and diesel particulate matter emissions associated with

individual electronic billboards. As identified in Mitigation Measure AQ-1 on page 27 of the Public Review Draft IS/MND, each applicant of individual billboards proposed under the Freeway Adjacent Digital Display Billboards Ordinance will be required to demonstrate that construction and operational activities would not exceed the Ventura County Air Pollution Control District thresholds of significance of reactive organic compounds (ROG or VOC) as well as oxides of nitrogen (NOx). As stated in Section 3.3 c) on page 26 of the Public Review Draft IS/MND, the VCAPCD has not established mass emission significance thresholds for particulate matter (PM10 or PM 2.5). However, even though significance thresholds for particulate matter have not been established, construction activities related to the placement of a pole in the ground that would support an electronic billboard is expected to result in a nominal amount of particulate emissions.

COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY
DAVE WARD, AICP
Planning Director

Comment Letter C

July 29, 2022

Joe Pearson II, AICP
Community Development Department, Planning Division
City of Oxnard
214 South C Street
Oxnard, CA 93030

SUBJECT: Response to Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance, a Notice of Intent to Adopt the Proposed Riverpark Boulevard Electronic Billboard MND and the proposed Notice of Intent to Adopt the Ventura Road Electronic Billboard MND

Dear Joe Pearson,

Thank you for providing the Ventura County Planning Division with the opportunity to comment regarding the following Mitigated Negative Declarations:

1. City of Oxnard (City) Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance project (proposed ordinance).
2. City of Oxnard NOI to adopt an MND for the Ventura Road Electronic Billboard project
3. City of Oxnard NOI to adopt an MND for the Riverpark Boulevard Electronic Billboard project.

The proposed Freeway Adjacent Billboards ordinance would permit the siting of digital display billboards within 400 feet of the U.S. 101 right-of-way, on the City's property or in its right-of-way, and in non-residential zones. No digital display billboards may be sited less than 100 feet from the property line of any residential zoned parcel. The proposed development standards would limit billboards to a maximum face display area of 14 feet in height and 48 feet in width, require orientation primarily for viewing from the freeway, and the maximum height of the entire structure cannot exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of each display. Each digital display billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet. The permitting path process would be a Special Use Permit. Section 16-530 of the Oxnard Municipal Code describes that a Special Use Permit is authorized by the Planning Commission.

C-1

HALL OF ADMINISTRATION #1740
805-654-2481 • FAX 805-654-2509 • 800 South Victoria Avenue, Ventura, CA 93009 • vcrma.org

The County has calculated the distance of the proposed ordinance planning area in relationship with unincorporated area of the County. Calculating the stretch of Highway U.S. 101 from the easternmost portion of the proposed ordinance project area to the westernmost portion, the total length of the project area was estimated at 4.09 miles. Using this estimate, the total of length of unincorporated area in the ordinance planning area totaled approximately 1.3 miles or 30% of the total project planning area distance along the Highway U.S. 101. This calculation represents a significant portion of unincorporate area that may be impacted by the proposed ordinance, particularly along unincorporated areas of El Rio/ Del Norte and Nyeland Acres. C-1 (Cont)

The project area for the proposed ordinance is located adjacent to portions of the El Rio/ Del Norte and Nyeland Acres unincorporated communities. There are also two billboards proposed. The Riverpark Boulevard Electronic Billboard project would be located approximately 1,800 feet from an unincorporated zone for residential high-density development (RHD-20 du/ac). The Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed. Based on these circumstances, the proposed projects may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Since it is difficult to evaluate cumulative impacts due to the three separate MND's for these projects; prior to taking any action on the proposed projects, the City should consolidate its review of potential environmental impacts of the Ordinance MND, Ventura Road and RiverPark project MND's into one environmental analysis and document. Given that these projects are being processed concurrently, and the fact that Ventura Road and RiverPark projects cannot be adopted until the billboard ordinance is adopted, consolidation of the three MND's will enable to the County to understand direct, indirect and cumulative environmental impacts of the ordinance programmatic and billboard projects. C-2

The revised analysis should evaluate potential environmental impacts for the unincorporated areas adjacent to and in the vicinity of the proposed projects; , particularly residential areas in the El Rio/Del Norte and Nyeland Acres communities. Specific issue area to consider are neighborhood compatibility, scenic resources, and biological resource issues areas discussed below.

Impacts to Neighborhood Compatibility

The MNDs evaluate aesthetic impacts, and the Ordinance MND states that, "because specific electronic billboard projects are not known at this time, project-level environmental impacts cannot be assessed. As each individual electronic billboard project is proposed, a project level environmental evaluation will be required" (MND Chapter 3, Aesthetics and Urban Design). However, there are MNDs for two proposed billboards within the proposed ordinance planning area. As stated above, for adequate CEQA review, these projects should be combined onto one study and the projects should be processed in accordance with the proposed ordinance. C-3

The proposed ordinance should require projects to be designed to meet development standards that reduce or eliminate potential impacts without deferring to an evaluation for consistency with lighting and other standards until after the billboards are authorized and built. Please consider the following amendments to the draft ordinance to reduce potential impacts:

- Clarify that setback distances to residential zones also apply to unincorporated residential zones.
- Clarify how height is measured and require height to be measured from the adjacent average grade.
- Limit the number of billboards that can be sited within the planning area.
- Clarify how the ordinance will benefit disadvantaged communities.

C-3 (Cont)

Setbacks: The ordinance should be revised to consider residential zoned unincorporated properties located adjacent to the proposed ordinance planning area where electronic billboards could be sited (see circled areas in Figure 1 below). As drafted, the ordinance could allow billboards to be sited within a few feet of residential zones in the unincorporated area.

It would be helpful if the proposed Ordinance MND, Figures 2, 2b, and 2d accurately delineate unincorporated areas relative to the planning area. As of now, the program location areas do not display the difference between the separate jurisdictional boundaries, specifically the City of Oxnard and unincorporated community planning areas and therefore potential impacts cannot be adequately evaluated. The City should update the program location index images in the proposed ordinance MND to accurately reflect the location of planning area boundaries in relation to unincorporated County boundaries.

C-4

Height: As stated in the proposed Ordinance MND, the "maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display" (MND Page 9). The height standards of electronic billboards in the Ordinance MND should be clarified so the public can understand maximum heights of the billboards from the top of the billboard to ground level, as slope and topography changes will site billboards lower or higher in relation to adjacent land uses and cause impacts that were not evaluated in the Ordinance MND. For example, the proposed Riverpark Boulevard Electronic Billboard (MND No.22-03) has a proposed height of 80 feet measured from the top of the billboard to the ground. This height standard used in this specific proposal is more accurate than the method of measurement proposed in the ordinance and could be inconsistent with the ordinance. One method of measurement is needed that evaluates the maximum height as measured from the adjacent grade to the top of the billboard itself. The County requests that you please verify in the Response to Comments that the height in the ordinance for billboards will not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display for any proposed billboard projects. If this height assumption is inaccurate, please verify the maximum height that any billboard can be pursuant to the ordinance.

C-5

Limit the Number of Billboards: Another potential cumulative impact on unincorporated areas is there are no maximum quantity of allowable digital billboard displays identified in the proposed ordinance. As of now, the Ordinance MND makes no indication for a maximum allowable number throughout the entirety of the planning area. There should be calculations to understand the potential maximum number of digital display billboards, taking into consideration that they must be placed 2,000 feet away from one another. The proposed ordinance should include reference that existing digital display billboards must comply with the all development standards, including setbacks set forth in the Caltrans Outdoor Advertising Act and Regulations. C-6

Community Benefits: El Rio/ Del Norte and Nyeland Acres communities are identified in the County General Plan as designated disadvantaged communities. The City should take into consideration how the ordinance and billboards would affect these disadvantaged communities and update the Required Findings of Public Benefit section of the proposed Ordinance MND (page 10) to describe how public benefits will be provided to affected disadvantaged communities that could be adversely affected by the proliferation of digital display billboards. C-7

The City and digital display billboard applicants should also meet with the El Rio/ Del Norte Municipal Advisory Council to further clarify potential public benefits and impacts from the proposed ordinance and XX project and XX project . Furthermore, the El Rio/Del Norte Area Plan includes the following policy that encourages the City to present proposed ordinances and discretionary projects to the Council for review and comment (italics added for emphasis):

Policy, ED-21.1- Public Review Authority
The El Rio/Del Norte Municipal Advisory Council shall continue to be the Board of Supervisors' recognized public review group for the El Rio/Del Norte area. All County *and city applications for discretionary permit*s and all environmental documents for projects which would affect the El Rio/Del Norte area shall be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council as early in the process as possible. C-8

Scenic Resources
To address concerns with light pollution, light trespass illuminance standards were discussed in the proposed Ordnance MND. However, there are still concerns with glare and light pollution, specifically in the evening with respect to the nearby residential communities. The analysis within Chapter 3 of the proposed Ordinance MND did not evaluate potential impacts from public viewing locations such as roadways in the unincorporated area of Ventura County, particularly the El Rio and Nyeland Acres communities. Since there is no numerical limit on the proliferation of billboards under the proposed ordinance, the Ordinance MND should also evaluate cumulative impacts from glare and illuminance from the perspective of public roads and hiking trails in the hillside areas with views of the Oxnard Plain. C-9

When assessing the distance from Digital Billboard Display's to residential parcels, Los Angeles County's zoning code, Section 22.114.070 prescribes standards for outdoor advertising signs, and states that such signs shall not be permitted within 200 feet of a residential zone located on the same side of the street or highway. The City should adopt the same or greater 200-foot setback requirement from residential zones (including unincorporated residential zones) rather than the proposed 100-foot setback. The City should also include the following standard from Los Angeles County zoning code Section 22.114.050 in the MNDs and conditions of approval for light protection to surrounding premises, with the additional reference added for applicability to unincorporated areas in parenthesis: C-10

- In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

The proposed Ordinance MND states that, "light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for light-sensitive urban areas such as residential areas and 0.2 fc or greater for natural areas such as the Santa Clara River Basin" (MND page 19). The Ordinance MND should also include references to compliance with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5 for enforcing sign brightness and reads as follows:

- No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.
- The brightness reading of an objectionable light source shall be measured with a 11/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source. C-11

Lastly, Federal Highway Administration guidance on off-premise changeable message signs recommend adjusting brightness in response to changes in light levels so that signs are not unreasonably bright for the safety of the motoring public. Brightness should be adjusted accordingly and if a billboard has the potential to illuminate uses in unincorporated residential zones, an evening time shut off period should be required for mitigation of potential brightness and illumination light spill.

The City should include mitigation measures and comparable brightness standards for the intensity of lighting identified in the City of Ventura's Auto Center Specific Plan Amendments for the Final Initial Study Mitigated Negative Declaration that was approved in 2017 as either mitigation measures in the Ordinance MND or development standards in the Billboard Ordinance. The City of Ventura's Auto Center electronic billboard display is routinely turned off at 10 p.m. to mitigate light emittance and nuisance in the evening time. The following measures from the Auto Center Specific Plan should also be included in the proposed ordinance, and digital display billboard projects should be conditioned as follows:

Mitigation Measure AES-1: Electronic Sign Brightness. The Auto Center Specific Plan shall include the following standards for the Auto Center freeway sign and Auto Center entry sign:

- Lighting levels on the digital sign shall not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America.
- Brightness shall not exceed 800 nits (candela per square meter) from sunset to sunrise. At all other times, brightness will not exceed 7500 nits.
- Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face.
- A light sensor shall be installed with the sign to measure ambient light levels and to adjust light intensity to respond to such conditions. The light sensor adjusts the sign's brightness in order to compete with ambient light. The darker the surrounding ambient light, the less bright the sign is.
- The sign shall not display any moving, flashing, scrolling, fading, brightening or animated text or video.
- Signage shall be controlled remotely and include remote maintenance software.
- LED lighting has a directional nature, and the projected viewing angle values for this sign shall be ± 30° vertically and ± 60° horizontally. Louvers shall be located above each row of lights to prevent light from projecting upward into the sky.

C-11 (Cont)

Mitigation Measure AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the freeway sign. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.3 foot-candle requirement is satisfied.

Biological Resources

The proposed Ordinance MND (page 32) evaluates potential impacts to critical habitat, special status plant species and avian species. The electronic billboards could impact wildlife corridor movement due to electronic light displays that deter and disorient wildlife movement. The Santa Clara River riparian area is identified by the County of Ventura as an important Habitat Connectivity and Wildlife Corridor. Without precise mapping that identifies the extent that billboards could be placed closest to the Santa Clara River basin, and the proposed approach to test billboards for impacts after they are bult, there is insufficient information to determine whether there will be direct, indirect, or cumulative impacts to wildlife movement. CEQA requires protecting wildlife corridors/movement areas and the proposed ordinance development standards, environmental impact analyses, and project-specific conditions of approval should include measures to conserve the natural state of the habitat wildlife corridor and ensure species can move throughout the region. The City should consider the following mitigation measure in the Ordinance MND for impacts to biological resources. This mitigation measure should also apply to the Riverpark Boulevard MND and as needed to future digital billboard projects' conditions of approval: C-12

AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information: C-13

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign, as measured from within the Habitat Corridor. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.2 foot-candle requirement is satisfied.

The Santa Clara River is the longest continuous river system in Southern California and runs over 100 miles in length, originating from the San Gabriel Mountains in Los Angeles County and traverses throughout Ventura County to reach the Pacific Ocean. Extensive patches of high-quality riparian habitat are present along the length of the river and its tributaries. Numerous state and federally listed species have been found in and nearby the undeveloped areas (e.g., least bell's vireo (Vireo bellii pusillus), mesa horkelia (Horkelia cuneata), California legless lizard (Anniella pulchra), Lyon's pentachaeta (Pentachaeta lyonia), and coastal California gnatcatcher (Polioptila californica californica). Please see Figure 2 below for a map of the Habitat Connectivity and Wildlife Corridor in the South Coast Ventura County region. The proposed Ordinance MND should be revised to adequalty analyze the impacts to the wildlife corridor and include additional mitigation measures as appropiate. Lastly, the following El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance, and as a basis for biological mitigation measures to offset environmental impacts: C-14 C-15

Goal, ED-32: To protect the biological resources of the Santa Clara River and adjoining natural habitat areas including significant stands of Southern Willow within the Santa Clara River bounding the El Rio/Del Norte area.

Goal, ED-33: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

C-15 (Cont)

Policy, ED-33.1: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

In closing, thank you again for the opportunity to comment on the three MNDs for the proposed ordinance and digital display billboard projects. The County is hopeful that the City will combine these three MND's into one environmental document and recirculate for public review and comment. This action would facilitate meaningful public disclosure of the potential direct, indirect, and cumulative environmental impacts of the Ordinance MND and associated Ventura Road and RiverPark projects on the unincorporated County. If you have any questions about this letter, please contact Joel Hayes at Joel.Hayes@ventura.org or 805.654.2834.

C-16

Sincerely,

Susan Curtiss for Dave Ward

Dave Ward, AICP I Planning Director
County of Ventura, Planning Division

Figure 1. Unincorporated Residential Zones (circled in green) that need to be evaluated for direct, indirect and cumulative impacts due to the proposed ordinance and billboard projects.

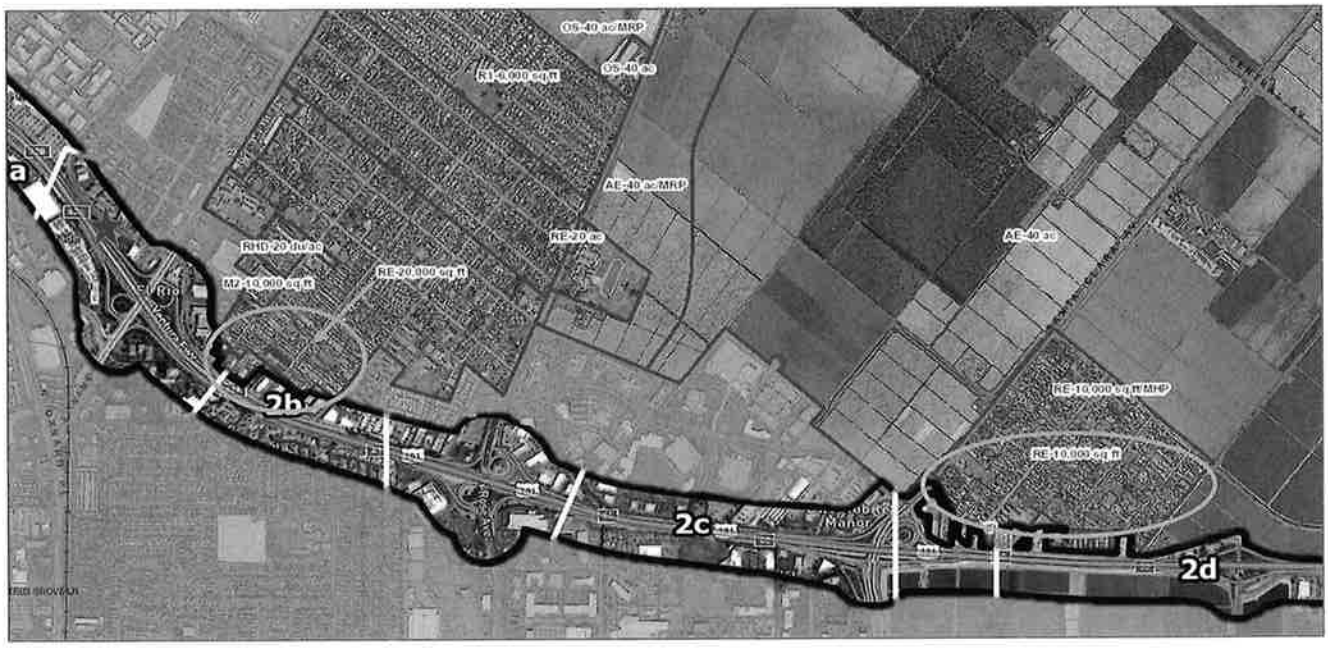
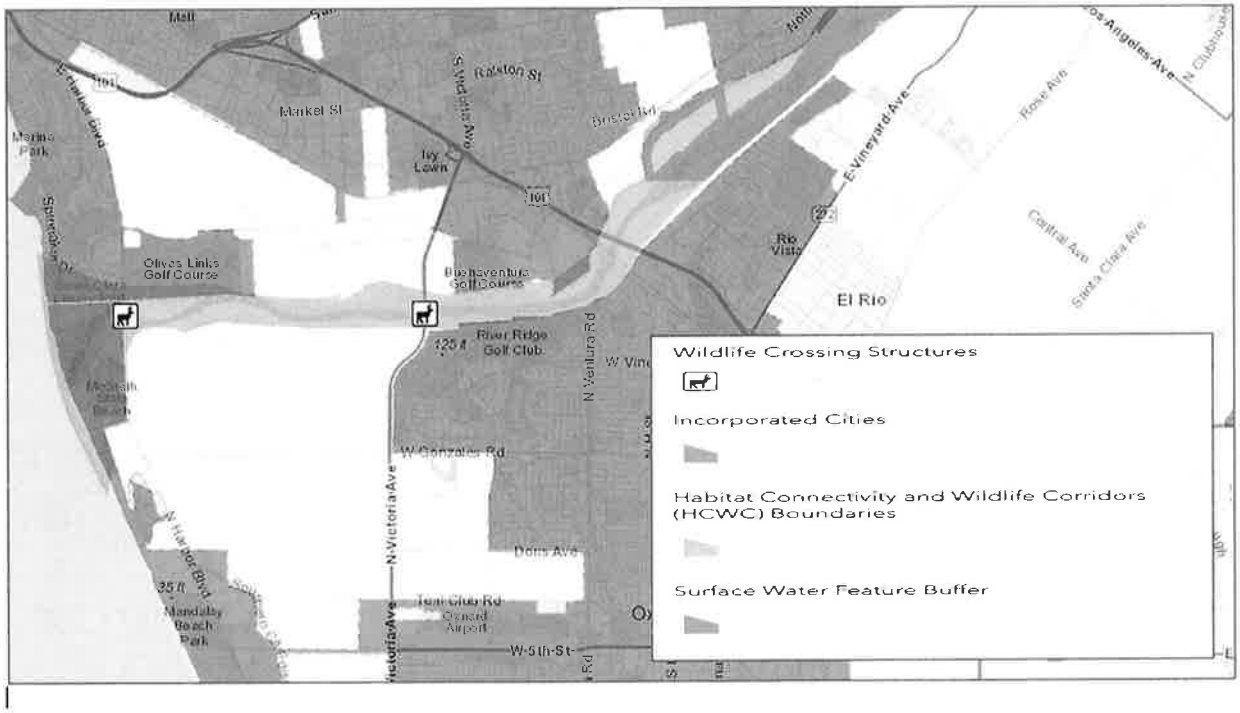


Figure 2. Map showing Habitat Connectivity and Wildlife Corridors in the Santa Clara River basin.



Comment Letter C: County of Ventura Resources Management Agency, Planning Division – July 29, 2022

Comment C-1

This comment states that the Planning Division reviewed three separate Mitigated Negative Declaration (MNDs) related to the proposed Freeway Adjacent Digital Display Billboards Ordinance as well as the Riverpark Electronic Billboard and Ventura Road Electronic Billboard. The comment specifically states that the proposed Ordinance would permit siting display billboards within 400 feet of the U.S. 101 right-of-way, on City property, in non-residential zones, not less than 100 feet from the property line of residential zoned parcels, and have a maximum face display area of 14 feet in height and 48 feet in width. This comment also states that the Ordinance requires each electronic billboard to be located at least 2,000 feet apart.

Furthermore, this comment states that the area of the proposed Ordinance is located adjacent to portions of the El Rio/Del Norte and Nyeland Acres unincorporated communities. The comment states that these unincorporated communities are located along approximately 30 percent of the Ordinance area, and individual electronic billboards may have direct and cumulative impacts on these unincorporated communities as well as sensitive habitat in the County's jurisdiction (i.e., Santa Clara River Basin).

Response to Comment C-1

The comments regarding the specific design regulations for the individual electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance are correctly stated. Individual electronic billboards could be located in close proximity of both the El Rio/Del Norte and Nyeland Acres unincorporated communities as well as within the vicinity of City of Oxnard residents. The potential impacts to community residents are addressed through the Public Review Draft IS/MND. Potential impacts associated with the implementation of electronic billboards under the proposed Ordinance are addressed throughout Chapter 3 of the Public Review Draft IS/MND. The potential significant impacts identified in Chapter 3 related to aesthetics and urban design, air quality, biological resources, cultural and tribal cultural resources, and noise. Mitigation measures are included within the Public Review Draft IS/MND to reduce each of the potential impacts to less than significant. The potential issues that could impact residents along the proposed Ordinance area include aesthetics and urban design, air quality, and noise. These potential impacts could occur on residents of the City of Oxnard and/or the unincorporated area of the County.

The comment identifying potential impacts to sensitive habitat whether in the County or City jurisdiction is noted. As discussed in Section 3.4 of the Public Review Draft IS/MND, potential impacts on sensitive vegetation communities and associated sensitive wildlife species could occur and Mitigation Measures BIO-1, BIO-2 and AES-2 are included to reduce potential impacts to less than significant.

Comment C-2

This comment asserts that evaluating the cumulative impacts of the three projects that are addressed within the three separate Public Review Draft IS/MNDs is difficult and recommends that the City consolidates its review into one environmental document.

Response to Comment C-2

The potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are independent projects and are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. A discussion of cumulative impacts is provided for each Public Review Draft IS/MND in Section 3.18 b). The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two independent specific projects.

Comment C-3

This comment states that an analysis of potential environmental impacts to unincorporated areas such as the El Rio/Del Norte and Nyeland Acres communities and sensitive biological resources adjacent to and in the vicinity of the proposed Project should be evaluated.

The comment also requests amendments to the draft Freeway Adjacent Digital Display Billboards Ordinance.

Response to Comment C-3

As discussed in Response to Comment C-1, the potential impacts identified in the Ordinance Public Review Draft IS/MND could occur on residents of the City of Oxnard and/or the unincorporated area of the County. The environmental evaluation provided for the Ordinance was at a Program-level as discussed in Response to Comment C-2.

One of the environmental issues that could have potential impact on residents of the unincorporated communities of the County is aesthetics and urban design. As discussed in Section 3.1 of the Public Review Draft IS/MND, views and scenic resources could be impacted with the implementation of individual electronic billboards in accordance with the proposed Ordinance. The implementation of the individual billboards will be required to comply with the applicable 2030 General Plan goals and policies related to views as well as the standards identified in the proposed Ordinance. These applicable goals and policies are identified in Section 3.1 of the Public Review Draft IS/MND. In addition, the proposed Ordinance requires that each individual electronic billboard be separated from each other by a minimum of 2,000 linear feet. To ensure compliance with the applicable goals and policies, each applicant for an individual electronic billboard will be required to conduct its own environmental project-level evaluation to demonstrate that less than significant impacts on views and scenic resources would occur.

The comment also recommends amendments to the proposed Ordinance.

The first recommendation is applying the setback distances of each electronic billboard from residential zoned property within the unincorporated areas as well as the City. The proposed Ordinance states that no freeway adjacent digital display billboard may be placed at a distance of less than 100 feet from a property line of any residentially zoned parcel. This would apply to any residentially zoned parcel whether it is located within the City or unincorporated County area.

The second recommendation is to clarify how the height of the proposed billboard is measured and requests that the height is measured from the adjacent average grade. To clarify the allowed height of each individual electronic billboard, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in **Appendix A** of this Response to Comments Document. The maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed 80 feet as measured from the pavement level of U.S. 101. A height measurement of each proposed electronic billboard from the adjacent average grade is not appropriate since some billboards would be located at City street underpasses. The total height of the billboard would need to take the height of the underpass into consideration. It is more appropriate to identify the height of each billboard as measured from the pavement level of U.S. 101.

The third recommendation is to limit the number of billboards that can be sited within the Program area. As identified in the proposed Ordinance, each billboard would need to be separated by at least 2,000 feet. To clarify the number of billboards that could be implemented under the proposed Ordinance, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document. The maximum number of Freeway Adjacent Digital Display Billboards shall not exceed a total of 5 within the City.

The fourth recommendation is to clarify how the proposed Ordinance will benefit disadvantage communities. The proposed Ordinance does not state that there needs to be a statement of benefit to disadvantage communities. The proposed Ordinance states that there is a required finding of public benefit. The finding needs to be provided in approving a Development Agreement for each of the individual electronic billboards. The finding of public benefit is not required as part of the environmental documentation, but information from the environmental documentation can be used to determine the public benefit along with other information such as financial information.

Comment C-4

This comment references the proposed Ordinance and requests setbacks. The comment asserts that proposed billboards could be located closer than 100 feet from residentially zoned parcels located within the unincorporated County areas. This comment also asserts that the figures within the Public Review Draft IS/MND need to delineate the jurisdictional boundaries between the City and County to adequately evaluate potential impacts.

Response to Comment C-4

As discussed in Response to Comment C-3, the required setback from residentially zoned parcels apply to both residential zoned parcels in the City as well as the unincorporated County areas. In addition, Figures 2 and 2a through 2d in the Public Review Draft IS/MND delineate the proposed Program area. The environmental evaluation within Chapter 3 of the Public Review Draft IS/MND evaluates potential impacts on the uses in the vicinity of the Program area whether the uses are within the City or the County.

Comment C-5

This comment references the proposed Ordinance and requests more specific information on maximum heights.

Response to Comment C-5

As discussed in Response to Comment C-3 above, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document to clarify the maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed 80 feet as measured from the pavement level of U.S. 101.

Comment C-6

This comment references the proposed Ordinance and requests more specific information on limiting the number of billboards.

Response to Comment C-6

As stated in Response to Comment C-3, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document to clarify that the maximum number of Freeway Adjacent Digital Display Billboards shall not exceed a total of 5 within the City. As stated within the proposed Ordinance, each proposed electronic billboard must comply with the applicable federal, state, and local laws including the Outdoor Advertising Act.

Comment C-7

This comment asserts that the City should take into consideration how the ordinance and proposed billboards would affect disadvantage communities and how public benefits will be provided to affected disadvantage communities.

Response to Comment C-7

The El Rio/Del Norte and Nyeland Acres communities are primarily within the jurisdiction of the County of Ventura. The environmental evaluation within Chapter 3 of the Public Review Draft IS/MND evaluates potential impacts on the uses in the vicinity of the Program area whether the uses are within the City or the County.

As discussed in Response to Comment C-3, the proposed Ordinance does not state that there needs to be a statement of benefit to disadvantage communities. The proposed Ordinance states that there is a required finding of public benefit. The finding needs to be provided in approving a Development Agreement for each of the individual electronic billboards. Although a finding of public benefit needs to be provided, this finding is not part of the CEQA documentation for the proposed Program and would not be part of the CEQA documentation for the individual electronic billboards. The reference provided in the comment regarding Page 10 of the Public Review Draft IS/MND is to the requirement that needs to be met prior to approving an individual Development Agreement.

Comment C-8

This comment asserts that all County and City applications for discretionary permits and all environmental documents for Projects should be sent to the Board of Supervisor's Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

Response to Comment C-8

Potential impacts associated with the implementation of the proposed Freeway Adjacent Digital Display Billboards Ordinance are provided in Chapter 3 of the Public Review Draft IS/MND, and the document was provided to the County for review and comment. The City of Oxnard does not have a requirement for Projects and Programs within the City to be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

Comment C-9

This comment asserts that potential visual impacts from roadways was not provided and without knowing the number of billboards that could be implemented under the proposed Ordinance, cumulative light and glare impacts from public roads and hiking trails should be evaluated.

Response to Comment C-9

The visual impacts of implementing the proposed Ordinance are discussed in Section 3.1 a) of the Public Review Draft IS/MND. Scenic vistas within and beyond the City limits are identified. Each billboard implemented under the proposed Ordinance is required to be separated by at least 2,000 feet from each other. As discussed in Response to Comment C-3, a revision to the Freeway Adjacent Digital Display Billboards Draft Ordinance has been provided in Appendix A of this Response to Comments Document to clarify that the maximum number of Freeway Adjacent Digital Display Billboards shall not exceed a total of 5 within the City. In addition, compliance with the applicable visual goals and policies of the 2030 General Plan would protect scenic vistas and less than significant impacts would occur. Section 3.1 b) addresses the Program's potential impact on scenic highways such as Oxnard Boulevard and U.S. 101. No additional scenic highways have been designated in the Program vicinity. Section 3.1 c) of the Public Review Draft IS/MND addresses the Program's potential to alter the existing visual characteristics along U.S.

101. As stated, the implementation of the applicable 2030 General Plan goals and policies would protect the visual character and less than significant impacts would occur. As discussed in Section 3.1 d) of the Public Review Draft IS/MND, the implementation of the proposed Program would allow for the placement of intermittent electronic billboards within the Program area delineated in Figures 2 and 2a through 2d, and each individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies related to aesthetics and views. Through compliance with these applicable goals and policies, the implementation of the proposed Program would not add to or compound to an existing negative view of the Program area, and potential impact would be less than significant. Finally, Section 3.1 e) of the Public Review Draft IS/MND addresses the Program's potential increase in nighttime lighting. The Program is required to be consistent with the applicable 2030 General Plan goals and policies. However, the evaluation found that potential significant light impacts could still occur at nearby residences as well as natural areas. As a result, Mitigation Measures AES-1 through AES-3 are included to reduce potential lighting impacts to less than significant.

Comment C-10

The comment also recommends that a different setback from residentially zoned parcels should be included. The setback that is recommended in this comment is consistent with the Los Angeles County zoning code.

Response to Comment 10

This comment that suggests that the City should use a different recommended setback from residentially zoned parcels is noted; however, the evaluation along with the standards identified in the proposed Ordinance and with the recommended mitigation measures within the Public Review Draft IS/MND found that a setback of 100 feet would result in less than significant impacts on residential uses.

Comment C-11

This comment states that there should be references to comply with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5. The comment suggests that light levels of the signs are not unreasonably bright for the safety of the motoring public. Also, the brightness should be adjusted so that significant impacts to adjacent residents does not occur, and there should be an evening shut off period to reduce potential brightness and illumination spill. The comment suggests that measures similar to the City of Ventura's Auto Center Specific Plan should be included. These measures include turning off the electronic billboard display at 10 p.m.

Response to Comment C-11

As stated in Section 1.8 of the Public Review Draft IS/MND, each electronic billboard implemented under the proposed Ordinance is required to comply with all applicable federal, state, and local laws including the Caltrans Outdoor Advertising Act and the proposed Ordinance. The requirements of the proposed Ordinance are more restrictive than the requirements of the Outdoor Advertising Act permit. As an example, the permit requires electronic displays to be spaced at 1,000 feet from another electronic display while the proposed Ordinance requires the displays to be spaced by at least 2,000 feet from another electronic display. In addition, the permit requires the maximum display area to be 25 feet in height and 60 feet in length while the proposed Ordinance requires a smaller display at 14 feet in height and 48 feet in width (length).

Section 1.8 of the Public Review Draft IS/MND also states that all individual electronic billboards implemented under the proposed Ordinance shall comply with the illuminance and brightness identified in the California Building and Professional Code Section 5403(g) and California Vehicle Code Section 21466.5. The suggestion to adjust the brightness so that significant impacts to adjacent residents does not occur is noted. The lighting evaluation in Section 3.1 e) of the Public Review Draft IS/MND identifies mitigation measures that include illuminance performance standards and procedures if there is a malfunction or failure of the display operation to ensure potential impacts on adjacent residents are reduced to less than significant. The suggestion to turn off the electronic billboard display at 10 p.m. is noted; however, based on the environmental evaluation, potential lighting impacts in the evening after the implementation of mitigation measures would be reduced to less than significant.

Comment C-12

This comment asserts that without precise mapping of the extent that the billboards could be placed closest to the Santa Clara River Basin and based on the proposed approach to test billboards for lighting impacts, there is insufficient information to determine if there will be direct, indirect or cumulative impacts to wildlife.

Response to Comment C-12

These potential wildlife impacts from lighting are addressed in Section 3.1 d) of the Public Review Draft IS/MND. Prior to the implementation of the proposed mitigation measures, lighting impacts on wildlife are potentially significant; however, with the implementation of Mitigation Measures AES-1 through AES-3, potential impacts on wildlife would be reduced to less than significant. The City understands that the Santa Clara River Basin is a wildlife corridor, but as discussed in Section 3.4 d) of the Public Review Draft IS/MND, potential impacts to nesting birds within the wildlife corridor would be reduced to less than significant with the implementation of Mitigation Measures AES-2 and BIO-1. Cumulative impacts are addressed in Section 3.18 b) of the Public Review Draft IS/MND. Cumulative growth within the City was found to result in significant biological resource impacts. The implementation of the individual electronic

billboards under the proposed Ordinance along with Mitigation Measures BIO-1, BIO-2 and AES-2 would reduce the Program's contribution to the significant cumulative biological resources impacts to less than cumulatively considerable.

Comment C-13

This comment suggests that that the commenters recommended Mitigation Measure AES-2 be included to require testing at a specific lighting level as a measure for the proposed Ordinance. This measure suggests requiring a third party test and demonstrating that lighting levels do not exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign and within a habitat corridor.

Response to Comment C-13

Mitigation Measure AES-3 on page 20 of the Public Review Draft IS/MND includes a third party test to demonstrate that lighting from the electronic billboard does not exceed 0.3 fc above ambient light at 250 feet from the face of the freeway sign. Although this comment is requesting that the habitat corridor (i.e., natural areas) include a lighting level that is less than 0.3 fc at 250 feet, the measure clearly states that increases in lighting levels cannot exceed 0.2 fc at natural areas which would also include the habitat corridor. Therefore, the requirement within the suggested revised mitigation measure for the habitat corridor is already incorporated within Mitigation Measure AES-3.

Comment C-14

This comment asserts that the Public Review Draft IS/MND be revised to adequately analyze the impacts to the wildlife corridor and include additional mitigation measures as appropriate.

Response to Comment C-14

As discussed in Section 3.4 d) of the Public Review Draft IS/MND, potential impacts to the movement of wildlife species could occur due to the illumination of the proposed electronic billboard. To reduce this potential impact to the wildlife corridor, lighting requirements are identified in Mitigation Measure AES-2 and to reduce potential impacts in nesting birds, Mitigation Measure BIO-1 is recommended. The impact discussion and recommended mitigation measures provide an adequate analysis of impacts to the wildlife corridor.

Comment C-15

This comment suggests that the El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance.

Response to Comment C-15

Although the County of Ventura suggests to consider the County's goals and policies within the proposed City of Oxnard Ordinance, the goals and policies of the City's General Plan that are applicable to the protection of natural resource areas and fish and wildlife habitat are discussed in Section 3.4 d) of the Public Review Draft IS/MND.

Comment C-16

This comment thanks the City for providing an opportunity to comment on the three Public Review Draft IS/MNDs for the proposed Ordinance and the two electronic billboard projects. The County reiterated the request to provide the environmental documentation for the IS/MNDs into one environmental document.

Response to Comment C-16

As discussed in Response to Comment C-2, the potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
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www.dot.ca.gov

Comment Letter D

July 25, 2022

Billboards Ordinance
SCH # 2022060701
Vic. Citywide
GTS # LA-2022-00505-MND

Dear Joe Pearson:

Making Conservation a California Way of Life

Joe Pearson II
City of Oxnard
214 South C Street
Oxnard, CA 93030

RE: Freeway Adjacent Digital Display

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced MND. The Project involves amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The

D-1

installation and operation of individual electronic billboards would require approval of a Special Use Permit. No Freeway Adjacent Digital Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.

D-1 (Cont)

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

http://opr.ca.gov/ceqa/updates/guidelines/

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Construction of individual electronic billboards under the proposed Program would generate a nominal number of construction vehicle trips for the activities to place an electronic billboard on an individual site. This nominal number of trips would not conflict with the circulation system and result in less than significant impacts. In addition, long term activities associated with the proposed Program include periodic visits to each individual electronic billboard site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system. Therefore, Caltrans concurs that no impact would occur, and mitigation is not required at this time.

D-1 (Cont)

The proposed Program includes the placement of individual electronic billboards adjacent to U.S. 101. The proposed billboards would be oriented for viewing primarily from U.S. 101. The proposed billboards are required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The individual billboards would include different images, and in accordance with the Ordinance standards, each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or

D-2

blink or any other means that does not provide a constant illumination. These features associated with each individual electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur. D-2 (Cont)

However, please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications. D-3

Caltrans regulates the placement of outdoor advertising displays visible from California highways. The project would require outdoor Advertising (ODA) License. For questions, inquiries, and any other questions you may have, please call (916) 654-6473 or reference to the following website for additional information. D-4

https://dot.ca.gov/programs/traffic-operations/oda

Any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods. D-5

If you have any questions, please feel free to contact Mr. Alan Lin, the project coordinator, at (213) 269-1124 and refer to GTS # VEN-2022-00505AL-MND.

Sincerely,

MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Comment Letter D: California Department of Transportation – July 25, 2022

Comment D-1

This comment provides a summary of the standards identified in the proposed Ordinance. In addition, the comment restates the conclusions provided in Section 3.15 of the Public Review Draft IS/MND, and the comment concurs that no construction or long-term transportation impacts would occur with the implementation of the proposed Ordinance.

Response to Comment D-1

The City of Oxnard notes the comment's concurrence with the findings in the Public Review Draft IS/MND.

Comment D-2

This comment states the standards identified in the proposed Ordinance regarding brightness and images. The comment further states that the features identified in the proposed Ordinance would not substantially increase hazards to drivers along U.S. 101, and less than significant impacts would occur.

Response to Comment D-2

The City of Oxnard notes that the standards identified in the proposed Ordinance would result in less than significant hazard impacts.

Comment D-3

This comment states that any work performed within the State right-of-way would require an Encroachment Permit from the California Department of Transportation.

Response to Comment D-3

The City of Oxnard understands that when individual electronic billboard projects implemented under the proposed Ordinance includes work within the State right-of-way, an Encroachment Permit from the California Department of Transportation would be required.

Comment D-4

This comment states that the placement of outdoor advertising displays visible from California highways would require an outdoor Advertising License.

Response to Comment D-4

As stated on page 10 of the Public Review Draft IS/MND, the implementation of future billboards under the proposed Ordinance would be required to comply with the Outdoor Advertising Act. The City of Oxnard understands that compliance includes obtaining an Outdoor Advertising License from the California Department of Transportation.

Comment D-5

This comment states that any oversized-transport vehicles that travel on State highways associated with construction activities will need a Caltrans transportation permit.

Response to Comment D-5

The City of Oxnard understands that if an applicant requires oversized-transport vehicles on State highways, an applicant will require a Caltrans transportation permit.

CHAPTER 4
Errata

The following text changes are made to the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and incorporated as part of the Final Initial Study/Mitigated Negative Declaration (Final IS/MND). These changes are minor and do not alter the conclusions of the Public Review Draft IS/MND. Changes to the text are noted with underline (for added text) or ~~strikeout~~ (for deleted text).

Page 9, Section 1.8, second and fourth paragraphs

Location. Freeway Adjacent Display Billboards may only be erected on City of Oxnard owned property or Right-of-Way, in any non-residential zones within 400 feet of the freeway right-of-way for U.S. Highway 101. The total number of Freeway Adjacent Digital Display Billboards shall not exceed a total of five (5) within the City.

Height. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed eighty (80) feet as measured from the pavement level of U.S. Highway 101.

Page 24, fourth sentence of the first paragraph

VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

Page 24, second paragraph

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated

in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

Page 34, tenth and eleventh paragraphs

Mitigation Measure BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December ~~January~~ 31, outside the ~~typical~~ nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the ~~typical~~ nesting season (January ~~February~~ 1 – September 15 ~~August 31~~), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a ~~100 to 3~~ 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

CHAPTER 5
Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
AES-1: Each Applicant shall demonstrate that light trespass illuminance of 0.5 fc or greater for urban areas and 0.2 fc or greater for natural areas shall not be exceeded.:	Prior to issuance of a Special Use Permit	Applicant	Community Development Department	
AES-2: Each proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash..	Prior to construction completion	Project Construction Contractor	Community Development Department	
AES-3: Within 14 days of each electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), each Applicant shall submit to the satisfaction of the Community Development Director the following information: • A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas.	Ongoing	Applicant	Community Development Department	
AQ-1: Each Applicant shall demonstrate that construction and operational activities associated with each electronic billboard would not exceed the VCAPCD thresholds of significance that include a maximum daily ROG (VOC) or NOx emissions above 25 pounds per day (lbs/day).	Prior to issuance of a Special Use Permit	Applicant	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds. If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	
BIO-2: To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS. If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat. If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.				
CUL-1: Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of	Retain Archaeologist and Native American Monitor prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant, Project Archaeologist, and Native American Monitor	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.				
CUL-2: Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.	Retain Paleontologist prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant and Project Paleontologist	Community Development Department	
CUL-3: A qualified archaeologist and Native American Monitor shall be present during construction-related ground disturbance activities in order to identify any unanticipated discovery of tribal cultural resources. The qualified archaeologist and Native American monitor may be different individuals or the same individual if the City determines that individual qualifies as both a qualified archaeologist and Native American monitor. All archaeological resources unearthed by construction activities shall be evaluated by the qualified archaeologist and Native American Monitor. If the resources are determined to be human remains, the coroner shall be notified, and if the human remains are Native American in origin, the coroner shall notify the NAHC as mandated by state law, who will then appoint a most likely descendent, who shall then coordinate with the landowner regarding treatment and curation of these resources. Typically, the most likely descendent will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to PRC Section 21083.2(g), the qualified archaeologist shall coordinate with the applicant	During ground disturbance	Project Archaeologist and Native American Monitor	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.				

Appendix A
Freeway Adjacent Digital Display Billboards Revised Draft Ordinance

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DRAFT dated 10-7-2020
City of Oxnard
Freeway Adjacent Digital Display Billboards DRAFT Ordinance

Section I. The following definitions in Section 16-596(A) of Division 1 of Article IX of the Oxnard City Code are hereby added or amended to read as follows (new text underlined; deletions in red strikethrough):

~~FLASHING SIGN~~ ANIMATED SIGN – Any sign ~~containing or illuminated by lights which are intermittently on and off, change in intensity, or create the illusion of flashing in any manner.~~ designed to attract attention through movement or the semblance of movement of the whole or any part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or any other method or device which suggests movement, but not including flags, banner signs, or Freeway Adjacent Digital Display Billboards.

DIGITAL DISPLAY - A sign face that displays images through the use of grid lights, cathode-ray projections, light-emitting diodes (LEDs), plasma screens, liquid-crystal displays (LCDs), fiber optics, or other electronic media or functionally equivalent technology.

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARD - A pole sign or changeable message sign, which features a Digital Display, erected and/or maintained for advertising, in whole or in part, a business, activity, service or product not sold or produced on the premises upon which the sign is placed, which is located in any parcel in a commercial, industrial, or public facilities zone within four hundred (400) feet of the freeway right-of-way for US Highway 101. This definition does not include an Outdoor Advertising Sign.

OUTDOOR ADVERTISING SIGN - Any sign painted on or affixed to any structure, or erected as a free-standing sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition includes such terms as “off-site sign” and “non-accessory sign.” This definition does not include subdivision tract directional signs. This definition does not include a Freeway Adjacent Digital Display Billboard.

Section II. Section 16-608, subsection (G) of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES.

Only the following signs are permitted in the C-2, C-P-D, CBD, C-M, M-L, M-1, M-2, BRP and M-P-D zones, with or without planned development additive zones:

[. . .]

(G) Off-site advertising signs with no Digital Displays, also known as Outdoor Advertising Signs~~billboards and outdoor advertising~~, where conditionally permitted by this ~~chapter~~ Article IX, may be approved, subject to the ~~following provisions~~ requirements below. This subsection (G) does not apply to Freeway Adjacent Digital Display Billboards, which are governed by Section 16-609.

[. . .]

(K) Freeway Adjacent Digital Display Billboards shall be permitted as provided in Section 16-609.

Section III. Section 16-609 of Division 3, of Article IX of the Oxnard City Code is hereby added to read as follows (new text underlined):

SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS.

(A) Before a Freeway Adjacent Digital Display Billboard may be installed within the City, the applicant must first obtain a Special Use Permit (SUP) granted in accordance with Sections 16-530 to 16-553 and enter into a statutory Development Agreement with the City that addresses the terms and conditions of any approved Freeway Adjacent Digital Display Billboard, including but not limited to message cycling, light intensity, and any annual payments, if any, to be paid to the City. Both the SUP and the Development Agreement are subject to the approval of the City Council, following a recommendation by the Commission.

(B) In addition to the findings required by the Oxnard City Code for granting a SUP, Freeway Adjacent Digital Display Billboards approved pursuant to this Section 16-609 shall be subject to the following limitations:

1. **Location**. Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway right-of-way for US Highway 101. The total number of Freeway Adjacent Digital Display Billboard shall not exceed a total of five (5) within the City.

2. **Distance from residential uses**. No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.

3. **Height**. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed eighty (80) feet as measured from the pavement level of US Highway 101.

4. **Size and Spacing**. The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width, with the area of each face not to exceed an overall maximum amount of eight hundred and fifty (850) square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.

5. **Design.** All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

6. **Orientation**. Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.

7. **Brightness**. All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

8. **Display cycle**. A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

9. **Compliance with law**. The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 *et seq*.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

10. **Required Finding of Public benefit**. In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public. Such public benefits may include, without limitation, the removal of legal non-conforming billboards, advertising of City events and public service announcements, and/or annual financial contributions to the City.

11. **Required Findings**. In addition to the finding required for granting a SUP under section 16-531, in approving a Special Use Permit for a Freeway Adjacent Digital Display Billboard, the decision maker must also find that it:

    a. Complies with the requirements of Section 16-609 and this Chapter;

    b. Will not create a significant traffic or other public safety hazard;

c. Will be of appropriate size, scale, and design for the area in which it will be located; and

d. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

Section IV. Section 16-610 of Division 4, of Article IX of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-610. GENERAL RESTRICTIONS.

(A) General requirements and limitations for signs in all zones, except Freeway Adjacent Digital Display Billboards which are governed exclusively by Section 16-609, are as follows: [. . .]

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department

June 2022

ESA

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
805.385.8272

June 2022

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ENVIRONMENTAL CHECKLIST

Initial Study

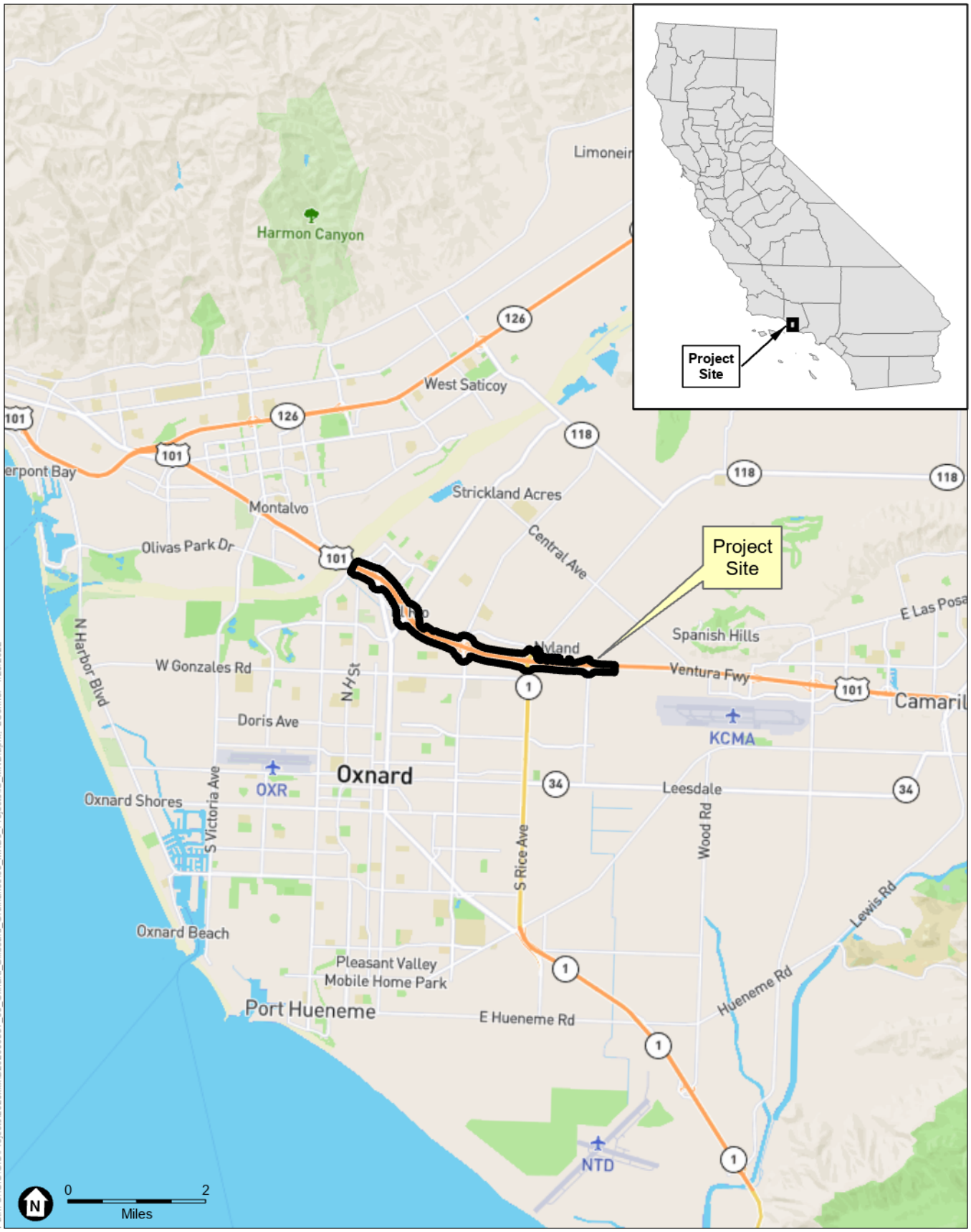
1.0 Project Information

1. Project Title: Freeway Adjacent Digital Display Billboards Ordinance

2. Lead Agency Name and Address: City of Oxnard
Community Development Department
Planning Division
214 South C Street
Oxnard, California 93030

3. Contact Person and Phone Number: Joe Pearson
805-385-8272

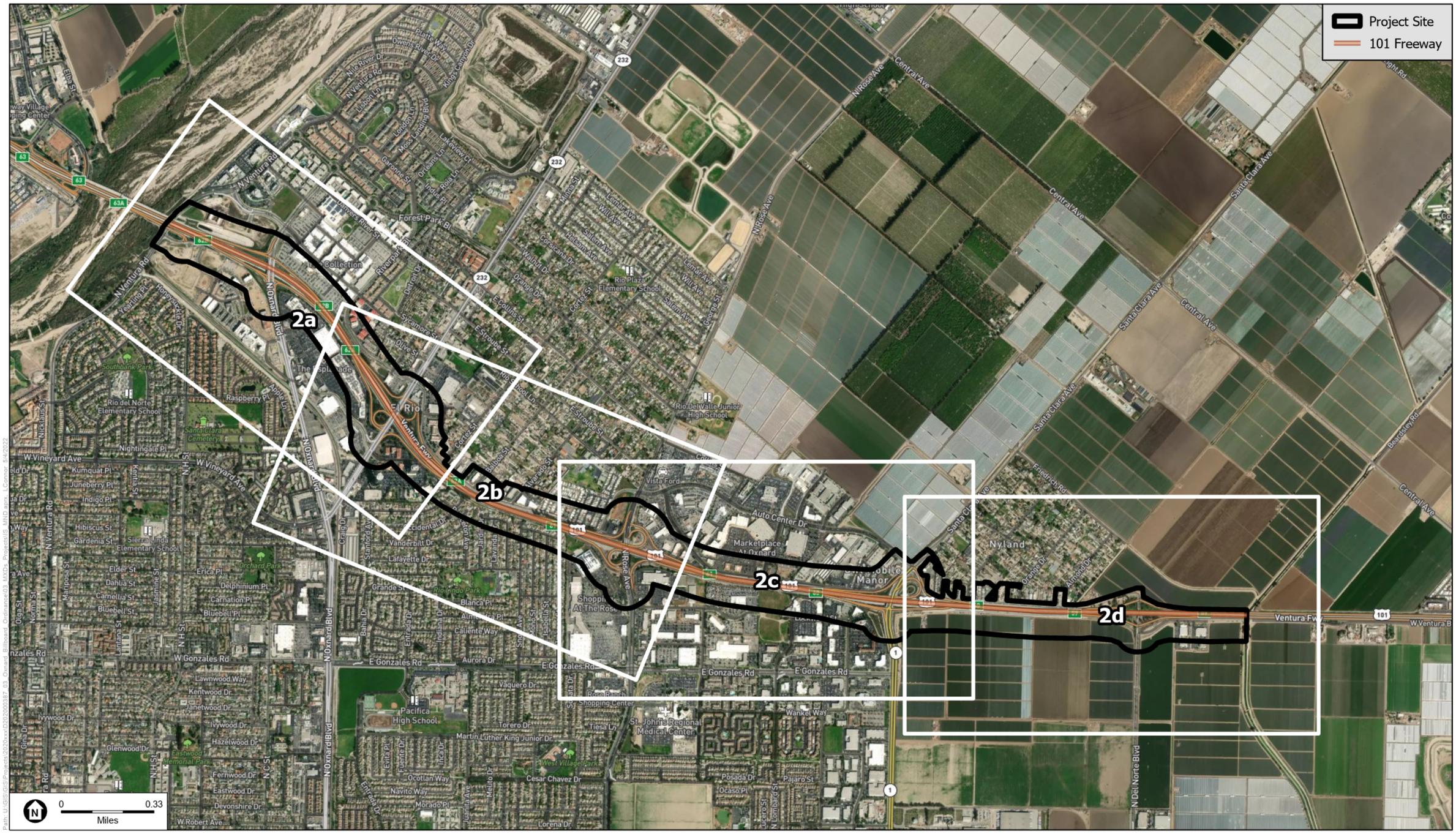
4. Project (Program) Location: The Program area is located in the northern portion of the City of Oxnard and illustrated in **Figure 1**, Project Vicinity Map. Specifically, the Program area is located on any City of Oxnard-owned property or Right-of-Way, in any non-residential zones within 400 feet of the freeway right-of-way for U.S. Highway 101. The City jurisdiction extends from the eastern City limit at approximately 2,000 feet east of Del Norte Boulevard at Beardsley Wash and extends west to the western City limit at the Ventura Road right-of-way. **Figure 2** provides a Project Location Index and **Figures 2a through 2d** illustrates four areas of the Project Location that encompass the Program area.



SOURCE: ESRI

Freeway Adjacent Digital Display Billboards Ordinance

Figure 1
Program Vicinity Map



SOURCE: Mapbox, 2021; ESA, 2022

Freeway Adjacent Digital Display Billboards Ordinance

Figure 2

Program Location Index

ESA



SOURCE: Mapbox, 2021; ESA, 2022

Freeway Adjacent Digital Display Billboards Ordinance

Figure 2a

Program Location

ESA



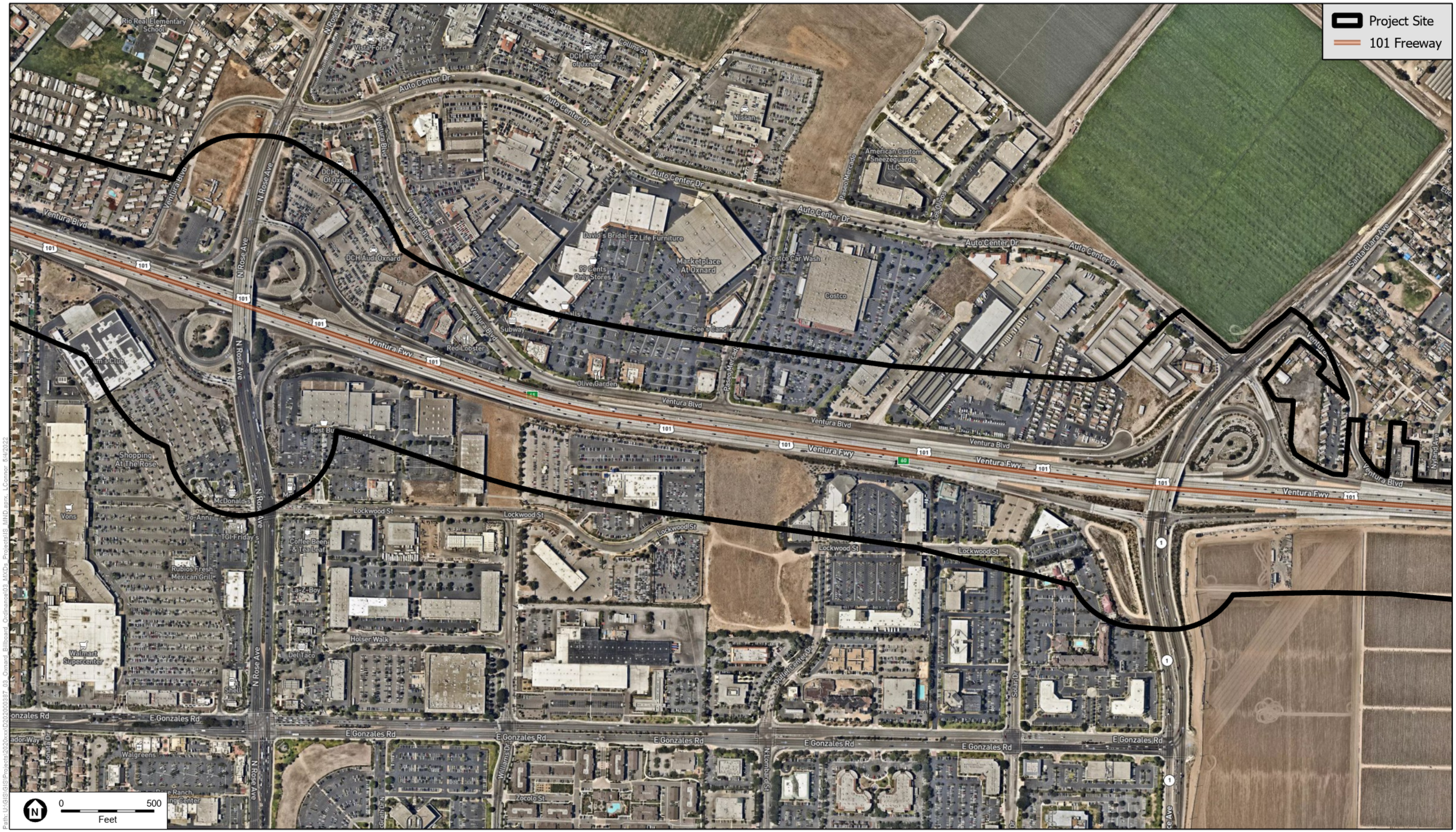
SOURCE: Mapbox, 2021; ESA, 2022

Freeway Adjacent Digital Display Billboards Ordinance

Figure 2b

Program Location

ESA



SOURCE: Mapbox, 2021; ESA, 2022

Freeway Adjacent Digital Display Billboards Ordinance

Figure 2c

Program Location

ESA



SOURCE: Mapbox, 2021; ESA, 2022

Freeway Adjacent Digital Display Billboards Ordinance

Figure 2d

Program Location

ESA

5. Project (Program) Sponsor's Name and Address:

City of Oxnard
214 South C Street
Oxnard, California 93030

6. General Plan Designation(s):

The Program area includes multiple designations under the City of Oxnard 2030 General Plan. These designations include: Park, Commercial Regional, Commercial General, Commercial Office, Business Research Park and Light Industrial.

7. Zoning:

The Program area includes multiple designations under the City of Oxnard Zoning. These designations include: Parks and Open Space, Commercial Office, Retail Office, Commercial Regional, Light Manufacturing, General Commercial Planned Development, Auto Sales & Service, Retail Commercial, Commercial Manufacturing, and Business & Research Park.

8. Description of Project (Program):

The City of Oxnard is proposing amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard (**see Appendix A**). The installation and operation of individual electronic billboards will require approval of a Special Use Permit. The specific limitations of the Freeway Adjacent Digital Display Billboards are as follows:

Location. Freeway Adjacent Display Billboards may only be erected on City of Oxnard owned property or Right-of-Way, in any non-residential zones within 400 feet of the freeway right-of-way for U.S. Highway 101.

Distance from Residential Uses. No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.

Height. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display.

Size and Spacing. The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be 14 feet in height and 48 feet in width, with the area of each face not to exceed an overall maximum amount of 850 square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.

Design. All Freeway Adjacent Digital Display Billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

Orientation. All Freeway Adjacent Digital Display Billboards must be oriented primarily for viewing from the adjacent freeway.

Brightness. All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately 5 feet and aimed toward a sign consistent with the sign-to-viewer distance. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

Display Cycle. A Freeway Adjacent Digital Display Billboard may show a series of still images, each display for at least 8 seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one second.

Compliance with Law. The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and City of Oxnard Code Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

Required Finding of Public Benefit. In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public. Such public benefits may include, without limitation, the removal of legal non-conforming billboards, advertising of City events and public service announcements, and/or financial contributions to the City.

Required Findings. In addition to the finding required for granting a SUP under section 16-531, in approving a Special Use Permit for a Freeway Adjacent Digital Display Billboard, the decision maker must also find that it:

a. Complies with the requirements of this subsection (Section 16-609) and this Chapter;

b. Will not create a significant traffic or other public safety hazard;

c. Will be of appropriate size, scale, and design for the area in which it will be located; and

d. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

9. Surrounding Land Uses and Setting.

The Freeway Adjacent Digital Display Billboards would be allowed on the north side and south side of U.S. 101 within the City limits. The land uses within and surrounding the Program area include the following:

South of Ventura Road and North of Oxnard Boulevard – Areas currently or soon to be under construction with residential and commercial uses.

South of Oxnard Boulevard and north of Vineyard Avenue – Commercial and residential uses

South of Vineyard Avenue and north of Rose/Santa Clara Avenue – Mix of residential, commercial and industrial uses

South of Rose/Santa Clara Avenue and north of Rice Avenue – Commercial and industrial uses

South of Rice Avenue and north of Beardsley Wash – Agriculture and a mix of residential, commercial and industrial uses

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

No other permits, financing approval or participation agreement are anticipated to be required from public agencies other than the City of Oxnard.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (Appendix B). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52. The Barbareno/Ventureno Band of Mission Indians did not request consultation with the City of Oxnard regarding the proposed Program.

2.0 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

■ Aesthetics and Urban Design	■ Cultural Resources and Tribal Cultural Resources	☐ Mineral Resources	☐ Utilities and Energy
☐ Agricultural Resources	☐ Geology and Soils	■ Noise	☐ Wildfire
■ Air Quality	☐ Hazards and Hazardous Materials	☐ Population, Education, and Housing	■ Mandatory Findings of Significance
■ Biological Resources	☐ Hydrology and Water Quality	☐ Public Services and Recreation	
☐ Climate Change and Greenhouse Gas Emissions	☐ Land Use and Planning	☐ Transportation and Circulation	

DETERMINATION:

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed Name	For

3.0 Environmental Checklist

3.1 Aesthetics and Urban Design

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project have a substantial adverse effect on a scenic vista such as an ocean or mountain view from an important view corridor or location as identified in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, or route identified as scenic by the County of Ventura or City of Oxnard?	☐	☐	☒	☐
c) Would the project substantially degrade the existing visual character or quality of the site or its surroundings such as by creating new development or other physical changes that are visually incompatible with surrounding areas or that conflict with visual resource policies contained in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
d) Would the project add to or compound an existing negative visual character associated with the project site?	☐	☐	☒	☐
e) Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☒	☐	☐

Discussion

a) **Less than Significant Impact.** A scenic vista is generally defined as a public viewpoint that provides expansive views of a highly valued landscape for the benefit of the public. Based on a review of the Oxnard General Plan Background Report (City of Oxnard, 2006), the highly valued landscape areas are scenic areas and view corridors within the City of Oxnard. The scenic areas and view corridors include local waterways, agricultural open space, beaches and coastline, scenic highways/roadways, hills and mountains, and urban landscapes that maintain original historic architectural features and contain park/plaza features. Beyond the City limits includes scenic resources such as the Coastal Mountain Range west of the City and the hills of Point Mugu State Park that bound the southeastern portion of the City.

The proposed Program area is located adjacent to U.S. 101 that is identified as part of the City's Scenic Highway System along the entire length of U.S. 101 from the eastern city limits at Beardsley Channel to the western city limits at Ventura Road. The scenic areas along the U.S. 101 view corridor include the Santa Clara River, agricultural open space in the eastern portion of the City, and unique urban landscapes such as the high rise office buildings (City National Bank and Morgan Stanley Tower) within the Financial District adjacent to Vineyard Avenue. As motorists travel northbound on U.S. 101, they have limited and partial views of the Coastal Mountain Range as they approach Vineyard Avenue and travel to the western limit of the City. These views are limited due to existing urban development that includes

residential, commercial, and office buildings as well as associated landscaping. Northbound motorists' views also include utility poles and lines, light standards, commercial billboards and Caltrans signs. As motorists' travel southbound on U.S. 101, the existing urban development on the south side of U.S. 101 that includes office, commercial and residential buildings, commercial billboards and landscaping associated with the urban development and landscaping within the U.S. 101 right-of-way impede motorists' distant views of the hills of Point Mugu. The distant views of the hills of Point Mugu become more viewable as southbound motorists pass Rose Avenue. These southbound views are also interrupted by distant urban development as well as foreground views of utility poles and lines as well as Caltrans signs.

The placement of proposed electronic billboards along U.S. 101 would be approximately 70 feet in height as seen by the motorists with an electronic billboard that would include a surface area of approximately 850 square feet.

The implementation of the electronic billboards under the proposed Program would result in impacts on motorist views traveling along U.S. 101. Motorists' views of the vegetation within the Santa Clara River Basin, open agricultural land east of Rose Avenue, the high rise office towers at Vineyard Avenue and the distant Coastal Mountain Range and hills of Point Mugu State Park would be intermittently impeded because the Program requires individual billboards to be separated by at least 2,000 feet from each other, and the billboards would have a total of 850 square feet.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal CD-9: A high quality visual image and perception of the city.

> **Policy CD-9.4:** Ensure all public and private investments positively contribute to the overall character of the City by minimizing impacts on important view corridors by creating edge treatments along greenbelt areas and a landscaped buffer corridor of at least 30 feet along designated scenic corridors and other major transportation corridors.

Goal ER-6: Protected and enhanced natural setting and scenic resources.

> **Policy ER-6.1:** Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not significantly impede or disrupt them and ensure that important vistas and view corridors are enhanced. Require development to provide physical breaks to allow views into these vistas and view corridors.

> **Policy ER-6.2:** Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.

Policy ER-6.3: Preserve views of significant small-scale plant communities including wetlands, riparian vegetation, man-made water features, and the like wherever possible.

Compliance with the above General Plan goals and policies would protect scenic vistas. Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goals and policies as well as the design standards proposed within the Ordinance would reduce the potential Program scenic vista effects to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant Impact.** The Program area is located along the north and south sides of U.S. 101 from the eastern City limits to the western City limits. Currently, U.S. 101 is an eligible State scenic highway; however, it is not an official State-designated scenic highway (Caltrans, 2019). The nearest officially State-designated highway is State Route 33 located approximately 7 miles west of the Program area. Oxnard Boulevard south of U.S. 101 is also an eligible State scenic highway as well as a City-designated scenic highway. However, scenic views of the Program area from Oxnard Boulevard south of U.S. 101 are limited due to existing terrain as well as existing development. Very limited views of the upper elevation of a potential future electronic billboard in this area would be viewable.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ER-6: Protected and enhanced natural setting and scenic resources.

Policy ER-6.2: Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.

Policy ER-6.3: Preserve views of significant small-scale plant communities including wetlands, riparian vegetation, man-made water features, and the like wherever possible

Compliance with the above General Plan goal and policy would protect scenic resources. Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goal and policies as well as the design standards proposed within the Ordinance would reduce the potential Program scenic resources effects to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **Less than Significant Impact.** As discussed above, the implementation of the proposed Program could add intermittent structures to motorists' view along the U.S. 101. The addition of potential intermittent electronic billboards (i.e., at least 2,000 feet apart) would alter the existing visual characteristics along U.S. 101.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal ER-6: Protected and enhanced natural setting and scenic resources.

> **Policy ER-6.1:** Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not significantly impede or disrupt them and ensure that important vistas and view corridors are enhanced. Require development to provide physical breaks to allow views into these vistas and view corridors.
>
> **Policy ER-6.2:** Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.
>
> **Policy ER-6.3:** Preserve views of significant small-scale plant communities including wetlands, riparian vegetation, man-made water features, and the like wherever possible.
>
> **Policy ER-6.5:** Require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor light fixtures.

Goal ER-9: Enhanced perceived character and quality of the City of Oxnard.

> **Policy 9.4:** Ensure that all new development emphasizes a human, pedestrian scale and minimizes its effect on the area's sensitive visual resources.

Compliance with the above General Plan goals and policies would protect the visual character along U.S. 101. Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goals and policies as well as the design standards proposed within the Ordinance would reduce the potential Program visual character effects to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

d) **Less than Significant Impact.** Currently, the Program area includes views of open agricultural land, urban development, high-rise office buildings, and the Santa Clara River Basin as well as distant views of the Coastal Mountain Range and the hills of Point Mugu State Park. Generally, the Program area reflects an urban thoroughfare with primarily urban development, private billboards, Caltrans billboard signs and freeway landscaping. The Program area does not represent an existing negative view from the surrounding areas. The implementation of the proposed Program would allow the placement of intermittent electronic billboards that would alter the existing visual characteristics of the Program area.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal ER-6: Protected and enhanced natural setting and scenic resources.

> **Policy ER-6.1:** Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not significantly impede or disrupt them and ensure that important vistas and view corridors are enhanced. Require development to provide physical breaks to allow views into these vistas and view corridors.
>
> **Policy ER-6.2:** Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.
>
> **Policy ER-6.3:** Preserve views of significant small-scale plant communities including wetlands, riparian vegetation, man-made water features, and the like wherever possible.
>
> **Policy ER-6.5:** Require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor light fixtures.

Goal ER-9: Enhanced perceived character and quality of the City of Oxnard.

> **Policy 9.4:** Ensure that all new development emphasizes a human, pedestrian scale and minimizes its effect on the area's sensitive visual resources.

Compliance with the above General Plan goals and policies would not add to or compound to an existing negative view of the Program area. Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goals and policies as well as the design standards proposed within the Ordinance would not add to or compound to an existing negative view of the Program area; and therefore the proposed Program's impact

would be less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

e) **Less than Significant with Mitigation Incorporated.** The implementation of the proposed Program would increase nighttime lighting in the Program vicinity. Currently, the City of Oxnard does not have a quantitative exterior light standard. Typically, lighting is quantified using a foot-candle which is the unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.

Light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for light-sensitive urban areas such as residential areas and 0.2 fc or greater for natural areas such as the Santa Clara River Basin (CIE, 2003). Therefore, due to the absence of a current local light pollution standard, a significant light impact on the adjacent residents would occur if light levels are 0.5 fc or greater and a significant impact on adjacent natural areas would occur if light levels are 0.2 fc or greater.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal CD-9: A high quality visual image and perception of the city.

> **Policy CD-9.3**: Designate major entryways as gateways into the City. The City shall use landscaping, decorative lighting, signage and/or other streetscape design techniques to enhance the City's identity, sense of place, and provide visual emphasis to the streetscapes to the City.

Goal ER-6: Protected and enhanced natural setting and scenic resources.

> **Policy ER-6.5:** Require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor light fixtures.

Compliance with the above General Plan goals and policies as well as the Ordinance requirement to not exceed 0.3-foot candles at a distance of 250 feet would reduce the potential for light and glare impacts; however, significant light impacts could still occur at nearby residences as well as natural areas.

Mitigation Measures

The following mitigation measures are required to reduce potential lighting impacts at nearby residences and natural areas.

> **Mitigation Measure AES-1:** Each Applicant shall demonstrate that light trespass illuminance of 0.5 fc or greater for urban areas and 0.2 fc or greater for natural areas shall not be exceeded.
>
> **Mitigation Measure AES-2:** Each proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.
>
> **Mitigation Measure AES-3:** Within 14 days of each electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), each Applicant shall submit to the satisfaction of the Community Development Director the following information:
>
> - A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goals and policies and the design standards proposed within the Ordinance, and the implementation of the above mitigation measures would reduce the Program's light and glare impact to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

To ensure that the images on each electronic billboard do not cause hazardous conditions to motorists, the proposed Ordinance allows each billboard to show a series of still images, each displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one second. The implementation of these design features as well as complying with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131) and the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), when constructing, operating, improving, maintaining, and repairing each proposed billboard would reduce potential light and glare impacts on motorists from electronic billboards to less than significant.

References

Caltrans. 2019. California State Scenic Highways. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed on February 10, 2022.

City of Oxnard. City of Oxnard General Plan Background Report. Available at: https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 10, 2022.

International Commission on Illumination (CIE). 2003. Guide on the Illumination of the Effects of Obtrusive Light from Outdoor Lighting Installations.

3.2 Agricultural Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☒	☐
b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of off-site farmland to non-agricultural use?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** The Program area includes Prime Farmland and Farmland of Statewide Importance between Santa Clara Avenue/Rice Avenue and the eastern City limits at Beardsley Wash based on a review of the California Department of Conservation's California Important Farmland Finder (CDC, 2016a). The Program could allow electronic billboards to be placed within Prime Farmland and/or Farmland of Statewide Importance in the eastern portion of the City; however, as required under the proposed Ordinance, each electronic billboard would need to be separated by a minimum of 2,000 linear feet. Each electronic billboard would include the placement of a pole in the ground that would support a billboard as well as providing access to the pole for maintenance purposes. The placement of a pole and access would result in a minimal commitment of land and removal of Prime Farmland and/or Farmland of Statewide Importance.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal CD-6: Continued agriculture use within the Planning Area, compatible with the community's vision.

> **Policy CD-6.1:** Require that agricultural land uses designated for long-term protection and production be buffered from urban land uses through the use of techniques including, but not limited to, greenbelts, open space setbacks, fencing, berming, and windrows.

Goal ER-1: Protection of natural resources, agriculture, and open spaces is well integrated with the built environment and human activities and achieves a symbiotic, mutually-beneficial, sustainable relationship.

> **Policy ER-1.2:** Protect open space and agricultural uses around Oxnard through continued adherence to the Guidelines for Orderly Development, Ventura County Greenbelt programs, the Save Open-Space and Agricultural Resources Ordinance, and

other programs or policies that may subsequently be adopted such as the SB 375 Sustainable Communities Strategy.

Compliance with the above General Plan goals and policies as well as the standards identified in the proposed Ordinance would reduce potential impacts to Prime Farmland and/or Farmland of Statewide Importance. Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goal and policies as well as the design standards proposed within the Ordinance would reduce the potential Program agricultural effects to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **No Impact.** Williamson Act contracts are formed between a county or city and a landowner for the purposes of restricting specific parcels of land to agricultural preserve areas. Based on a review of Williamson Act Contract Land, the Program area does not include parcels that are under a Williamson Act contract (CDC, 2016b). Because there are no active Williamson Act contracts associated with the Program area, the Program would not conflict with a Williamson Act contract. In addition, based on a review of the City of Oxnard Zone Map, there are no lands within the Program area that are zoned for agriculture (City of Oxnard, 2017). No Program impact would occur to Williamson Act contract land or existing agricultural zoning.

c) **No Impact.** The implementation of the proposed Program would not involve other changes in the existing environment that would result in the conversion of agricultural to non-agricultural use. No impacts would occur.

References

California Department of Conservation (CDC), 2016a. Available at: California Important Farmland Finder https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed on February 10, 2022.

CDC. 2016b. State of California Williamson Act Contract Land. Available at: https://planning.lacity.org/eir/HollywoodCenter/Deir/ELDP/(E)%20Initial%20Study/Initial%20Study/Attachment%20B%20References/California%20Department%20of%20Conservation%20Williamson%20Map%202016.pdf. Accessed on March 16, 2022.

City of Oxnard. 2017. City of Oxnard Zoning Map. Available at: https://www.oxnard.org/wp-content/uploads/2017/01/ZoneMap-01.17-AH11x17.pdf. Accessed on March 16, 2022.

3.3 Air Quality

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with or obstruct implementation of the Ventura County AQMP?	☐	☐	☒	☐
b) Would the project result in a cumulatively considerable net increase of any criteria pollutant in excess of quantitative thresholds recommended by the VCAPCD?	☐	☒	☐	☐
c) Would the project expose sensitive receptors to substantial pollutant concentrations exceeding state or federal standards or in excess of applicable health risk criteria for toxic air contaminants?	☐	☒	☐	☐
d) Would the project create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Ventura County Air Pollution Control District (VCAPCD) is responsible for attaining and maintaining air quality standards in the Ventura County portion of the South Central Coast Air Basin (SCCAB) through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of VCAPCD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution (VCAPCD, 2003). The Ventura County portion of the SCCAB is designated as nonattainment for ozone for the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) and for respirable particulate matter 10 micrometers in diameter and smaller (PM10) for the CAAQS. VCAPCD and the Ventura Council Association of Governments (VCOG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements. The VCAPCD has adopted Air Quality Management Plans (AQMPs) to meet the CAAQS and NAAQS. The VCAPCD Governing Board adopted the 2016 AQMP on February 14, 2017 (VCAPCD, 2017). The goals of the VCAQMP are to ensure that city and county population growth do not interfere with emission reductions and progress in meeting the state and national ambient air quality standards.

b) The proposed Program is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Program. Projects or Programs that are consistent with the regional population, housing, and employment forecasts identified by the Ventura Council of Governments (VCOG) are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCOG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCOG's regional growth forecasts are based upon, among other things, land uses designated in general plans, a project or a program that is consistent with the land use designated in a

general plan would also be consistent with the VCOG's regional forecast projections, and thus also with the AQMP growth projections.

Because the implementation of the proposed Program would not result in an increase in growth projections, the Program would have no impact on VCAPCD's AQMP.

Furthermore, future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ER-14: Improved air quality and minimized adverse effects of air pollution on human health and the economy.

> **Policy ER-14.4:** Require all construction equipment to be maintained and tuned to meet appropriate EPA, CARB, and VCAPCD emissions requirements and when new emission control devices or operational modifications are found to be effective, such devices or operational modifications are required on construction equipment.
>
> **Policy ER-14.5:** Require that the construction period be lengthened to minimize the number of vehicles and equipment operating at the same time during smog season (May through October).
>
> **Policy ER-14.6:** Continue to require mitigation measures as a condition of obtaining building or use permits to minimize dust and air emissions impacts from construction.
>
> **Policy ER-14.8:** Cooperate with other local, county, regional, and State agencies in implementing air quality plans to achieve State and Federal Ambient Air Quality Standards and in preparing, adopting, and implementing the SCAG Sustainable Communities Strategy (SB 375).
>
> **Policy ER-14.12:** Consult with the Ventura County Air Pollution Control District (VCAPCD) during CEQA review for projects that require air quality impact analysis and ensure that the VCAPCD is on the distribution list for all CEQA documents.

Compliance with the above General Plan goal and policies as well as the standards identified in the proposed Ordinance would reduce air emissions. However, as stated above, because the implementation of the proposed Program would not result in an increase in growth projections, the Program would have no impact on VCAPCD's AQMP.

c) **Less than Significant with Mitigation Incorporated.** The City of Oxnard has not developed specific air quality thresholds for air quality impacts. However, as stated in Appendix G of the CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. As such, the significance thresholds and analysis methodologies in VCAPCD's CEQA Air Quality Handbook are used in evaluating air quality emissions impacts

within the City of Oxnard. The VCAPCD's CEQA Air Quality Handbook focuses on reducing ozone precursor emissions, which includes ROCs (also referred to as volatile organic compounds [VOCs]) and NO_X because emissions of these pollutants could jeopardize attainment of the NAAQS and CAAQS for ozone in Ventura County. The VCAPCD thresholds of significance include a maximum daily ROG (VOC) or NOx emissions above 25 pounds per day (lbs/day). The other criteria pollutants of concern include: carbon monoxide (CO), which is a colorless and odorless gas and can cause dizziness, confusion, unconsciousness or even death at high levels; sulfur dioxide (SO_2), which is also colorless and can cause asthma exacerbation, including bronchoconstriction accompanied by symptoms of respiratory irritation, such as wheezing, shortness of breath and chest tightness; and PM10 and fine particulate matter 2.5 micrometers or less in diameter (PM2.5), which can worsen respiratory diseases, including asthma and chronic obstructive pulmonary disease, leading to hospitalization and emergency department visits and respiratory mortality. The VCAPCD has not established mass emission significance thresholds for CO, SO_2, PM10 or PM2.5.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ER-14: Improved air quality and minimized adverse effects of air pollution on human health and the economy.

> **Policy ER-14.4:** Require all construction equipment to be maintained and tuned to meet appropriate EPA, CARB, and VCAPCD emissions requirements and when new emission control devices or operational modifications are found to be effective, such devices or operational modifications are required on construction equipment.
>
> **Policy ER-14.5:** Require that the construction period be lengthened to minimize the number of vehicles and equipment operating at the same time during smog season (May through October).
>
> **Policy ER-14.6:** Continue to require mitigation measures as a condition of obtaining building or use permits to minimize dust and air emissions impacts from construction.
>
> **Policy ER-14.8:** Cooperate with other local, county, regional, and State agencies in implementing air quality plans to achieve State and Federal Ambient Air Quality Standards and in preparing, adopting, and implementing the SCAG Sustainable Communities Strategy (SB 375).
>
> **Policy ER-14.12:** Consult with the Ventura County Air Pollution Control District (VCAPCD) during CEQA review for projects that require air quality impact analysis and ensure that the VCAPCD is on the distribution list for all CEQA documents.

Compliance with the above General Plan goals and policies as well as the standards identified in the proposed Ordinance would reduce potential emission of criteria pollutants, specifically ROG and NOx. However, potential emissions of ROG and NOx could be significant.

Mitigation Measure

The following mitigation measure is required to reduce potential construction-related emissions of ROG and NOx.

> **Mitigation Measure AQ-1:** Each Applicant shall demonstrate that construction and operational activities associated with each electronic billboard would not exceed the VCAPCD thresholds of significance that include a maximum daily ROG (VOC) or NOx emissions above 25 pounds per day (lbs/day).

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goal and policies and the design standards proposed within the Ordinance, and the implementation of the above mitigation measure would reduce the Program's emissions of ROG (VOC) and NOx to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

Cumulative

The geographic scope for regional air quality impacts consists of the air basin(s) in which the installation of individual electronic billboards would occur. The VCAPCD's approach for assessing cumulative impacts is based on attainment of ambient air quality standards in accordance with the requirements of the CAA and California Clean Air Act. As discussed earlier, the VCAPCD has developed a comprehensive plan, the 2016 AQMP, which addresses the region's cumulative air quality condition. CEQA Guidelines Section 15064(h)(3) provides guidance in determining the significance of cumulative impacts, stating in part that:

A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.

For purposes of the cumulative air quality analysis with respect to CEQA Guidelines Section 15064(h)(3), the proposed Program's incremental contribution to cumulative air quality impacts is determined based on compliance with the VCAPCD's adopted 2016 AQMP and based on compliance with the VCAPCD's regional significance thresholds for ROG (VOC) and NOx. As stated above, compliance with the General Plan goal and policies identified above, the design standards proposed within the Ordinance, and the implementation

of Mitigation Measure AQ-1 would reduce the Program's emissions of ROG (VOC) and NOx to less than cumulatively considerable. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **Less than Significant with Mitigation Incorporated**. Sensitive receptors are individuals who are considered more sensitive to air pollutants than others. The reasons for greater than average sensitivity may include pre-existing health problems, proximity to emissions sources, or duration of exposure to air pollutants. Schools, hospitals, and convalescent homes are considered as relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. All future billboard installations would be located within 400 feet of the U.S. Highway 101 right-of-way, but not within a residential area. Additionally, the Ordinance would require a minimum distance of 100 feet from the billboard and the property line of any residentially-owned parcel. Since air emissions disperse rapidly in the environment and decrease with distance from the source, emissions from construction activities would be limited.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ER-14: Improved air quality and minimized adverse effects of air pollution on human health and the economy.

> **Policy ER-14.4:** Require all construction equipment to be maintained and tuned to meet appropriate EPA, CARB, and VCAPCD emissions requirements and when new emission control devices or operational modifications are found to be effective, such devices or operational modifications are required on construction equipment.
>
> **Policy ER-14.5:** Require that the construction period be lengthened to minimize the number of vehicles and equipment operating at the same time during smog season (May through October).
>
> **Policy ER-14.6:** Continue to require mitigation measures as a condition of obtaining building or use permits to minimize dust and air emissions impacts from construction.
>
> **Policy ER-14.8:** Cooperate with other local, county, regional, and State agencies in implementing air quality plans to achieve State and Federal Ambient Air Quality Standards and in preparing, adopting, and implementing the SCAG Sustainable Communities Strategy (SB 375).

> **Policy ER-14.12:** Consult with the Ventura County Air Pollution Control District (VCAPCD) during CEQA review for projects that require air quality impact analysis and ensure that the VCAPCD is on the distribution list for all CEQA documents.

Compliance with the above General Plan goals and policies as well as the standards identified in the proposed Ordinance would reduce exposure of air pollutant concentrations; however, potential emission of criteria pollutants, specifically ROG and NOx could be significant.

Mitigation Measure

The following mitigation measure is required to reduce potential air pollutant concentration impacts.

> Implementation of Mitigation Measure AQ-1 is required.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goal and policies and the design standards proposed within the Ordinance, and the implementation of the above mitigation measure would reduce the Program's emissions of ROG (VOC) and NOx to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

CO Hotspots

Emissions of CO are generated in greatest quantities from motor vehicle combustion of fossil fuels and are usually concentrated at or near ground level because they do not readily disperse into the atmosphere, particularly under cool, stable (i.e., low or no wind) atmospheric conditions. Localized areas where ambient concentrations exceed State and/or federal standards are termed CO hotspots. Traffic impacts and the potential for CO hot spots associated with the proposed Program would be minimal due to the limited construction activities associated with each electronic billboard and limited trips associated with long-term maintenance. Future implementation of an individual electronic billboard would be required to comply with the above applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the above General Plan goal and policies and the design standards proposed within the Ordinance would reduce the Program's emissions of CO to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

Localized Air Quality Impacts – Toxic Air Contaminants

Toxic Air Contaminants (TACs) are generally defined as those contaminants that are known or suspected to cause serious health problems, but do not have a corresponding ambient air quality standard. TACs are also defined as an air pollutant that may increase a person's risk of developing cancer and/or serious health effects; however, the emission of a toxic chemical does not automatically create a health hazard. Program construction would result in short-term emissions of diesel PM, a TAC. Diesel particulate matter poses a carcinogenic health risk that is measured using an exposure period of 70 years for a lifetime exposure or 30 years for a residential exposure. The exhaust of off-road heavy-duty diesel equipment would emit diesel particulate matter. The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., the potential exposure to TACs to be compared to applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer time period. According to the Office of Environmental Health Hazard Assessment (OEHHA), carcinogenic health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period for a lifetime exposure or 30 years for a residential exposure; however, such assessments should be limited to the period or duration of activities.

Construction and operational activities associated with individual electronic billboards are expected to be minimal resulting in nominal TAC emissions. Future implementation of an individual electronic billboard would be required to comply with the above applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the above General Plan goal and policies and due to the nominal air pollutant exposure from construction and operational activities to sensitive receptors, substantial pollutant concentrations are expected to be less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

d) **Less than Significant Impact.** During installation of electronic billboards under the proposed Program, diesel exhaust from diesel trucks and off-road construction equipment may emit odors. Such odors would be a temporary source of nuisance to adjacent uses but would not affect a substantial number of people. As odors associated with construction of individual billboards under the proposed Program would be temporary and intermittent in nature, the odors would be considered a less than significant impact. Furthermore, the individual electronic billboard would not emit any direct objectionable odors.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. Although less than significant odor impacts are expected, as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

References

VCAPCD 2003. *Ventura County Air Quality Assessment Guidelines.* October. Available: http://www.vcapcd.org/environmental-review.htm.

VCAPCD 2017. *Final 2016 Ventura County Air Quality Management Plan*. February 14. Available: http://www.vcapcd.org/pubs/Planning/AQMP/2016/Final/Final-2016-Ventura-County-AQMP.pdf

3.4 Biological Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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?	☐	☒	☐	☐
b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Would the project have a substantial adverse effect on federally protected waters of the U.S. as defined by Section 404 of the federal Clean Water Act or protected waters of the state as defined by Section 1600 et seq. of the California Fish and Game Code (including, but not limited to, marshes, vernal pools, coastal wetlands) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Would the project 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?	☐	☒	☐	☐
e) Would the project conflict with any local policies or ordinances protecting biological resources?	☐	☐	☐	☒
f) Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) **Less than Significant with Mitigation Incorporated**. The proposed Program extends along U.S. 101 for approximately 4.25 miles from Beardsley Wash east of Del Norte Boulevard on the east to Ventura Road on the west within the City of Oxnard. Much of the adjacent land uses within the City of Oxnard are primarily commercial on the west end of Highway 101 and agricultural fields on the east end of U.S. 101. There are several residential areas both north and south of U.S. 101. The vegetation along this stretch of U.S. 101 is primarily agricultural fields and ornamental landscaping, including *Eucalyptus* species, tipu tree (*Tipuana tipu*) and Canary Island date palm (*Phoenix canariensis*).

A database search indicates that there are no U.S. Fish and Wildlife Service (USFWS) designated Critical Habitat for any special-status plant or wildlife species (USFWS 2022a). Southwestern willow flycatcher (*Empidonax traillii extimus)* Critical Habitat is mapped as occurring within the Santa Clara River riparian area located west of the City limits. Additionally, the California Natural Diversity Data Base (CNDDB) and California Native Plant Society (CNPS) Rare Plant Inventory identified 21 special-status plant species and 36 special-status wildlife species as being recorded within the Camarillo, Oxnard and Ventura

USGS 7.5-minute quadrangles (CDFW 2022; CNPS 2022). None of the special-status plant species are expected because the areas along U.S. 101 within the City lack suitable habitat. Based on the results of the CNDDB database search and limited habitat adjacent to U.S. 101, special-status avian species have a low to no potential to occur within the Program area. Except for the Santa Clara River Basin, the only special-status species to be located within close proximity of the database search area are the Crotch bumblebee (*Bombus crotchii*) and burrowing owl (*Athene cunicularia*). These species were recorded by CNDDB as occurring in close proximity to the database search area, but both have a low potential to occur within the Program area.

While no special-status species are expected to use the Program area, all native bird species that occur adjacent to or surrounding the Program area are protected from 'take' by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). The installation of individual electronic billboards in accordance with the proposed ordinance has the potential to affect nesting birds. Only the portion of the Program area adjacent to the Santa Clara River Basin has a potential to impact special-status species because suitable habitat occurs for nesting birds such as least Bell's vireo.

Because the Santa Clara River Basin is located immediately adjacent to the western end of the Program area, and the Basin includes a sensitive vegetation community (i.e., willow riparian woodland habitat), operational lighting of a proposed electronic billboard adjacent to the Basin could result in indirect impacts. The willow riparian habitat has a high potential for special-status avian species including least Bell's vireo (*Vireo bellii pusillus*) and yellow warbler (*Setophaga petechia*). Additionally, State-protected reptile species, coast horned lizard (*Phrynosoma blainvillii*) and western pond turtle (*Emys marmorata*), and special-status plant species (California Rare Plant Rank [CRPR] 2B.2), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), were recorded by CNDDB as occurring in close proximity to the western boundary of the Program area.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ER-1: Protection of natural resources, agriculture, and open spaces is well integrated with the built environment and human activities and achieves a symbiotic, mutually-beneficial, sustainable relationship.

> **Policy ER-1.1:** Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.

Goal ER-3: Protected, restored and enhanced water-related habitats and their associated plant and wildlife species.

Policy ER-3.2: Review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands and be open to requiring greater protection

Policy ER-3.3: Whenever possible, request appropriate feasible County, State, and Federal agency mitigation measures.

Policy ER-3.5: Require that construction-related silt and sediment be minimized or prohibited to minimize temporary impacts on biological resources

Goal ER-4: Protected, restored and enhanced sensitive habitat areas.

Policy ER-4.1: Identify and encourage protection of sensitive habitat areas, with attention to habitat that may span small parcels.

Policy ER-4.4: Consider loss of sensitive habitats due to development to be a significant environmental impact. All development that is proposed to disturb or remove sensitive habitat shall demonstrate appropriate feasible mitigation.

Compliance with the above General Plan goals and policies as well as the standards identified in the proposed Ordinance would reduce potential effects on special status species; however, potential effects on wildlife species could remain significant.

Mitigation Measures

The following mitigation measures are required to reduce potential impacts on sensitive vegetation communities and associated sensitive wildlife species.

Implementation of Mitigation Measure AES-2 is required.

Mitigation Measure BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 1 and January 31, outside the typical nesting season for birds in the region. If vegetation removal or installation must occur during the typical nesting season (February 1 – August 31), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 100 to 300-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction

monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

Mitigation Measure BIO-2: To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS.

If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat.

If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goals and policies and the design standards proposed within the Ordinance, and the implementation of the above mitigation measures would reduce the Program's potential

effects on special-status species to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant with Mitigation Incorporated**. As stated above in Section 3.4 a), the majority of the Program area would result in less than significant impacts on riparian habitat or sensitive vegetation communities. The portion of the Program area that could result in impacts on a sensitive vegetation community (willow riparian woodland community) includes the western portion of the Program area adjacent to the Santa Clara River Basin.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal ER-1: Protection of natural resources, agriculture, and open spaces is well integrated with the built environment and human activities and achieves a symbiotic, mutually-beneficial, sustainable relationship.

> **Policy ER-1.1:** Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.

Goal ER-2: Maintenance and enhancement of natural resources and open space

> **Policy ER-2.2:** Evaluate existing and potential sensitive habitat areas (Environmentally Sensitive Habitat Area in the Coastal Zone – ESHA) as resource protection or open space land uses, including but not limited to: 1) Ormond Beach wetlands and upland areas, 2) Santa Clara River estuary and riverbed, 3) Edison Canal and harbor-related habitat areas, and 4) various dune habitat areas.
>
> **Policy ER-2.4:** Use the environmental and design review process to protect designated sensitive habitat, and promote open space.

Goal ER-3: Protected, restored and enhanced water-related habitats and their associated plant and wildlife species.

> **Policy ER-3.1:** Require the preservation and enhancement of the riparian habitat along the Santa Clara River, Edison Canal, the McGrath Lake vicinity, and within the Ormond Beach wetlands
>
> **Policy ER-3.2:** Review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands and be open to requiring greater protection

Policy ER-3.3: Whenever possible, request appropriate feasible County, State, and Federal agency mitigation measures.

Policy ER-3.5: Require that construction-related silt and sediment be minimized or prohibited to minimize temporary impacts on biological resources

Goal ER-4: Protected, restored and enhanced sensitive habitat areas.

Policy ER-4.1: Identify and encourage protection of sensitive habitat areas, with attention to habitat that may span small parcels.

Policy ER-4.4: Consider loss of sensitive habitats due to development to be a significant environmental impact. All development that is proposed to disturb or remove sensitive habitat shall demonstrate appropriate feasible mitigation.

Policy ER-4.5: Require careful planning of new development in or near areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat.

Policy ER-4.6: Adopt and/or continue to maintain resource protection zoning designation for sensitive habitats to prevent the encroachment of detrimental land uses.

Compliance with the above General Plan goals and policies as well as the standards identified in the proposed Ordinance would reduce potential effects on sensitive communities; however, potential effects on sensitive communities could remain significant.

Mitigation Measure

The following mitigation measure is required to reduce potential impacts on sensitive vegetation communities.

Mitigation Measure

Implementation of Mitigation Measure AES-2 is required.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goals and policies and the design standards proposed within the Ordinance, and the implementation of the above mitigation measure would reduce the Program's potential effects on special-status species to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **No Impact.** Wetlands (including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas) are considered waters of the U.S., and are defined by USACE as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b]; 40 CFR 230.3[t]).

No wetland features are identified by the National Wetlands Inventory (NWI) as occurring within the Program area (USFWS 2022b). As mentioned above, the Santa Clara River is located adjacent to the Program area and contains willow riparian woodland habitat that may contain wetlands. Since installation of an electronic billboard would not extend into riparian habitat and standard measures, no impacts would occur.

d) **Less than Significant with Mitigation Incorporated**. While the physical structure of the electronic billboard itself would not impact the movement of wildlife species, the electronic billboard illumination could affect the movement or behavior of birds and mammals in and around a billboard site. It is known that migrating birds are attracted to artificial light sources and hundreds of species migrate nocturnally (Gauthreaux and Belser 2006). Direct effects on migrating birds becoming attracted to artificial light sources include collisions with lighting, communication towers, or buildings. Orientation mistakes and increased migration lengths are also indirect effects of artificial lighting (Gauthreaux and Belser 2006). Migrating birds are especially susceptible to disorienting effects of billboard illumination when visibility is poor during fog or rain events (Gauthreaux and Belser 2006). Research also shows that birds have the ability to orient to the Earth's magnetic field under certain colors of light - monochromatic blue or green light, but not under red or white light (van de Laar 2007; Poot et al. 2008; Ritz et al. 2009). Local movement by passerine birds, including those songbirds migrating along the Pacific Flyway, could also be attracted to the increased illumination within the Program area. Studies have shown passerine birds foraging nocturnally and displaying territorial defense behaviors as a result of increased artificial illuminance (de Molenaar et al. 2006).

It is possible that some birds moving locally at night may end up near the center of a billboard's beam angle and be attracted to it. This would be uncommon and limited as a majority of the species are diurnal and not typically active at night. Birds moving locally at any time of the day or night would be at low heights, rarely rising to the height of most billboard's center beam angle.

The proposed ordinance has the potential to affect nesting birds during the operation of an electronic billboard because night lighting of nesting habitat along U.S. 101 corridor may disrupt courtship and nesting behavior of some species.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal ER-1: Protection of natural resources, agriculture, and open spaces is well integrated with the built environment and human activities and achieves a symbiotic, mutually-beneficial, sustainable relationship.

> **Policy ER-1.1:** Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.

Goal ER-2: Maintenance and enhancement of natural resources and open space

> **Policy ER-2.2:** Evaluate existing and potential sensitive habitat areas (Environmentally Sensitive Habitat Area in the Coastal Zone – ESHA) as resource protection or open space land uses, including but not limited to: 1) Ormond Beach wetlands and upland areas, 2) Santa Clara River estuary and riverbed, 3) Edison Canal and harbor-related habitat areas, and 4) various dune habitat areas.
>
> **Policy ER-2.4:** Use the environmental and design review process to protect designated sensitive habitat, and promote open space.

Goal ER-3: Protected, restored and enhanced water-related habitats and their associated plant and wildlife species.

> **Policy ER-3.1:** Require the preservation and enhancement of the riparian habitat along the Santa Clara River, Edison Canal, the McGrath Lake vicinity, and within the Ormond Beach wetlands

Goal ER-4: Protected, restored and enhanced sensitive habitat areas.

> **Policy ER-4.1:** Identify and encourage protection of sensitive habitat areas, with attention to habitat that may span small parcels.
>
> **Policy ER-4.4**: Consider loss of sensitive habitats due to development to be a significant environmental impact. All development that is proposed to disturb or remove sensitive habitat shall demonstrate appropriate feasible mitigation.
>
> **Policy ER-4.5:** Require careful planning of new development in or near areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat.
>
> **Policy ER-4.6:** Adopt and/or continue to maintain resource protection zoning designation for sensitive habitats to prevent the encroachment of detrimental land uses.

Compliance with the above General Plan goals and policies as well as the standards identified in the proposed Ordinance would reduce potential effects on sensitive communities; however, potential effects on nesting birds could remain significant.

Mitigation Measures

The following mitigation measure is required to reduce potential impacts on nesting birds.

Implementation of Mitigation Measures AES-2 and BIO-1 is required.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the

General Plan goals and policies and the design standards proposed within the Ordinance, and the implementation of the above mitigation measures would reduce the Program's potential effects on nesting birds to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

e) **No Impact.** In accordance with the proposed Program, the installation of an electronic billboard could occur on City-owned property or right-of-way within 400 feet of the U.S. 101 freeway right-of-way. The City of Oxnard requires a permit for planting, removing, or permanently affecting, in any manner, a tree, shrub, or other plant life within a right-of-way per Ordinance No. 2444. No other local policies or ordinances protecting biological resources are applicable to the proposed Program. Compliance with Ordinance No. 2444 would result in no impact on an ordinance protecting biological resources.

f) **No Impact.** The proposed Program area is not located within any habitat conservation plan or natural community conservation plan areas. Therefore, the proposed Program would not conflict with provisions of an adopted natural community conservation plan or other approved local, regional, or state habitat conservation plan. No impact would occur.

References

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3.5 Climate Change and Greenhouse Gas Emissions

Issues		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases or otherwise conflict with the state goal for reducing greenhouse gas emissions in California?	☐	☐	☒	☐
c)	Would the project contribute or be subject to potential secondary effects of climate change (e.g., sea level rise, increase fire hazard)?	☐	☐	☒	☐

Discussion

a, b) **Less than Significant Impact.** State regulated GHGs include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), nitrogen trifluoride (NF_3), and sulfur hexafluoride (SF_6). CO_2 is the most abundant GHG in the atmosphere. Not all GHGs exhibit the same ability to induce climate change; as a result, GHG contributions are commonly quantified in equivalent mass of CO_2, denoted as CO_2e. Mass emissions are calculated by converting pollutant specific emissions to CO_2e emissions by applying the proper global warming potential (GWP) value. These GWP ratios are available from the U.S. Environmental Protection Agency (USEPA) and are published in the California Climate Action Registry (CCAR) General Reporting Protocol. By applying the GWP ratios, project related CO_2e emissions can be tabulated in metric tons per year.

Neither the City nor the VCAPCD have adopted a numerical significance threshold for assessing impacts related to GHG emissions from a project, and the City has not formally adopted a local plan for reducing GHG emission. When no guidance exists under CEQA, the lead agency may look to and assess general compliance with comparable regulatory schemes.[1] In its January 2008 CEQA and Climate Change white paper, the California Air Pollution Control Officer's Association (CAPCOA) identified a number of potential approaches for determining the significance of GHG emissions in CEQA documents. In its white paper, CAPCOA suggests making significance determinations on a case-by-case basis when no significance thresholds have been formally adopted by a lead agency (CAPCOA, 2008).

Amendments to Section 15064.4 of the CEQA Guidelines were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to

[1] See Protect Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107 ["'[A] lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and resolution.'"']. Lead agencies can, and often do, use regulatory agencies' performance standards. A project's compliance with these standards usually is presumed to provide an adequate level of protection for environmental resources. See, e.g., Cadiz Land Co. v. Rail Cycle (2000) 83 Cal.App.4th 74, 99 (upholding use of regulatory agency performance standard).

assess those emissions quantitatively or qualitatively. If a qualitative analysis is used, in addition to quantification, this section recommends certain qualitative factors that may be used in the determination of significance (i.e., extent to which the project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs). The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies, or suggested by other experts, such as CAPCOA, so long as any threshold chosen is supported by substantial evidence (see Section 15064.7(c)). The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see Section 15064(h)(3)).[2]

Although GHG emissions can be quantified, CARB, VCAPCD and the City of Oxnard have not adopted project-level significance thresholds for GHG emissions that would be applicable to the proposed Program. The Governor's Office of Planning and Research (OPR) released a technical advisory on CEQA and climate change that provided some guidance on assessing the significance of GHG emissions, and states that "lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice," and that while "climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment."[3] Furthermore, the technical advisory states that "CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to less than significant as a means to avoid or substantially reduce the cumulative impact of a project."[4]

Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.[5] To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.[6]

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2 See generally California Natural Resources Agency, Final Statement of Reasons for Regulatory Action (December 2009), pp. 11-13, 14, 16. http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdfhttp://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed November 2019; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, Secretary for Natural Resources, April 13, 2009. Available at http://www.valleyair.org/Programs/CCAP/documents/Transmittal_LetterOPRApril2009.pdfhttp://opr.ca.gov/docs/Transmittal_Letter.pdf, accessed November 2019.

3 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

4 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

5 14 CCR § 15064(h)(3).

6 14 CCR § 15064(h)(3).

Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."[7] Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions.[8]

In the absence of any adopted, quantitative threshold, the Program would not have a significant effect on the environment if the Program is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within CARB's Climate Change Scoping Plan and City of Oxnard's policies established for the purpose of increasing energy efficiency and reducing GHG emissions.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goal and policy as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal SC-3: Energy efficiency performance standards and generation from renewable sources.

> **Policy SC-3.10, Alternatives to Power Plant Generation:** Evaluate the feasibility of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants.

In addition, future implementation of an individual electronic billboard would be required to comply with the following applicable regulatory plans.

Assembly Bill 32/Senate Bill 32 and Executive Order B-30-15

In support of Assembly Bill 32 and Senate Bill 32, the state has promulgated specific laws aimed at GHG reductions.

7 14 CCR § 15064(h)(3).

8 See, for example, San Joaquin Valley Air Pollution Control District (SJVAPCD), CEQA Determinations of Significance for Projects Subject to ARB's GHG Cap-and-Trade Regulation, APR-2025 (June 25, 2014), in which the SJVAPCD "determined that GHG emissions increases that are covered under ABR's Cap-and-Trade regulation cannot constitute significant increases under CEQA…" Furthermore, the SCAQMD has taken this position in CEQA documents it has produced as a lead agency. The SCAQMD has prepared three Negative Declarations and one Draft Environmental Impact Report that demonstrate the SCAQMD has applied its 10,000 $MTCO_2e$/yr significance threshold in such a way that GHG emissions covered by the Cap-and-Trade Program do not constitute emissions that must be measured against the threshold. See SCAQMD, Final Negative Declaration for Ultramar Inc. Wilmington Refinery Cogeneration Project, SHC No. 2012041014 (October 2014); SCAQMD Final Negative Declaration for Phillips 99 Los Angeles Refinery Carson Plant—Crude Oil Storage Capacity Project, SCH No. 2013091029 (December 2014); SCAQMD Final Mitigated Negative Declaration for Toxic Air Contaminant Reduction for Compliance with SCAQMD Rules 1420.1 and 1402 at the Exide Technologies Facility in Vernon, CA, SCH No. 2014101040 (December 2014); and SCAQMD Final Environmental Impact Report for the Breitburn Santa Fe Springs Blocks 400/700 Upgrade Project, SCH No. 2014121014 (August 2015).

2017 Climate Change Scoping Plan

According to the CARB 2017 Climate Change Scoping Plan, reductions needed to achieve the 2030 goal are expected to be achieved by targeting specific emission sectors, including those sectors that are not directly controlled or influenced by the Program, but nonetheless contribute to program-related GHG emissions (CARB, 2017). A list of applicable GHG emission reduction actions and strategies from the 2017 Climate Change Scoping Plan include:

Senate Bill 350 (SB 350):

The Clean Energy and Pollution Reduction Act of 2015 increases the standards of the California Renewable Portfolio Standard (RPS) program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by 2030. Required measures include:

> Increase RPS to 50 percent of retail sales by 2030.
>
> Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.
>
> Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in IRPs to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.

Implement Mobile Source Strategy (Cleaner Technology and Fuels):

Implementation of federal phase 2 standards for medium- and heavy-duty vehicles.

Adopt a Low Carbon Fuel Standard with a CI reduction of 18 percent.

Implement the post-2020 Cap-and-Trade Program with declining annual caps.

Compliance with the above General Plan goal and policy and applicable regulatory plans as well as the standards identified in the proposed Ordinance would reduce potential climate change impacts from the generation of greenhouse gas emissions.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goal and policy, the design standards proposed within the Ordinance, and the applicable regulatory plans would reduce the Program's potential climate change effects to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **Less than Significant Impact.** As discussed above, compliance with the above General Plan goal and policy and applicable regulatory plans as well as the standards identified in the proposed Ordinance would reduce potential climate change impacts from the generation of greenhouse gas emissions.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goal and policy, the design standards proposed within the Ordinance, and the applicable regulatory plans would reduce the Program's potential climate change effects to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

References

California Air Pollution Control Officers Association (CAPCOA), 2008. CEQA & Climate Change Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf

California Air Resources Control Board (CARB). 2017. California's 2017 Climate Change Scoping Plan. Available at: https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf. Accessed on May 27, 2022.

3.6 Cultural Resources and Tribal Cultural Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5?	☐	☒	☐	☐
b) Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to State CEQA Guidelines Section15064.5?	☐	☒	☐	☐
c) Would the project directly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	☐	☒	☐	☐
f) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Discussion

a) **Less than Significant with Mitigation Incorporated.** A records search was conducted at the South Central Coastal Information Center, California State University, Fullerton as part of the City of Oxnard General Plan Background Report prepared in 2006. According to the records search, the City contains a variety of previously recorded cultural resources, both from prehistoric and historic eras, including 12 prehistoric sites and 7 isolates. The City contains 31 recorded resources in the form of buildings and structures. Based on a review of the locations of the known resources, there are no known historic archaeological resources within the Program area. Although there are no known historic resources, there could be an inadvertent discovery during the installation of individual electronic billboards in accordance with the proposed Program.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal CD-3: A city of stable, safe, attractive, and revitalized neighborhoods with adequate parks, schools, infrastructure and community identity and pride.

> **Policy CD-3.1:** Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses as determined through environmental review and/or determination by the Planning Commission

Goal CD-9: A high quality visual image and perception of the city.

> **Policy CD-9.1:** Recognize, preserve, and improve the visual identity and character of existing neighborhoods. Infill development shall respect historic structures and be of compatible scale and character with historic areas.

Goal CD-11: Protected historic and authentic qualities of Oxnard's traditional Neighborhoods and historic districts.

> **Policy CD-11.2:** Seek to preserve historical structures and neighborhoods by evaluating the potential to expand and create new historic neighborhoods.
>
> **Policy CD-11.3:** Ensure that new public and private investment protects and enhances Oxnard's existing cultural resources, traditional neighborhoods, and historic districts, to the extent feasible.
>
> **Policy CD-11.4:** Require new developments within historic areas to incorporate historic and natural features and adaptive reuse into site development planning.

Goal ER-1: Protection of natural resources, agriculture, and open spaces is well integrated with the built environment and human activities and achieves a symbiotic, mutually-beneficial, sustainable relationship

> **Policy ER-1.1:** Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.

Goal ER-11: Identification, protection, and enhancement of the City's archeological, historical, and paleontological resources.

> **Policy ER-11.4:** Support public and private efforts to preserve, rehabilitate, and continue the use of historic structures, sites, and districts. Where applicable, preservation efforts shall confer with the Ventura County Cultural Heritage Board and conform to the current Secretary of the Interior's Standards for Treatment of Historic

Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building and the California Office of Historic Preservation.

Compliance with the above General Plan goals and policies would reduce potential impacts on historical resources; however, there is a potential for historic archaeological resources to be found, and if they are found, construction activities could cause significant impacts to the unknown resources.

Mitigation Measure

The following mitigation measure is required to reduce potential impacts to historic resources.

> **Mitigation Measure CUL-1:** Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the above applicable General Plan goals and policies and implementation of the above mitigation measure would reduce the Program's potential impact on unknown historical resources to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant with Mitigation Incorporated.** Based on a review of the City of Oxnard General Plan Background Report, there are no known archaeological resources within the Program area. Although there are no known resources, there could be an inadvertent discovery during the installation of an individual electronic billboard under the proposed Program.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal ER-1: Protection of natural resources, agriculture, and open spaces is well integrated with the built environment and human activities and achieves a symbiotic, mutually-beneficial, sustainable relationship

> **Policy ER-1.1:** Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.

Goal ER-11: Identification, protection, and enhancement of the City's archeological, historical, and paleontological resources.

> **Policy ER-11.1:** Continue to require a qualified archaeologist to perform a cultural resources study prior to project approval. Inspection for surface evidence of archaeological deposits, and archaeological monitoring during grading should be required in areas where significant cultural resources have been identified or are expected to occur.
>
> **Policy ER-11.2:** Ensure that alternatives are considered, including planning construction to avoid archeological sites, deeding archaeological sites into permanent conservation easements, and planning parks, greenspace or other open space to incorporate archaeological sites in the event that development threatens significant archaeological resources.
>
> **Policy ER-11.3:** Continue to require project applicants to have a qualified archaeologist conduct a record search at the South Central Coast Information Center located at California State University Fullerton and other appropriate historical repositories, conduct field surveys where appropriate, and prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards (Archaeological Resource Management Reports) prior to project approval.
>
> **Policy ER-11.6:** In the event that archaeological/paleontological resources are discovered during site excavation, continue to require that grading and construction work on the project site is suspended until the significance of the features can be determined by a qualified archaeologist/paleontologist.

Compliance with the above General Plan goals and policies would reduce potential impacts on archaeological resources; however, there is a potential for archaeological resources to be found, and if they are found, construction activities could cause significant impacts to the resources.

Mitigation Measure

The following mitigation measure is required to reduce potential impacts to archaeological resources.

Implementation of Mitigation Measure CUL-1 is required.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the applicable General Plan goals and policies and implementation of the above mitigation measure would reduce the Program's potential impact on archaeological resources to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **Less than Significant with Mitigation Incorporated.** Based on a review of the U.S. Geological Survey map for Oxnard, the Program area is underlain by Holocene alluvial deposits (CDC, 2003). Holocene alluvium is thought to be too young to contain significant paleontological resources. Therefore, near surface grading would result in less than significant impacts to paleontological resources. However, the Holocene alluvium could be underlain by more sensitive geologic sediment that could have a high potential to contain paleontological resources.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goal and policy as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal ER-11: Identification, protection, and enhancement of the City's archeological, historical, and paleontological resources.

> **Policy ER-11.6:** In the event that archaeological/paleontological resources are discovered during site excavation, continue to require that grading and construction work on the project site is suspended until the significance of the features can be determined by a qualified archaeologist/paleontologist.

Compliance with the above General Plan goal and policy would reduce potential impacts on paleontological resources; however, there is a potential for paleontological resources to be found, and if they are found, construction activities could cause significant impacts to the resources.

Mitigation Measure

The following mitigation measure is required to reduce potential impacts to paleontological resources.

Mitigation Measure CUL-2: Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the applicable General Plan goal and policy identified above and implementation of the above mitigation measure would reduce the Program's potential impact on paleontological resources to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

d) **Less than Significant.** No human remains are known to exist on or in the immediate vicinity of the Program area. If human remains are inadvertently encountered, all work is required to halt and the Ventura County Coroner is required to be contacted in accordance with California Public Resources Code 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) would be notified in accordance with State law.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goal and policy as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal ER-11: Identification, protection, and enhancement of the City's archeological, historical, and paleontological resources.

Policy ER-11.6: In the event that archaeological/paleontological resources are discovered during site excavation, continue to require that grading and construction work on the project site is suspended until the significance of the features can be determined by a qualified archaeologist/paleontologist.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the applicable General Plan goal and policy identified above would reduce the Program's potential impact on human remains to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

e, f) **Less than Significant with Mitigation Incorporated.** As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expanded CEQA by defining a new resource category, "tribal cultural resources (TCR)". AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (Public Resources Code Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (Public Resources Code Section 21084.3). Effects on tribal cultural resources are only knowable once a specific project has been proposed because the effects depend highly on the individual project site conditions and the characteristics of the proposed activity.

The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (Appendix B). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52.

The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a NOP or a Notice of Intent to Adopt a Negative Declaration or MND will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under the CEQA, known as tribal cultural resources (as defined in PRC Section 21074(a)). On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources update to *CEQA Guidelines* Appendix G, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency's formal notification and the lead agency must begin consultation within 30 days of receiving the tribe's request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the project's impacts on the tribal cultural resources; project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt a Mitigated Negative Declaration (PRC Section 21082.3(d)(2) and (3)).

The Barbareno/Ventureno Band of Mission Indians was notified of the proposed Program, but did not request consultation with the City of Oxnard regarding the Program. There are no known tribal cultural resources located within the Program area, and therefore, no impacts to known tribal cultural resources would occur.

Although the current AB 52 process for the proposed Program failed to identify any TCRs, new TCRs may be identified or established over the course of the implementation of the Program and could be impacted.

Mitigation Measure

The following mitigation measure is required to reduce potential impacts to paleontological resources.

> **Mitigation Measure CUL-3:** A qualified archaeologist and Native American Monitor shall be present during construction-related ground disturbance activities in order to identify any unanticipated discovery of tribal cultural resources. The qualified archaeologist and Native American monitor may be different individuals or the same individual if the City determines that individual qualifies as both a qualified archaeologist and Native American monitor. All archaeological resources unearthed by construction activities shall be evaluated by the qualified archaeologist and Native American Monitor. If the resources are determined to be human remains, the coroner shall be notified, and if the human remains are Native American in origin, the coroner shall notify the NAHC as mandated by state law, who will then appoint a most likely descendent, who shall then coordinate with the landowner regarding treatment and curation of these resources. Typically, the most likely descendent will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to PRC Section 21083.2(g), the qualified archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the

Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, implementation of the above mitigation measure would reduce the Program's potential impact on tribal cultural resources to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

References

California Department of Conservation (CDC), California Geological Survey. 2003. Geologic Map of the Oxnard 7.5' Quadrangle, Ventura County, California: A Digital Database, Version 1.0.

Impact Sciences, Inc. 2001. Riverpark Specific Plan Draft EIR. Available at: https://www.oxnard.org/environmental-document-archives/. Accessed on February 11, 2022.

W&S Consultants. 2000. Phase I Archaeological Survey for the Riverpark Specific Plan Area. December 14.

3.7 Geology and Soils

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or 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 or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii) Strong seismic ground shaking that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
b) Would the project 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-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
c) Would the project be located on expansive soil, creating substantial risk to life or property that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
d) Would the project expose people or structures to inundation by seiche or tsunami?	☐	☐	☐	☒
e) Would the project rely on dredging or other maintenance activity by another agency that is not guaranteed to continue?	☐	☐	☐	☒

Discussion

a.i) **Less than Significant Impact.** A fault is a plane or surface in the earth along which failure has occurred and materials on opposite sides have moved relative to one another in response to the accumulation and release of stress. The U.S. Geological Survey defines active faults as those that have had surface displacements within Holocene time (about the last 11,000 years). Potentially active faults are those that have had surface displacement during Quaternary time, within the last 1.6 million years. Based on a review of the City of Oxnard General Plan Background Report, the most regionally active faults in the vicinity of the City of Oxnard are the Oak Ridge, Pitas Point-Ventura, Red Mountain, Anacapa, and Malibu Coast faults. The nearest active fault to the Program area is the Pitas Point-Ventura fault which is located approximately four miles north of the Program area (Matrix Design Group, Inc., 2006).

Although the nearest active fault is approximately four miles from the Program area, future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goal and policy as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal SH-1: Minimal damage to structures, property, and infrastructure as a result of liquefaction and subsidence.

Policy ER-1.1: Ensure that structures for human occupancy are only constructed or placed on a potential liquefaction site if the approved geological report shows that an acceptable hazard risk would be created and/or required mitigation measures are met.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goal and policy identified above would reduce the Program's potential impact related to fault rupture to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

a.ii) **Less than Significant Impact.** The Program area is located in Southern California, an area that is subject to strong seismic ground shaking. Seismically induced ground acceleration is the shaking motion that is produced by an earthquake. As noted in Response 8.a.i) above, there are regionally active faults in the vicinity of the City of Oxnard. Earthquake activity associated with these faults could cause ground shaking within the Program area. Individual electronic billboards constructed in accordance with the Ordinance Program are subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code. The criteria contain seismic safety provisions with the aim of preventing building and structural collapse during an earthquake.

Future implementation of an individual electronic billboard would be required to comply with State law and the applicable 2030 General Plan goal and policies. The applicable 2030 General Plan goal and policies include:

Goal SH-1: Minimal damage to structures, property, and infrastructure as a result of liquefaction and subsidence.

Policy ER-1.3: Require that all new buildings and alterations to existing buildings be built according to the seismic requirements adopted within the most current City of Oxnard Building Code, or its adopted equivalent.

Policy ER-1.4: Require that adequate soils, and geologic and structural evaluation reports be prepared by registered soils engineers, engineering geologists, and/or structural engineers, as appropriate, for applicable development.

Policy ER-1.8: Where necessary, utilize the expert mitigation measures such as those identified in Special Publication 117: Guidelines for Analyzing and Mitigating Seismic Hazards in California (prepared by the Southern California Earthquake Center) to minimize risk associated with seismic activity.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the most recent CBC and the General Plan goal and policies identified above would reduce the Program's potential impact related to strong seismic ground shaking to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant Impact.** Unstable geologic units or soils commonly occur when there are landslides, lateral spreading, subsidence/collapse, or liquefaction.

Landslides

Because the Program area is located on relatively flat terrain, the individual electronic billboards would not be subject to potential unstable soils due to landslides.

Lateral Spreading

Lateral spreading movement occurs when a soil mass slides laterally on liquefied soil layers, moving downslope or towards a free face. Based on a review of the City of Oxnard General Plan Background Report, the majority of the Program area is subject to liquefaction, and therefore, there is a potential for lateral spreading to occur within the Program area. The proposed Program is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code and the CBC includes provisions to reduce lateral spreading impacts.

Subsidence/Collapse

Subsidence or collapse is the sinking of the ground surface caused by the compression of earth materials resulting from manmade activities, such as groundwater or oil and gas withdrawal. The resulting compression typically occurs only once within affected soils and cannot be repeated during fluctuations of the groundwater level or from peat oxidation. Historic groundwater withdrawals have caused some regional subsidence or collapse and potential subsidence and collapse could occur within the Program area. The proposed Program is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code and the CBC includes provisions to reduce subsidence and collapse impacts.

Liquefaction

Liquefaction is a phenomenon that occurs when soil undergoes transformation from a solid state to a liquefied condition due to the effects of increased pore-water pressure. This typically occurs where susceptible soils (particularly soils in the medium sand to silt range) are located over a high groundwater table. A high groundwater table is described as one within 50 feet of the surface. Most of the Program area is subject to liquefaction. The proposed Program is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code and the CBC includes provisions to reduce liquefaction impacts.

Future implementation of an individual electronic billboard would be required to comply with State law and the applicable 2030 General Plan goal and policies. The applicable 2030 General Plan goal and policies include:

Goal SH-1: Minimal damage to structures, property, and infrastructure as a result of liquefaction and subsidence.

Policy SH-1.1: Ensure that structures for human occupancy are only constructed or placed on a potential liquefaction site if the approved geological report shows that an acceptable hazard risk would be created and/or required mitigation measures are met.

Policy SH-1.3: Require that all new buildings and alterations to existing buildings be built according to the seismic requirements adopted within the most current City of Oxnard Building Code, or its adopted equivalent.

Policy SH-1.4: Require that adequate soils, and geologic and structural evaluation reports be prepared by registered soils engineers, engineering geologists, and/or structural engineers, as appropriate, for applicable development.

Policy SH-1.5: Continue to require the submission of a geological report for proposed development located in a potential liquefaction area.

Policy SH-1.7: Continue to require a complete site-specific soils investigation that addresses liquefaction and compressible soil characteristics and identifies construction techniques or other mitigation measures to prevent significant impacts upon the proposed development

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the most recent CBC and the General Plan goal and policies identified above would reduce the Program's potential impact related to unstable soils to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **Less than Significant Impact.** Expansive soil is characterized by a clay composition whereby clay particles expand dramatically upon wetting. Structures constructed on expansive soils require special design considerations that are identified within the CBC. Based on a review of the City of Oxnard General Plan Background Report, the Program area generally consists of alluvial deposits of silt, sand and gravel that are not expected to be expansive. Conformance with the design criteria within the CBC would reduce substantive expansive soils.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goal and policy as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal SH-1: Minimal damage to structures, property, and infrastructure as a result of liquefaction and subsidence.

Policy SH-1.1: Ensure that structures for human occupancy are only constructed or placed on a potential liquefaction site if the approved geological report shows that an acceptable hazard risk would be created and/or required mitigation measures are met.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goal and policy identified above would reduce the Program's potential impact related to expansive soils to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

d) **No Impact.** Seiches and tsunamis are caused by earthquakes. Seiches are waves caused by large-scale, short-duration oscillation of confined bodies of water (such as reservoirs and lakes) during earthquakes that may damage low-lying adjacent areas, although not as severely as a tsunami. The closest enclosed body of water that could result in earthquake-induced seiche is Lake Piru which is approximately 30 miles northeast of the Program area. Due to the distance of Lake Piru, potential seiches in the lake would not impact the Program area. Tsunamis are earthquake-induced surge waves that can cause severe coastal flooding. Because the Program area is located at least five miles from the coast and at approximately elevation 65 to 80 feet above mean sea level, the Program area is not at risk from a tsunami. Implementation of individual electronic billboards in accordance with the proposed Program would not be impacted by seiches or tsunamis.

e) **No Impact.** The proposed Program is located along U.S. 101. The operation of the individual electronic billboards would not rely on maintenance activities under the purview of other agencies aside from the City of Oxnard. The proposed Program would have no impact.

References

Matrix Design Group, Inc. 2006. City of Oxnard General Plan Draft Background Report. Available at https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 16, 2022.

3.8 Hazards and Hazardous Materials

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Would the project emit hazardous substances or involve handling hazardous or acutely hazardous substances, or waste within one-quarter mile of an existing or proposed school in quantities or a manner that would create a substantial hazard?	☐	☐	☒	☐
d) Would the project be located on a site that 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?	☐	☐	☒	☐
e) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction activities required for individual electronic billboards in accordance with the proposed Program would involve site clearing, grading, drilling, trenching to connect to an existing electrical line and other ground-disturbing activities. These construction activities would temporarily require the use of equipment such as trucks, drill, concrete mixer, crane, and other powered equipment, and would use potentially hazardous materials, such as fuels (gasoline and diesel) and lubricants (oil and grease). In addition, construction may use hazardous materials, such as solvents, paints, thinners, or other chemicals. Such materials would be used only in small quantities based on the minimal activities associated with the installation of an electronic billboard. These materials would be transported, handled, stored and disposed of in accordance with applicable laws and regulations and manufacturers' instructions.

Operation of the proposed electronic billboards installed in accordance with the proposed Program would result in periodic maintenance activities. These activities may include the limited use of paints, solvents and other chemicals.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ICS-16: Residents and property protected from the use, transport, and disposal of hazardous materials.

Policy ICS-16.3: Continue to require the proper disposal and recycling of hazardous materials.

Goal SH-7: Minimize risk associated with the transportation, distribution, use, and storage of hazardous materials.

Policy SH-7.1: Maintain and periodically update a hazardous waste minimization audit and hazardous waste minimization program as part of the development review process.

Policy SH -7.2: Require that hazardous materials are used, stored, transported and disposed of within the City in a safe manner and in compliance with local, state, and federal standards.

Policy SH -7.3: Avoid, whenever possible, the routing of hazardous materials near residential, tourist, and recreational areas and maintain a hazardous material truck route in the office of the Traffic Engineer.

Policy SH -7.5: Implement the policies of the Ventura County Hazardous Waste Management Plan as they pertain to the Oxnard Planning Area.

Policy SH -7.11: Continue to require a hazardous materials inventory for businesses and other applicable parties as part of the Certified Unified Program Agency (CUPA) program.

Policy SH -7.12: Ensure that the proponents of new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project. Recommendations required to satisfy federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goals and policies identified above would reduce the Program's potential hazard impact related to the routine transport, use and disposal of hazardous materials to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant Impact.** As stated above, the maintenance activities associated with electronic billboards may use a limited quantity of hazardous materials such as paints, solvents and other chemicals. However, because these activities are periodic and the use of potential hazardous materials is limited, the Program could create a nominal hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ICS-16: Residents and property protected from the use, transport, and disposal of hazardous materials.

> **Policy ICS-16.3:** Continue to require the proper disposal and recycling of hazardous materials.

Goal SH-7: Minimize risk associated with the transportation, distribution, use, and storage of hazardous materials.

> **Policy SH -7.1:** Maintain and periodically update a hazardous waste minimization audit and hazardous waste minimization program as part of the development review process.
>
> **Policy SH -7.2:** Require that hazardous materials are used, stored, transported and disposed of within the City in a safe manner and in compliance with local, state, and federal standards.
>
> **Policy SH -7.3:** Avoid, whenever possible, the routing of hazardous materials near residential, tourist, and recreational areas and maintain a hazardous material truck route in the office of the Traffic Engineer.
>
> **Policy SH -7.5:** Implement the policies of the Ventura County Hazardous Waste Management Plan as they pertain to the Oxnard Planning Area.
>
> **Policy SH -7.11:** Continue to require a hazardous materials inventory for businesses and other applicable parties as part of the Certified Unified Program Agency (CUPA) program.
>
> **Policy SH -7.12:** Ensure that the proponents of new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project. Recommendations required to satisfy federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goals and policies identified above would reduce the Program's potential hazard impact related to reasonable upset or accident conditions involving the release of hazardous materials to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **Less than Significant Impact.** The nearest existing schools to the Program area are the Rio Real Elementary School located northwest of the U.S. 101 and Rose/Santa Clara Avenue interchange (approximately 350 feet) and the Rio Linda Elementary School located southeast of the U.S. 101 and Rose/Santa Clara Avenue interchange (approximately 550 feet).

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ICS-16: Residents and property protected from the use, transport, and disposal of hazardous materials.

> **Policy ICS-16.3:** Continue to require the proper disposal and recycling of hazardous materials.

Goal SH-7: Minimize risk associated with the transportation, distribution, use, and storage of hazardous materials.

> **Policy SH -7.1:** Maintain and periodically update a hazardous waste minimization audit and hazardous waste minimization program as part of the development review process.
>
> **Policy SH -7.2:** Require that hazardous materials are used, stored, transported and disposed of within the City in a safe manner and in compliance with local, state, and federal standards.
>
> **Policy SH -7.3:** Avoid, whenever possible, the routing of hazardous materials near residential, tourist, and recreational areas and maintain a hazardous material truck route in the office of the Traffic Engineer.
>
> **Policy SH -7.5:** Implement the policies of the Ventura County Hazardous Waste Management Plan as they pertain to the Oxnard Planning Area.
>
> **Policy SH -7.11:** Continue to require a hazardous materials inventory for businesses and other applicable parties as part of the Certified Unified Program Agency (CUPA) program.
>
> **Policy SH -7.12:** Ensure that the proponents of new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project. Recommendations required to satisfy federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with

State law and the General Plan goals and policies identified above would reduce the Program's potential hazard impact to schools to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

d) **Less than Significant Impact.** Government Code Section 65962.5 requires CalEPA to develop and annually update the Hazardous Waste and Substances Sites (Cortese) List. The information contained in the Cortese List is provided by the Department of Toxic Substances Control (DTSC) and other state and local government agencies. A review of the DTSC EnviroStor and State Water Resources Control Board (SWRCB) GeoTracker databases indicated that there were no hazardous materials sites that are on the Cortese List. However, there have been hazardous materials sites along U.S. 101. There were at least 14 leaking underground storage tanks (LUST) north of U.S. 101 and five LUST south of U.S. 101 that resulted in contamination of soil/non-potable groundwater due to accidental releases of gasoline, diesel, and waste/motor/hydraulic oils. Each of these sites were the subject of cleanup including monitoring wells. Each of these LUST sites are closed and no further environmental concerns remain. Although there are no current hazardous waste sites, the implementation of the proposed Ordinance in the future could occur within a site exposed to a future hazardous materials concern.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goal and policy as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policy include:

Goal SH-7: Minimize risk associated with the transportation, distribution, use, and storage of hazardous materials.

> **Policy SH -7.1:** Ensure that the proponents of new development projects address hazardous materials concerns through the preparation of Phase I or Phase II hazardous materials studies for each identified site as part of the design phase for each project. Recommendations required to satisfy federal or State cleanup standards outlined in the studies will be implemented as part of the construction phase for each project.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goal and policy identified above would reduce the Program's potential hazard impact associated with a hazardous materials site to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

e) **No Impact.** The Program area is located along U.S. 101. The operation of an electronic billboard would be located on individual lots and would not result in changes to the existing circulation system. The electronic billboards that are installed in accordance with the proposed Program would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, no impact would occur.

References

State Water Resources Control Board (SWRCB), 1998. GeoTracker Database. MacValley/McCaslin Oil (T0611100537). Available at: http://geotracker.waterboards.ca.gov/profile_report?global_id=T0611100537. Accessed on February 28, 2022.

3.9 Hydrology and Water Quality

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Would the project 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 on- or off-site flooding or exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	☐	☒
d) Would the project place new 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?	☐	☐	☐	☒
e) Would the project impede or redirect flood flows such that it would increase on- or off-site flood potential?	☐	☐	☐	☒
f) Would the project 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?	☐	☐	☒	☐
g) Would the project be exposed to a substantial risk related to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction activities associated with the Program could result in short-term surface water quality impacts. These potential impacts could occur from construction-related activities such as drilling for the electronic sign pole foundation and pouring concrete. Runoff of loose soils and/or construction wastes and fuel during a rainstorm could flow into local storm drains as a result of individual electronic billboard construction. Such contaminated runoff could potentially threaten downstream water resources that receive runoff from the local drainage network.

The Ventura County Watershed Protection District, County of Ventura, and the cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, and Thousand Oaks have joined together to form the Ventura Countywide Stormwater Quality Management Program and are named as co-permittees under a revised countywide municipal NPDES permit for stormwater discharges issued by RWQCB in 2010 (Order R4-2010-0108). Under Order R4-2010-0108, the co- permittees are required to administer, implement, and enforce a Stormwater Quality Management Program to reduce pollutants in urban runoff to the maximum extent practicable. Accordingly, the individual electronic billboards implemented as part of the proposed Program would be required to meet

regulations and conditions of approval to comply with NPDES requirements. Compliance with the Oxnard building permit would require the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and associated best management practices (BMP). The BMPs would include measures that would be implemented to prevent discharge of eroded soils from the construction site and sedimentation of surface waters offsite. The BMPs would also include measures to quickly contain and clean up any minor spills or leaks of fluids from construction equipment. The City's Stormwater Quality Management ordinance (OCC Chapter 22, Article XII) specifies various prohibitions intended to implement the Clean Water Act and prohibit non-storm water discharges into the storm drain system. BMP requirements are enforced through the City's plan approval and permit process and plans for all new development projects are subject to City inspection.

Standard construction BMPs such as silt fencing, storm drain inlet protection, and proper material and waste storage will ensure surface water quality is not substantially degraded during construction. Compliance with the City's standard stormwater runoff provisions for construction activities, such as runoff control and other measures set forth in the City's Stormwater Quality Management ordinance would ensure that the Program does not violate any water quality standards or any waste discharge requirements during construction.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the NPDES requirements and the City's Stormwater Quality Management ordinance would reduce the Program's potential storm water quality impacts to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

Operation activities associated with electronic billboards would not involve the use of water or the generation of wastewater. Therefore, no violation of any water quality standards or any waste discharge requirements would occur, and thus no water quality impacts due to operational activities would result.

b) **Less than Significant Impact.** Groundwater in the Oxnard Plain and throughout the region is under the management of the Fox Canyon Groundwater Management Agency (FCGMA). The FCGMA was created in 1982 by the California Legislature via the Fox Canyon Groundwater Management Agency Act [AB-2995] for the express purposes of regulating, conserving, managing, and controlling the use and extraction of groundwater to help preserve resources, and to counter seawater intrusion beneath the Oxnard Plain. The regulations of FCGMA, which restrict groundwater withdrawals, apply to all groundwater users within its jurisdiction. These users include agricultural activities, industrial users, and municipalities such as the City of Oxnard.

The proposed Program would result in construction activities to install electronic billboards. The proposed billboards would not require water to operate. Construction activities associated

with electronic billboards could encounter groundwater; however, no substantial extraction of groundwater is expected to occur.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with FCGMA regulations that restrict groundwater withdrawals would reduce the Program's potential groundwater impacts to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **No Impact.** The Program area has relatively flat topography. The only water resource feature that extends under U.S. 101 and is within the Program area is a channelized portion of Beardsley Channel. Therefore, the implementation of the proposed Program **would** not substantially alter the existing drainage pattern of the site or area, including through the alteration of a course, stream or river, or through the addition of impervious surfaces as the installation of electronic billboards under the proposed Program would nominally increase impervious surfaces. As such, no impact would occur.

d) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Program area is not located in a flood prone area including a 100-year flood zone (FEMA, 2010). Therefore, the Program would not include the placement of an electronic billboard within a 100-year flood zone. No impact would occur.

e) **No Impact.** The implementation of the Program would include the placement of electronic billboards within the Program area. The placement electronic billboards would not impede or redirect existing surface drainage flows from the Program site.

f) **Less than Significant Impact.** Based on a review of the Ventura County Multi-Hazard Mitigation Plan, the majority of the City of Oxnard including the Program area is within a dam inundation area (AECOM, 2015). Although the Program area is subject to inundation due to a failure of a dam upstream along the Santa Clara River, the probability of dam failure inundation is not known but such an event would likely be the result of an extreme storm. The Division of Safety and Dams periodically checks the conditions of dams so that the likelihood for a dam failure is further reduced. The existing levee along the Santa Clara River is currently being evaluated to be reconstructed to provide greater protection for urban uses. There is a potential for a breach of the levee prior to reconstruction of the levee. Because a future electronic billboard could be installed in the vicinity of the existing levee, inundation of the future electronic billboard could occur.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, because the electronic billboards implemented as part of the proposed Program would not include people at each of the billboard sites on a regular basis, the Program would not result in exposing people to injury or death. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

g) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Program area is not located in a flood prone area (FEMA, 2010). As discussed in Section 8.d) above, the Program area would not be subject to seiches or tsunamis. The Program area and surrounding area contain relatively flat terrain and are not subject to mudflows. Therefore, the construction of electronic billboards in accordance with the proposed Program would not expose the proposed billboards to substantial risk related to inundation by a seiche, tsunami or mudflow.

References

AECOM. 2015. Ventura County Multi-Hazard Mitigation Plan. Available at: https://www.vcfloodinfo.com/pdf/2015%20Ventura%20County%20Multi-Hazard%20Mitigation%20Plan%20and%20Appendices.pdf. Accessed on February 18, 2022.

City of Oxnard. Nd. City of Oxnard Code of Ordinances, Chapter 22, Article XII, Stormwater Quality Management Available at: https://codelibrary.amlegal.com/codes/oxnard/latest/oxnard_ca/0-0-0-45856.. Accessed on May 27, 2022.

Federal Emergency Management Agency. 2010. Flood Insurance Rate Map, Ventura County, California, Panel 910 of 1275, Map Number 06111C0910E. Available at: https://msc.fema.gov/portal/search?AddressQuery=Riverpark%20Oxnard%20Ca#searchresultsanchor. Accessed on February 18, 2022.

3.10 Land Use and Planning

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with an applicable land use plan, policy or regulation of the City or other agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect?	☐	☒	☐	☐
b) Would the project involve land uses that are not allowed under any applicable airport land use compatibility plan?	☐	☐	☒	☐
h) Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
i) Would the project physically divide an established community?	☐	☐	☐	☒

Discussion

a) **Less than Significant with Mitigation Incorporated.** The proposed Program would result in an amendment to the existing City of Oxnard sign regulations within the City of Oxnard Municipal Code. The Program includes standards to comply with state law regarding electronic billboard brightness and display cycle to reduce potential traffic safety impacts for motorists along U.S. 101; however, the Program could result in land use compatibility conflicts with applicable City plans and policies.

As discussed in Section 3.1 a) through c), the implementation of the Program would result in less than significant impacts to scenic vistas, scenic resources, scenic highways and less than significant visual alteration of the existing visual characteristics. However, the operation of electronic billboards could result in substantial lighting impacts on sensitive land use areas such as residences and on sensitive vegetation communities.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal CD-3: A city of stable, safe, attractive, and revitalized neighborhoods with adequate parks, schools, infrastructure and community identity and pride.

> **Policy CD-3.1:** Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses as determined through environmental review and/or determination by the Planning Commission.

Goal CD-4: A city of stable, safe, attractive, and revitalized neighborhoods with adequate parks, schools, infrastructure and community identity and pride

Policy CD-4.1: Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.

Goal CD-9: A high quality visual image and perception of the city.

Policy CD-9.3: Designate major entryways as gateways into the City. The City shall use landscaping, decorative lighting, signage and/or other streetscape design techniques to enhance the City's identity, sense of place, and provide visual emphasis to the streetscapes to the City.

Policy CD-9.4: Ensure all public and private investments positively contribute to the overall character of the City by minimizing impacts on important view corridors by creating edge treatments along greenbelt areas and a landscaped buffer corridor of at least 30 feet along designated scenic corridors and other major transportation corridors.

Goal ER-6: Protected and enhanced natural setting and scenic resources.

Policy ER-6.1: Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not significantly impede or disrupt them and ensure that important vistas and view corridors are enhanced. Require development to provide physical breaks to allow views into these vistas and view corridors.

Policy ER-6.2: Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.

Policy ER-6.3: Preserve views of significant small-scale plant communities including wetlands, riparian vegetation, man-made water features, and the like wherever possible.

Policy ER-6.5: Require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor light fixtures.

Compliance with the above General Plan goals and policies as well as the standards identified in the proposed Ordinance would reduce potential land use compatibility impacts. However, significant compatibility impacts specifically related to increases in lighting could remain.

Mitigation Measures

The following mitigation measures are required to reduce potential compatibility impacts at nearby uses.

Implementation of Mitigation Measures AES-1 through AES-3 is required.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the applicable General Plan goals and policies, and the design standards proposed within the Ordinance, and implementation of the above mitigation measures would reduce the Program's compatibility impacts to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant Impact.** The Program area is located at least 2.2 miles from the Oxnard Airport and approximately 0.8 mile from the Camarillo Airport. The Program area is not within the clear zone of either airport, however, the Program area is within the airport land use plans' Federal Aviation Administration (FAA) Part 77 height restriction areas. According to the Oxnard Airport Master Plan, obstructions to air navigation within the Program area would occur if structures exceeded 350 feet in elevation (Coffman Associates, Inc., 2004). The proposed Program would not include any structures that would be 350 feet in elevation, and therefore, the implementation of the Program would not impact air navigation at the Oxnard Airport. According to the Camarillo Airport Master Plan, obstructions in air navigation could occur within the portion of the Program area east of Rice/Santa Clara Avenue.

Future implementation of an individual electronic billboard would be required to comply with State and federal laws, the applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal SH-9: Oxnard Airport operations are at an acceptable risk and compatible with surrounding land uses and activities.

> **Policy SH-9.1:** Require development around the Oxnard and Camarillo Airports to be consistent with the safety policies and land use compatibility guidelines contained within the Ventura County Airport Land Use Plan.
>
> **Policy SH-9.2:** Ensure development within the airport approach and departure zones are in compliance with applicable Federal Aviation Administration regulations that address objects affecting navigable airspace.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the General Plan goals and policies and the design standards proposed within the Ordinance would reduce the Program's compatibility impacts to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

d) **No Impact.** The proposed Program area is not located within any habitat conservation plan or natural community conservation plan areas. Therefore, the proposed Program would not

conflict with provisions of an adopted natural community conservation plan or other approved local, regional, or state habitat conservation plan, and no impact would occur.

e) **No Impact.** The implementation of electronic billboards under the proposed Program would include the placement of billboards along U.S. 101. Each billboard would be required to be separated by 2,000 feet. The future placement of electronic billboards would not physically divide the surrounding community since the proposed signs would not obstruct or in any way change access to the existing community. The operation of electronic billboards would not physically impact any roadways or traffic circulation patterns within the existing community. Electronic billboards installed under the proposed Program would not create any barriers to access to a community or require removal of any housing. As such, the proposed Program would have no impact.

References

Coffman Associates, Inc. 2004. Airport Master Plan for Oxnard Airport. Available at: https://vcportal.ventura.org/AIRPORTS/docs/document_library/Master_Plan_OXR_2004.pdf. Accessed on February 18, 2022.

3.11 Mineral Resources

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project result in the loss of availability of a known mineral resource of value to the region or state?	☐	☐	☐	☒
b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated in the 2030 General Plan or other adopted land use plan?	☐	☐	☐	☒

Discussion

a) **No Impact.** Based on a review of the City of Oxnard Background Report, the Program area includes areas designated as Mineral Resource Zone (MRZ) MRZ-2 and Non-Designated MRZ-2 Zone. The MRZ-2 Zone includes areas where there is adequate information that indicates significant mineral deposits are present. Although the Program area could include significant mineral deposits, there are no mining activities within the Program area and the existing urban development within the Program area impedes the potential to economically mine in this area. Therefore, the proposed Program would not result in the loss of availability of important mineral resources. No impacts to mineral resources would occur with the implementation of the proposed Program.

b) **No Impact.** The Program area is not designated as a locally-important mineral resource or a mineral resource recovery area (City of Oxnard, 2014). Therefore, the implementation of the Program would not impact a locally-important mineral resource recovery site.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 22, 2022.

3.12 Noise

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project generate or expose persons to noise levels exceeding standards established in the Oxnard 2030 General Plan or Noise Ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Would the project generate or expose persons to excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) Would the project generate a substantial temporary or periodic increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Would the project generate a substantial permanent increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within the airport land use plan for Oxnard Airport or within two miles of Naval Base, Ventura County at Point Mugu, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) Would the project expose non-human species to excessive noise?	☐	☒	☐	☐

Discussion

a) **Less than Significant Impact.** Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air). Noise is generally defined as unwanted sound (i.e., loud, unexpected, or annoying sound). Acoustics is defined as the physics of sound. In acoustics, the fundamental scientific model consists of a sound (or noise) source, a receiver, and the propagation path between the two. The loudness of the noise source and obstructions, or atmospheric factors affecting the propagation path to the receiver determines the sound level and characteristics of the noise perceived by the receiver. Acoustics addresses primarily the propagation and control of sound.

Sound, traveling in the form of waves from a source, exerts a sound pressure level (referred to as sound level) that is measured in decibels (dB), which is the standard unit of sound amplitude measurement. The dB scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound, with 0 dB corresponding roughly to the threshold of human hearing and 120 to 140 dB corresponding to the threshold of pain. Pressure waves traveling through air exert a force registered by the human ear as sound.

Sound pressure fluctuations can be measured in units of hertz (Hz), which correspond to the frequency of a particular sound. Typically, sound does not consist of a single frequency, but rather a broad band of frequencies varying in levels of magnitude, with audible frequencies of the sound spectrum ranging from 20 to 20,000 Hz. The sound pressure level, therefore, constitutes the additive force exerted by a sound corresponding to the sound frequency/sound power level spectrum. The typical human ear is not equally sensitive to this frequency range. As a consequence, when assessing potential noise impacts, sound is measured using an electronic

filter that deemphasizes the frequencies below 1,000 Hz and above 5,000 Hz in a manner corresponding to the human ear's decreased sensitivity to these extremely low and extremely high frequencies. This method of frequency filtering, or weighting, is referred to as A-weighting, expressed in units of A-weighted decibels (dBA), which is typically applied to community noise measurements.

An individual's noise exposure is a measure of noise over a period of time; a noise level is a measure of noise at a given instant in time. However, noise levels rarely persist at one level over a long period of time. Rather, community noise varies continuously over a period of time with respect to the sound sources contributing to the community noise environment. Community noise is primarily the product of many distant noise sources, which constitute a relatively stable background noise exposure, with many of the individual contributors unidentifiable. The background noise level changes throughout a typical day, but does so gradually, corresponding with the addition and subtraction of distant noise sources, such as changes in traffic volume. What makes community noise variable throughout a day, besides the slowly changing background noise, is the addition of short-duration, single-event noise sources (e.g., aircraft flyovers, motor vehicles, sirens), which are readily identifiable to the individual.

These successive additions of sound to the community noise environment change the community noise level from instant to instant, requiring the noise exposure to be measured over periods of time to legitimately characterize a community noise environment and evaluate cumulative noise impacts. The following noise descriptors are used to characterize environmental noise levels over time, which are applicable to the Project.

L_{eq}: The equivalent sound level, is used to describe noise over a specified period of time in terms of a single numerical value; the L_{eq} of a time-varying signal and that of a steady signal are the same if they deliver the same acoustic energy over a given time. The L_{eq} may also be referred to as the average sound level.

L_{max}: The maximum, instantaneous noise level experienced during a given period of time.

L_{min}: The minimum, instantaneous noise level experienced during a given period of time.

L_x: The noise level exceeded a percentage of a specified time period. For instance, L_{50} and L_{90} represent the noise levels that are exceeded 50 percent and 90 percent of the time, respectively.

L_{dn}: The average A-weighted noise level during a 24-hour day, obtained after an addition of 10 dBA to measured noise levels between the hours of 10 p.m. to 7 a.m. to account nighttime noise sensitivity. The L_{dn} is also termed the day-night average noise level (DNL).

CNEL: The Community Noise Equivalent Level (CNEL) is the average A-weighted noise level during a 24-hour day that is obtained after an addition of 5 dBA to measured noise levels between the hours of 7 p.m. to 10 p.m. and after an addition of 10 dBA to noise levels between the hours of 10 p.m. to 7 a.m. to account for noise sensitivity in the evening and nighttime, respectively. CNEL and L_{dn} are close to each other, with CNEL being more stringent and generally 1 dBA higher than L_{dn}

Noise is generally loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity that is a nuisance or disruptive. Although exposure to high noise levels has been demonstrated to cause physical and physiological effects, the principal human responses to typical environmental noise exposure are related to subjective effects and interference with activities.

With regard to the subjective effects, the responses of individuals to similar noise events are diverse and influenced by many factors, including the type of noise, the perceived importance of the noise, the appropriateness of the noise to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity. Overall, there is no completely satisfactory way to measure the subjective effects of noise, or the corresponding reactions of annoyance and dissatisfaction on people. A wide variation in individual thresholds of annoyance exists, and different tolerances to noise tend to develop based on an individual's past experiences with noise. Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted (i.e., comparison to the ambient noise environment). In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships generally occur (Caltrans, 2013):

- Except in carefully controlled laboratory experiments, a change of 1 dBA in ambient noise levels cannot be perceived.
- Outside of the laboratory, a 3 dBA change in ambient noise levels is considered to be a barely perceivable difference.
- A change in ambient noise levels of 5 dBA is considered to be a readily perceivable difference.
- A change in ambient noise levels of 10 dBA is subjectively heard as doubling of the perceived loudness.

These relationships occur in part because of the logarithmic nature of sound and the dB scale. The human ear perceives sound in a non-linear fashion; therefore, the dBA scale was developed. Because the dBA scale is based on logarithms, two noise sources do not combine in a simple additive fashion, but rather logarithmically. Under the dBA scale, a doubling of sound energy corresponds to a 3 dBA increase. In other words, when two sources are each producing sound of the same loudness, the resulting sound level at a given distance would be approximately 3 dBA higher than one of the sources under the same conditions.

When noise propagates over a distance, the noise level decreases with distance depending on the type of noise source and the propagation path. Noise from a localized source (i.e., point source) propagates uniformly outward in a spherical pattern, referred to as "spherical spreading." Stationary point sources of noise, including stationary mobile sources such as idling vehicles, attenuate (i.e., reduce) at a rate between 6 dBA, for acoustically "hard" sites, and 7.5 dBA for "soft" sites for each doubling of distance from the reference measurement, as the noise energy is continuously spread out over a spherical surface (e.g., for hard surfaces, 80 dBA at 50 feet attenuates to 74 at 100 feet, 68 dBA at 200 feet). Hard sites are those with

a reflective surface between the source and the receiver, such as asphalt or concrete surfaces, or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the reduction in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface, such as soft dirt, grass, or scattered bushes and trees, provides an additional ground attenuation value of 1.5 dBA (per doubling distance), a geometric spreading (Caltrans, 2013).

Existing noise sensitive uses in the immediate vicinity of future electronic billboard locations include residential school uses. Construction and operational activities associated with the proposed Program would result in increases in noise levels.

Future implementation of an individual electronic billboard would be required to comply with the City's noise ordinance and the applicable 2030 General Plan goals and policies. The applicable Noise Ordinance requirement and 2030 General Plan goals and policies include:

Section 7-188 of the City's Municipal Code: Sound sources associated with or created by construction, repair, remodeling or grading of any real property are exempt, provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday.

Goal SH-5: A quiet and safe residential and working environment in terms of exposure to and/or generation of noise.

> **Policy SH-5.2**: Continue to enforce State Noise Insulation Standards for projects in high noise environments and require developers to comply with noise mitigation measures, designed by an acoustical engineer.
>
> **Policy SH-5.3**: Promote, where feasible, alternative sound attenuation measures such as berms, heavy landscaping, resurfacing of noise walls to promote noise absorption as well as deflection, berms and landscaping, or location of buildings away from the roadway or other noise sources.

Goal SH-6: Consideration of noise levels and impacts in the land use planning and development process.

> **Policy SH-6.1**: Provide best practices guidelines to developers for reducing potential noise impacts on surrounding land uses.
>
> **Policy SH-6.2**: Continue to limit construction activities to the hours of 7 am to 7pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the City.
>
> **Policy SH-6.3**: Require noise buffering and/or other construction treatments in development located near major streets, highways, the airport, railroad tracks, or other significant noise sources as recommended by a noise analysis.

Policy SH-6.4: Require that proposed development projects not generate more noise than that classified as "satisfactory" based on CEQA Thresholds of significance on nearby property.

Policy SH-6.5: Encourage non-noise sensitive land uses to locate in areas that are permanently committed to noise producing land uses, such as transportation corridors and industrial zones.

Policy SH-6.9: Prohibit the development of new commercial, industrial, or other noise generating land uses adjacent to existing residential uses, and other sensitive noise receptors such as schools, child and daycare facilities, health care facilities, libraries, and churches if noise levels are expected to exceed 70 dBA.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the City of Oxnard Noise Ordinance and the General Plan goals and policies identified above would reduce the Program's potential noise impact on sensitive uses to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant Impact.** Vibration refers to groundborne noise and perceptible motion. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors. The motion may be discernible outdoors, but without the effects associated with the shaking of a building, there is less adverse reaction. Vibration energy propagates from a source through intervening soil and rock layers to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by the occupants as the motion of building surfaces, the rattling of items moving on shelves or hanging on walls, or as a low-frequency rumbling noise. The rumbling noise is caused by the vibrating walls, floors, and ceilings that are radiating sound waves.

Typical sources of groundborne vibration are construction activities (e.g., blasting, pile driving, and operating heavy-duty earth-moving equipment), steel-wheeled trains, and occasional traffic on rough roads. Problems with groundborne vibration and noise from these sources are usually localized.

Groundborne vibration has the potential to disturb people as well as to damage buildings. Although it is very rare for mobile source-induced groundborne vibration to cause even cosmetic building damage, it is not uncommon for construction processes such as blasting and the pile driving to cause vibration of sufficient amplitudes to damage nearby buildings. Groundborne vibration is usually measured in terms of vibration velocity such as peak particle velocity (PPV).

Factors that influence groundborne vibration and noise include the following:

- **Vibration Source:** Vehicle/equipment suspension, wheel types and condition, track/roadway surface, track support system, speed, transit structure, and depth of vibration source
- **Vibration Path:** Soil type, rock layers, soil layering, depth to water table, and frost depth
- **Vibration Receiver:** Foundation type, building construction, and acoustical absorption

Among the factors listed above, there are significant differences in the vibration characteristics when the source is underground compared to at the ground surface. In addition, soil conditions are known to have a strong influence on the levels of groundborne vibration. Among the most important factors are the stiffness and internal damping of the soil and the depth to bedrock.

Experience with groundborne vibration shows that vibration propagation is more efficient in stiff clay soils than in loose sandy soils, and shallow rock seems to concentrate the vibration energy close to the surface, resulting in groundborne vibration problems at large distances from the source. Factors such as layering of the soil and depth to water table can have significant effects on the propagation of groundborne vibration. Soft, loose, sandy soils tend to attenuate more vibration energy than hard, rocky materials. Vibration propagation through groundwater is more efficient than through sandy soils.

Construction equipment generates ground vibration. Operational activities associated with the Program would generate ground vibration with vehicles traveling on roadways.

The City of Oxnard does not have vibration criteria standards; however, Caltrans has established criteria for damage of structures as shown in Table 1.

TABLE 1
CONSTRUCTION VIBRATION DAMAGE CRITERIA

	Maximum PPV (in/sec)	
Human Response	**Transient Sources**	**Continuous/Frequent Intermittent Sources**
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.2	0.1
Historic and some old buildings	0.5	0.25
Older residential structures	0.5	0.3
New residential structures	1.0	0.5
Modern industrial/commercial buildings	2.0	0.5

NOTES: PPV = peak particle velocity

SOURCE: Caltrans, 2020

Human annoyance generally occurs within buildings with windows rattling and ground shaking. Receivers in an outdoor setting usually are less sensitive to vibration effects. Caltrans has identified a human response to noise vibration within the *Transportation and Construction Vibration Guidance Manual* (Caltrans, 2020). The human annoyance criteria are identified in Table 2.

TABLE 2
HUMAN RESPONSE TO VIBRATION

	Maximum PPV (in/sec)	
Human Response	**Transient Sources**	**Continuous/Frequent Intermittent Sources**
Barely Perceptible	0.04	0.01
Distinctly Perceptible	0.25	0.04
Strongly perceptible	0.9	0.10
Severe	2.0	0.4

NOTES: PPV = peak particle velocity

SOURCE: Caltrans, 2020

Future implementation of an individual electronic billboard would be required to comply with the above vibration criteria. Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the above vibration criteria would reduce the Program's potential vibration impact to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

Long-term maintenance activities would result in periodic trucks accessing an electronic billboard site within the Program area; however, trucks accessing a site would result in nominal increases in the typical vibration levels that are experienced from daily vehicles traveling along adjacent roadways. Therefore, long-term vibration impacts associated with construction activities of an individual electronic billboard would be less than significant.

c) **Less than Significant Impact.** The implementation of the proposed Program would result in temporary and periodic increases in noise levels. As discussed above, temporary noise levels would occur during construction activities associated with an individual electronic billboard.

Future implementation of an individual electronic billboard would be required to comply with the City's noise ordinance and the applicable 2030 General Plan goals and policies. The applicable Noise Ordinance requirement and 2030 General Plan goals and policies include:

Section 7-188 of the City's Municipal Code: Sound sources associated with or created by construction, repair, remodeling or grading of any real property are exempt, provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday.

Goal SH-5: A quiet and safe residential and working environment in terms of exposure to and/or generation of noise.

> **Policy SH-5.3**: Promote, where feasible, alternative sound attenuation measures such as berms, heavy landscaping, resurfacing of noise walls to promote noise absorption as well as deflection, berms and landscaping, or location of buildings away from the roadway or other noise sources.

Goal SH-6: Consideration of noise levels and impacts in the land use planning and development process.

> **Policy SH-6.1**: Provide best practices guidelines to developers for reducing potential noise impacts on surrounding land uses.
>
> **Policy SH-6.2**: Continue to limit construction activities to the hours of 7 am to 7pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the City.
>
> **Policy SH-6.3**: Require noise buffering and/or other construction treatments in development located near major streets, highways, the airport, railroad tracks, or other significant noise sources as recommended by a noise analysis.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the City of Oxnard Noise Ordinance and the General Plan goals and policies identified above would reduce the Program's potential temporary and periodic noise impacts during construction activities on sensitive uses to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

d) **No Impact.** Operation of an individual electronic billboard would not generate permanent noise. Therefore, the implementation of individual electronic billboards under the proposed Program would result in no long-term permanent noise impact.

e) **No Impact.** The proposed Program area is located approximately 2.2 miles from the Oxnard Airport, but is located 0.8 mile from the Camarillo Airport. Because the implementation of individual electronic billboards under the proposed Program would not include people residing at a proposed electronic billboard site, the Program would not expose people to excessive airport noise levels. Therefore, no impact would occur.

f) **Less than Significant with Mitigation Incorporated.** The Program area includes various trees that could provide adequate nesting opportunities for bird species. While no special-status species are expected to use the Program area, all native bird species that occur adjacent to or surrounding the Program area are protected from 'take' by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). Construction noise associated with the

installation of individual electronic billboards in accordance with the proposed ordinance has the potential to affect nesting birds.

Future implementation of an individual electronic billboard would be required to comply with the applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal SH-6: Consideration of noise levels and impacts in the land use planning and development process.

> **Policy SH-6.1**: Provide best practices guidelines to developers for reducing potential noise impacts on surrounding land uses.
>
> **Policy SH-6.2**: Continue to limit construction activities to the hours of 7 am to 7pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the City.

Compliance with the above General Plan goal and policies as well as the standards identified in the proposed Ordinance would reduce potential noise effects on nesting birds; however, potential construction noise effects could remain significant.

Mitigation Measures

The following mitigation measures are required to reduce potential noise impacts on nesting birds.

Implementation of Mitigation Measures BIO-1 and BIO-2 is required.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the applicable General Plan goal and policies and the design standards proposed within the Ordinance, and the implementation of the above mitigation measures would reduce the Program's potential construction noise effects on nesting birds to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

References

California Department of Transportation (Caltrans). 2013. *Technical Noise Supplement (TeNS)* (September 2013).

Caltrans. 2020. Transportation and Construction Vibration Guidance Manual. Available at: https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf. Accessed on May 26, 2022.

Ventura County. 2010. Airport Master Plan Draft Final for Camarillo Airport. Available at: http://vcportal.ventura.org/AIRPORTS/docs/document_library/Camarillo_Airport_Master_Plan_(Draft_Final).pdf. Accessed on April 3, 2022.

3.13 Population, Education, and Housing

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project involve a General Plan amendment that could result in an increase in population beyond that projected in the 2030 General Plan that may result in one or more significant physical environmental effects?	☐	☐	☐	☒
b) Would the project induce substantial growth on the project site or surrounding area, resulting in one or more significant physical environmental effects?	☐	☐	☐	☒
c) Would the project result in a substantial (15 single-family or 25 multi-family dwelling units – about one-half block) net loss of housing units through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
d) Would the project result in a net loss of existing housing units affordable to very low- or low-income households (as defined by federal and/or City standards), through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
e) Would the project cause an increase in enrollment at local public schools that would exceed capacity and necessitate the construction of new or expanded facilities?	☐	☐	☐	☒
f) Would the project directly or indirect interfere with the operation of an existing or planned school?	☐	☐	☐	☒

Discussion

a) **No Impact.** The proposed Program includes the installation of individual electronic billboards within the Program area. The billboards are required to be located within any non-residential zone (City of Oxnard, 2014). The placement of an electronic billboard within a non-residential zone does not require a general plan amendment and would not increase population beyond that projected in the 2030 General Plan. Therefore, the proposed Program would result in no impact on population.

b) **No Impact.** The proposed Program includes the installation of individual electronic billboards. The operation of an electronic billboard would not result in the inducement of growth within the Program area or surrounding area because the operation would not require an onsite employee to operate the billboard.

c) **No Impact.** The implementation of individual electronic billboards would not occur on a site that currently contains housing. Therefore, the implementation of the proposed Program would result in no impact on existing housing.

d) **No Impact.** As stated above, the implementation of individual electronic billboards would occur on a site that does not contain any existing housing. Therefore, the implementation of the proposed Program would result in no impact on existing housing, including existing affordable housing units.

e) **No Impact.** Because the proposed Program would not result in new housing or employment opportunities, the implementation of the Program would not impact enrollment at local public schools.

f) **No Impact.** The nearest existing schools to the Program area are the Rio Real Elementary School located northwest of the U.S. 101 and Rose/Santa Clara Avenue interchange (approximately 350 feet) and the Rio Linda Elementary School located southeast of the U.S. 101 and Rose/Santa Clara Avenue interchange (approximately 550 feet). The installation of the electronic billboards would not directly or indirectly interfere with the operation of an existing or planned school because an individual billboard would not be located within the school boundaries and would only require periodic maintenance activities that would not impact access to the schools. Therefore, the proposed Program would not impact the operation of schools.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 28, 2022.

3.14 Public Services and Recreation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase demand for fire protection service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
b) Would the project increase demand for law enforcement service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
c) Would the project increase the use of existing park facilities such that substantial physical deterioration of the facilities would occur or be accelerated or that new or expanded park facilities would be needed to maintain acceptable service levels?	☐	☐	☐	☒
d) Would the project increase the need for or use of existing library or other community facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒

Discussion

a) **No Impact.** The operation of individual electronic billboards under the proposed Program would add a structure at each site location that would be served by the City of Oxnard Fire Department. Station 7 is located approximately 1.6 miles from the far western portion of the Program area and Station 5 is located approximately 3 miles from the far eastern portion of the Program area (City of Oxnard, 2022a). No employees would be located at each of the individual electronic billboard sites, and therefore, the addition of the proposed billboards would not require the addition of a new fire station or modifications to an existing fire station to serve the individual sites. Therefore, the proposed Program would have no impact on fire protection services.

b) **No Impact.** The Program area is located approximately 3 to 9 miles from the City of Oxnard Police Department and located within Neighborhood Policing Beats 12 and 14 (City of Oxnard, 2022b). The proposed Program includes electronic billboards that would not result in a demand for police protection services because there are no employees that would be located on each individual site. Therefore, the proposed Program would have no impact on police protection services.

c) **No Impact.** The proposed Program would not generate employees and would not increase the use of existing park facilities. Therefore, the Program would not result in the physical deterioration of existing park facilities.

d) **No Impact.** The proposed Program would not generate employees and would not increase the use of existing libraries or other community facilities. Therefore, the Program would not impact libraries or community facilities.

References

City of Oxnard. 2022a. City of Oxnard Fire Department, Fire Station Locations. Available at: https://www.oxnard.org/fire-station-locations-fire-department/. Accessed on February 28, 2022.

City of Oxnard. 2022b. Oxnard Police Department, Neighborhood Policing Beat Coordinator Map. Available at: https://sites.google.com/oxnardpd.org/2020-beat-map/police-beat-map Accessed on February 28, 2022.

3.15 Transportation and Circulation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Would the project result in inadequate emergency access?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction of individual electronic billboards under the proposed Program would generate a nominal number of construction vehicle trips for the activities to place an electronic billboard on an individual site. This nominal number of trips would not conflict with the circulation system and result in less than significant impacts. In addition, long-term activities associated with the proposed Program include periodic visits to each individual electronic billboard site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system.

b) **No Impact.** The proposed Program would include periodic maintenance vehicle trips to each individual electronic billboard site and would not require daily vehicle trips to each site for operation of the electronic billboard. Therefore, the Program would have no impact on vehicle miles traveled.

c) **Less than Significant Impact.** The proposed Program includes the placement of individual electronic billboards adjacent to U.S. 101. The proposed billboards would be oriented for viewing primarily from U.S. 101. The proposed billboards are required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The individual billboards would include different images, and in accordance with the Ordinance standards, each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with each individual electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur.

d) **No Impact.** The implementation of electronic billboards under the proposed Program would not cause inadequate emergency access in the Program area vicinity because the placement of the electronic signs does not include changes to the roadway network, and there would be no

employees at each of the electronic billboard sites. Therefore, the Program would not impact access.

References

No references.

3.16 Utilities and Energy

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project need new or expanded water supply entitlements that are not anticipated in the current Urban Water Management Plan?	☐	☐	☐	☒
b) Would the project require additional wastewater conveyance or treatment capacity to serve project demand and existing commitments?	☐	☐	☐	☒
c) Would the project generate solid waste that would exceed the permitted capacity of a landfill serving the City?	☐	☐	☐	☒
d) Would the project conflict with federal, state, or local statutes or regulations related to solid waste?	☐	☐	☐	☒
e) Would the project involve wasteful, inefficient, or unnecessary consumption of energy during project construction, operation, maintenance, and/or removal?	☐	☐	☒	☐
f) Would the project require additional energy facilities, the provision of which may have a significant effect on the environment?	☐	☐	☐	☒
g) Would the project be inconsistent with existing energy standards?	☐	☐	☒	☐
h) Would the project preempt future energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage?	☐	☐	☐	☒

Discussion

a) **No Impact**. The operational activities associated with electronic billboards implemented in accordance with the proposed Program would not require the use of water, and therefore, the Program would not require new or expanded water supply entitlements. Therefore, the Program would have no impact.

b) **No Impact.** The proposed Program would not result in wastewater generation, and therefore would not result in a need for wastewater treatment. Therefore, the Program would not impact the capacity of the existing wastewater treatment facilities servicing the City of Oxnard.

c) **No Impact**. The proposed electronic billboards installed in accordance with the proposed Program would not include any employees and would not generate solid waste. Temporary construction waste would be hauled off site in accordance with all Federal, State, and local regulations. The Program would not exceed current permitted capacities of landfills because the Program would not generate operational waste. As such, the proposed Program would have no impact.

d) **No Impact.** As discussed above, temporary construction waste would be generated during installation of individual electronic billboards under the proposed Program. However, the construction waste would be hauled off site in accordance with all Federal, State, and local regulations, and therefore, would not conflict with these regulations.

e) **Less than Significant Impact**. Individual electronic billboards implemented under the proposed Program would consume energy during construction activities, primarily from on- and off-road vehicle fuel consumption in the form of diesel and gasoline, necessary to install a typical billboard.

Operations of the individual electronic billboards under the proposed Program would consume energy in the form of purchased electricity to power the lighting. Electricity in the region (Ventura County) is provided by Southern California Edison (SCE). SCE is required to commit to the use of renewable energy sources for compliance with the Renewable Portfolio Standards (RPS). SCE has already met its requirement to procure at least 33 percent of its energy portfolio from renewable sources by 2020 with approximately 33.1 percent of its 2020 electric supply power mix from renewable power (SCE 2020). With the passage of SB 100 in September 2018, SCE will be required to update its long-term plans to demonstrate compliance including providing 60 percent of its energy portfolio from renewable sources by December 31, 2030, and ultimately planning for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goal and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goal and policies include:

Goal ICS-17: Adequate and efficient public utilities that meet the needs of residents of the City.

> **Policy ICS-17.1:** Ensure that electric facilities (such as the Southern California Edison generating facilities located within the City) services and facilities are built in accordance with the California Public Utilities Commission and meet demonstrated need and incorporate feasible solar, wind, and other renewable sources of energy.
>
> **Policy ICS-17.4:** Coordinate with gas and electricity providers for the extension of gas and electrical facilities.
>
> **Policy ICS-17.5:** Require undergrounding of utility lines in new development, except where it is not feasible due to electrical transmission load or other operational issues.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goal and policies identified above would reduce the Program's potential energy impact so that the Program would not involve wasteful, inefficient, or unnecessary consumption of energy and result in a less than significant energy impact. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

f) **No Impact.** Implementation of individual electronic billboards under the proposed Program would not require additional energy facilities, beyond potential extensions of electricity lines to nearby existing electricity lines, to serve the proposed Program. Therefore, the Program would result in no impact.

g) **Less than Significant Impact.** Construction and operational activities associated with the implementation of the proposed Program would utilize energy in the forms of electricity for lighting of the individual electronic billboards and fuel for construction and long-term maintenance vehicles.

Future implementation of an individual electronic billboard would be required to comply with State law, the applicable 2030 General Plan goals and policies as well as the standards identified within the proposed Freeway Adjacent Digital Display Billboard Ordinance. The applicable 2030 General Plan goals and policies include:

Goal SC-3: Energy efficiency performance standards and generation from renewable sources.

Policy SC-3.6: As part of the City EAP, meet or exceed state targets for zero-emission fuel vehicle miles traveled within the City by supporting the use of zero-emission vehicles (low speed "neighborhood electric vehicles", utility low-range battery electric vehicles, mid-range "city electric vehicles", full function battery electric vehicles, and fuel cell vehicles) within City departments and divisions.

Policy SC-3.8: As part of the City and Community EAP's, require the use of passive energy conservation by building material massing, orientation, landscape shading, materials, and other techniques as part of the design of local buildings, where feasible.

Policy SC-3.9: Promote voluntary participation in incentive programs to increase the use of solar photovoltaic systems in new and existing residential, commercial, institutional and public buildings, including continued participation in the Ventura County Regional Energy Alliance (VCREA).

Goal SC-4: Implementation of the California Green Building Code.

Policy SC-4.1: Implement the 2010 California Green Building Code (CALGREEN) and consider recommending and/or requiring certain developments to incorporate Tier I and Tier II voluntary standards under certain conditions to be developed by the Development Services Director.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goals and policies identified above would reduce the Program's potential energy impact and would result in consistency with existing energy standards. Less than significant impacts related to energy standards would result with the implementation of

the proposed Program. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

h) **No Impact.** The implementation of electronic billboards under the proposed Program would not preempt energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage due to the individual electronic billboard's limited use of energy resources.

References

Southern California Edison. 2020, 2020 Power Content Label, Southern California Edison.

3.17 Wildfire

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion

a - d) **Less than Significant Impact.** Individual electronic billboards installed under the proposed Program would be located along U.S. 101 within the City of Oxnard. Based on a review of the fire hazards severity zones prepared as part of the CalFire fire and resource assessment program, the Program area is not located within or near an area that is designated as a very high fire hazard severity zone (VHFHSZ) (Calfire, 2020). The nearest VHFHSZ designated in a Local Responsibility Area and within a State Responsibility Area is approximately 3 miles northeast of the easternmost portion of the Program area. Due to the distance from a VHFHSZ, the implementation of the individual electronic billboards under the proposed Program would result in less than significant impacts related to wildfires.

References

CalFire. 2020. FHSZ Viewer. Available at: egis.fire.ca.gov/FHSZ/. Accessed on March 2, 2022.

3.18 Mandatory Findings of Significance

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Would 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 projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) **Less than Significant with Mitigation Incorporated.** The implementation of the Program could cause impacts to sensitive vegetation communities and sensitive wildlife as well as nesting birds. The implementation of Mitigation Measures AES-1 through AES-3, BIO-1 and BIO-2 would reduce these potential impacts to biological resources to less than significant. In addition, the proposed Program could result in significant impacts to historic, archaeological, and tribal cultural resources. The implementation of Mitigation Measures CUL-1 and CUL-3 would reduce these potential resource impacts to less than significant.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goals and policies identified within Sections 3.4 (Biological Resources) and 3.6 (Cultural Resources and Tribal Cultural Resources), and the implementation of the above mitigation measures would reduce the Program's potential impact on wildlife species and cultural and tribal cultural resources to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

b) **Less than Significant with Mitigation Incorporated.** The potential for cumulative impacts occur when the impacts of a project are combined with impacts from related development projects and result in impacts that are greater than the impacts of a project alone. Because the proposed Program could be implemented over many years, it is reasonable to use growth projected for the City of Oxnard. According to the U.S. Census Bureau, the City had a population of 202,063 people and 51,020 housing units in 2020 (U.S. Census Bureau, 2020). According to the Southern California Association of Governments (SCAG), the City of

Oxnard had a projected amount of 64,000 employment opportunities (SCAG, 2012). According to the current SCAG growth projections, the City of Oxnard is projected to have 237,300 people, 60,100 housing units, and 79,200 employment opportunities (SCAG, 2016). Based on these socioeconomic estimates, the projected cumulative growth to occur within the City between 2020 and 2040 is estimated to be 35,237 people, 9,080 housing units, and 15,200 employment opportunities.

This cumulative growth within the City could result in significant cumulative impacts in a number of environmental issue areas. The proposed Program could result in potential significant impacts prior to the implementation of mitigation measures related to five environmental issues including aesthetics (lighting), air quality, biological resources, cultural resources and tribal cultural resources, and noise.

Mitigation Measures

Implementation of Mitigation Measures AES-1, AES-2, AES-3, AQ-1, BIO-1, BIO-2, CUL-1, CUL-2, and CUL-3 is required.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with State law and the General Plan goals and policies identified within Sections 3.1 (Aesthetics and Urban Design), 3.3 (Air Quality), 3.4 (Biological Resources, 3.6 (Cultural Resources and Tribal Cultural Resources), and 3.12 (Noise) above and the implementation of the mitigation measures above would reduce the Program's potential cumulative impact to less than cumulatively considerable. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

c) **Less than Significant.** The implementation of the proposed Program would result in increases in ambient noise levels during construction activities associated with individual electronic billboards that could impact human beings.

Because specific electronic billboard projects throughout the Program area are not known at this time, project-level environmental effects cannot be assessed. The proposed Ordinance is addressed in this environmental evaluation at a Program level. Therefore, compliance with the City of Oxnard Noise Ordinance and the General Plan goals and policies identified in Section 3.12 (Noise) above would reduce the Program's potential noise impact on human beings to less than significant. As each individual electronic billboard project is proposed, a project-level environmental evaluation will be required.

References

Southern California Association of Governments. 2012. 2012-2035 Regional Transportation Plan/Sustainable Communities Strategy. Available at: https://www.mwdh2o.com/media/19239/appendix-growth-forecast.pdf. Accessed on April 3, 2022.

Southern California Association of Governments. 2016. 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy. Available at: https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs_demographicsgrowthforecast.pdf?1606073557. Accessed on April 3, 2022.

U.S. Census Bureau. 2020. QuickFacts for Oxnard City, California. Available at: https://www.census.gov/quickfacts/oxnardcitycalifornia. Accessed on April 3, 2022.

Appendix A

Freeway Adjacent Digital Display Billboards Draft Ordinance

ESA

DRAFT dated 10-7-2020
City of Oxnard
Freeway Adjacent Digital Display Billboards DRAFT Ordinance

Section I. The following definitions in Section 16-596(A) of Division 1 of Article IX of the Oxnard City Code are hereby added or amended to read as follows (new text underlined; deletions in red strikethrough):

~~FLASHING SIGN~~ ANIMATED SIGN – Any sign ~~containing or illuminated by lights which are intermittently on and off, change in intensity, or create the illusion of flashing in any manner.~~ designed to attract attention through movement or the semblance of movement of the whole or any part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or any other method or device which suggests movement, but not including flags, banner signs, or Freeway Adjacent Digital Display Billboards.

DIGITAL DISPLAY - A sign face that displays images through the use of grid lights, cathode-ray projections, light-emitting diodes (LEDs), plasma screens, liquid-crystal displays (LCDs), fiber optics, or other electronic media or functionally equivalent technology.

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARD - A pole sign or changeable message sign, which features a Digital Display, erected and/or maintained for advertising, in whole or in part, a business, activity, service or product not sold or produced on the premises upon which the sign is placed, which is located in any parcel in a commercial, industrial, or public facilities zone within four hundred (400) feet of the freeway right-of-way for US Highway 101. This definition does not include an Outdoor Advertising Sign.

OUTDOOR ADVERTISING SIGN - Any sign painted on or affixed to any structure, or erected as a free-standing sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition includes such terms as “off-site sign” and “non-accessory sign.” This definition does not include subdivision tract directional signs. This definition does not include a Freeway Adjacent Digital Display Billboard.

Section II. Section 16-608, subsection (G) of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES.

Only the following signs are permitted in the C-2, C-P-D, CBD, C-M, M-L, M-1, M-2, BRP and M-P-D zones, with or without planned development additive zones:

[. . .]

(G) Off-site advertising signs with no Digital Displays, also known as Outdoor Advertising Signs~~billboards and outdoor advertising~~, where conditionally permitted by this ~~chapter~~ Article IX, may be approved, subject to the ~~following provisions~~

requirements below. This subsection (G) does not apply to Freeway Adjacent Digital Display Billboards, which are governed by Section 16-609.

[. . .]

(K) Freeway Adjacent Digital Display Billboards shall be permitted as provided in Section 16-609.

Section III. Section 16-609 of Division 3, of Article IX of the Oxnard City Code is hereby added to read as follows (new text underlined):

SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS.

(A) Before a Freeway Adjacent Digital Display Billboard may be installed within the City, the applicant must first obtain a Special Use Permit (SUP) granted in accordance with Sections 16-530 to 16-553 and enter into a statutory Development Agreement with the City that addresses the terms and conditions of any approved Freeway Adjacent Digital Display Billboard, including but not limited to message cycling, light intensity, and any annual payments, if any, to be paid to the City. Both the SUP and the Development Agreement are subject to the approval of the City Council, following a recommendation by the Commission.

(B) In addition to the findings required by the Oxnard City Code for granting a SUP, Freeway Adjacent Digital Display Billboards approved pursuant to this Section 16-609 shall be subject to the following limitations:

1. **Location**. Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway right-of-way for US Highway 101.

2. **Distance from residential uses**. No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.

3. **Height**. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display.

4. **Size and Spacing**. The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width, with the area of each face not to exceed an overall maximum amount of eight hundred and fifty (850) square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.

5. **Design.** All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

6. **Orientation**. Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.

7. **Brightness**. All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

8. **Display cycle**. A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

9. **Compliance with law**. The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 *et seq*.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

10. **Required Finding of Public benefit**. In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public. Such public benefits may include, without limitation, the removal of legal non-conforming billboards, advertising of City events and public service announcements, and/or annual financial contributions to the City.

11. **Required Findings**. In addition to the finding required for granting a SUP under section 16-531, in approving a Special Use Permit for a Freeway Adjacent Digital Display Billboard, the decision maker must also find that it:

    a. Complies with the requirements of Section 16-609 and this Chapter;

    b. Will not create a significant traffic or other public safety hazard;

c. Will be of appropriate size, scale, and design for the area in which it will be located; and

d. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

Section IV. Section 16-610 of Division 4, of Article IX of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-610. GENERAL RESTRICTIONS.

(A) General requirements and limitations for signs in all zones, except Freeway Adjacent Digital Display Billboards which are governed exclusively by Section 16-609, are as follows: [. . .]

Appendix B

Assembly Bill 52 Native American Notification

ESA

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030
(805)385-7858
Fax (805) 385-7417

CITY OF OXNARD CALIFORNIA

November 23, 2021

Julie Tumamait-Stenslie, Chairperson
Barbareño/Ventureño Band of Mission Indians
365 North Poli Avenue
Ojai, California 93023

RE: Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of determination that a Project Application is Complete or Decision to Undertake a Project, and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1 (hereafter PRC).

Dear Chairperson Tumamait-Stenslie

The City of Oxnard has decided to undertake the following project: Oxnard Freeway Oriented Electronic Billboards Ordinance.

Below please find a description of the proposed project, a map showing the project location, and the name of our project point of contact, pursuant to PRC § 21080.3.1 (d).

The City of Oxnard (City) is preparing an Initial Study-Mitigated Negative Declaration (IS-MND) for an Ordinance Amendment to Chapter 16 of Oxnard City Code (Amendment). The Amendment will create standards for the development of Freeway Oriented Electronic Billboards within the City (project). The Amendment will also identify processing requirements for newly proposed Freeway Oriented Electronic Billboards within the City. The new ordinance will apply city wide. The project is subject to the California Environmental Quality Act (CEQA) and the City of Oxnard is the lead agency under CEQA.

The proposed project must comply with California Public Resources Code § 21080.3.1 (Assembly Bill [AB] 52 of 2014), which requires local governments to conduct meaningful consultation with California Native American tribes that have requested to be notified by CEQA lead agencies of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated.

Your tribe's input is important to the City's planning process. We request that you advise us as early as possible if you wish to consult on the proposed project. Pursuant to PRC § 21080.3.1 (b), you have 30 days from the receipt of this letter to request consultation, in writing, with the City of Oxnard. If you

require any additional information or have any questions, please contact me 805-385-8272 or via e-mail at Joe.Pearson@oxnard.org. Thank you for your assistance.

Very Respectfully,

Joe Pearson II, AICP | Senior Planner
Community Development Department
City of Oxnard

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION 22-01 TO AMEND OXNARD CITY CODE (OCC) CHAPTER 16 (ZONING CODE) PERTAINING TO THE PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS TO OCC CHAPTER 16, ARTICLE II, SECTIONS 16-596 (SIGN DEFINITIONS), SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES, SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS, AND SEC. 16-610. GENERAL RESTRICTIONS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 20-580-06, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to permitting Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. The installation and operation of individual electronic billboards would require approval of a Special Use Permit and Development Agreement. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display or 80 feet to the top of the sign. Amendments would be made to OCC Chapter 16, Article II, Sections 16-596 (Sign Definitions), Sec. 16-608. Signs In General Commercial and Industrial Zones, Sec. 16-609. Freeway Adjacent Digital Display Billboards, and Sec. 16-610. General Restrictions ("Project"); and

WHEREAS, the City is the lead agency for purposes of the project pursuant to Public Resources Code section 21067; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act ("CEQA"); and

WHEREAS, Pursuant to provisions of the California Environmental Quality Act and CEQA Guidelines, Section 15063, and following an Initial Study and environmental assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, the Planning Division has prepared a Mitigated Negative Declaration with mitigation measures and monitoring program in accordance with the provisions of CEQA, including, without limitation CEQA Guidelines Sections 15070, 15071, 15072, and 15073, which have been incorporated as conditions; and

WHEREAS, a Notice of Intent to Adopt an Initial Study and Draft Mitigated Negative Declaration (IS-MND) for the Project was published and posted on June 30, 2022, at the State Office of Planning and Research (OPR) website and at the Ventura County Recorder's Office pursuant to CEQA Guidelines Sections 15072 and 15073; and

WHEREAS, the public comment period on the DEIR ran for thirty (30) days commencing on June 30, 2022 and ending on July 29, 2022; and

WHEREAS, after the close of the comment period on the IS/MND, the IS/MND was modified as set forth in Chapter 4 of the Response to Comment document; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City has prepared Final IS/MND 22-01 containing all comments received on the Draft IS/MND 22-01, written responses to all substantive comments, and necessary changes to the text of the Draft IS/MND 22-01; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-01 and made a recommendation to City Council; and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-01; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of the Final IS/MND 22-01; and

WHEREAS, the comments of the Councilmembers, agencies, interested groups, and members of the public have received adequate responses; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Final IS/MND has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21189).

SECTION 3. The Final IS/MND was presented to the City Council, which, at a hearing before the public, reviewed and considered the information contained in the Mitigated Negative Declaration/Initial Study prior to making a recommendation to the City Council regarding the Project and its associated development entitlements.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council Staff Report and all attachments thereto, the City Council finds pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-01 prepared for the Project. The Final IS/MND 22-01 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-01 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

SECTION 5. The City Council hereby adopts the Final IS/MND 22-01, set forth attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole, the City Council finds that all potentially significant environmental effects of the Project its associated development entitlement actions have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened as set forth in the IS-MND. Based upon the foregoing, the City Council finds and determines that the Project and its associated actions will not have a significant effect upon the environment.

SECTION 6. The City Council hereby adopts the mitigation measures set forth in the Final IS/MND 22-01 and its accompanying Mitigation, Monitoring, and Reporting Program ("MMRP"), pursuant to Public Resources Code Section 21081.6, which is a program design to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Mitigated Negative Declaration/Initial Study and said mitigation measures are described in the MMRP included therein and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby adopts an Final IS/MND 22-01, attached to the staff report and incorporated by reference.

PASSED AND ADOPTED this 21st day of March, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

_____ _____

Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING ZONE TEXT AMENDMENT NO. PZ 20-580-06 TO AMEND OXNARD CITY CODE (OCC) CHAPTER 16 (ZONING CODE) PERTAINING TO THE PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS TO OCC CHAPTER 16, ARTICLE II, SECTIONS 16-596 (SIGN DEFINITIONS), SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES, SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS, AND SEC. 16-610. GENERAL RESTRICTIONS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 20-580-06, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to permitting Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. Amendments would be made to OCC Chapter 16, Article II, Sections 16-596 (Sign Definitions), Sec. 16-608. Signs In General Commercial and Industrial Zones, Sec. 16-609. Freeway Adjacent Digital Display Billboards, and Sec. 16-610. General Restrictions ("Project"); and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for a Zoning Text Amendment (PZ 20-580-06) in accordance with the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information and deliberated the merits of the Project. The Planning Commission voted to amend staff's recommended action to:

1. Allow for Freeway Adjacent Digital Display Billboards to be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within five hundred (500) feet of the freeway right-of-way for US Highway 101, instead of only four hundred (400) feet.
2. Decrease the maximum number of Freeway Adjacent Digital Display Billboards from five (5) to three (3).
3. Increase the separation between Freeway Adjacent Digital Display Billboards from 2000 feet to 2500 feet.
4. Increase the minimum required residential setback from one hundred (100) feet to two hundred and fifty (250) feet

5. Increase the minimum display time of each still image from eight (8) seconds to Twelve (12) seconds; and

WHEREAS, the Planning Commission found, after due study, deliberation and a duly noticed public hearing on January 19, 2023, and received and reviewed written and oral comments, presented by staff, and that the project, as amended, meets the criteria set out in Chapter 16-575 of the Oxnard City Code; and

WHEREAS, the Planning Commission adopted Resolution 2023-01 recommending that the City Council approve Planning & Zoning Permit No. 20-580-01 (Zone Text Amendment) as revised; and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the request to approve Planning and Zoning Permit No. 20-580-01 (Zone Text Amendment), as originally proposed by City Staff, and not as recommended by the Planning Commission, in accordance with the OCC; and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the proposed Zoning Text Amendment is in the public interest and reflects the input from residents, decision-makers, and other stakeholders in the community. There are no changes recommended under the proposed zoning text amendments that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by establishing regulations related to the siting, permitting, and operation of Freeway Adjacent Digital Display Billboards within the City of Oxnard; and

WHEREAS, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include: (AES-1 through

AES-3) regulating light trespass, including an operating mechanism for electronic billboard malfunctions or failures, conducting a third party test for the installed electronic billboard, (AQ-1) demonstrating that the electronic billboard would not exceed Ventura County Air Pollution Control District thresholds of significance, (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting protocol focused survey for least Bell's vireo, and (CUL-1 through CUL-3) monitoring and collecting, if necessary, any discovered historical, archaeological, paleontological, and tribal cultural resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-01 prepared for the Project. The Final IS/MND 22-01 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-01 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, the City Council considered Final IS/MND 22-01 prior to making recommendations on the Project; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the proposed Development Agreement and Lease of Property is consistent with the 2030 General Plan; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC, herein attached as Exhibit 1, would establish specific provisions consistent with the 2030 General Plan; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

SECTION 1. The City Council finds that all the recitals, facts, findings, and conclusions set forth above in the preamble of this Ordinance are true and correct and incorporated into the operative provisions of this Ordinance by this reference..

SECTION 2. The City Council finds that the Zone Text Amendment is internally consistent with all other provisions of the City of Oxnard 2030 General Plan..

SECTION 3. The City Council finds that the Zone Text Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. The City Council determines that the Zone Text Amendment is in the best interests and welfare of the City and its residents.

SECTION 5. In approving this ordinance for the text amendment to allow for the billboards, the City Council finds and determines the project is in compliance with the California Environmental Quality Act because Final MND No. 22-01 was considered by the City Council at the public hearing. The Final MND No. 22-01 was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code §§ 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. With implementation of the MND No. 22-01 mitigation measures, there is no substantial evidence that the proposed project will have a significant effect upon the environment.

SECTION 6. The City Council, based on the findings set forth herein, approves Ordinance PZ No. 20-580-06, as proposed by City Staff, attached hereto as Exhibit A and incorporated herein by this reference to this Ordinance.

SECTION 8. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance; and

SECTION 9. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

SECTION 10. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. ____ was first read on 3/21/2023, and finally adopted on _____, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 21st day of March, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

_____ _____
Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Section I. The following definitions in Section 16-596(A) of Division 1 of Article IX of the Oxnard City Code are hereby added or amended to read as follows (new text underlined; deletions in red strikethrough):

~~FLASHING SIGN~~ ANIMATED SIGN – Any sign ~~containing or illuminated by lights which are intermittently on and off, change in intensity, or create the illusion of flashing in any manner.~~ designed to attract attention through movement or the semblance of movement of the whole or any part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or any other method or device which suggests movement, but not including flags, banner signs, or Freeway Adjacent Digital Display Billboards.

DIGITAL DISPLAY - A sign face that displays images through the use of grid lights, cathode-ray projections, light-emitting diodes (LEDs), plasma screens, liquid-crystal displays (LCDs), fiber optics, or other electronic media or functionally equivalent technology.

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARD - A pole sign or changeable message sign, which features a Digital Display, erected and/or maintained for advertising, in whole or in part, a business, activity, service or product not sold or produced on the premises upon which the sign is placed, which is located in any parcel in a commercial, industrial, or public facilities zone within four hundred (400) feet of the freeway right-of-way for US Highway 101. This definition does not include an Outdoor Advertising Sign.

OUTDOOR ADVERTISING SIGN - Any sign painted on or affixed to any structure, or erected as a free-standing sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition includes such terms as “off-site sign” and “non-accessory sign.” This definition does not include subdivision tract directional signs. This definition does not include a Freeway Adjacent Digital Display Billboard.

Section II. Section 16-608, subsection (G) of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES.

Only the following signs are permitted in the C-2, C-P-D, CBD, C-M, M-L, M-1, M-2, BRP and M-P-D zones, with or without planned development additive zones:

[. . .]

(G) Off-site advertising signs with no Digital Displays, also known as Outdoor Advertising Signs~~billboards and outdoor advertising~~, where conditionally permitted by this ~~chapter~~ Article IX, may be approved, subject to the ~~following provisions~~ requirements below. This subsection (G) does not apply to Freeway Adjacent Digital Display Billboards, which are governed by Section 16-609.

[. . .]

(K) Freeway Adjacent Digital Display Billboards shall be permitted as provided in Section 16-609.

Section III. Section 16-609 of Division 3, of Article IX of the Oxnard City Code is hereby added to read as follows (new text underlined):

SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS.

(A) Before a Freeway Adjacent Digital Display Billboard may be installed within the City, the applicant must first obtain a Special Use Permit (SUP) granted in accordance with Sections 16-530 to 16-553 and enter into a statutory Development Agreement with the City that addresses the terms and conditions of any approved Freeway Adjacent Digital Display Billboard, including but not limited to message cycling, light intensity, and any annual payments, if any, to be paid to the City. Both the SUP and the Development Agreement are subject to the approval of the City Council, following a recommendation by the Commission.

(B) In addition to the findings required by the Oxnard City Code for granting a SUP, Freeway Adjacent Digital Display Billboards approved pursuant to this Section 16-609 shall be subject to the following limitations:

1. **Location**. Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway right-of-way for US Highway 101. The total number of Freeway Adjacent Digital Display Billboard shall not exceed a total of four (4) within the City.

2. **Distance from residential uses**. No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.

3. **Height**. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display

Billboard shall not exceed eighty (80) feet as measured from the pavement level of US Highway 101.

4. **Size and Spacing**. The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width, with the area of each face not to exceed an overall maximum amount of eight hundred and fifty (850) square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.

5. **Design.** All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

6. **Orientation**. Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.

7. **Brightness**. All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

8. **Display cycle**. A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

9. **Compliance with law**. The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 *et seq.*), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

10. **Required Finding of Public benefit**. In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public. Such public benefits may include, without limitation, the removal of legal non-conforming

billboards, advertising of City events and public service announcements, and/or annual financial contributions to the City.

11. **Required Findings**. In addition to the finding required for granting a SUP under section 16-531, in approving a Special Use Permit for a Freeway Adjacent Digital Display Billboard, the decision maker must also find that it:

    a. Complies with the requirements of Section 16-609 and this Chapter;

    b. Will not create a significant traffic or other public safety hazard;

    c. Will be of appropriate size, scale, and design for the area in which it will be located; and

    d. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

Section IV. Section 16-610 of Division 4, of Article IX of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-610. GENERAL RESTRICTIONS.

(A) General requirements and limitations for signs in all zones, except Freeway Adjacent Digital Display Billboards which are governed exclusively by Section 16-609, are as follows: [. . .]

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING ZONE TEXT AMENDMENT NO. PZ 20-580-06 TO AMEND OXNARD CITY CODE (OCC) CHAPTER 16 (ZONING CODE) PERTAINING TO THE PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS TO OCC CHAPTER 16, ARTICLE II, SECTIONS 16-596 (SIGN DEFINITIONS), SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES, SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS, AND SEC. 16-610. GENERAL RESTRICTIONS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 20-580-06, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to permitting Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard. Amendments would be made to OCC Chapter 16, Article II, Sections 16-596 (Sign Definitions), Sec. 16-608. Signs In General Commercial and Industrial Zones, Sec. 16-609. Freeway Adjacent Digital Display Billboards, and Sec. 16-610. General Restrictions ("Project"); and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for a Zoning Text Amendment (PZ 20-580-06) in accordance with the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information and deliberated the merits of the Project. The Planning Commission voted to amend staff's recommended action to:

1. Allow for Freeway Adjacent Digital Display Billboards to be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within five hundred (500) feet of the freeway right-of-way for US Highway 101, instead of only four hundred (400) feet.
2. Decrease the maximum number of Freeway Adjacent Digital Display Billboards from five (5) to three (3).
3. Increase the separation between Freeway Adjacent Digital Display Billboards from 2000 feet to 2500 feet.
4. Increase the minimum required residential setback from one hundred (100) feet to two hundred and fifty (250) feet
5. Increase the minimum display time of each still image from eight (8) seconds to Twelve (12) seconds; and

WHEREAS, the Planning Commission found, after due study, deliberation and a duly noticed public hearing on January 19, 2023, and received and reviewed written and oral comments, presented by staff, and that the project, as amended, meets the criteria set out in Chapter 16-575 of the Oxnard City Code; and

WHEREAS, the Planning Commission adopted Resolution 2023-01 recommending that the City Council approve Planning & Zoning Permit No. 20-580-01 (Zone Text Amendment) as revised; and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the request to approve Planning and Zoning Permit No. 20-580-01 (Zone Text Amendment), as recommended by the Planning Commission, with the exception of request number one as listed above, in accordance with the OCC; and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the proposed Zoning Text Amendment is in the public interest and reflects the input from residents, decision-makers, and other stakeholders in the community. There are no changes recommended under the proposed zoning text amendments that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by establishing regulations related to the siting, permitting, and operation of Freeway Adjacent Digital Display Billboards within the City of Oxnard; and

WHEREAS, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include: (AES-1 through AES-3) regulating light trespass, including an operating mechanism for electronic billboard malfunctions or failures, conducting a third party test for the installed electronic billboard, (AQ-1) demonstrating that the electronic billboard would not exceed Ventura

County Air Pollution Control District thresholds of significance, (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting protocol focused survey for least Bell's vireo, and (CUL-1 through CUL-3) monitoring and collecting, if necessary, any discovered historical, archaeological, paleontological, and tribal cultural resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-01 prepared for the Project. The Final IS/MND 22-01 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-01 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, the City Council considered Final IS/MND 22-01 prior to making recommendations on the Project; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the proposed Development Agreement and Lease of Property is consistent with the 2030 General Plan; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC, herein attached as Exhibit 1, would establish specific provisions consistent with the 2030 General Plan; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

SECTION 1. The City Council finds that all the recitals, facts, findings, and conclusions set forth above in the preamble of this Ordinance are true and correct and incorporated into the operative provisions of this Ordinance by this reference.

SECTION 2. The City Council finds that the Zone Text Amendment is internally consistent with all other provisions of the City of Oxnard 2030 General Plan..

SECTION 3. The City Council finds that the Zone Text Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. The City Council determines that the Zone Text Amendment is in the best interests and welfare of the City and its residents.

SECTION 5. In approving this ordinance for the text amendment to allow for the billboards, the City Council finds and determines the project is in compliance with the California Environmental Quality Act because Final MND No. 22-01 was considered by the City Council at the public hearing. The Final MND No. 22-01 was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code §§ 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. With implementation of the MND No. 22-01 mitigation measures, there is no substantial evidence that the proposed project will have a significant effect upon the environment.

SECTION 6. The City Council, based on the findings set forth herein, approves Ordinance PZ No. 20-580-06, as amended by the Planning Commission, without the amendments to allow for Freeway Adjacent Digital Display Billboards to be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within five hundred (500) feet of the freeway right-of-way for US Highway 101, instead of only four hundred (400) feet, attached hereto as Exhibit A and incorporated herein by this reference to this Ordinance.

SECTION 8. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance; and

SECTION 9. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

SECTION 10. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. ____ was first read on 3/21/2023, and finally adopted on _____, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 21st day of March, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

_____ _____
Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS ORDINANCE

Section I. The following definitions in Section 16-596(A) of Division 1 of Article IX of the Oxnard City Code are hereby added or amended to read as follows (new text underlined; deletions in red strikethrough):

~~FLASHING SIGN~~ ANIMATED SIGN – Any sign ~~containing or illuminated by lights which are intermittently on and off, change in intensity, or create the illusion of flashing in any manner.~~ designed to attract attention through movement or the semblance of movement of the whole or any part, including, but not limited to, signs which swing, twirl, revolve, move back and forth or up and down; or signs which can change color or shades of color; or any other method or device which suggests movement, but not including flags, banner signs, or Freeway Adjacent Digital Display Billboards.

DIGITAL DISPLAY - A sign face that displays images through the use of grid lights, cathode-ray projections, light-emitting diodes (LEDs), plasma screens, liquid-crystal displays (LCDs), fiber optics, or other electronic media or functionally equivalent technology.

FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARD - A pole sign or changeable message sign, which features a Digital Display, erected and/or maintained for advertising, in whole or in part, a business, activity, service or product not sold or produced on the premises upon which the sign is placed, which is located in any parcel in a commercial, industrial, or public facilities zone within four hundred (400) feet of the freeway right-of-way for US Highway 101. This definition does not include an Outdoor Advertising Sign.

OUTDOOR ADVERTISING SIGN - Any sign painted on or affixed to any structure, or erected as a free-standing sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition includes such terms as “off-site sign” and “non-accessory sign.” This definition does not include subdivision tract directional signs. This definition does not include a Freeway Adjacent Digital Display Billboard.

Section II. Section 16-608, subsection (G) of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-608. SIGNS IN GENERAL COMMERCIAL AND INDUSTRIAL ZONES.

Only the following signs are permitted in the C-2, C-P-D, CBD, C-M, M-L, M-1, M-2, BRP and M-P-D zones, with or without planned development additive zones:

[. . .]

(G) Off-site advertising signs with no Digital Displays, also known as Outdoor Advertising Signs~~billboards and outdoor advertising~~, where conditionally permitted by this ~~chapter~~ Article IX, may be approved, subject to the ~~following provisions~~ requirements below. This subsection (G) does not apply to Freeway Adjacent Digital Display Billboards, which are governed by Section 16-609.

[. . .]

(K) Freeway Adjacent Digital Display Billboards shall be permitted as provided in Section 16-609.

Section III. Section 16-609 of Division 3, of Article IX of the Oxnard City Code is hereby added to read as follows (new text underlined):

SEC. 16-609. FREEWAY ADJACENT DIGITAL DISPLAY BILLBOARDS.

(A) Before a Freeway Adjacent Digital Display Billboard may be installed within the City, the applicant must first obtain a Special Use Permit (SUP) granted in accordance with Sections 16-530 to 16-553 and enter into a statutory Development Agreement with the City that addresses the terms and conditions of any approved Freeway Adjacent Digital Display Billboard, including but not limited to message cycling, light intensity, and any annual payments, if any, to be paid to the City. Both the SUP and the Development Agreement are subject to the approval of the City Council, following a recommendation by the Commission.

(B) In addition to the findings required by the Oxnard City Code for granting a SUP, Freeway Adjacent Digital Display Billboards approved pursuant to this Section 16-609 shall be subject to the following limitations:

1. **Location**. Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway right-of-way for US Highway 101. The total number of Freeway Adjacent Digital Display Billboard shall not exceed a total of three (3) within the City.

2. **Distance from residential uses**. No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 250 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.

3. **Height**. The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display

Billboard shall not exceed eighty (80) feet as measured from the pavement level of US Highway 101.

4. **Size and Spacing**. The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width, with the area of each face not to exceed an overall maximum amount of eight hundred and fifty (850) square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,500 feet.

5. **Design.** All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

6. **Orientation**. Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.

7. **Brightness**. All Freeway Adjacent Digital Display Billboards will not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

8. **Display cycle**. A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least twelve (12) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

9. **Compliance with law**. The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 *et seq.*), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

10. **Required Finding of Public benefit**. In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public. Such public benefits may include, without limitation, the removal of legal non-conforming

billboards, advertising of City events and public service announcements, and/or annual financial contributions to the City.

11. **Required Findings**. In addition to the finding required for granting a SUP under section 16-531, in approving a Special Use Permit for a Freeway Adjacent Digital Display Billboard, the decision maker must also find that it:

    a. Complies with the requirements of Section 16-609 and this Chapter;

    b. Will not create a significant traffic or other public safety hazard;

    c. Will be of appropriate size, scale, and design for the area in which it will be located; and

    d. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

Section IV. Section 16-610 of Division 4, of Article IX of the Oxnard City Code is hereby amended to read as follows (new text underlined; deletions in red strikethrough):

SEC. 16-610. GENERAL RESTRICTIONS.

(A) General requirements and limitations for signs in all zones, except Freeway Adjacent Digital Display Billboards which are governed exclusively by Section 16-609, are as follows: [. . .]

Freeway Adjacent Digital Display Billboards Ordinance

Planning & Zoning Permit No. 20-580-06 (Ordinance Amendment)

Joe Pearson II, Planning Manager
Maureen Tamuri, Interim Community Development Director

City Council
March 21, 2023

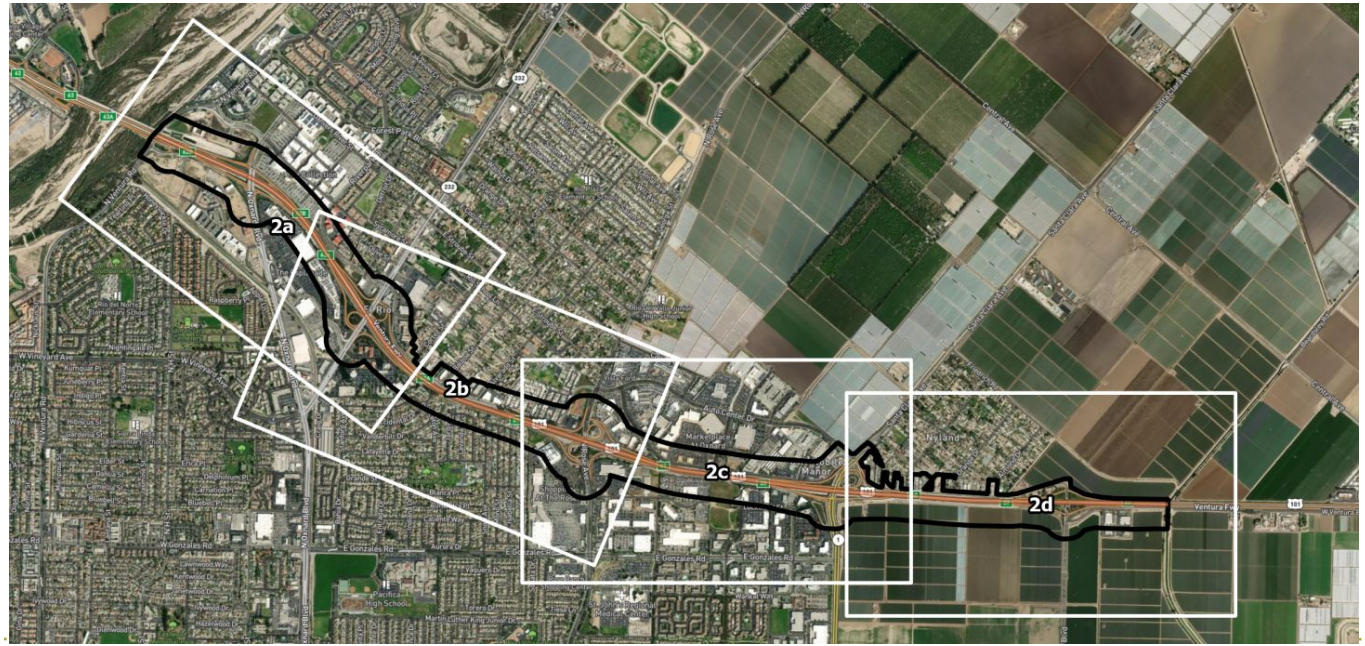
CITY OF OXNARD CALIFORNIA

Executive Summary

- On January 19, 2023, the Commission recommended approval of the Ordinance to permit Freeway Adjacent Digital Display Billboards within the City to City Council with various recommended amendments.
- The request before the City Council only sets the minimum and maximum standards.
- Future development proposals would require a Special Use Permit and Development Agreement.
- Staff continues to recommend the approval of the Freeway Adjacent Digital Display Billboards as presented and recommended to the Commission, with the exception of reducing the number of potential billboards.

Project Description

- A request to allow for amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard.

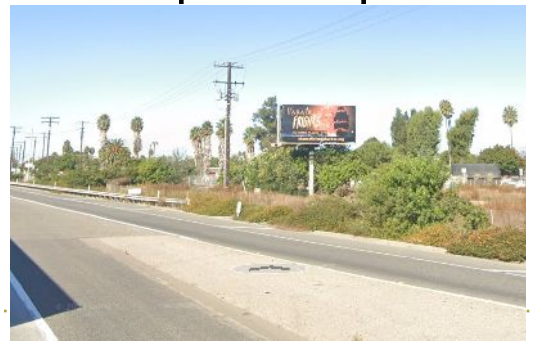


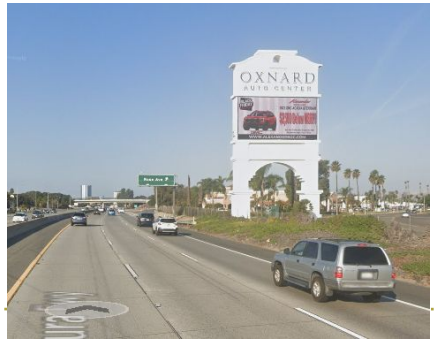
Background - Exclusive Negotiation Agreements (ENA)

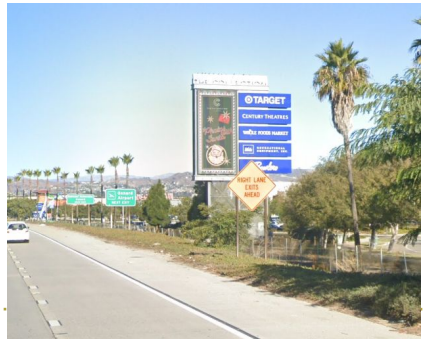
- On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites.
- Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties.
- On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties.

Background - Existing Billboard Regulations

- The City currently allows for billboards in the form of Off-site advertising signs throughout the City in General Commercial (C-2), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), Light Manufacturing (M-1), and Heavy Manufacturing (M-2) zones pursuant to OCC 16-608.
- In addition to the existing off-site advertising signs the City has previously allowed two digital signs at the Collection and the Oxnard Auto Center. These are NOT billboards. These signs are generally limited to the display of businesses located with the Collection or the Oxnard Auto Center. They were both permitted under their respective Specific Plans.









Proposed Ordinance

- Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway and no more than four (4) are allowed within the City. *The original proposal included a allowance of 5, however this was reduced to 4 consistent with the ENAs.*
- No Freeway Adjacent Digital Display Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel.
- The maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display.
- The maximum size of each Freeway Adjacent Digital Display Billboard face display area shall be Fourteen (14) feet in height and forty-eight (48) feet in width. Each billboard shall be separated from every other billboard by at least 2,000 feet.

Proposed Ordinance (Cont.)

- Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.
- All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5, as well as the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and the Oxnard City Code.
- A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

Proposed Ordinance (Cont.)

- Before a Freeway Adjacent Digital Display Billboard may be installed within the City, the applicant must first obtain a Special Use Permit (SUP) and enter into a statutory Development Agreement
- In approving a Development Agreement for any Freeway Adjacent Digital Display Billboard, the City Council must find that the Development Agreement will confer substantial public benefit to the City and to the general public.

Environmental Review

- An environmental consultant, under the supervision of Planning Division staff, prepared IS/MND which evaluated potential environmental impacts of the proposed Project. The IS/MND was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

- City prepared a Mitigated Negative Declaration (MND):
  a. MND review period for 30 days (30 days required)
  b. City received four comment letters
  c. Comments and responses included in MND
  d. Changes made to Draft MND for Final MND based on comments

- Final IS/MND includes a Mitigation Monitoring and Reporting Program:
  a. Details process to implement required mitigation measures
  b. After implementation of conditions and mitigation measures, all potentially significant impacts reduced to less than significant levels

Environmental Review

- Final IS/MND identified the following:
  - Class 2 impacts (potentially significant by mitigable, mitigation required)
    - Aesthetics
    - Air Quality
    - Biological Resources
    - Cultural and Tribal Cultural Resources
    - Noise
  - All other impact area were identified as Class 3 (less than significant)

- Staff determined that there is no substantial evidence that the Project will have a significant effect on the environment.

January 19, 2023 Planning Commission

- At the hearing Staff's recommendation was that the Commission recommend approval of the project requests as presented to the City Council.
- The Commission made a motion recommending approval with a series of modifications to the Ordinance. These recommended modifications include:

1. Allow for billboard up to 500 feet from the freeway instead of 400 feet.
2. Decrease the maximum number of billboards from 5 to 3.
3. Increase the separation between the billboards from 2,000 feet to 2,500 feet.
4. Increase the setback from residentially zoned properties from 100 feet to 250 feet*.
5. Increase the minimum display time from 8 seconds to to 12 seconds.

*This causes the two proposed SUPs (separate agenda items) to be infeasible as they are 130 feet and 160 feet from residential.

Planning Commission Concerns

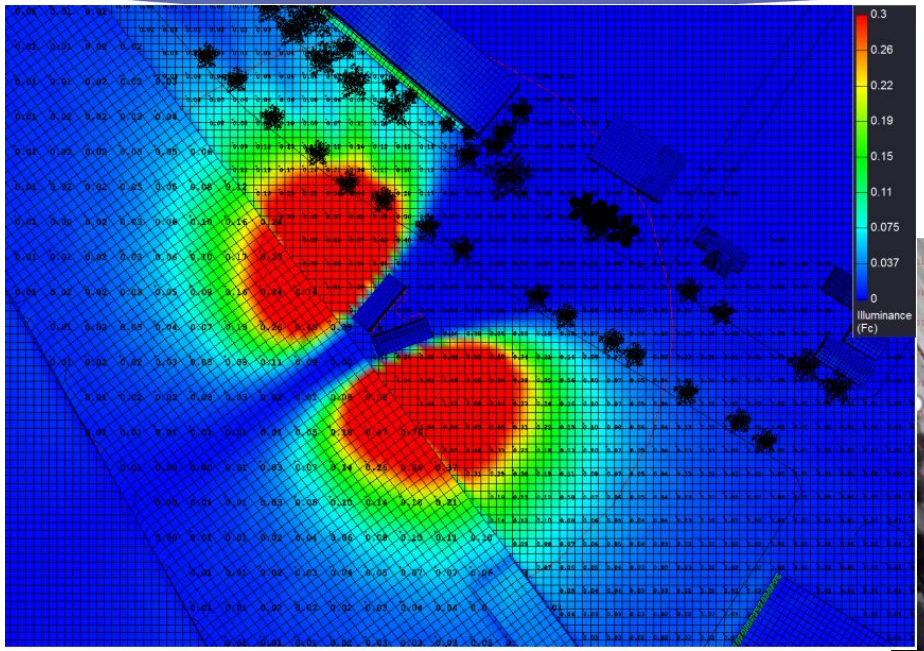
The primary Planning Commission concerns and reasons for the requested modifications were related to:

- Lighting Impacts on Residential Properties
- Traffic Safety
- Visual Impacts

Lighting Impacts on Residential Properties

- City Staff and the City's CEQA consultant prepared the MND, which analyzed lighting impact on any residential properties. The analysis contained in the MND found that, subject to the proposed Ordinance and required mitigation measures, there would not be a significant lighting impact.
- The billboards are oriented towards the freeway and include directionally oriented louvers to direct the lighting, therefore lighting impacts on other surrounding properties are limited.
- Based on the worst case scenario the lighting studies for billboards prepared consistent with the proposed Ordinance and Mitigation Measures the maximum illumination in the direction of a residential zoned property is 0.2 footcandles at approximately 100 feet.
- The proposed 100 foot setback is consistent with the City previous approval of the Collection electronic sign which is approximately 110 feet away from residentially zoned property.

Billboard Lighting Example





Traffic Safety

- Any billboards developed under the proposed Ordinance are required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.
- The California Department of Transportation "*regulates the placement of outdoor advertising (ODA) displays visible from California highways. Caltrans performs regular reviews of freeways and highways identified on the National Highway System to enforce outdoor advertising requirements under the Federal Highway Beautification Act and the State's Outdoor Advertising Act.*"
- Caltrans submitted a comment letter during the public review period for the MND, and did not raise any concerns regarding the proposed Ordinance, as long as the individual signs obtained the appropriate local and state permits.

Visual Impacts

- The U.S. Highway 101 corridor, which is generally characterized by urban or high density development, other similar large scale signage such as the existing auto center, Collection, Esplanade signs, and freeway signs.
- Aesthetic impacts, including impacts on views were analyzed as part of the environmental analysis. The analysis determined that with the limit on the number of signs, the already increased separation requirement, and the commercial nature of the existing corridor, the proposed Ordinance would not have a significant visual impact.
- While the proposed Ordinance would allow for up to four billboards, each billboard would be subject to approval by both the Planning Commission and City Council, and require they enter into a Development Agreement with the City. As a result both the Planning Commission and City Council have full discretion over the allowance of future billboards.

Public Notice

- Discussed at Community Workshop held on December 20, 2021 in association with concurrent projects.
  - Notifications were mailed to the RiverPark Neighborhood.
- CEQA Notice was published in the newspaper.
- Planning Commission Meeting held January 19, 2023
- Notice of City Council hearing was provided:
  - Newspaper
- Each billboard developed under this ordinance would require noticing in accordance with City Requirements.

Staff Recommendation - Option 1

Allowing up to four Freeway Adjacent Digital Display Billboards at least 100 feet away from residentially zoned parcels and at least 2,000 feet away from other Freeway Adjacent Digital Display Billboards:

a) Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-01; (Attachment 3); and

b) Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment) allowing for Freeway Adjacent Digital Display Billboards within the City of Oxnard, subject to certain findings (Attachment 4).

Option 2 – Planning Commission Recommendation

Allowing up to three Freeway Adjacent Digital Display Billboards at least 250 feet away from residentially zoned parcels and at least 2,500 feet away from any other freeway oriented sign:

a) Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-01; (Attachment 3); and

b) Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-580-06 (Zoning Text Amendment) allowing for Freeway Adjacent Digital Display Billboards within the City of Oxnard, subject to certain findings (Attachment 5).

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CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.6

DATE: March 21, 2023

TO: City Council

FROM: Maureen Tamuri, Interim Community Development Director, (805) 385-7882, maureen.tamuri@oxnard.org

SUBJECT: Project Name: RiverPark Boulevard Electronic Billboard Project; Located on an approximately 0.25-acre undeveloped site located between the U.S. 101 and RiverPark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard (APN: 132-0-311-075) and along the Ventura Freeway (Highway 101) in the RiverPark Specific Plan area. (30 minutes)

RECOMMENDATION

That the City Council:

1. Conduct a public hearing, and

Take the actions identified under one of the two following options:

Option 1 – Applicants' Original Request/Staff's Recommended Action – Allowing the development of a Freeway Adjacent Digital Display Billboard:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-02; and
b. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan) for text amendments to the RiverPark Specific Plan, subject to certain findings; and
c. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-670-06 (Development Agreement No. A-8515), subject to certain findings; and
d. Adopt a Resolution Approving Planning and Zoning Permit No. 20-500-07 (Special Use Permit) and overturn the Planning Commission's Denial, subject to certain conditions and findings.

Option 2 – Planning Commission Recommendation – Denying the development of a Freeway Adjacent Digital Display Billboard:

a. Provide direction to City staff to return at a date certain meeting with the appropriate resolutions of denial for Planning and Zoning Permit Nos. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan), Planning and Zoning Permit No. 20-670-06 (Development Agreement No. A-8515), and Planning and Zoning Permit No. 20-500-07 (Special Use Permit).

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/8O39aFT6T0Y

BACKGROUND

EXECUTIVE SUMMARY:

The Project includes a request for a Special Use Permit, Development Agreement, and Specific Plan Amendment to allow for the installation and operation of an electronic billboard on an approximately 0.25 acre undeveloped site located between the U.S. 101 and RiverPark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard ("Project").

The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The Special Use Permit will also include minor landscape improvements within the adjacent Caltrans right of way. These will include the removal of the existing eucalyptus trees and the planting of alternatives, subject to Caltrans approval. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan.

The proposed Development Agreement (DA) allows for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and among other public benefits requires payment to the City equal to thirty (30) percent of the Annual Net Revenue, with a minimum guarantee of $150,000 per year for the thirty year (30) term of the DA. This payment equates to a range of approximately $4.5M - $8.4M for the subject sign.

Pursuant to Oxnard City Code, the Commission is the decision maker for Special Use Permit, however they are a recommendation body for Specific Plan Amendment and Development Agreements.

On February 2, 2023, the Planning Commission first took action on a proposed Freeway Adjacent Digital Billboard Ordinance (Ordinance). The Commission made numerous changes to the Ordinance, which made the subject SUP inconsistent with the Ordinance. At the February 2, 2023 Commission hearing, the Commission denied, and recommended Council denial, of the Subject permits.

As the final decision maker for the Specific Plan Amendment and the Development Agreement is the City Council, and to ensure that the City Council had the opportunity to review the whole of the project, all related entitlements are being presented to the City Council for their consideration. City Staff filed a request for review of the Planning Commissions denial of the Special Use Permit. While City Staff filed the request for review, the Applicant for the project is still Outfront Foster Interstate represented by Lars Skugstad (hereafter "Applicant" or "Developer").

Staff continues to recommend approval of the Project as originally proposed by the Applicant based upon:

1. City Council authorization, approval, and continued extensions of Exclusive Negotiation Agreements (ENAs) with both Outfront Foster Interstate since 2019, which identified potential Freeway Adjacent Digital Display Billboard locations;

With the increased separation from residential uses requested by the Planning Commission as part of the recommendation on the Ordinance, the subject Billboard location would not be allowed.

2. Compliance with State laws established by the California Department of Transportation (Caltrans), which is the agency responsible for regulating freeway safety;

3. Consistency with the general plan, zoning, and the environmental review, specifically the lighting impacts which does not allow an increase in illumination at any residentially zoned property by more than 0.5 footcandles, which is deemed negligible. (This is further discussed in the "Key Projects Concerns" section of this report).

In summary, at this public hearing, the City Council has the option to move forward with: (1) the approval of the Project; or (2) provide direction to deny the Project and direct City staff to return at a date certain meeting with the appropriate resolutions of denial. Should the City Council choose to take another action other than those identified, the City Council can direct staff to return at a future public hearing with revised documents incorporating the direction provided.

Role of the Planning Commission and City Council
Pursuant to Oxnard City Code (OCC) Section 2-95, the Commission is an advisory body which provides land use recommendations to the City Council on items such as General Plan Amendments, Specific Plans, Ordinance Amendments, and Development Agreements. Therefore while the City Council is to consider the recommendations of the Commission, the Council may take an action which is not consistent with the recommendations of the Commission.

For the benefit of the City Council, this staff report provides: 1) background of the ENA discussions and Billboards; 2) a summary of the Commission hearings; 3) summaries of the Project and associated environmental review; and 5) a discussion of key concerns raised at Planning Commission.

BACKGROUND:

ENA Discussions and Extensions
On June 18, 2019, the City Council approved and authorized the Mayor to execute an Exclusive Negotiation Agreement (ENAs) with Outfront Foster Interstate, LLC for potential digital billboard sites. Under the terms of the ENA, Outfront Foster was given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by Outfront Foster. The ENA is currently on the 7th Amendment which runs through June 6, 2023.

Existing Billboards and Freeway Oriented Signage
The City currently allows for billboards in the form of Off-site advertising signs throughout the City in General Commercial (C-2), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), Light Manufacturing (M-1), and Heavy Manufacturing (M-2) zones pursuant to OCC 16-608. Under the proposed ordinance the Freeway Adjacent Digital Display Billboards, would be regulated separately from the Off-site advertising signs. The allowance of Freeway Adjacent Digital Display Billboards, is much more limited, as they are only allowed within 400 feet of U.S. Highway 101 and only on City owned property.

In addition to the existing Off-site advertising signs, the City has permitted two digital signs as allowed by the RiverPark Specific Plan (The Collection) and the Rose Santa Clara Specific Plan (Oxnard Auto Center). These signs are not defined as Off-site advertising signs and generally limited to the display of businesses located within the Collection or the Oxnard Auto Center. They were both permitted under their respective Specific Plans; therefore, no additional digital signage would be allowed without changes to the Specific Plans. Also, the Collection sign is approximately 110 feet away from the closest residential zoned property.

Freeway Adjacent Digital Display Billboards Ordinance (PZ 20-580-06)
Prior to consideration of the subject request, Council must take action on amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards. A separate staff report addresses the specifics of that Ordinance, as well as the Commission's recommended changes to that Ordinance. The Commission's recommended changes to the Ordinance was approved by 3 (in favor) - 2 (against), with two commissioners absent. Due to the proposed changes the Commission was required to review the RiverPark Blvd Electronic Billboard Project in accordance with the amendments. As the Project was inconsistent with the recommended amendments, the Commission had to deny Planning and Zoning Permit No. 20-500-07 (Special Use Permit) and recommend denial of the other associated project components.

PROJECT REQUESTS:

The Applicant's original request sought Planning Commission and City Council approval of the following four requests (Special Use Permit, Development Agreement, Specific Plan Amendment, Mitigated Negative Declaration (MND 22-02)):

1. Special Use Permit
The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The proposed billboard would be supported by a pole that ranges in diameter from approximately 7 feet to 3 feet. The pole would extend approximately 45.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The top of the billboard would be 60 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5

feet in width. The existing ground level is at approximately the same elevation as the travel lanes along U.S. 101 and RiverPark Boulevard. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Lighting levels on the digital sign will not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America. Brightness shall not exceed 300 nitere (nits) or candela per square meter from sunset to sunrise. At all other times, brightness will not exceed 7,500 nits. Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness based on ambient conditions. For reference, based on a study of existing lighting levels along Riverpark Boulevard, the average illumination is 3 foot-candles due to existing street lights and other nearby lighting fixtures. Adjacent to the existing street light the lighting level is approximately 5 foot-candles. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. LED lighting has a directional nature, focused toward the freeway. Louvers will be located above each row of lights to prevent light from projecting upward into the sky. As designed, the billboard complies with the staff recommended ordinance and the State laws established by the California Department of Transportation (Caltrans), which is the agency responsible for regulating freeway safety.

Eight existing eucalyptus located on the north side of U.S. 101 are proposed to be removed, which would require Caltrans approval because the trees are located within the U.S. 101 right-of-way. In addition, the Project includes removal of all dead wood located in the vicinity of the existing eucalyptus trees. The Project includes the placement of small multi-trunk accent trees with a maximum height of 15 feet along with low groundcover and shrubs.

2. Development Agreement

The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement also outlines the required public benefits to be provided by the future development, including fiscal benefits to the City, such as revenue sharing. As proposed, these include:

- Term - Thirty (30) years.
- Monetary Payment - The Applicant shall pay to the City 30 percent of the Annual Net Revenue, with a minimum guarantee of $150,00 per year (approximately $4.5M - $8.4M over the term of the agreement).
- City Usage of the Billboard - To the extent that commercial advertising time on the Billboard is unsold and available, City shall have the right to use 12.5% out of the total inventory of 16 spots (8 spots per face) or 2 total spots for the Billboard.
- Emergency Notifications - Outfront shall make the Billboard available to Caltrans and the California Highway Patrol for purposes of "Amber Alerts" and for emergency or disaster notifications by local, state or federal agencies.
- Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members - Oxnard Auto Dealers and members of the Oxnard Chamber of Commerce shall receive a ten percent (10%) discount from the rates to advertise on the Billboard.
- Prohibitions - Any message that: is inherently false, misleading, or libelous (i.e., speech that is incapable of being presented in a manner that is not misleading); promotes the sale or use of firearms or tobacco products, whether directly or indirectly; promotes adult entertainment, products, conventions, events, or websites; contains "obscene matter," as that term is defined in local, California or federal law.

3. Specific Plan Amendment

The proposed Project requires an amendment to the RiverPark Specific Plan to add Freeway Adjacent Digital Display Billboards within the Commercial Master Plan of the RiverPark Specific Plan. The specific revisions to the Specific Plan text identify minimum and maximum lot dimensions as well as size and spacing of the billboards. These revisions are consistent with the staff recommended Freeway Adjacent Digital Display Billboards Ordinance that is required to be approved prior to approval of the proposed Project.

4. Environmental Determination

Pursuant to the California Environmental Quality Act (CEQA) Section 15060, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND

identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources.. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests.

The MND was available for public review from June 30, 2022, and ended on July 29, 2022. The City of Oxnard received four comment letters on the Draft MND. The comment letters and responses to each comment have been prepared and included in the Final IS/MND. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

With the inclusion of the mitigations for the areas noted above, the Project will not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration (MND) was prepared with mitigation measures and a monitoring program in accordance with the provisions of CEQA.

KEY PROJECT CONCERN

Lighting and Visual Impacts on Residential Properties

Concerns were raised by Commissioners and members of the public regarding lighting impacts on residential properties. Specifically, comments were made about impacts to the residential developments to the north of the Project site and within the County of Ventura's El Rio neighborhood. The proposed billboard is approximately 130 feet south of the adjacent residential areas and 1,700 feet from the closest residentially zoned property within the El Rio community. As it relates to the County of Ventura's El Rio neighborhood, the project is not only 1,700 feet away from the residential areas, it is separated by a variety of Commercial and Office developments, which contain multiple two to four story buildings, as well as the freeway overcrossing. Given the relatively flat topography and intervening developments, the view of the proposed Billboard would be very limited, if visible at all. This is indicated by the inability to see the existing trees on the project site or the existing Esplanade sign, which though further from the El Rio Neighborhood is approximately 15 feet taller than the proposed billboard.

Also, while the billboard would be visible from residential areas in the City, City Staff and the City's CEQA consultant analyzed lighting impact on any residential properties, which would include any residentially zoned property both in the City of Oxnard and the County of Ventura. The MND found that, subject to the proposed Ordinance and required mitigation measures, there would not be a significant lighting impact based on the recommendations from the International Commission on Illuminance. Pursuant to the proposed Ordinance and Mitigation Measures, the maximum allowable increase in illumination at any residentially zoned property would be 0.5 footcandles. A site specific lighting study was prepared for the Project to analyze the Project's impacts on adjacent residential. While unlikely, the study assumes the worst case scenario of an all white sign to determine the greatest lighting impact. As these signs are oriented towards the freeway and include directionally oriented louvers to direct the lighting, the lighting projected toward any residential properties would be limited. Per the lighting study, the maximum illumination in the direction of the nearest residential zoned property is 0.2 footcandles at approximately 100 feet. This is significantly below the City adopted lighting requirements, which require projects be illuminated to a level of 1-7 footcandles throughout a project. Therefore, any additional lighting generated by the billboard would be negligible.

As it relates to visual impacts, the proposed billboard is within the U.S. Highway 101 corridor, which is generally characterized by urban or high density development, as well as other similar large scale signage such as the existing auto center, collection, and esplanade signs. In addition to these signs there are numerous larger illuminated freeway signs, including electronic ones, along the corridor. The proposed billboard would be consistent with the overall nature of the corridor. Lastly, the proposed 100 foot setback is consistent with the City previous approval of the Collection electronic sign which is approximately 110 feet away from residentially zoned property.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

If option 1 is selected, the Applicant shall pay to the City 30 percent of the Annual Net Revenue, with a minimum guarantee of $150,000 annually. Revenue receipt is dependent on construction timing, but would be anticipated in Fiscal Year 2023-24 at the earliest.

COMMITTEE OUTCOME

This is a Public Hearing and was reviewed by the Commission, therefore this item did not originate in Committee.

During the Commission's public hearing on January 19, 2023, Commissioners asked a series of questions as a result of staff's and the Applicant team's presentations. One public comment was received prior to the meeting and one verbal comment was provided during the public comment period on the Project. The questions and comments were generally in regards to the impacts on views and lighting. Following Commission deliberation, a motion of Intent to Deny the Project as they could not make all of the Findings required to support the Project. The January 19, 2023 Planning Commission meeting can be viewed online at the following link: https://www.youtube.com/watch?v=DIS7Q-hYfgg.

On February 2, 2023, all six members of the Planning Commission were present. The Commissioners who were not present on January 19, 2023 confirmed they reviewed the staff materials and watched the video of the Commission's January 19 meeting. One of the Commissioners who was previously present on January 19th, was absent on February 2nd. On February 2, 2023, the Commission voted 6-0 (with one commissioner absent), to adopt a resolution denying the Special Use Permit and recommending denial of the Specific Plan Amendment and Development Agreement to the City Council. While as noted above the Commission was required to deny the project based upon the recommended changes to the ordinance, the Commission did raise concern about the Project's proximity to the residential area, due to the potential lighting and visual impacts.

Prepared by: Joe Pearson II, AICP, Planning & Environmental Services Manager

ATTACHMENTS

1. Planning Commission Staff Materials dated 1_19_2023 and 2_2_2023
2. Final IS-MND 22-02
3. Draft City Council Resolution Adopting Mitigated Negative Declaration (MND) 22-02
4. Draft Ordinance Approving PZ Permit No. 20-630-02 (Specific Plan Amendment)
5. Draft Ordinance Approving PZ Permit No. 20-670-06 (Development Agreement)
6. Draft Resolution Approving the Appeal and overturning the Planning Commission's Denial of Planning and Zoning Permit No. 20-500-07
7. Riverpark Boulevard Electronic Billboard Project CC Presentation

PLANNING COMMISSION
MEMORANDUM

TO: Planning Commission

FROM: Joe Pearson II, AICP, Planning Manager

DATE: February 2, 2023

SUBJECT: **Project Name: Riverpark Boulevard Electronic Billboard Project**; Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment); Located on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. APN: 132-0-311-075.

Summary

On January 19, 2023, the Planning Commission (the "Commission") considered PZ Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment)(Project)[1] and made a Motion of Intent to Deny the Project as they could not make all of the Findings required to support the project and directed staff to return with the following resolutions:

a. Resolution 2023-XX recommending that the City Council deny Mitigated Negative Declaration (MND) 22-02; and

b. Resolution 2023-XX recommending that the City Council deny Planning and Zoning Permit No. 20-670-06 (Development Agreement), subject to certain findings; and

c. Resolution 2023-XX recommending City Council deny Planning and Zoning Permit No.

[1] The project includes Special Use Permit, Development Agreement, and Specific Plan Amendment to allow for the installation and operation of an electronic billboard on an approximately 0.25 acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard (APN: 132-0-311-075). The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products and minor landscape improvements within the adjacent Caltrans right of way. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan.

20-630-02 (Amendment to The RiverPark Specific Plan), subject to certain findings; and

d. Resolution 2023-XX Denying Planning and Zoning Permit No. 20-500-07 (Special Use Permit), subject to certain findings and conditions.

The Commission continued the hearing to February 2, 2023, to ratify the action by approving Resolutions of Denial. The motion carried 5:0:2:0:0[2].

Staff has prepared the Resolution of Denial for the proposed Project (Attachment B-E).

Appeal Process

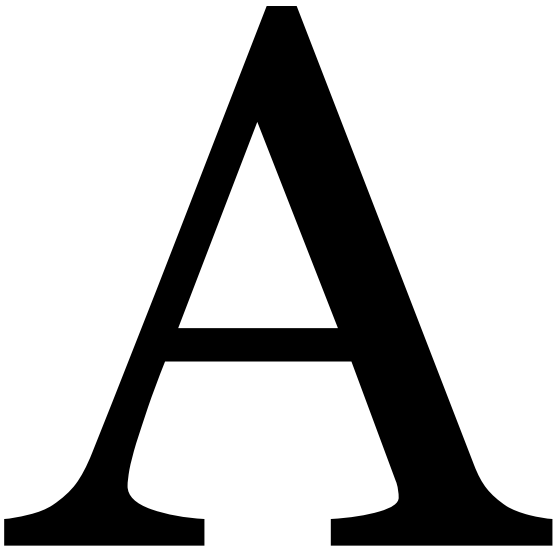
In accordance with Section 16-545 of the City Code, the Planning Commission's action on PZ 20-500-07 (Special Use Permit) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal is not filed within 18 working days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

The requested actions for the Development Agreement, Adoption of the Mitigated Negative Declaration, and Specific Plan Amendment are recommendations to the City Council. As the Planning Commission does not take formal action, but recommends an action to the City Council, an Appeal procedure is not necessary. All aspects of this Project shall not become effective unless and until the City Council approves the Development Agreement.

Attachments

A. January 19, 2023 Planning Commission Staff Report (w/o Attachments D, E, F, G, H, I)
B. Draft Planning Commission Resolution Recommending Denial of Mitigated Negative Declaration (MND) 22-02
C. Draft Planning Commission Resolution Recommending Denial of PZ Permit No. 20-670-06 (Development Agreement)
D. Draft Planning Commission Resolution Recommending Denial of PZ Permit No. 20-630-02 (Specific Plan Amendment)
E. Draft Planning Commission Resolution Denying PZ Permit No. 20-500-07 (Special Use Permit)

[2] In Favor: Against: Absent: Abstain: Recused



PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Joe Pearson II, Planning Manager

DATE: January 19, 2023

SUBJECT: **Project Name: Riverpark Boulevard Electronic Billboard Project**; Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment); Located on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. APN: 132-0-311-075.

1) **Recommendation:** That the Planning Commission ("**Commission**"):
   - **a)** Adopt Resolution 2023-XX recommending that the City Council adopt a Mitigated Negative Declaration (MND) 22-02; and
   - **b)** Adopt Resolution 2023-XX recommending that the City Council approve Planning and Zoning Permit No. 20-670-06 (Development Agreement), and
   - **c)** Adopt Resolution 2023-XX recommending City Council approval of Planning and Zoning Permit No. 20-630-02 (Amendment to The RiverPark Specific Plan), subject to certain findings, and
   - **d)** Adopt Resolution 2023-XX Approving Planning and Zoning Permit No. 20-500-07 (Special Use Permit), subject to certain findings and conditions.

2) **Project Description and Applicant:** The applicant requests a Special Use Permit, Development Agreement, and Specific Plan Amendment to allow for the installation and operation of an electronic billboard on an approximately 0.25 acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The Special Use Permit will also include minor landscape improvements within the adjacent Caltrans right of way. These will include the removal of the existing eucalyptus trees and the planting of alternatives, subject to Caltrans approval. The proposed Development Agreement will allow for the use of City

property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan.

The request includes adoption of the proposed Final Initial Study/Mitigated Negative Declaration (IS-MND) and adoption of the Mitigation Monitoring and Reporting Program (MMRP) which has been prepared pursuant to provisions of the California Environmental Quality Act (CEQA) Guidelines, Section 15063. The Project site is located within the RiverPark Specific Plan and designated as Public Facilities. The 2030 General Plan land use designation is Commercial Regional. For purposes of this staff report, the foregoing project description shall be referred to as the "Project.". Filed by Lars Skugstad, 1111 Broadway, Suite 1515, Oakland, CA 94607 (the "Applicant") on behalf of the City of Oxnard (the "Property Owner").

Please see the reduced Project plans (Attachment B) for more details.

3) **Existing & Surrounding Land Uses:** The Project site is currently undeveloped City owned property located within the RPSP area. The area surrounding the Project site consists of a mix of residential and commercial land uses. To the west and south of the Project site, across U.S. 101, is the Esplanade Commercial Shopping Center. To the southeast are retail commercial uses adjacent to Vineyard Avenue. These commercial and retail land uses are zoned as RiverPark Specific Plan. On the northeast side of Riverpark Boulevard is a place of worship and single family residences that are part of the El Rio West neighborhood and zoned as a Multiple-Family Residential Planned Development and Single-Family Residential Planned Development. To the north are the two and three story Paseo Del Rio Apartments, which are also a part of the RiverPark Specific Plan Area. Further to northeast within the RiverPark Specific Plan area are additional apartments that are three stories and beyond the apartments is the Collection shopping center. The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated in Attachment A:

Table 1
Existing and Surrounding Land Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional	The RiverPark Specific Plan (Public Facilities)	Vacant
North	Commercial Regional	The RiverPark Specific Plan (Public	Vacant/Apartments

		Facilities and Residential: High)	
South	Highway 101/Regional Commercial	Highway 101/General Commercial	Highway 101/The Esplanade Shopping Center
East	Commercial Regional	The RiverPark Specific Plan (Public Facilities and Commercial Retail)	Vacant/Fast food Restaurant and Retail Store
West	Highway 101/Easement	Highway 101	Highway 101

4) Background Information:

a) On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites. Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties. On November 17, 2020 Council amended the ENAs to allow for an additional 6 months (until June 2021), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties. On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties.

b) Concurrent with the process of this Project the City is processing amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard and a amendment to the RiverPark Specific Plan to allow the sign in accordance with the Oxnard City Code. The installation and operation of individual electronic billboards would require approval of a Special Use Permit and Development Agreement. No Freeway Adjacent Digital Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display or 80 feet to the top of the sign. Each Freeway Adjacent

Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of five (5) allowed in the City.

c) The RPSP was adopted by the City Council on September 10, 2002, together with the General Plan Amendment, Zone Change, Annexation, Development Agreement, and EIR certification related to the RPSP approval. The original RPSP allowed for the phased development of 2,805 dwelling units and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development that was approved under the Oxnard Town Center Specific Plan, prior to the adoption of the RPSP). The original RPSP was developed following the design principles of the New Urbanism and Smart Growth movements, which emphasized the importance of mixed land uses in close proximity, communities scaled for pedestrian walkability; limiting the need for automobile usage; higher density development, and the importance of physical design.

Seven previous amendments to the RPSP have been approved.

1. The Council approved the first amendment request (PZ 02-630-05) on October 22, 2002, which amended the new RPSP to include regulations for temporary uses.
2. The Council approved the second amendment request (PZ 03-630-03) on July 27, 2004, allowing a minor change in the land use designation on a small parcel from Open Space to Commercial.
3. The Council approved the third amendment request (PZ 09-630-09) on April 14, 2009, allowing a freeway-oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director.
4. The fourth amendment (PZ 10-630-02), was approved by the City Council on June 14, 2011, and allows three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign, subject to subsequent approval of a Special Use Permit.
5. The fifth amendment (PZ 09-630-03), was approved by the City Council on June 5, 2012. The fifth amendment increased the maximum number of dwelling units from 2,805 to 3,043 units, and reduced the maximum amount of commercial development from 2,485,000 to 2,098,000 square feet. The additional units were to be located in District D of the RPSP.
6. The sixth amendment (PZ 18-630-01), was approved by the City Council on February 19, 2019, to amend the text of the RPSP to allow two (2) monument signs in Planning Districts C, subject to subsequent approval of a DDR.
7. The seventh amendment (PZ 20-630-01), was approved by the City Council on March 15, 2022. This amendment allowed development of up to 1,025 additional residential units under the RPSP, in exchange for a reduction of up to approximately 562,457 square feet of non-residential development potential in accordance with specified development scenarios.

5) **Environmental Determination:** Pursuant to the California Environmental Quality Act (CEQA) Section 15060, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests.

   The MND was available for public review from June 30, 2022, and ended on July 29, 2022. The City of Oxnard received four comment letters on the Draft MND. The comment letters and responses to each comment have been prepared and included in the Final IS/MND. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

   With the inclusion of the mitigations for the areas noted above, the Project will not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration (MND) was prepared with mitigation measures and monitoring program in accordance with the provisions of CEQA (Attachment C).

6) **Project Analysis:**
   a) ***General Discussion:*** Pursuant to Oxnard City Code (OCC) Section 2-95, the Planning Commission is an advisory body which provides land use recommendations to the City Council on items such as General Plan Amendments, Specific Plans, Ordinance Amendments and Development Agreements. The Planning Commission is the decision maker for Special Use Permit pursuant to OCC Section 16-531.

      The applicant requests a Special Use Permit, Development Agreement, and Specific plan Amendment to allow for the installation and operation of an electronic billboard on an

approximately 0.25-acre undeveloped site(APN: 132-0-311-075) located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The following is a summary of the requested revisions.

Special Use Permit

The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The proposed billboard would be supported by a pole that ranges in diameter from approximately 7 feet to 3 feet. The pole would extend approximately 40 feet below ground and approximately 45.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The top of the billboard would be 60 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The existing ground level is at approximately the same elevation as the travel lanes along U.S. 101 and Riverpark Boulevard. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Lighting levels on the digital sign will not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America. Brightness shall not exceed 300 nitere (nits) or candela per square meter from sunset to sunrise. At all other times, brightness will not exceed 7,500 nits. Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness based on ambient conditions. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. LED lighting has a directional nature, focused toward the freeway. Louvers will be located above each row of lights to prevent light from projecting upward into the sky.

Eight existing eucalyptus located on the north side of U.S. 101 are proposed to be removed which would require Caltrans approval because the trees are located within the U.S. 101 right-of-way. In addition, the Project includes removal of all dead wood located in the vicinity of the existing eucalyptus trees. The Project includes the placement of small multi-trunk accent trees with a maximum height of 15 feet along with low groundcover and shrubs.

Development Agreement

The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement would also outline the required public benefits to be provided by the future development, including fiscal benefits to the City, such as revenue sharing. No other physical improvements are

allowed or required by the development agreement.

Street Vacation

The proposed Project will require an amendment to the RiverPark Specific Plan. The amendment would include the addition of Freeway Adjacent Digital Display Billboards within the Commercial Master Plan of the RiverPark Specific Plan. The specific revisions to the Specific Plan text. The proposed revisions identify minimum and maximum lot dimensions as well as size and spacing of the billboards. These revisions would be consistent with the proposed Freeway Adjacent Digital Display Billboards Ordinance that is required to be approved prior to approval of the proposed Project.

b) ***General Plan Consistency:*** The City's 2030 General Plan land use designation for the subject site is Commercial Regional (CR) uses which allows retail, commercial, government and residential uses. The proposed use is Commercial. Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The proposed Project does not conflict with General Plan land use, goals and policies. The proposed SPA to the RPSP and foreseeable development is consistent with the 2030 General Plan and the property's land use designations. RiverPark is located within the North Oxnard Transit Enhancement District (NOTED) Urban Village as defined in the 2030 General Plan. The NOTED area includes the area north of the Oxnard Boulevard/Vineyard Avenue intersection generally between Ventura Road and Vineyard Avenue including the Esplanade shopping center, The Village Specific Plan, and the RiverPark Specific Plan. As an urban area, the allowance of Electronic Billboards is appropriate and consistent with the 2030 General Plan. The proposed DA allows for the use of City property and outlines the required public benefits to be provided by future development. No other physical improvements are allowed or required by the development agreement, and therefore it does not conflict with General Plan land use, goals and policies. The project's consistency review with General Plan policies is included as Attachment D. The proposed Project has been determined to be consistent with the General Plan and the property's land use designation.

c) ***Conformance with Zoning Code Development Standards:*** As noted above the City is concurrently processing an Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, as currently being proposed. The proposed ordinance amendment includes development standards which will be applicable to all Freeway Adjacent Digital Display Billboards developed within the City. As shown in Attachment E, the proposed Project has been designed to be consistent with the proposed ordinance. As a condition, the approval of this Project is contingent upon the City's adoption of the proposed Freeway Adjacent Digital Display Billboards ordinance. Additionally, the Project must comply with the final ordinance as adopted, therefore, if any changes occur to the proposed development standards the Project would be required to be amended, to bring it into compliance.

d) Site Design, Circulation, and Parking: The project is located on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The proposed site improvements include the installation of an electronic sign. City staff has reviewed the proposed sign, and determined it would not have a significant impact on the future development of the City owned parcels in the area, should they be developed in the future. As the sign is controlled remotely, no parking is required. In the rare event onsite work is required, there is sufficient space onsite.

e) Sign Design: The pole would extend approximately 40 feet below ground and approximately 45.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The pole design has been kept simple with the gray color, to minimize the visual impact of the pole itself. The top of the billboard would be approximately 60 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width.

7) Development Advisory Committee: The Development Advisory Committee (DAC) reviewed the proposed Project on November 18, 2020. The comments from the DAC have been incorporated into the Project, including the studies, and MND.

8) Community Workshop and Public Input: A Community Workshop on the Project was held on December 20, 2021. Public notice signs were posted onsite. Notifications were mailed to the RiverPark Neighborhood. Approximately 2,000 notices were mailed. The meeting was held online. Eight members of the community attended this meeting, and two people spoke on the items. The video from the online workshop was also posted on the City's website for members of the public to view separately. The primary concern identified at the Community Workshop was related to general allowance of electronic billboards and lighting impacts. Both aesthetics and lighting impacts were analyzed in the environmental document and it was determined that with the implementation of the project mitigations the impacts would be less than significant. There was also a request for an additional site rendering showing the sign from the adjacent side of the freeway, which was prepared and has been included in Attachment B.

Consistent with public noticing requirements, the Planning Commission Hearing was advertised with on-site postings and a newspaper notice and a mailed notice to property owners within 300 feet of the Project site.

9) Appeal Procedure: The action of the Planning Commission on the Special Use Permit is final unless appealed in writing to the City Council no later than eighteen (18) days after the decision date (Section 16-545) of the Oxnard City Code. Appeal forms may be obtained from

the City Clerk (300 West Third Street, Fourth Floor) and must be submitted with the appropriate fees before the end of the appeal period. The action of the Planning Commission on the Development Agreement and Specific Plan Amendment is a recommendation of either approval or denial to the City Council. All aspects of this Project shall not become effective unless and until the City Council approves the Development Agreement and Street Vacation.

Attachments:

A. Maps (Vicinity, General Plan, Zoning, Aerial)
B. Reduced Project Plans
C. Final IS-MND (December 2022)
D. General Plan Consistency Chart
E. Zoning Compliance Table
F. Draft Planning Commission Resolution Recommending Adoption of Mitigated Negative Declaration (MND) 22-02
G. Draft Planning Commission Resolution Recommending Approval of PZ Permit No. 20-670-06 (Development Agreement)
H. Draft Planning Commission Resolution Recommending Approval of PZ Permit No. 20-630-02 (Specific Plan Amendment)
I. Draft Planning Commission Resolution Approving PZ Permit No. 20-500-07 (Special Use Permit)
J. Staff Presentation

ATTACHMENT
A

MAPS
(VICINITY, GENERAL PLAN, ZONING, AERIAL)

Vicinity Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

November 17, 2022

PZ 20-500-07, 20-670-06, 20-630-02
Location:
APN: 11420010345, 1420021010
Riverpark Blvd Billboard

Vicinity Map

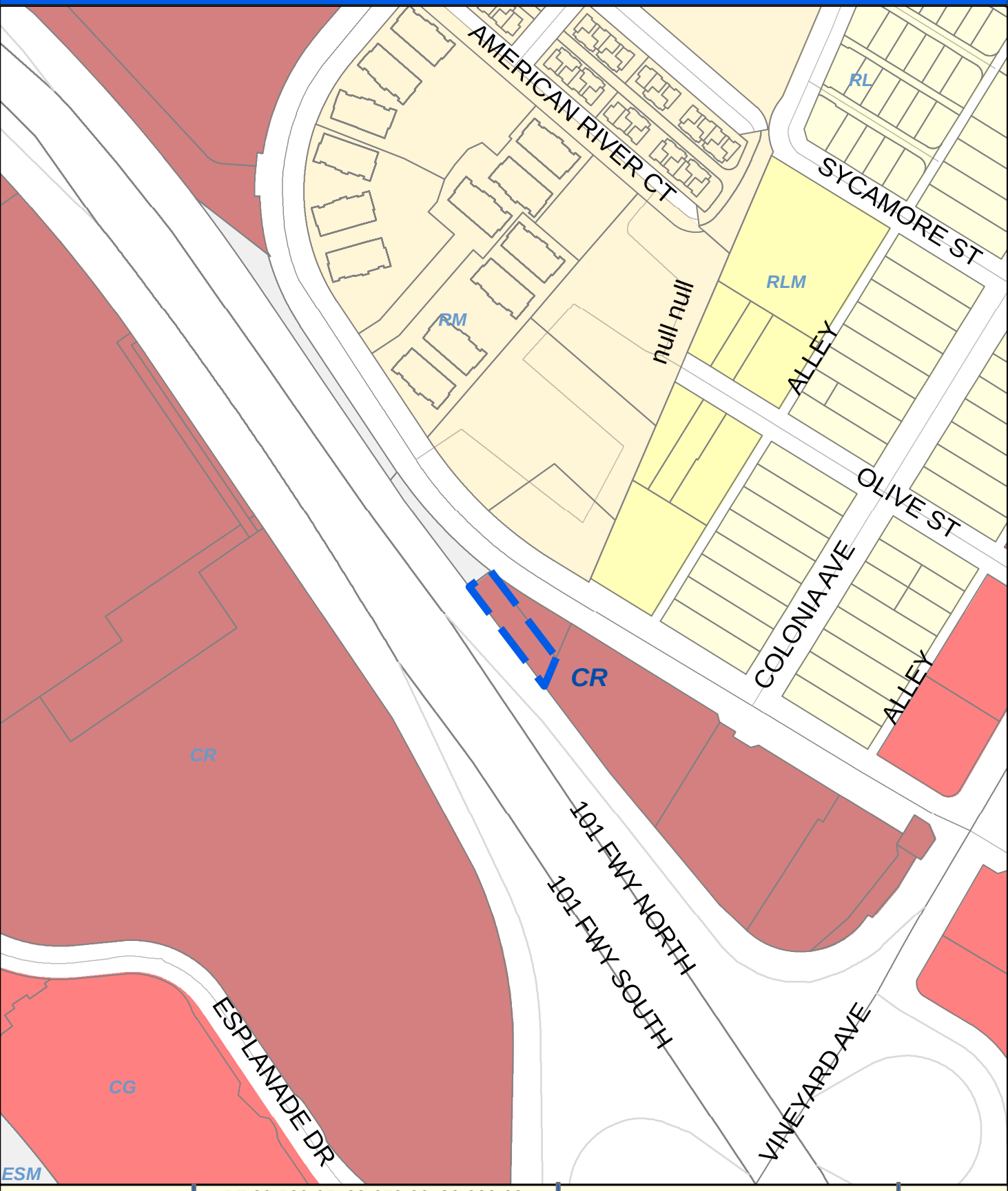
Miles
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708

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2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

November 17, 2022

PZ 20-500-07, 20-670-06, 20-630-02
Location:
APN: 11420010345, 1420021010
Riverpark Blvd Billboard

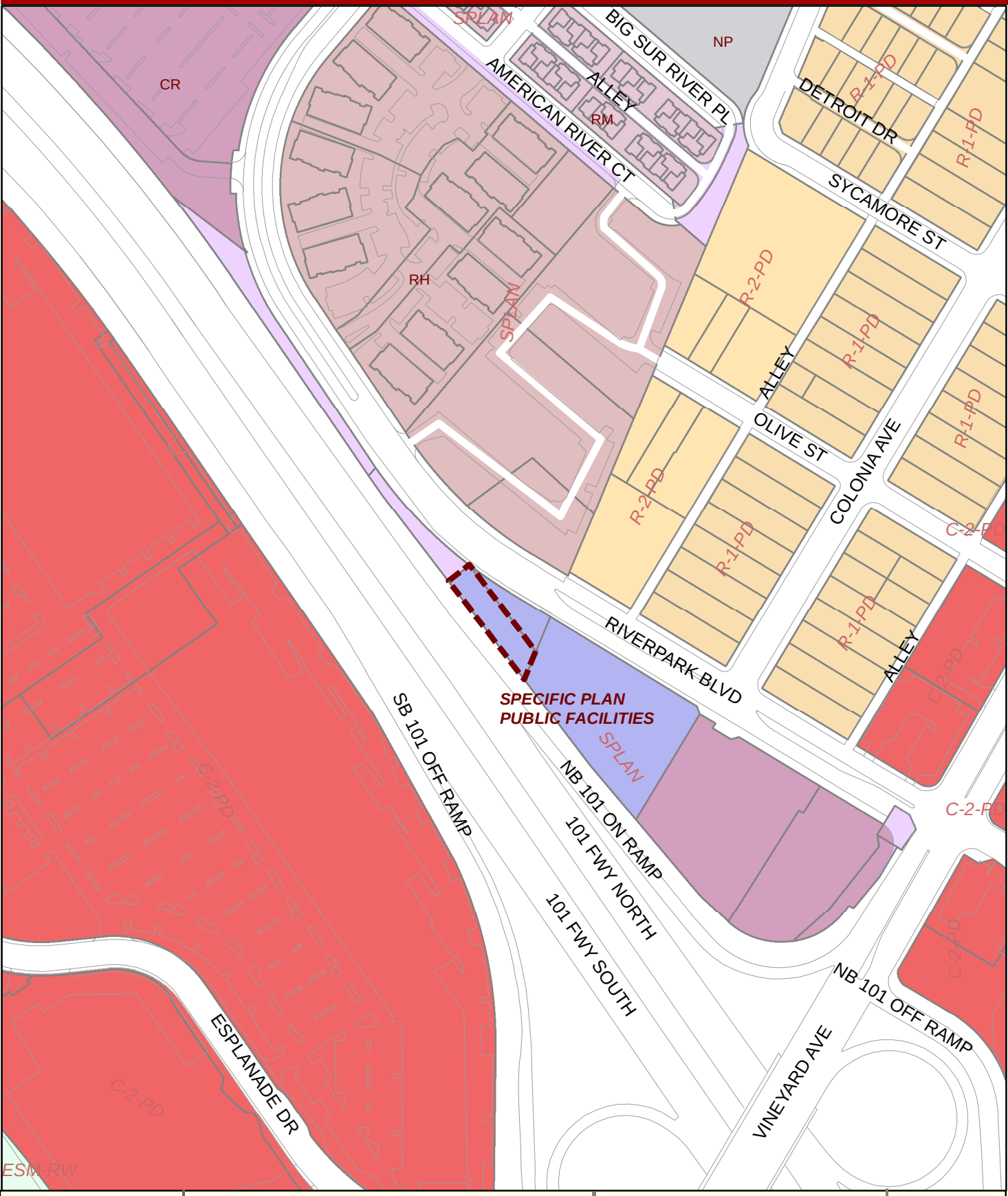
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2030 General Plan Land Use Map

N W E S

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Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

November 17, 2022

PZ 20-500-07, 20-670-06, 20-630-02
Location:
APN: 11420010345, 1420021010
Riverpark Blvd Billboard

0 45 90 180 270 360 Feet

Zoning/Specific Plan Map

N W E S

1:3,000

Aerial Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

November 17, 2022

PZ 20-500-07, 20-670-06, 20-630-02
Location:
APN: 11420010345, 1420021010
Riverpark Blvd Billboard

Feet
0 25 50 100 150 200

Aerial Map

N W E S

ATTACHMENT B

Reduced Project Plans

SITE 2





TERRAIN COLOR CODE:

ASPHALT

CONCRETE

GROUND

RIVERPARK BOULEVARD

LOT 19

NORTHBOUND VENTURA FREEWAY ROUTE 101

APN 132-0-311-065

APN 132-0-311-075

APN 132-0-033-010

NO ACCESS

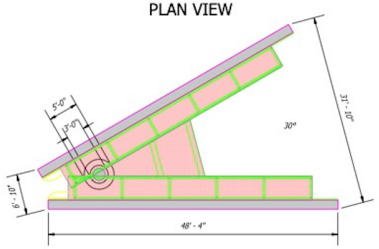
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HIGH VOLTAGE BOX

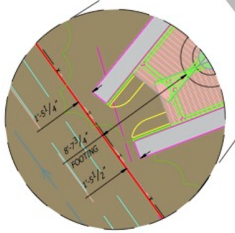
SIDEWALK

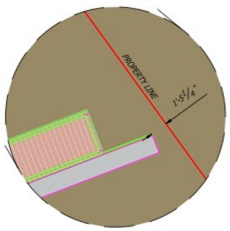
PROPERTY LINE

DIGITAL BILLBOARD DETAIL
PLAN VIEW



SCALE: 1" = 10'





NOTE:

1. BOUNDARY SHOWN HEREON IS BASED ON FOUND MONUMENTS PER COUNTY PUBLIC WORKS FIELD BOOKS, TRACT NO. 5852-1, 150 MR 76, AND CALIFORNIA R/W MAP NO. F 2232-5 07-VEN-101-22.2.
2. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
3. TREE LINE CANOPIES ARE PICTORIAL, AND MAY NOT REFLECT TRUE DRIP LINES.
4. ROAD STRIPING IS PICTORIAL AND REPRESENTS ONLY APPROXIMATE, RELATIVE LOCATIONS
5. DIGITAL BILLBOARD AND PROPOSED LOCATION PROVIDED BY CLIENT.
6. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
7. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. EXISTING EASEMENTS (IF ANY) ARE NOT SHOWN HEREON.
8. ATTENTION: IF THIS MAP IS PROVIDED IN AN ELECTRONIC FORMAT (IE: CAD) AS A COURTESY TO A CLIENT, THE DELIVERY OF THE ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF OUR PROFESSIONAL WORK PRODUCT. ONLY THE SURVEYOR'S SIGNED AND SEALED PAPER PRINT OR PDF FORMATTED DRAWING CONSTITUTES OUR PROFESSIONAL WORK PRODUCT. IN THE EVENT THAT THE ELECTRONIC FILE IS ALTERED, THE SURVEYOR'S SIGNED AND SEALED PRINT OR PDF FORMATTED DRAWING MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. CHRIS NELSON AND ASSOCIATES, INC., SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATION MADE TO THE PROVIDED CAD FILE, OR FOR ANY PRODUCTS THAT HAVE BEEN DERIVED FROM THE CAD FILE, WHICH ARE NOT REVIEWED, SIGNED AND SEALED BY US.

BENCH MARK:

B.M. NO. 110-8 VCPID 494 NAVD 1988 COUNTY OF VENTURA DATUM

AT THE NORTHWESTERLY CORNER OF THE INTERSECTION OF VINEYARD AVENUE AND MYRTLE STREET.

ELEVATION = 87.3196 FEET (26.615 METERS) (VENTURA COUNTY ADJ PUB 1989)

LEGEND:

- CURB
- V-GUTTER
- PAVED ROAD
- GRADE BREAK
- WALL
- TREE LINE
- MAJOR INDEX CONTOUR
- MINOR INDEX CONTOUR
- BOUNDARY LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- STREET SIGN
- SEWER MANHOLE
- WATER VALVE
- PROPOSED BILLBOARD

N

20' 10' 0' 10' 20' 40'
GRAPHIC SCALE
SCALE: 1"=20'

DATED: 12/6/2019

REVISION NOTES

DATE	DESCRIPTION	BY
12/6/19	CHANGED OVERALL AESTHETICS	CJD

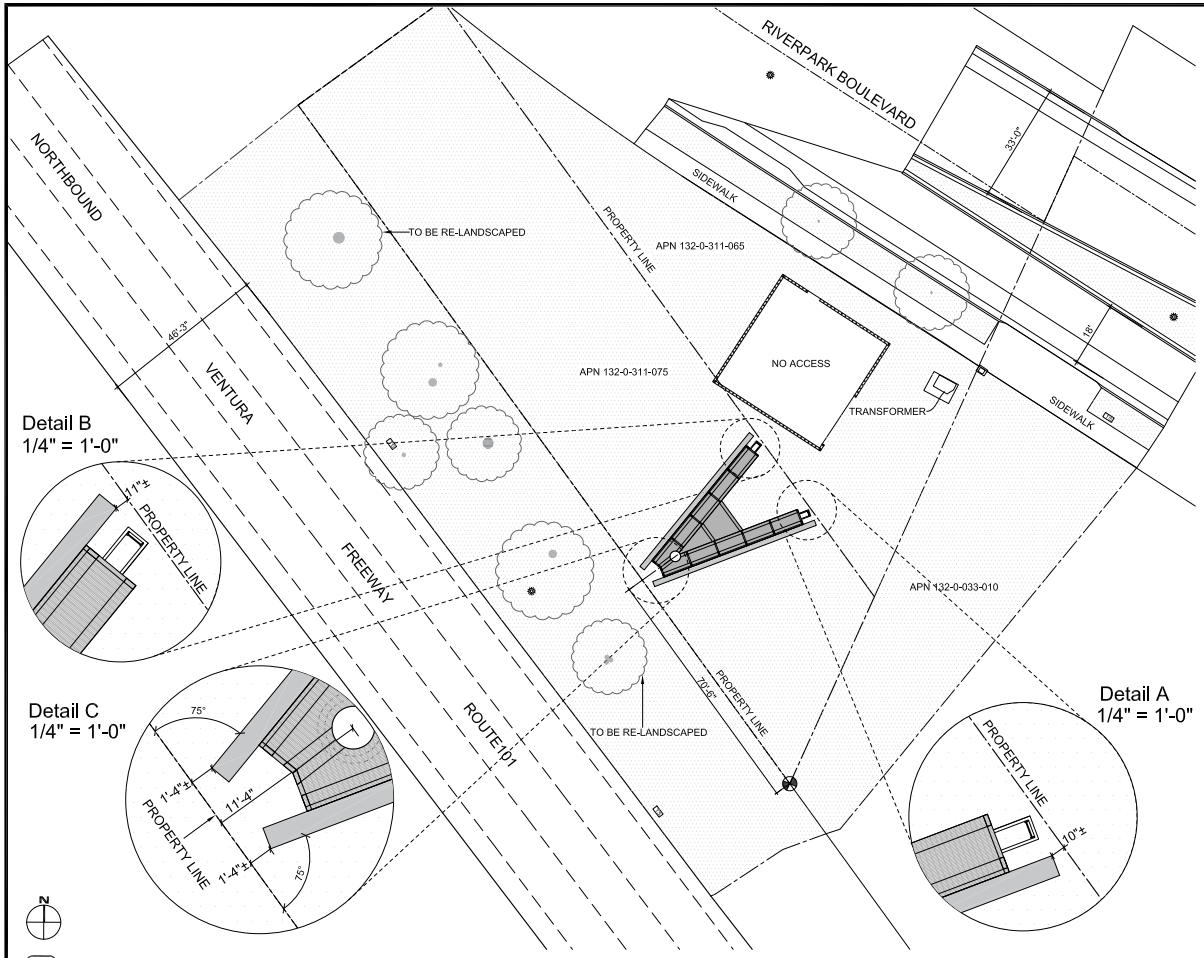
PREPARED BY:
Chris Nelson & Associates, inc.
PROFESSIONAL LAND SURVEYORS
31238 Via Colinas Suite H, Westlake Village, CA. 91362
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:
FOSTER INTERSTATE MEDIA, INC.
1111 BROADWAY, SUITE 1515
OAKLAND, CA. 94607

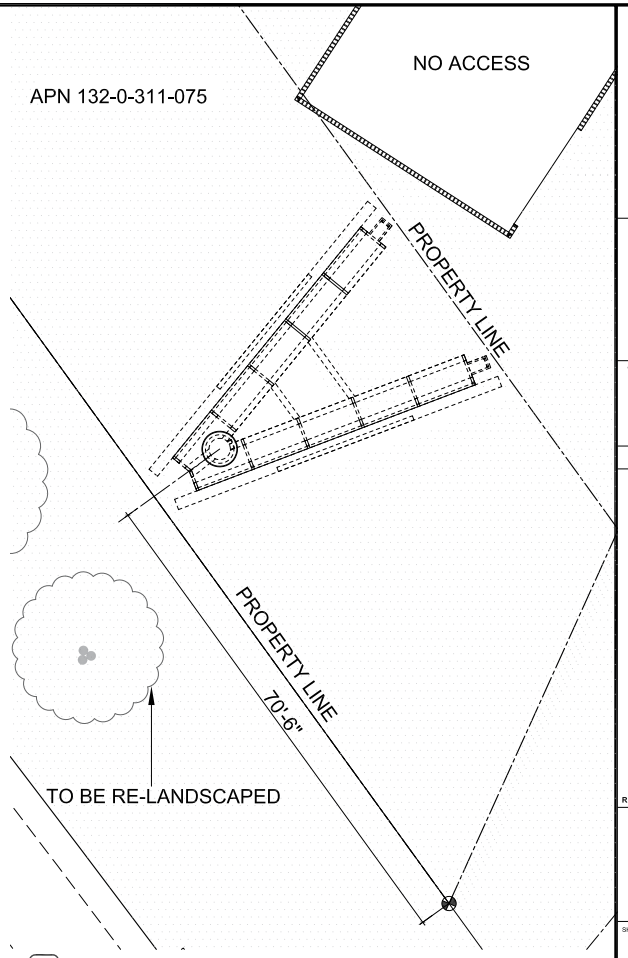
TOPOGRAPHIC SURVEY
PORTION OF CALIFORNIA R/W MAP NO.
F 2232-5 07-VEN-101-22.2
CITY OF OXNARD, COUNTY OF VENTURA

JOB NO. 19-5125
SCALE: 1" = 20'
DATE: OCT. 2019
DRAFTED: SJN

SHEET NO.
1
OF 1 SHEET



2 Bird's Eye Site Plan 1/16" = 1'-0"



1 Site Plan @Grade 1/8" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- TREE LINE

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fax: (415) 512-9663
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PROJECT NAME
OXNARD SIGNAGE PROJECT
APN 132-0-311-075
Oxnard, California

CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

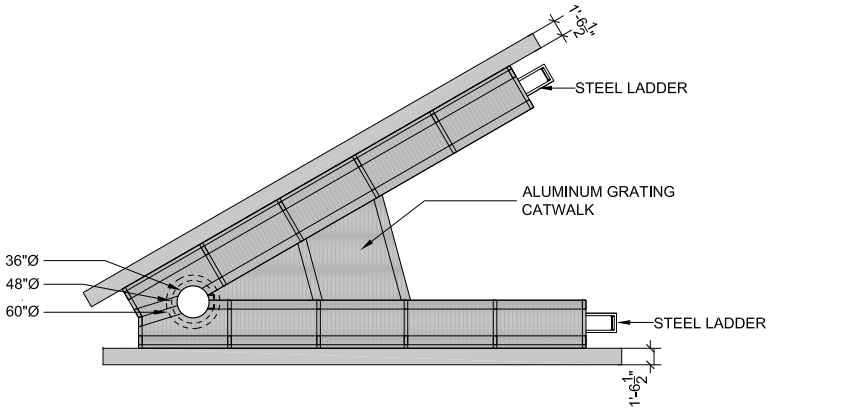
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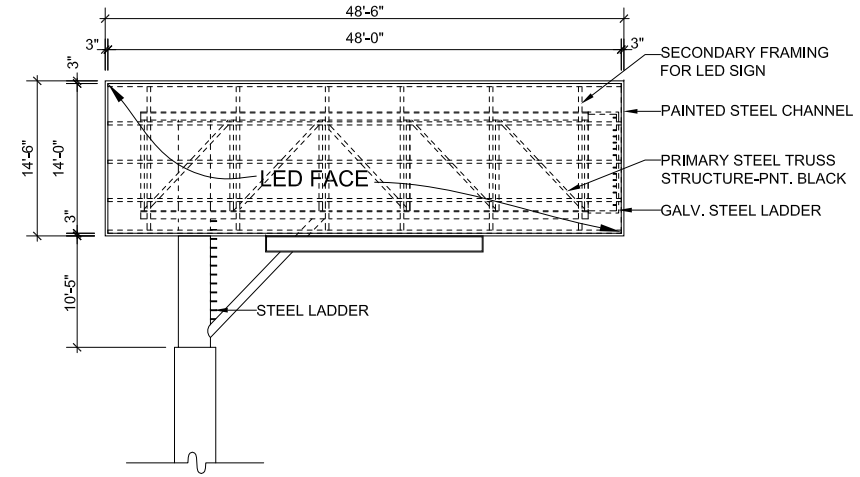
SHEET DESCRIPTION
SITE PLAN

DATE	8/6/2020
SCALE	1/16" = 1'-0"
DRAWN BY	
CHECKED BY	
JOB NO.	1814

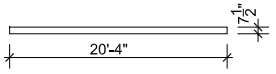
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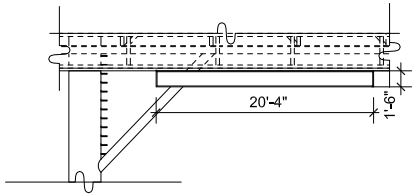




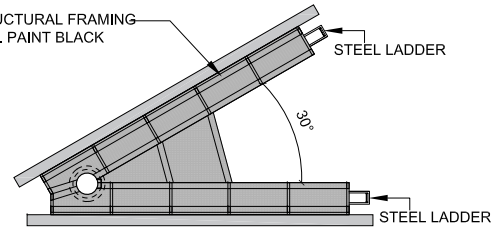
5 Face Elevation SCALE - 3/16" : 1'0"



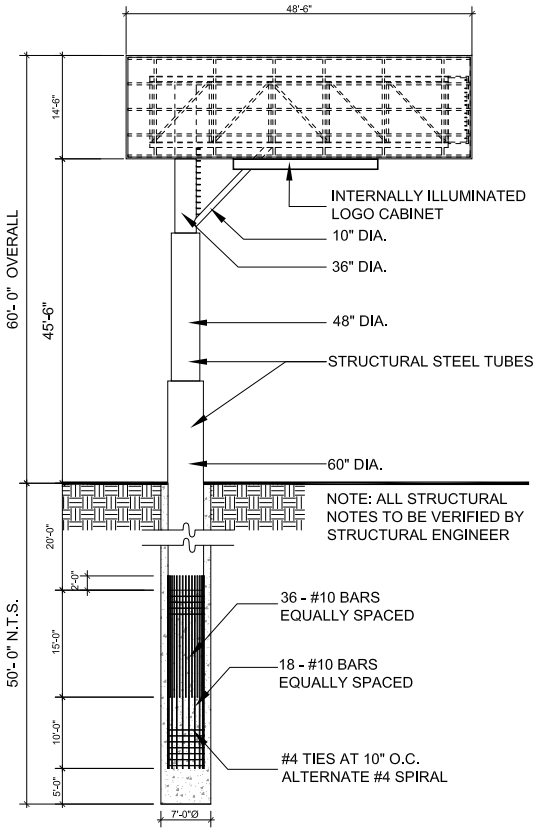
4 Logo Cabinet Plan SCALE - 3/16" : 1'0"



3 Logo Cabinet Elevation SCALE - 3/16" : 1'0"



2 Plan View SCALE - 1/8" : 1'0"



1 Overall Elevation SCALE - 1/8" : 1'0"
(See A-3.0 For Color Scheme)

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REV DATE ISSUE

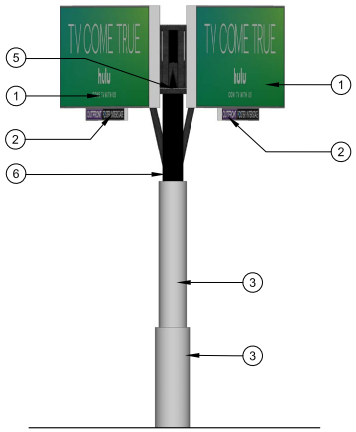
LICENSED ARCHITECT GARY BIRKHART C-29052 STATE OF CALIFORNIA

SHEET DESCRIPTION
SIGN ELEVATIONS AND PLAN

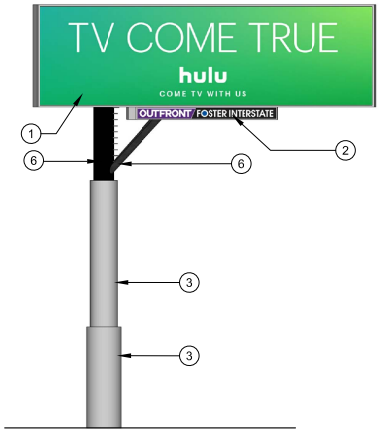
DATE 8/6/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1814

A-2.0
SHEET NO.

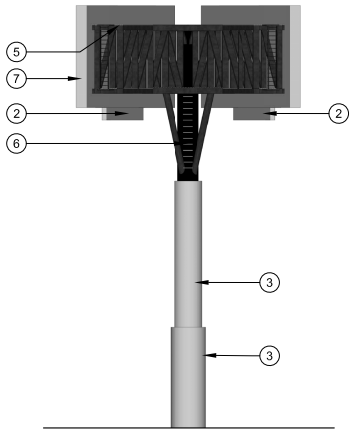
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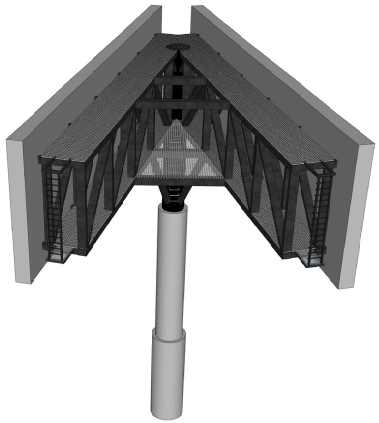
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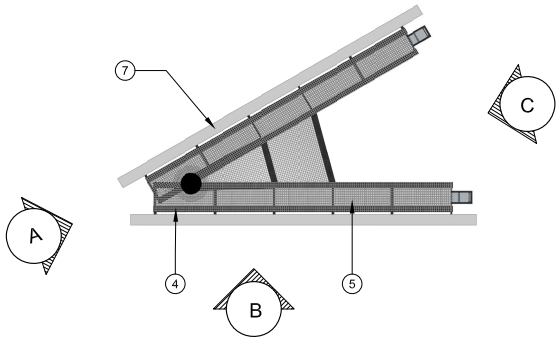
4 Elevation B SCALE - 1/8" : 1'0"



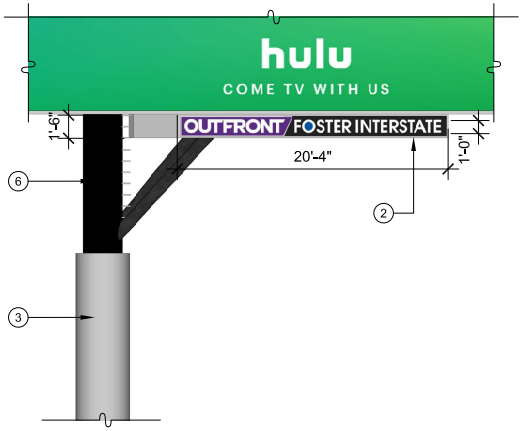
3 Elevation C SCALE - 1/8" : 1'0"



2 Perspective View 2 NTS



6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

1. LED SIGN FACE
2. INTERNALLY ILLUMINATED ANODIZED ALUMINUM LOGO CABINET
3. STEEL TUBE PAINTED GRAY (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)
4. STEEL TRUSS PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
5. ALUMINUM GRATING PLATFORM (NATURAL ANODIZED)
6. STEEL TUBE PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
7. PAINTED STEEL CHANNEL (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)

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APN 132-0-311-075
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CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT GARY BIRDSALL C-29852 REG. 11-30-2020 STATE OF CALIFORNIA

SHEET DESCRIPTION
COLORED ELEVATIONS

DATE 8/6/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1814

A-3.0
SHEET NO.

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

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California

CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT KENT BIRKHOLT 29052 STATE OF CALIFORNIA

SHEET DESCRIPTION
RENDERINGS

DATE 8/6/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1814

A-4.0
SHEET NO.

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OUTFRONT FOSTER INTERSTATE

14'h x 48'w, Double-Sided Digital "V" Display

Site 2: View from North-West End of 210 Riverpark Blvd

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-a-vis the overall view is for illustration purposes only and is not exact.

2



OUTFRONT FOSTER INTERSTATE

14'h x 48'w, Double-Sided Digital "V" Display

Site 2: View from South-East End of 210 Riverpark Blvd

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-a-vis the overall view is for illustration purposes only and is not exact.



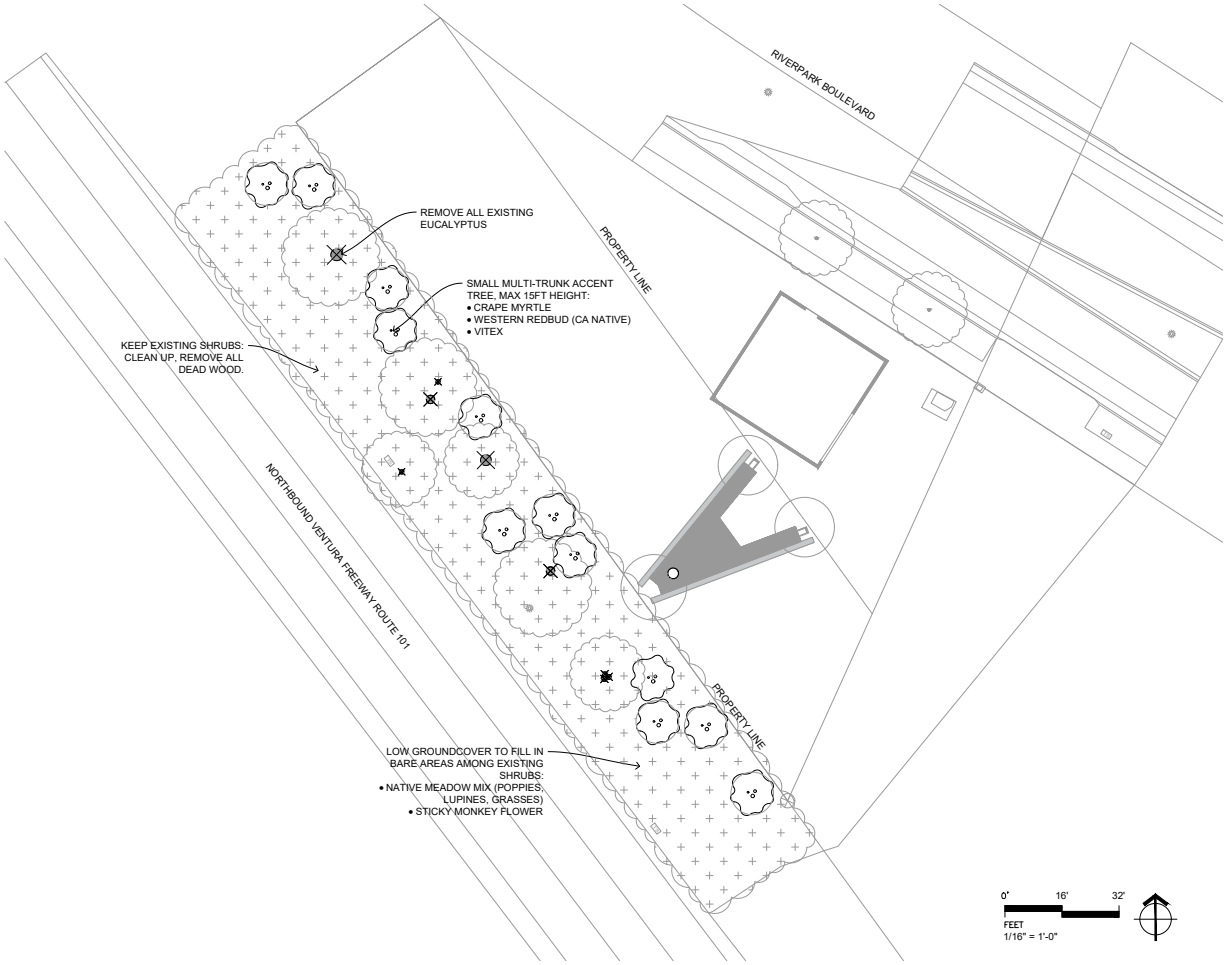
CRAPE MYRTLE: MANY SMALL VARIETIES ARE AVAILABLE



WESTERN REDBUD: CALIFORNIA NATIVE



VITEX: FRAGRANT LAVENDAR FLOWERS ATTRACT BUTTERFLIES



LANDSCAPE DESIGN INTENT

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SMALL FLOWERING TREES DRIFT ALONG THE INSIDE EDGE, ADDING COLOR AND SOFTENING THE STRUCTURE.

THE UNDERSTORY RETAINS THE EXISTING LOW EVERGREEN SHRUBS AND FILLS IN THE BARE AREAS WITH A NATIVE MEADOW WHICH IS COMPOSED OF TOUGH LOW GROUNDCOVERS. ADDITIONAL WOODY SHRUBS ARE AVOIDED DUE TO THE POTENTIAL FIRE HAZARD OF THEIR FLAMMABLE INTERIORS.

THE DESIGN COMPLIES WITH THE WATER EFFICIENT LANDSCAPE ORDINANCE. IT INCORPORATES SUSTAINABLE PRINCIPLES AND BEST MANAGEMENT PRACTICES. SPECIES ARE CAREFULLY SELECTED AND COMBINED BASED ON SIMILAR WATER NEEDS AND HORTICULTURAL REQUIREMENTS. PLANTING AND IRRIGATION ARE COORDINATED SO THAT WATER USE IS MINIMIZED AND ENVIRONMENTAL BENEFITS ARE MAXIMIZED.

THIS LANDSCAPE PLAN IS CONCEPTUAL. FURTHER DESIGN IS REQUIRED TO DEVELOP IT TO CONSTRUCTION READY PLANS.



STICKY MONKEY FLOWER: NATIVE



NATIVE MEADOW

P D G
PANORAMIC DESIGN GROUP
LANDSCAPE ARCHITECTURE
panoramicdesigngroup@gmail.com

CLIENT:

CITY OF OXNARD

PROJECT:

OXNARD SIGNAGE PROJECT
OXNARD, CA

SUBMITTAL:

03-11-2021 DESIGN REVIEW

PRELIMINARY PLAN
NOT FOR BIDDING OR CONSTRUCTION

THIS PLAN IS DIAGRAMMATIC IN NATURE. IT IS MEANT AS A GENERAL GUIDE TO CONSTRUCTION ONLY. IT IS NOT FULLY DETAILED, NOR EXHAUSTIVELY SPECIFIED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND/OR OWNER TO VERIFY, SELECT, AND RESOLVE ALL WATER FEATURES, STRUCTURES, AND PLANTING MATERIALS. THE CONTRACTOR AND OWNER ARE SOLELY RESPONSIBLE FOR THE QUALITY CONTROL, CONSTRUCTION STANDARDS, AND FOR MAINTAINING COMPLIANCES WITH LOCAL AND COUNTY CODES ON THIS PROJECT.

CALL BEFORE YOU DIG
UNDERGROUND SERVICE ALERT
800-227-2600

NOTIFY UNDERGROUND SERVICE ALERT AT LEAST 48 HOURS IN ADVANCE OF EXCAVATING

SHEET TITLE:

LANDSCAPE CONCEPT

SHEET #:

L1.0

PLOT DATE: 210311

ATTACHMENT C

FINAL IS-MND 22-02 (DECEMBER 2022)

ATTACHMENT
J

Staff Presentation

Riverpark Boulevard Electronic Billboard Project

Planning & Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment)

Joe Pearson II, Planning Manager

Planning Commission
January 19, 2023

CITY OF OXNARD CALIFORNIA

Project Description

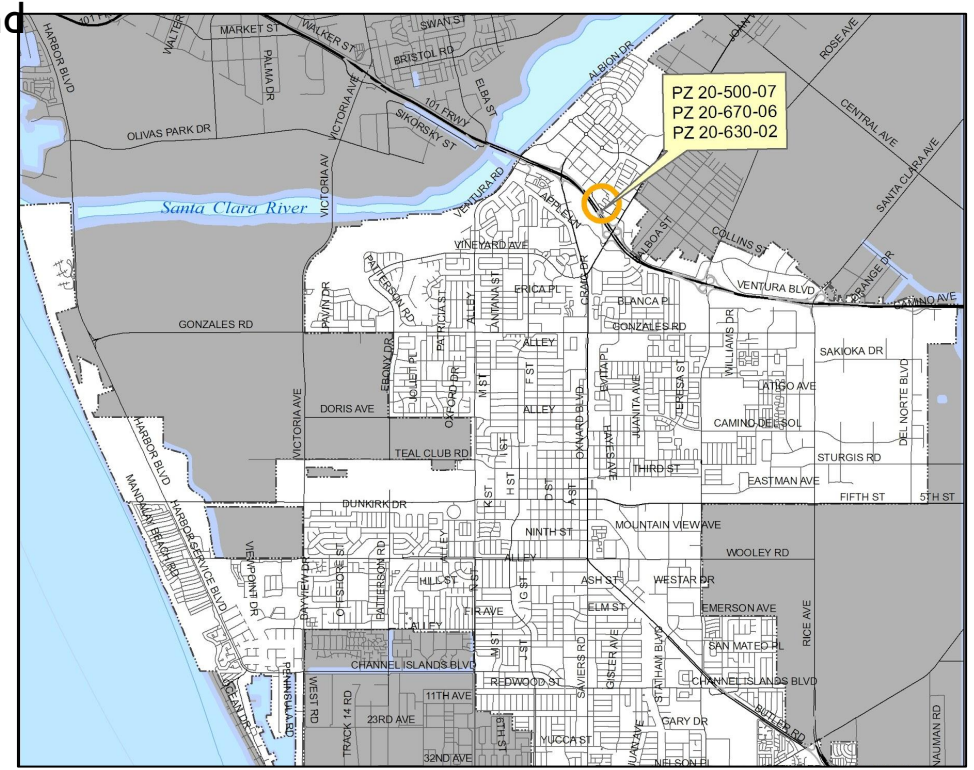
- A request for the following actions:
  - PZ 20-500-07 (Special Use Permit)
    - Allow for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products.
    - The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width.
    - The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.
    - Minor Landscape Improvements

Project Description (Cont)

- A request for the following actions:
  - PZ 20-670-06 (Development Agreement)
    - Allow for for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development.
  - PZ 20-630-02 (Specific Plan Amendment)
    - The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan.

Project Location

Subject Site: Located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard.



Project Location

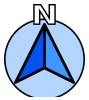




Project Location

Aerial-View



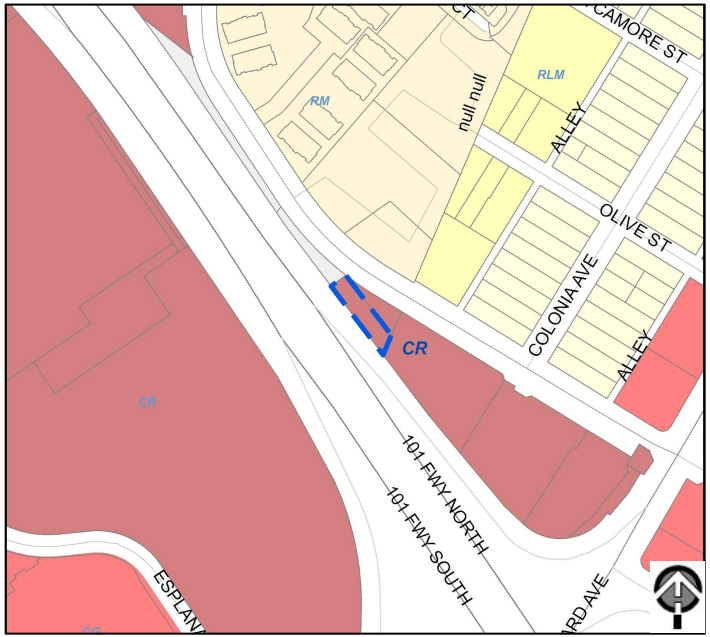


Reference North

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional	The RiverPark Specific Plan (Public Facilities)	Vacant
North	Commercial Regional	The RiverPark Specific Plan (Public Facilities and Residential: High)	Vacant/Apartments
South	Highway 101/Regional Commercial	Highway 101/General Commercial	Highway 101/The Esplanade Shopping Center
East	Commercial Regional	The RiverPark Specific Plan (Public Facilities and Commercial Retail)	Vacant/Fast food Restaurant and Retail Store
West	Highway 101/Easement	Highway 101	Highway 101

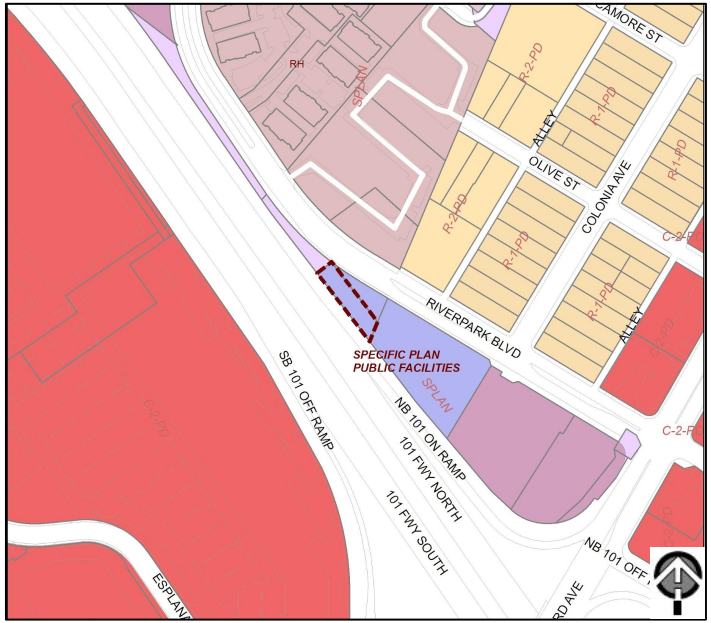
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



RiverPark Specific Plan

Background - Exclusive Negotiation Agreements (ENA)

- On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites.
- Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties.
- On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties.

Background - Code Amendment

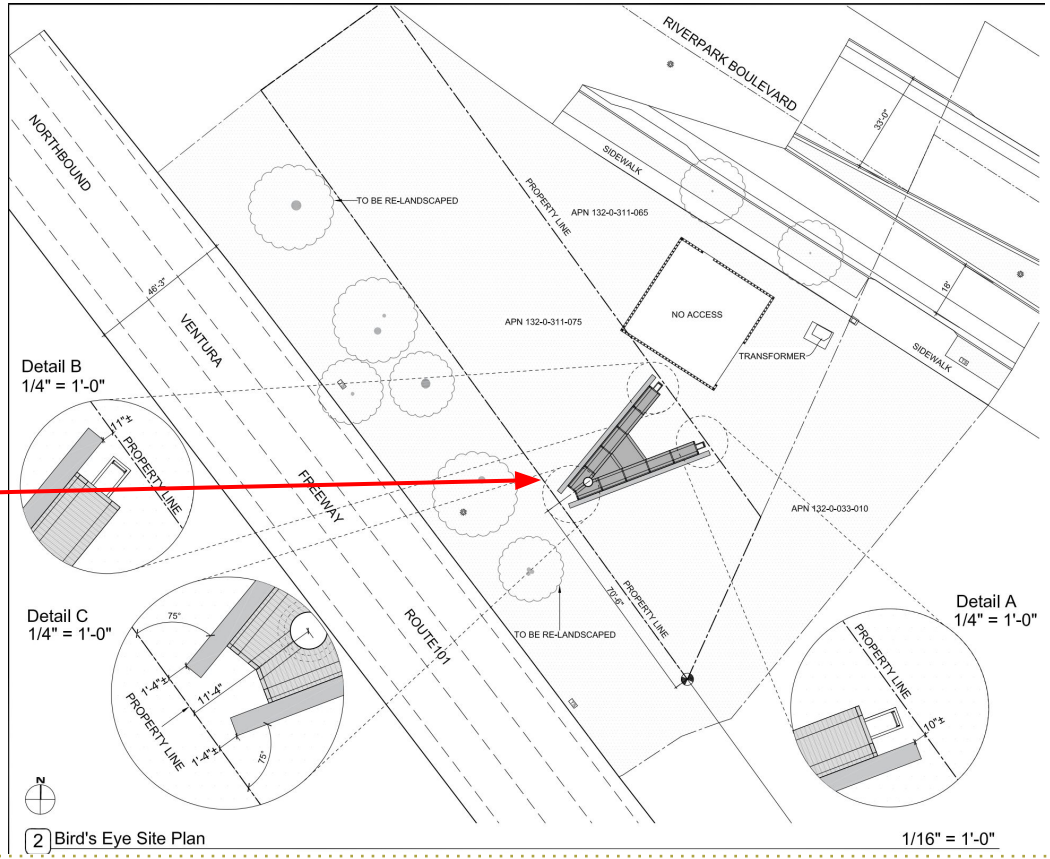
- Concurrent with the process of this Project the City is processing amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard.
- Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of five (5) allowed in the City.

Background - RiverPark Specific Plan

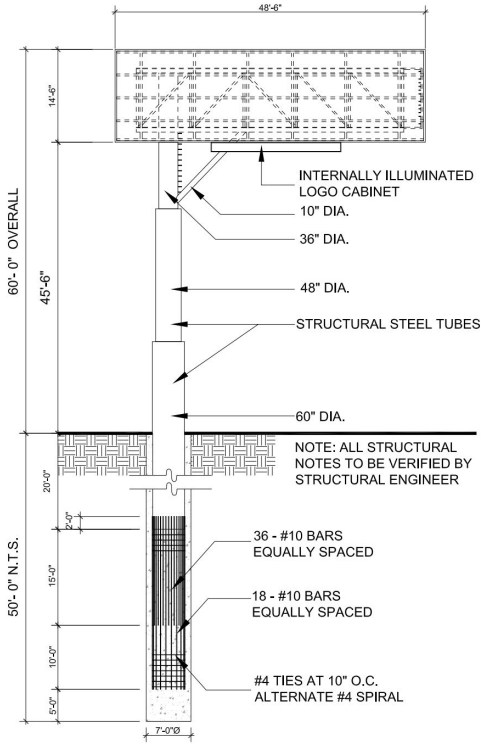
- The RPSP was adopted by the City Council on September 10, 2002, together with the General Plan Amendment, Zone Change, Annexation, Development Agreement, and EIR certification related to the RPSP approval.
- The original RPSP allowed for the phased development of 2,805 dwelling units and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development that was approved under the Oxnard Town Center Specific Plan, prior to the adoption of the RPSP).
- Seven prior amendments to the specific plan have been approved.

Proposed Site Plan

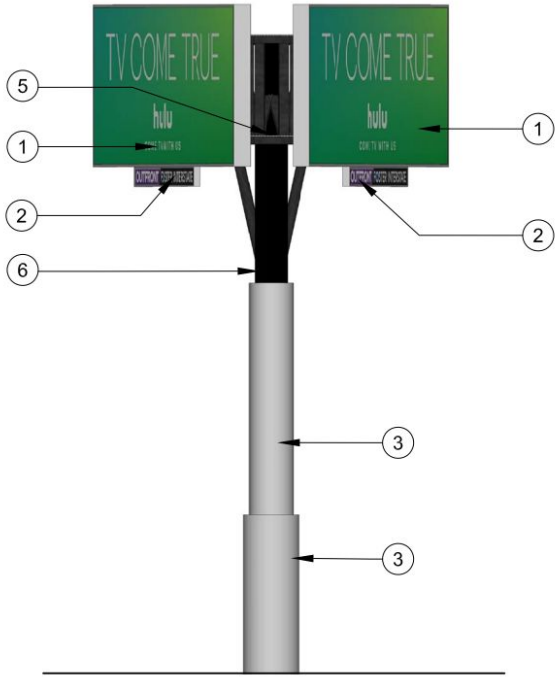
Proposed Sign



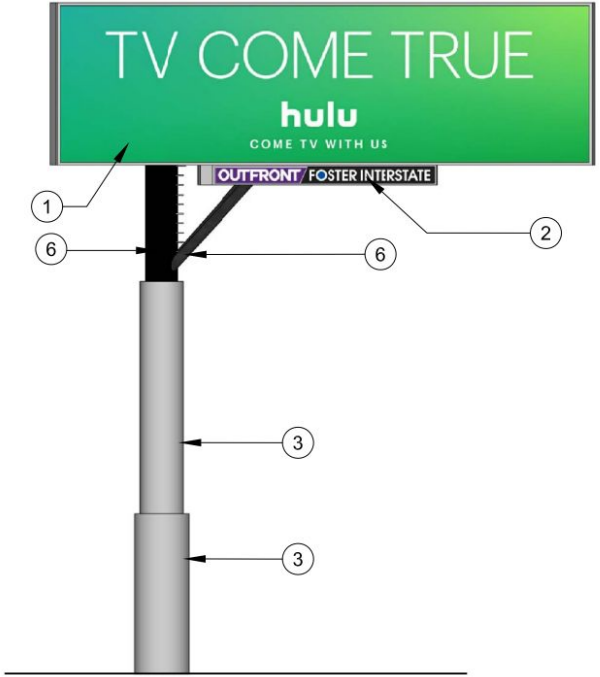
Proposed Sign Elevations



1 Overall Elevation SCALE - 1/8" : 1'0"
(See A-3.0 For Color Scheme)

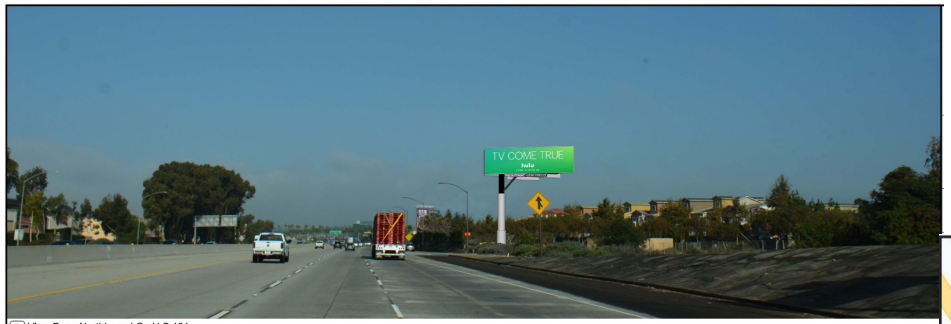


5 Elevation A SCALE - 1/8" : 1'0"

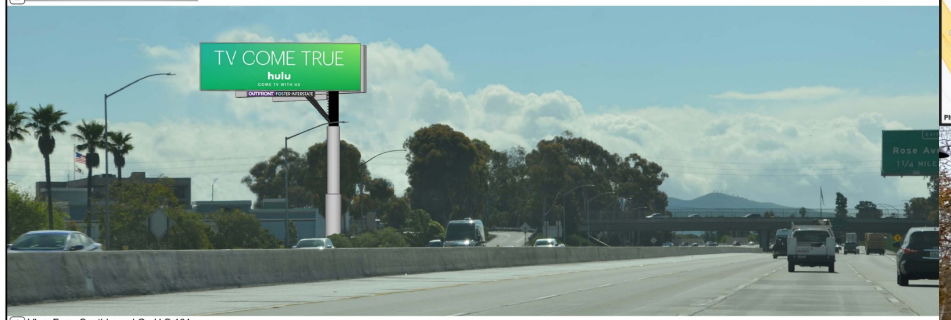


4 Elevation B SCALE - 1/8" : 1'0"

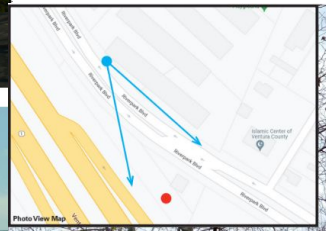
Proposed Sign Renderings



2 View From Northbound On U.S.101



1 View From Southbound On U.S.101



Proposed Landscape Improvements

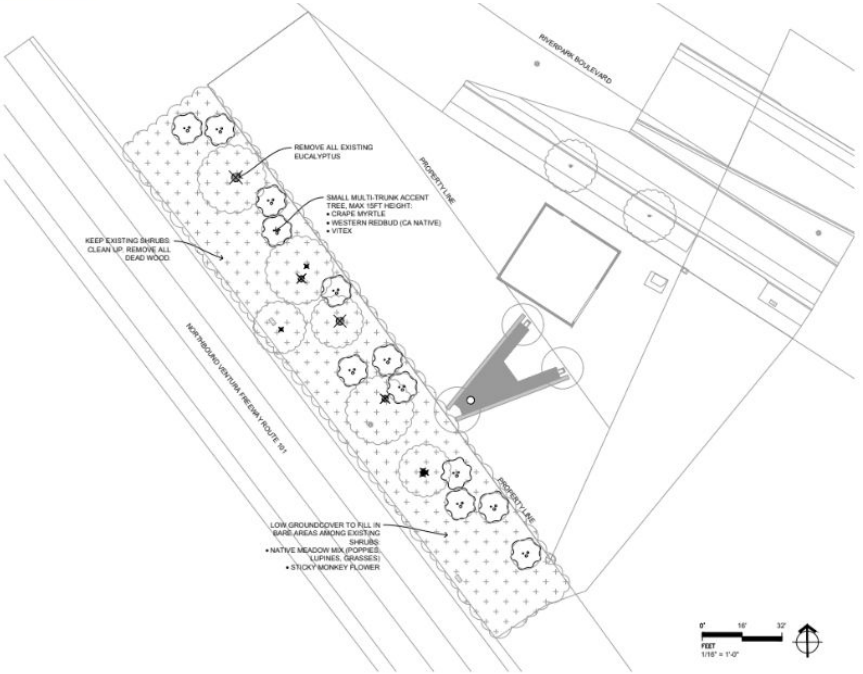


CRAPE MYRTLE: MANY SMALL VARIETIES ARE AVAILABLE



WESTERN REDBUD: CALIFORNIA NATIVE





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THIS LANDSCAPE PLAN IS CONCEPTUAL. FURTHER DESIGN IS REQUIRED TO DEVELOP IT TO





Development Agreement

- Provide public benefit in the form of monetary payments to the City.
- Allow for the use of City Property through a lease agreement.

RiverPark Specific Plan Amendment

- Add "Type 7-C: Freeway Adjacent Digital Display Billboards" building type.
- Provide development standards for Type 7-C: Freeway Adjacent Digital Display Billboards.
- Adjust landscaping requirements to remove freeway planting requirement where Billboards are proposed.
- Refer to OCC for specific standards.

Applicable General Plan Policies

- Many policies are directly or indirectly applicable to the proposed project. Some of the key policies are:
  - Community Development Policy 3.1& 4.1 - Land Use Conflicts
  - Community Development Policy 9.1, 9.3, & 9.4 - Neighborhood Identity Gateway Enhancement/View Corridor Preservation
  - Environmental Resource Policies 6.1, 6.2, and 6.5 - Views in New Development/Scenic Resources, Lighting and Glare
  - Community Development Policy 8.5 - Impact Mitigation

Zoning Code Compliance

- As noted above the City is concurrently processing an Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, as currently being proposed. The proposed ordinance amendment includes development standards which will be applicable to all Freeway Adjacent Digital Display Billboards developed within the City.
- The proposed project has been designed to be consistent with the proposed ordinance, as further detailed in the Staff Report.

Environmental Review

- An environmental consultant, under the supervision of Planning Division staff, prepared IS/MND which evaluated potential environmental impacts of the proposed Project. The IS/MND was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

- City prepared a Mitigated Negative Declaration (MND):
  a. MND review period for 30 days (30 days required)
  b. City received four comment letters
  c. Comments and responses included in MND
  d. Changes made to Draft MND for Final MND based on comments

- Final IS/MND includes a Mitigation Monitoring and Reporting Program:
  a. Details process to implement required mitigation measures
  b. After implementation of standard conditions and mitigation measures, all potentially significant impacts reduced to less than significant levels

Environmental Review

- Final IS/MND identified the following:
  - Class 2 impacts (potentially significant by mitigable, mitigation required)
    - Biological Resources
    - Cultural and Tribal Cultural Resources
  - All other impact area were identified as Class 3 (less than significant)
    - Aesthetics included two recommended mitigations were incorporated

- Staff determined that there is no substantial evidence that the Project will have a significant effect on the environment.

Public Notice

- Notice of Community Workshop:December 20, 2021
  - Public notice signs were posted onsite.
  - Notifications were mailed to the RiverPark Neighborhood.
- Notice of PC hearing was provided:
  - Newspaper,
  - On-site posting; and
  - Mailed to property owners within 300 feet.
- To date, no public comments have been received.

Staff Recommendation

Recommendation: That the Planning Commission:

a) Adopt a resolution recommending that the City Council adopt a Mitigated Negative Declaration (MND) 22-02; and

b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 20-670-06 (Development Agreement), and

c) Adopt a resolution recommending City Council approval of Planning and Zoning Permit No. 20-630-02 (Amendment to The RiverPark Specific Plan), subject to certain findings, and

d) Adopt a resolution Approving Planning and Zoning Permit No. 20-500-07 (Special Use Permit), subject to certain findings and conditions.

CITY OF
OXNARD
CALIFORNIA

B

RESOLUTION NO. 2023-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL DENY A MITIGATED NEGATIVE DECLARATION 22-02 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRONIC BILLBOARD AND ASSOCIATED SITE IMPROVEMENTS, A DEVELOPMENT AGREEMENT, AND SPECIFIC PLAN AMENDMENT FOR A PROJECT ON AN APPROXIMATELY 0.25-ACRE UNDEVELOPED SITE LOCATED BETWEEN THE U.S. 101 AND RIVERPARK BOULEVARD APPROXIMATELY 850 FEET NORTH OF VINEYARD AVENUE IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: 132-0-311-075). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment) to allow for the installation and operation of an electronic billboard on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The Special Use Permit will also include minor landscape improvements within the adjacent Caltrans right of way. These will include the removal of the existing eucalyptus trees and the planting of alternatives, subject to Caltrans approval. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan. ("Project"); and

WHEREAS, the City is the lead agency for purposes of the project pursuant to Public Resources Code section 21067; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act ("CEQA"); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, Pursuant to provisions of the California Environmental Quality Act

and CEQA Guidelines, Section 15063, and following an Initial Study and environmental assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, the Planning Division has prepared a Mitigated Negative Declaration with mitigation measures and monitoring program in accordance with the provisions of CEQA, including, without limitation CEQA Guidelines Sections 15070, 15071, 15072, and 15073, which have been incorporated as conditions; and

WHEREAS, a Notice of Intent to Adopt an Initial Study and Draft Mitigated Negative Declaration (IS-MND) for the Project was published and posted on June 30, 2022, at the State Office of Planning and Research (OPR) website and at the Ventura County Recorder's Office pursuant to CEQA Guidelines Sections 15072 and 15073; and

WHEREAS, the public comment period on the DEIR ran for thirty (30) days commencing on June 30, 2022 and ending on July 29, 2022; and

WHEREAS, after the close of the comment period on the IS/MND, the IS/MND was modified as set forth in Chapter 4 of the Response to Comment document; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City has prepared Final IS/MND 22-02 containing all comments received on the Draft IS/MND 22-02, written responses to all substantive comments, and necessary changes to the text of the Draft IS/MND 22-02; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-02; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council deny Final IS/MND 22-02, incorporated by reference.

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Final IS/MND has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21189).

SECTION 3. The Final IS/MND was presented to the Planning Commission, which, at a hearing before the public, reviewed and considered the information contained in the Mitigated Negative Declaration/Initial Study prior to making a recommendation to the City Council regarding the Project and its associated development entitlements.

SECTION 4. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-02 prepared for the Project. The Final IS/MND 22-02 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-02 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

SECTION 5. The Planning Commission hereby recommends to the City Council the not adopt Final IS/MND 22-03, set forth attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole.

SECTION 6. The Planning Commission hereby recommends that the City Council approve the resolution denying Final IS/MND 22-03, attached to the January 19, 2023 Planning Commission staff report and incorporated by reference.

SECTION 7. The Secretary shall certify the adoption of this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2023:

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 2nd day of February, 2023, and carried by the following vote:

AYES: Commissioner(s): Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf

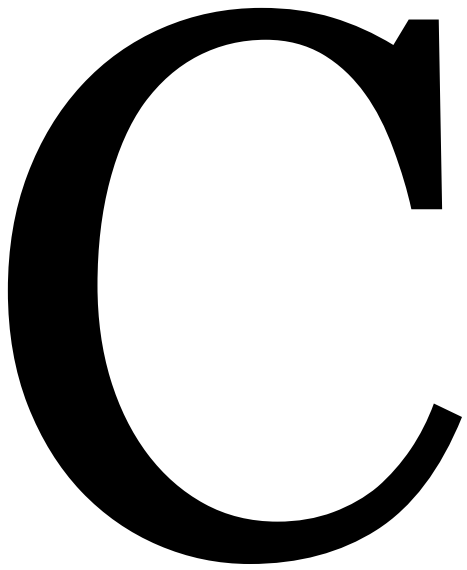
NOES: Commissioner(s):

ABSENT: Commissioner(s): Vice Chair Stewart

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Joe Pearson II, Secretary



RESOLUTION NO. 2023-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL DENY A DEVELOPMENT AGREEMENT AND LEASE OF PROPERTY (PLANNING AND ZONING PERMIT NO. 20-670-06) WITH OUTFRONT FOSTER INTERSTATE, LLC REGARDING PROPERTY LOCATED BETWEEN THE U.S. 101 AND RIVERPARK BOULEVARD APPROXIMATELY 850 FEET NORTH OF VINEYARD AVENUE IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: 132-0-311-075). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment) to allow for the installation and operation of an electronic billboard on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard; and

WHEREAS, the Planning Commission of the City of Oxnard (**"Planning Commission"**) has considered an application for Planning and Zoning Permit No. 20-670-06 (**"Project"**), a Development Agreement and Lease of Property between the CITY OF OXNARD, a municipal corporation of the State of California (the "City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI") (collectively referred to "Applicant" or "Developer" in the record of proceedings); and

WHEREAS, the Development Agreement and Lease of Property (DA) shall allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement also outlines the required public benefits to be provided by the future development, including fiscal benefits to the City. The proposed DA is included in Exhibit A to this Resolution; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for a Development Agreement and Lease of Property(PZ 20-670-06) in accordance with Chapter 16-575 of the Oxnard City Code; and

WHEREAS, the Planning Commission finds, after due study, deliberation and a duly noticed public hearing on January 19, 2023, and received and reviewed written and oral comments, presented by staff and the Applicant with a series of questions, and that the project does not meet the criteria set out in California Government Code 65864 through 65869.5; and

WHEREAS, the Commission considered Final IS/MND 22-02 prior to making recommendations on the Project; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the proposed Development Agreement and Lease of Property is consistent with the 2030 General Plan; and

WHEREAS, the pursuit of the Development Agreement and Lease of Property is a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by public benefits for the residents of the City of Oxnard; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends that the City Council deny Planning and Zoning Permit No. 20-670-06 (Development Agreement), Exhibit A, hereto attached.

SECTION 1. The Recitals above are true and correct and incorporated into the operative provisions of this Resolution by this reference.

SECTION 2. The Planning Commission finds that the Development Agreement and Lease of Property is not internally consistent with all other provisions of the City of Oxnard 2030 General Plan.

SECTION 3. The proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 4. The Planning Commission hereby recommends that the City Council deny the Development Agreement and Lease of Property.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2023:

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of February, 2023, and carried by the following vote:

AYES: Commissioners: Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf

NOES: Commissioners:

ABSENT: Commissioners: Vice Chair Stewart

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Joe Pearson II, Secretary

EXHIBIT A

DEVELOPMENT AGREEMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Oxnard
305 West Third Street
Oxnard, California 93030
Attention: City Clerk

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY

THIS DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY ("Agreement") is made in Ventura County, California as of _____ ____, 2023 by and between the CITY OF OXNARD, a municipal corporation of the State of California ("City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI"). The City or OFI may be referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. The City and OFI entered into that certain Exclusive Negotiation Agreement ("ENA") on June 19, 2019 regarding the lease of certain City property for freeway oriented digital billboards ("ENA Property"), which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference.

B. The City and OFI have entered into a First Amendment to the ENA dated November 13, 2019, a Second Amendment to the ENA, dated May 28, 2020, a Third Amendment to the ENA dated November 17, 2020, a Fourth Amendment to the ENA dated June 17, 2021, a Fifth Amendment to the ENA dated December 14, 2021, a Sixth Amendment to the ENA dated June 7, 2022 and a Seventh Amendment to the ENA dated December 6, 2022. As of the date of this Agreement, the ENA is still in full force and effect and OFI retains exclusive rights relating to the Property. Based upon the ENA, OFI has a legal or equitable interest in the ENA Property during the term of the ENA.

C. City is authorized, pursuant to Government Code sections 65864 through 65869.5 (the "Development Agreement Statute") and City Council Resolution No. 10,488, to enter into binding development agreements with persons or entities with legal or equitable interests in real property located within the City in order to vest certain rights in the person or entity with the legal or equitable interest in such property.

D. City and OFI each mutually desire to enter into this Agreement to permit and ensure that a portion of the ENA Property, which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit B** attached hereto and incorporated herein by this reference ("Property"), is developed with a double-sided freeway oriented digital billboard (hereafter, the "Project"), and that such billboard is developed strictly

in accordance with the provisions of this Agreement, the Project Approvals (defined below), and associated entitlements.

E. The City has determined that it is in the best interests of City, and for the common benefit of the citizens residing in City, to enter into this Agreement with OFI for the construction, operation, maintenance, and repair of the Billboard (as that term is defined below) on the Property, subject to (i) OFI obtaining specific entitlements and approvals from Caltrans and the City, including a Specific Plan amendment and a Special Use Permit; and (ii) OFI agreeing to fully comply with all of the provisions of this Agreement, including the payment of specific financial considerations that are in the public interests.

F. To comply with the California Environmental Quality Act ("CEQA"), on _____, 2023, at a duly noticed public hearing, the Oxnard Planning Commissoin ("Planning Commission") certified the _____ (SCH # _____), as described more fully in Resolution _____, adopted a Mitigation, Monitoring, and Reporting Plan, and made the required CEQA findings.

G. On _____, 2023, at a duly noticed public hearing, the Planning Commission approved a Special Use Permit for the Project, with such approval contingent on City Council approval of the RiverPark Specific Plan amendment for the Project, as provided in Resolution _____. At the same public hearing, the Planning Commission considered and recommended approval of the amendment to the RiverPark Specific Plan for the Project and recommended that the City Council approve this Agreement by ordinance.

H. On _____, 2023, the Oxnard City Council ("City Council"), having received the Planning Commission's recommendations, held a duly noticed public hearing, voted to approve the amendment to the RiverPark Specific Plan for the Project, and introduce the ordinance to approve this Agreement. On _____, 2023 the City Council adopted Ordinance _____ approving the Agreement.

I. The Planning Commission and City Council have each given notice of their intention to consider this Agreement, have each conducted the required public hearings thereon, and have each found that the provisions of this Agreement are consistent with the City of Oxnard General Plan for development within the City, City zoning ordinances, and the RiverPark Specific Plan, as amended on _____, 2023. The City Council has also specifically considered the impacts and benefits of the Project upon the welfare of the residents of the City and the surrounding region. The City Council has determined that this Agreement is beneficial to the residents of the City and is consistent with the present public health, safety and welfare needs of the residents of the City and the surrounding region.

NOW, THEREFORE, in consideration of the foregoing Recitals which are hereby incorporated into the operative provisions of this Agreement by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and OFI agree as follows:

AGREEMENT

1. **Definitions**. For purposes of this Agreement, unless a different meaning is clearly required, the following terms will have the following meanings and be capitalized throughout this Agreement:

1.1 "Annual Net Revenue" means all income actually received by OFI in connection with the sale of advertising space on the Billboard (net of any commissions paid by OFI to advertising agencies, not to exceed 16-2/3%). For the purposes hereof, any income described in this definition will not include the value of any in kind usage of the Billboard by the City.

1.2 "Applicable Rules" means the rules, regulations and official policies of the City which were in force as of the Effective Date (as defined below), including, but not limited to, the General Plan, the Specific Plan (as defined below) and entitlements for the Project including, but not limited to, the Special Use Permit.

1.3 "Billboard" shall mean that double-sided freeway-oriented digital billboard contemplated to be developed on the Property pursuant to the Applicable Rules. OFI shall be responsible for the construction, operation, maintenance, and repair of the Billboard, subject to the terms and conditions of this Agreement.

1.4 "Caltrans Permits" means all permits and approvals, if any, that OFI must obtain from Caltrans and subsequently assign to the City to construct, operate, maintain, and repair the Billboard in accordance with this Agreement.

1.5 "City Council" shall mean the City Council of the City.

1.6 "City Manager" shall mean the City Manager of the City.

1.7 "Effective Date" means the date on which the ordinance approving this Agreement, as required by Government Code section 65867.5, becomes effective.

1.8 "General Plan" means the City of Oxnard 2030 General Plan adopted in October of 2011 and updated in December of 2016.

1.9 "Hazardous Materials" means any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous or toxic materials, hazardous or toxic wastes, hazardous or toxic substances, carcinogenic materials or contaminants and all other materials governed, monitored, or regulated by any Federal, State or local Law or regulation, including the Comprehensive Environmental Response, Compensation and Liability Act, the Hazardous Substances Account Act, and/or the Resources Conservation and Recovery Act, together with asbestos, asbestos-containing materials, hydrocarbons, polychlorinated biphenyl ("PCB") or

PCB-containing materials, petroleum, gasoline, petroleum products, crude oil or any fraction, product or by product thereof.

1.10 "Hazardous Materials Laws" means all laws, codes, rules, orders, ordinances, directives, regulations, permits, or other requirements of federal, state, county, municipal or governmental authorities having jurisdiction, now in force or which may hereafter be in force concerning the management, use, generation, storage, transportation, presence, discharge or disposal of Hazardous Materials.

1.11 "MAG" or "Minimum Annual Guarantee" has the definition given such term in Section 7.1(a).

1.12 "Off-site Outdoor Advertising Sign" means a general outdoor advertising sign that directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or offered at a location other than on the same lot or parcel upon which the sign is located.

1.13 "Operational" refers to the time when the Billboard is fully capable, legally and functionally, of displaying advertising on the digital display.

1.14 "Operational Date" is the date when the Billboard is Operational.

1.15 "Periodic Review" shall have the meaning assigned to such term in Section 36.

1.16 "Planning Commission" shall mean the Planning Commission of the City.

1.17 "Rent" means the MAG described in Section 7.1 and, as applicable, Percentage Rent described in Section 7.2.

1.18 "Project Approvals" shall mean and refer to the RiverPark Specific Plan as amended on _____, 2023 and the Special Use Permit approved on _____.

1.19 "Specific Plan" shall mean the RiverPark Specific Plan. As amended on _____, 2023.

2. **Initial Term**. The "Initial Term" of this Agreement will begin on the Operational Date and will expire on the thirtieth (30th) year anniversary thereof. The Parties acknowledge that Government Code section 65868.5 requires the City to record this Agreement with the Ventura County Recorder's Office no later than ten (10) days after the Parties enter into this Agreement and that the burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties hereto, subject to the assignment provisions in Section 37.5 below.

3. **Tolling for Third Party Lawsuit**. If any third party files a lawsuit to challenge this Agreement, the City's CEQA determination made in connection with its consideration of this Agreement and/or the Project Approvals (each, a "Third-Party Lawsuit"), OFI may request that the Initial Term be tolled during the pendency of the Third-Party Lawsuit by providing a

written notice ("Tolling Notice") to City within thirty (30) days after the commencement of the Third-Party Lawsuit, and said request shall be granted by City. The tolling of the Initial Term shall automatically begin upon City's receipt of the Tolling Notice, and it shall end on the earliest of the following to occur: (A) the date on which a court issues a final judgment in the Third-Party Lawsuit and the expiration of all appeal period(s) following that judgment; (B) the date the Third-Party Lawsuit is dismissed; or (C) one (1) year from the date of issuance of the Tolling Notice.

4. **Tolling for Initiative or Referendum**. If the subject of an initiative or referendum petition would overturn, set aside, or substantially modify this Agreement, the other Project Approvals, or otherwise substantially impair the development of the Project, the Initial Term of this Agreement shall be tolled under this Section 4. The Term shall be automatically tolled beginning on the date that the initiative or referendum petition is submitted to the Ventura County elections official for signature verification, and ending on the date the last of the following occurs: (A) the date the County elections official determines the petition does not include a sufficient number of signatures; (B) the date the measure is voted on by the Council; or (C) the date of the election on the measure, if placed on the ballot. Notwithstanding any language in Sections 3 and 4 to the contrary, the total length of extension of the Initial Term shall not exceed one (1) year from the date the initiative or referendum petition is submitted to the Ventura County elections official for signature verification.

5. **Implementation and Development of the Project**.

5.1 Permitted Uses. OFI agrees that Property shall only be developed in accordance with this Agreement and the Project Approvals.

5.2 Subsequent Action and Approval. The City agrees not to unreasonably withhold, condition or delay any action or approval by the City which may be required by the Project subsequent to the execution of this Agreement.

6. **Vested Right to Develop the Project**. Subject to Section 9 below and the Applicable Rules, the City hereby grants to OFI the vested right to develop the Project on the Property in accordance with this Agreement and the Project Approvals. Other than the Project Approvals and this Development Agreement, development of the Project as described in this Agreement shall require no further discretionary approvals by the City. City and OFI intend to cause all development rights which may be required to develop the Project in accordance with the Project Approvals to be deemed vested in OFI for the Initial Term to the greatest extent permitted by law.

7. **Rent**.

7.1 Rent. Rent, as set forth in this provision, shall commence on the Operational Date.

(a) Minimum Annual Guarantee (MAG). Each year, OFI shall pay City the Minimum Annual Guarantee (the "MAG") in the initial amount of $150,000 per year, starting on the Operational Date, in accordance with the terms set forth in this Section.

Term	Rent
Years 1-30	$150,000

(b) Manner of Payment. An annual prorated share of the MAG is due and payable on a calendar quarter basis, commencing within forty-five (45) days of the Operational Date and within ten (10) days following the beginning of each calendar quarter occurring thereafter without notice, demand, offset or deduction. OFI shall remit the MAG to City at the address designated by City in writing to OFI for the payment of Rent. For any portion of the Initial Term that is less than a full calendar quarter, the MAG shall be prorated based on the number of days occurring during such calendar quarter and actual number of days in such calendar quarter.

(i) Late Charge. If OFI fails to pay any installment of MAG within ten (10) calendar days after the same is due and payable, such unpaid amount will be subject to a late payment charge equal to five percent (5%) of the unpaid amount in each instance; provided, however, OFI shall not be assessed with the foregoing late payment charge with respect to the first (1st) late payment in any consecutive twelve (12) month period unless and until OFI fails to make such payment to City within three (3) business days after written notice from City that it failed to receive such amounts within the time period set forth above. Following the first (1st) late payment in any calendar year, no notice by City shall be required for purposes of collecting a late payment charge. The late payment charge has been agreed upon by City and OFI, after negotiation, as a reasonable estimate of the additional administrative costs and detriment that City will incur as a result of any such failure by OFI, the actual costs thereof being extremely difficult—if not impossible—to determine. The late payment charge constitutes liquidated damages to compensate City for its damages resulting from such failure to pay, and OFI shall promptly pay such charge to City together with any unpaid interest

(ii) Default Interest. If any MAG is not paid within ten (10) calendar days following the due date, such unpaid amount will bear simple interest at the rate of 10% per year or the maximum permitted by law, whichever is lower ("Default Rate") from the due date until paid. However, interest will not be payable on late charges incurred by OFI, nor on any amounts on which late charges are paid by OFI to the extent this interest would cause the total interest to be in excess of that which an individual is lawfully permitted to charge. Payment of interest will not excuse or cure any default by OFI.

(iii) Application of Payments. All payments received by City from OFI will be applied to the oldest obligation owed by OFI to City. No designation by OFI, either in a separate writing, on a check or money order, or otherwise will modify this Article 5 or have any force or effect.

7.2 Additional Consideration

(a) Percentage Rent. To the extent that the MAG for the 12-month period commencing on the Operational Date or anniversary of the Operational Date ("Agreement Year") during the Initial Term is less than 30% of the Annual Net Revenue for that Agreement Year (the difference being referred to herein as "Percentage Rent"), OFI shall pay to City, in addition to the MAG, within thirty (30) days after the end of the relevant Agreement Year, and to the extent applicable, the Percentage Rent.

(i) Reports. OFI shall furnish to City an annual statement of Annual Net Revenue within thirty (30) days after the end of each Agreement Year. Such statement shall be in a form acceptable to City. Each statement shall be signed and certified to be correct by a duly authorized officer of OFI. OFI shall keep and make available at its local office at _____ complete and materially accurate books of account, records, cash receipts and other pertinent data, in accordance with good accounting practices and in a form approved by City, showing the Annual Net Revenue, including without limitation, materially accurate records of every sale and other transaction made for any advertising display on the Billboard and any commissions paid by OFI pursuant to this Agreement. Such books of account, records, cash receipts and other pertinent data shall be kept for a period of no less than four (4) years after the end of each Agreement Year. The receipt by City of any statement, or any payment of Percentage Rent for any period, will not bind City as to the correctness of the statement or payment.

(ii) Inspection and Audit. City, at its sole option, will be entitled, at any time and from time to time during the Initial Term and during normal business hours and with prior written notice to OFI, to inspect, examine, copy and audit OFI's books, records and cash receipts as related to Annual Net Revenue. OFI shall cooperate fully with City and City's agents in making the examination. City, at its option, will also be entitled once during each Agreement Year and once after the termination of this Agreement, to cause an independent audit of such records to be performed by a certified public accountant designated by City, provided such accountant is not paid on a contingency fee basis. The audit will be conducted during usual business hours at OFI's office located at _____, unless another location is mutually agreed upon. If the audit shows that there is a deficiency in the payment of any Percentage Rent, then OFI shall promptly upon notice pay the deficiency to City which payment will not require any penalty or other late fee. City will pay the costs of the audit unless the audit shows that OFI understated Annual Net Revenue by more than three percent (3%) in which case OFI will pay all reasonable out-of-pocket costs paid to third party consultants and incurred by City in connection with the audit.

(b) City Usage. To the extent that commercial advertising time on the Billboard is unsold and available, City shall have the right to use 12.5% out of the total inventory of 16 spots (8 spots per face) or 2 total spots for the Billboard (such usage "City Usage"). Content displayed on the Billboard in connection with City Usage shall be displayed (subject to the terms of this Agreement) during the operation of the Billboard in increments, at the times of day and otherwise in the same manner as the commercial advertising displayed by OFI on the Billboard. Subject to the terms of this Agreement, City may use such time to promote any purpose that City, in its sole discretion determines best serves the needs of the City and residents, including but not limited to advertising City events and programs. City will submit "camera ready" artwork to OFI, at no cost to OFI, for display purposes. City agrees that for any City

Usage City will provide OFI with prior written notice of its desire for City Usage, City will provide OFI with the copy or text of such messages not less than ten (10) business days prior to the date such messages are to appear on the Billboard, and City Usage shall be limited to messages for the civic and public purposes described in this Section and will not be used directly or indirectly for any types of messaging or advertising which OFI would otherwise be able to sell to third parties in the ordinary course of OFI's business. City represents and warrants that all advertising materials and content supplied by City to OFI for display in connection with City Usage, (i) are owned or duly licensed by City and do not infringe or misappropriate the rights of any other person or entity, (ii) comply with all applicable federal, state, and local laws, rules and regulations and any industry codes or rules by which the parties may be bound and do not contain any obscene, libelous, slanderous or otherwise defamatory materials or refer in an offensive manner to the gender, race or ethnicity of any individual or group; (iii) are not false; and (iv) do not infringe upon any copyright, trademark or other intellectual property or privacy right of any third party. City hereby agrees to indemnify, defend and save harmless OFI against any and all claims, liabilities, losses, damages, fees and expenses arising out of or in connection with the City Usage, including but not limited to any claim for defamation, or infringement of any copyright, trademark, or other intellectual property or privacy right and reasonable attorneys' fees and expenses incurred in defending any such claims.

(c) Emergency Notifications. Without any offset in the City Usage described above and at no cost to the City and as further consideration for the use and occupancy of Property, Outfront shall make the Billboard available to Caltrans and the California Highway Patrol for purposes of "Amber Alerts" and for emergency or disaster notifications by local, state or federal agencies.

(d) Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members. For the Initial Term of this Agreement, Oxnard Auto Dealers and members of the Oxnard Chamber of Commerce shall receive a ten percent (10%) discount from the rates to advertise on the Billboard.

8. **Advertising**. The Billboard is not intended to provide a general public forum for purposes of communication, but rather to make use of property held by the City in a proprietary capacity in order to generate revenue. Except for any advertising or messages displayed on the Billboard at the request of the City (subject to the terms of this Agreement), all advertising to be displayed on the Billboard shall be strictly "commercial advertising." As used in this Agreement, "commercial advertising" means advertising for a commercial or industrial business, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose. In addition to the general limitation on Billboard advertising to strictly commercial advertising, OFI may not display any message that: is inherently false, misleading, or libelous (i.e., speech that is incapable of being presented in a manner that is not misleading); promotes the sale or use of firearms or tobacco products, whether directly or indirectly; promotes adult entertainment, products, conventions, events, or websites; contains "obscene matter," as that term is defined in local, California or federal law, including but not limited to any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency or any other matter or thing of an obscene, indecent or immoral character; contains any "political advertising," which means advertising that promotes or opposes any candidate for public office or promotes or opposes a

ballot measure, referendum, bond issue, or any federal, state or local legislation, regulation, or other discretionary action; contains language that presents a clear-and-present danger of causing riot, disorder, or other imminent threat to public safety, peace, or order. OFI shall, within 48 hours after written demand from City, at OFI's risk and expense, remove any advertising material or message that does not comply with the advertising criteria set forth in this Section, and which is not being disputed by OFI. If OFI fails to promptly cause the removal of such advertising, City may (but is not required to), without further process of law, cause the removal of the advertising. OFI shall reimburse City's costs of such actions upon demand and will bear the risk of any damage to the Billboard resulting from such actions. City may exercise such remedies without prejudice to any other remedies it may be entitled to exercise under this Agreement, at law or in equity. OFI agrees to ensure that businesses or organizations located within the City or residents of the City will be able to purchase advertising on the Billboard in such manner and at such rates as offered to businesses, organizations or persons located or residing outside of the City and that it will not permit any exclusivity contracts or arrangements with advertisers that would violate this covenant.

9. **Subsequent Applicable Rules**. Rules, regulations and official policies of the City, including but not limited to the General Plan, the Specific Plan, zoning and other development regulations adopted after the Effective Date of this Agreement ("Subsequent Applicable Rules") shall not be applicable to or binding upon the Project unless they are otherwise expressly allowed by this Agreement or are consented to in writing by OFI. The City shall not require OFI to obtain any approvals or permits for the development of the Project other than those permits or approvals which are required by the Applicable Rules. This Agreement will bind the City to the terms and obligations specified in this Agreement.

10. **No Conflicting Enactments**. The City shall not enact rules, regulation, ordinances or other measures which limit or control the development of any part of the Project which is inconsistent or in conflict with this Agreement.

11. **Moratorium or Initiative Measures**. OFI and the City intend that no moratorium or other limitation (whether relating to the rate, timing or sequence of the development of the Project and whether enacted by initiative or otherwise) affecting building permits or other entitlements shall apply to the Project to the extent such moratorium or other limitation is inconsistent with or conflicts with this Agreement.

12. **Legal Challenges**. City agrees to cooperate with OFI in all reasonable manners in order to keep this Agreement in full force and effect. Notwithstanding the preceding sentence, in the event of any legal action instituted by a third party or other government entity or official challenging the validity of this Agreement, the City and OFI agree to cooperate in defending such action, with OFI to indemnify the City pursuant to this Agreement. In the event of any litigation challenging the effectiveness of this Agreement or any portion thereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending, unless a court of competent jurisdiction orders otherwise.

13. **Events of Default; Early Termination**.

13.1 Defaults by OFI. OFI will be in default under this Agreement ("Default") upon occurrence of any of the following:

(a) OFI is at any time late in the payment of Rent or any other monetary sum called for by this Agreement and fails to make payment within thirty (30) days following a written notice to cure from City to OFI; or

(b) OFI fails to keep and perform any of its other covenants or agreements contained in this Agreement and such failure continues for more than thirty (30) days after a written notice to cure from City to OFI specifying, the obligation which OFI has failed to perform. Where it will reasonably take OFI more than thirty (30) days, as calculated from receipt of written notice from the City to cure the default and come into compliance with applicable covenants or agreements, the 30-day period shall be extended for a reasonable time to allow OFI to come in to compliance and OFI shall be in Default under this Agreement if it has failed to commence such cure within such 30-day period and has failed to diligently pursue completion of such cure; or

(c) After receipt of a written notice to cure from the City, OFI fails to cure within thirty (30) daysand abandons and ceases to use the Property; or

(d) The Billboard is not Operational by the one (1) year anniversary of the later of: (i) OFI's receipt of approval from Caltrans for the Caltrans Permits, and (ii) OFI's receipt of all other approvals, permits and entitlements and associated CEQA review from the City and any other relevant responsible agencies for construction and other work related to the Billboard. The one (1) year anniversary shall, however, be tolled in the event of the filing of third party lawsuits, initiatives, or referenda, as specified in Sections 3 and 4.

13.2 City's Remedies for Default by OFI. Upon the occurrence and during the continuance of any Default identified in Section 13.1, in addition to any and all other rights or remedies of City hereunder, City will have the sole option to exercise the following rights and remedies:

(a) City may terminate this Agreement if OFI is in default and fails to cure as provided in Section 13.1(a)-(c), or is in default as provided in Section 13.1(d), including any applicable tolling period.

(b) Except as provided in subdivision (c) below, in the event of a default by OFI, City shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate City for OFI's specific obligations to the City pursuant to this Agreement.

(c) In the event that a third party lawsuit, referendum, or initiative has been filed that triggers the tolling provisions in Sections 3 and 4 and such lawsuit, referendum, or initiative has not been resolved, dismissed, terminated, or otherwise completed within the one (1) year tolling period, the City's sole remedy for OFI's failure to make the Billboard Operational as provided in Section 13.1(d), shall be to terminate this Agreement.

13.3 City Remedies Cumulative. Each right and remedy of City provided for herein will be cumulative and will not preclude City from exercising any other rights or remedies provided for in this Agreement. No payment by OFI of a lesser amount than the Rent nor any endorsement on any check or letter accompanying any check or payment of Rent will be deemed an accord and satisfaction of full payment of Rent; and City may accept such payment without prejudice to City's right to recover the balance of such Rent or to pursue other remedies.

13.4 Default by City. City will not be in default under this Agreement unless City fails to perform obligations required of City within thirty (30) days after written notice is delivered by OFI to City specifying the obligation which City has failed to perform; provided, however, that if the nature of City's obligation is such that more than thirty (30) days are required for performance, then City will not be in default if City commences performance within such 30-day period and thereafter diligently prosecutes the same to completion. All obligations of City hereunder will be construed as covenants, not conditions.

13.5 OFI's Remedies for Default by City. Upon the occurrence and during the continuance of any Default by City identified in Section 13.4, OFI will have the sole option to exercise the following rights and remedies:

(a) OFI may terminate this Agreement if City is in default and fails to cure as provided in Section 13.4.

(b) In the event of a default by City, OFI shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate OFI for City's specific obligations to OFI pursuant to this Agreement.

13.6 OFI Remedies Cumulative. Each right and remedy of OFI provided herein will be cumulative and will not preclude OFI from exercising any other rights or remedies provided for in this Agreement.

13.7 OFI's Early Termination Rights. OFI may terminate this Agreement effective 30 days after OFI gives the City written notice of termination, if any of the following circumstances occur:

(a) The view of the Billboard's display area from the portion of U.S. 101 adjacent to the Property is materially obstructed, and OFI did not cause the obstruction.

(b) OFI cannot safely use the Property to renovate, operate, maintain, repair, or improve the Billboard because of a non-remediable condition, and OFI did not cause the condition.

(c) There is a material diversion of traffic from, or a material reduction or change in the directional flow of traffic on, the portion of U.S. 101 adjacent to the Property, and the diversion or disruption continues uninterrupted for at least six (6) consecutive months.

(d) Through no fault of its own, OFI cannot obtain or maintain the governmental permits required to construct, operate, maintain, and repair the Billboard,

including the Caltrans Permits and City permits, or there is a legal challenge to such permits and approvals, including, but not limited to, any challenges under CEQA, and OFI elects, in its sole discretion, not to oppose such challenges, OFI may withdraw its applications for approval and terminate this Agreement.

(e) Use of the Billboard for its intended purpose is prevented or limited by law, or OFI is required by any court or other governmental entity, for reasons other than eminent domain, to remove the Billboard from the Property.

(f) The City is in default of this Agreement, and said default is not timely cured.

13.8 Consequential and Punitive Damages. Anything in this Agreement to the contrary notwithstanding, neither City nor OFI shall be liable to each other under or in connection with this Agreement for any consequential or punitive damages and each party waives, to the full extent permitted by applicable laws, any claim for consequential or punitive damages, and any claim for loss of business or profits.

14. **Insurance**.

14.1 Types of Policies. During the Initial Term and, if OFI is removing the Billboard, during OFI's removal of the Billboard, at no cost to City except as otherwise contemplated by this Agreement, OFI shall procure and maintain the forms and amounts of insurance covering OFI's possession and use of the Property set forth below ("OFI's Insurance"). OFI's Insurance shall be primary to and not contributing with any other insurance, self-insurance or joint self-insurance maintained by City, and shall name the City as an additional insured.

14.2 Commercial General Liability Insurance. A policy of commercial general liability insurance (occurrence form) having a limit of Two Million Dollars ($2,000,000) per occurrence and Four Million Dollars ($4,000,000) annual aggregate, providing coverage for blanket contractual liability (including OFI's indemnification obligations under this Agreement), products and completed operations liability, broad form property damage, and bodily injury (including wrongful death) and advertising injury coverage.

14.3 Workers' Compensation and Employer's Liability Insurance. Workers' compensation insurance, if required by law, which complies with all applicable state statutes and regulatory requirements, and employer's liability insurance coverage in statutory amounts. OFI shall also require any contractor utilized to perform any services or work at the Property pursuant to this Agreement to maintain such workers' compensation insurance and provide proof of such insurance prior to commencing any services or work at the Property.

14.4 Other Insurance. Any other form or forms of insurance as City may reasonably require from time to time, in form, amounts and for insurance risks against which a prudent OFI would protect itself, but only to the extent such risks and amounts are available in the insurance market at commercially reasonable costs.

15. **City's Right to Enter and Inspect the Property**. City and its authorized representatives will have the right to enter upon and inspect the Property at reasonable times (and

on no less than forty-eight (48) hours' notice) to determine OFI's compliance with this Agreement.

16. **Notification of Incidents**. OFI shall endeavor to notify City within forty-eight (48) hours after OFI has actual knowledge of the occurrence of any accident or event on or about the Billboard, the Property, any portion thereof, or any improvements thereon and which OFI actually determines could give rise to a claim against City, City's insurance, OFI, or OFI's Insurance, except that OFI will not be so obligated with respect to any accident or event which could give rise to a claim under OFI's workers' compensation insurance. OFI's notice shall be accompanied by a copy of any report(s) relating to such accident or event.

17. **Nonexclusive Easements**. The City reserves the right for itself and others in the future to establish nonexclusive utility easements (including easements for construction, maintenance, repair, replacement and reconstruction) over, under, through or on the Property in locations that will not interfere with OFI's use of the Property as contemplated by this Agreement. Under no circumstances shall the City permit the construction of any improvement on the Property, or adjacent City-owned properties, that will obstruct views of the Billboard from US 101. OFI will not be required to maintain or repair the utility easements unless OFI has caused the need to repair.

18. **Expiration of Agreement; Holding Over**. This Agreement will expire at the end of the Initial Term. If OFI holds over on the Property after the expiration of the Initial Term with the consent of City, such holding over will be construed to be only a tenancy from month to month, subject to all the covenants, conditions and obligations contained in this Agreement that applied at the expiration of the Initial Term . If OFI does hold over on the Property after the Initial Term, then OFI agrees to pay City as monthly rental an amount which is equal to 1/12th of the annual Rent paid by OFI to City during the last year of the Initial Term.

19. **Condition of Property**. The Property and all improvements thereon, are being leased to OFI in its current, existing, "AS IS" condition. City makes no representations or warranties of any kind, express or implied, written or oral, about any of the following: the physical condition of the Property; the suitability of the Property for OFI's anticipated use; any limitations on OFI's use of the Property; the costs of conducting OFI's business on the Property; or the condition of the soils or ground waters of the Property. By taking possession of the Property, OFI accepts the Property "AS IS" and acknowledges that the Property are satisfactory for OFI's purposes. OFI has ascertained the condition of the Property through its own independent investigation and has relied solely on that independent investigation when entering into this Agreement.

20. **Permitted Uses**. Subject to any City Usage, OFI has the exclusive right to display an Off-site Outdoor Advertising Sign on the Property consistent with **Exhibit C**. City will not authorize any other Off-site Outdoor Advertising Signs on the Property. OFI's right to construct an Off-site Outdoor Advertising Sign on the Property includes the right to the following uses: constructing, operating, maintaining, and repairing, the Billboard, and any utilities installed in connection with the Billboard; installing and maintaining utility wires, poles, cables, conduits, and pipes over or under the Property from the nearest accessible public right-of-way that support the permitted operations of the Billboard; and all rights of ingress and egress

over the Property that OFI needs to access the Billboard. Subject to the City's sole and absolute discretion as property owner, as well as the regulator through any generally applicable permit process, OFI may sublease the Property for telecommunications facilities on the Billboard with the written approval of the City and with any such revenue considered part of Annual Net Revenues. Such telecommunications facilities shall be "stealth;" not affect the aesthetic or structural integrity of the Billboard in the City's discretion.

21. **Prohibited Uses**. Hazardous Substances. Neither OFI nor any of OFI's representatives or agents may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials anywhere in, on, under or about the Property, the Billboard, or any improvements thereon. Notwithstanding the foregoing, OFI may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials in such limited amounts as are customarily used to construct, operate, maintain, or repair the Billboard in accordance with this Agreement, and so long as OFI is at all times in full compliance with all applicable environmental laws. OFI shall cause any and all Hazardous Materials brought onto, used, generated, handled, treated, stored, released or discharged by OFI or its authorized representatives on or under the Billboard, the Property, or any improvements thereon to be removed therefrom and transported for disposal in accordance with applicable laws, including Hazardous Materials Laws. City will have the right to enter the Property, or any improvements thereon, from time to time to conduct tests, inspections and surveys concerning Hazardous Materials and to monitor OFI's compliance with its obligations concerning Hazardous Materials and Hazardous Materials Laws (the City agrees that all such testing, inspections, surveys and monitoring will be at the City's expense unless the results of such testing, inspections, surveys or monitoring demonstrate that, with respect to OFI's use, handling, storage, transportation, treatment, generation, release or disposal of Hazardous Materials in, on, under or about the Property, the Billboard, or any improvements thereon, OFI has violated its obligations contained in this Section. OFI shall promptly notify City in writing upon its actual knowledge of: (a) any release or discharge of any Hazardous Material by OFI or its authorized representatives; (b) any voluntary clean-up or removal action instituted or proposed by OFI, (c) any enforcement, clean-up, removal or other governmental or regulatory action instituted or threatened against OFI, or (d) any claim made or threatened by any person against OFI, the Billboard, the Property, or any improvements thereon relating to Hazardous Materials or Hazardous Materials Laws. OFI shall also supply to City as promptly as possible, and in any event within five (5) business days after OFI receives or sends same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Billboard, the Property, any portion thereof, or any improvements thereon or OFI's use thereof and concerning Hazardous Materials or Hazardous Materials Laws. In the event OFI institutes a cleanup or removal action, OFI shall provide copies of all work plans and subsequent reports submitted to the governmental agency with jurisdiction to City in a timely manner.

22. **Unlawful Activities**. OFI may not use or permit the Property to be used in any way that violates this Agreement or any valid and applicable statute, ordinance, regulation, rule, or order of any federal, state, or local governmental entity (including City). OFI may not maintain or commit, or permit the maintenance or commission of, any public or private nuisance as defined by any law applicable to the Property. OFI hereby waives any rights to compensation it may have if a court finds that the Billboard constitutes a public or private nuisance under any

valid and applicable federal, state, or local law and for that reason orders OFI to remove or modify the Billboard.

23. **Encumbrances**. OFI may not encumber the Property or any part of the Property or the Billboard or any part of the Billboard, for any purpose, without City's prior written consent, which City may withhold for any reason. OFI shall keep the Property and the Billboard free of all liens and other encumbrances other than those, if any, to which City consents.

24. **Construction and Operation of Billboard**. Subject to any required permits and approvals, OFI shall construct, operate, maintain and repair the Billboard on the Property in accordance with the provisions of this Agreement. Upon completion of the Billboard, OFI shall provide City with a complete set of as-built drawings.

25. **Permitting Costs**. OFI will bear the costs associated with obtaining the Caltrans Permits and costs related to all other permitting and entitlements which are required for the construction and operation of the Billboard, including obtaining any Project Approvals (as defined in Section 1.18), for the construction, operation, maintenance, and repair of the Billboard and the Property and any environmental review of the Property.

26. **Plans and Specifications**. At no cost to City, OFI shall prepare complete plans and specifications for the construction of the Billboard consistent with **Exhibit C** to this Agreement, working closely with City to develop plans and specifications that are mutually acceptable (the "Plans"). OFI shall submit the Plans to City for final approval, which City will not unreasonably withhold, condition or delay. The Billboard shall be designed to comply with all applicable state, county, and City codes and regulations.

27. **Caltrans Permits**. OFI is responsible for ensuring that the Billboard complies with all requirements of California's Outdoor Advertising Act and Regulations if Caltrans determines that the Property fall within the scope of such law. As soon as practicable after the Effective Date, OFI shall apply for the Caltrans Permits, or, if necessary, engage in discussions with Caltrans to negotiate a Billboard Relocation Agreement that is mutually agreeable to both OFI and Caltrans which will permit OFI to seek all Caltrans Permits required in connection with the construction and operation of the Billboard contemplated by this Agreement. OFI agrees that upon request by the City, OFI will provide updates and any reasonably requested documentation relating to the negotiations with Caltrans for the Caltrans Permits and any status on the issuance of the Caltrans Permits. During the Initial Term, OFI shall perform all obligations under the Caltrans Permits at no cost to City. OFI shall have twelve (12) months from the Effective Date to obtain the Caltrans Permits, which period shall be subject to the one (1) year tolling period provided in Sections 3 and 4 in the event of a third party lawsuit, initiative, or referendum. If OFI has not received the Caltrans Permits at the end of such twelve (12) month period in addition to any tolling period as provided in Sections 3 and 4, and provided that OFI has diligently pursued the Caltrans Permits, City must provide OFI an extension of an additional six (6) months to obtain the Caltrans Permits. If, following such additional six (6) month extension period, OFI is still unable to obtain the Caltrans Permits, either the City or OFI can agree to another extension of time or terminate this Agreement.

28. **Cooperation in Completing Project; Landscaping**. OFI and City acknowledge and agree that in order to provide for OFI's effective utilization of the Billboard, the Billboard must be visible without obstruction. Such effective utilization necessitates the removal of the trees depicted on **Exhibit D** (collectively, the "Trees"). City agrees to reasonably cooperate (at no cost to City) with OFI, including, without limitation, applying for certain permits in the name of the City, as necessary for the successful completion of the Project and fulfillment of Project requirements, including, without limitation, accomplishment of each and every mitigation measure, and all other requirements or conditions that may be imposed on the Project by other public agencies. OFI acknowledges and agrees that such requirements and conditions may include the planting of new landscaping and/or trees. OFI shall be solely responsible for paying all costs associated with this process.

29. **Construction**. OFI shall begin design process and permitting process for the Billboard as soon as practicable after the Effective Date and shall diligently pursue construction to completion without unnecessary interruption so that the Billboard is Operational by the date established in Section 13.1(d). OFI will be excused, however, for any delays in beginning or completing construction that are caused by a Force Majeure Event, as defined in Section 33. OFI shall use reasonable diligence to avoid such delays and to resume work as promptly as possible after such a delay.

30. **Prevailing Wages**. The parties agree that any "construction, alteration, demolition, installation, or repair work" ("Improvement Work") shall comply with applicable prevailing wage policies as set forth in California Labor Code section 1720 et seq., any applicable federal law and applicable regulations thereto ("Prevailing Wage Laws"). OFI shall defend, indemnify and hold harmless City and its officers, officials, employees, volunteers and agents from any claims arising out of or in any way connected to OFI's obligations regarding compliance with Prevailing Wage Laws.

31. **Maintenance**. OFI shall be responsible for all the on-going repair, maintenance, installation, and operation costs of the Billboard, and related improvements on the Property at no cost to the City. OFI shall also be responsible for the prompt removal of any graffiti from the Billboard within forty-eight (48) hours of receiving notice of the graffiti.

32. **Damage or Destruction to the Billboard**. This Agreement will continue in full effect if the Billboard is substantially damaged or destroyed in whole or part by any cause whether or not covered by the fire-and-casualty insurance OFI maintains, subject to the following:

32.1 The Rent thereafter due under this Agreement will abate from the date of the casualty until the repair or replacement of the Billboard is completed.

32.2 The City and OFI will mutually agree upon the repair or replacement of the Billboard, which such repair or replacement will use any proceeds of insurance maintained by the City or otherwise at the expense of the City. In connection with any election to repair the casualty, OFI and the City will promptly apply for, and diligently pursue the issuance of, any permits or approvals needed to repair or replace the Billboard. Within thirty (30) days after obtaining the necessary permits and approvals, the party which will perform such repair or

replacement will begin work to repair or replace the Billboard and diligently pursue the completion thereof.

32.3 In the event of any damage or destruction which is covered by insurance, the City will promptly make proof of loss and proceed promptly to collect, or cause to be collected, all valid claims which the City may have against insurers or others based upon any such damage or destruction. Except as otherwise provided above, amounts received on account of any losses pursuant to insurance policies shall be used and expended for the purpose of fully repairing or reconstructing the portions of the Billboard which has been destroyed or damaged.

32.4 Notwithstanding anything herein to the contrary, if (a) the cost to repair or replace the damage or destruction of the Billboard exceeds 50% of its fair-market value immediately before it is damaged or destroyed; and (b) the damage or destruction occurs during the last five (5) years of the Initial Term, then the City may terminate this Agreement upon written notice to OFI without penalty.

33. **Force Majeure** As used in this Agreement "Force Majeure Events" and "Pandemic Events" have the following meaning:

33.1 "Force Majeure Events" mean, collectively: (1) governmental preemption or governmental shutdowns of business in connection with a national emergency, (2) work stoppages or other delays due to pandemics or other unforeseen circumstances, (3) conditions that prevent or delay construction and which are affected by war, pandemic, civil unrest or other international, national, state or municipal emergency or other cause, (4) act of God, (5) Pandemic Events (as hereinafter defined) or (6) any other cause, similar or dissimilar, beyond the reasonable control of either party; and

33.2 "Pandemic Events" shall mean (1) governmental shutdowns of business in Ventura County in connection with the occurrence of a pandemic or other public health emergency, or (2) the issuance of "shelter-in-place" orders affecting Ventura County by one or more governmental authorities due to the occurrence of a pandemic or other public health emergency.

34. **Utilities**. At no cost to City, OFI shall provide and pay for all utility connections, utility equipment, and utility service required to construct, operate, maintain, repair, improve, or reposition the Billboard throughout the Initial Term (provided that City will pay for all such costs and expenses in connection with the construction and operation of the City's Telecommunication Facilities, if applicable). OFI shall coordinate with City and the applicable utility companies for utility tie-ins and electrical power sources that OFI may need to construct and operate the Billboard.

35. **Removal of Billboard**. OFI shall be responsible for the removal of the Billboard, and other improvements from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), at the expiration of the Initial Term of this Agreement, unless the City waives OFI's removal obligation in writing. In

the event this Agreement is otherwise terminated or cancelled prior to the expiration of the Initial Term, OFI shall remove the Billboard and other improvements installed by OFI from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), unless the City waives OFI's removal obligation in writing. Notwithstanding the above, OFI shall not be required to remove those portions of the Billboard and other improvements made by OFI on the Property that are more than ten (10) feet below grade. OFI shall cause the removal as required under this Section within thirty (30) days from the end of the Initial Term or from the date of early termination, whichever the case may be. If OFI does not timely remove the Billboard and other improvements as required by this Section, City may, but shall not be required to, remove or cause the removal of the Billboard and other improvements on the Property at OFI's expense. OFI shall reimburse City within thirty (30) days of receipt of an itemized accounting of the cost for such removal and the restoration of the Property to its state immediately prior to the installation of the Billboard. City and OFI acknowledge and agree that OFI and its assigns shall be the exclusive owner and operator of the Billboard, and that all equipment comprising the Billboard shall remain the personal property of OFI and its assigns and shall not become fixtures of the Property. City shall have no right, title or interest in the Billboard or any component of the Billboard, notwithstanding the manner in which the Billboard is or may be physically attached, mounted or adhered to the Property.

36. **Taxes**. OFI shall pay without abatement, deduction, or offset any income taxes or possessory interest taxes levied on or assessed against the Billboard located on the Property, OFI's equipment, fixtures, and personal property located on or in the Property, which are directly attributable to this Agreement or OFI's use of the Property, whether belonging, owned, or chargeable against the City. OFI shall make all such payments directly to the charging authority prior to delinquency and before any fine, interest, or penalty becomes due or is imposed for OFI's non-payment. Following prior request by City, OFI shall provide City with proof of payment of such tax.

37. **Compliance Review**.

37.1 Periodic Review. Pursuant to Government Code section 65865.1, the City Manager shall, not less than once in every twelve (12) months, review the Project and this Agreement to ascertain whether or not OFI is in full compliance with the terms of this Agreement (the "Periodic Review").

37.2 Review Procedure. During a Periodic Review, OFI shall provide information reasonably requested by the City Manager that the Project is being developed in good faith compliance with the terms of this Agreement. Upon completion of a Periodic Review, the City Manager shall submit a report to the City Council setting forth the City Manager's findings. If, as a result of a Periodic Review, the City Council finds and determines on the basis of substantial evidence that OFI has not complied in good faith with the terms or conditions of this Agreement, the City shall issue a written "Notice of Noncompliance" to OFI specifying the grounds therefore and all facts demonstrating such noncompliance. OFI's failure to cure the alleged non-compliance within ninety (90) days after receipt of the notice, or, if such noncompliance is not capable of being cured within ninety (90) days, OFI's failure to initiate all

actions required to cure such noncompliance within ninety (90) days after receipt of the notice, shall constitute a default under this Agreement on the part of OFI and shall constitute grounds for the termination of this Agreement by the City as provided for below.

37.3 Termination or Modification for Non-Compliance. Pursuant to Government Code Section 65865.1, if the City Council finds and determines, on the basis of substantial evidence, that OFI has not complied in good faith with the terms or conditions of this Agreement, the City Council may modify or terminate this Agreement. Any action by the City with respect to the termination or modification of this Agreement shall comply with the notice and public hearing requirements of Government Code section 65865.1 in addition to any other notice required by law. Additionally, the City shall give OFI written notice of its intention to terminate or modify this Agreement and shall grant OFI a reasonable opportunity to be heard on the matter and to oppose such termination or modification by the City.

37.4 Modification. Amendment or Cancellation by Mutual Consent. Pursuant to Government Code section 65868, this Agreement may be amended or canceled, in whole or in part, by mutual written consent of the City and OFI or their successors in interest. Public notice of the parties' intention to amend or cancel any portion of this Agreement shall be given in the manner provided by Government Code section 65867. Any amendment to the Agreement shall be subject to the provisions of Government Code section 65867.5.

37.5 Inurement and Assignment. This Agreement shall inure to the benefit of and bind the successors and assigns of the City and OFI and may be assigned by either the City or OFI to any party or parties pursuant to the requirements of this Section. The specific rights and obligations of this Agreement shall be deemed covenants running with the land that concern and affect the Property. Prior to OFI's assignment of any rights, duties or obligations under this Agreement, OFI shall present such information to the City as will reasonably demonstrate to the City's satisfaction that the proposed assignee (the "**Assignee**") has the financial ability and experience to fulfill those specific rights, duties and obligations under the Agreement that the Assignee will assume. The City shall have the right to approve the proposed Assignee, provided that the City's approval may not be unreasonably withheld. Because this Agreement is a statutory Development Agreement, if City staff determine that they can recommend approval of the proposed Assignee, a public hearing before the Planning Commission and City Council will be necessary to approve the proposed amendment to this Agreement. If the City does not approve the Assignee, the City shall deliver notice to OFI of the reasons for the City's disapproval of the Assignee. Once such approved assignment or succession has occurred and the Assignee has agreed to accept the applicable obligations under this Agreement, OFI shall be released from its obligations under this Agreement assumed by the Assignee with respect to the Property, or portion thereof, so transferred. Notwithstanding anything herein to the contrary, OFI shall not be required to obtain the City's written consent prior to effecting a transfer of all or a portion of OFI's interests to OFI member agencies Foster Interstate, LLC and Outfront Media, LLC.

38. **Monetary Damages**. OFI and the City acknowledge that neither the City nor OFI would have entered into this Agreement if either were liable for monetary damages under or with respect to this Agreement or the application thereof. Both the City and OFI agree and recognize that, as a practical matter, it may not be possible to determine an amount of monetary

damages which would adequately compensate OFI for its investment of time and financial resources in planning to arrive at the kind, location, intensity of use, and improvements for the Project, nor to calculate the consideration the City would require to enter into this Agreement to justify such exposure. Therefore, the City and OFI agree that neither shall be liable for monetary damages under or with respect to this Agreement or the application thereof and the City and OFI covenant not to sue for or claim any monetary damages for the breach of any provision of this Agreement. This foregoing waiver shall not be deemed to apply to any fees, payments, reimbursements or other monetary amounts specifically required to be paid by OFI to the City pursuant to this Agreement.

39. **Specific Performance**. OFI has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement and it is not possible to determine the amount of monetary damages that would adequately compensate OFI for such efforts. Damages would not be an adequate remedy if City fails to carry out its obligations under this Agreement, and that OFI shall have the right to seek and obtain specific performance as a remedy for any breach of this Agreement. The City's remedy to terminate or amend this Agreement in the event of OFI's uncured breach shall be sufficient in most circumstances.

40. **Administration of Agreement and Resolution of Disputes**. OFI shall at all times have the right to appeal to the City Council any decision or determination made by any employee, agent or other representative of the City concerning the Project or the interpretation and administration of this Agreement. All City Council decisions or determinations regarding the Project or the administration of this Agreement shall also be subject to judicial review pursuant to Code of Civil Procedure section 1094.5, provided that, pursuant to Code of Civil Procedure section 1094.6, any such action must be filed in a court of competent jurisdiction not later than ninety (90) days after the date on which the City Council's decision becomes final.

41. **Recordation of this Agreement**. Pursuant to Government Code section 65868.5, the City Clerk shall record a copy of this Agreement in the Official Records of Ventura County within ten (10) days after the mutual execution of this Agreement.

42. **Constructive Notice and Acceptance**. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is, and shall be, conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

43. **No Third-Party Beneficiaries**. This Agreement is made and entered into for the sole protection and benefit of the City, OFI and their respective successors and assigns. No other person or entity shall have any right of action based upon any provision of this Agreement.

44. **Miscellaneous**.

44.1 Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the

person giving such notice) (i) hand delivered by messenger or courier service, (ii) by overnight delivery (including Federal Express), or (iii) by United States mail (postage prepaid), registered or certified, return receipt requested, addressed to the addresses set forth below. Each notice shall be deemed delivered (1) on the date delivered if by personal delivery, (2) on the date of delivery by the overnight delivery service if by overnight delivery, or (3) seventy-two (72) hours after deposit in the United States mail (postage prepaid) if by registered or certified mail. By giving to the other parties at least fifteen (15) days' written notice, the parties to this Agreement and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses and each shall have the right to specify as its address any other address.

If to City: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Manager

with a copy to: City of Oxnard
214 South C Street
Oxnard, California 93030
Attention: Community Development Director
Tel. No.: (805) 385 7877
Fax No.: (805) 385 7854

with a copy to: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Attorney

If to OFI: Outfront Foster Interstate LLC
1111 Broadway, Suite 1515
Oakland, CA 94607
Attn: John B. Foster, President
Fax: (415) 832-7080

with a copy to: Outfront Media LLC
405 Lexington Avenue, 17th Floor
New York, NY 10174
Attn: General Counsel

with a copy to: Miller Starr Regalia
1331 North California Boulevard, Fifth Floor
Walnut Creek, CA 94596
Attn: Anthony Leones
Tel: (925) 941-3261
Fax: (925) 933-4126

Email: tony.leones@msrlegal.com

with a copy to: Wendel Rosen LLP
1111 Broadway, 24th Floor
Oakland, CA 94607
Attn: Matt Dambrov
Tel: (510) 834-6600
Fax: (510) 834-1928
Email: mdambrov@wendel.com

44.2 Severability. If any part of this Agreement is declared invalid for any reason, such invalidity shall not affect the validity of the remainder of the Agreement. The other parts of this Agreement shall remain in effect as if this Agreement had been executed without the invalid part. The City and OFI intend and desire that the remaining parts of this Agreement continue to be effective without any part or parts that have been declared invalid.

44.3 Entire Agreement; Conflicts. This Agreement represents the entire agreement between the City and OFI with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the City and OFI with respect to the matters contained in this Agreement. Should any or all of the provisions of this Agreement be found to be in conflict with any other provision or provisions found in the Applicable Rules or the Subsequent Applicable Rules, then the provisions of this Agreement shall govern and prevail.

44.4 Further Assurances. The City and OFI agree to perform, from time to time, such further acts and to execute and deliver such further instruments reasonably necessary to effect the intents and purposes of this Agreement, provided that the intended obligations of the City and OFI are not thereby modified.

44.5 Negation of Agency. The City and OFI acknowledge that, in entering into and performing under this Agreement, each is acting as an independent entity and not as an agent of the other in any respect. Nothing contained herein or in any document executed in connection herewith shall be construed as making the City and OFI joint venturers, partners or employer/employee.

44.6 Attorneys' Fees. In the event of any claim, dispute or controversy arising out of or relating to this Agreement, including an action for declaratory relief, the prevailing party in such action or proceeding shall be entitled to recover its court costs and reasonable out of pocket expenses not limited to taxable costs, including, but not limited to telephone calls, photocopies, expert witness, travel, and reasonable attorneys' fees and costs to be fixed by the court. Such recovery shall include, but not limited to, court costs, out of pocket expenses and attorneys' fees on appeal, if any. The court shall determine who is the "prevailing party," whether or not the dispute or controversy proceeds to final judgment. If the City or OFI is reasonably required to incur such out of pocket expenses and attorneys' fees as a result of any claim arising out of or concerning this Agreement or any right or obligation derived hereunder,

then the prevailing party shall be entitled to recover such reasonable out of pocket expenses and attorneys' fees whether or not an action is filed.

44.7 Waiver. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought.

44.8 Estoppel Certificates. Within thirty (30) days following the receipt by City of a written request by OFI, the City shall execute and deliver to the requesting OFI a statement (an "estoppel certificate") certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the City alleges that specified (date and nature) defaults exist. The estoppel certificate shall also provide any other reasonable information requested. The failure to timely deliver a requested estoppel certificate shall constitute a conclusive presumption that this Agreement is in full force and effect without modification, except as may be represented by the requesting OFI, and that there are no uncured defaults in the performance of the requesting OFI, except as may be represented by the requesting OFI. The requesting OFI shall pay to City all reasonable administrative costs incurred by City in connection with the issuance of estoppel certificates under this Section prior to City's issuance of such certificates. Any such certificate may be and is intended to be relied upon by any person, including, but not limited to, the other Party, potential purchasers or lessees of all or any part of the Property, lenders or potential lenders.

44.9 Section Headings. The section headings contained in this Agreement are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.

44.10 Relationship of the Parties; Not Third-Party Beneficiaries. This Agreement does not create any relationship or association between City and OFI other than that of landlord and tenant, and it is expressly understood and agreed that City does not in any way nor for any purpose become a partner of OFI or a joint venturer with OFI in the conduct of OFI's business or otherwise; nor does this Agreement create between City and OFI the relationship of principal and agent. The parties do not intend to create any third-party beneficiaries to the Agreement.

44.11 Time of Essence. Time is of the essence of this Agreement, and all performances required hereunder shall be completed within the time periods specified. Any failure of performance shall be deemed as a material breach of this Agreement.

44.12 Counterparts. This Agreement and any modifications hereto may be executed in any number of counterparts with the same force and effect as if executed in the form of a single document.

45. **Indemnification**.

45.1 Definitions. For the purposes of this Section, the following definitions will apply:

(a) "Person" is to be interpreted broadly and includes OFI and OFI's directors, officers, employees, contractors, and agents; and City and City's elected officials, officers, employees, contractors, and agents.

(b) "Liabilities" means all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that arise directly or indirectly from OFI's possession or use of the Property.

(c) "Occurrence" means (A) the death of, or injury to, any person; and (B) damage to, or destruction of, any real property, personal property (including intellectual property), or the environment (broadly interpreted to include the air, soil, soil vapor, surface water, groundwater, flora, and fauna on or about the Property).

45.2 General Indemnity. Except to the extent claims are caused by the negligence or willful misconduct of the City and its employees, agents and contractors, and not waived by OFI, OFI shall indemnify, protect, defend, and hold harmless City and its elected officials, officers, employees, volunteers, lenders, agents, and representatives and each of their successors and assigns from and against any and all third party claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all reasonable out-of-pocket costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Initial Term as a result (directly or indirectly) of or in connection with (a) any OFI default under this Agreement (including in the performance or non-performance of any obligation on OFI's part to be performed under the terms of this Agreement); (b) OFI's performance of the design and construction of the Billboard; (c) OFI's or OFI's representatives or agents use of the Property, the Billboard, any portion thereof, or any improvements thereon, the conduct of OFI's business or any activity, work or thing done, permitted or suffered by OFI or its representatives or agents in or about the Property or any portion thereof, or any improvements thereon, except that with regard to the presence of Hazardous Materials, the Property or any improvements thereon, OFI will not be responsible for conditions that existed prior to the date that City delivers exclusive control of the Property to OFI and, whether prior to the Effective Date or not, were not caused by OFI or its authorized representatives; and (d) any negligent or willful act, error or omission of OFI or its representatives or agents in or about the Billboard, any portion thereof, or any improvements thereon (collectively, "Indemnification"). OFI shall provide such Indemnification by and through counsel reasonably approved by City. Without limiting the foregoing, OFI's obligation under this Section includes Liabilities arising from any of the following:

(a) Any Occurrence that is caused by, or related in any way to, a verbal or nonverbal display on the Billboard.

(b) OFI's failure to perform any provision of this Agreement due to no fault of City, to comply with any requirement of law applicable to OFI, or to fulfill any requirement imposed by any governmental entity (including City when acting as a government) on OFI or on OFI's use of the Property.

(c) Any claim that OFI's policies with respect to the allocation of advertising time violate any person's or persons' First Amendment rights.

(d) Any Occurrence caused or allegedly caused by (i) any condition of the Property created by OFI or by any Person on the Property with OFI's permission; or (ii) some act or omission on the Property by OFI or by any Person on the Property with OFI's permission.

OFI agrees that its obligation under this Section includes the reasonable costs of attorney fees incurred by City's City Attorney's Office to monitor and consult with OFI regarding the defense of any such Liabilities, including providing direction with regard to strategy, preparation of pleadings, settlement discussions, and attendance at court hearings, mediations, or other litigation related appearances. City will use its best efforts to avoid duplicative attorney work or appearances in order to keep litigation costs to a reasonable minimum. OFI further acknowledges and agrees that settlement of any Liabilities requires the consent of City. City agrees that its consent will not be unreasonably withheld provided that OFI is financially able (based on demonstrated assets) to fulfill its obligation to indemnify City for the costs of any such settlement as required under this Agreement

45.3 Hazardous Materials. Except to the extent caused by City's negligence or willful misconduct, caused by a third party or with regard to the presence of Hazardous Materials on the Property as of the date City delivers exclusive control of the Property to OFI, OFI shall indemnify, defend and hold City harmless from any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses (including attorneys' fees and expenses and consultant fees and expenses) caused or alleged to have been caused by OFI's use, storage, handling, treatment, generation, discharge or release of Hazardous Materials in violation of OFI's obligations under this Agreement, whether such claims, causes of action or liabilities are first asserted during the Initial Term or thereafter, and including claims made against City with respect to bodily injury, death or property damage sustained by third parties caused or alleged to have been caused by OFI's use, storage, handling, treatment, generation, discharge or release of Hazardous Materials. For the purposes of clarification, the indemnity contained in this Section will be the sole indemnity OFI provides to the City with respect to Hazardous Materials and (b) OFI will not be responsible for nor indemnifies the City for any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses with respect to Hazardous Materials which do not directly result from OFI's use, storage, handling, treatment, generation, discharge or of Hazardous Materials in violation of OFI's obligations under this Agreement.

45.4 Survival. Each party's obligations under this Agreement will survive expiration or termination of this Agreement for a period of three (3) years following termination.

45.5 Reference of California Law. Unless expressly stated to the contrary, all references to statutes herein are to the California codes.

45.6 Interpretation of Agreement. The language in all parts of this Agreement shall in all cases be construed simply, as a whole and in accordance with its fair meaning and not strictly for or against any party. City and OFI acknowledge and agree that this Agreement has

been prepared jointly by City and OFI and has been the subject of arm's length and careful negotiation over a considerable period of time, that each party has been given the opportunity to independently review this Agreement with legal counsel, and that each party has the requisite experience and sophistication to understand, interpret, and agree to the particular language of the provisions hereof. Accordingly, in the event of an ambiguity in or dispute regarding the interpretation of this Agreement, this Agreement shall not be interpreted or construed against the party preparing it, and instead other rules of interpretation and construction shall be utilized.

45.7 Institution of Legal Actions. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the Superior Court of the County of Ventura, State of California or in the United States District Court for the Central District of California.

45.8 No Relocation Benefits. It is agreed that nothing contained in this Agreement shall give OFI any right to occupy the Property at any time after the expiration of the term of this Agreement or its termination. OFI agrees that, upon the expiration of termination of this Agreement, OFI's use of the Property for the location of a Billboard or this Agreement shall not entitle OFI to any relocation benefits from the City pursuant to any federal, state or local law and waives any such claim against the City.

Signatures on Following Page

IN WITNESS WHEREOF, the City and OFI hereto have each executed this Agreement as of the date first written above.

CITY: CITY OF OXNARD, a California municipal corporation

By: _____
Mayor

ATTEST:

_____
Michelle, Ascencion, City Clerk

APPROVED AS TO FORM:

_____
Stephen Fischer, City Attorney

OUTFRONT FOSTER INTERSTATE LLC

By Its Members:

FOSTER INTERSTATE LLC

By: _____

Print Name: John B. Foster

Title: Manager

OUTFRONT MEDIA, LLC

By: _____

Print Name: _____

Title: _____

EXHIBIT "A"

DESCRIPTION OF PROPERTY SUBJECT TO ENA

APN 132-003-301, 132-031-016 and 132-031-107 (RiverPark Boulevard near Vineyard Avenue) in the City of Oxnard, County of Ventura.

EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "B"

DESCRIPTION

AN EASEMENT IN THE IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNA BEING A PORTION OF DEED RECORDED AS INSTRUMENT NO. 20110329-00050783-0 OF OFFICIAL RECORDS IN THE OFFICE OF THE VENTURA COUNTY RECORDER. SAID EASEMENT ALSO BEING A PORTION OF LOT LINE ADJUSTMENT NO. 08-31-13 RECORDED MAY 29, 2009 AS INSTRUMENT NO. 20090529-00087845-0 OF OFFICIAL RECORDS OF SAID COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT LINE ADJUSTMENT, ALSO BEING THE MOST EASTERLY CORNER OF LOT D OF TRACT NO. 5352-1, RECORDED IN BOOK 150, PAGES 76 THROUGH 92 OF MISCELANEOUS RECORDS OF SAID COUNTY RECORDER; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT LINE ADJUSTMENT AND THE SOUTHEASTERLY LINE OF SAID TRACT MAP NO 5352-1, A DISTANCE OF 70.73 FEET TO MOST SOUTHERLY CORNER OF SAID LOT D; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT D; NORTH 35°55'20" EAST, A DISTANCE OF 10.54 FEET TO THE **POINT OF BEGINNING;** THENCE, LEAVING THE SOUTHWESTERLY LINE OF SAID LOT D,

1. SOUTH 54°04'40" WEST, A DISTANCE OF 50.00 FEET, TO THE SOUTHWESTERLY LINE OF SAID DEED RECORDED AS INSTRUMENT NO. 20110329-00050783-0 OF OFFICIAL RECORDS; THENCE, ALONG SAID SOUTHWESTERLY LINE,
2. NORTH 35°55'20" WEST, A DISTANCE OF 62.85 FEET; THENCE, LEAVING SAID SOUTHWESTERLY LINE,
3. NORTH 54°04'40" EAST, A DISTANCE OF 50.00 FEET, TO THE SOUTHWESTERLY LINE OF SAID LOT D; THENCE, SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT D,
4. SOUTH 35°55'20" EAST, A DISTANCE OF 62.85 FEET, TO THE **POINT OF BEGINNING**.

TOGETHER WITH A NONEXCLUSIVE EASEMENT OVER PARCELS 1 AND 2 OF DEED RECORDED MARCH 29, 2011 AS INSTRUMENT NO. 20110329-00050783-0 OF OFFICIAL RECORDS, RECORDED IN THE OFFICE OF SAID COUNTY RECORDER.

CONTAINING 3,143 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON PAGE 2 AND BY REFERENCE HEREIN MADE A PART HEREOF.

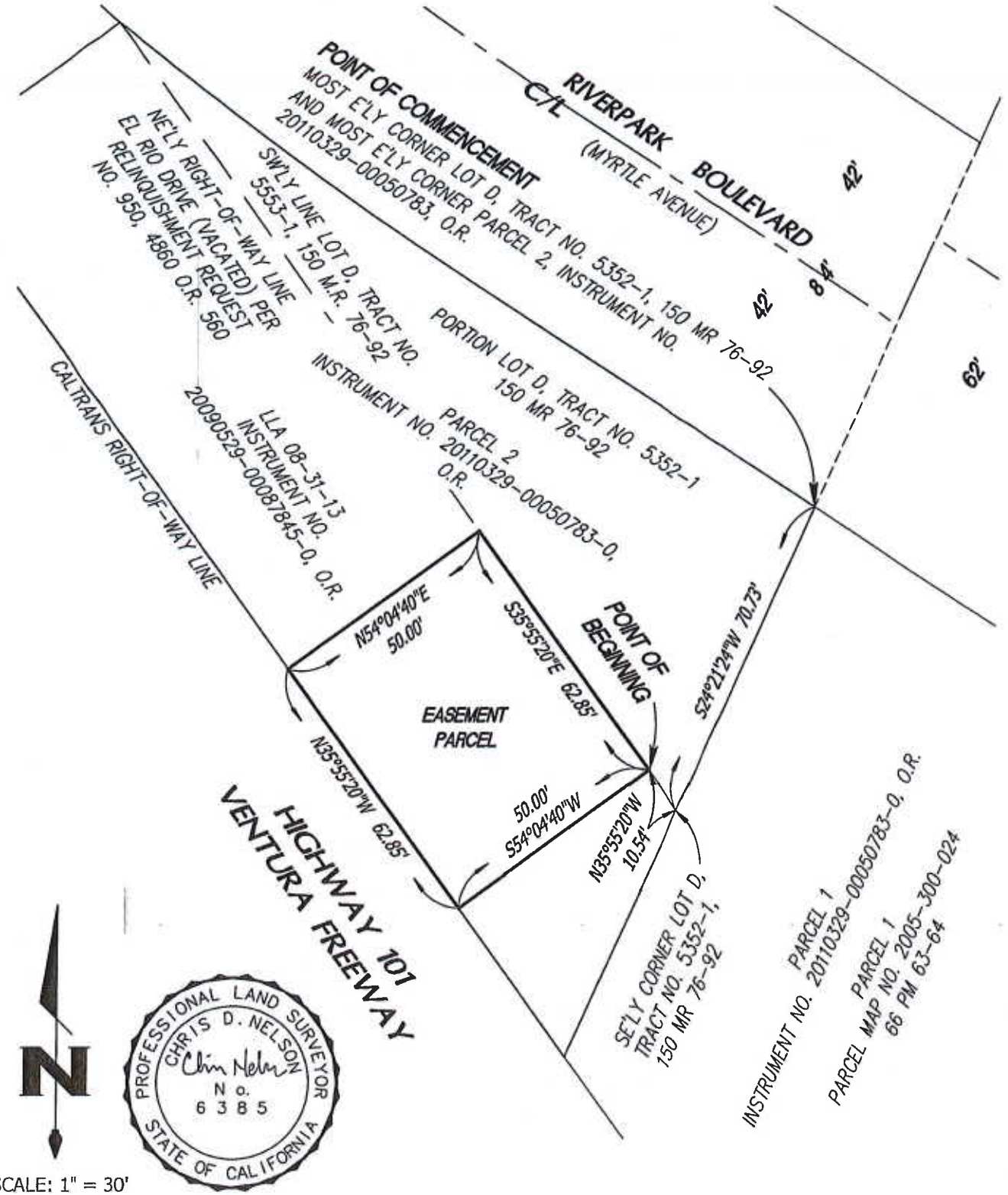
PREPARED BY:
CHRIS NELSON & ASSOCIATES, INC.
28118 AGOURA ROAD, SUITE 100
AGOURA HILLS, CA 91301
(818) 991-1040



CHRIS NELSON, PLS 6385
DATED: DECEMBER 15, 2022

EASEMENT AREA:
3,143± SQ. FT

EXHIBIT 'B'



PROFESSIONAL LAND SURVEYOR
CHRIS D. NELSON
No. 6385
STATE OF CALIFORNIA

SCALE: 1" = 30'

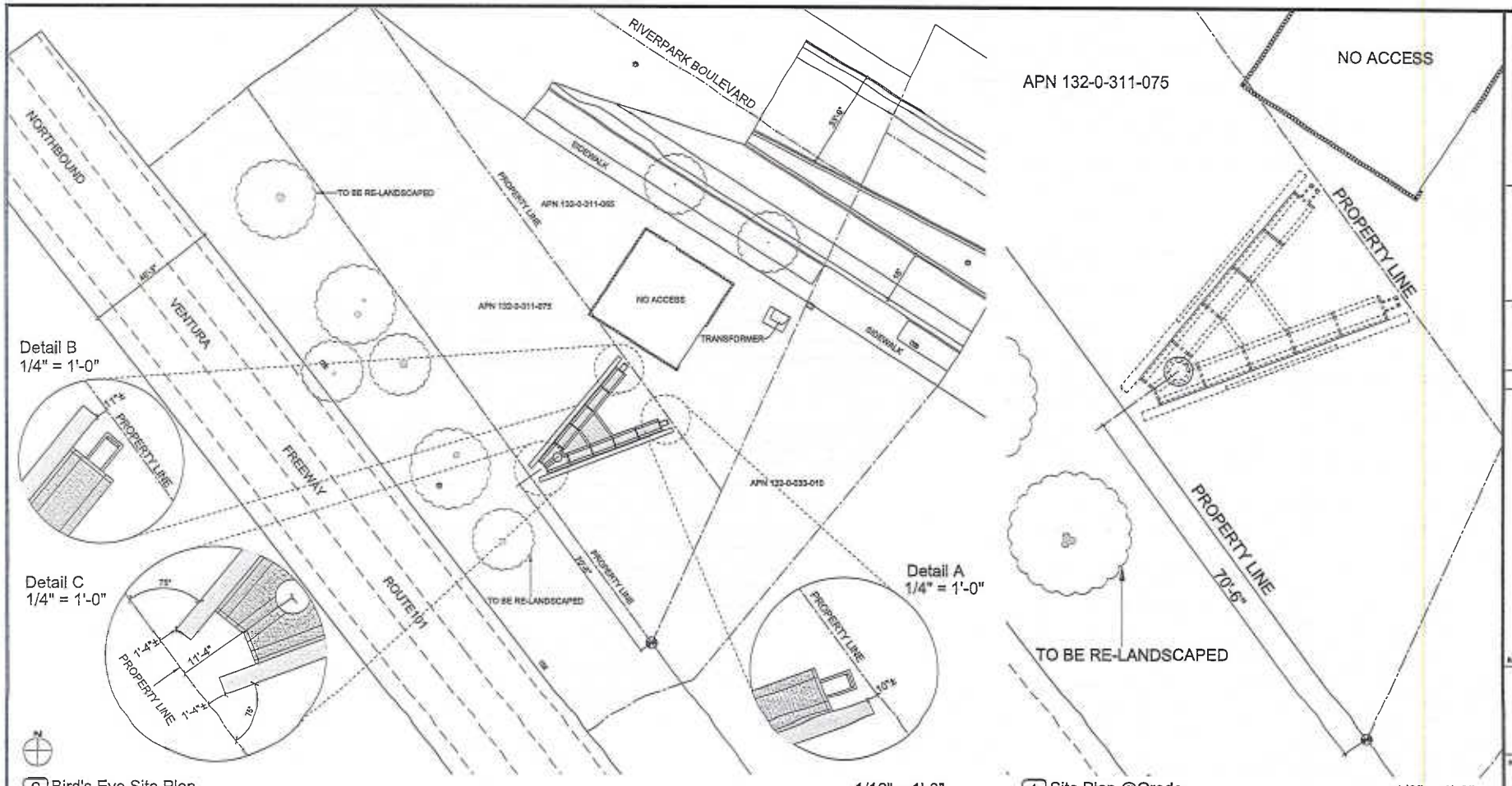
JOB NO.: 22-6505

DATED: 12/15/2022

PAGE 2 OF 2

EXHIBIT "C"

BILLBOARD



2 Bird's Eye Site Plan 1/16" = 1'-0"

1 Site Plan @Grade 1/8" = 1'-0"

LEGEND

- DRIVEWAY
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- TREE LINE

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES WHICH THE SPECIFICS DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ORDINANCES. THE LAWS OR ORDINANCES SHALL GOVERN. CONTRACTOR TO VERIFY ARCHITECT OF ALL CONFLICTS.
2. NO HEP SCALE DRAWINGS. THE CONTRACTOR SHALL USE DIMENSIONS SHOWN ON THIS DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WHEN SUB-CONTRACTORS TO ENSURE THEIR WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE ON PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, DEVICES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 29 W CBC, CHAPTER 33 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA, THE FOLLOWING WILL BE ADDRESSED:

15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SYSTEM FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE OWNER OR REGISTERED DESIGN ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET. BEYOND THAT HORIZONTAL BENCHES OF 5 FEET WIDE WILL BE REQUIRED. TEMPORARY SLOPES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED AT THE DISCRETION OF THE SOILS ENGINEER OF THIS FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE BRACING, SHORING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SAME.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER OF RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, ANCLLARY SHORING USED FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE ANGLE OF THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN EXCAVATION PERMIT WILL BE OBTAINED IF NEEDED FOR GAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK, AT: HTTP://WWW.DIR.CA.GOV/DOSH/DOSHREGS.HTML#SUBCHAPTER 4 CONSTRUCTION SAFETY ORDERS | CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED STORMWATER PREVENTION DEVICES.

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177 Post Street, Suite 520
San Francisco, CA 94108
tel: (415) 512-9000
fax: (415) 512-9003
www.ibadesign.com

PROJECT NAME
OXNARD SIGNAGE PROJECT
APN 132-0-311-075
Oxnard, California

CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV	DATE	ISSUE

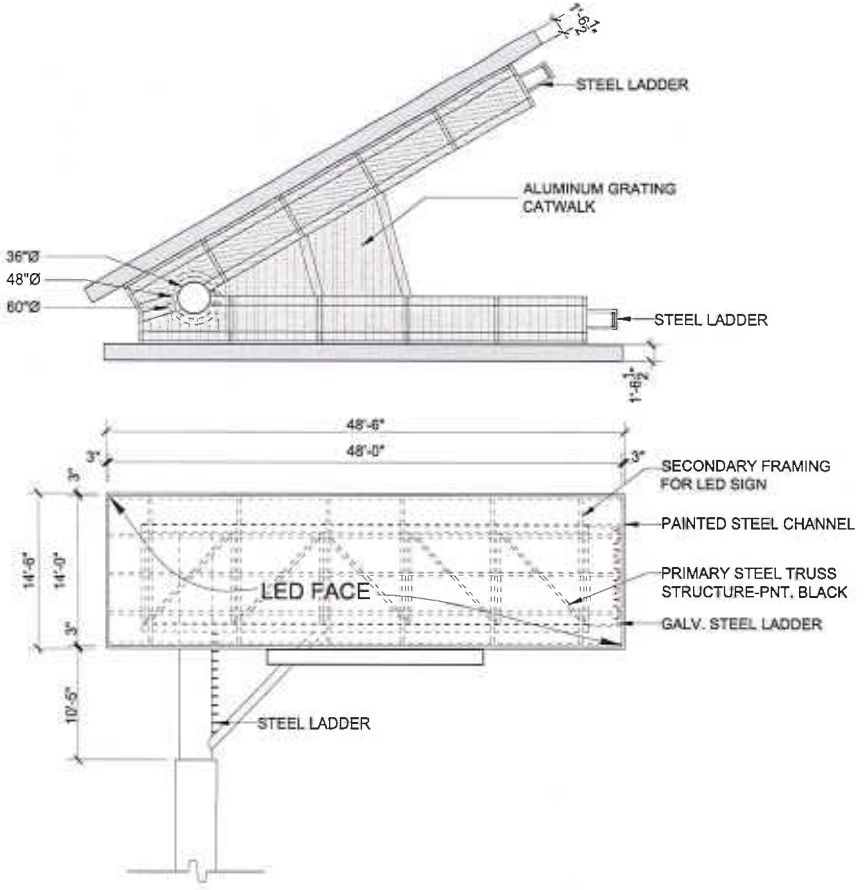
SHEET DESCRIPTION
SITE PLAN

DATE	8/8/2023
SCALE	1/16" = 1'-0"
DRAWN BY	
CHECKED BY	
JOB NO.	1814

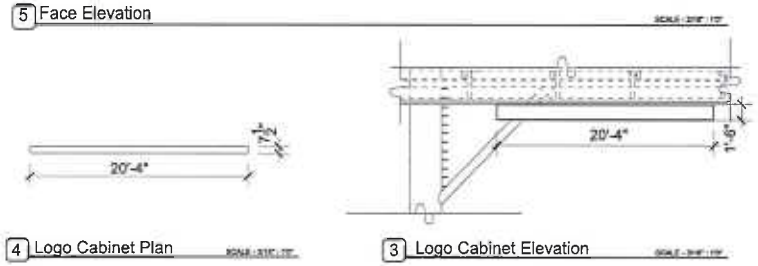
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SHEET NO.

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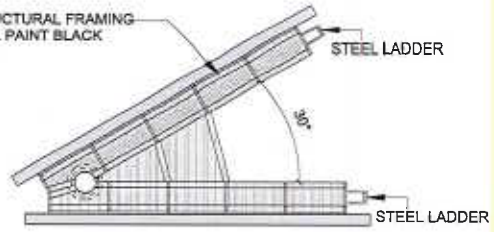


5 Face Elevation

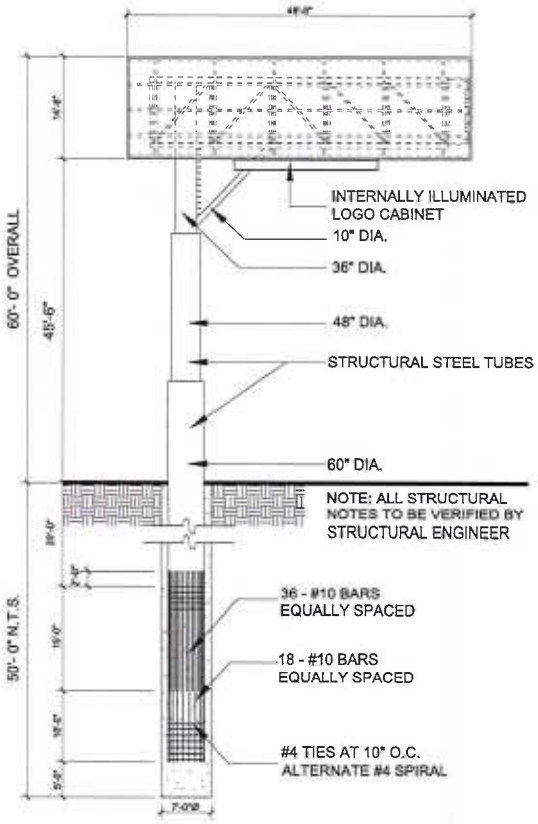


4 Logo Cabinet Plan

3 Logo Cabinet Elevation



2 Plan View



1 Overall Elevation

(See A-3.0 For Color Scheme)

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OXNARD SIGNAGE PROJECT

APN 132-0-311-075

Oxnard, California

OUTFRONT FOSTER INTERSTATE

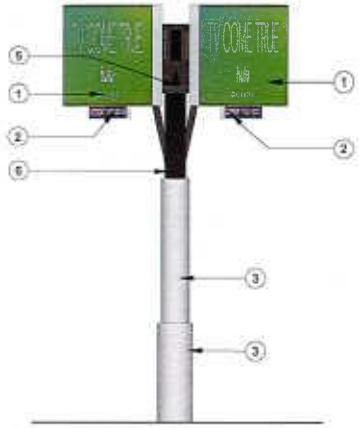
FOR SITE PERMIT ONLY

SIGN ELEVATIONS AND PLAN

1014

A-2.0

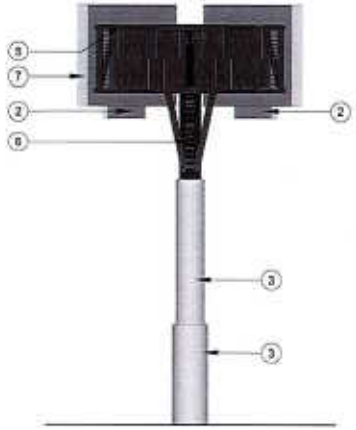
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5 Elevation A SCALE - 1/8" : 1'0"



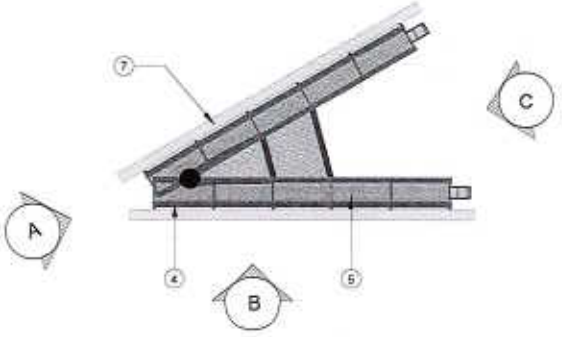
4 Elevation B SCALE - 1/8" : 1'0"



3 Elevation C SCALE - 1/8" : 1'0"



2 Perspective View 2 NTS



6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

SHEET NOTES

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OXNARD SIGNAGE PROJECT
APN 132-0-311-075
Oxnard,
California

OUTFRONT FOSTER INTERSTATE

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REV DATE ISSUE

COLORED ELEVATIONS

DATE 6/8/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1814

A-3.0

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

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REV DATE ISSUE

SHEET DESCRIPTION
RENDERINGS

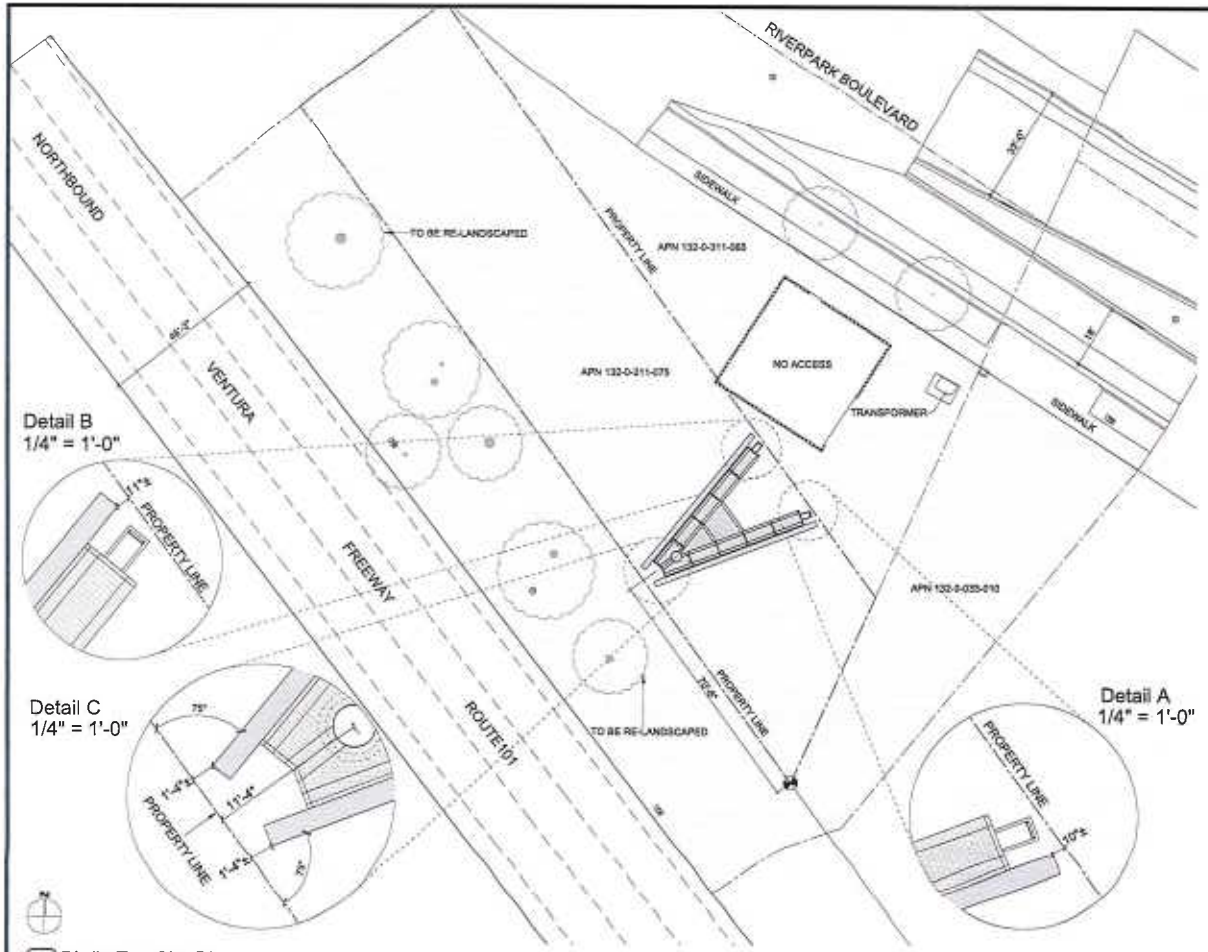
DATE 6/8/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1814

A-4.0
SHEET NO.

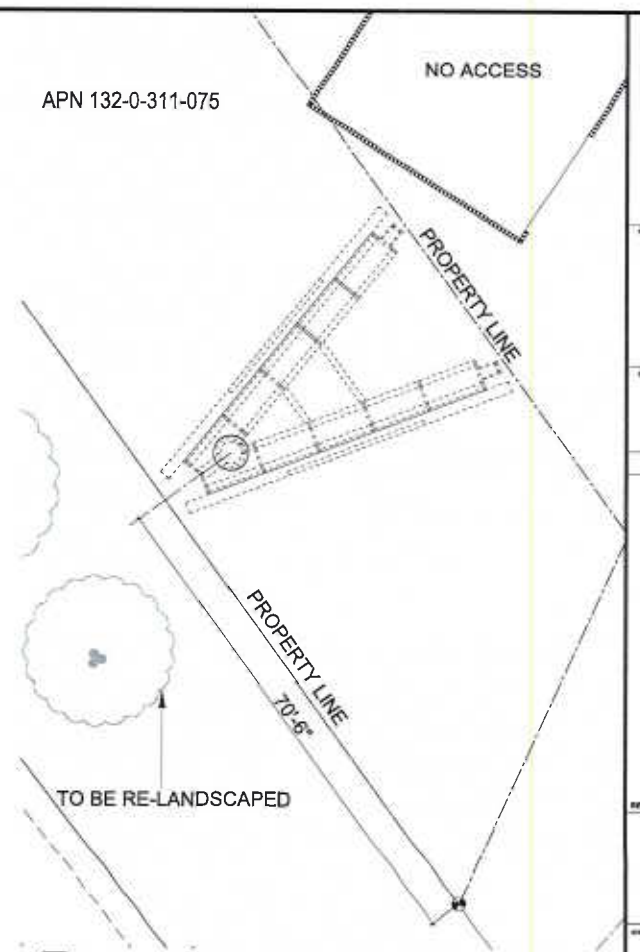
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EXHIBIT "D"

TREE REMOVAL



2 Bird's Eye Site Plan 1/16" = 1'-0"



1 Site Plan @Grade 1/8" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- TREE LINE

SHEET NOTES

1. ALL WORK SHALL COMPLY WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY ORDINANCES AND ORDINANCES IN EFFECT ON THE DATE OF THE BUILDING PERMIT OF THE LAWS OR ORDINANCES. THE LAWS OR ORDINANCES SHALL GOVERN. CONTRACTOR TO NOTIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL VERIFY DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION AND SUBMISSION WITH SUB-CONTRACTORS TO ENSURE THEIR WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE OR PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
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8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
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11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL INTERFACE AND DEMO PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, DEVICE PLATES, ETC. TO ARCHITECT FOR REVIEW AND APPROVAL AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE PLANTER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT SPECIFICALLY ILLUSTRATED ON THIS JOB COPY OF THE PLANS PRIOR TO PERFORMING THAT WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR REVIEW AS REQUIRED BY FIRE ORD., CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:

15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE UNDERSTOOD INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPING MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET, BEYOND THAT HORIZONTAL BENCHES OF 6 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL) IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (AN IMAGINARY PLANE 45 DEGREES FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF REQUIRED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT HTTP://WWW.CALOSHA.CA.GOV/PUBLICATIONS/ESTABLISHMENT/CONSTRUCTION SAFETY ORDERS - CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING SIDE PLAN REVIEW WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY REQUIRED BACKWATER PREVENTION DEVICES.

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PROJECT NAME
OXNARD SIGNAGE PROJECT
APN 132-0-311-075
Oxnard, California

CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

SHEET DESCRIPTION
SITE PLAN

DATE 8/6/2020
SCALE 1/16" = 1'-0"
DRAWN BY
CHECKED BY
JOB NO. 1814

A-1.0
SHEET NO.

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RESOLUTION NO. 2023-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL DENY ORDINANCE APPROVING PLANNING AND ZONING PERMIT NO. 20-630-02 (SPECIFIC PLAN AMENDMENT NO. 8 TO THE RIVERPARK SPECIFIC PLAN) TO AMEND THE TEXT WITHIN THE RIVERPARK SPECIFIC PLAN. FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on September 10, 2002 the City Council approved the entitlements for The RiverPark Specific Plan to guide future development on the 702-acre project site; and

WHEREAS, the City Council approved the first amendment request (PZ 02-630-05) on October 22, 2002, which amended the Specific Plan to include regulations for temporary uses; and

WHEREAS, the City Council approved the second amendment request (PZ 03-630-03) on July 27, 2004, allowing a minor change in the land use designation on a small parcel from Open Space to Commercial; and

WHEREAS, the City Council approved the third amendment request (PZ 09-630-09) on April 14, 2009, allowing a freeway-oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director; and

WHEREAS, the City Council approved the fourth amendment (PZ 10-630-02) on June 14, 2011, and allows three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign, subject to subsequent approval of a Special Use Permit; and

WHEREAS, the City Council approved the fifth amendment (PZ 09-630-03) on June 5, 2012, which increased the maximum number of dwelling units from 2,805 to 3,043 units, and reduced the maximum amount of commercial development from 2,485,000 to 2,098,000 square feet; and

WHEREAS, the City Council approved the sixth amendment (PZ 18-630-01) on February 19, 2019, to amend the text of the RiverPark Specific Plan to allow two (2) monument signs in Planning Districts B and C in the specific plan area, subject to subsequent approval of a Development Design Review Permit; and

WHEREAS, the City Council approved the seventh amendment (PZ 20-630-01) on March 15, 2022, which allowed for the option to develop up to 1,025 additional residential units under the RiverPark Specific Plan, in exchange for a reduction of up to approximately 562,457 square feet of non-residential development potential in accordance with specified development scenarios; and

WHEREAS, the Planning Commission of the City of Oxnard has considered the

proposed map and text amendment to Pages 3.7, 3.22, 5.9, and 5.23 of The RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan (herein referred to as the **"Project"**); and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for Specific Plan Amendment No. 8 (PZ 20-630-02) in accordance with Chapter 16-575 of the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, of the City of Oxnard recommends that the City Council deny an ordinance approving Planning and Zoning Permit No. 20-630-02 (Specific Plan Amendment No. 8 to RiverPark Specific Plan) to amend Sections Pages 3.7, 3.22, 5.9, and 5.23 of The RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan (all amendments as identified within Exhibit A).

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Planning Commission finds that the Riverpark Specific Plan Amendment is internally inconsistent with all other provisions of the City of Oxnard 2030 General Plan.

SECTION 3. The Planning Commission finds that the Riverpark Specific Plan Amendment will be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. The Planning Commission finds that the project site associated with the Riverpark Specific Plan Amendment is not physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 5. The Planning Commission determines that the proposed RiverPark Specific Plan Amendment is not the best use for the subject project site.

SECTION 6. The Planning Commission determines that the RiverPark Specific Plan Amendment is not in the best interests and welfare of the City and its residents.

SECTION 7. The proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 8. The Secretary shall certify the adoption of this Resolution.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2023:

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of February, 2023, and carried by the following vote:

AYES: Commissioners: Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf

NOES: Commissioners:

ABSENT: Commissioners: Vice Chair Stewart

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Joe Pearson II, Secretary

EXHIBIT A

SPECIFIC PLAN AMENDMENT TEXT Changes

PROPOSED AMENDMENTS TO CITY OF OXNARD
RIVERPARK SPECIFIC PLAN

KEY:	Blue Underlined = Proposed Additions ~~Red Strikethrough~~ = Proposed Deletions

3 COMMERCIAL MASTER PLAN

SECTION 3.5 BUILDING TYPE STANDARDS

Section 3.5.2 Standards for Each Building Type

- Type 1-C-A: Large Multistory Anchor
- Type 1-C-B: Large Pad Retail
- Type 1-C-C: Multistory Mini Anchor
- Type 1-C-D: Inline Retail
- Type 1-C-E: Inline Retail With Upper Story Office/Housing
- Type 1-C-F: Pad Restaurant/Retail
- Type 1-C-G: Drive Thru Commercial
- Type 2-C-A: Food and Wine Multistory
- Type 2-C-B: Food and Wine Demo Factory/Outlet Store
- Type 2-C-C: Food and Wine Pavilion/Office Building
- Type 3-C: Office Building
- Type 4-C: Hotel With Retail
- Type 5-C: Stand Alone Kiosk
- Type 6-C: Outparcel Commercial
- Type 7-C: Freeway Adjacent Digital Display Billboards

[. . .]

TYPE 7-C: Freeway Adjacent Digital Display Billboards

The following standards apply to lots for Freeway Adjacent Digital Display Billboards. If the lot contains other building types, the lot must comply with the minimum lot dimension standards required for that building type pursuant to this section, unless otherwise modified. Additional standards pertaining to Freeway Electronic Billboards can be found in Section 5.9 (Signage Standards) and the Oxnard City Code.

LOT DIMENSIONS

Lot Area	Min: 1,000 SF	Max: 15,000 SF
Lot Width	Min: 10'	Max: 300'
Lot Depth	Min: 40'	Max: 100'

SIZE AND SPACING

Billboard Face Display	For allowable face size refer to the Oxnard City Code
Sign Height	For allowable sign height refer to the Oxnard City Code
Setbacks	Min: 0' (Freeway Adjacent Digital Display Billboards only)
Spacing	For minimum spacing requirements refer to the Oxnard City Code

5 LANDSCAPE MASTER PLAN

5.5 EDGES AND BUFFERS STANDARDS

5.5.2 Design Concept for Edges and Buffers

5.5.2.1 The Ventura Freeway Frontage

Landscaping of RiverPark's frontage with the Ventura freeway at Planning Districts D, B and E shall be provided in a landscaped buffer zone. Landscaping in this area shall meet the requirements at two distinct scales: the scale of the freeway, and that of slower moving vehicles and pedestrians within RiverPark. Landscaping perceptible from the Ventura freeway will consist of a single row of 30-foot tall Mexican Fan Palms (at 30 feet O.C.) along the freeway frontage. These palms will clearly differentiate and identify RiverPark not only from the freeway but from the southern approach from Oxnard. For slower-moving vehicles and pedestrians, the zone will also be planted with an appropriate mix of native and indigenous grasses, perennials, shrubs, and trees. See Exhibit 5.AA for a typical cross-section. Properties developed with a Freeway Adjacent Digital Display Billboard in Planning Districts D, B and E shall be exempt from the requirements of this subsection.

~~5.9 SIGNAGE STANDARDS~~

[. . .]

5.9.3.11 Freeway Adjacent Digital Display Billboards

Freeway Adjacent Digital Display Billboards, as defined in the Oxnard City Code (OCC) shall be allowed in Planning Districts A and E, subject solely to the applicable regulations and procedures of OCC Chapter 9 Article IX. Advertising Signs.



RESOLUTION NO. 2023-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 20-500-07 (SPECIAL USE PERMIT) TO ALLOW FOR THE INSTALLATION AND OPERATION OF AN FREEWAY ORIENTED ELECTRONIC BILLBOARD AND LANDSCAPING IMPROVEMENTS, LOCATED BETWEEN THE U.S. 101 AND RIVERPARK BOULEVARD APPROXIMATELY 850 FEET NORTH OF VINEYARD AVENUE IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: 132-0-311-075). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment) to allow for the installation and operation of an electronic billboard on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The Special Use Permit will also include minor landscape improvements within the adjacent Caltrans right of way. These will include the removal of the existing eucalyptus trees and the planting of alternatives, subject to Caltrans approval. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan. ("Project"); and

WHEREAS, the City of Oxnard as the Lead Agency, has prepared Final IS/MND 22-02 in accordance with the requirements of the California Environmental Quality Act (CEQA, Public resources Code § 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines; and

WHEREAS, the Planning Commission is concurrently recommending the City Council deny a Development Agreement request that allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development (PZ 20-670-06), and a Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan. (PZ 20-630-02); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, in accordance with Sections 16-536 and 16-651 of the Oxnard City Code (OCC) and considered the Final IS/MND 22-03 pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, Sections 16-536 and 16-651 of the OCC authorize the Planning Commission to approve a Special Use Permit; and

WHEREAS, the Commission considered Final IS/MND 22-03 prior to making recommendations on the Project; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission finds:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

The Project site has 2030 General Plan land use designations of Commercial Regional (CR) and a zoning designation of RiverPark Specific Plan (RPSP). The proposed project includes the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The Planning Commission does not find that the Project is consistent with Ordinance Amendment (PZ No. 20-580-06), as recommended. The Planning Commission recommendation to the City Council on PZ No. 20-580-06, included increasing the setback from residential to

250 feet. As the proposed sign is within 250 feet of a residentially zoned property, the Project does not conform with the proposed ordinance regulating the placement of the Electronic Billboards. Additionally, the Planning Commission found that the proposed project was inconsistent with 2030 General Plan policies relating to enhancement of City gateways and view corridor preservation, as the sign would have an adverse visual impact on the view corridor. The Planning Commission also found that the project was not compatible with nearby residential uses creating conflicts and the project would not preserve the existing neighborhood identity. Therefore, the proposed project is not in compliance with the 2030 General Plan and other adopted policies, including the proposed Freeway Adjacent Digital Display Billboard regulation, of the City of Oxnard. For the reasons stated above, this Finding cannot be met.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   As described in the Staff Report, pursuant to the 2030 General Plan land use designation of Commercial Regional (CR) and a zoning designation of RiverPark Specific Plan (RPSP). The proposed project includes the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The Planning Commission does not find that the Project is consistent with Ordinance Amendment (PZ No. 20-580-06), as recommended. The Planning Commission recommendation to the City Council on PZ No. 20-580-06, included increasing the setback from residential to 250 feet. As the proposed sign is within 250 feet of a residentially zoned property, the Project does not conform with the proposed ordinance regulating the placement of the Electronic Billboards. Therefore, the proposed project is not in compliance with the 2030 General Plan and other adopted policies, including the proposed Freeway Adjacent Digital Display Billboard regulation, of the City of Oxnard. For the reasons stated above, the Commission found the Project would adversely affect the nearby residential uses, and therefore this Finding cannot be met.

6. **Complies with the requirements of Section 16-609 and Chapter 16 of the Oxnard City Code.**

   As described in the Staff Report, the project as designed and conditioned does not meet the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). Pursuant to the Zoning Code, the Project is not consistent with the applicable development standards.

7. **Will not create a significant traffic or other public safety hazard.**

The Project would comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard. Conditions have also been added to regulate the display cycle, including limitations on the frequency of the image transitions, restrict the use of videos, flashing, blinking or any other means not providing constant illumination. The brightness has also been conditioned to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. Lastly, the Final IS/MND 22-03 includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests. However, the Planning Finds that the sign could be distracting to those on the freeway, constituting a potential safety hazard. For the reasons stated above, this Finding cannot be met.

8. Will be of appropriate size, scale, and design for the area in which it will be located.

As described in the Staff Report, the project as designed and conditioned does not meet the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). The Planning Commission does not find that the Project is consistent with Ordinance Amendment (PZ No. 20-580-06), as recommended. The Planning Commission recommendation to the City Council on PZ No. 20-580-06, included increasing the setback from residential to 250 feet. As the proposed sign is within 250 feet of a residentially zoned property, the Project does not conform with the proposed ordinance regulating the placement of the Electronic Billboards. Therefore, the proposed project is not in compliance with the 2030 General Plan and other adopted policies, including the proposed Freeway Adjacent Digital Display Billboard regulation, of the City of Oxnard. For the reasons stated above, this Finding cannot be met.

SECTION 3. Based on the findings set forth above, each of which provides a separate and distinct basis for denial, the Planning Commission hereby denies Planning and Zoning Permit No. 20-500-07 (Special Use Permit) as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.

SECTION 4. The proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 5. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Oxnard City Code Section 16-545.

SECTION 6. The Secretary shall certify the adoption of this Resolution.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2023.

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of February, 2023, and carried by the following vote:

AYES: Commissioners: Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf

NOES: Commissioners:

ABSENT: Commissioners: Vice Chair Stewart

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Joe Pearson II, Secretary

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

State Clearinghouse Number 2022060706

Prepared for
City of Oxnard
Community Development Department

October 2022

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

Prepared for

City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
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October 2022

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CHAPTER 1

Introduction

This Response to Comments document was prepared to respond to comments that were received on the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). The Final Initial Study/Mitigated Negative Declaration (Final IS/MND) consists of the Public Review Draft IS/MND and this Response to Comments document. The Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). Documents relating to this Final IS/MND were cited and incorporated. All documents are available for review at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

1.1 CEQA Requirements

Before the City of Oxnard may approve the project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the Oxnard City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis.

CEQA Guidelines Section 15074 states that prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. Therefore, the decision making body will be considering the following documents that constitute the Final IS/MND prior to making a decision on the project.

- The Public Review Draft IS/MND
- Response to Comment Document which includes:
  - Comments and recommendations received on the Public Review Draft IS/MND;
  - A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND;
  - The response of the Lead Agency to substantive environmental points raised in the review and consultation process.

This Response to Comments document for the Riverpark Boulevard Electronic Billboard presents the following chapters:

- Chapter 1: Introduction – this chapter incudes an introduction to the Response to Comments and the CEQA process and requirements
- Chapter 2: Comment Letters – this chapter includes a list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND
- Chapter 3: Response to Comments – this chapter includes the written comments received on the Public Review Draft IS/MND as well as the written responses to each comment
- Chapter 4: Errata – this chapter includes any revisions made to the Public Review Draft IS/MND in response to comments received or initiated by the Lead Agency
- Chapter 5: Mitigation and Monitoring Program (MMRP) – this chapter includes a list of the mitigation measures, identification of the responsible implementation agency, agency responsible for monitoring, timing of implementation, and date of compliance for each mitigation measure

1.2 CEQA Process

Public Participation Process

Notice of Intent of the Public Review Draft IS/MND

The Notice of Intent (NOI) of the Public Review Draft IS/MND was posted on June 30, 2022 with the Ventura County Clerk Recorder. The Public Review Draft IS/MND was circulated for a 30-day public review until July 29, 2022. The NOI for the Public Review Draft IS/MND was circulated to state and local agencies and interested parties requesting a copy of the NOI. Copies of the Public Review Draft IS/MND were made available for review at the City of Oxnard Community Development Department located at 214 S. C Street, Oxnard, California, 93030 and at the Oxnard Public Library, 251 South "A" Street. The document was also available at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

Evaluation and Response to Comments

In accordance with Article 6 of the *CEQA Guidelines*, the City of Oxnard, as the Lead Agency, was required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. This Response to Comments document provides written responses to each comment received on the Public Review Draft IS/MND.

Final IS/MND Approval

As the Lead Agency, the City of Oxnard is required to determine the adequacy of the Final IS/MND (Public Review Draft IS/MND and Response to Comments). The City can adopt the Final IS/MND if they find on the basis of the whole record before it (including the Public Review Draft IS/MND and Response to Comments) that there is no substantial evidence that the project will have a significant effect on the environment and that the Final IS/MND reflects the City's independent judgment and analysis.

Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Oxnard will file a Notice of Determination (NOD) with the Ventura County Clerk Recorder within five working days of project approval.

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CHAPTER 2
Comment Letters

The Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) for the Riverpark Boulevard Electronic Billboard was circulated for public review for 30 days (June 30, 2022 through July 29, 2022). The City of Oxnard received four comment letters from public agencies and an individual during the public review period, as listed in the table below. Each comment letter has been assigned an alphabetical designation (A through D). Each comment within each letter has been assigned a numerical designation so that each comment could be cross-referenced with an individual response. The comments and responses are provided in Chapter 3.

COMMENT LETTERS RECEIVED

Comment No.	Commenting Agency	Date of Comment
A	California Highway Patrol	July 27, 2022
B	Ventura County Air Pollution Control District	July 26, 2022
C	County of Ventura Resource Management Agency, Planning Division	July 29, 2022
D	Darron Baida	July 15, 2022

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CHAPTER 3
Responses to Comments

Following are the comment letters and the written responses to each of the comments that were received during the public review period of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). In some instances, in response to the comment, the City of Oxnard has made additions or deletions to the text of the Public Review Draft IS/MND; additions are included as <u>underlined text</u> and deletions are shown as ~~stricken text~~.

CITY OF OXNARD CALIFORNIA

Comment Letter A

Pearson II, Joe <joe.pearson@oxnard.org>

RE: Environmental Impact Report (SCH # 2022060706)

1 message

Primicerio, Jarod@CHP <JPrimicerio@chp.ca.gov> Wed, Jul 27, 2022 at 12:41 PM
To: "Joe.Pearson@Oxnard.org" <Joe.Pearson@oxnard.org>
Cc: CHP-701_AA_Desk <701_AA_Desk@chp.ca.gov>, CHP-EIR <EIR@chp.ca.gov>, "state.clearinghouse@opr.ca.gov" <state.clearinghouse@opr.ca.gov>

The California Highway Patrol's (CHP) Ventura Area office received an Environmental Impact Report (SCH # 2022060706) for a proposed digital billboard adjacent to the US-101 Freeway, located within the City of Oxnard. The CHP Ventura Area was requested to evaluate the proposal; specifically, in regard to the potential impact it may have on departmental operations, public safety, increased calls to the communications center/dispatch, increased response times, and traffic congestion.

This proposed digital billboard, coupled with the two additional proposed digital billboards (SCH # 2022060700 and SCH # 2022060701), all adjacent to the US-101 Freeway within the City of Oxnard, will likely cause a drastic increase to traffic congestion already severely impacted in the region. There are currently two digital billboards adjacent to the US-101 Freeway within the City of Oxnard, thus adding three additional, there would be a total of five digital billboards within less than a four mile stretch along this portion of the Freeway. The magnitude of the project may place a greater strain on limited public safety resources with an expected increase in vehicular traffic on US-101. A potential delay of emergency response due to extended response times places the public at risk. The potential increase in traffic may cause an increase in motor services, crashes, and injuries to motorists. Consequently, these incidents will cause an increase in calls to the CHP Ventura Communications Center and dispatchers. The proposed area is currently experiencing significant growth with the construction of retail and residential properties. The digital sign(s) will exacerbate the traffic congestion and may create long-term detrimental impact to the residents, visitors, and first responders within the Ventura Area. A-1

Should you have any questions, please contact Lieutenant Sergio Perez or myself at (805) 662-2640.

Sincerely,

Jarod Primicerio

CAPTAIN JAROD PRIMICERIO
CALIFORNIA HIGHWAY PATROL
VENTURA AREA
4656 VALENTINE ROAD
VENTURA , CA 93003
OFFICE (805) 662-2640

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Comment Letter A: California Highway Patrol – July 27, 2022

Comment A-1

The comment asserts that the proposed Riverpark Boulevard Electronic Billboard along with the Ventura Road Electronic Billboard and potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance could cause a drastic increase in traffic congestion along U.S. 101 within the City of Oxnard. The comment further states that the increase in traffic volumes and congestion on U.S. 101 would result in a potential delay on emergency response and could result in an increase in motor services, crashes, and injuries.

Response to Comment A-1

The implementation of the proposed electronic billboard along Riverpark Boulevard as well as additional electronic billboards including the Ventura Road Electronic Billboard and electronic billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would not result in a substantial amount of traffic. The proposed Riverpark Electronic Billboard would not generate any employment growth or population growth as discussed in Section 3.13 of the Public Review Draft IS/MND. The implementation of cumulative electronic billboards would not increase operational traffic volumes along U.S. 101. As discussed in Section 3.15 of the Public Review Draft IS/MND, construction activities would generate a nominal number of construction vehicular trips over an approximately two-week construction period.

The concerns raised in this comment do not appear to be a direct result of implementing electronic billboards, but may result from cumulative development throughout the City of Oxnard. Because the Project would not result in an increase in daily or weekly operational traffic volumes, the Project would not contribute to potential cumulative traffic volume increases along U.S. 101 that would contribute to increases in motor services, crashes, and injuries to motorists.

As discussed in Section 3.15 c) in the Public Review Draft IS/MND, the proposed billboard as well as future billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would be required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the proposed electronic billboard would not substantially increase hazards to drivers along U.S. 101, and less than significant impacts would occur. Furthermore, the Project will require an Outdoor Advertising Act Permit from the California Department of Transportation to ensure that the proposed electronic billboard does not represent a danger to motorists traveling along U.S. 101.

Ventura County
Air Pollution
Control District

4567 Telephone Rd
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Ali Reza Ghasemi, PE
Air Pollution Control Officer

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Joe Pearson II, Sr. Planner, City of Oxnard DATE: July 26, 2022

FROM: Nicole Collazo, Air Quality Specialist, Planning Division

SUBJECT: Draft Mitigated Negative Declaration for the Riverpark Boulevard Electronic Billboard (RMA 22-019)

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Riverpark Boulevard Electronic Billboard project (project). The proposed project includes a request for approval of a Special Use Permit for the installation and operation of an LED electronic billboard. The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The Lead Agency is the City of Oxnard. APCD submits the following comments for the project's MND.

GENERAL COMMENTS B-1

Air Quality Section

1) Item a, Page 18. VCOG is no longer responsible for developing the AQMP. This is language contained in our 2003 Ventura County Air Quality Assessment Guidelines and no longer applies. The AQMP is developed by the APCD using SCAG's population growth forecasts in its air quality modeling and forecasting. We recommend amending this section. We also note that our 2022 AQMP is currently in development and scheduled to be adopted at the end of 2022.

Thank you for the opportunity to comment on the project's MND. If you have any questions, you may contact me at nicole@vcapcd.org.

Comment Letter B: Ventura County Air Pollution Control District – July 26, 2022

Comment B-1

This comment states that the Ventura Council of Governments (VCOG) no longer responsible for developing the Ventura County Air Quality Management Plan (VCAQMP) but Ventura County APCD is responsible.

Response to Comment B-1

The City of Oxnard thanks the Ventura County Air Pollution Control District in clarifying that the VCOG no longer provides forecasted regional population, housing, and employment for the VCAQMP.

The fourth sentence of the first paragraph on page 18 of the Public Review Draft IS/MND is revised as follows:

> VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

The second paragraph on page 18 of the Public Review Draft IS/MND is revised as follows:

> The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY
DAVE WARD, AICP
Planning Director

Comment Letter C

July 29, 2022

Joe Pearson II, AICP
Community Development Department, Planning Division
City of Oxnard
214 South C Street
Oxnard, CA 93030

SUBJECT: Response to Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance, a Notice of Intent to Adopt the Proposed Riverpark Boulevard Electronic Billboard MND and the proposed Notice of Intent to Adopt the Ventura Road Electronic Billboard MND

Dear Joe Pearson,

Thank you for providing the Ventura County Planning Division with the opportunity to comment regarding the following Mitigated Negative Declarations:

1. City of Oxnard (City) Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance project (proposed ordinance).
2. City of Oxnard NOI to adopt an MND for the Ventura Road Electronic Billboard project
3. City of Oxnard NOI to adopt an MND for the Riverpark Boulevard Electronic Billboard project.

The proposed Freeway Adjacent Billboards ordinance would permit the siting of digital display billboards within 400 feet of the U.S. 101 right-of-way, on the City's property or in its right-of-way, and in non-residential zones. No digital display billboards may be sited less than 100 feet from the property line of any residential zoned parcel. The proposed development standards would limit billboards to a maximum face display area of 14 feet in height and 48 feet in width, require orientation primarily for viewing from the freeway, and the maximum height of the entire structure cannot exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of each display. Each digital display billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet. The permitting path process would be a Special Use Permit. Section 16-530 of the Oxnard Municipal Code describes that a Special Use Permit is authorized by the Planning Commission. C-1

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The County has calculated the distance of the proposed ordinance planning area in relationship with unincorporated area of the County. Calculating the stretch of Highway U.S. 101 from the easternmost portion of the proposed ordinance project area to the westernmost portion, the total length of the project area was estimated at 4.09 miles. Using this estimate, the total of length of unincorporated area in the ordinance planning area totaled approximately 1.3 miles or 30% of the total project planning area distance along the Highway U.S. 101. This calculation represents a significant portion of unincorporate area that may be impacted by the proposed ordinance, particularly along unincorporated areas of El Rio/ Del Norte and Nyeland Acres.

C-1 (Cont)

The project area for the proposed ordinance is located adjacent to portions of the El Rio/ Del Norte and Nyeland Acres unincorporated communities. There are also two billboards proposed. The Riverpark Boulevard Electronic Billboard project would be located approximately 1,800 feet from an unincorporated zone for residential high-density development (RHD-20 du/ac). The Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed. Based on these circumstances, the proposed projects may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Since it is difficult to evaluate cumulative impacts due to the three separate MND's for these projects; prior to taking any action on the proposed projects, the City should consolidate its review of potential environmental impacts of the Ordinance MND, Ventura Road and RiverPark project MND's into one environmental analysis and document. Given that these projects are being processed concurrently, and the fact that Ventura Road and RiverPark projects cannot be adopted until the billboard ordinance is adopted, consolidation of the three MND's will enable to the County to understand direct, indirect and cumulative environmental impacts of the ordinance programmatic and billboard projects.

C-2

The revised analysis should evaluate potential environmental impacts for the unincorporated areas adjacent to and in the vicinity of the proposed projects; , particularly residential areas in the El Rio/Del Norte and Nyeland Acres communities. Specific issue area to consider are neighborhood compatibility, scenic resources, and biological resource issues areas discussed below.

Impacts to Neighborhood Compatibility

The MNDs evaluate aesthetic impacts, and the Ordinance MND states that, "because specific electronic billboard projects are not known at this time, project-level environmental impacts cannot be assessed. As each individual electronic billboard project is proposed, a project level environmental evaluation will be required" (MND Chapter 3, Aesthetics and Urban Design). However, there are MNDs for two proposed billboards within the proposed ordinance planning area. As stated above, for adequate CEQA review, these projects should be combined onto one study and the projects should be processed in accordance with the proposed ordinance.

C-3

The proposed ordinance should require projects to be designed to meet development standards that reduce or eliminate potential impacts without deferring to an evaluation for consistency with lighting and other standards until after the billboards are authorized and built. Please consider the following amendments to the draft ordinance to reduce potential impacts:

- Clarify that setback distances to residential zones also apply to unincorporated residential zones.
- Clarify how height is measured and require height to be measured from the adjacent average grade.
- Limit the number of billboards that can be sited within the planning area.
- Clarify how the ordinance will benefit disadvantaged communities.

C-3 (Cont)

Setbacks: The ordinance should be revised to consider residential zoned unincorporated properties located adjacent to the proposed ordinance planning area where electronic billboards could be sited (see circled areas in Figure 1 below). As drafted, the ordinance could allow billboards to be sited within a few feet of residential zones in the unincorporated area.

It would be helpful if the proposed Ordinance MND, Figures 2, 2b, and 2d accurately delineate unincorporated areas relative to the planning area. As of now, the program location areas do not display the difference between the separate jurisdictional boundaries, specifically the City of Oxnard and unincorporated community planning areas and therefore potential impacts cannot be adequately evaluated. The City should update the program location index images in the proposed ordinance MND to accurately reflect the location of planning area boundaries in relation to unincorporated County boundaries.

C-4

Height: As stated in the proposed Ordinance MND, the "maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display" (MND Page 9). The height standards of electronic billboards in the Ordinance MND should be clarified so the public can understand maximum heights of the billboards from the top of the billboard to ground level, as slope and topography changes will site billboards lower or higher in relation to adjacent land uses and cause impacts that were not evaluated in the Ordinance MND. For example, the proposed Riverpark Boulevard Electronic Billboard (MND No.22-03) has a proposed height of 80 feet measured from the top of the billboard to the ground. This height standard used in this specific proposal is more accurate than the method of measurement proposed in the ordinance and could be inconsistent with the ordinance. One method of measurement is needed that evaluates the maximum height as measured from the adjacent grade to the top of the billboard itself. The County requests that you please verify in the Response to Comments that the height in the ordinance for billboards will not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display for any proposed billboard projects. If this height assumption is inaccurate, please verify the maximum height that any billboard can be pursuant to the ordinance.

C-5

Limit the Number of Billboards: Another potential cumulative impact on unincorporated areas is there are no maximum quantity of allowable digital billboard displays identified in the proposed ordinance. As of now, the Ordinance MND makes no indication for a maximum allowable number throughout the entirety of the planning area. There should be calculations to understand the potential maximum number of digital display billboards, taking into consideration that they must be placed 2,000 feet away from one another. The proposed ordinance should include reference that existing digital display billboards must comply with the all development standards, including setbacks set forth in the Caltrans Outdoor Advertising Act and Regulations. C-6

Community Benefits: El Rio/ Del Norte and Nyeland Acres communities are identified in the County General Plan as designated disadvantaged communities. The City should take into consideration how the ordinance and billboards would affect these disadvantaged communities and update the Required Findings of Public Benefit section of the proposed Ordinance MND (page 10) to describe how public benefits will be provided to affected disadvantaged communities that could be adversely affected by the proliferation of digital display billboards. C-7

The City and digital display billboard applicants should also meet with the El Rio/ Del Norte Municipal Advisory Council to further clarify potential public benefits and impacts from the proposed ordinance and XX project and XX project . Furthermore, the El Rio/Del Norte Area Plan includes the following policy that encourages the City to present proposed ordinances and discretionary projects to the Council for review and comment (italics added for emphasis):

Policy, ED-21.1- Public Review Authority
The El Rio/Del Norte Municipal Advisory Council shall continue to be the Board of Supervisors' recognized public review group for the El Rio/Del Norte area. All County *and city applications for discretionary permit*s and all environmental documents for projects which would affect the El Rio/Del Norte area shall be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council as early in the process as possible. C-8

Scenic Resources
To address concerns with light pollution, light trespass illuminance standards were discussed in the proposed Ordnance MND. However, there are still concerns with glare and light pollution, specifically in the evening with respect to the nearby residential communities. The analysis within Chapter 3 of the proposed Ordinance MND did not evaluate potential impacts from public viewing locations such as roadways in the unincorporated area of Ventura County, particularly the El Rio and Nyeland Acres communities. Since there is no numerical limit on the proliferation of billboards under the proposed ordinance, the Ordinance MND should also evaluate cumulative impacts from glare and illuminance from the perspective of public roads and hiking trails in the hillside areas with views of the Oxnard Plain. C-9

When assessing the distance from Digital Billboard Display's to residential parcels, Los Angeles County's zoning code, Section 22.114.070 prescribes standards for outdoor advertising signs, and states that such signs shall not be permitted within 200 feet of a residential zone located on the same side of the street or highway. The City should adopt the same or greater 200-foot setback requirement from residential zones (including unincorporated residential zones) rather than the proposed 100-foot setback. The City should also include the following standard from Los Angeles County zoning code Section 22.114.050 in the MNDs and conditions of approval for light protection to surrounding premises, with the additional reference added for applicability to unincorporated areas in parenthesis:

- In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

The proposed Ordinance MND states that, "light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for light-sensitive urban areas such as residential areas and 0.2 fc or greater for natural areas such as the Santa Clara River Basin" (MND page 19). The Ordinance MND should also include references to compliance with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5 for enforcing sign brightness and reads as follows: C-9 (Cont)

- No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.
- The brightness reading of an objectionable light source shall be measured with a 11/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source.

Lastly, Federal Highway Administration guidance on off-premise changeable message signs recommend adjusting brightness in response to changes in light levels so that signs are not unreasonably bright for the safety of the motoring public. Brightness should be adjusted accordingly and if a billboard has the potential to illuminate uses in unincorporated residential zones, an evening time shut off period should be required for mitigation of potential brightness and illumination light spill.

The City should include mitigation measures and comparable brightness standards for the intensity of lighting identified in the City of Ventura's Auto Center Specific Plan Amendments for the Final Initial Study Mitigated Negative Declaration that was approved in 2017 as either mitigation measures in the Ordinance MND or development standards in the Billboard Ordinance. The City of Ventura's Auto Center electronic billboard display is routinely turned off at 10 p.m. to mitigate light emittance and nuisance in the evening time. The following measures from the Auto Center Specific Plan should also be included in the proposed ordinance, and digital display billboard projects should be conditioned as follows:

Mitigation Measure AES-1: Electronic Sign Brightness. The Auto Center Specific Plan shall include the following standards for the Auto Center freeway sign and Auto Center entry sign:

- Lighting levels on the digital sign shall not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America.
- Brightness shall not exceed 800 nits (candela per square meter) from sunset to sunrise. At all other times, brightness will not exceed 7500 nits.
- Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face.
- A light sensor shall be installed with the sign to measure ambient light levels and to adjust light intensity to respond to such conditions. The light sensor adjusts the sign's brightness in order to compete with ambient light. The darker the surrounding ambient light, the less bright the sign is.
- The sign shall not display any moving, flashing, scrolling, fading, brightening or animated text or video.
- Signage shall be controlled remotely and include remote maintenance software.
- LED lighting has a directional nature, and the projected viewing angle values for this sign shall be ± 30° vertically and ± 60° horizontally. Louvers shall be located above each row of lights to prevent light from projecting upward into the sky.

C-9 (Cont)

Mitigation Measure AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the freeway sign. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.3 foot-candle requirement is satisfied.

Biological Resources

The proposed Ordinance MND (page 32) evaluates potential impacts to critical habitat, special status plant species and avian species. The electronic billboards could impact wildlife corridor movement due to electronic light displays that deter and disorient wildlife movement. The Santa Clara River riparian area is identified by the County of Ventura as an important Habitat Connectivity and Wildlife Corridor. Without precise mapping that identifies the extent that billboards could be placed closest to the Santa Clara River basin, and the proposed approach to test billboards for impacts after they are bult, there is insufficient information to determine whether there will be direct, indirect, or cumulative impacts to wildlife movement. CEQA requires protecting wildlife corridors/movement areas and the proposed ordinance development standards, environmental impact analyses, and project-specific conditions of approval should include measures to conserve the natural state of the habitat wildlife corridor and ensure species can move throughout the region. The City should consider the following mitigation measure in the Ordinance MND for impacts to biological resources. This mitigation measure should also apply to the Riverpark Boulevard MND and as needed to future digital billboard projects' conditions of approval:

AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign, as measured from within the Habitat Corridor. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.2 foot-candle requirement is satisfied.

C-9 (Cont)

The Santa Clara River is the longest continuous river system in Southern California and runs over 100 miles in length, originating from the San Gabriel Mountains in Los Angeles County and traverses throughout Ventura County to reach the Pacific Ocean. Extensive patches of high-quality riparian habitat are present along the length of the river and its tributaries. Numerous state and federally listed species have been found in and nearby the undeveloped areas (e.g., least bell's vireo (Vireo bellii pusillus), mesa horkelia (Horkelia cuneata), California legless lizard (Anniella pulchra), Lyon's pentachaeta (Pentachaeta lyonia), and coastal California gnatcatcher (Polioptila californica californica). Please see Figure 2 below for a map of the Habitat Connectivity and Wildlife Corridor in the South Coast Ventura County region. The proposed Ordinance MND should be revised to adequalty analyze the impacts to the wildlife corridor and include additional mitigation measures as appropiate. Lastly, the following El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance, and as a basis for biological mitigation measures to offset environmental impacts:

Goal, ED-32: To protect the biological resources of the Santa Clara River and adjoining natural habitat areas including significant stands of Southern Willow within the Santa Clara River bounding the El Rio/Del Norte area.

Goal, ED-33: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

C-9 (Cont)

Policy, ED-33.1: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

In closing, thank you again for the opportunity to comment on the three MNDs for the proposed ordinance and digital display billboard projects. The County is hopeful that the City will combine these three MND's into one environmental document and recirculate for public review and comment. This action would facilitate meaningful public disclosure of the potential direct, indirect, and cumulative environmental impacts of the Ordinance MND and associated Ventura Road and RiverPark projects on the unincorporated County. If you have any questions about this letter, please contact Joel Hayes at Joel.Hayes@ventura.org or 805.654.2834.

C-10

Sincerely,

Susan Curtiss for Dave Ward

Dave Ward, AICP I Planning Director
County of Ventura, Planning Division

Figure 1. Unincorporated Residential Zones (circled in green) that need to be evaluated for direct, indirect and cumulative impacts due to the proposed ordinance and billboard projects.

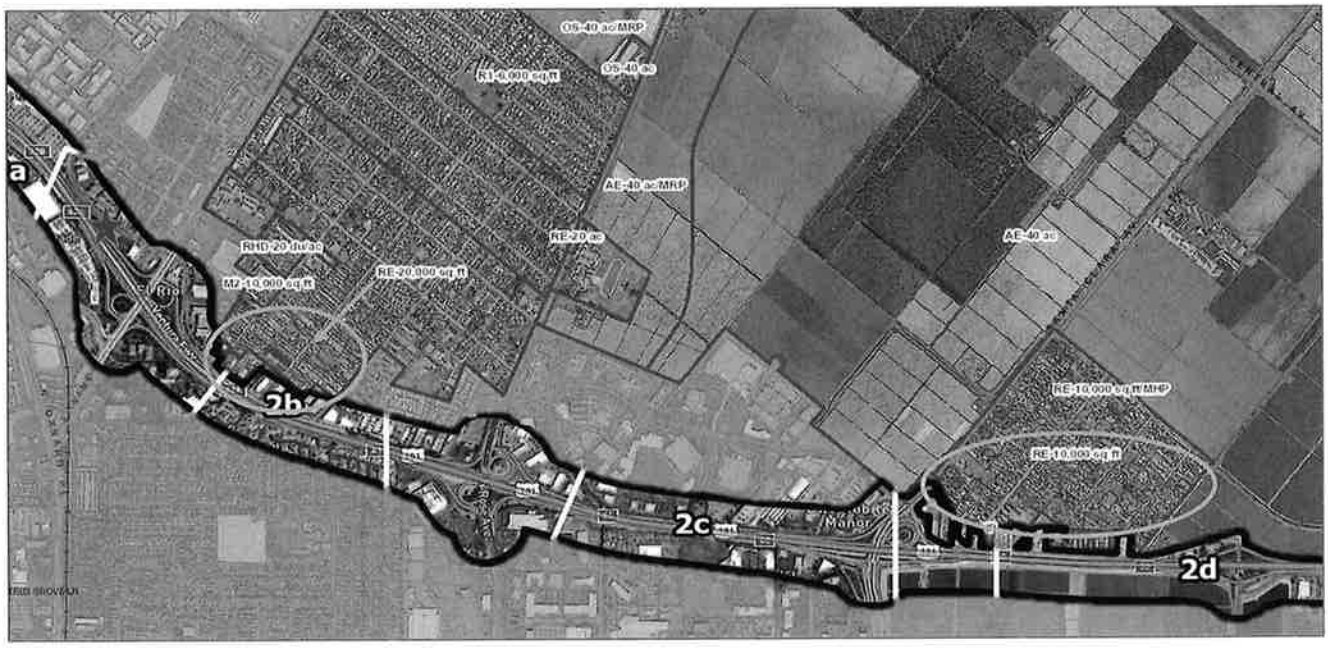
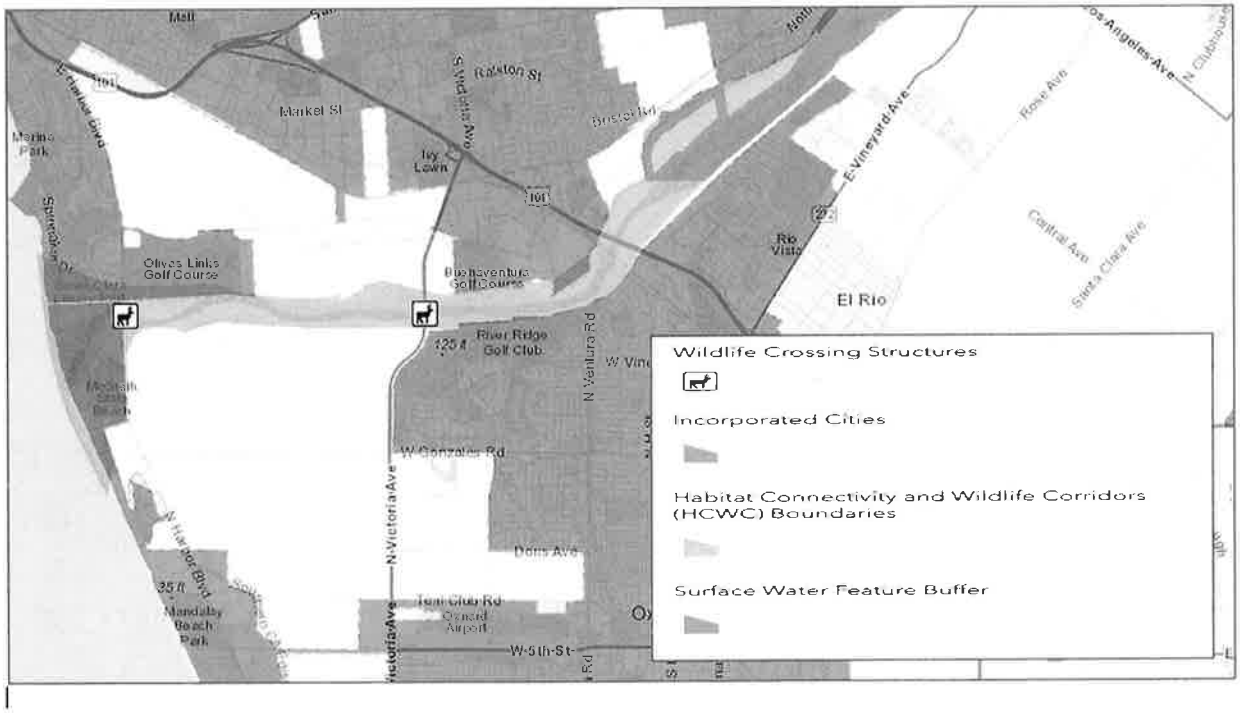


Figure 2. Map showing Habitat Connectivity and Wildlife Corridors in the Santa Clara River basin.



Comment Letter C: County of Ventura Resources Management Agency, Planning Division – July 29, 2022

Comment C-1

This comment states that the Planning Division reviewed three separate Mitigated Negative Declaration (MNDs) related to the proposed Riverpark Electronic Billboard, potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance and Ventura Road Electronic Billboard. The comment specifically states that the proposed Riverpark Electronic Billboard would be located approximately 1,800 feet from an unincorporated zone for residential high-density development. The comment asserts that the proposed Project may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Response to Comment C-1

The potential Riverpark Boulevard Electronic Billboard Project would increase impacts to residential areas in the immediate vicinity of the site; however, nominal impacts to residents located approximately 1,800 feet from the Project site would occur due to distance. As discussed in Section 3.18 b) in the Public Review Draft IS/MND, the proposed Riverpark Electronic Billboard could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related electronic billboard projects would need to occur at least 2,000 feet from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

Comment C-2

This comment asserts that evaluating the cumulative impacts of the three projects that are addressed within the three separate Public Review Draft IS/MNDs is difficult and recommends that the City consolidates its review into one environmental document.

Response to Comment C-2

The potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. A discussion of cumulative impacts is provided for each Public Review Draft IS/MND in Section

3.18 b). The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

Comment C-3

This comment states that an analysis of potential environmental impacts to unincorporated areas such as the El Rio/Del Norte and Nyeland Acres communities and sensitive biological resources adjacent to and in the vicinity of the proposed Project should be evaluated.

The comment also requests amendments to the draft Freeway Adjacent Digital Display Billboards Ordinance.

Response to Comment C-3

The Riverpark Boulevard Electronic Billboard Project is located approximately 1,000 feet from the El Rio/Del Norte community but located approximately two miles from the Nyeland Acres community. As discussed in Chapter 3 of the Public Review Draft IS/MND, the proposed Riverpark Electronic Billboard could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Additional potential impacts on residents and motorists such as views, light, glare, and noise from the implementation of the proposed Riverpark Boulevard Electronic Billboard could occur, but the impacts would be less than significant as discussed in Chapter 3 of the Public Review Draft IS/MND.

Given that the potential related billboard projects (i.e., Ventura Road Electronic Billboard and additional electronic billboards implemented as part of the Freeway Adjacent Digital Display Billboards Ordinance) would need to occur at least 2,000 feet from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

Because the Project site is located approximately 1,000 feet from the El Rio/Del Norte unincorporated community, the request for amendments to the Ordinance is not applicable to the Riverpark Boulevard Electronic Billboard Project. The Project's specific potential impacts are evaluated in the Public Review Draft IS/MND.

Comment C-4

This comment references the proposed Ordinance and requests setbacks.

Response to Comment C-4

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

Comment C-5

This comment references the proposed Ordinance and requests more specific information on maximum heights.

Response to Comment C-5

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

Comment C-6

This comment references the proposed Ordinance and requests more specific information on limiting the number of billboards.

Response to Comment C-6

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

Comment C-7

This comment asserts that the City should take into consideration how the ordinance and proposed billboards would affect disadvantage communities and how public benefits will be provided to affected disadvantage communities.

Response to Comment C-7

The El Rio/Del Norte and Nyeland Acres communities are within the jurisdiction of the County of Ventura. These communities are outside of the City of Oxnard. Potential impacts associated with the construction and operation of the Riverpark Boulevard Electronic Billboard Project would impact residents that are in close proximity to the Project site; however, less than significant impacts would occur to these residents as well as residents of the El Rio/Del Norte community. The Project would not impact the residents of the Nyeland Accres community because the Project site is located more than 3 miles to this unincorporated community.

Comment C-8

This comment asserts that all County and City applications for discretionary permits and all environmental documents for Projects should be sent to the Board of Supervisor's Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

Response to Comment C-8

A Notice of Intent to Adopt a Mitigated Negative Declaration was mailed to the County of Ventura for distribution. Potential impacts associated with the construction and operation of the Riverpark Boulevard Electronic Billboard Project would not result in significant impacts to the residents of the El Rio/Del Norte community as discussed in Chapter 3 of the Public Review Draft IS/MND.

Comment C-9

This comment addresses evaluations of scenic resources and biological resources provided in the Freeway Adjacent Digital Display Billboards Ordinance Public Review Draft IS/MND.

Response to Comment C-9

This comment does not address contents within the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND. Therefore, no further response is required.

Comment C-10

This comment thanks the City for providing an opportunity to comment on the three Public Review Draft IS/MNDs for the proposed Ordinance and the electronic billboard projects. The County reiterated the request to provide the environmental documentation for the IS/MNDs into one environmental document.

Response to Comment C-10

As discussed in Response to Comment C-2, the potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

CITY OF OXNARD CALIFORNIA

Comment Letter D

Pearson II, Joe <joe.pearson@oxnard.org>

Re: Notice of Intent to Adopt MND - Riverpark Boulevard Electronic Billboard

1 message

Darron B <darronbaida@gmail.com> Fri, Jul 15, 2022 at 2:41 PM
To: "Pearson II, Joe" <joe.pearson@oxnard.org>

Mr. Pearson,
Were there any additional hearings on the electronic billboards since December 2021? Being on the interest list and not hearing anything since then, I assumed the proposal was abandoned. Was a migratory bird study performed as they may be impacted by the new light pollution?

Are there any ways to stop the ordnance from being changed and these being built? It's an incredibly bad idea for Oxnard that I'm willing to go to bat for. I appreciate any suggestions you have. D-1

Thank you.
Darron Baida

On Thu, Jun 30, 2022 at 8:37 AM Pearson II, Joe <joe.pearson@oxnard.org> wrote:

> Hello,
>
> Please see attached Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Riverpark Boulevard Electronic Billboard Project.
>
> **The public review period begins June 30, 2022, and ends July 29, 2022**. All comments should be provided in writing and received before 5:00 p.m. on July 29, 2022. Inquiries should be directed to Joe Pearson, Principal Planner, at (805) 385-8272 or Joe.Pearson@oxnard.org. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).
>
> Best,
>
> **Joe Pearson II, AICP | Principal Planner**
> **Community Development Department**
> 214 S C Street | Oxnard, CA 93030
> O: 805-385-8272
> Joe.Pearson@Oxnard.org
> www.oxnard.org
>
> Online services are available through our online portal at www.oxnard.org/planning
>
> - General inquiries should be sent via email to Planning@oxnard.org.
> - For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
> - For existing applications, contact your assigned Case Planner by direct email.
>
> The Community Development service counter has reopened to the public from 8:00 a.m. to 4:00 p.m., Monday through Thursday and 9 a.m.-4 p.m. on alternating Fridays.
>
> When visiting the Service Center, please follow masking protocols as established by the County of Ventura. Information regarding mask wearing guidelines can be found here: https://www.venturacountyrecovers.org/

Comment Letter D: Darron Baida – July 15, 2022

Comment D-1

This comment asks if there were hearings on the proposed electronic billboard since December 2021. In addition, the comment asserts that the proposed Freeway Adjacent Digital Display Billboards Ordinance is a bad idea.

Response to Comment D-1

No public hearings have occurred on the Riverpark Boulevard Electronic Billboard Project. The public hearing to deliberate the approval of the Project will be noticed to the public in accordance with the City's public hearing notice requirements. The comment regarding the Freeway Adjacent Digital Display Billboards Ordinance is an opinion and not a comment on the contents of the Public Review Draft IS/MND.

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CHAPTER 4
Errata

The following text changes are made to the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and incorporated as part of the Final Initial Study/Mitigated Negative Declaration (Final IS/MND). These changes are minor and do not alter the conclusions of the Public Review Draft IS/MND. Changes to the text are noted with underline (for added text) or ~~strikeout~~ (for deleted text).

Page 18, fourth sentence of the first paragraph

VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

Page 18, second paragraph

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

Page 27, second and third paragraphs

Mitigation Measure BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December ~~January~~ 31, outside the ~~typical~~ nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the ~~typical~~ nesting season (January ~~February~~ 1 – September 15 ~~August 31~~), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a ~~100 to 3~~ 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests

within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

CHAPTER 5
Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
AES-1: The proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash..	Prior to construction completion	Project Construction Contractor	Community Development Department	
AES-2: Within 14 days of the proposed electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), the Applicant shall submit to the satisfaction of the Community Development Director the following information: • A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas.	Ongoing	Applicant	Community Development Department	
BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds. If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.				
CUL-1: Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of	Retain Archaeologist and Native American Monitor prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant, Project Archaeologist, and Native American Monitor	Community Development Department	

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department

June 2022

ESA

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
805.385.8272

June 2022

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ENVIRONMENTAL CHECKLIST

Initial Study

1.0 Project Information

1. **Project Title:** Riverpark Boulevard Electronic Billboard

2. **City of Oxnard Contact Person and Phone Number and Address:**
City of Oxnard
Community Development Department
Planning Division
214 South C Street
Oxnard, California 93030
Joe Pearson, II, Senior Planner
805-385-8272

3. **Project Location:** The Project is located on a 0.25-acre site in the northern portion of the City of Oxnard (**Figure 1**). Specifically, the site is located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue, approximately 65 feet south of Riverpark Boulevard, and approximately 1-foot and 4 inches from the U.S. 101 right-of-way (**Figure 2**). The Project site is currently undeveloped.

4. **Project Sponsor's Name and Address:**
Foster Interstate Media, Inc.
1111 Broadway, Suite 1515
Oakland, CA 94607
T: 510-832-7070 x 1103
F: 510-832-7071
C: 415.385.1781

5. **General Plan Designation(s):** The Project site is designated under the City of Oxnard 2030 General Plan as Regional Commercial, according to the General Plan Land Use Map. The proposed Project conforms to the 2030 General Plan land use designation.

6. City Zoning: The zoning designation of the proposed Project is RiverPark Specific Plan with a Public Facilities Land Use.

7. Description of Project:

The Riverpark Boulevard Electronic Billboard is located between U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue. The Project site is located within the RiverPark Specific Plan "A" and was assessed as Public Facilities as part of the 2009 Addendum 8 to the RiverPark Specific Plan Final EIR. The implementation of the proposed Riverpark Boulevard Electronic Billboard would require the approval of a Special Use Permit, Amendment to the RiverPark Specific Plan, and a Development Agreement. The Project plans are provided in **Appendix A**.

Special Use Permit

The proposed Project includes a request for approval of a Special Use Permit for the installation and operation of an electronic billboard (**Figure 3**). The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The proposed billboard would be supported by a pole that ranges in diameter from approximately 7 feet to 3 feet. The pole would extend approximately 40 feet below ground and approximately 45.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The top of the billboard would be 60 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width (**Figure 4**). The existing ground level is at approximately the same elevation as the travel lanes along U.S. 101 and Riverpark Boulevard. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Electricity for the electronic billboard will be provided by electrical service located immediately adjacent to the Project site and require approximately 40 feet of trenching for the electrical connection. The average electricity use is approximately 150 kilowatt hour (kwh) per day and approximately 54,000 kwh per year. Lighting levels on the digital sign will not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America. Brightness shall not exceed 300 nitere (nits) or candela per square meter from sunset to sunrise. At all other times, brightness will not exceed 7,500 nits. Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness based on ambient conditions. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. LED lighting has a directional nature, and the projected viewing angle values for the proposed sign will be +14.9°/-34.6° vertically and ±45° horizontally. Louvers will be located above each row of lights to prevent light from projecting upward into the sky.

Construction activities would occur in approximately four days over a two-week period. Eight existing eucalyptus located on the north side of U.S. 101 are proposed to be removed which would require Caltrans approval because the trees are located within the U.S. 101 right-of-way. In addition, the Project includes removal of all dead wood located in the vicinity of the existing eucalyptus trees. The Project includes the placement of small multi-trunk accent trees with a maximum height of 15 feet along with low groundcover and shrubs (**Figure 5**). Up to two days will be required to drill the footing and haul/dispose of excess dirt and pour concrete to set the column. After the concrete sets, the structure is built. Finally, the digital displays are built and set.

Specific Plan Amendment

The proposed Project will require an amendment to the RiverPark Specific Plan. The amendment would include the addition of Freeway Adjacent Digital Display Billboards within the Commercial Master Plan of the RiverPark Specific Plan. The specific revisions to the Specific Plan text is provided in **Appendix B**. The proposed revisions identify minimum and maximum lot dimensions as well as size and spacing of the billboards. These revisions would be consistent with the proposed Freeway Adjacent Digital Display Billboards Ordinance that is required to be approved prior to approval of the proposed Project.

Development Agreement

The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement would also outline the required public benefits to be provided by the future development, including fiscal benefits to the City, such as revenue sharing. No other physical improvements are allowed or required by the development agreement.

8. Surrounding Land Uses and Setting

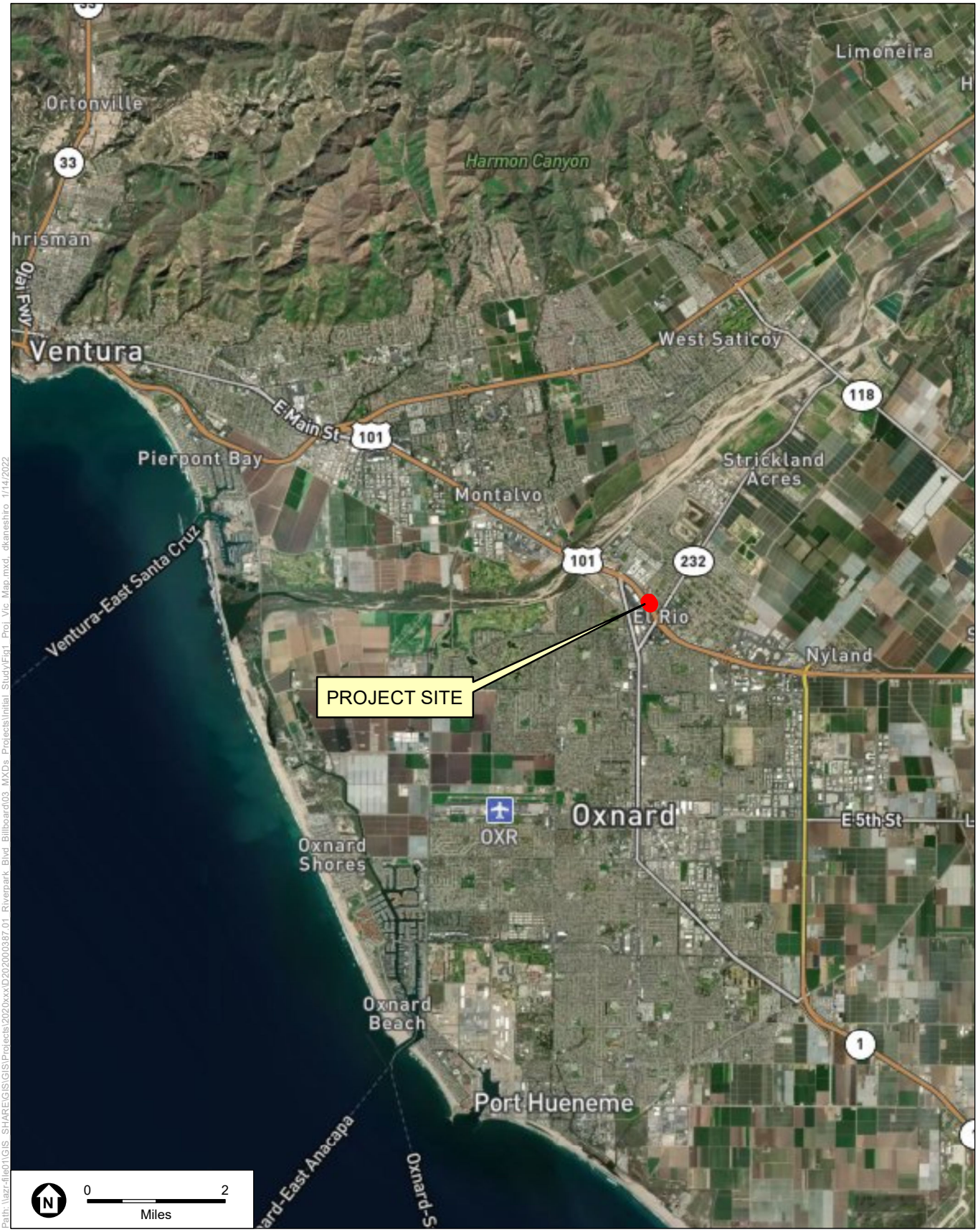
The area surrounding the Project site consists of a mix of residential and commercial land uses. To the west and south of the Project site, across U.S. 101, is the Esplanade Commercial Shopping Center. To the southeast are retail commercial uses adjacent to Vineyard Avenue. These commercial and retail land uses are zoned as RiverPark Specific Plan. On the northeast side of Riverpark Boulevard is a place of worship and single family residences that are part of the El Rio West neighborhood and zoned as a Multiple-Family Residential Planned Development and Single-Family Residential Planned Development. To the north are the two and three story Paseo Del Rio Apartments, which are also a part of the RiverPark Specific Plan Area. Further to northeast within the RiverPark Specific Plan area are additional apartments that are three stories and beyond the apartments is the Collection shopping center.

9. Other public agencies whose approval is required

The proposed Project will require two separate permits from the California Department of Transportation (Caltrans). Because the Project includes the removal of existing landscaping and the installation of new landscaping within the right-of-way of U.S. 101, an encroachment permit from Caltrans will be required. In addition, the proposed Project will require an Outdoor Advertising Act Permit from Caltrans to ensure the proposed electronic sign does not represent a danger to motorists traveling along U.S. 101. No additional permits, financing approval or participation agreement will be required from other public agencies.

10. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (**Appendix C**). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52. The Barbareno/Ventureno Band of Mission Indians did not request consultation with the City of Oxnard regarding the proposed Project.

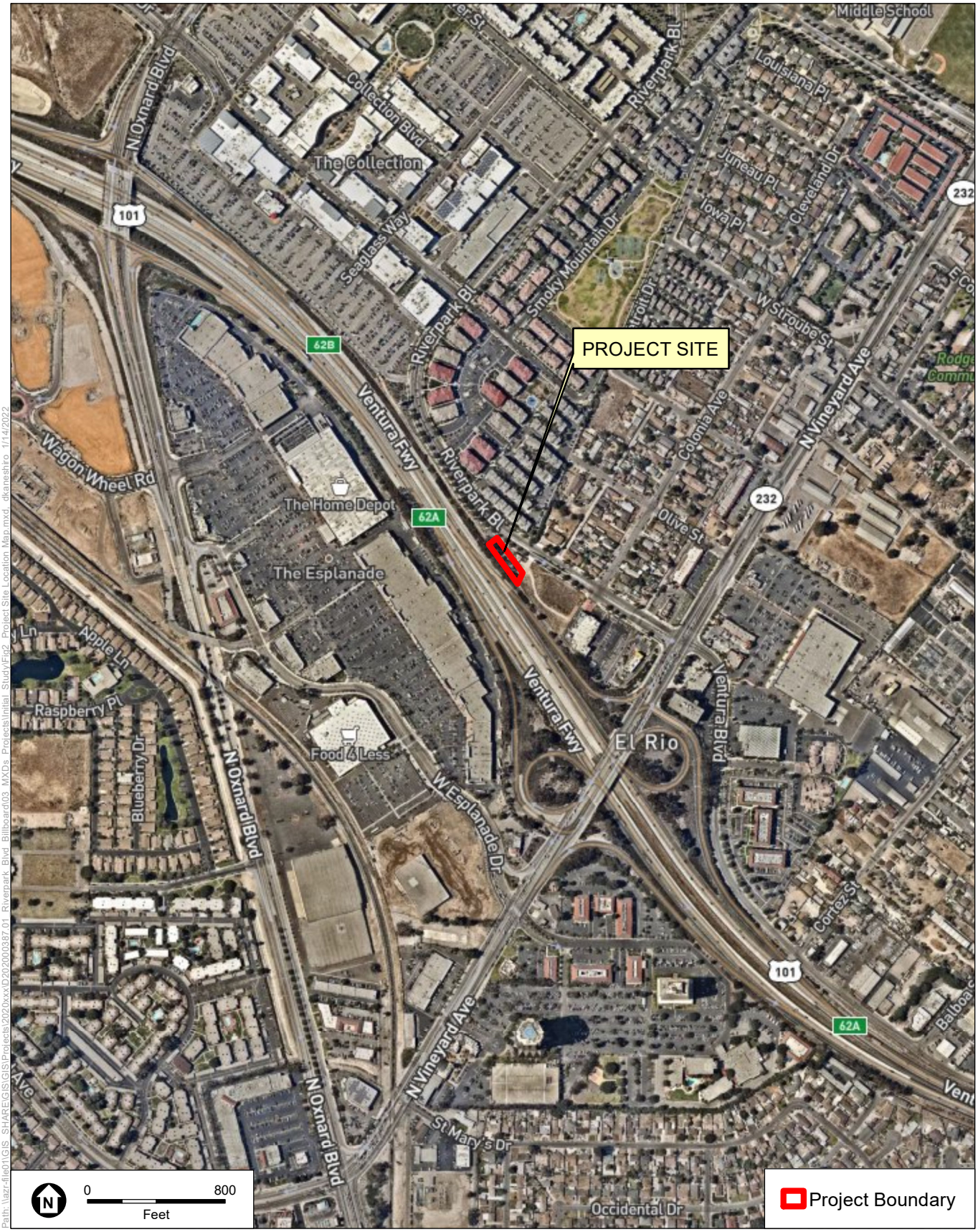


SOURCE: OpenStreetMap, 2022

Riverpark Boulevard Electronic Billboard Project

Figure 1
Project Vicinity Map

ESA

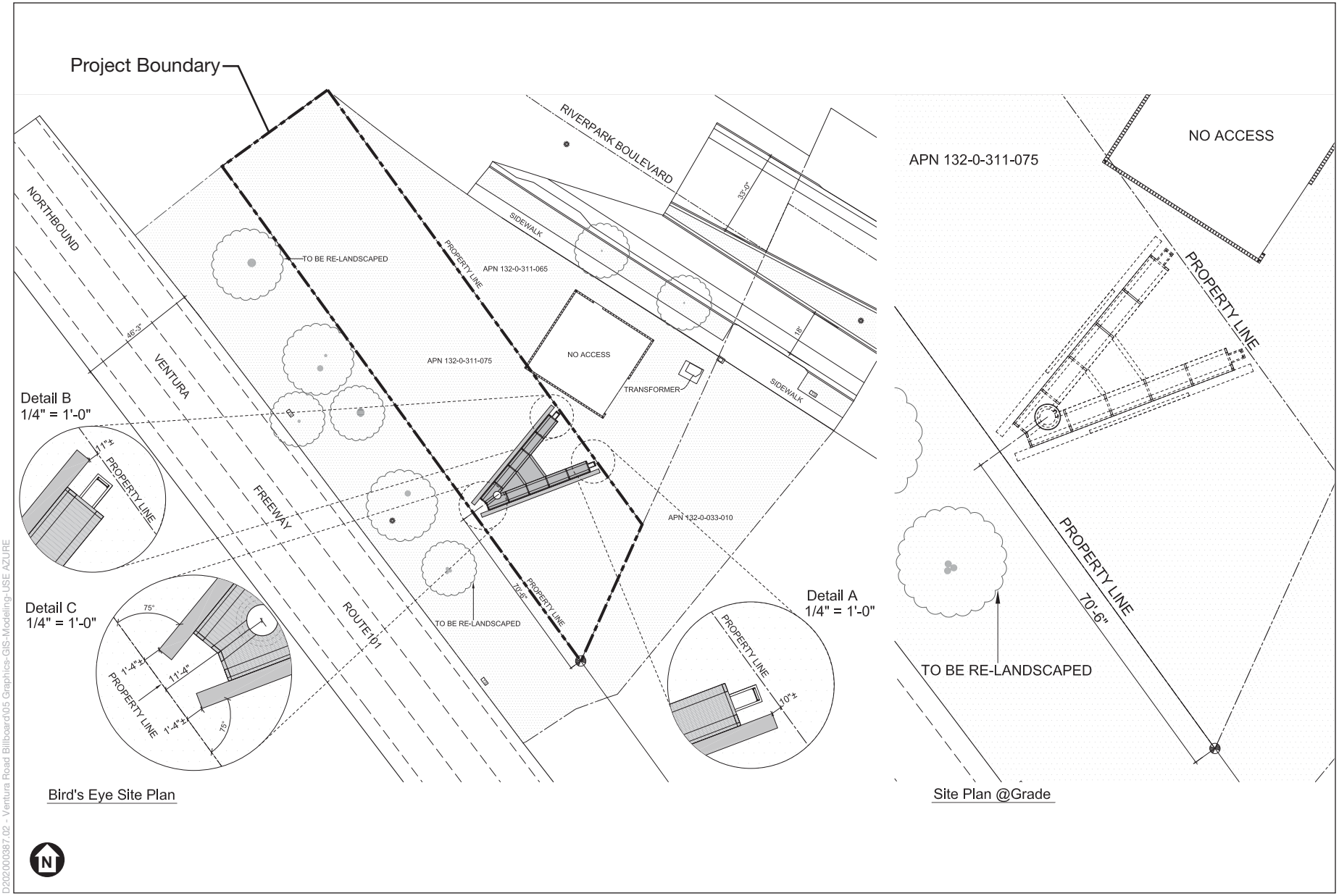


SOURCE: OpenStreetMap, 2022

Riverpark Boulevard Electronic Billboard Project

Figure 2
Project Site Location Map

Path: \\azr-file01\GIS_SHARE\GIS\Projects\2020\xxxID2020000387.01_Riverpark_Blvd_Billboard\03_MXDs_Projects\Initial_Study\Fig2_Project Site Location Map.mxd dkaneshiro 1/14/2022

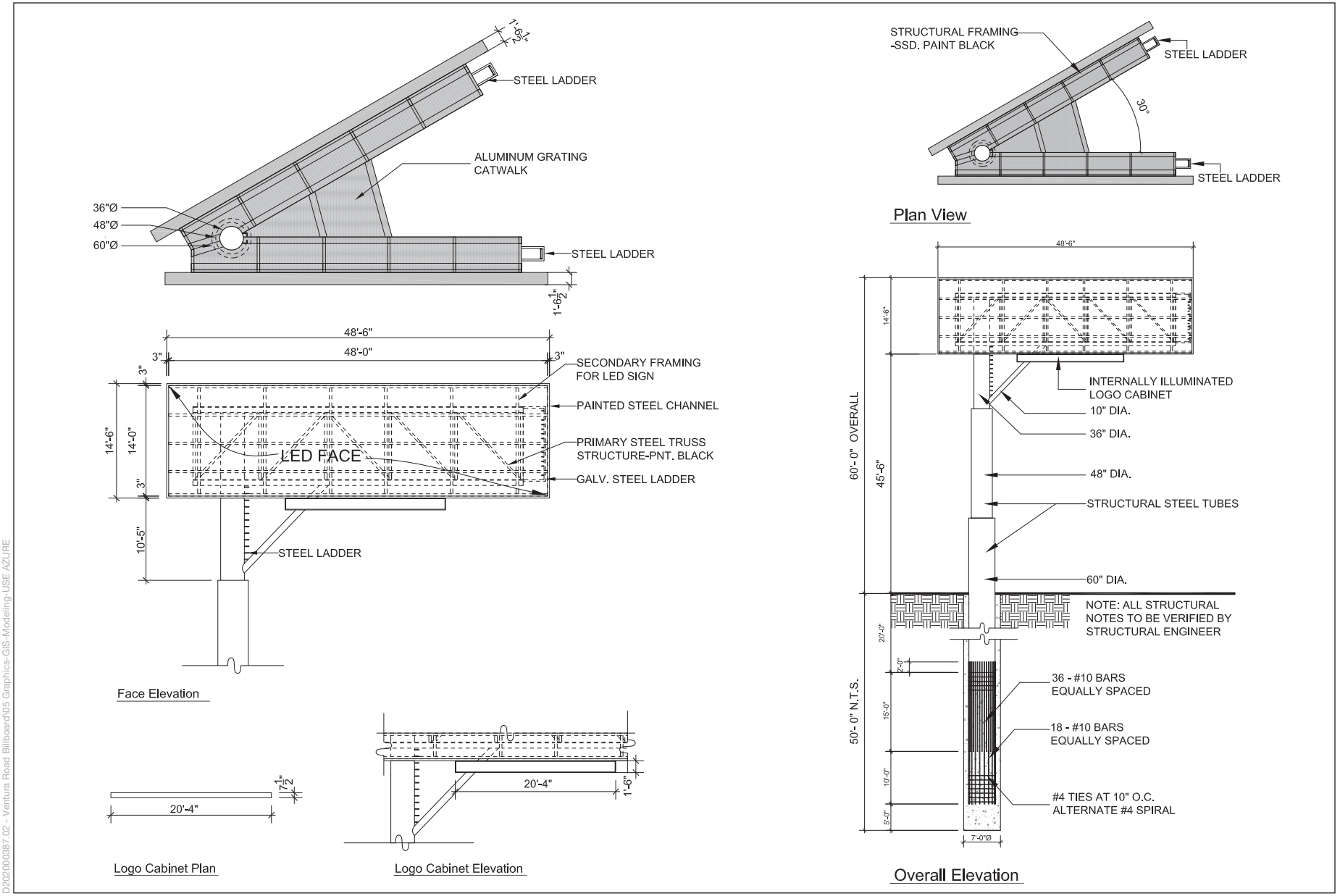


SOURCE: ib+a architecture, 2020

Riverpark Boulevard Electronic Billboard Project

Figure 3
Project Site Plan

D202000387.02 - Ventura Road Billboard\05 Graphics-GIS-Modeling-USE AZURE



SOURCE: ib+a architecture, 2020

Ventura Road Electronic Billboard Project

Figure 4
Electronic Billboard Elevation and Plan Views

D202000387.02 - Ventura Road Billboard\05 Graphics-GIS-Modeling-USE AZURE



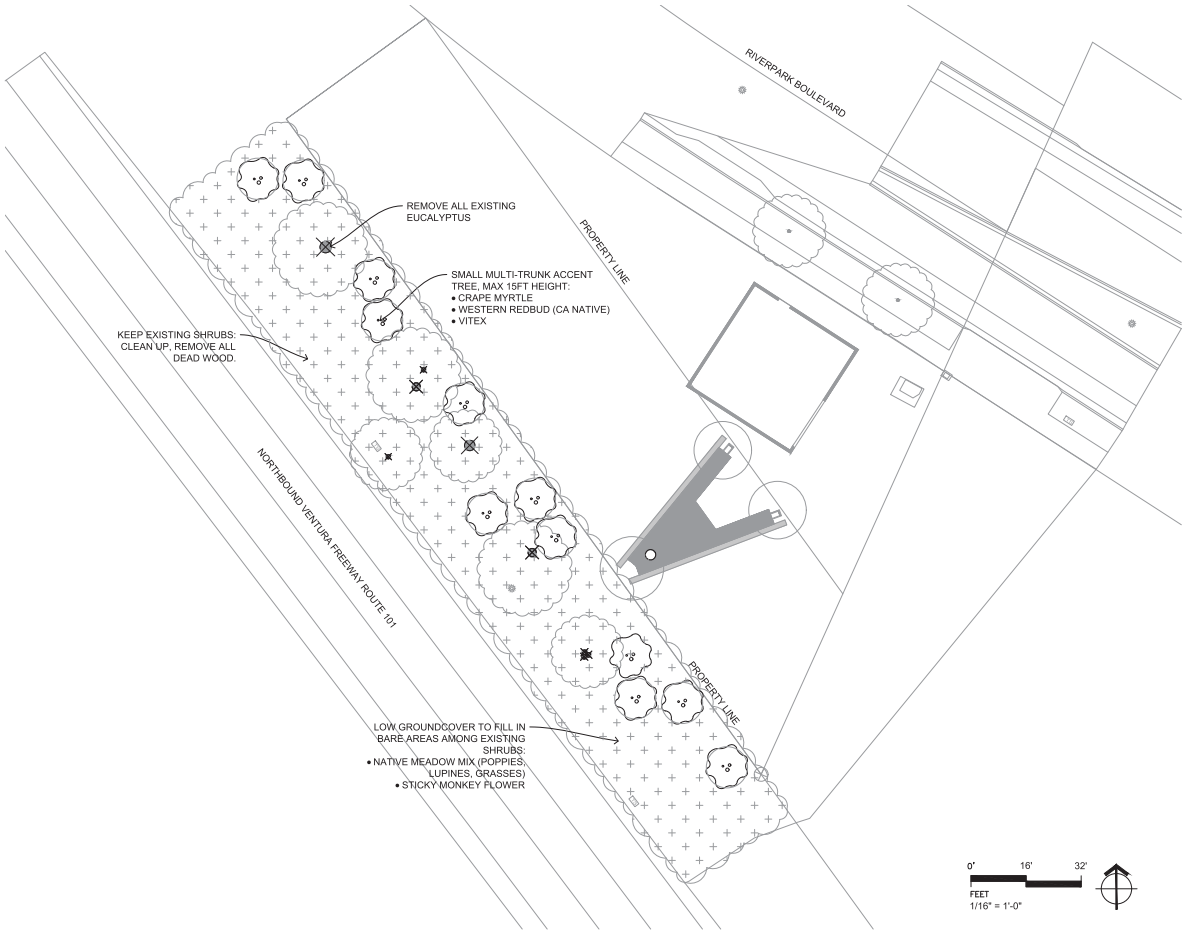
CRAPE MYRTLE: MANY SMALL VARIETIES ARE AVAILABLE



WESTERN REDBUD: CALIFORNIA NATIVE



VITEX: FRAGRANT LAVENDAR FLOWERS ATTRACT BUTTERFLIES



LANDSCAPE DESIGN INTENT

THE LANDSCAPE DESIGN IS SIMPLE, NATURALISTIC, WATER CONSERVING AND LOW MAINTENANCE. IT IS IN CONTEXT WITH THE ADJACENT HIGHWAY, THE NEIGHBORING URBAN AREA AND WITH THE LOCAL ENVIRONMENT.

SMALL FLOWERING TREES DRIFT ALONG THE INSIDE EDGE, ADDING COLOR AND SOFTENING THE STRUCTURE.

THE UNDERSTORY RETAINS THE EXISTING LOW EVERGREEN SHRUBS AND FILLS IN THE BARE AREAS WITH A NATIVE MEADOW WHICH IS COMPOSED OF TOUGH LOW GROUNDCOVERS. ADDITIONAL WOODY SHRUBS ARE AVOIDED DUE TO THE POTENTIAL FIRE HAZARD OF THEIR FLAMMABLE INTERIORS.

THE DESIGN COMPLIES WITH THE WATER EFFICIENT LANDSCAPE ORDINANCE. IT INCORPORATES SUSTAINABLE PRINCIPLES AND BEST MANAGEMENT PRACTICES. SPECIES ARE CAREFULLY SELECTED AND COMBINED BASED ON SIMILAR WATER NEEDS AND HORTICULTURAL REQUIREMENTS. PLANTING AND IRRIGATION ARE COORDINATED SO THAT WATER USE IS MINIMIZED AND ENVIRONMENTAL BENEFITS ARE MAXIMIZED.

THIS LANDSCAPE PLAN IS CONCEPTUAL. FURTHER DESIGN IS REQUIRED TO DEVELOP IT TO CONSTRUCTION READY PLANS.



STICKY MONKEY FLOWER: NATIVE



NATIVE MEADOW

D2020000387.01 - Riverpark Boulevard Billboard\05 Graphics-GIS-Modeling-USE AZURE

SOURCE: Panoramic Design Group, 2021

Riverpark Boulevard Electronic Billboard Project

Figure 5
Landscape Plan

ESA

2.0 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ Aesthetics and Urban Design	☒ Cultural Resources and Tribal Cultural Resources	☐ Mineral Resources	☐ Utilities and Energy
☐ Agricultural Resources	☐ Geology and Soils	☒ Noise	☐ Wildfire
☐ Air Quality	☐ Hazards and Hazardous Materials	☐ Population, Education, and Housing	☒ Mandatory Findings of Significance
☒ Biological Resources	☐ Hydrology and Water Quality	☐ Public Services and Recreation	
☐ Climate Change and Greenhouse Gas Emissions	☐ Land Use and Planning	☐ Transportation and Circulation	

DETERMINATION:

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed Name	For

3.0 Environmental Checklist

3.1 Aesthetics and Urban Design

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have a substantial adverse effect on a scenic vista such as an ocean or mountain view from an important view corridor or location as identified in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, or route identified as scenic by the County of Ventura or City of Oxnard?	☐	☐	☒	☐
c) Would the project substantially degrade the existing visual character or quality of the site or its surroundings such as by creating new development or other physical changes that are visually incompatible with surrounding areas or that conflict with visual resource policies contained in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
d) Would the project add to or compound an existing negative visual character associated with the project site?	☐	☐	☒	☐
e) Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Based on a review of the Oxnard General Plan Background Report (City of Oxnard, 2006), there are scenic areas and view corridors within the City of Oxnard. The scenic areas and view corridors include local waterways, agricultural open space, beaches and coastline, scenic highways/roadways, and urban landscapes that maintain original historic architectural features and contain park/plaza features.

The proposed Project is located adjacent to U.S. 101 that is identified as part of the City's Scenic Highway System along the entire length of U.S. 101 from the eastern city limits to the western city limits. The current views from U.S. 101 in the vicinity of the Project site include urban development such as commercial and residential uses. The view from motorists traveling northbound on U.S. 101 from Vineyard Avenue includes eucalyptus trees on both sides of the freeway, urban development on both sides of the freeway and a background view of the Coastal Mountain Range. The view from motorists traveling southbound on U.S. 101 from Oxnard Boulevard includes urban development (commercial and residential uses) on both sides of the freeway with landscaping providing partial obstruction of structures in some areas. This view also includes Caltrans signs and private commercial billboards associated with the RiverPark Specific Plan development. Background views from the southbound lanes include a small portion of the hills of Point Mugu State Park that bound the southeastern portion of the City of Oxnard.

The implementation of the proposed amendment to the RiverPark Specific Plan, Development Agreement and placement of the proposed electronic billboard on the Project site would result in the removal of six existing eucalyptus trees located on the north side of the U.S. 101 right-of-way, and the placement of a 60-foot high pole with an electronic billboard that would be 14.5 feet in height and 48.5 feet in width. No landscaping is proposed on the Project site. A visual simulation of the proposed electronic billboard is provided in the Project Plans located in Appendix A. The implementation of the Project would result in an impact on motorist views traveling along U.S. 101; however, this impact would not be considered a substantial adverse effect on a scenic vista since the views of the Project area from U.S. 101 consist of urban development and the views of the proposed electronic billboard would add another typical view of an urban landscape (i.e., billboards and Caltrans signs) that occurs along U.S. 101. Northbound motorists' background views would be minimally impacted because existing views include partial distant views of the Coastal Mountain Range. Southbound motorists' background view will also be minimally impacted because existing views include partial distant views of the hills of Point Mugu State Park. Therefore, implementation of the proposed electronic billboard along with the removal of the existing eucalyptus trees adjacent to the Project site would result in less than significant effects on a scenic vista.

b) **Less than Significant Impact.** The Project site is located along the north side of U.S. 101. Currently, U.S. 101 is an eligible State scenic highway; however, it is not an official State-designated scenic highway (Caltrans, 2019). The nearest officially State-designated highway is State Route 33 located approximately 8 miles west of the Project site. Oxnard Boulevard is also an eligible State scenic highway as well as a City-designated scenic highway to U.S. 101. However, Oxnard Boulevard is approximately 0.3 to 0.5 mile west of the Project site and due to existing terrain as well as existing development, very limited views of the upper elevations of the proposed electronic billboard would be viewable. These limited views would not substantially alter the characteristics of existing views from Oxnard Boulevard.

As described above, U.S. 101 is identified as a City of Oxnard scenic highway. As discussed, potential visual impacts from the implementation of the proposed electronic billboard would result in less than significant visual impacts in the existing urban area. Based on a review of the Oxnard General Plan Background Report (City of Oxnard, 2006), there are no historic resources in the vicinity of the Project site. In addition, based on a site visit, there are no areas of rock outcroppings. The Project will remove six eucalyptus trees located along the north side of U.S. 101; however, these trees would be replaced with trees that will mature with lower heights (i.e., 15 feet). The Project also includes the planting of shrubs along U.S. 101 adjacent to the Project site. Less than significant visual impacts would occur with the removal of the existing vegetation within the U.S. 101 right-of-way.

c) **Less than Significant Impact.** As discussed above, the Project would add a structure to motorists' view along the U.S. 101. The addition of the proposed electronic billboard would alter the existing visual characteristics along U.S. 101; however, because the area contains urban development and the proposed electronic billboard provides a typical view

of an urban landscape (i.e., billboards and Caltrans signs) that occurs along U.S. 101, the visual alteration caused by the Project would not be considered a substantial change. Therefore, potential impacts from the visual alteration of adding the proposed electronic billboard to the visual landscape would be less than significant.

The City of Oxnard 2030 General Plan includes aesthetic policies to protect and enhance natural setting and scenic resources. A discussion of the Project's consistency with the applicable aesthetic policies is provided below.

Policy ER-6.1 includes the incorporation of views in new development. This policy requires development to provide physical breaks to allow views into scenic vistas and view corridors. Because the proposed Project includes a free-standing electronic billboard, the implementation of the Project would not conflict with this policy because motorists would briefly view the proposed billboard as they travel along U.S. 101. Therefore, the Project would be consistent with this policy.

Policy ER-6.2 includes the protection and enhancement of major scenic resources including the surrounding mountains. As discussed above, motorists traveling northbound along U.S. 101 would have a background view of the Coastal Mountain Range; however, this background view would be bordered by foreground urban development. Therefore, the addition of the proposed electronic billboard would not substantially impact these background views of the mountain and thus would not conflict with this policy. Therefore, the Project would be consistent with this policy.

Policy ER-6.5 includes the control of light and glare. The policy requires advertising displays and billboards to use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor fixtures. The proposed electronic billboard would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology. The lighting of the proposed electronic billboard would be designed to allow the message on the display visible to passing motorists. The digital LED billboard technology allows sign brightness to be adjusted automatically depending on ambient weather conditions. The display, for example, would be brighter in the daytime than at night-time and responds to changes in the ambient light conditions. The proposed electronic billboard would require a California Department of Transportation Outdoor Advertising Act Permit from Caltrans. The proposed billboard would comply with the brightness requirements outlined in the Outdoor Advertising Act in that the illumination shall not be of such brilliance or so positioned as to cause a hazardous condition on adjacent highways. The implementation of the proposed electronic billboard would not conflict with this policy. Therefore, the Project would be consistent with this policy.

Based on a review of the existing City of Oxnard sign regulations within the City of Oxnard Municipal Code, the proposed electronic billboard is not currently an allowed use within the City of Oxnard. However, as discussed above, the implementation of the proposed

electronic billboard would result in less than significant impact to scenic vistas, scenic resources, and scenic highways, and the Project would result in a less than significant visual alteration of the existing visual characteristics as well as less than significant light and glare.

d) **Less than Significant Impact.** Currently, the Project site includes non-native grasses and disturbed areas as well as landscaping located along U.S. 101. The Project site is undeveloped and does not represent an existing negative view from the surrounding areas. The addition of the proposed electronic billboard would alter the existing visual characteristics of the Project area; however, as discussed above, this alteration would be considered less than significant. Therefore, the addition of the proposed electronic billboard would not add to or compound to an existing negative view of the Project site, and as a result the Project's impact would be less than significant.

e) **Less than Significant Impact.** The operation of the proposed Project would increase nighttime lighting in the Project vicinity. Currently, the City of Oxnard does not have a quantitative exterior light standard. Typically, lighting is quantified using foot-candle (fc) which is the unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.

Light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for urban areas such as the Project site (CIE, 2003). Therefore, due to the absence of a current local light pollution standard, a significant light impact on the adjacent residents would occur if light levels are 0.5 fc or greater.

The lighting associated with the proposed electronic billboard was evaluated within a Photometric Analysis provided in **Appendix D**. Lighting from the billboard would be directed toward the travel lanes along U.S. 101. Louvers will be located above each row of lights to prevent light from projecting upward into the sky. As discussed above, the digital LED billboard technology allows sign brightness to be adjusted automatically depending on ambient weather conditions. The display, for example, would be brighter in the daytime than at night-time and responds to changes in the ambient light conditions.

The nearest residences to the Project site are located approximately150 feet to the north and northeast. Based on the Photometric Analysis provided in Appendix D, the light levels at the residential areas north and northeast of the site and east of Riverpark Boulevard would be less than 0.2 fc. Because the light level would be less than 0.5 fc, the Project would result in a less than significant lighting impact on the adjacent residential uses.

To ensure that the images on the electronic billboard do not cause hazardous conditions to motorists, the billboard may show a series of still images, each displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant

illumination. Transition or blank screen time between one still image and the next may not exceed one second. The implementation of these design features as well as complying with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131) and the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), when constructing, operating, improving, maintaining, and repairing the proposed billboard would reduce potential light and glare impacts from the proposed electronic billboard to less than significant.

Lighting from the proposed billboard would be primarily directed towards the travel lanes along U.S. 101. The proposed billboard will be angled as shown in Figure 4 so that lighting onto adjacent land uses (i.e., the residences north and northeast of the site) would be minimized. Based on the photometric analysis provided in Appendix D, lighting levels at the adjacent residences would be minimized and would be less than 0.5 fc. Therefore, the operation of the proposed electronic billboard would not result in a substantial light increase and would result in a less than significant impact on daytime or nighttime views.

Although less than significant lighting impacts would occur, the following mitigation measures are recommended to further reduce less than significant light impacts.

> **Mitigation Measure AES-1:** The proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.
>
> **Mitigation Measure AES-2:** Within 14 days of the proposed electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), the Applicant shall submit to the satisfaction of the Community Development Director thereafter as, of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director the following information:
>
> - A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed 0.5 foot-candle at any residential uses.

As identified above, the implementation of the above mitigation measures would further reduce a less than significant impact.

References

Caltrans. 2019. California State Scenic Highways. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed on February 10, 2022.

City of Oxnard. City of Oxnard General Plan Background Report. Available at: https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 10, 2022.

exp. 2020. Photometric Analysis. October 23. Appendix D of this IS/MND.

International Commission on Illumination (CIE). 2003. Guide on the Illumination of the Effects of Obtrusive Light from Outdoor Lighting Installations.

3.2 Agricultural Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☐	☒
b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of off-site farmland to non-agricultural use?	☐	☐	☐	☒

Discussion

a) **No Impact.** The Project site is currently identified as Urban and Built-Up Land and not designated as Prime Farmland, Unique Farmland, Farmland, or Statewide Importance based on a review of the California Department of Conservation's California Important Farmland Finder (CDC, 2016). Therefore, the implementation of the proposed Project would not convert farmland to an urban use, and no impact to farmland would occur.

b) **No Impact.** Williamson Act contracts are formed between a county or city and a landowner for the purposes of restricting specific parcels of land to agricultural preserve areas. The Project site does not contain any agricultural uses. It is currently zoned for Specific Plan with a Public Facilities land use. Because there are no active Williamson Act contracts associated with the Project site, the Project would not conflict with existing agricultural zoning or a Williamson Act contract. No Project impact would occur.

c) **No Impact.** Because there are no agricultural or forest lands located in the immediate vicinity of the Project site, the construction and operation of the proposed electronic billboard would not involve other changes in the existing environment that would result in the conversion of agricultural or forest lands. No impacts would occur.

References

California Department of Conservation (CDC), 2016. Available at: California Important Farmland Finder https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed on February 10, 2022.

3.3 Air Quality

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with or obstruct implementation of the Ventura County AQMP?	☐	☐	☒	☐
b) Would the project result in a cumulatively considerable net increase of any criteria pollutant in excess of quantitative thresholds recommended by the VCAPCD?	☐	☐	☒	☐
c) Would the project expose sensitive receptors to substantial pollutant concentrations exceeding state or federal standards or in excess of applicable health risk criteria for toxic air contaminants?	☐	☐	☒	☐
d) Would the project create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Ventura County Air Pollution Control District (VCAPCD) is responsible for attaining and maintaining air quality standards in the Ventura County portion of the South Central Coast Air Basin (SCCAB) through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of VCAPCD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. The Ventura County portion of the SCCAB is designated as nonattainment for ozone for the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) and for respirable particulate matter 10 micrometers in diameter and smaller (PM10) for the CAAQS. VCAPCD and the Ventura Council Association of Governments (VCOG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements. The VCAPCD has adopted Air Quality Management Plans (AQMPs) to meet the CAAQS and NAAQS. The VCAPCD Governing Board adopted the 2016 AQMP on February 14, 2017. The goals of the VCAQMP are to ensure that city and county population growth do not interfere with emission reductions and progress in meeting the state and national ambient air quality standards.

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by VCOG are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCOG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCOG's regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCOG's regional forecast projections, and thus also with the AQMP growth projections.

The billboard Project would generate temporary emissions that would occur during the construction associated with installation activities. These emissions would be short-term in nature (approximately 4 days of construction for the billboard installation) over a two-week period. The billboard operations would not generate additional employment or population growth or transportation impacts from increased vehicle trips. Ongoing operation of the billboards would require power in the form of purchased electricity and would not generate any direct emissions of criteria pollutants or ozone precursors at the Project site, aside from minimal emissions from occasional site visits for maintenance or repairs.

The VCAPCD Ventura County Air Quality Assessment Guidelines exempts projects with de minimis emissions from Consistency Assessments. According to Section 4.2.1, Projects Exempt from Consistency Assessments, a project that conforms to the applicable General Plan designation and has emissions below two pounds per day of reactive organic compounds (ROC), and below two pounds per day of nitrogen oxides (NO_X), is not required to assess consistency with the AQMP. According to Section 5.2, Calculating Ozone Precursor Emissions from Project Construction, the VCAPCD does not consider emissions from construction activities towards VCAPCD thresholds since construction emissions are temporary.

The Project would not generate air pollutant emissions during operations, and is thus not required to assess consistency with the AQMP. Further, as discussed above, the billboard operations would not generate additional employment or population growth or transportation impacts from increased vehicle trips. Therefore, the Project would have no impact with respect to conflicts with or obstruction of implementation of the applicable air quality plan.

b) **Less than Significant Impact.** The City of Oxnard has not developed specific air quality thresholds for air quality impacts. However, as stated in Appendix G of the CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. As such, the significance thresholds and analysis methodologies in VCAPCD's CEQA Air Quality Handbook are used in evaluating Project impacts. The VCAPCD's CEQA Air Quality Handbook focuses on reducing ozone precursor emissions, which includes ROCs (also referred to as volatile organic compounds [VOCs]) and NO_X because emissions of these pollutants could jeopardize attainment of the NAAQS and CAAQS for ozone in Ventura County. The other criteria pollutants of concern include: carbon monoxide (CO), which is a colorless and odorless gas and can cause dizziness, confusion, unconsciousness or even death at high levels; sulfur dioxide (SO_2), which is also colorless and can cause asthma exacerbation, including bronchoconstriction accompanied by symptoms of respiratory irritation, such as wheezing, shortness of breath and chest tightness; and PM10 and fine particulate matter 2.5 micrometers or less in diameter (PM2.5), which can worsen respiratory diseases, including asthma and chronic obstructive pulmonary disease, leading to hospitalization and emergency department visits and respiratory mortality. The

VCAPCD has not established mass emission significance thresholds for CO, SO_2, PM10 or PM2.5.

Construction

Construction emissions from projects are considered short term and temporary but could adversely affect air quality. Emissions of ozone precursors and particulate matter are potential concerns in the Ventura County portion of the SCCAB since the area is designated as nonattainment for ozone (NAAQS and CAAQA) and PM10 (CAAQS). Emissions of ozone precursors ROC and NO_X are primarily generated from heavy-duty equipment and motor vehicle exhaust and vary as a function of vehicle trips per day associated with soil hauling, delivery of construction materials, and worker commute trips, and the types and number of heavy-duty, off-road equipment used and the intensity and frequency of their operation. Particulate matter (i.e., PM10 and PM2.5) is among the pollutants of greatest localized concern with respect to construction activities given that particulate concentrations tend to be higher near the source of the emissions. Particulate emissions from construction activities can lead to adverse health effects and nuisance concerns, such as reduced visibility and soiling of exposed surfaces. Particulate emissions can result from a variety of construction activities, including drilling/excavation, vehicle travel on paved and unpaved surfaces, and vehicle and equipment exhaust. Construction emissions of PM can vary greatly depending on the level of activity, the specific operations taking place, the number and types of equipment operated, local soil conditions, weather conditions, and the amount of earth disturbance.

Proposed construction activities associated with billboard installations would generate temporary pollutant emissions from the following construction activities: (1) drilling and haul of excavated soil; (2) column set/concrete pour; (3) build and set of the billboard structure; and (4) build & set digital displays. These construction activities would create emissions of dust, fumes, equipment exhaust, and other air contaminants. The daily quantity of emissions generated would vary, depending on the intensity and types of construction activities occurring during each task.

Construction emissions from the proposed billboard Project is estimated to require four days of construction activity. For the purposes of the air quality analysis, the construction activities were modeled for the earliest potential time frame to provide for a conservative analysis. Construction of the Project is assumed to occur in 2022. If construction occurs subsequent to 2022, the emissions presented in this IS/MND would be conservative as emissions occurring in future years would be lower than those calculated for 2022 due to the use of a more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to State regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. Assumptions, including information on equipment horsepower, hours of operation, vehicle trip distances and the model output, are included in **Appendix E**. CalEEMod version 2020.4.0 was used with Ventura County defaults whenever appropriate to ensure a location specific, but generic emission model that would apply to a range of installation scenarios. **Table AQ-1**, *Construction Schedule and*

Equipment, below summarizes the basic construction schedule, equipment and on-road vehicle types and trips.

TABLE AQ-1
CONSTRUCTION SCHEDULE AND EQUIPMENT

	Days	Equipment	Daily Haul / Equipment Delivery Trips[a]	Daily Worker Trips[a]
Drilling / Haul Soil	1	Excavator/Drill Skid Steer Loader Dump Trucks	12	8
Column Set / Concrete Pour	1	Crane Truck mounted Aerial Lift Concrete Pump Concrete Mixers (trucks)	12	10
Build & Set Structure	1	Crane Truck Mounted Aerial Lift Air Compressor	8	10
Build & Set Digital Displays	1	Crane Truck Mounted Aerial Lift	8	10

[a] Haul and construction worker trips are inbound and outbound trips, with one inbound and one outbound trip comprising a roundtrip. Haul and delivery trips are for the export of soil, import of cement and delivery of the billboard columns, display, and associated materials.

SOURCE: City of Oxnard, 2022

It is mandatory for all construction projects in the SCCAB to comply with VCAPCD Rule 55 for controlling fugitive dust. Incorporating Rule 55 into the proposed Project reduces regional PM10 and PM2.5 emissions from construction activities. Specific Rule 55 control requirements may include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas. Compliance with Rule 55 was accounted for in the construction emissions modeling.

Ventura County Guidance specifies that construction-related emissions are not counted towards the significance thresholds for the ozone precursors (ROC and NO_X) since the emissions are temporary. However, they should be mitigated if they are predicted to exceed the threshold level (25 pounds per day of ROC or NO_X in the Project area).

The VCAPCD has not established a quantitative threshold for fugitive dust emissions, but provides qualitative criteria in its Air Quality Assessment Guidelines.

A project that may be reasonably expected to generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which may endanger the comfort, repose, health, or safety of any such person or the public, or which may cause, or have a natural tendency to cause,

injury or damage to business or property (see California Health and Safety Code, Division 26, §41700) will have a significant adverse air quality impact.

Table AQ-2, *Maximum Daily Total Construction Emissions*, summarizes the estimated emissions of criteria air pollutants and ozone precursors associated with a typical billboard installation for each individual construction phase (day) along with the maximum daily emissions. These emissions are compared to VCAPCD's daily operational significance threshold for ROG and NO_X emissions to determine if mitigation should be implemented. As shown, the maximum daily emissions would be below the operational thresholds. Therefore, the proposed Project would not result in any significant construction emission impacts for these nonattainment pollutants, nor require any mitigation measures beyond those incorporated into the Project design (e.g., fugitive dust control according to VCAPCD Rule 55, compliance with state truck regulations).

TABLE AQ-2
MAXIMUM DAILY TOTAL CONSTRUCTION EMISSIONS

	Maximum Regional Emissions (lbs/day)					
	ROG	**NO_x**	**CO**	**SO_2**	**PM^{10}**	**$PM^{2.5}$**
Drilling / Haul Soil	<1	5.5	6.1	<1	<1	<1
Column Set / Concrete Pour	<1	8.1	5.6	<1	<1	<1
Build & Set Structure	<1	7.9	6.0	<1	<1	<1
Build & Set Digital Displays	<1	6.0	3.6	<1	4	4
Maximum Daily Emissions [a]	**<1**	**8.1**	**6.1**	**<1**	**<1**	**<1**
Operational Significance Thresholds / Screening Levels	25 [b]	25 [b]	—	—	—	—
Significant Impact?	No	No	NA	NA	NA	NA

[a] Maximum daily emissions are for each individual pollutant that results in the greatest emissions on a peak day of construction. Note: All emissions shown above include VCAPCD Rule 55 fugitive dust reduction measures.

[b] VCAPCD operational significance thresholds.

SOURCE: ESA, 2022

Operation

Proposed operational activities associated with the operation of the proposed electronic billboard would not generate any direct emissions of criteria pollutant and ozone precursors. Furthermore, the operation of the billboard would not generate any employment or population growth and related emissions nor any additional daily vehicle trips or transportation related emissions of criteria pollutants or ozone precursors (minimal emissions from occasional site visits for maintenance or repairs may occur periodically).

The operation of the billboard would not result in emissions of ozone precursors in excess of the ROC and NO_X operational significance thresholds, and impacts from these pollutants would be less than significant. Operation of the billboard would also not generate PM10 or PM2.5 emissions from fugitive dust are minimal and would not cause injury, nuisance

or health impacts to a significant number of persons of the public. Therefore, impacts from fugitive dust (PM10 and PM2.5) emissions would be less than significant.

Cumulative

The geographic scope for regional air quality impacts consists of the air basin(s) in which Project emissions would occur. The VCAPCD's approach for assessing cumulative impacts is based on attainment of ambient air quality standards in accordance with the requirements of the CAA and California Clean Air Act. As discussed earlier, the VCAPCD has developed a comprehensive plan, the 2016 AQMP, which addresses the region's cumulative air quality condition. CEQA Guidelines Section 15064(h)(3) provides guidance in determining the significance of cumulative impacts, stating in part that:

> *A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.*

For purposes of the cumulative air quality analysis with respect to CEQA Guidelines Section 15064(h)(3), the proposed Project's incremental contribution to cumulative air quality impacts is determined based on compliance with the VCAPCD's adopted 2016 AQMP. With respect to the Project's short-term construction-related air quality emissions and cumulative conditions, VCAPCD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the federal CAA mandates. Construction of the Project would comply with VCAPCD Rule 55 fugitive dust control requirements and the ATCM to limit heavy duty diesel motor vehicle idling to no more than five minutes at any location. These measures would also be imposed on trucks used for construction in the State, which would include the cumulative projects in the Project area. Additionally, with respect to operational emissions, the Project's emissions would be less than the significance thresholds, and the Project would not conflict with the AQMP. Since the Project's construction and operational emissions would not exceed the VCAPCD's regional significance thresholds, and the proposed Project would not conflict with the AQMP, cumulative construction and operational impacts would be less than significant.

c) **Less than Significant Impact**. Sensitive receptors are individuals who are considered more sensitive to air pollutants than others. The reasons for greater than average sensitivity may include pre-existing health problems, proximity to emissions sources, or duration of exposure to air pollutants. Schools, hospitals, and convalescent homes are considered as relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality-related health problems than

the general public. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. Because the installation of the proposed billboard would occur approximately 150 feet from an existing residence, construction air emissions would disperse in the environment and decrease with distance from the source. The limited emissions from construction activities would not cause a significant impact to sensitive receptors as discussed below.

Carbon Monoxide Hotspots

Emissions of CO are generated in greatest quantities from motor vehicle combustion of fossil fuels and are usually concentrated at or near ground level because they do not readily disperse into the atmosphere, particularly under cool, stable (i.e., low or no wind) atmospheric conditions. Localized areas where ambient concentrations exceed State and/or federal standards are termed CO hotspots. Traffic impacts and the potential for CO hot spots from the operation of motor vehicles related construction of the proposed Project would be minimal as there are less than 20 additional one-way trips per day from construction related haul vehicles and construction worker automobiles combined. In fact, the VCAPCD requires a screening analysis to determine the potential for CO Hotspots for any project with indirect emissions greater than the applicable ozone (ROG and NO_x) project significance levels as analyzed in Section 3.3 b) above where roadway intersections are currently operating at or are expected to operate at a Level of Service (LOS) of E or F. As indicated in Table AQ-2 above, the proposed Project would be below significance thresholds for ROG and NO_X, indicating the low potential for Project impacts.

Operation of the billboards would not result in any regular vehicular activity, though there may be the occasional site visit for maintenance or repairs. These would result in negligible emissions and result in a negligible impact on traffic, and impacts would be less than significant.

Localized Air Quality Impacts – TACs

Project construction would result in short-term emissions of diesel PM, a TAC. Diesel particulate matter poses a carcinogenic health risk that is measured using an exposure period of 70 years for a lifetime exposure or 30 years for a residential exposure. The exhaust of off-road heavy-duty diesel equipment would emit diesel particulate matter from off-road construction vehicles and from on-road cement trucks and haul trucks, delivery tractor trailers during the short construction phase for the proposed billboard. The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., the potential exposure to TACs to be compared to applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer time period. According to the Office of Environmental Health Hazard Assessment (OEHHA), carcinogenic health risk assessments, which

determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period for a lifetime exposure or 30 years for a residential exposure; however, such assessments should be limited to the period or duration of activities associated with the proposed Project.

The construction period for the proposed billboard installation is approximately four days in duration over approximately two weeks and would not represent a significant dose. Additionally, the billboard would be located approximately 150 feet from the nearest residence. Given the short duration of the construction activities, and the distance of the sensitive receptors from the Project, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.

Operation of the billboard would not result in any direct emissions, as it would utilize purchased electricity to power for lighting. Further, operation of the billboard would not generate daily vehicle trips or transportation related emissions of criteria pollutants or ozone precursors (minimal emissions from occasional site visits for maintenance or repairs may occur periodically). Therefore, implementation of the proposed electronic billboard would not result in emissions of TACs that would substantially impact sensitive receptors, and the impact would be less than significant.

d) **Less than Significant Impact.** During installation of billboard, diesel exhaust from diesel trucks and off-road construction equipment construction equipment may emit odors. Such odors would be a temporary source of nuisance to adjacent uses but would not affect a substantial number of people. As odors associated with Project construction would be temporary and intermittent in nature, the odors would not be considered as a significant environmental impact. Therefore, construction activities would result in less than significant impacts with respect to other emissions, including those leading to odors.

There are no direct emissions associated with the operation of the billboard, and operational impacts would not result in any odor impacts and, therefore, would be less than significant with respect to odors. The Project would not generate other emissions that would adversely affect a substantial number of people as discussed in Section 3.3 b) and c) above, and impacts would be less than significant.

References

City of Oxnard. 2022. Construction Assumptions for Electronic Billboard.

VCAPCD 2003. *Ventura County Air Quality Assessment Guidelines.* October. Available: http://www.vcapcd.org/environmental-review.htm.

VCAPCD 2017. *Final 2016 Ventura County Air Quality Management Plan*. February 14. Available: http://www.vcapcd.org/pubs/Planning/AQMP/2016/Final/Final-2016-Ventura-County-AQMP.pdf

3.4 Biological Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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?	☐	☐	☒	☐
b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Would the project have a substantial adverse effect on federally protected waters of the U.S. as defined by Section 404 of the federal Clean Water Act or protected waters of the state as defined by Section 1600 et seq. of the California Fish and Game Code (including, but not limited to, marshes, vernal pools, coastal wetlands) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Would the project 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?	☐	☒	☐	☐
e) Would the project conflict with any local policies or ordinances protecting biological resources?	☐	☐	☐	☒
f) Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** The Project site is located in a highly urbanized area of the City of Oxnard predominantly developed with commercial and residential uses. The Project site has non-native herbaceous and grassland vegetation as the dominant habitat, and the Project site is surrounded by ornamental trees, including eucalyptus. A database review showed that the Project site is not overlain within U.S. Fish and Wildlife Service (USFWS)-designated Critical Habitat for any special-status plant or wildlife species (USFWS 2022a). Additionally, the California Natural Diversity Data Base (CNDDB) and California Native Plant Society (CNPS) Rare Plant Inventory identified 25 special-status species being recorded within the Oxnard USGS 7.5-minute quadrangle (CDFW 2022; CNPS 2022). Of these 25 special-status species, none of the species have potential to occur within or surrounding the Project site as the parcel is disturbed and developed, lacks suitable habitat, is adjacent to Highway 101, and is sparsely vegetated. Therefore, implementation of the Project would result in a less than significant impact on sensitive habitat or sensitive species.

b) **No Impact.** No riparian or other sensitive communities are known to occur within or surrounding the Project site. Although limited ornamental vegetation is present, the Project site consists of, and is surrounded by, developed and disturbed areas that lack natural vegetation. Therefore, the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural communities. No impact would occur.

c) **No Impact.** Wetlands (including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas) are considered waters of the U.S., and are defined by USACE as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b]; 40 CFR 230.3[t]). No wetland features are identified by the National Wetlands Inventory (NWI) as occurring within or surrounding the Project site (USFWS 2022b). Therefore, no impact to wetlands would occur as a result of the proposed Project.

d) **Less than Significant with Mitigation Incorporated.** As mentioned above in Sections 3.4 b) and 3.4 c), no surface water bodies, streams, or waterways occur within or surrounding the Project site making it unsuitable for migratory fish. Additionally, the Project site is highly disturbed and surrounded by commercial development making it unsuitable for wildlife to use as a migratory corridor or nursery site. Therefore, no impacts would occur.

While no special-status avian species are expected to nest within the Project site, all native bird species that occur within the Project site are protected from 'take' by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). Limited suitable avian nesting habitat is present within or surrounding the Project site. However, many avian species are known to nest within ornamental shrubs and trees planted as part of existing landscaping and man-made structures and buildings. Therefore, the proposed Project may affect nesting birds as suitable habitat occurs for tree, shrub, and cavity-nesting birds within and surrounding the Project site. This potential effect is considered significant.

> **Mitigation Measure BIO-1:** Vegetation removal shall be conducted between September 1 and January 31, outside the typical nesting season for birds in the region. If vegetation removal must occur during the typical nesting season (February 1 – August 31), a City-approved qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 100 to 300-foot buffer around existing trees and landscaped areas, to identify any potential active nests. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.
>
> If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction

monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

Implementation of Mitigation Measure BIO-1 would reduce potentially significant impacts to nesting birds during construction to less than significant.

e) **No Impact.** The Project includes the removal of existing eucalyptus trees along U.S. 101 and the planting of drought tolerant tree species, including carpe myrtle, western redbud, and vitex. The removal of the existing eucalyptus trees within the U.S. 101 right-of-way will require approval of an encroachment permit from Caltrans. No trees or shrubs exist on the Project site and would not be removed as a result of implementing the proposed electronic billboard. Therefore, there are no applicable local (City of Oxnard) policies or ordinances protecting biological resources associated with the proposed Project. As a result, no impact would occur.

f) **No Impact.** The Project site does not occur within any habitat conservation plan or natural community conservation plan areas. Therefore, the proposed Project would not conflict with provisions of an adopted natural community conservation plan or other approved local, regional, or state habitat conservation plan, and no impact would occur.

References

California Department of Fish and Wildlife (CDFW). 2022. California Natural Diversity Database (CNDDB) RareFind 5. CDFW's Electronic database, Sacramento, California. Accessed on February 22, 2022, at https://www.dfg.ca.gov/biogeodata/cnddb.

U.S. Fish and Wildlife Service (USFWS). 2022a. IPAC Information for Planning and Consultation. Accessed on February 22, 2022, at https://ecos.fws.gov/ipac/.

U.S. Fish and Wildlife Services (USFWS). 2022b. National Wetland Inventory (NWI) Data Mapper. Accessed on February 22, 2022, at https://www.fws.gov/wetlands/Data/Mapper.html.

3.5 Climate Change and Greenhouse Gas Emissions

Issues		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases or otherwise conflict with the state goal for reducing greenhouse gas emissions in California?	☐	☐	☒	☐
c)	Would the project contribute or be subject to potential secondary effects of climate change (e.g., sea level rise, increase fire hazard)?	☐	☐	☒	☐

Discussion

a, b) **Less than Significant Impact.** State regulated GHGs include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), nitrogen trifluoride (NF_3), and sulfur hexafluoride (SF_6). CO_2 is the most abundant GHG in the atmosphere. Not all GHGs exhibit the same ability to induce climate change; as a result, GHG contributions are commonly quantified in equivalent mass of CO_2, denoted as CO_2e. Mass emissions are calculated by converting pollutant specific emissions to CO_2e emissions by applying the proper global warming potential (GWP) value. These GWP ratios are available from the U.S. Environmental Protection Agency (USEPA) and are published in the California Climate Action Registry (CCAR) General Reporting Protocol. By applying the GWP ratios, Project related CO_2e emissions can be tabulated in metric tons per year.

Neither the City nor the VCAPCD have adopted a numerical significance threshold for assessing impacts related to GHG emissions from a project, and the City has not formally adopted a local plan for reducing GHG emissions. When no guidance exists under CEQA, the lead agency may look to and assess general compliance with comparable regulatory schemes.[1] In its January 2008 CEQA and Climate Change white paper, the California Air Pollution Control Officer's Association (CAPCOA) identified a number of potential approaches for determining the significance of GHG emissions in CEQA documents. In its white paper, CAPCOA suggests making significance determinations on a case-by-case basis when no significance thresholds have been formally adopted by a lead agency.

Amendments to Section 15064.4 of the CEQA Guidelines were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with

[1] See Protect Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107 ["'[A] lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and resolution.'"']. Lead agencies can, and often do, use regulatory agencies' performance standards. A project's compliance with these standards usually is presumed to provide an adequate level of protection for environmental resources. See, e.g., Cadiz Land Co. v. Rail Cycle (2000) 83 Cal.App.4th 74, 99 (upholding use of regulatory agency performance standard).

existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. If a qualitative analysis is used, in addition to quantification, this section recommends certain qualitative factors that may be used in the determination of significance (i.e., extent to which the project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs). The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies, or suggested by other experts, such as CAPCOA, so long as any threshold chosen is supported by substantial evidence (see Section 15064.7(c)). The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see Section 15064(h)(3)).[2]

Although GHG emissions can be quantified, CARB, VCAPCD and the City of Oxnard have not adopted project-level significance thresholds for GHG emissions that would be applicable to the Project. The Governor's Office of Planning and Research (OPR) released a technical advisory on CEQA and climate change that provided some guidance on assessing the significance of GHG emissions, and states that "lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice," and that while "climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment."[3] Furthermore, the technical advisory states that "CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project."[4]

Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.[5] To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process

2 See generally California Natural Resources Agency, Final Statement of Reasons for Regulatory Action (December 2009), pp. 11-13, 14, 16. http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdfhttp://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed November 2019; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, Secretary for Natural Resources, April 13, 2009. Available at http://www.valleyair.org/Programs/CCAP/documents/Transmittal_LetterOPRApril2009.pdfhttp://opr.ca.gov/docs/Transmittal_Letter.pdf, accessed November 2019.

3 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

4 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

5 14 CCR § 15064(h)(3).

to implement, interpret, or make specific the law enforced or administered by the public agency.[6] Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."[7] Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions.[8]

In the absence of any adopted, quantitative threshold, the Project would not have a significant effect on the environment if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within CARB's Climate Change Scoping Plan and City of Oxnard's policies established for the purpose of increasing energy efficiency and reducing GHG emissions. The proposed Project would generate GHG emissions during construction of the Project from the use of off-road construction equipment and on-road trucks and construction worker vehicles. Once fully installed, the Project's operations would generate GHG emissions from electrical consumption for the billboard lighting. The proposed electronic billboard is estimated to consume an average of approximately 150 kWh per day and approximately 54,000 kWh per year.

Emissions Estimates

Consistent with calculations in Section 3.3, Air Quality, construction emissions were forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the mobile source emissions factors. The emissions were estimated using the CalEEMod software and EMFAC2017. The output values used in this analysis were adjusted to be Project-specific based on equipment types and the construction schedule. These values were then applied to the same construction phasing assumptions used in the criteria pollutant analysis in Section 3.3, Air Quality, to generate GHG emissions values for the proposed Project (Appendix F includes the assumptions and modeling). Industry standards recommend that construction Project GHG emissions should be "amortized over a 30-year Project lifetime, so that construction GHG emissions are included as part of the operational GHG life cycle. In accordance with

6 14 CCR § 15064(h)(3).

7 14 CCR § 15064(h)(3).

8 See, for example, San Joaquin Valley Air Pollution Control District (SJVAPCD), CEQA Determinations of Significance for Projects Subject to ARB's GHG Cap-and-Trade Regulation, APR-2025 (June 25, 2014), in which the SJVAPCD "determined that GHG emissions increases that are covered under ABR's Cap-and-Trade regulation cannot constitute significant increases under CEQA…" Furthermore, the SCAQMD has taken this position in CEQA documents it has produced as a lead agency. The SCAQMD has prepared three Negative Declarations and one Draft Environmental Impact Report that demonstrate the SCAQMD has applied its 10,000 $MTCO_2e$/yr significance threshold in such a way that GHG emissions covered by the Cap-and-Trade Program do not constitute emissions that must be measured against the threshold. See SCAQMD, Final Negative Declaration for Ultramar Inc. Wilmington Refinery Cogeneration Project, SHC No. 2012041014 (October 2014); SCAQMD Final Negative Declaration for Phillips 99 Los Angeles Refinery Carson Plant—Crude Oil Storage Capacity Project, SCH No. 2013091029 (December 2014); SCAQMD Final Mitigated Negative Declaration for Toxic Air Contaminant Reduction for Compliance with SCAQMD Rules 1420.1 and 1402 at the Exide Technologies Facility in Vernon, CA, SCH No. 2014101040 (December 2014); and SCAQMD Final Environmental Impact Report for the Breitburn Santa Fe Springs Blocks 400/700 Upgrade Project, SCH No. 2014121014 (August 2015).

this, GHG emissions from construction have been amortized over the 30-year lifetime of the Project and are added to the operational emissions for the determination of significance. Total estimated construction-related GHG emissions for the Project are estimated at 1.77 metric tons of CO2e (MTCO2e) for off-road construction equipment and 1.38 MTCO2e per year for on-road vehicles for a total of 3.1 MTCO2e. This would equal to approximately 0.1 MTCO2e per year after amortization over 30 years. The construction related GHG emissions are summarized in Table GHG-1, GHG Emissions from Project Construction.

Emissions of GHGs were estimated for operation of the proposed electronic billboard from electricity usage in base year 2022 (based on 2021 energy intensity factor where renewable sources are projected to account for approximately 35 percent of SCEs overall energy mix) and were extrapolated for several milestone years (2030 based on 60 percent renewable sources as required by Senate Bill 100 and 2040 based on 85 percent renewable energy sources) based on a linear projection of 100 percent renewable in 2045 as targeted in SB 100. GHG emissions from construction activities are not adjusted for future year GHG reductions that will occur from medium- and heavy-duty emissions regulations at the federal and state level that will phase in lower emitting, and potentially electric-powered, trucks and equipment over time. This analysis conservatively assumed that the construction equipment and on-road vehicles would be diesel fueled in future years. The operational related GHG emissions are summarized in Table GHG-2, GHG Emissions from Project Operations.

TABLE GHG-1
GHG EMISSIONS FROM PROJECT CONSTRUCTION

Single Billboard Installation GHG Emissions (MT CO_2e/year)			
Source	**2022**	**2030**	**2040**
Construction On-Road	1.38	1.38	1.38
Construction (off-Road)	1,77	1.77	1.77
Total Construction	3.1	3.1	3.1
Amortized Construction:[a]	0.1	0.1	0.1

[a] Construction Emissions are amortized over 30 years
SOURCE: ESA, 2022

TABLE GHG-2
GHG EMISSIONS FROM PROJECT OPERATIONS

Single Billboard Installation GHG Emissions (MT CO_2e/year)			
Source	**2022**	**2030**	**2040**
Operational (lighting)	9.6	7.3	2.4
Amortized Construction:	0.1	0.1	0.1
Total Project:	9.7	7.4	2.5

SOURCE: ESA, 2022

Compliance with Applicable Plans, Policies, or Regulations

Assembly Bill 32/Senate Bill 32 and Executive Order B-30-15

In support of Assembly Bill 32 and Senate Bill 32, the state has promulgated specific laws aimed at GHG reductions applicable to the Project. Executive Order B-30-15 sets a goal of Statewide GHG emissions 40 percent less than 1990 levels by 2030 (this goal was codified in Senate Bill 32). In order to achieve the Statewide GHG reduction target, CARB is required to adopt a Climate Change Scoping Plan that outlines GHG reduction strategies.

The Project would generate GHG emissions due to construction and operational activities; however, its annual GHG emissions would be minimized due to the utilization of fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations. The Project would also utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). The Project's potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs is discussed below.

2017 Climate Change Scoping Plan

According to the CARB 2017 Climate Change Scoping Plan, reductions needed to achieve the 2030 goal are expected to be achieved by targeting specific emission sectors, including those sectors that are not directly controlled or influenced by the Project, but nonetheless contribute to Project-related GHG emissions. Table GHG-3, Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies, contains a list of GHG emission reduction actions and strategies from the 2017 Climate Change Scoping Plan that would be applicable and relevant to the Project and describes the Project's compliance with those applicable actions and strategies.

TABLE GHG-3
PROJECT COMPLIANCE WITH APPLICABLE
2017 CLIMATE CHANGE SCOPING PLAN ACTIONS AND STRATEGIES

Actions and Strategies	Responsible Party(ies)	Compliance Analysis
Senate Bill 350 (SB 350): The Clean Energy and Pollution Reduction Act of 2015 increases the standards of the California Renewable Portfolio Standard (RPS) program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by 2030.[a] Required measures include: Increase RPS to 50 percent of retail sales by 2030. Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030. Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in IRPs to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.	CPUC, CEC, CARB	**No Conflict.** The Project would use electricity provided by Southern California Edison (SCE), which is required to meet the energy performance standard of 60 percent renewable energy by 2030 pursuant to Senate Bill 100 (which was adopted after SB 350 and is a more stringent target). The Project would not conflict with this action and strategy.
Implement Mobile Source Strategy (Cleaner Technology and Fuels): • Implementation of federal phase 2 standards for medium- and heavy-duty vehicles.	CARB, CalSTA, SGC, Caltrans, CEC, OPR, Local Agencies	**No Conflict.** In 2011 the U.S. Environmental Protection Agency (USEPA) and National Highway Transportation Safety Administration (NHTSA) announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the USEPA, this regulatory program would reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline. Building on the first phase of standards, in August 2016, the USEPA and NHTSA finalized Phase 2 standards for medium and heavy-duty vehicles through model year 2027 that will improve fuel efficiency and cut carbon pollution. The Phase 2 standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons. Project-related heavy-duty mobile source GHG emissions would be reduced accordingly as the phase-in of lower emitting trucks occurs in compliance with the regulation. The Project would not conflict with this action and strategy.

Actions and Strategies	Responsible Party(ies)	Compliance Analysis
Adopt a Low Carbon Fuel Standard with a CI reduction of 18 percent.	CARB	**No Conflict.** This regulatory program applies to fuel suppliers, not directly to land use development. GHG emissions related to vehicular travel associated with the Project would benefit from this regulation because fuel used by Project-related vehicles would be required to comply with Low Carbon Fuel Standard (LCFS). Mobile source GHG emissions provided in Table GHG-1 were calculated using CalEEMod and EMFAC. However, CalEEMod and EMFAC do not fully include implementation of the LCFS into mobile source emission factors. Thus, Table GHG-1 provides conservatively estimated GHG emissions. On September 27, 2018, CARB approved an amendment to the LCFS regulation to require a 20 percent reduction in carbon intensity from a 2010 baseline by 2030. Reductions in carbon intensity are phased in starting in 2019 with a reduction of 6.25 percent and increases by 1.25 percent each year. Thus, in 2021, LCFS emissions reductions are 8.75 percent reduced carbon intensity relative to the 2010 baseline. Project-related mobile source GHG emissions would be reduced accordingly, and would increase as LCFS compliance increases to 20 percent reduce carbon intensity by 2030 relative to the 2010 baseline year. The Project would not conflict with this action and strategy.
Implement the post-2020 Cap-and-Trade Program with declining annual caps.	CARB	**No Conflict.** Assembly Bill 398 (AB 398) was enacted in 2017 to extend and clarify the role of the State's Cap-and-Trade Program from January 1, 2021, through December 31, 2030. As part of AB 398, refinements were made to the Cap-and-Trade program to establish updated protocols and allocation of proceeds to reduce GHG emissions. Under the Cap-and-Trade program, entities such as power generation companies and natural gas processing plants would be required to limit or reduce GHG emissions. While the Project itself is not a regulated entity under the Cap-and-Trade Program, it would result in a reduction of GHG emissions associated with the Project's energy usage, since energy supplied to the Project would be from a regulated entity. As the Project would not impede the Program's progress, the Project is considered compliant. The Project would not conflict with this action and strategy.

[a] Senate Bill 350 (2015–2016 Regular Session) Stats 2015, Ch. 547.

SOURCE: ESA, 2022

City of Oxnard 2030 General Plan and Energy Action Plan

The City of Oxnard adopted its 2030 General Plan in October 2011 and includes amendments through December 2016. The 2030 General Plan includes the following applicable goals and implementing policies aimed to reduce GHG emissions.

- **Goal SC-3 Energy Generation and Increased Efficiency.** Energy efficiency performance standards and generation from renewable sources.
  - **General Plan Policy SC-3.10, Alternatives to Power Plant Generation:** Evaluate the feasibility of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants.

The Oxnard General Plan Goal SC-3 addresses energy efficiency performance standards and generation from renewable sources and includes Policy SC-3.10, which has the goal of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants. This policy would support the availability of progressively clean forms of electricity, which would minimize the energy impact and GHG emissions from the Project. The Project would not conflict with this action and strategy.

As discussed above, GHG emissions for the Project have been analyzed and disclosed demonstrating that the Project would not generate GHG emissions that would have a significant impact and that the Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, impacts would be less than significant.

c) **Less than Significant Impact.** As discussed above, the proposed electronic billboard would result in the annual generation of greenhouse gas emissions that would contribute to potential secondary effects of climate change; however, due to the relatively small amount of annual greenhouse gas emissions (less than 10 MTCO2e and progressively reducing in future years as shown in Table GHG-2), the Project's contribution to climate change impacts is nominal and considered less than significant.

References

California Air Pollution Control Officers Association (CAPCOA), 2008. CEQA & Climate Change Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

California Air Pollution Control Officers Association (CAPCOA), 2010, Model Policies for Greenhouse Gases in General Plans A Resource for Local Government to Incorporate General Plan Policies to Reduce Greenhouse Gas Emissions, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-ModelPolicies-6-12-09-915am.pdf.

City of Oxnard, 2013, Energy Action Plan, A Component of the Climate Action and Adaptation Plan. https://www.oxnard.org/wp-content/uploads/2016/04/OxnardEAP4.2013.pdf.

U.S. Department of Energy, n.d., LED Lighting, https://www.energy.gov/energysaver/led-lighting, accessed February 2022.

3.6 Cultural Resources and Tribal Cultural Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5?	☐	☐	☐	☒
b) Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to State CEQA Guidelines Section15064.5?	☐	☒	☐	☐
c) Would the project directly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	☐	☐	☐	☒
f) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Discussion

a) **No Impact.** The Project site is located within the RiverPark Specific Plan that encompasses 701 acres. An archival and historic records search was conducted as part of the RiverPark Specific Plan EIR that was prepared in 2001. Two prehistoric archaeological sites were identified within one-half mile radius of the 701-acre RiverPark Specific Plan. No archaeological sites were recorded within the 701-acre site. A Phase I Archaeological Survey was conducted in 2000 as part of the RiverPark Specific Plan EIR. In 2000, the ground surface was examined by walking transects across the 701-acre RiverPark Specific Plan site. The transects were spaced at 15-meter intervals to identify artifacts that might be present on the ground surface. No archaeological artifacts were found in the vicinity of the Project site during the Phase 1 survey, but a mixed scatter of historical debris was found in the extreme southeastern portion of the RiverPark Specific Plan area approximately 300 feet southeast of the Project site. The survey did not find evidence of an intact historical

deposit or site within this area (W&S Consultants, 2000 and Impact Sciences, Inc. 2001). In 2016, the area of the previously known historical debris was developed as a commercial center in 2016.

In 2001, buildings and structures within the RiverPark Specific Plan were also evaluated to determine if they were eligible for the National or the California Registers. There were no buildings or structures in the immediate vicinity of the Project site. Therefore, no impacts to historical resources would occur with Project implementation.

b) **Less than Significant with Mitigation Incorporated.** As discussed above, no archaeological resources were found in the immediate vicinity of the Project site. Although no known resources were discovered, there could be an inadvertent discovery. Therefore, there is a negligible potential for archaeological resources to be found and if they are found, construction activities could cause significant impacts to the unknown resources.

> **Mitigation Measure CUL-1:** Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor for monitoring of ground disturbing activities. In the event that archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.

Implementation of the above mitigation measure would reduce the potential impacts on unknown archaeological resources to less than significant.

c) **Less than Significant with Mitigation Incorporated.** Based on a review of the U.S. Geological Survey map for Oxnard, the Project site is underlain by Holocene alluvial deposits (CDC, 2003). Holocene alluvium is thought to be too young to contain significant paleontological resources. Therefore, near surface grading would result in less than significant impacts to paleontological resources. However, based on the drilling depth of 40 feet for the proposed billboard pole, the Holocene alluvium could be underlain by more sensitive geologic sediment that could have a high potential to contain paleontological resources. Therefore, construction activities associated with the proposed billboard pole, could result in significant impacts to paleontological resources.

> **Mitigation Measure CUL-2:** Prior to ground disturbance, the applicant is required to retain a City-approved paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.

With the implementation of Mitigation Measure CUL-2, potential impacts on paleontological resources would be reduced to less than significant.

d) **Less than Significant Impact.** No human remains are known to exist on or in the immediate vicinity of the Project site. If human remains are inadvertently encountered, all work is required to halt, and the Ventura County Coroner is required to be contacted in accordance with California Public Resources Code 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) would be notified in accordance with State law. Compliance with the State law would ensure that potential impacts on human remains would be reduced to less than significant.

e, f) **No Impact.** The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (Appendix C). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52.

The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a NOP or a Notice of Intent to Adopt a Negative Declaration or MND will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under the CEQA, known as tribal cultural resources (as defined in PRC Section 21074(a)). On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources update to *CEQA Guidelines* Appendix G, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency's formal notification and the lead agency must begin

consultation within 30 days of receiving the tribe's request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the Project's impacts on the tribal cultural resources; Project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt a Mitigated Negative Declaration (PRC Section 21082.3(d)(2) and (3)).

The Barbareno/Ventureno Band of Mission Indians was notified of the Project, but did not request consultation with the City of Oxnard regarding the proposed Project. There are no known tribal cultural resources located on the Project site, and therefore, no impacts to known tribal cultural resources would occur.

References

California Department of Conservation (CDC), California Geological Survey. 2003. Geologic Map of the Oxnard 7.5' Quadrangle, Ventura County, California: A Digital Database, Version 1.0.

Impact Sciences, Inc. 2001. RiverPark Specific Plan Draft EIR. Available at: https://www.oxnard.org/environmental-document-archives/. Accessed on February 11, 2022.

W&S Consultants. 2000. Phase I Archaeological Survey for the RiverPark Specific Plan Area. December 14.

3.7 Geology and Soils

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or 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 or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii) Strong seismic ground shaking that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
b) Would the project 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-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
c) Would the project be located on expansive soil, creating substantial risk to life or property that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
d) Would the project expose people or structures to inundation by seiche or tsunami?	☐	☐	☐	☒
e) Would the project rely on dredging or other maintenance activity by another agency that is not guaranteed to continue?	☐	☐	☐	☒

Discussion

a.i) **Less than Significant Impact.** A fault is a plane or surface in the earth along which failure has occurred and materials on opposite sides have moved relative to one another in response to the accumulation and release of stress. The U.S. Geological Survey defines active faults as those that have had surface displacements within Holocene time (about the last 11,000 years). Potentially active faults are those that have had surface displacement during Quaternary time, within the last 1.6 million years. Based on a review of the City of Oxnard General Plan Background Report, the most regionally active faults in the vicinity of the City of Oxnard are the Oak Ridge, Pitas Point-Ventura, Red Mountain, Anacapa, and Malibu Coast faults. The nearest active fault to the Project site is the Pitas Point-Ventura fault which is located approximately four miles north of the Project site (Matrix Design Group, Inc., 2006). Due to the distance to the nearest active fault, impacts from a fault rupture at the Project site would be less than significant.

a.ii) **Less than Significant Impact.** The Project site is located in Southern California, an area that is subject to strong seismic ground shaking. Seismically induced ground acceleration is the shaking motion that is produced by an earthquake. As noted in Section 3.7 a.i) above, there are regionally active faults in the vicinity of the City of Oxnard. Earthquake activity associated with these faults could cause ground shaking at the Project site. The proposed

Project is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code. The criteria contain seismic safety provisions with the aim of preventing building and structural collapse during an earthquake. Adherence to these criteria would result in less than significant seismic ground shaking impacts on the proposed Project.

b) **Less than Significant Impact.** Unstable geologic units or soils commonly occur when there are landslides, lateral spreading, subsidence/collapse, or liquefaction.

Landslides

Because the Project site is located on relatively flat terrain, the Project would not be subject to potential unstable soils due to landslides.

Lateral Spreading

Lateral spreading movement occurs when a soil mass slides laterally on liquefied soil layers, moving downslope or towards a free face. Based on a review of the RiverPark Specific Plan EIR, the potential for lateral spreading in the Project area appears to be low. Therefore, less than significant lateral spreading impacts would occur on the Project site.

Subsidence/Collapse

Subsidence or collapse is the sinking of the ground surface caused by the compression of earth materials resulting from manmade activities, such as groundwater or oil and gas withdrawal. The resulting compression typically occurs only once within affected soils and cannot be repeated during fluctuations of the groundwater level or from peat oxidation. Historic groundwater withdrawals have caused some regional subsidence. There are no known active groundwater wells in the immediate vicinity of the Project site, therefore, there is a low potential for subsidence/collapse at the site. As a result, potential effects from land subsidence/collapse would be less than significant. The potential for subsidence/collapse from peat oxidation on the Project site is not likely because of the absence of peat deposits in the borings that were taken as part of the RiverPark Specific Plan. Similarly, subsidence/collapse from oil and gas withdrawal is not likely because there are no known active oil or natural gas wells in the Project vicinity over the past 20 years. Overall, effects from land subsidence/collapse on the Project would be less than significant.

Liquefaction

Liquefaction is a phenomenon that occurs when soil undergoes transformation from a solid state to a liquefied condition due to the effects of increased pore-water pressure. This typically occurs where susceptible soils (particularly soils in the medium sand to silt range) are located over a high groundwater table. A high groundwater table is described as one within 50 feet of the surface. Because the proposed Project is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code and the CBC includes provisions to prevent liquefaction impacts, the potential liquefaction impacts to the Project would be less than significant.

c) **Less than Significant Impact.** Expansive soil is characterized by a clay composition whereby clay particles expand dramatically upon wetting. Structures constructed on expansive soils require special design considerations that are identified within the CBC. Based on a review of the RiverPark Specific Plan EIR, the Specific Plan area generally consists of granular materials (silty sand, well-graded sand, sandy silt, and some clayey silt) that are not expected to be expansive. Conformance with the design criteria within the CBC would prevent substantive expansive soils. Therefore, potential expansive soil impact to the Project would be less than significant.

d) **No Impact.** Seiches and tsunamis are caused by earthquakes. Seiches are waves caused by large-scale, short-duration oscillation of confined bodies of water (such as reservoirs and lakes) during earthquakes that may damage low-lying adjacent areas, although not as severely as a tsunami. The closest enclosed body of water that could result in earthquake-induced seiche is Lake Piru which is approximately 30 miles northeast of the Project site. Due to the distance of Lake Piru, potential seiches in the lake would not impact the Project site. Tsunamis are earthquake-induced surge waves that can cause severe coastal flooding. Because the Project site is located approximately five miles from the coast and at approximately elevation 80 feet above mean sea level, the Project site is not at risk from a tsunami. Implementation of the Project would not be impacted by seiches or tsunamis.

e) **No Impact.** The Project is located in a developed area adjacent to U.S. 101, and the Project would be located on a city-owned property. The operation of the Project would not rely on maintenance activities under the purview of other agencies aside from the City of Oxnard. The Project would have no impact.

References

Matrix Design Group, Inc. 2006. City of Oxnard General Plan Draft Background Report. Available at https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 16, 2022.

3.8 Hazards and Hazardous Materials

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Would the project emit hazardous substances or involve handling hazardous or acutely hazardous substances, or waste within one-quarter mile of an existing or proposed school in quantities or a manner that would create a substantial hazard?	☐	☐	☒	☐
d) Would the project be located on a site that 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?	☐	☐	☐	☒
e) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction activities required for the proposed electronic billboard would involve site clearing, grading, drilling, trenching to connect to an existing electrical line and other ground-disturbing activities. These construction activities would temporarily require the use of equipment such as trucks, drill, concrete mixer, crane, and other powered equipment, and would use potentially hazardous materials, such as fuels (gasoline and diesel) and lubricants (oil and grease). In addition, construction may use hazardous materials, such as solvents, paints, thinners, or other chemicals. Such materials would be used only in small quantities based on the minimal activities associated with the installation of an electronic billboard. These materials would be transported, handled, stored and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Compliance with these existing regulations would result in a less than significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. As such, impacts during construction would be less than significant.

Operation of the proposed electronic billboard would result in periodic maintenance activities of the billboard. These activities may include the limited use of paints, solvents and other chemicals. However, given the periodic nature of maintenance, the potential to create a hazard to the public or the environment through the routine transport, use or disposal of hazardous materials during operational activities would be less than significant.

b) **Less than Significant Impact.** As stated above, the maintenance activities associated with the proposed new electronic billboard may use a limited quantity of hazardous materials such as paints, solvents and other chemicals. However, because these activities are periodic

and the use of potential hazardous materials is limited, the Project will not 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. The Project would result in a less than significant impact.

c) **Less than Significant Impact.** There are no existing or proposed schools within 0.25-mile of the Project site. The nearest school is Sierra Linda Elementary that is located approximately 0.9-mile southwest of the Project site. Since there are no schools within 0.25-mile of the Project site, construction and operational activities associated with the Project are not expected to cause risk to the public or nearby attendees of schools. Therefore, impacts would be less than significant.

d) **No Impact.** Government Code Section 65962.5 requires CalEPA to develop and annually update the Hazardous Waste and Substances Sites (Cortese) List. The information contained in the Cortese List is provided by the Department of Toxic Substances Control (DTSC) and other state and local government agencies. A review of the DTSC EnviroStor and State Water Resources Control Board (SWRCB) GeoTracker databases did not indicate any hazardous materials sites within the Project site. A Leaking Underground Storage Tank (LUST) cleanup site was identified approximately 350 feet southeast of the Project site, where existing commercial retail buildings are located. The site was investigated for potential contamination of underlying groundwater due to the accidental release of diesel and the case for the LUST was closed by the Los Angeles Regional Water Quality Control Board (RWQCB) in 1998, indicating that the LUST no longer poses a threat for groundwater contamination (SWRCB 1998). The proposed Project would not require ground disturbing activities in close proximity to the closed LUST cleanup site. Therefore, the proposed Project would not create a significant hazard to the public or the environment. The Project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.19. Therefore, the proposed Project would not create a significant hazard to the public or the environment.

e) **No Impact.** The Project site is located in an undeveloped lot between Riverpark Boulevard and U.S. 101. Project construction and operational activities would occur onsite, and these activities would not result in changes to the transportation circulation, an existing emergency response plan, or evacuation plan. Therefore, no impact would occur.

References

State Water Resources Control Board (SWRCB), 1998. GeoTracker Database. MacValley/McCaslin Oil (T0611100537). Available at: http://geotracker.waterboards.ca.gov/profile_report?global_id=T0611100537. Accessed on February 28, 2022.

3.9 Hydrology and Water Quality

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Would the project 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 on- or off-site flooding or exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	☐	☒
d) Would the project place new 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?	☐	☐	☐	☒
e) Would the project impede or redirect flood flows such that it would increase on- or off-site flood potential?	☐	☐	☐	☒
f) Would the project 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?	☐	☐	☒	☐
g) Would the project be exposed to a substantial risk related to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction activities associated with the Project could result in short-term surface water quality impacts. These potential impacts could occur from construction-related activities such as drilling for the electronic sign pole foundation and pouring concrete as well as the trenching for the electrical line. Runoff of loose soils and/or construction wastes and fuel during a rainstorm could flow into local storm drains as a result of Project construction. Such contaminated runoff could potentially threaten downstream water resources that receive runoff from the local drainage network. Standard construction BMPs such as silt fencing, storm drain inlet protection, and proper material and waste storage will ensure surface water quality is not substantially degraded during construction. Compliance with the City's standard stormwater runoff provisions for construction activities, such as runoff control and other measures set forth in the City of Oxnard Code Section 22-222 would ensure that the Project does not violate any water quality standards or any waste discharge requirements during construction (City of Oxnard, Nd). Due to the lack of significant grading, earth-moving activities, and paving as part of the Project, the potential water quality impact from construction activities would be less than significant.

Operation activities associated with the electronic billboard would not involve the use of water or the generation of wastewater. Therefore, no violation of any water quality standards or any waste discharge requirements would occur, and thus no water quality impact would result.

b) **Less than Significant Impact.** The proposed Project includes construction activities to install an electronic billboard, trenching for an electrical line and the placement of landscaping. The proposed billboard would not require water to operate. The Project includes the removal of existing eucalyptus trees along U.S. 101 and the planting of drought tolerant tree species including carpe myrtle, western redbud and vitex. The proposed billboard will include an approximately 7-foot diameter hole for the proposed 5-foot diameter pole that will be set into concrete. The Project also includes trenching for approximately 40 feet to connect the Project to an existing electrical facility. The Project site currently provides little to no infiltration of water into groundwater aquifers. The Project site does not support any groundwater production systems, and construction and operation of the proposed electronic billboard would not interfere with the operation of any production system. The proposed Project would not substantially change the amount of existing impervious surface area and would not have a substantial impact on groundwater recharge. The Project also includes trenching for the proposed electric power line to connect with the existing line and would extend approximately 40 linear feet. The construction of the 7-foot diameter hole that would extend approximately 50 feet into the ground may encounter groundwater that would need to be extracted for construction of the pole location. The extraction of the groundwater would not be substantial because it would be limited for a 7-foot diameter pole. Implementation of the proposed Project would result in less than significant groundwater impacts.

c) **No Impact.** The Project site is undeveloped and has relatively flat topography. No stream or water resource features occur on the Project site. In addition, the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of a course, stream or river, or through the addition of impervious surfaces as the installation of the proposed electronic billboard would nominally increase impervious surfaces on the site. As such, no impact would occur.

d) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Project site is not located in a flood prone area including a 100-year flood zone (FEMA, 2010). Therefore, the Project would not place the pole for the electronic billboard or trench for the proposed electrical line within a flood prone area. No impact would occur.

e) **No Impact.** The implementation of the Project includes the placement of a 5-foot diameter pole within a 7-foot diameter hole on the Project site and includes approximately 40 linear feet of trenching for the placement of an electrical line. The placement of the pole and electrical line would not impede or redirect existing surface drainage flows from the Project site.

f) **Less than Significant Impact.** Based on a review of the Ventura County Multi-Hazard Mitigation Plan, the majority of the City of Oxnard including the Project site is within a dam inundation area (AECOM, 2015). Although the Project site is subject to inundation due to a failure of a dam upstream along the Santa Clara River, the probability of dam failure inundation is not known but such an event would likely be the result of an extreme storm. The Division of Safety and Dams periodically checks the conditions of dams so that the likelihood for a dam failure is further reduced. The existing levee along the Santa Clara River is currently being evaluated to reconstruct to provide greater protection for urban uses. There is a potential for a breach of the levee prior to reconstruction of the levee. Because the proposed electronic billboard would be installed with concrete approximately 40 feet below ground surface and the proposed electronic billboard is located approximately 0.8 mile from the levee, a potential breach of the levee would result in a less than significant impact on the proposed electronic billboard. Overall, the potential inundation at the Project site would result in a less than significant impact on the proposed electronic billboard and would not result in exposing people to injury or death.

g) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Project site is not located in a flood prone area (FEMA, 2010). As discussed in Section 3.9 d) above, the Project site would not be subject to seiches or tsunamis. The Project site and surrounding area contain relatively flat terrain and are not subject to mudflows. Therefore, the Project would not be exposed to substantial risk related to inundation by a seiche, tsunami or mudflow at the Project site.

References

AECOM. 2015. Ventura County Multi-Hazard Mitigation Plan. Available at: https://www.vcfloodinfo.com/pdf/2015%20Ventura%20County%20Multi-Hazard%20Mitigation%20Plan%20and%20Appendices.pdf. Accessed on February 18, 2022.

City of Oxnard. Nd. City of Oxnard Code of Ordinances, Section 22-222, Construction Development. Available at: https://codelibrary.amlegal.com/codes/oxnard/latest/oxnard_ca/0-0-0-45944. Accessed on February 17, 2022.

Federal Emergency Management Agency. 2010. Flood Insurance Rate Map, Ventura County, California, Panel 910 of 1275, Map Number 06111C0910E. Available at: https://msc.fema.gov/portal/search?AddressQuery=Riverpark%20Oxnard%20Ca#searchresultsanchor. Accessed on February 18, 2022.

3.10 Land Use and Planning

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with an applicable land use plan, policy or regulation of the City or other agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect?	☐	☐	☒	☐
b) Would the project involve land uses that are not allowed under any applicable airport land use compatibility plan?	☐	☐	☒	☐
a) Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
b) Would the project physically divide an established community?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** As discussed in Section 3.1 c), based on a review of the existing City of Oxnard sign regulations within the City of Oxnard Municipal Code, the proposed electronic billboard is not currently an allowed use within the City of Oxnard. However, as discussed within Section 3.1, Aesthetics and Urban Design, the implementation of the proposed electronic billboard would result in less than significant impacts to scenic vistas, scenic resources, and scenic highways, and the Project would result a less than significant visual alteration of the existing visual characteristics as well as less than significant light and glare. In addition, the City is currently processing a separate Ordinance amendment to allow electronic billboards prior to approval of the Project, and the Project design complies with the proposed Ordinance regulations. The Project includes an amendment to the RiverPark Specific Plan and a Development Agreement to ensure Project consistency. Therefore, the proposed Project would not conflict with a regulation of the City (i.e., the City of Oxnard Municipal Code or the RiverPark Specific Plan) that was adopted for the purpose of avoiding or mitigating a significant environmental effect.

b) **Less than Significant Impact.** The Project is located approximately 2.5 miles from the Oxnard Airport. According to the Oxnard Airport Master Plan, obstructions to air navigation in the vicinity of the Project site would occur if structures exceeded 350 feet in elevation (Coffman Associates, Inc., 2004). Because the Project includes an electronic billboard that will include a height of 60 feet above the ground, the implementation of the Project would not impact air navigation.

c) **No Impact.** According to the City of Oxnard 2030 General Plan EIR, no established or planned Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan exists within the City of Oxnard (Matrix Design Group, 2009). Therefore, the Project would not result in any impact associated with these plans.

d) **No Impact.** Construction of the proposed electronic billboard includes the placement of a pole in the ground. The proposed billboard would not physically divide the surrounding community since the proposed sign would not obstruct or in any way change access to the existing community. The Project site is located in an existing undeveloped lot and would not impact any roadways or traffic circulation patterns within the existing community. The proposed electronic billboard Project would not create any barriers to access to a community or require removal of any housing. As such, the proposed Project would have no impact.

References

Coffman Associates, Inc. 2004. Airport Master Plan for Oxnard Airport. Available at: https://vcportal.ventura.org/AIRPORTS/docs/document_library/Master_Plan_OXR_2004.pdf. Accessed on February 18, 2022.

Matrix Design Group. 2009. City of Oxnard General Plan Program Environmental Impact Report. Available at: https://www.oxnard.org/city-department/community-development/planning/2030-general-plan/. Accessed on February 18, 2022.

3.11 Mineral Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in the loss of availability of a known mineral resource of value to the region or state?	☐	☐	☐	☒
b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated in the 2030 General Plan or other adopted land use plan?	☐	☐	☐	☒

Discussion

a) **No Impact.** Based on a review of the RiverPark Specific Plan EIR, the Project site is located in an area identified as RiverPark Specific Plan Area 'A'. The City has designated this area for urban uses since 1986 and mining within this area, including the Project site, would be economically infeasible due to its location and expected poor quality of materials recovered (Impact Sciences, 2001). The proposed Project would not result in the loss of availability of important mineral resources. No impacts to mineral resources would occur with the implementation of the proposed Project.

b) **No Impact.** Because the Project site has been designated for urban development since 1986 and currently designated Regional Commercial uses, the City of Oxnard General Plan has not designated the Project site as a mineral resource recovery area (City of Oxnard, 2014). Therefore, the implementation of the Project would not impact a locally-important mineral resource recovery site.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 22, 2022.

Impact Sciences. RiverPark Specific Plan Draft EIR. 2001. Available at: https://www.oxnard.org/environmental-document-archives/. Accessed on February 22, 2022.

3.12 Noise

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project generate or expose persons to noise levels exceeding standards established in the Oxnard 2030 General Plan or Noise Ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Would the project generate or expose persons to excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) Would the project generate a substantial temporary or periodic increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Would the project generate a substantial permanent increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within the airport land use plan for Oxnard Airport or within two miles of Naval Base, Ventura County at Point Mugu, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) Would the project expose non-human species to excessive noise?	☐	☒	☐	☐

Discussion

a) **Less than Significant Impact.** Implementation of the proposed electronic billboard would result in noise increases during construction activities and noise increases during operation due to periodic maintenance activities.

Construction activities will include the placement of a pole 50 feet into the ground and extension of the pole 60 feet above the ground as well as trenching for the proposed electrical line. The construction activities will also include the removal of the existing eucalyptus trees within the existing U.S. 101 right-of-way and plant replacement trees. The placement of the proposed pole will result in the highest noise levels during construction and would require the following construction equipment for each construction activity:

Drill footing/haul and dispose dirt (1 to 2 days)

- 48’ Flatbed Truck & Trailer
- Caterpillar 262D Skid Steer Loader
- LoDril HT Drill Mounted on a John Deere 270D
- 5 Super 10 Dump Trucks rotating dumps

Column Set/Concrete Pour (1 to 2 days)

- Link Belt HTC8690 90 Ton Mobile Crane Truck
- Elliott L140 Hireach Crane Truck

- 4 Concrete Mixing Trucks
- Concrete Rock Pump Trailer

Set Top of Column and Build & Set Structure (1 to 2 days)

- 2 - 48' Flatbed Truck & Trailer
- Grove GMK5275 – 275 Ton Mobile Crane Truck
- Elliott L140 Hireach Crane Truck
- Ingersoll Rand P-1000-W-D Towable Air Compressor

Build and Set Digital Displays (1 to 2 days)

- 2 - 48' Flatbed Truck & Trailer
- Link Belt HTC8690 90 Ton Crane Mounted on flatbed truck
- Elliott L140 Hireach Crane Truck

As a worst-case evaluation, there is an assumption that the drill footing/haul and dirt disposal as well as the column set/concrete pour activities could occur in one day. **Table N-1** provides estimated construction noise levels at 50 feet, 100 feet and 200 feet.

TABLE N-1
CONSTRUCTION NOISE LEVEL[a]

Activity	Noise Level, dBA Leq
Drill Footing/Haul and Dispose Dirt, and Column Set/Concrete Pour	
At 50 feet	82/83
At 100 feet	76/77
At 200 feet	70/71
Set Top of Column and Build & Set Structure	
At 50 feet	80
At 100 feet	74
At 200 feet	68
Build and Set Digital Displays	
At 50 feet	79
At 100 feet	73
At 200 feet	67

[a] Based on equipment identified above that was provided by the Project applicant.
SOURCE: Client and ESA 2022

The nearest existing residences to the Project site is approximately 145 feet north of the site. As shown above, the highest construction noise levels at 100 feet would be approximately 77 dBA Leq. These residences are also located approximately 280 feet from

the centerline of U.S. 101. Based on Caltrans peak hour traffic volume information (6,954 automobiles, 207 medium trucks and 139 heavy trucks) adjacent to the Project site, traffic noise levels at approximately 200 feet from the freeway centerline would be 75.6 dBA Leq which is similar to the noise level that would be experienced during construction activities.

Construction noise levels are considered significant if noise levels are not consistent with the City of Oxnard Noise Ordinance or are not consistent with the 2030 General Plan noise policies.

City of Oxnard Noise Ordinance

In accordance with Section 7-188 of the City's Municipal Code, sound sources associated with or created by construction, repair, remodeling or grading of any real property are exempt, provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Because the Project would include construction activities between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday, the construction noise levels are considered less than significant.

Operational noise levels would occur during periodic maintenance activities. These activities would be required to repair and maintain the proposed electronic billboard. These maintenance activities would include a nominal number of trucks traveling to the Project site and result in less than significant truck traffic noise. In addition, the repair and maintenance activities that would periodically occur onsite would be considered exempt and result in nominal increases in noise levels to the surrounding uses. These periodic maintenance activities would only occur during the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Therefore, long-term operational activities associated with the proposed electronic billboard would result in less than significant noise impacts.

City of Oxnard Safety & Hazards Element

The Safety & Hazards Element includes noise policies. The applicable policies are related to construction noise (City of Oxnard, 2016). Because the operational activities would include periodic maintenance activities that would generate nominal noise levels, the operational-related noise policies are not applicable to the Project. The following construction noise policies are applicable to the Project.

SH-6.1 Construction Noise Control – Provide best practices guidelines to developers for reducing potential noise impacts on surrounding land uses.

As described above, noise levels associated with construction activities at the nearest residences would be similar to the noise levels associated with freeway traffic along U.S. 101. Therefore, construction activities would not require best practices to reduce anticipated construction noise.

SH-6.2 Limiting Construction Activities – Continue to limit construction activities to the hours of 7 am to 7 pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the city.

As also described above, construction activities would be limited to the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Therefore, the Project would be consistent with this goal.

b) **Less than Significant Impact.** Construction equipment generates ground vibration. Operational activities associated with the Project would generate ground vibration with vehicles traveling on roadways.

The City of Oxnard does not have vibration criteria standards; however, there are federal vibration criteria that have been adopted by the Federal Transit Administration (FTA). The vibration damage criteria for structures in the Project vicinity is 0.5 peak particle velocity (PPV). The vibration criteria for human annoyance is 72 vibration decibels (VdB) (Federal Transit Authority, 2018). Based on the review of the FTA vibration levels by type of equipment, the highest level of vibration from a piece of equipment that would be used during the Project construction activities would occur from a loaded truck that generates 0.076 PPV and 86 VdB at 25 feet. At the nearest residence located at approximately 145 feet north of the Project site, the residence would be exposed to 0.006 PPV and 63 VdB that are less than the 0.5 PPV vibration damage criteria and less than the 72 VdB human annoyance criteria. Therefore, construction activities associated with the Project would result in less than significant vibration impacts.

Long-term maintenance activities would result in periodic trucks accessing the Project site; however, trucks accessing the site would result in nominal increases in the typical vibration levels that are experienced from daily vehicles traveling along Riverpark Boulevard. Therefore, long-term vibration impacts associated with the Project would be less than significant.

c) **Less than Significant Impact.** The implementation of the Project would result in temporary and periodic increases in noise levels. As discussed above, temporary noise levels would occur during construction activities associated with the electronic billboard. As a worst-case assumption, noise levels at the nearest residence could reach up to 77 dBA Leq while vehicular noise levels from U.S. 101 at the same nearest residence would be approximately 75.5 dBA Leq. This potential increase of 1.5 dBA Leq would not be considered substantial for construction activities. In addition, the City considers construction activities as significant if construction noise does not occur within the Noise Ordinance timing restriction. Because the Project would include construction activities within the allowed times of day, the Project would result in a less than significant temporary noise impact.

As discussed above, long-term maintenance activities associated with the proposed electronic billboard would occur. However, these periodic activities would result in nominal increases in noise and would be considered less than significant.

d) **No Impact.** Operation of the proposed electronic billboard would not generate permanent noise. Therefore, the implementation of the Project would result in no long-term permanent noise impact.

e) **No Impact.** There are no public airports or private airstrips within two miles of the Project site. The closest airport is the Oxnard Airport located approximately 2.5 miles southwest of the Project site in the City of Oxnard. The next closest airport is the Camarillo Airport which is located approximately 4.0 miles southeast of the Project site. Because the Project does not include people residing on the site, and the site is over two miles from the nearest airport, the Project would not expose people to excessive airport noise levels. Therefore, no impact would occur.

f) **Less than Significant with Mitigation Incorporated.** As discussed in Section 3.4 d) above, the implementation of the Project could impact nesting bird species associated with the eucalyptus trees that are proposed to be removed as part of the Project. In addition, trees that are in the Project vicinity could also include nesting birds that could be impacted from the construction-related noise associated with the Project. This increase in noise could result in a significant noise impact to nesting birds.

Implementation of Mitigation Measure BIO-1 from Section 3.4 d) is required.

With the implementation of Mitigation Measure BIO-1 for nesting birds, potential impacts to nesting birds would be reduced to less than significant.

References

City of Oxnard. 2016. 2030 General Plan Goals and Policies, Safety & Hazards Element. Available at: https://www.oxnard.org/wp-content/uploads/2017/06/Oxnard-2030-General-Plan-Amend-06.2017-SM.pdf. Accessed on February 28, 2022.

Federal Transit Administration. 2018. Transit Noise and Vibration Impact Analysis.

3.13 Population, Education, and Housing

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project involve a General Plan amendment that could result in an increase in population beyond that projected in the 2030 General Plan that may result in one or more significant physical environmental effects?	☐	☐	☐	☒
b) Would the project induce substantial growth on the project site or surrounding area, resulting in one or more significant physical environmental effects?	☐	☐	☐	☒
c) Would the project result in a substantial (15 single-family or 25 multi-family dwelling units – about one-half block) net loss of housing units through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
d) Would the project result in a net loss of existing housing units affordable to very low- or low-income households (as defined by federal and/or City standards), through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
e) Would the project cause an increase in enrollment at local public schools that would exceed capacity and necessitate the construction of new or expanded facilities?	☐	☐	☐	☒
f) Would the project directly or indirect interfere with the operation of an existing or planned school?	☐	☐	☐	☒

Discussion

a) **No Impact.** The proposed Project includes the installation of a digital electronic billboard on a site that currently is designated Regional Commercial within the 2030 General Plan (City of Oxnard, 2014). The placement of the billboard does not require a general plan amendment and would not increase population beyond that projected in the 2030 General Plan. Therefore, the Project would result in no impact on population.

b) **No Impact.** The proposed Project includes the installation of a digital electronic billboard. The operation of the billboard would not result in the inducement of growth on the Project site or surrounding area because the operation would not require an onsite employee to operate the billboard.

c) **No Impact.** The implementation of the electronic billboard is on a site that does not contain any existing housing. Therefore, the implementation of the Project would result in no impact on existing housing.

d) **No Impact.** As stated above, the implementation of the electronic billboard is on a site that does not contain any existing housing. Therefore, the implementation of the Project would result in no impact on existing housing, including existing affordable housing units.

e) **No Impact.** Because the Project would not result in new housing or employment opportunities, the implementation of the Project would not impact enrollment at local public schools.

f) **No Impact.** The nearest school to the Project site is Rio Vista Middle School located approximately 0.5-mile north of the Project site. Construction and operation of the proposed billboard would not directly or indirectly interfere with the operation of a school.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 28, 2022.

3.14 Public Services and Recreation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase demand for fire protection service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
b) Would the project increase demand for law enforcement service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
c) Would the project increase the use of existing park facilities such that substantial physical deterioration of the facilities would occur or be accelerated or that new or expanded park facilities would be needed to maintain acceptable service levels?	☐	☐	☐	☒
d) Would the project increase the need for or use of existing library or other community facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒

Discussion

a) **No Impact.** The operation of the proposed electronic billboard would add a structure that would be served by the City of Oxnard Fire Department Station 7 that is located approximately one-mile northeast of the Project site (City of Oxnard, 2022a). No employees would be located on the Project site, and therefore, the addition of the proposed billboard would not require the addition of a new fire station or modifications to an existing fire station to serve the Project site. Therefore, the proposed Project would have no impact on fire protection services.

b) **No Impact.** The Project site is located approximately 2.3 miles north of the City of Oxnard Police Department and located within Neighborhood Policing Beat 14 (City of Oxnard, 2022b). The proposed Project includes an electronic billboard that would not result in a demand for police protection services because there are no employees that would be located on the Project site. Therefore, the Project would have no impact on police protection services.

c) **No Impact.** The proposed Project would not generate employees and would not increase the use of existing park facilities. Therefore, the Project would not result in the physical deterioration of existing park facilities.

d) **No Impact.** The proposed Project would not generate employees and would not increase the use of existing libraries or other community facilities. Therefore, the Project would not impact libraries or community facilities.

References

City of Oxnard. 2022a. City of Oxnard Fire Department, Fire Station Locations. Available at: https://www.oxnard.org/fire-station-locations-fire-department/. Accessed on February 28, 2022.

City of Oxnard. 2022b. Oxnard Police Department, Neighborhood Policing Beat Coordinator Map. Available at: https://sites.google.com/oxnardpd.org/2020-beat-map/police-beat-map Accessed on February 28, 2022.

3.15 Transportation and Circulation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Would the project result in inadequate emergency access?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction of the proposed electronic billboard and trenching for an electrical line would generate a nominal number of construction vehicle trips for the activities to place the electronic billboard on the Project site and trench for approximately 40 feet to the adjacent electrical enclosure that is located south of Riverpark Boulevard. This nominal number of trips would not conflict with the circulation system and result in less than significant impacts. In addition, the trenching for the electrical line would not impact automobile circulation or the pedestrian pathway located along Riverpark Boulevard. In addition, long-term activities associated with the Project include periodic visits to the site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system.

b) **No Impact.** The proposed Project would include periodic maintenance vehicle trips to the site, as needed, and would not require daily vehicle trips to the site for operation of the electronic billboard. Therefore, the Project would have no impact on vehicle miles traveled.

c) **Less than Significant Impact.** The proposed Project includes the placement of an electronic billboard adjacent to U.S. 101. The proposed billboard will be oriented for viewing primarily from U.S. 101. The proposed billboard will comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the proposed electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur.

d) **No Impact.** The implementation of the proposed electronic billboard would not cause inadequate emergency access in the Project vicinity because the placement of the electronic sign does not include employees at the Project site. Therefore, the Project would not impact access.

References

No references.

3.16 Utilities and Energy

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project need new or expanded water supply entitlements that are not anticipated in the current Urban Water Management Plan?	☐	☐	☐	☒
b) Would the project require additional wastewater conveyance or treatment capacity to serve project demand and existing commitments?	☐	☐	☐	☒
c) Would the project generate solid waste that would exceed the permitted capacity of a landfill serving the City?	☐	☐	☐	☒
d) Would the project conflict with federal, state, or local statutes or regulations related to solid waste?	☐	☐	☐	☒
e) Would the project involve wasteful, inefficient, or unnecessary consumption of energy during project construction, operation, maintenance, and/or removal?	☐	☐	☒	☐
f) Would the project require additional energy facilities, the provision of which may have a significant effect on the environment?	☐	☐	☐	☒
g) Would the project be inconsistent with existing energy standards?	☐	☐	☒	☐
h) Would the project preempt future energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage?	☐	☐	☐	☒

Discussion

a) **No Impact**. The operational activities associated with the proposed electronic billboard would not require the use of water, and therefore, the Project would not require new or expanded water supply entitlements. Therefore, the Project would have no impact.

b) **No Impact.** The proposed Project would not result in wastewater generation, and therefore, would not result in a need for wastewater treatment. As a result, the Project would not impact the capacity of the existing wastewater treatment facilities servicing the City of Oxnard.

c) **No Impact**. The proposed electronic billboard would not include any employees and would not generate solid waste. Temporary construction waste would be hauled off site in accordance with all Federal, State, and local regulations. The Project would not exceed current permitted capacities of landfills because the Project would not generate operational waste. As such, the proposed Project would have no long-term impact.

d) **No Impact.** As discussed above, temporary construction waste would be generated during installation of the proposed billboard, trenching for the electrical line and removal of the existing landscaping along U.S. 101. However, the construction waste would be hauled off site in accordance with all Federal, State, and local regulations, and therefore, would not conflict with these regulations.

e) **Less than Significant Impact**. As described below, the proposed Project would not involve wasteful, inefficient, or unnecessary consumption of energy.

Construction

The Project would consume energy during construction activities, primarily from on- and off-road vehicle fuel consumption in the form of diesel and gasoline, necessary to install a typical billboard. Construction of a typical billboard is assumed to require up to four workdays, depending on the nature of the soil and the extent of the column footing required. For the purposes of evaluating energy usage, the analysis conservatively assumes a construction scenario of four days of construction. The construction would consist of the following tasks: 1) drilling and haul of excavated soil, 2) column set and concrete pour, 3) building the structure and 4) installation of digital display. These activities would occur over a two-week period with a five to seven-day break between the drilling/column set and the installation to allow for concrete setting.

Energy consumption would occur from the operation of heavy-duty construction equipment, on-road trucks, and from on-road light-duty passenger vehicles from construction workers commuting to and from the Project site. Heavy-duty construction equipment was conservatively assumed to be primarily diesel-fueled. Diesel fuel would also be used for heavy-duty on-road trucks used for hauling of excavated soils, cement delivery, on-road transport of construction equipment and materials (i.e., aerial lift trucks, cranes, and billboard construction materials such as columns and electronic displays) Natural gas and electricity are not anticipated to be used during construction activities in any substantial quantities. A summary of the Project's construction fuel usage is provided in **Table UE-1**, *Summary of Fuel Consumption During Installation of the Proposed Electronic Billboard*. Energy calculations for fuel consumption are based on the same assumptions used for the Air Quality analysis and used for the CalEEMod Emissions Modeling.

TABLE UE-1
SUMMARY OF FUEL CONSUMPTION DURING INSTALLATION OF THE PROPOSED ELECTRONIC BILLBOARD

Activity	Fuel	Gallons[a]
Off-Road Construction Equipment	Diesel	203
Construction Haul Vehicles	Diesel	117
Construction Worker Commuting	Gasoline	14

[a] Fuel estimates are based on installation of the proposed electronic billboard in 2022.
SOURCE: ESA, 2022

As shown, the estimated total diesel fuel consumed by construction equipment and on-road haul/delivery trucks would be approximately 320 gallons for the installation of the proposed electronic billboard. Transportation fuel from workers traveling to and from the

Project site would be limited and are estimated as less than 15 gallons of gasoline which is considered minimal fuel consumption.

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, crude oil production would be sufficient to meet 50 years of worldwide consumption (BP Global, 2022). Vehicles that would be used by construction workers would comply with Corporate Average Fuel Economy fuel economy standards, which would result in more efficient use of transportation fuels (lower consumption). Vehicles that would be used by construction workers would also comply with Pavley and Low Carbon Fuel Standards which are designed to reduce vehicle GHG emissions, but would also result in fuel savings in addition to compliance with Corporate Average Fuel Economy standards.

Construction of the Project would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, and would comply with State measures to reduce the inefficient, wasteful, and unnecessary consumption of energy, such as petroleum-based transportation fuels. While these regulations are intended to reduce construction emissions, compliance with the anti-idling and emissions regulations discussed above would also result in fuel savings from the use of more fuel-efficient engines. Therefore, Project construction would not result in wasteful, inefficient, or unnecessary consumption of energy resources and energy impacts would still be less than significant. Calculation details for fuel and energy consumption are included in **Appendix G**.

Operation

Operations of the proposed electronic billboard would consume energy in the form of purchased electricity to power the lighting. Electricity in the Project area (Ventura County) is provided by Southern California Edison (SCE). SCE is required to commit to the use of renewable energy sources for compliance with the Renewable Portfolio Standards (RPS). SCE has already met its requirement to procure at least 33 percent of its energy portfolio from renewable sources by 2020 with approximately 33.1 percent of its 2020 electric supply power mix from renewable power (SCE 2020). With the passage of SB 100 in September 2018, SCE will be required to update its long-term plans to demonstrate compliance including providing 60 percent of its energy portfolio from renewable sources by December 31, 2030, and ultimately planning for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

Predicted energy use for the proposed electronic billboard is estimated at an average of approximately 150 kilowatt hours (kWh) per day and approximately 54,000 kWh per year.

Based on SCE's 2020 Annual Report, SCE total system sales for 2020 was 85,399 million kWh of electricity (SCE 2021). As such, the Project-related net increase in annual electricity consumption of 54,000 kWh per year would represent less than 0.0001 percent of SCE's total energy sales. The proposed electronic billboard would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). Therefore, Project operations would not result in wasteful, inefficient, or unnecessary consumption of energy resources and energy impacts would still be less than significant.

As discussed above, Project construction would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, to reduce the use of petroleum-based transportation fuels. Operation of the Project would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). As a result, the proposed Project would support Statewide efforts to implement fuel saving strategies and utilize energy efficient technologies. Overall, the Project would not be inconsistent with existing energy standards and impacts would be less than significant.

f) **No Impact.** Implementation of the proposed electronic billboard would include the extension of an electrical line for approximately 40 linear feet to an existing electrical facility located immediately adjacent to the Project site. The electronic billboard would not require additional energy facilities, beyond the proposed extension of an electrical line, to serve the proposed Project. Therefore, the Project would result in no impact.

g) **Less than Significant Impact.** As discussed above, Project construction would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, to reduce the use of petroleum-based transportation fuels. Operation of the Project would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, nd.). As a result, the proposed Project would support Statewide efforts to implement fuel saving strategies and utilize energy efficient technologies. Overall, the Project would not be inconsistent with existing energy standards and impacts would be less than significant.

h) **No Impact.** The implementation of the proposed electronic billboard would not preempt energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage due to the Project's limited use of energy resources.

References

BP Global. 2022. Oil reserves. Available at: https://www.bp.com/en/global/corporate/energy-economics/statistical-review-of-world-energy/oil.html. Accessed February 2022.

Edison International. 2021. Edison International and Southern California Edison 2020 Annual Report, page 2. Available at: https://www.edison.com/content/dam/eix/documents/investors/sec-filings-financials/2020-eix-sce-annual-report.pdf. Accessed February 2022.

Southern California Edison. 2020, 2020 Power Content Label, Southern California Edison.

U.S. Department of Energy. nd. LED Lighting. Available at: https://www.energy.gov/energysaver/led-lighting. Accessed February 2022.

3.17 Wildfire

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion

a - d) **Less than Significant Impact.** The proposed digital electronic billboard is located on a lot in an urban area of the City of Oxnard. Based on a review of the fire hazards severity zones prepared as part of the CalFire fire and resource assessment program, the Project site is not located within or near an area that is designated as a very high fire hazard severity zone (VHFHSZ). The nearest VHFHSZ designated in a Local Responsibility Area is approximately 4.5 miles to the northwest and within a State Responsibility Area is approximately 4.3 miles to the northeast. Due to the distance from a VHFHSZ, the Project would result in less than significant impacts related to wildfires.

References

CalFire. 2020. FHSZ Viewer. Available at: gis.fire.ca.gov/FHSZ/. Accessed on March 2, 2022.

3.18 Mandatory Findings of Significance

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Would 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 projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) **Less than Significant with Mitigation Incorporated.** The implementation of the Project would include installation activities for the proposed billboard and electrical line as well as removal of existing eucalyptus trees along U.S. 101 that could provide nesting opportunities for bird species. The installation activities and removal of the eucalyptus trees could result in significant impacts to nesting birds. The implementation of Mitigation Measure BIO-1 would reduce these potential impacts to less than significant. In addition, construction activities for the Project could result in potential significant impacts to archaeological resources. The implementation of Mitigation Measure CUL-1 would reduce these potential impacts to less than significant.

b) **Less than Significant with Mitigation Incorporated.** The potential for cumulative impacts occur when the impacts of a project are combined with impacts from related development projects and result in impacts that are greater than the impacts of a project alone. The City of Oxnard currently includes an additional electronic billboard proposed at Ventura Road on the northside of U.S. 101. This related project is located approximately 4,600 feet west of the Project site. The City of Oxnard is also contemplating the adoption of an ordinance that would allow additional electronic billboards to be constructed and operate along U.S. 101; however, these billboards would not be allowed to be placed within 2,000 feet of an existing electronic billboard and would be required to be located at least 100 feet from an existing residence. As discussed in Sections 3.1 through 3.17 above, the proposed Project could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related projects would need to occur at least 2,000 feet

from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

c) **Less than Significant Impact.** The implementation of the proposed electronic billboard includes potential significant impacts to nesting birds and potential archeological and paleontological resources. The Project would result in less than significant direct or indirect impacts on human beings.

References

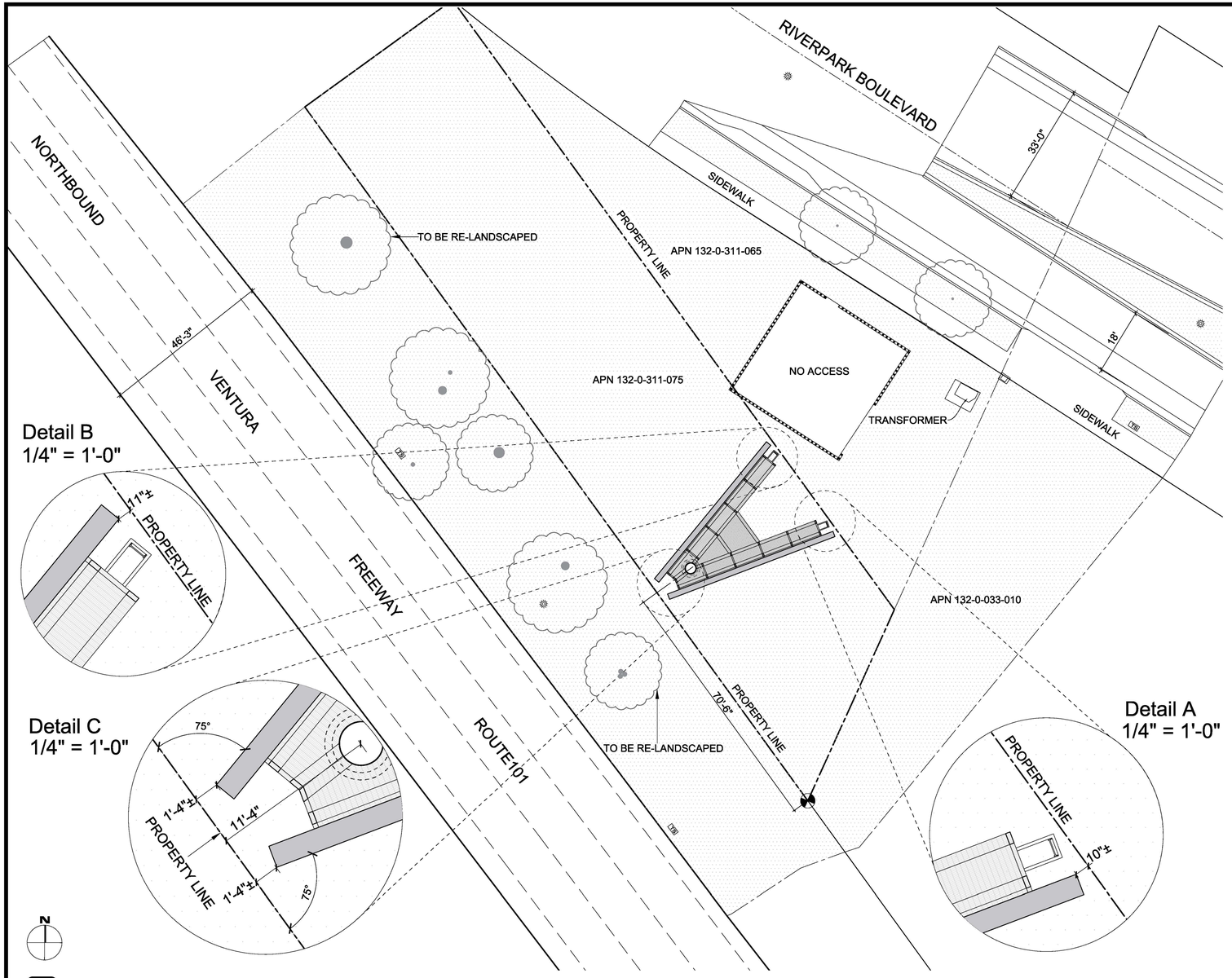
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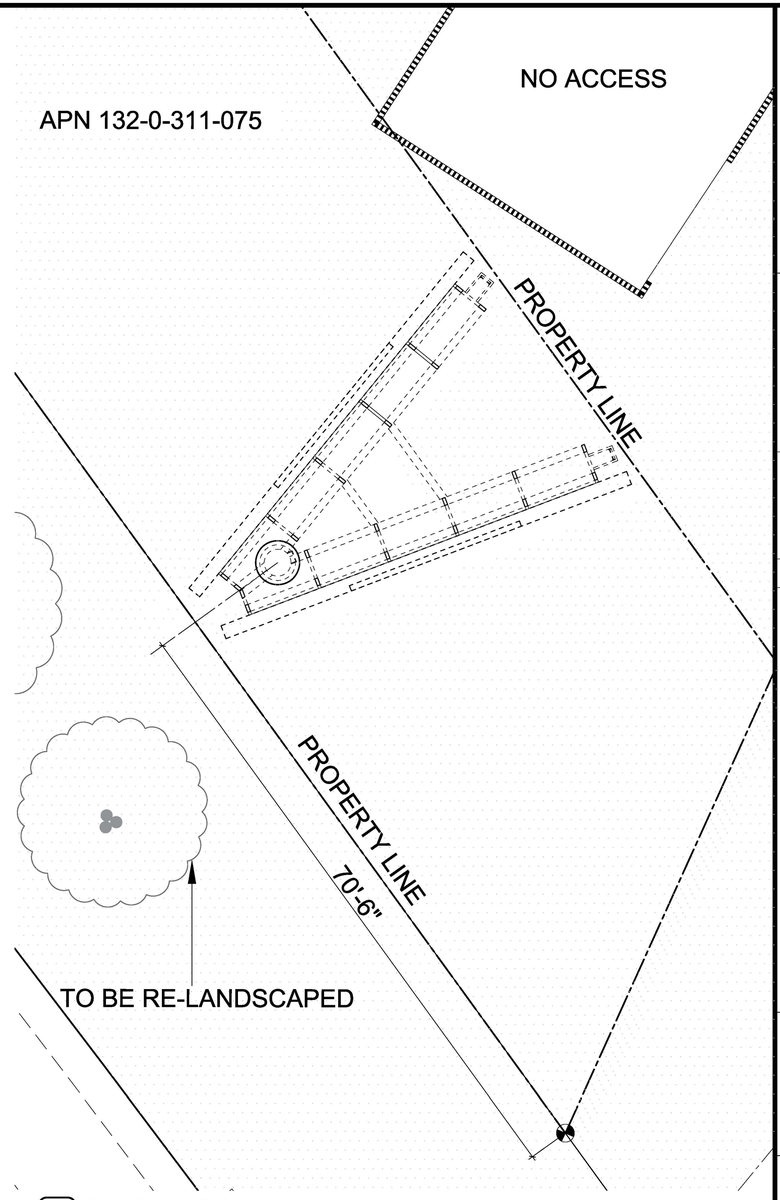
Appendix A

Project Plans

ESA



2 Bird's Eye Site Plan — 1/16" = 1'-0"



1 Site Plan @Grade — 1/8" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- TREE LINE

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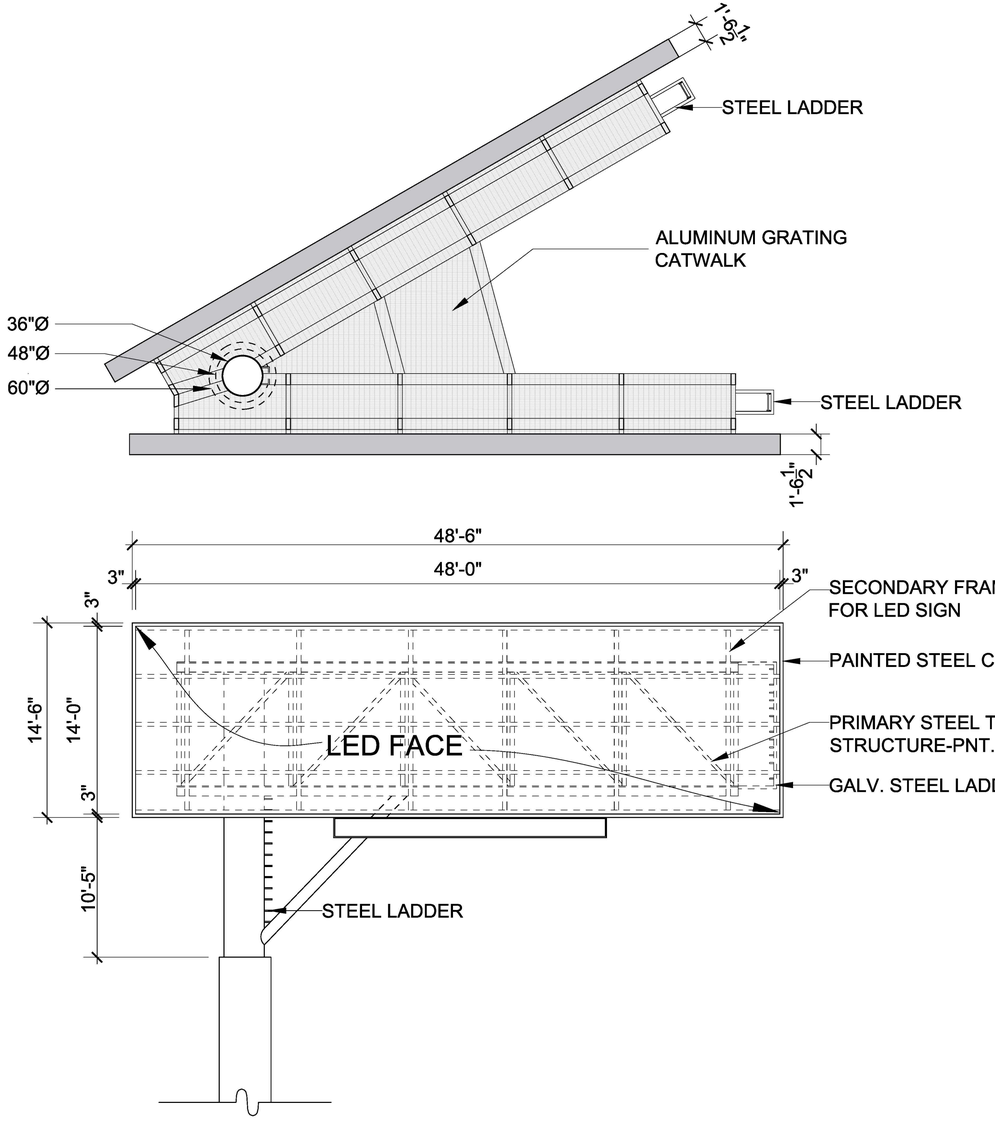
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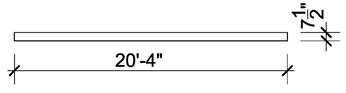
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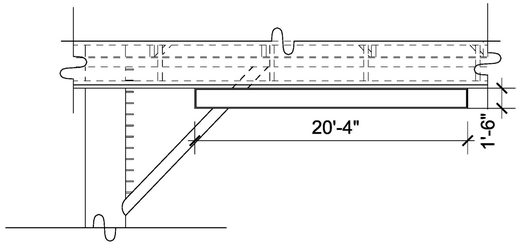
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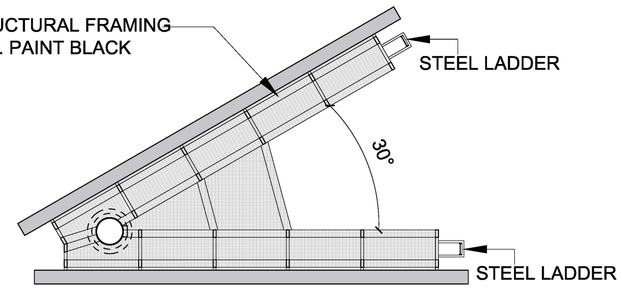
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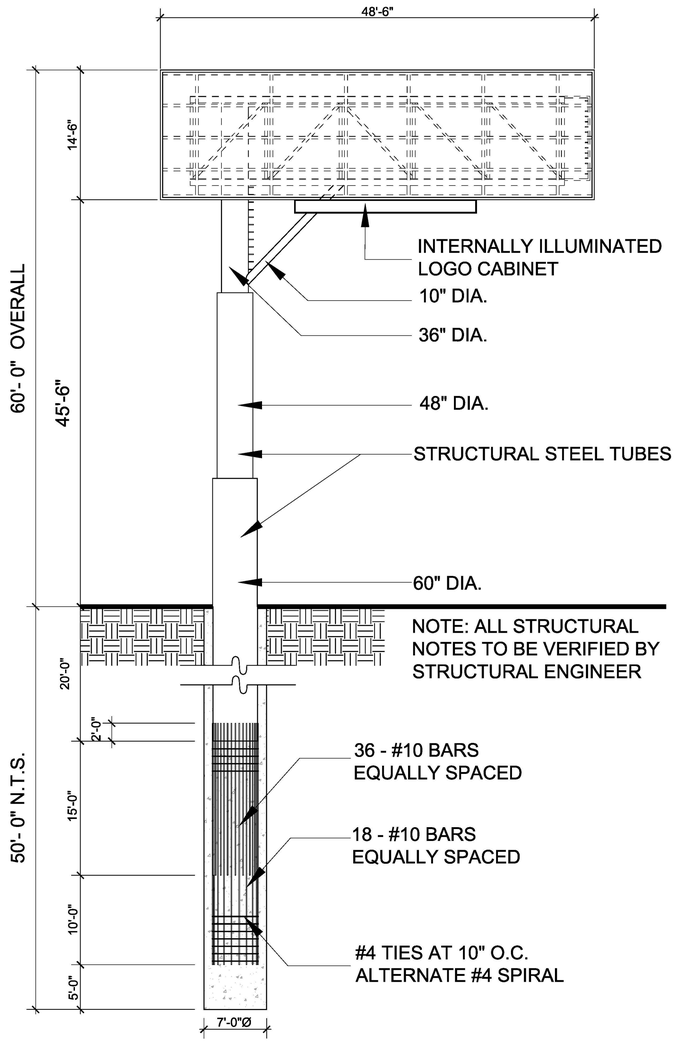
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3 Logo Cabinet Elevation SCALE - 3/16" : 1'0"



2 Plan View SCALE - 1/8" : 1'0"



1 Overall Elevation SCALE - 1/8" : 1'0"
(See A-3.0 For Color Scheme)

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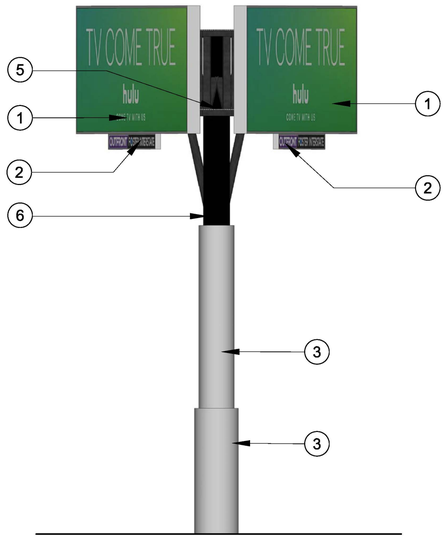
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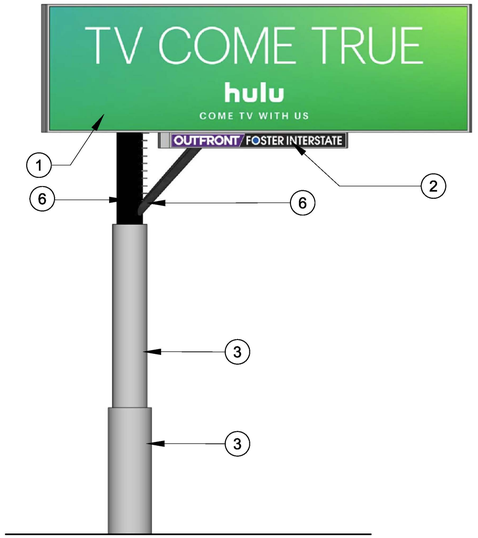
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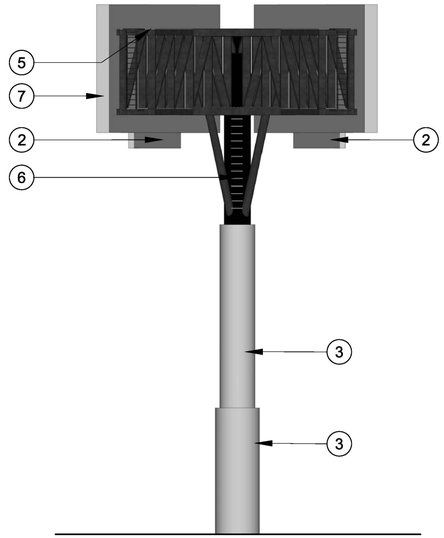
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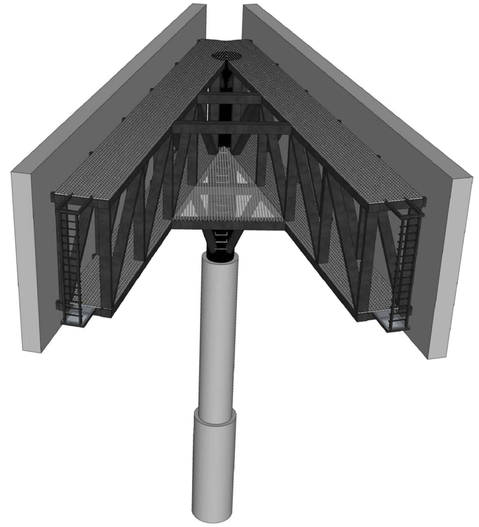
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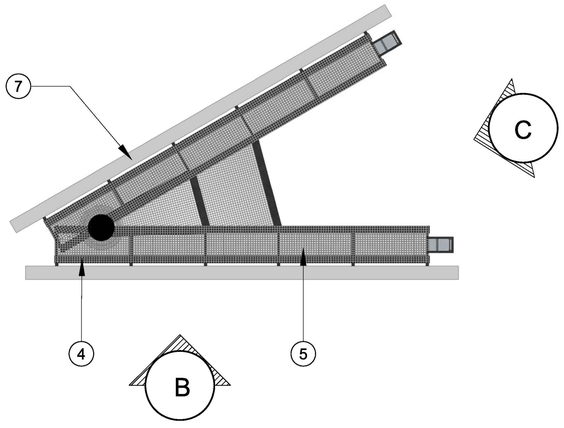
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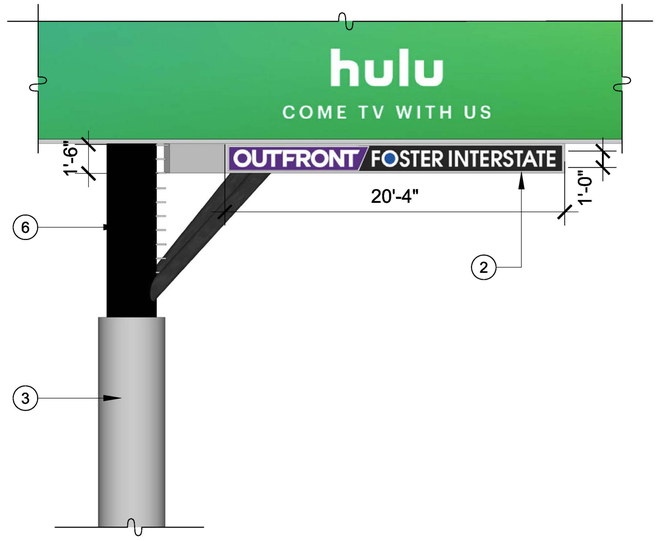
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2 Perspective View 2 NTS



6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

1. LED SIGN FACE
2. INTERNALLY ILLUMINATED ANODIZED ALUMINUM LOGO CABINET
3. STEEL TUBE PAINTED GRAY (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)
4. STEEL TRUSS PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
5. ALUMINUM GRATING PLATFORM (NATURAL ANODIZED)
6. STEEL TUBE PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
7. PAINTED STEEL CHANNEL (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)

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SHEET DESCRIPTION

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JOB NO.	1814

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

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REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-29852 Rev. 11-30-21 STATE OF CALIFORNIA

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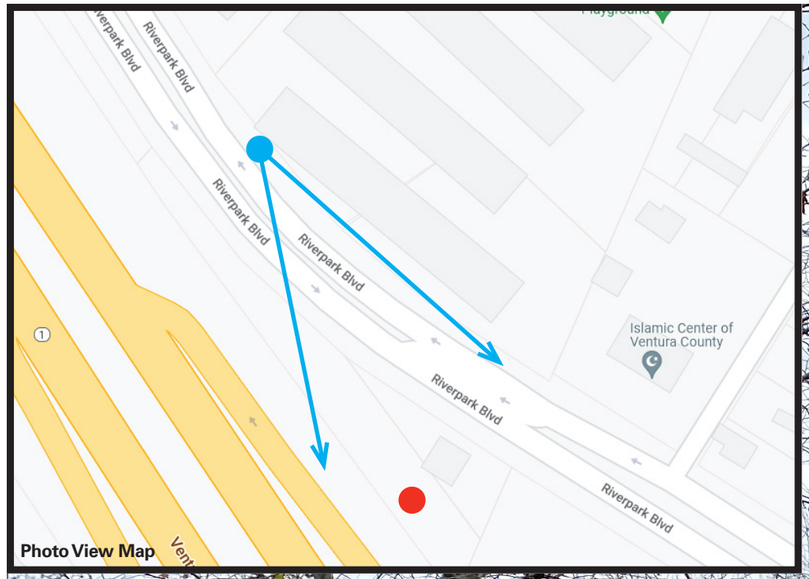
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14'h x 48'w, Double-Sided Digital "V" Display

Site 2: View from North-West End of 210 Riverpark Blvd

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-a-vis the overall view is for illustration purposes only and is not exact.



OUTFRONT FOSTER INTERSTATE

14'h x 48'w, Double-Sided Digital "V" Display

Site 2: View from South-East End of 210 Riverpark Blvd

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-a-vis the overall view is for illustration purposes only and is not exact.

Appendix B

Proposed RiverPark Specific Plan Amendment Text Revisions

ESA

KEY:	Blue Text = Proposed Additions ~~Red Strikethrough~~ = Proposed Deletions

3 COMMERCIAL MASTER PLAN

SECTION 3.5 BUILDING TYPE STANDARDS

Section 3.5.2 Standards for Each Building Type

- Type 1-C-A: Large Multistory Anchor
- Type 1-C-B: Large Pad Retail
- Type 1-C-C: Multistory Mini Anchor
- Type 1-C-D: Inline Retail
- Type 1-C-E: Inline Retail With Upper Story Office/Housing
- Type 1-C-F: Pad Restaurant/Retail
- Type 1-C-G: Drive Thru Commercial
- Type 2-C-A: Food and Wine Multistory
- Type 2-C-B: Food and Wine Demo Factory/Outlet Store
- Type 2-C-C: Food and Wine Pavilion/Office Building
- Type 3-C: Office Building
- Type 4-C: Hotel With Retail
- Type 5-C: Stand Alone Kiosk
- Type 6-C: Outparcel Commercial
- Type 7-C: Freeway Adjacent Digital Display Billboards

[. . .]

TYPE 7-C: Freeway Adjacent Digital Display Billboards

The following standards apply to lots for Freeway Adjacent Digital Display Billboards. If the lot contains other building types, the lot must comply with the minimum lot dimension standards required for that building type pursuant to this section, unless otherwise modified. Additional standards pertaining to Freeway Electronic Billboards can be found in Section 5.9 (Signage Standards) and the Oxnard City Code.

LOT DIMENSIONS

Lot Area	Min: 1,000 SF	Max: 15,000 SF
Lot Width	Min: 10’	Max: 300’
Lot Depth	Min: 40’	Max: 100’

SIZE AND SPACING

Billboard Face Display	For allowable face size refer to the Oxnard City Code
Sign Height	For allowable sign height refer to the Oxnard City Code

Setbacks	Min: 0’ (Freeway Adjacent Digital Display Billboards only)
Spacing	For minimum spacing requirements refer to the Oxnard City Code

5 LANDSCAPE MASTER PLAN

5.5 EDGES AND BUFFERS STANDARDS

5.5.2 Design Concept for Edges and Buffers

5.5.2.1 The Ventura Freeway Frontage

Landscaping of RiverPark’s frontage with the Ventura freeway at Planning Districts D, B and E shall be provided in a landscaped buffer zone. Landscaping in this area shall meet the requirements at two distinct scales: the scale of the freeway, and that of slower moving vehicles and pedestrians within RiverPark. Landscaping perceptible from the Ventura freeway will consist of a single row of 30-foot tall Mexican Fan Palms (at 30 feet O.C.) along the freeway frontage. These palms will clearly differentiate and identify RiverPark not only from the freeway but from the southern approach from Oxnard. For slower-moving vehicles and pedestrians, the zone will also be planted with an appropriate mix of native and indigenous grasses, perennials, shrubs, and trees. See Exhibit 5.AA for a typical cross-section. Alternative landscaping may be approved, under a Special Use Permit.

5.9 SIGNAGE STANDARDS

[. . .]

5.9.3.11 Freeway Adjacent Digital Display Billboards

Freeway Adjacent Digital Display Billboards, as defined in the Oxnard City Code (OCC) shall be allowed in Planning Districts A and E, subject solely to the applicable regulations and procedures of OCC Chapter 9 Article IX. Advertising Signs.

Appendix C

Native American Assembly Bill 52 Notification

ESA

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030
(805)385-7858
Fax (805) 385-7417

CITY OF OXNARD CALIFORNIA

November 23, 2021

Julie Tumamait-Stenslie, Chairperson
Barbareño/Ventureño Band of Mission Indians
365 North Poli Avenue
Ojai, California 93023

RE: Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of determination that a Project Application is Complete or Decision to Undertake a Project, and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1 (hereafter PRC).

Dear Chair Tumamait-Stenslie

The City of Oxnard has determined that a project application is complete for the Riverpark Boulevard Electronic Billboard Project.

Below please find a description of the proposed project, a map showing the project location, and the name of our project point of contact, pursuant to PRC § 21080.3.1 (d).

The project is a request for a Special Use Permit (PZ 20-500-07), Specific Plan Amendment (PZ 20-630-02), and Development Agreement (PZ 20-670-06) for the construction of a new double sided digital freeway oriented electronic billboard on the North of Hwy 101, South of Riverpark Blvd, and West of N. Vineyard Road. The property is currently a vacant City owned property. The project will require re-landscaping along the Cal-Trans Right-of-Way. The re-landscaping will require the removal of approximately 10 trees and the replanting of native trees and shrubs. The project is subject to the California Environmental Quality Act (CEQA) and the City of Oxnard is the lead agency under CEQA.

The project is located North of Hwy 101, South of Riverpark Blvd, and West of N. Vineyard Road (APN: 132-0-311-075).

The proposed project must comply with California Public Resources Code § 21080.3.1 (Assembly Bill [AB] 52 of 2014), which requires local governments to conduct meaningful consultation with California Native American tribes that have requested to be notified by CEQA lead agencies of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated.

Your tribe's input is important to the City's planning process. We request that you advise us as early as possible if you wish to consult on the proposed project. Pursuant to PRC § 21080.3.1 (b), you have 30

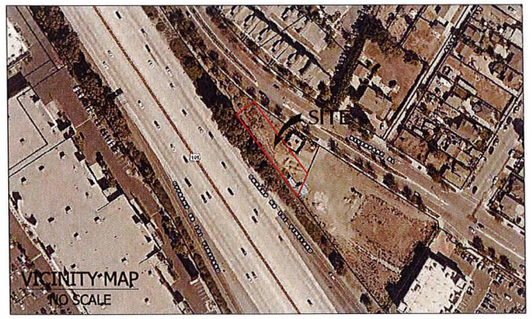
days from the receipt of this letter to request consultation, in writing, with the City of Oxnard. If you require any additional information or have any questions, please contact me 805-385-8272 or via e-mail at Joe.Pearson@oxnard.org. Thank you for your assistance.

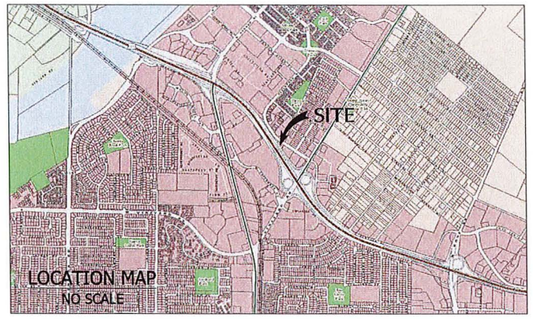
Very Respectfully,

Joe Pearson II, AICP | Senior Planner
Community Development Department
City of Oxnard

Enclosed: Project Location Map and Site Plan

SITE 2





TERRAIN COLOR CODE:

- ASPHALT
- CONCRETE
- GROUND

DIGITAL BILLBOARD DETAIL
PLAN VIEW

SCALE: 1" = 10'

NOTE:

1. BOUNDARY SHOWN HEREON IS BASED ON FOUND MONUMENTS PER COUNTY PUBLIC WORKS FIELD BOOKS, TRACT NO. 5852-1, 150 MR 76, AND CALIFORNIA R/W MAP NO. F 2232-5 07-VEN-101-22.2.
2. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
3. TREE LINE CANOPIES ARE PICTORIAL, AND MAY NOT REFLECT TRUE DRIP LINES.
4. ROAD STRIPING IS PICTORIAL AND REPRESENTS ONLY APPROXIMATE, RELATIVE LOCATIONS
5. DIGITAL BILLBOARD AND PROPOSED LOCATION PROVIDED BY CLIENT.
6. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
7. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. EXISTING EASEMENTS (IF ANY) ARE NOT SHOWN HEREON.
8. ATTENTION: IF THIS MAP IS PROVIDED IN AN ELECTRONIC FORMAT (IE: CAD) AS A COURTESY TO A CLIENT, THE DELIVERY OF THE ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF OUR PROFESSIONAL WORK PRODUCT. ONLY THE SURVEYOR'S SIGNED AND SEALED PAPER PRINT OR PDF FORMATTED DRAWING CONSTITUTES OUR PROFESSIONAL WORK PRODUCT. IN THE EVENT THAT THE ELECTRONIC FILE IS ALTERED, THE SURVEYOR'S SIGNED AND SEALED PRINT OR PDF FORMATTED DRAWING MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. CHRIS NELSON AND ASSOCIATES, INC., SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATION MADE TO THE PROVIDED CAD FILE, OR FOR ANY PRODUCTS THAT HAVE BEEN DERIVED FROM THE CAD FILE, WHICH ARE NOT REVIEWED, SIGNED AND SEALED BY US.

BENCH MARK:

B.M. NO. 110-8 VCPID 494 NAVD 1988 COUNTY OF VENTURA DATUM

AT THE NORTHWESTERLY CORNER OF THE INTERSECTION OF VINEYARD AVENUE AND MYRTLE STREET.

ELEVATION = 87.3196 FEET (26.615 METERS) (VENTURA COUNTY ADJ PUB 1989)

LEGEND:

- CURB
- V-GUTTER
- PAVED ROAD
- GRADE BREAK
- WALL
- TREE LINE
- MAJOR INDEX CONTOUR
- MINOR INDEX CONTOUR
- BOUNDARY LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- STREET SIGN
- SEWER MANHOLE
- WATER VALVE
- PROPOSED BILLBOARD

N

20' 10' 0' 10' 20' 40'
GRAPHIC SCALE
SCALE: 1"=20'

PROFESSIONAL LAND SURVEYOR
CHRIS D. NELSON
No. 6385
STATE OF CALIFORNIA

DATED: 12/6/2019

REVISION NOTES

DATE	DESCRIPTION	BY
12/6/19	CHANGED OVERALL AESTHETICS	CJD

PREPARED BY:
Chris Nelson & Associates, inc.
PROFESSIONAL LAND SURVEYORS
31238 Via Colinas Suite H, Westlake Village, CA. 91362
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:
FOSTER INTERSTATE MEDIA, INC.
1111 BROADWAY, SUITE 1515
OAKLAND, CA. 94607

TOPOGRAPHIC SURVEY
PORTION OF CALIFORNIA R/W MAP NO.
F 2232-5 07-VEN-101-22.2
CITY OF OXNARD, COUNTY OF VENTURA

JOB NO. 19-5125
SCALE: 1" = 20'
DATE: OCT. 2019
DRAFTED: SJN

SHEET NO.
1
OF 1 SHEET

Appendix D

Photometric Analysis



330 N. Brand Blvd. Suite 950
Glendale, CA 91203
818.539.1111 • www.exp.com

City of Oxnard
Ventura County
Site # 2

Digital Billboards

Photometric Analysis

Project Number
2020239.00

Prepared By:

Michael Schrupp

Date Submitted
23 October, 2020

TABLE OF CONTENTS

1.0 NARRATIVE 1

2.0 APPENDIX - FOOT-CANDLE LEVEL GRAPHIC SHEETS 3

1.0 NARRATIVE

We (exp engineering) have conducted a photometric review of the digital billboards being proposed by Outfront Foster Interstate to be located on Riverpark Blvd near the 101 freeway at Vineyard Ave, in Oxnard, CA.

Using the photometric software AGI32, we studied the screen's output brightness to determine

a) what if any modifications to the sign would be needed to comply with the OAAA (Outdoor Advertising Association of America) lighting level standards, and
b) What impact will the sign have at night on the surrounding community.

The photometry is based on the specified Nichia series 336 LED modules, which output light horizontally at 90° and 45° vertically.

The proposed billboard is to be 14'x48' with the top of the sign mounted at +60' above the ground with maximum screen brightness of 300 NITS (300 Candela per Square Meter) in the evening.
Per OAAA guidelines, the proposed sign, displaying a full white image (for maximum brightness) should not exceed .3 footcandles over the surrounding ambient light levels at a distance of 250' in any direction.
As we are unable to determine what the ambient light levels will be at the location, the studies were done assuming the worst-case scenario of no ambient light.

We have included graphical illustrations demonstrating the light levels in footcandles (fc) we expect from the screen.

Sheet 1 of the attachment is a location plan indicating the 250' boundary overlaid on a map of the proposed site, as well as the projected relative angle of light emanating from the sign
Sheet 2 shows the photometric calculations at the ground over the entire map area, graphicly shown as both footcandle points and as a pseudocolor graph.
Sheet 3 is a graphic representation of the light levels impacting the area to the north of the NE-facing sign.
Sheet 4 is a graphic representation of the light levels impacting the adjacent residential area to the east of the signs.
Sheet 5 is a graphic representation of the light levels impacting the retail areas and HW101 on-ramp to the south-east of the signs.

330 N. Brand Blvd. #1290, Glendale, CA, 91203, USA
T: +1.818.539.1111 • www.exp.com/lightingdesign

Conclusions

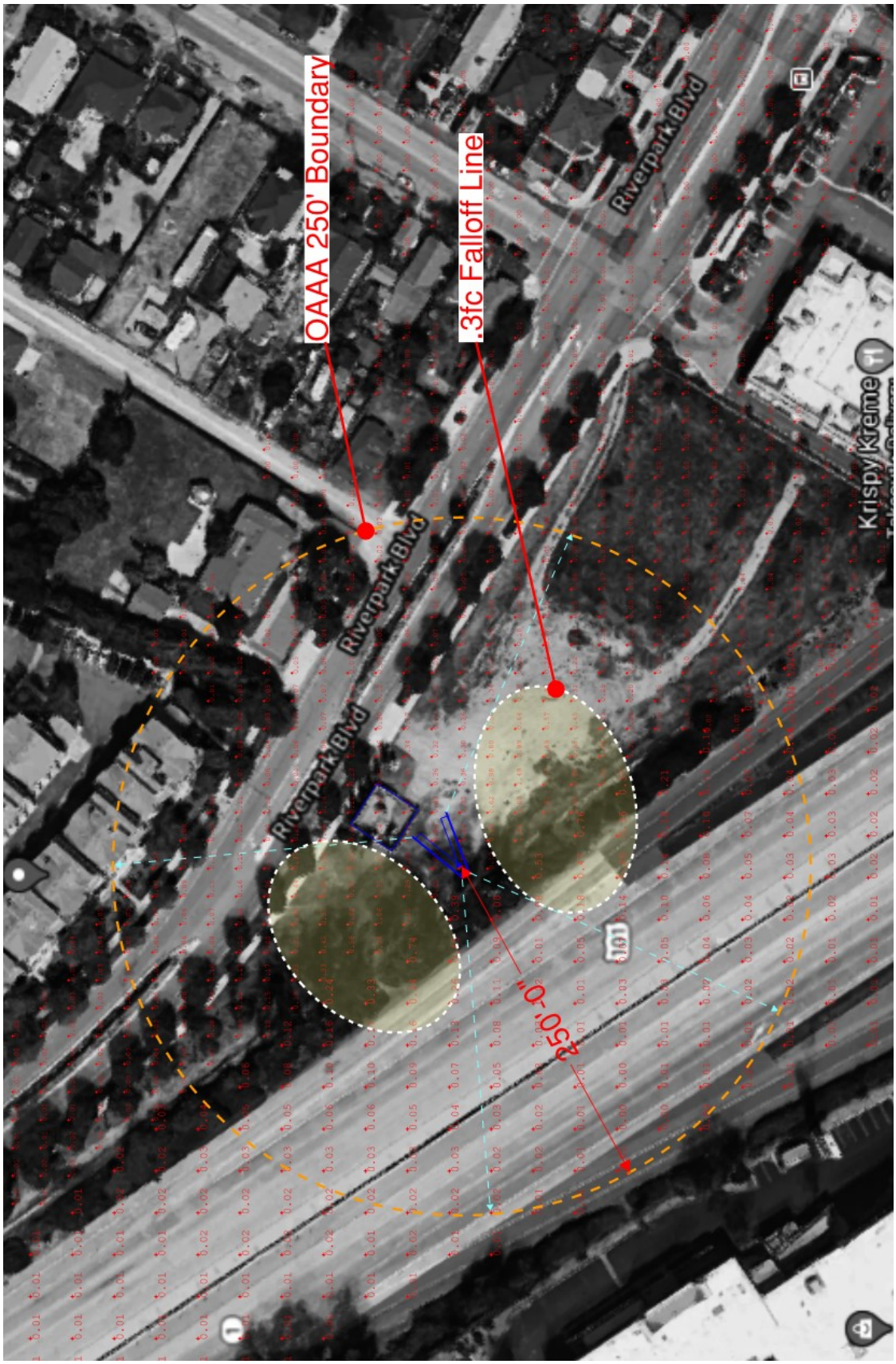
We see no light levels in excess of .3fc beyond the 250’ radius of the signs, nor do we find any significant impact to the neighboring properties provided the sign brightness is reduced after dark to the 300 NIT level.

This report, prepared by exp Services Inc., is intended for the exclusive use of the City of Oxnard, Ventura County, and Outfront Foster Interstate Media. Neither exp Services Inc., City of Oxnard, Ventura County, or Outfront Foster Interstate Media assume any liability for the use of this report, or for the use of any information disclosed in the report, or for damages resulting from the use of this report, by other parties.

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Appendix

Foot-candle Level Graphic Sheets

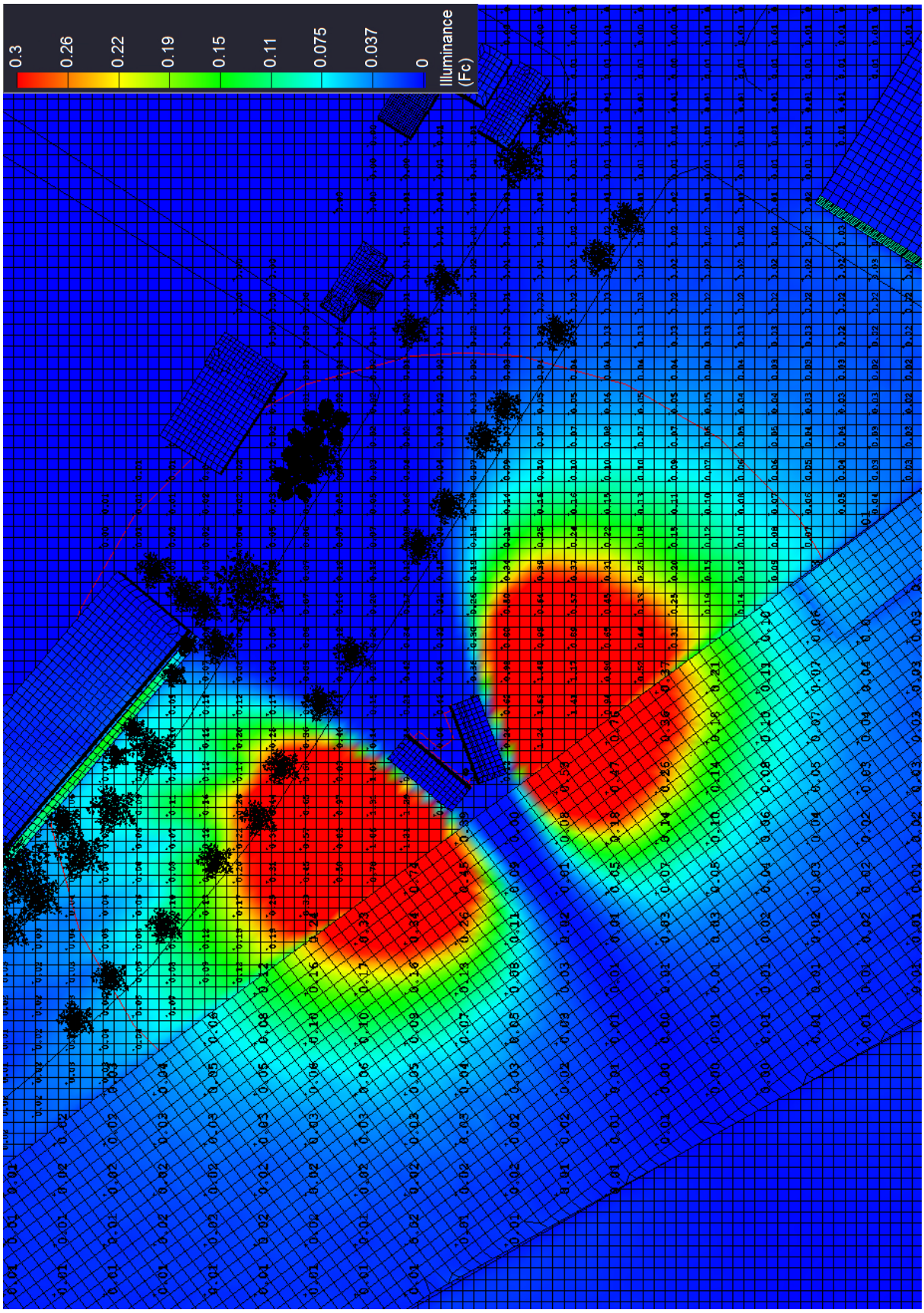


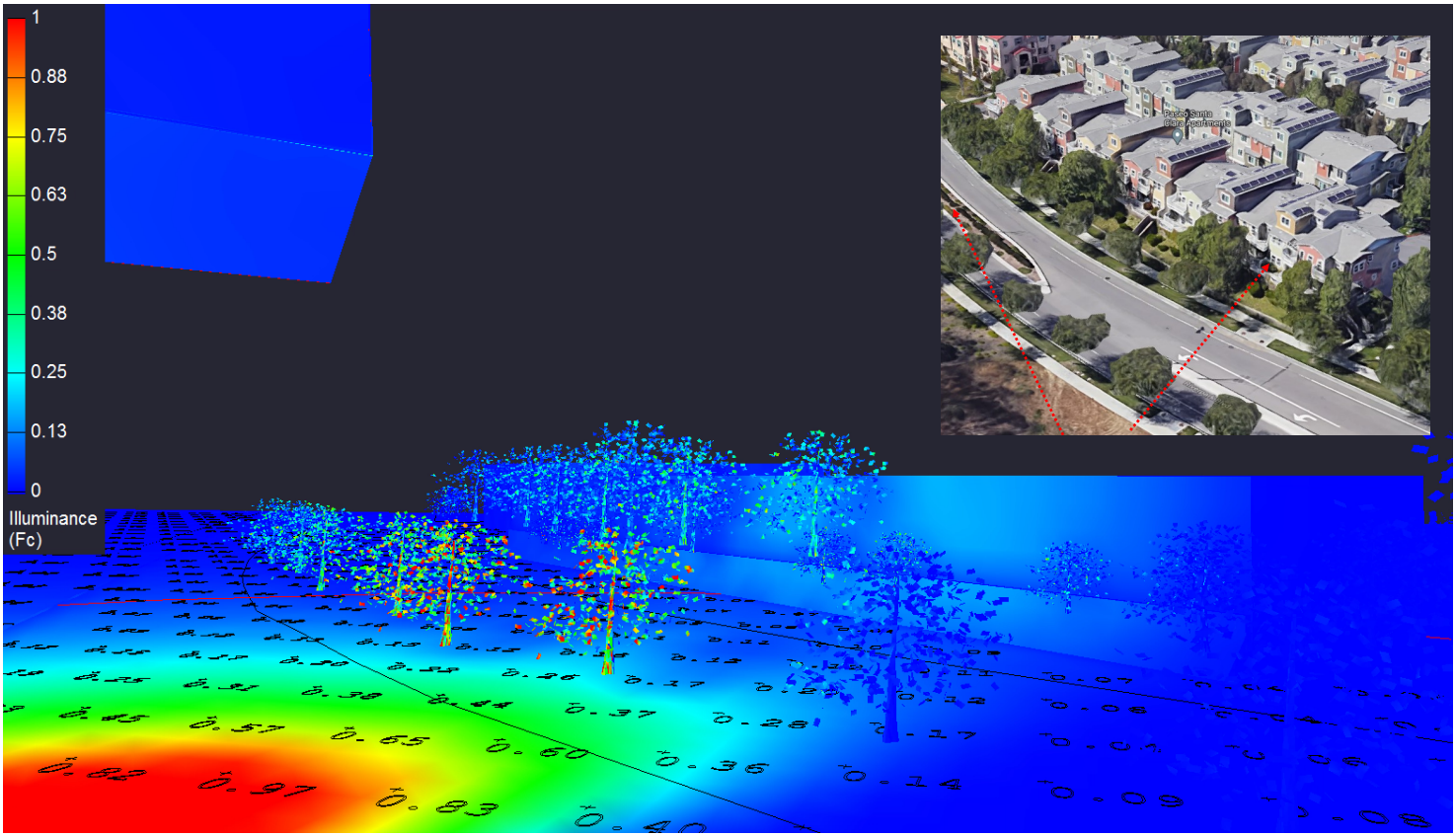
exp.
330 N. Brand Blvd. Suite 950

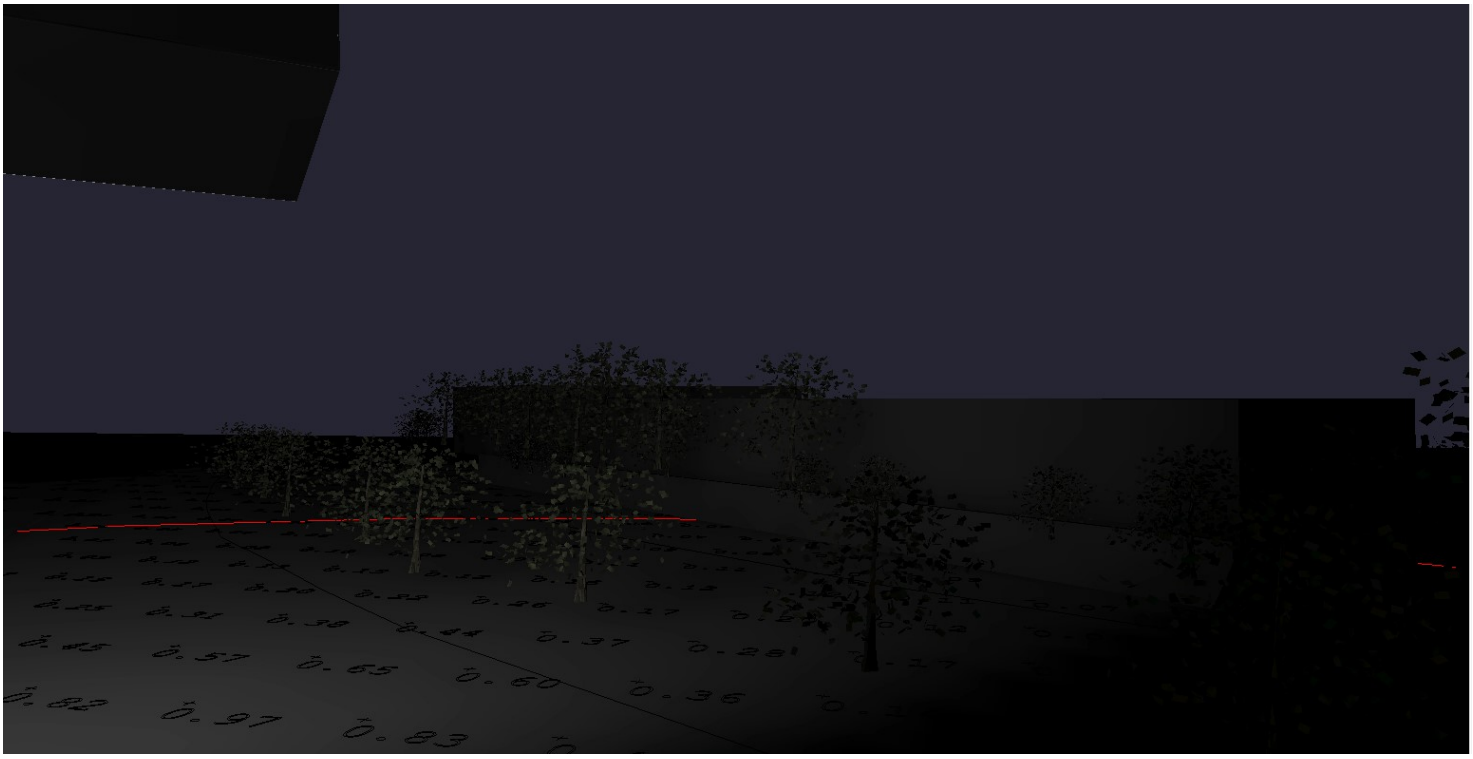
Outfront Foster Interstate
OXNARD BILLBOARD SITE 2

Riverpark Blvd.
Overall Plan w/250' Boundary

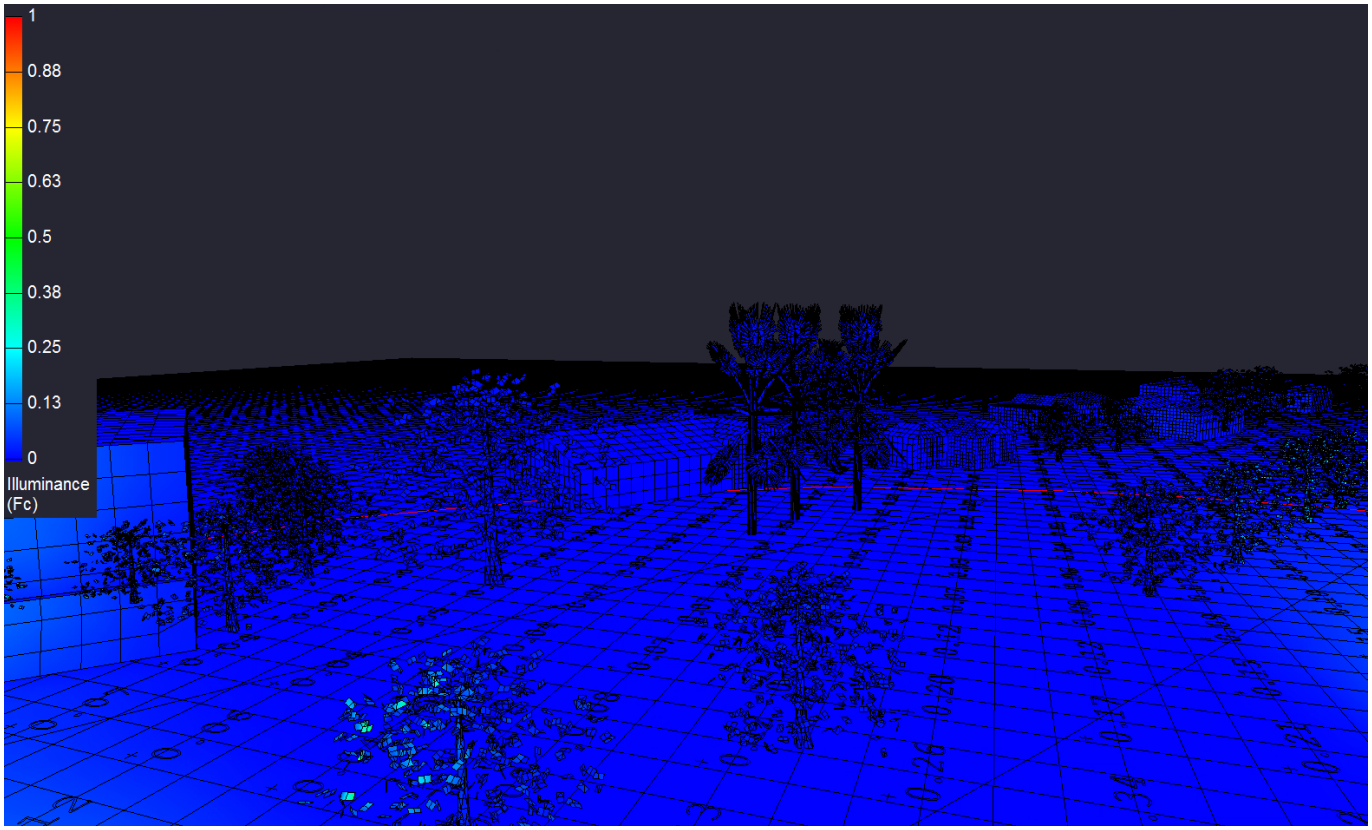
Release: 10/23/2020
Revision: 0


0.3
0.26
0.22
0.19
0.15
0.11
0.075
0.037
0
Illuminance (Fc)

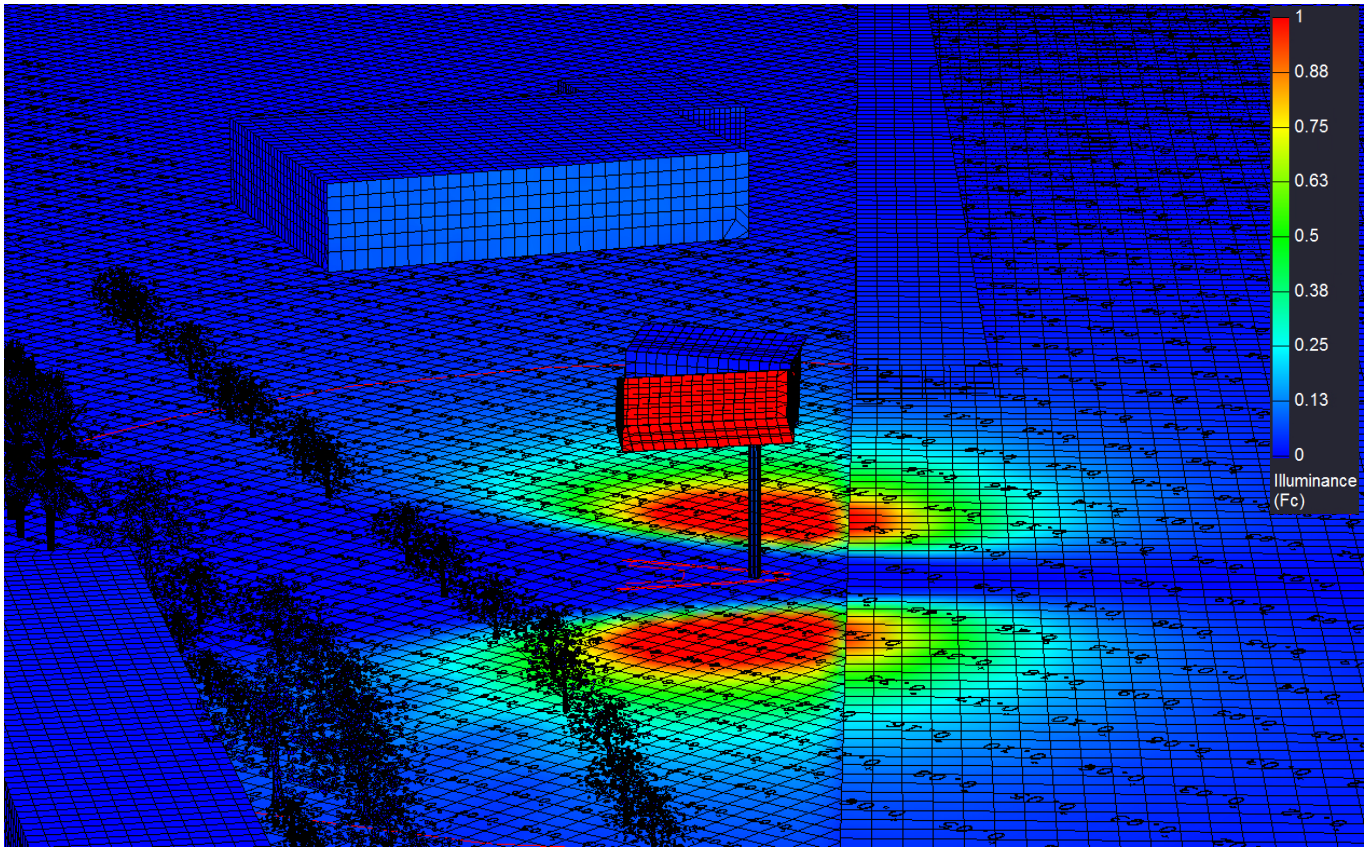

1
0.88
0.75
0.63
0.5
0.38
0.25
0.13
0
Illuminance
(Fc)






1
0.88
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Illuminance
(Fc)




1
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0.38
0.25
0.13
0
Illuminance
(Fc)

Appendix E

Air Quality Assumptions and Modeling

Riverpark Boulevard Electronic Billboard MND
Air Quality Assumptions and Modeling

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Maximum Daily Construction Emissions

	(lb/day)										
On + Off-Site Construction	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Max Daily Emissions	0.741	8.060	6.143	0.019	0.482	0.304	0.655	0.097	0.289	0.349	1939.197

	Phase Emissions (lbs)										
Off-Road Const. Eqpt	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.404	3.709	5.482	0.011	0.207	0.157	0.364	0.022	0.144	0.167	1028
Column Set	0.585	6.229	4.852	0.011	-	0.262	0.262	-	0.247	0.247	1039
Build & Set Structure	0.682	6.623	5.404	0.011	-	0.293	0.293	-	0.278	0.278	1103
Build & Set Displays	0.409	4.745	2.986	0.007	-	0.184	0.184	-	0.169	0.169	727
total offroad	**2.080**	**21.305**	**18.725**	**0.040**	**0.207**	**0.896**	**1.103**	**0.022**	**0.839**	**0.862**	**3898.0**
On-Road Mobile	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.067	1.827	0.661	0.008	0.275	0.016	0.291	0.075	0.015	0.090	885
Column Set	0.074	1.831	0.717	0.008	0.292	0.016	0.307	0.079	0.015	0.094	900
Build & Set Structure	0.059	1.227	0.570	0.005	0.222	0.011	0.233	0.060	0.010	0.070	625
Build & Set Displays	0.059	1.227	0.570	0.005	0.222	0.011	0.233	0.060	0.010	0.070	625
total on-road	**0.259**	**6.113**	**2.519**	**0.027**	**1.010**	**0.053**	**1.063**	**0.274**	**0.051**	**0.325**	**3034.5**
Total Construction	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.471	5.5	6.1	0.018	0.5	0.2	0.7	0.1	0.2	0.3	1913.6
Column Set	0.659	8.1	5.6	0.019	0.292	0.278	0.569	0.079	0.262	0.342	1939
Build & Set Structure	0.741	7.8	6.0	0.017	0.222	0.304	0.526	0.060	0.289	0.349	1728
Build & Set Displays	0.468	6.0	3.6	0.013	0.222	0.195	0.417	0.060	0.180	0.240	1352
Project Total (lbs)	**2.339**	**27.418**	**21.244**	**0.067**	**1.217**	**0.949**	**2.166**	**0.296**	**0.890**	**1.186**	**6933**

Oxnard Billboard MND - Ventura County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.7410	8.0601	6.1432	0.0186	0.8054	0.3038	0.9781	0.1321	0.2886	0.3486	0.0000	1,893.7113	1,893.7113	0.3821	0.1273	1,939.1974
Maximum	**0.7410**	**8.0601**	**6.1432**	**0.0186**	**0.8054**	**0.3038**	**0.9781**	**0.1321**	**0.2886**	**0.3486**	**0.0000**	**1,893.7113**	**1,893.7113**	**0.3821**	**0.1273**	**1,939.1974**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.7410	8.0601	6.1432	0.0186	0.4820	0.3038	0.6546	0.0971	0.2886	0.3486	0.0000	1,893.7113	1,893.7113	0.3821	0.1273	1,939.1974
Maximum	**0.7410**	**8.0601**	**6.1432**	**0.0186**	**0.4820**	**0.3038**	**0.6546**	**0.0971**	**0.2886**	**0.3486**	**0.0000**	**1,893.7113**	**1,893.7113**	**0.3821**	**0.1273**	**1,939.1974**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**40.16**	**0.00**	**33.07**	**26.44**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5303	0.0000	0.5303	0.0573	0.0000	0.0573			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444		1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.5303**	**0.1569**	**0.6872**	**0.0573**	**0.1444**	**0.2016**		**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0247	0.0160	0.2221	5.8000e-004	0.0657	3.8000e-004	0.0661	0.0174	3.5000e-004	0.0178		58.5551	58.5551	1.8600e-003	1.6200e-003	59.0832
Total	**0.0673**	**1.8271**	**0.6612**	**7.7100e-003**	**0.2752**	**0.0157**	**0.2909**	**0.0748**	**0.0150**	**0.0898**		**846.1050**	**846.1050**	**0.0522**	**0.1269**	**885.2284**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2068	0.0000	0.2068	0.0223	0.0000	0.0223			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444	0.0000	1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.2068**	**0.1569**	**0.3637**	**0.0223**	**0.1444**	**0.1667**	**0.0000**	**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0247	0.0160	0.2221	5.8000e-004	0.0657	3.8000e-004	0.0661	0.0174	3.5000e-004	0.0178		58.5551	58.5551	1.8600e-003	1.6200e-003	59.0832
Total	**0.0673**	**1.8271**	**0.6612**	**7.7100e-003**	**0.2752**	**0.0157**	**0.2909**	**0.0748**	**0.0150**	**0.0898**		**846.1050**	**846.1050**	**0.0522**	**0.1269**	**885.2284**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472		1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**		**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0735**	**1.8311**	**0.7167**	**7.8500e-003**	**0.2916**	**0.0158**	**0.3074**	**0.0792**	**0.0151**	**0.0943**		**860.7438**	**860.7438**	**0.0526**	**0.1273**	**899.9992**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472	0.0000	1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**	**0.0000**	**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0735**	**1.8311**	**0.7167**	**7.8500e-003**	**0.2916**	**0.0158**	**0.3074**	**0.0792**	**0.0151**	**0.0943**		**860.7438**	**860.7438**	**0.0526**	**0.1273**	**899.9992**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784		1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**		**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694		721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**		**721.4502**	**721.4502**	**0.2333**		**727.2835**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694	0.0000	721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**	**0.0000**	**721.4502**	**721.4502**	**0.2333**		**727.2835**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Oxnard Billboard MND - Ventura County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.6818	6.6225	5.7539	0.0114	0.6124	0.2931	0.7698	0.0790	0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.3325	2.2500e-003	1,103.1584
Maximum	**0.6818**	**6.6225**	**5.7539**	**0.0114**	**0.6124**	**0.2931**	**0.7698**	**0.0790**	**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.3325**	**2.2500e-003**	**1,103.1584**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.6818	6.6225	5.7539	0.0114	0.2890	0.2931	0.4463	0.0441	0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.3325	2.2500e-003	1,103.1584
Maximum	**0.6818**	**6.6225**	**5.7539**	**0.0114**	**0.2890**	**0.2931**	**0.4463**	**0.0441**	**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.3325**	**2.2500e-003**	**1,103.1584**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**52.82**	**0.00**	**42.02**	**44.18**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5303	0.0000	0.5303	0.0573	0.0000	0.0573			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444		1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.5303**	**0.1569**	**0.6872**	**0.0573**	**0.1444**	**0.2016**		**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0333	0.0234	0.2719	6.9000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		70.0187	70.0187	2.5300e-003	2.2500e-003	70.7514
Total	**0.0333**	**0.0234**	**0.2719**	**6.9000e-004**	**0.0822**	**4.7000e-004**	**0.0826**	**0.0218**	**4.3000e-004**	**0.0222**		**70.0187**	**70.0187**	**2.5300e-003**	**2.2500e-003**	**70.7514**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2068	0.0000	0.2068	0.0223	0.0000	0.0223			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444	0.0000	1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.2068**	**0.1569**	**0.3637**	**0.0223**	**0.1444**	**0.1667**	**0.0000**	**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0333	0.0234	0.2719	6.9000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		70.0187	70.0187	2.5300e-003	2.2500e-003	70.7514
Total	**0.0333**	**0.0234**	**0.2719**	**6.9000e-004**	**0.0822**	**4.7000e-004**	**0.0826**	**0.0218**	**4.3000e-004**	**0.0222**		**70.0187**	**70.0187**	**2.5300e-003**	**2.2500e-003**	**70.7514**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472		1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**		**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472	0.0000	1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**	**0.0000**	**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784		1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**		**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694		721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**		**721.4502**	**721.4502**	**0.2333**		**727.2835**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694	0.0000	721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**	**0.0000**	**721.4502**	**721.4502**	**0.2333**		**727.2835**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

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Appendix F

Greenhouse Gas Assumptions and Modeling



Riverpark Boulevard Electronic **Billboard MND**
Greenhouse Gas Assumptions and Modeling

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Construction Impacts

On-road + Off-Road Construction Impacts	MT/yr			
	CO2	CH4	N2O	CO2e
total Construction	3.07	0.0006	0.0002	3.14
ammortized (30-yrs)	0.10	0.000019	6.33E-06	0.10

Operational Impacts

	Energy Intensity Factor (lb/MW-hr)			
	CO2	CH4	N2O	CO2e
	390.98	0.03	0.004	393.00

Billboard Electricity Use	MT/yr			
kw-hr/yr	CO2	CH4	N2O	CO2e
54000	9.5767	0.0008	0.0001	9.6261

Total GHG Contribution	MT/yr			
	CO2	**CH4**	**N2O**	**CO2e**
Operational Energy	9.58	8.10E-04	1.00E-04	9.63
Amortized Construction	0.10	1.90E-05	6.33E-06	0.10
	9.68	**8.29E-04**	**1.06E-04**	**9.73**

Oxnard Billboard MND - Ventura County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	7.6000e-004	4.7000e-004	1.2400e-003	1.6000e-004	4.4000e-004	6.1000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**7.6000e-004**	**4.7000e-004**	**1.2400e-003**	**1.6000e-004**	**4.4000e-004**	**6.1000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	6.0000e-004	4.7000e-004	1.0700e-003	1.5000e-004	4.4000e-004	5.9000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**6.0000e-004**	**4.7000e-004**	**1.0700e-003**	**1.5000e-004**	**4.4000e-004**	**5.9000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**21.05**	**0.00**	**13.71**	**6.25**	**0.00**	**3.28**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**6-6-2022**	**9-5-2022**	0.0054	0.0054
		Highest	0.0054	0.0054

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.7000e-004	0.0000	2.7000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**2.7000e-004**	**8.0000e-005**	**3.5000e-004**	**3.0000e-005**	**7.0000e-005**	**1.0000e-004**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0000e-004	0.0000	1.0000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**1.0000e-004**	**8.0000e-005**	**1.8000e-004**	**1.0000e-005**	**7.0000e-005**	**8.0000e-005**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Commercial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Commercial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Commercial	0.537638	0.058030	0.174616	0.137192	0.028458	0.007596	0.011602	0.006026	0.000704	0.000394	0.029425	0.000660	0.0076

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Appendix G

Energy Assumptions and Data

ESA

Riverpark Boulevard Electronic Billboard MND
Energy Assumptions and Data

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Oxnard Buildboard Ordinance MND
Construction Energy Analysis

Off-Road Equipment

Equipment ≤ 100 hp		
pounds diesel fuel/hp-hr (lb/hp-hr):[1]	0.408	lb/hp-hr
diesel density (lb/gal):[1]	7.11	lb/gal
diesel gallons/hp-hr:	0.0574	gal/hp-hr
Total <100	1,388	hp-hr
Total diesel gallons:	80	gal
Equipment > 100 hp		
pounds diesel fuel/hp-hr (lb/hp-hr):[1]	0.367	lb/hp-hr
diesel density (lb/gal):[1]	7.11	lb/gal
diesel gallons/hp-hr:	0.0516	gal/hp-hr
Total >100	2,394	hp-hr
Total diesel gallons:	124	gal
Total diesel gallons (off-road equipment):	**203**	**gal**

1. OFFROAD2017 Emission Factor Documentation

Construction Phase	Equipment	Number	Hours/Day	HP	Load	Days	Total hp-hr
Drill Footing	Excavators	1	8	158	0.38	1	480
Drill Footing	Off-Highway Trucks	1	2	402	0.38	1	306
Drill Footing	Skid Steer Loaders	1	8	65	0.37	1	192
Column Set	Aerial Lifts	1	8	63	0.31	1	156
Column Set	Cement and Mortar Mixers	1	4	80	0.56	1	179
Column Set	Cranes	1	8	231	0.29	1	536
Column Set	Pumps	1	4	84	0.74	1	249
Build & Set Structure	Aerial Lifts	1	8	63	0.31	1	156
Build & Set Structure	Air Compressors	1	8	78	0.48	1	300
Build & Set Structure	Cranes	1	8	231	0.29	1	536
Build & Set Digital Displays	Aerial Lifts	1	8	63	0.31	1	156
Build & Set Digital Displays	Cranes	1	8	231	0.29	1	536
						Total >100	2,394
						Total <100	1,388

Oxnard Buildboard Ordinance MND
Construction Energy Analysis

Off-Road Equipment

Construction Phase & Trip Type	Vehicle Class	Vehicle Fuel	Trip Number	Trip Length (mi)	Total VMT	Phase Emissions CO2(MT)	Fuel Equivalency (MT CO2/gal)	Fuel Consumption Gallons
Drill Footing								
Worker	HHDT	Diesel	12	20	240	0.357	10.181E-03	35.10
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	8	10.8	86.4	0.026	8.887E-03	2.88
Column Set								
Worker	HHDT	Diesel	12	20	240	0.357	10.181E-03	35.10
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
Build & Set Structure								
Worker	HHDT	Diesel	8	20	160	0.238	10.181E-03	23.40
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
Build & Set Digital Displays								
Worker	HHDT	Diesel	8	20	160	0.238	10.181E-03	23.40
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
							Diesel	**117.0**
							Gasoline	**13.7**

Calculated CalEEMod CO2e emisions include EMFAC estimate emissions from start and idle modes as well as running mode fuel consumption based on fuel equivalencies to determine total fuel consumption including these modes.

Fuel Equivalency Factors (US EPA, IPCC)
https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references
IPCC (2006). 2006 IPCC Guidelines for National Greenhouse Gas Inventories. Volume 2 (Energy). Intergovernmental Panel on Climate Change, Geneva, Switzerland
Gasoline = 8.887 × 10-3 metric tons CO2/gallon of gasoline
Diesel =10.180 x 10-3 metric tons CO2/gallon of diesel

Oxnard Billboard MND - Ventura County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	7.6000e-004	4.7000e-004	1.2400e-003	1.6000e-004	4.4000e-004	6.1000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**7.6000e-004**	**4.7000e-004**	**1.2400e-003**	**1.6000e-004**	**4.4000e-004**	**6.1000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	6.0000e-004	4.7000e-004	1.0700e-003	1.5000e-004	4.4000e-004	5.9000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**6.0000e-004**	**4.7000e-004**	**1.0700e-003**	**1.5000e-004**	**4.4000e-004**	**5.9000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**21.05**	**0.00**	**13.71**	**6.25**	**0.00**	**3.28**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**6-6-2022**	**9-5-2022**	0.0054	0.0054
		Highest	0.0054	0.0054

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.7000e-004	0.0000	2.7000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**2.7000e-004**	**8.0000e-005**	**3.5000e-004**	**3.0000e-005**	**7.0000e-005**	**1.0000e-004**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0000e-004	0.0000	1.0000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**1.0000e-004**	**8.0000e-005**	**1.8000e-004**	**1.0000e-005**	**7.0000e-005**	**8.0000e-005**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Commercial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Commercial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Commercial	0.537638	0.058030	0.174616	0.137192	0.028458	0.007596	0.011602	0.006026	0.000704	0.000394	0.029425	0.000660	0.0076

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.				
CUL-2: Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.	Retain Paleontologist prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant and Project Paleontologist	Community Development Department	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION 22-02 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRONIC BILLBOARD AND ASSOCIATED SITE IMPROVEMENTS, A DEVELOPMENT AGREEMENT, AND SPECIFIC PLAN AMENDMENT FOR A PROJECT ON AN APPROXIMATELY 0.25-ACRE UNDEVELOPED SITE LOCATED BETWEEN THE U.S. 101 AND RIVERPARK BOULEVARD APPROXIMATELY 850 FEET NORTH OF VINEYARD AVENUE IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: 132-0-311-075). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment) to allow for the installation and operation of an electronic billboard on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The Special Use Permit will also include minor landscape improvements within the adjacent Caltrans right of way. These will include the removal of the existing eucalyptus trees and the planting of alternatives, subject to Caltrans approval. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan. ("Project"); and

WHEREAS, the City is the lead agency for purposes of the project pursuant to Public Resources Code section 21067; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act ("CEQA"); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, Pursuant to provisions of the California Environmental Quality Act and CEQA Guidelines, Section 15063, and following an Initial Study and environmental

assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, the Planning Division has prepared a Mitigated Negative Declaration with mitigation measures and monitoring program in accordance with the provisions of CEQA, including, without limitation CEQA Guidelines Sections 15070, 15071, 15072, and 15073, which have been incorporated as conditions; and

WHEREAS, a Notice of Intent to Adopt an Initial Study and Draft Mitigated Negative Declaration (IS-MND) for the Project was published and posted on June 30, 2022, at the State Office of Planning and Research (OPR) website and at the Ventura County Recorder's Office pursuant to CEQA Guidelines Sections 15072 and 15073; and

WHEREAS, the public comment period on the DEIR ran for thirty (30) days commencing on June 30, 2022 and ending on July 29, 2022; and

WHEREAS, after the close of the comment period on the IS/MND, the IS/MND was modified as set forth in Chapter 4 of the Response to Comment document; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City has prepared Final IS/MND 22-02 containing all comments received on the Draft IS/MND 22-02, written responses to all substantive comments, and necessary changes to the text of the Draft IS/MND 22-02; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-02 and made a recommendation to City Council; and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-02; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of the Final IS/MND 22-02; and

WHEREAS, the comments of the Councilmembers, agencies, interested groups, and members of the public have received adequate responses; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Final IS/MND has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21189).

SECTION 3. The Final IS/MND was presented to the City Council, which, at a hearing before the public, reviewed and considered the information contained in the

Mitigated Negative Declaration/Initial Study prior to making a recommendation to the City Council regarding the Project and its associated development entitlements.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council Staff Report and all attachments thereto, the City Council finds pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-02 prepared for the Project. The Final IS/MND 22-02 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-02 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

SECTION 5. The City Council hereby adopts the Final IS/MND 22-02, set forth attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole, the City Council finds that all potentially significant environmental effects of the Project its associated development entitlement actions have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened as set forth in the IS-MND. Based upon the foregoing, the City Council finds and determines that the Project and its associated actions will not have a significant effect upon the environment.

SECTION 6. The City Council hereby adopts the mitigation measures set forth in the Final IS/MND 22-02 and its accompanying Mitigation, Monitoring, and Reporting Program ("MMRP"), pursuant to Public Resources Code Section 21081.6, which is a program design to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Mitigated Negative Declaration/Initial Study and said mitigation measures are described in the MMRP included therein and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby adopts an Final IS/MND 22-02, attached to the staff report and incorporated by reference.

PASSED AND ADOPTED this 21st day of March, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

_____ _____

Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-630-02 (SPECIFIC PLAN AMENDMENT NO. 8 TO THE RIVERPARK SPECIFIC PLAN) TO AMEND THE TEXT WITHIN THE RIVERPARK SPECIFIC PLAN. FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on September 10, 2002 the City Council approved the entitlements for the RiverPark Specific Plan to guide future development on the 702-acre project site; and

WHEREAS, the City Council approved the first amendment request (PZ 02-630-05) on October 22, 2002, which amended the Specific Plan to include regulations for temporary uses; and

WHEREAS, the City Council approved the second amendment request (PZ 03-630-03) on July 27, 2004, allowing a minor change in the land use designation on a small parcel from Open Space to Commercial; and

WHEREAS, the City Council approved the third amendment request (PZ 09-630-09) on April 14, 2009, allowing a freeway-oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director; and

WHEREAS, the City Council approved the fourth amendment (PZ 10-630-02) on June 14, 2011, and allows three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign, subject to subsequent approval of a Special Use Permit; and

WHEREAS, the City Council approved the fifth amendment (PZ 09-630-03) on June 5, 2012, which increased the maximum number of dwelling units from 2,805 to 3,043 units, and reduced the maximum amount of commercial development from 2,485,000 to 2,098,000 square feet; and

WHEREAS, the City Council approved the sixth amendment (PZ 18-630-01) on February 19, 2019, to amend the text of the RiverPark Specific Plan to allow two (2) monument signs in Planning Districts B and C in the specific plan area, subject to subsequent approval of a Development Design Review Permit; and

WHEREAS, the City Council approved the seventh amendment (PZ 20-630-01) on March 15, 2022, which allowed for the option to develop up to 1,025 additional residential units under the RiverPark Specific Plan, in exchange for a reduction of up to approximately 562,457 square feet of non-residential development potential in accordance with specified development scenarios; and

WHEREAS, the Planning Commission of the City of Oxnard has considered the proposed map and text amendment to Pages 3.7, 3.22, 5.9, and 5.23 of the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan (herein referred to as the **"Project"**); and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for Specific Plan Amendment No. 8 (PZ 20-630-02) in accordance with Chapter 16-575 of the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information and deliberated the merits of the Project. The Planning Commission voted to deny the Project and not allow Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan, subject to the preparation of a written resolutions of denial to be considered at the Planning Commission meeting on February 2, 2023; and

WHEREAS, the Planning Commission found, after due study, deliberation and a duly noticed public hearing on February 2, 2023, and received and reviewed written and oral comments, presented by staff and the Applicant with a series of questions, and that the project, as amended, meets the criteria set out in Chapter 16-575 of the Oxnard City Code; and

WHEREAS, the Planning Commission adopted Resolution 2022-07 recommending that the City Council deny Planning & Zoning Permit No. 20-630-02 (Specific Plan Amendment); and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the request to approve Planning and Zoning Permit No. 20-630-02 (Specific Plan Amendment), both as originally proposed by the Applicant and as recommended by the Planning Commission, in accordance with the OCC; and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than

significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-02 prepared for the Project. The Final IS/MND 22-02 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-02 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, the City Council, after due study, deliberation and public hearing that the following circumstances exist:

1. As outlined in Section 6(b) and Attachment F of the Planning Commission Staff report, the proposed Specific Plan Text Amendment is in conformance with the 2030 General Plan and other adopted policies of the City of Oxnard;

2. As outlined in Section 6(c) of the Planning Commission Staff report, the proposed Specific Plan Text Amendment is a logical refinement and internally consistent with the adopted RiverPark Specific Plan; and

3. As determined in the Final IS/MND 22-02, the proposed Development Agreement will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare;

4. As outlined in Section 6(c - e) of the Planning Commission Staff report, the proposed RiverPark Specific Plan Amendment conforms to adopted City standards and constitutes good City planning.

WHEREAS, the Applicant agrees that at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this ordinance or any actions or proceedings, acts or determinations taken, done or made before the approval of this ordinance that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby ordain as follows:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds that the Riverpark Specific Plan Amendment is internally consistent with all other provisions of the City of Oxnard 2030 General Plan.

SECTION 3. The City Council finds that the Riverpark Specific Plan Amendment will not

be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. The City Council finds that the project site associated with The Riverpark Specific Plan Amendment is physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 5. The City Council determines that the proposed RiverPark Specific Plan Amendment is the best use for the subject project site.

SECTION 6. The City Council determines that the RiverPark Specific Plan Amendment is in the best interests and welfare of the City and its residents.

SECTION 7. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance; and

SECTION 8. In recommending adoption of this ordinance for the Specific Plan Amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act because Final MND No. 22-02 was considered by the Planning Commission at the public hearing for the Development Agreement. The Final MND No. 22-02 was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code §§ 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. With implementation of the MND No. 22-02 mitigation measures, there is no substantial evidence that the proposed project will have a significant effect upon the environment.

SECTION 8. The RiverPark Specific Plan shall remain in full force and effect and shall apply to the property affected by this Ordinance.

SECTION 10. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

SECTION 11. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 3009 was first read on March 15, 2022, and finally adopted on April 5, 2022 to become effective thirty days thereafter.

PASSED AND ADOPTED this 5th day of April, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____ _____

Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

EXHIBIT A

SPECIFIC PLAN AMENDMENT TEXT Changes

PROPOSED AMENDMENTS TO CITY OF OXNARD
RIVERPARK SPECIFIC PLAN

KEY:	Blue Underlined = Proposed Additions ~~Red Strikethrough~~ = Proposed Deletions

3 COMMERCIAL MASTER PLAN

SECTION 3.5 BUILDING TYPE STANDARDS

Section 3.5.2 Standards for Each Building Type

- Type 1-C-A: Large Multistory Anchor
- Type 1-C-B: Large Pad Retail
- Type 1-C-C: Multistory Mini Anchor
- Type 1-C-D: Inline Retail
- Type 1-C-E: Inline Retail With Upper Story Office/Housing
- Type 1-C-F: Pad Restaurant/Retail
- Type 1-C-G: Drive Thru Commercial
- Type 2-C-A: Food and Wine Multistory
- Type 2-C-B: Food and Wine Demo Factory/Outlet Store
- Type 2-C-C: Food and Wine Pavilion/Office Building
- Type 3-C: Office Building
- Type 4-C: Hotel With Retail
- Type 5-C: Stand Alone Kiosk
- Type 6-C: Outparcel Commercial
- Type 7-C: Freeway Adjacent Digital Display Billboards

[. . .]

TYPE 7-C: Freeway Adjacent Digital Display Billboards

The following standards apply to lots for Freeway Adjacent Digital Display Billboards. If the lot contains other building types, the lot must comply with the minimum lot dimension standards required for that building type pursuant to this section, unless otherwise modified. Additional standards pertaining to Freeway Electronic Billboards can be found in Section 5.9 (Signage Standards) and the Oxnard City Code.

LOT DIMENSIONS

Lot Area	Min: 1,000 SF	Max: 15,000 SF
Lot Width	Min: 10’	Max: 300’

Lot Depth	Min: 40’	Max: 100’

SIZE AND SPACING

Billboard Face Display	For allowable face size refer to the Oxnard City Code
Sign Height	For allowable sign height refer to the Oxnard City Code
Setbacks	Min: 0’ (Freeway Adjacent Digital Display Billboards only)
Spacing	For minimum spacing requirements refer to the Oxnard City Code

5 LANDSCAPE MASTER PLAN

5.5 EDGES AND BUFFERS STANDARDS

5.5.2 Design Concept for Edges and Buffers

5.5.2.1 The Ventura Freeway Frontage

Landscaping of RiverPark’s frontage with the Ventura freeway at Planning Districts D, B and E shall be provided in a landscaped buffer zone. Landscaping in this area shall meet the requirements at two distinct scales: the scale of the freeway, and that of slower moving vehicles and pedestrians within RiverPark. Landscaping perceptible from the Ventura freeway will consist of a single row of 30-foot tall Mexican Fan Palms (at 30 feet O.C.) along the freeway frontage. These palms will clearly differentiate and identify RiverPark not only from the freeway but from the southern approach from Oxnard. For slower-moving vehicles and pedestrians, the zone will also be planted with an appropriate mix of native and indigenous grasses, perennials, shrubs, and trees. See Exhibit 5.AA for a typical cross-section. Properties developed with a Freeway Adjacent Digital Display Billboard in Planning Districts D, B and E shall be exempt from the requirements of this subsection.

5.9 SIGNAGE STANDARDS

[. . .]

5.9.3.11 Freeway Adjacent Digital Display Billboards

Freeway Adjacent Digital Display Billboards, as defined in the Oxnard City Code (OCC) shall be allowed in Planning Districts A and E, subject solely to the applicable regulations and procedures of OCC Chapter 9 Article IX. Advertising Signs.

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING A DEVELOPMENT AGREEMENT AND LEASE OF PROPERTY (PLANNING AND ZONING PERMIT NO. 20-670-06) WITH OUTFRONT FOSTER INTERSTATE, LLC REGARDING PROPERTY LOCATED BETWEEN THE U.S. 101 AND RIVERPARK BOULEVARD APPROXIMATELY 850 FEET NORTH OF VINEYARD AVENUE IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: 132-0-311-075). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment) to allow for the installation and operation of an electronic billboard on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard; and

WHEREAS, the Planning Commission of the City of Oxnard ("**Planning Commission**") considered an application for Planning and Zoning Permit No. 20-670-06 (**"Project"**), a Development Agreement and Lease of Property between the CITY OF OXNARD, a municipal corporation of the State of California (the "City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI") (collectively referred to "Applicant" or "Developer" in the record of proceedings); and

WHEREAS, the Development Agreement and Lease of Property (DA) shall allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement also outlines the required public benefits to be provided by the future development, including fiscal benefits to the City. The proposed DA is included in Exhibit A to this Ordinance and incorporated by this reference; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for a Development Agreement and Lease of Property (PZ 20-670-06) in accordance with Chapter 16-575 of the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023

WHEREAS, the Planning Commission adopted Resolution 2023-06 recommending that the City Council deny Planning & Zoning Permit No. 20-670-06 (Development Agreement); and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider both the request to approve Planning and Zoning Permit No. 20-670-06 (Development Agreement), both as originally negotiated with the Applicant and as recommended by the Planning Commission in accordance with the OCC; and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-02 prepared for the Project. The Final IS/MND 22-02 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-02 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, the City Council considered Final IS/MND 22-02 prior to making recommendations on the Project; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the proposed Development Agreement and Lease of Property is consistent with the 2030 General Plan; and

WHEREAS, the pursuit of the Development Agreement and Lease of Property is a reasonable exercise of the City's police powers to ensure the continued health, safety, and

welfare of the public by public benefits for the residents of the City of Oxnard; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing that the following circumstances exist:

1. As outlined in Section 6(b) and Attachment F of the Planning Commission Staff report, the proposed Development Agreement and Lease of Property is in conformance with the 2030 General Plan and other adopted policies of the City of Oxnard;

2. As determined in the Final IS/MND 22-02, the proposed Development Agreement of Lease of Property will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare;

3. As outlined in Section 6(c - e) of the Planning Commission Staff report, the proposed Development Agreement and Lease of Property in association with the related projects conforms to adopted City standards and constitutes good City planning.

WHEREAS, the Applicant agrees that at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this ordinance or any actions or proceedings, acts or determinations taken, done or made before the approval of this ordinance that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:.

SECTION 1. The Recitals above are true and correct and incorporated into the operative provisions of this Ordinance by this reference.

SECTION 2. The City Council finds that the Development Agreement and Lease of Property is internally consistent with all other provisions of the City of Oxnard 2030 General Plan.

SECTION 3. The City Council finds that the Development Agreement and Lease of Property will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. The City Council finds that the project site associated with the Development Agreement and Lease of Property is physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 5. The City Council determines that the development that would be authorized for the project site by the proposed Development Agreement and Lease of Property is the best use

for the subject project site.

SECTION 6. The City Council determines that the Development Agreement and Lease of Property is in the best interests and welfare of the City and its residents.

SECTION 7. In recommending adoption of this ordinance for the Development Agreement and Lease of Property, the City Council finds and determines the project is in compliance with the California Environmental Quality Act because Final MND No. 22-02 was considered by the Planning Commission at the public hearing for the Development Agreement and Lease of Property. The Final MND No. 22-02 was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code §§ 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. With implementation of the MND No. 22-02 mitigation measures, there is no substantial evidence that the proposed project will have a significant effect upon the environment.

SECTION 8. Based on the findings set forth herein, the City Council approves Planning and Zoning Permit No. 20-670-06 (Development Agreement No. A-8515), Exhibit A, hereto attached.

SECTION 9. Planning and Zoning Permit No. 20-670-06 (Development Agreement No. A-8515) is approved pursuant to Exhibit A.

SECTION 10. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance; and

SECTION 11. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

SECTION 12. The City Clerk shall certify as to the adoption of this Ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on March 21, 2023, and finally adopted on _____ to become effective thirty days thereafter.

PASSED and ADOPTED this 21st day of March, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____ _____
Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

DEVELOPMENT AGREEMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Oxnard
305 West Third Street
Oxnard, California 93030
Attention: City Clerk

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY

THIS DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY ("Agreement") is made in Ventura County, California as of _____ ____, 2023 by and between the CITY OF OXNARD, a municipal corporation of the State of California ("City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI"). The City or OFI may be referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. The City and OFI entered into that certain Exclusive Negotiation Agreement ("ENA") on June 19, 2019 regarding the lease of certain City property for freeway oriented digital billboards ("ENA Property"), which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference.

B. The City and OFI have entered into a First Amendment to the ENA dated November 13, 2019, a Second Amendment to the ENA, dated May 28, 2020, a Third Amendment to the ENA dated November 17, 2020, a Fourth Amendment to the ENA dated June 17, 2021, a Fifth Amendment to the ENA dated December 14, 2021, a Sixth Amendment to the ENA dated June 7, 2022 and a Seventh Amendment to the ENA dated December 6, 2022. As of the date of this Agreement, the ENA is still in full force and effect and OFI retains exclusive rights relating to the Property. Based upon the ENA, OFI has a legal or equitable interest in the ENA Property during the term of the ENA.

C. City is authorized, pursuant to Government Code sections 65864 through 65869.5 (the "Development Agreement Statute") and City Council Resolution No. 10,488, to enter into binding development agreements with persons or entities with legal or equitable interests in real property located within the City in order to vest certain rights in the person or entity with the legal or equitable interest in such property.

D. City and OFI each mutually desire to enter into this Agreement to permit and ensure that a portion of the ENA Property, which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit B** attached hereto and incorporated herein by this reference ("Property"), is developed with a double-sided freeway oriented digital billboard (hereafter, the "Project"), and that such billboard is developed strictly

in accordance with the provisions of this Agreement, the Project Approvals (defined below), and associated entitlements.

E. The City has determined that it is in the best interests of City, and for the common benefit of the citizens residing in City, to enter into this Agreement with OFI for the construction, operation, maintenance, and repair of the Billboard (as that term is defined below) on the Property, subject to (i) OFI obtaining specific entitlements and approvals from Caltrans and the City, including a Specific Plan amendment and a Special Use Permit; and (ii) OFI agreeing to fully comply with all of the provisions of this Agreement, including the payment of specific financial considerations that are in the public interests.

F. To comply with the California Environmental Quality Act ("CEQA"), on _____, 2023, at a duly noticed public hearing, the Oxnard Planning Commissoin ("Planning Commission") certified the _____ (SCH # _____), as described more fully in Resolution _____, adopted a Mitigation, Monitoring, and Reporting Plan, and made the required CEQA findings.

G. On _____, 2023, at a duly noticed public hearing, the Planning Commission approved a Special Use Permit for the Project, with such approval contingent on City Council approval of the RiverPark Specific Plan amendment for the Project, as provided in Resolution _____. At the same public hearing, the Planning Commission considered and recommended approval of the amendment to the RiverPark Specific Plan for the Project and recommended that the City Council approve this Agreement by ordinance.

H. On _____, 2023, the Oxnard City Council ("City Council"), having received the Planning Commission's recommendations, held a duly noticed public hearing, voted to approve the amendment to the RiverPark Specific Plan for the Project, and introduce the ordinance to approve this Agreement. On _____, 2023 the City Council adopted Ordinance _____ approving the Agreement.

I. The Planning Commission and City Council have each given notice of their intention to consider this Agreement, have each conducted the required public hearings thereon, and have each found that the provisions of this Agreement are consistent with the City of Oxnard General Plan for development within the City, City zoning ordinances, and the RiverPark Specific Plan, as amended on _____, 2023. The City Council has also specifically considered the impacts and benefits of the Project upon the welfare of the residents of the City and the surrounding region. The City Council has determined that this Agreement is beneficial to the residents of the City and is consistent with the present public health, safety and welfare needs of the residents of the City and the surrounding region.

NOW, THEREFORE, in consideration of the foregoing Recitals which are hereby incorporated into the operative provisions of this Agreement by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and OFI agree as follows:

AGREEMENT

1. **Definitions**. For purposes of this Agreement, unless a different meaning is clearly required, the following terms will have the following meanings and be capitalized throughout this Agreement:

1.1 "Annual Net Revenue" means all income actually received by OFI in connection with the sale of advertising space on the Billboard (net of any commissions paid by OFI to advertising agencies, not to exceed 16-2/3%). For the purposes hereof, any income described in this definition will not include the value of any in kind usage of the Billboard by the City.

1.2 "Applicable Rules" means the rules, regulations and official policies of the City which were in force as of the Effective Date (as defined below), including, but not limited to, the General Plan, the Specific Plan (as defined below) and entitlements for the Project including, but not limited to, the Special Use Permit.

1.3 "Billboard" shall mean that double-sided freeway-oriented digital billboard contemplated to be developed on the Property pursuant to the Applicable Rules. OFI shall be responsible for the construction, operation, maintenance, and repair of the Billboard, subject to the terms and conditions of this Agreement.

1.4 "Caltrans Permits" means all permits and approvals, if any, that OFI must obtain from Caltrans and subsequently assign to the City to construct, operate, maintain, and repair the Billboard in accordance with this Agreement.

1.5 "City Council" shall mean the City Council of the City.

1.6 "City Manager" shall mean the City Manager of the City.

1.7 "Effective Date" means the date on which the ordinance approving this Agreement, as required by Government Code section 65867.5, becomes effective.

1.8 "General Plan" means the City of Oxnard 2030 General Plan adopted in October of 2011 and updated in December of 2016.

1.9 "Hazardous Materials" means any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous or toxic materials, hazardous or toxic wastes, hazardous or toxic substances, carcinogenic materials or contaminants and all other materials governed, monitored, or regulated by any Federal, State or local Law or regulation, including the Comprehensive Environmental Response, Compensation and Liability Act, the Hazardous Substances Account Act, and/or the Resources Conservation and Recovery Act, together with asbestos, asbestos-containing materials, hydrocarbons, polychlorinated biphenyl ("PCB") or

PCB-containing materials, petroleum, gasoline, petroleum products, crude oil or any fraction, product or by product thereof.

1.10 "Hazardous Materials Laws" means all laws, codes, rules, orders, ordinances, directives, regulations, permits, or other requirements of federal, state, county, municipal or governmental authorities having jurisdiction, now in force or which may hereafter be in force concerning the management, use, generation, storage, transportation, presence, discharge or disposal of Hazardous Materials.

1.11 "MAG" or "Minimum Annual Guarantee" has the definition given such term in Section 7.1(a).

1.12 "Off-site Outdoor Advertising Sign" means a general outdoor advertising sign that directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or offered at a location other than on the same lot or parcel upon which the sign is located.

1.13 "Operational" refers to the time when the Billboard is fully capable, legally and functionally, of displaying advertising on the digital display.

1.14 "Operational Date" is the date when the Billboard is Operational.

1.15 "Periodic Review" shall have the meaning assigned to such term in Section 36.

1.16 "Planning Commission" shall mean the Planning Commission of the City.

1.17 "Rent" means the MAG described in Section 7.1 and, as applicable, Percentage Rent described in Section 7.2.

1.18 "Project Approvals" shall mean and refer to the RiverPark Specific Plan as amended on _____, 2023 and the Special Use Permit approved on _____.

1.19 "Specific Plan" shall mean the RiverPark Specific Plan. As amended on _____, 2023.

2. **Initial Term**. The "Initial Term" of this Agreement will begin on the Operational Date and will expire on the thirtieth (30th) year anniversary thereof. The Parties acknowledge that Government Code section 65868.5 requires the City to record this Agreement with the Ventura County Recorder's Office no later than ten (10) days after the Parties enter into this Agreement and that the burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties hereto, subject to the assignment provisions in Section 37.5 below.

3. **Tolling for Third Party Lawsuit**. If any third party files a lawsuit to challenge this Agreement, the City's CEQA determination made in connection with its consideration of this Agreement and/or the Project Approvals (each, a "Third-Party Lawsuit"), OFI may request that the Initial Term be tolled during the pendency of the Third-Party Lawsuit by providing a

written notice ("Tolling Notice") to City within thirty (30) days after the commencement of the Third-Party Lawsuit, and said request shall be granted by City. The tolling of the Initial Term shall automatically begin upon City's receipt of the Tolling Notice, and it shall end on the earliest of the following to occur: (A) the date on which a court issues a final judgment in the Third-Party Lawsuit and the expiration of all appeal period(s) following that judgment; (B) the date the Third-Party Lawsuit is dismissed; or (C) one (1) year from the date of issuance of the Tolling Notice.

4. **Tolling for Initiative or Referendum**. If the subject of an initiative or referendum petition would overturn, set aside, or substantially modify this Agreement, the other Project Approvals, or otherwise substantially impair the development of the Project, the Initial Term of this Agreement shall be tolled under this Section 4. The Term shall be automatically tolled beginning on the date that the initiative or referendum petition is submitted to the Ventura County elections official for signature verification, and ending on the date the last of the following occurs: (A) the date the County elections official determines the petition does not include a sufficient number of signatures; (B) the date the measure is voted on by the Council; or (C) the date of the election on the measure, if placed on the ballot. Notwithstanding any language in Sections 3 and 4 to the contrary, the total length of extension of the Initial Term shall not exceed one (1) year from the date the initiative or referendum petition is submitted to the Ventura County elections official for signature verification.

5. **Implementation and Development of the Project**.

5.1 Permitted Uses. OFI agrees that Property shall only be developed in accordance with this Agreement and the Project Approvals.

5.2 Subsequent Action and Approval. The City agrees not to unreasonably withhold, condition or delay any action or approval by the City which may be required by the Project subsequent to the execution of this Agreement.

6. **Vested Right to Develop the Project**. Subject to Section 9 below and the Applicable Rules, the City hereby grants to OFI the vested right to develop the Project on the Property in accordance with this Agreement and the Project Approvals. Other than the Project Approvals and this Development Agreement, development of the Project as described in this Agreement shall require no further discretionary approvals by the City. City and OFI intend to cause all development rights which may be required to develop the Project in accordance with the Project Approvals to be deemed vested in OFI for the Initial Term to the greatest extent permitted by law.

7. **Rent**.

7.1 Rent. Rent, as set forth in this provision, shall commence on the Operational Date.

(a) Minimum Annual Guarantee (MAG). Each year, OFI shall pay City the Minimum Annual Guarantee (the "MAG") in the initial amount of $150,000 per year, starting on the Operational Date, in accordance with the terms set forth in this Section.

Term	Rent
Years 1-30	$150,000

(b) Manner of Payment. An annual prorated share of the MAG is due and payable on a calendar quarter basis, commencing within forty-five (45) days of the Operational Date and within ten (10) days following the beginning of each calendar quarter occurring thereafter without notice, demand, offset or deduction. OFI shall remit the MAG to City at the address designated by City in writing to OFI for the payment of Rent. For any portion of the Initial Term that is less than a full calendar quarter, the MAG shall be prorated based on the number of days occurring during such calendar quarter and actual number of days in such calendar quarter.

(i) Late Charge. If OFI fails to pay any installment of MAG within ten (10) calendar days after the same is due and payable, such unpaid amount will be subject to a late payment charge equal to five percent (5%) of the unpaid amount in each instance; provided, however, OFI shall not be assessed with the foregoing late payment charge with respect to the first (1st) late payment in any consecutive twelve (12) month period unless and until OFI fails to make such payment to City within three (3) business days after written notice from City that it failed to receive such amounts within the time period set forth above. Following the first (1st) late payment in any calendar year, no notice by City shall be required for purposes of collecting a late payment charge. The late payment charge has been agreed upon by City and OFI, after negotiation, as a reasonable estimate of the additional administrative costs and detriment that City will incur as a result of any such failure by OFI, the actual costs thereof being extremely difficult—if not impossible—to determine. The late payment charge constitutes liquidated damages to compensate City for its damages resulting from such failure to pay, and OFI shall promptly pay such charge to City together with any unpaid interest

(ii) Default Interest. If any MAG is not paid within ten (10) calendar days following the due date, such unpaid amount will bear simple interest at the rate of 10% per year or the maximum permitted by law, whichever is lower ("Default Rate") from the due date until paid. However, interest will not be payable on late charges incurred by OFI, nor on any amounts on which late charges are paid by OFI to the extent this interest would cause the total interest to be in excess of that which an individual is lawfully permitted to charge. Payment of interest will not excuse or cure any default by OFI.

(iii) Application of Payments. All payments received by City from OFI will be applied to the oldest obligation owed by OFI to City. No designation by OFI, either in a separate writing, on a check or money order, or otherwise will modify this Article 5 or have any force or effect.

7.2 Additional Consideration

(a) Percentage Rent. To the extent that the MAG for the 12-month period commencing on the Operational Date or anniversary of the Operational Date ("Agreement Year") during the Initial Term is less than 30% of the Annual Net Revenue for that Agreement Year (the difference being referred to herein as "Percentage Rent"), OFI shall pay to City, in addition to the MAG, within thirty (30) days after the end of the relevant Agreement Year, and to the extent applicable, the Percentage Rent.

(i) Reports. OFI shall furnish to City an annual statement of Annual Net Revenue within thirty (30) days after the end of each Agreement Year. Such statement shall be in a form acceptable to City. Each statement shall be signed and certified to be correct by a duly authorized officer of OFI. OFI shall keep and make available at its local office at _____ complete and materially accurate books of account, records, cash receipts and other pertinent data, in accordance with good accounting practices and in a form approved by City, showing the Annual Net Revenue, including without limitation, materially accurate records of every sale and other transaction made for any advertising display on the Billboard and any commissions paid by OFI pursuant to this Agreement. Such books of account, records, cash receipts and other pertinent data shall be kept for a period of no less than four (4) years after the end of each Agreement Year. The receipt by City of any statement, or any payment of Percentage Rent for any period, will not bind City as to the correctness of the statement or payment.

(ii) Inspection and Audit. City, at its sole option, will be entitled, at any time and from time to time during the Initial Term and during normal business hours and with prior written notice to OFI, to inspect, examine, copy and audit OFI's books, records and cash receipts as related to Annual Net Revenue. OFI shall cooperate fully with City and City's agents in making the examination. City, at its option, will also be entitled once during each Agreement Year and once after the termination of this Agreement, to cause an independent audit of such records to be performed by a certified public accountant designated by City, provided such accountant is not paid on a contingency fee basis. The audit will be conducted during usual business hours at OFI's office located at _____, unless another location is mutually agreed upon. If the audit shows that there is a deficiency in the payment of any Percentage Rent, then OFI shall promptly upon notice pay the deficiency to City which payment will not require any penalty or other late fee. City will pay the costs of the audit unless the audit shows that OFI understated Annual Net Revenue by more than three percent (3%) in which case OFI will pay all reasonable out-of-pocket costs paid to third party consultants and incurred by City in connection with the audit.

(b) City Usage. To the extent that commercial advertising time on the Billboard is unsold and available, City shall have the right to use 12.5% out of the total inventory of 16 spots (8 spots per face) or 2 total spots for the Billboard (such usage "City Usage"). Content displayed on the Billboard in connection with City Usage shall be displayed (subject to the terms of this Agreement) during the operation of the Billboard in increments, at the times of day and otherwise in the same manner as the commercial advertising displayed by OFI on the Billboard. Subject to the terms of this Agreement, City may use such time to promote any purpose that City, in its sole discretion determines best serves the needs of the City and residents, including but not limited to advertising City events and programs. City will submit "camera ready" artwork to OFI, at no cost to OFI, for display purposes. City agrees that for any City

Usage City will provide OFI with prior written notice of its desire for City Usage, City will provide OFI with the copy or text of such messages not less than ten (10) business days prior to the date such messages are to appear on the Billboard, and City Usage shall be limited to messages for the civic and public purposes described in this Section and will not be used directly or indirectly for any types of messaging or advertising which OFI would otherwise be able to sell to third parties in the ordinary course of OFI's business. City represents and warrants that all advertising materials and content supplied by City to OFI for display in connection with City Usage, (i) are owned or duly licensed by City and do not infringe or misappropriate the rights of any other person or entity, (ii) comply with all applicable federal, state, and local laws, rules and regulations and any industry codes or rules by which the parties may be bound and do not contain any obscene, libelous, slanderous or otherwise defamatory materials or refer in an offensive manner to the gender, race or ethnicity of any individual or group; (iii) are not false; and (iv) do not infringe upon any copyright, trademark or other intellectual property or privacy right of any third party. City hereby agrees to indemnify, defend and save harmless OFI against any and all claims, liabilities, losses, damages, fees and expenses arising out of or in connection with the City Usage, including but not limited to any claim for defamation, or infringement of any copyright, trademark, or other intellectual property or privacy right and reasonable attorneys' fees and expenses incurred in defending any such claims.

(c) Emergency Notifications. Without any offset in the City Usage described above and at no cost to the City and as further consideration for the use and occupancy of Property, Outfront shall make the Billboard available to Caltrans and the California Highway Patrol for purposes of "Amber Alerts" and for emergency or disaster notifications by local, state or federal agencies.

(d) Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members. For the Initial Term of this Agreement, Oxnard Auto Dealers and members of the Oxnard Chamber of Commerce shall receive a ten percent (10%) discount from the rates to advertise on the Billboard.

8. **Advertising**. The Billboard is not intended to provide a general public forum for purposes of communication, but rather to make use of property held by the City in a proprietary capacity in order to generate revenue. Except for any advertising or messages displayed on the Billboard at the request of the City (subject to the terms of this Agreement), all advertising to be displayed on the Billboard shall be strictly "commercial advertising." As used in this Agreement, "commercial advertising" means advertising for a commercial or industrial business, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose. In addition to the general limitation on Billboard advertising to strictly commercial advertising, OFI may not display any message that: is inherently false, misleading, or libelous (i.e., speech that is incapable of being presented in a manner that is not misleading); promotes the sale or use of firearms or tobacco products, whether directly or indirectly; promotes adult entertainment, products, conventions, events, or websites; contains "obscene matter," as that term is defined in local, California or federal law, including but not limited to any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency or any other matter or thing of an obscene, indecent or immoral character; contains any "political advertising," which means advertising that promotes or opposes any candidate for public office or promotes or opposes a

ballot measure, referendum, bond issue, or any federal, state or local legislation, regulation, or other discretionary action; contains language that presents a clear-and-present danger of causing riot, disorder, or other imminent threat to public safety, peace, or order. OFI shall, within 48 hours after written demand from City, at OFI's risk and expense, remove any advertising material or message that does not comply with the advertising criteria set forth in this Section, and which is not being disputed by OFI. If OFI fails to promptly cause the removal of such advertising, City may (but is not required to), without further process of law, cause the removal of the advertising. OFI shall reimburse City's costs of such actions upon demand and will bear the risk of any damage to the Billboard resulting from such actions. City may exercise such remedies without prejudice to any other remedies it may be entitled to exercise under this Agreement, at law or in equity. OFI agrees to ensure that businesses or organizations located within the City or residents of the City will be able to purchase advertising on the Billboard in such manner and at such rates as offered to businesses, organizations or persons located or residing outside of the City and that it will not permit any exclusivity contracts or arrangements with advertisers that would violate this covenant.

9. **Subsequent Applicable Rules**. Rules, regulations and official policies of the City, including but not limited to the General Plan, the Specific Plan, zoning and other development regulations adopted after the Effective Date of this Agreement ("Subsequent Applicable Rules") shall not be applicable to or binding upon the Project unless they are otherwise expressly allowed by this Agreement or are consented to in writing by OFI. The City shall not require OFI to obtain any approvals or permits for the development of the Project other than those permits or approvals which are required by the Applicable Rules. This Agreement will bind the City to the terms and obligations specified in this Agreement.

10. **No Conflicting Enactments**. The City shall not enact rules, regulation, ordinances or other measures which limit or control the development of any part of the Project which is inconsistent or in conflict with this Agreement.

11. **Moratorium or Initiative Measures**. OFI and the City intend that no moratorium or other limitation (whether relating to the rate, timing or sequence of the development of the Project and whether enacted by initiative or otherwise) affecting building permits or other entitlements shall apply to the Project to the extent such moratorium or other limitation is inconsistent with or conflicts with this Agreement.

12. **Legal Challenges**. City agrees to cooperate with OFI in all reasonable manners in order to keep this Agreement in full force and effect. Notwithstanding the preceding sentence, in the event of any legal action instituted by a third party or other government entity or official challenging the validity of this Agreement, the City and OFI agree to cooperate in defending such action, with OFI to indemnify the City pursuant to this Agreement. In the event of any litigation challenging the effectiveness of this Agreement or any portion thereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending, unless a court of competent jurisdiction orders otherwise.

13. **Events of Default; Early Termination**.

13.1 Defaults by OFI. OFI will be in default under this Agreement ("Default") upon occurrence of any of the following:

(a) OFI is at any time late in the payment of Rent or any other monetary sum called for by this Agreement and fails to make payment within thirty (30) days following a written notice to cure from City to OFI; or

(b) OFI fails to keep and perform any of its other covenants or agreements contained in this Agreement and such failure continues for more than thirty (30) days after a written notice to cure from City to OFI specifying, the obligation which OFI has failed to perform. Where it will reasonably take OFI more than thirty (30) days, as calculated from receipt of written notice from the City to cure the default and come into compliance with applicable covenants or agreements, the 30-day period shall be extended for a reasonable time to allow OFI to come in to compliance and OFI shall be in Default under this Agreement if it has failed to commence such cure within such 30-day period and has failed to diligently pursue completion of such cure; or

(c) After receipt of a written notice to cure from the City, OFI fails to cure within thirty (30) daysand abandons and ceases to use the Property; or

(d) The Billboard is not Operational by the one (1) year anniversary of the later of: (i) OFI's receipt of approval from Caltrans for the Caltrans Permits, and (ii) OFI's receipt of all other approvals, permits and entitlements and associated CEQA review from the City and any other relevant responsible agencies for construction and other work related to the Billboard. The one (1) year anniversary shall, however, be tolled in the event of the filing of third party lawsuits, initiatives, or referenda, as specified in Sections 3 and 4.

13.2 City's Remedies for Default by OFI. Upon the occurrence and during the continuance of any Default identified in Section 13.1, in addition to any and all other rights or remedies of City hereunder, City will have the sole option to exercise the following rights and remedies:

(a) City may terminate this Agreement if OFI is in default and fails to cure as provided in Section 13.1(a)-(c), or is in default as provided in Section 13.1(d), including any applicable tolling period.

(b) Except as provided in subdivision (c) below, in the event of a default by OFI, City shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate City for OFI's specific obligations to the City pursuant to this Agreement.

(c) In the event that a third party lawsuit, referendum, or initiative has been filed that triggers the tolling provisions in Sections 3 and 4 and such lawsuit, referendum, or initiative has not been resolved, dismissed, terminated, or otherwise completed within the one (1) year tolling period, the City's sole remedy for OFI's failure to make the Billboard Operational as provided in Section 13.1(d), shall be to terminate this Agreement.

13.3 City Remedies Cumulative. Each right and remedy of City provided for herein will be cumulative and will not preclude City from exercising any other rights or remedies provided for in this Agreement. No payment by OFI of a lesser amount than the Rent nor any endorsement on any check or letter accompanying any check or payment of Rent will be deemed an accord and satisfaction of full payment of Rent; and City may accept such payment without prejudice to City's right to recover the balance of such Rent or to pursue other remedies.

13.4 Default by City. City will not be in default under this Agreement unless City fails to perform obligations required of City within thirty (30) days after written notice is delivered by OFI to City specifying the obligation which City has failed to perform; provided, however, that if the nature of City's obligation is such that more than thirty (30) days are required for performance, then City will not be in default if City commences performance within such 30-day period and thereafter diligently prosecutes the same to completion. All obligations of City hereunder will be construed as covenants, not conditions.

13.5 OFI's Remedies for Default by City. Upon the occurrence and during the continuance of any Default by City identified in Section 13.4, OFI will have the sole option to exercise the following rights and remedies:

(a) OFI may terminate this Agreement if City is in default and fails to cure as provided in Section 13.4.

(b) In the event of a default by City, OFI shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate OFI for City's specific obligations to OFI pursuant to this Agreement.

13.6 OFI Remedies Cumulative. Each right and remedy of OFI provided herein will be cumulative and will not preclude OFI from exercising any other rights or remedies provided for in this Agreement.

13.7 OFI's Early Termination Rights. OFI may terminate this Agreement effective 30 days after OFI gives the City written notice of termination, if any of the following circumstances occur:

(a) The view of the Billboard's display area from the portion of U.S. 101 adjacent to the Property is materially obstructed, and OFI did not cause the obstruction.

(b) OFI cannot safely use the Property to renovate, operate, maintain, repair, or improve the Billboard because of a non-remediable condition, and OFI did not cause the condition.

(c) There is a material diversion of traffic from, or a material reduction or change in the directional flow of traffic on, the portion of U.S. 101 adjacent to the Property, and the diversion or disruption continues uninterrupted for at least six (6) consecutive months.

(d) Through no fault of its own, OFI cannot obtain or maintain the governmental permits required to construct, operate, maintain, and repair the Billboard,

including the Caltrans Permits and City permits, or there is a legal challenge to such permits and approvals, including, but not limited to, any challenges under CEQA, and OFI elects, in its sole discretion, not to oppose such challenges, OFI may withdraw its applications for approval and terminate this Agreement.

(e) Use of the Billboard for its intended purpose is prevented or limited by law, or OFI is required by any court or other governmental entity, for reasons other than eminent domain, to remove the Billboard from the Property.

(f) The City is in default of this Agreement, and said default is not timely cured.

13.8 Consequential and Punitive Damages. Anything in this Agreement to the contrary notwithstanding, neither City nor OFI shall be liable to each other under or in connection with this Agreement for any consequential or punitive damages and each party waives, to the full extent permitted by applicable laws, any claim for consequential or punitive damages, and any claim for loss of business or profits.

14. **Insurance**.

14.1 Types of Policies. During the Initial Term and, if OFI is removing the Billboard, during OFI's removal of the Billboard, at no cost to City except as otherwise contemplated by this Agreement, OFI shall procure and maintain the forms and amounts of insurance covering OFI's possession and use of the Property set forth below ("OFI's Insurance"). OFI's Insurance shall be primary to and not contributing with any other insurance, self-insurance or joint self-insurance maintained by City, and shall name the City as an additional insured.

14.2 Commercial General Liability Insurance. A policy of commercial general liability insurance (occurrence form) having a limit of Two Million Dollars ($2,000,000) per occurrence and Four Million Dollars ($4,000,000) annual aggregate, providing coverage for blanket contractual liability (including OFI's indemnification obligations under this Agreement), products and completed operations liability, broad form property damage, and bodily injury (including wrongful death) and advertising injury coverage.

14.3 Workers' Compensation and Employer's Liability Insurance. Workers' compensation insurance, if required by law, which complies with all applicable state statutes and regulatory requirements, and employer's liability insurance coverage in statutory amounts. OFI shall also require any contractor utilized to perform any services or work at the Property pursuant to this Agreement to maintain such workers' compensation insurance and provide proof of such insurance prior to commencing any services or work at the Property.

14.4 Other Insurance. Any other form or forms of insurance as City may reasonably require from time to time, in form, amounts and for insurance risks against which a prudent OFI would protect itself, but only to the extent such risks and amounts are available in the insurance market at commercially reasonable costs.

15. **City's Right to Enter and Inspect the Property**. City and its authorized representatives will have the right to enter upon and inspect the Property at reasonable times (and

on no less than forty-eight (48) hours' notice) to determine OFI's compliance with this Agreement.

16. **Notification of Incidents**. OFI shall endeavor to notify City within forty-eight (48) hours after OFI has actual knowledge of the occurrence of any accident or event on or about the Billboard, the Property, any portion thereof, or any improvements thereon and which OFI actually determines could give rise to a claim against City, City's insurance, OFI, or OFI's Insurance, except that OFI will not be so obligated with respect to any accident or event which could give rise to a claim under OFI's workers' compensation insurance. OFI's notice shall be accompanied by a copy of any report(s) relating to such accident or event.

17. **Nonexclusive Easements**. The City reserves the right for itself and others in the future to establish nonexclusive utility easements (including easements for construction, maintenance, repair, replacement and reconstruction) over, under, through or on the Property in locations that will not interfere with OFI's use of the Property as contemplated by this Agreement. Under no circumstances shall the City permit the construction of any improvement on the Property, or adjacent City-owned properties, that will obstruct views of the Billboard from US 101. OFI will not be required to maintain or repair the utility easements unless OFI has caused the need to repair.

18. **Expiration of Agreement; Holding Over**. This Agreement will expire at the end of the Initial Term. If OFI holds over on the Property after the expiration of the Initial Term with the consent of City, such holding over will be construed to be only a tenancy from month to month, subject to all the covenants, conditions and obligations contained in this Agreement that applied at the expiration of the Initial Term . If OFI does hold over on the Property after the Initial Term, then OFI agrees to pay City as monthly rental an amount which is equal to 1/12th of the annual Rent paid by OFI to City during the last year of the Initial Term.

19. **Condition of Property**. The Property and all improvements thereon, are being leased to OFI in its current, existing, "AS IS" condition. City makes no representations or warranties of any kind, express or implied, written or oral, about any of the following: the physical condition of the Property; the suitability of the Property for OFI's anticipated use; any limitations on OFI's use of the Property; the costs of conducting OFI's business on the Property; or the condition of the soils or ground waters of the Property. By taking possession of the Property, OFI accepts the Property "AS IS" and acknowledges that the Property are satisfactory for OFI's purposes. OFI has ascertained the condition of the Property through its own independent investigation and has relied solely on that independent investigation when entering into this Agreement.

20. **Permitted Uses**. Subject to any City Usage, OFI has the exclusive right to display an Off-site Outdoor Advertising Sign on the Property consistent with **Exhibit C**. City will not authorize any other Off-site Outdoor Advertising Signs on the Property. OFI's right to construct an Off-site Outdoor Advertising Sign on the Property includes the right to the following uses: constructing, operating, maintaining, and repairing, the Billboard, and any utilities installed in connection with the Billboard; installing and maintaining utility wires, poles, cables, conduits, and pipes over or under the Property from the nearest accessible public right-of-way that support the permitted operations of the Billboard; and all rights of ingress and egress

over the Property that OFI needs to access the Billboard. Subject to the City's sole and absolute discretion as property owner, as well as the regulator through any generally applicable permit process, OFI may sublease the Property for telecommunications facilities on the Billboard with the written approval of the City and with any such revenue considered part of Annual Net Revenues. Such telecommunications facilities shall be "stealth;" not affect the aesthetic or structural integrity of the Billboard in the City's discretion.

21. **Prohibited Uses**. Hazardous Substances. Neither OFI nor any of OFI's representatives or agents may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials anywhere in, on, under or about the Property, the Billboard, or any improvements thereon. Notwithstanding the foregoing, OFI may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials in such limited amounts as are customarily used to construct, operate, maintain, or repair the Billboard in accordance with this Agreement, and so long as OFI is at all times in full compliance with all applicable environmental laws. OFI shall cause any and all Hazardous Materials brought onto, used, generated, handled, treated, stored, released or discharged by OFI or its authorized representatives on or under the Billboard, the Property, or any improvements thereon to be removed therefrom and transported for disposal in accordance with applicable laws, including Hazardous Materials Laws. City will have the right to enter the Property, or any improvements thereon, from time to time to conduct tests, inspections and surveys concerning Hazardous Materials and to monitor OFI's compliance with its obligations concerning Hazardous Materials and Hazardous Materials Laws (the City agrees that all such testing, inspections, surveys and monitoring will be at the City's expense unless the results of such testing, inspections, surveys or monitoring demonstrate that, with respect to OFI's use, handling, storage, transportation, treatment, generation, release or disposal of Hazardous Materials in, on, under or about the Property, the Billboard, or any improvements thereon, OFI has violated its obligations contained in this Section. OFI shall promptly notify City in writing upon its actual knowledge of: (a) any release or discharge of any Hazardous Material by OFI or its authorized representatives; (b) any voluntary clean-up or removal action instituted or proposed by OFI, (c) any enforcement, clean-up, removal or other governmental or regulatory action instituted or threatened against OFI, or (d) any claim made or threatened by any person against OFI, the Billboard, the Property, or any improvements thereon relating to Hazardous Materials or Hazardous Materials Laws. OFI shall also supply to City as promptly as possible, and in any event within five (5) business days after OFI receives or sends same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Billboard, the Property, any portion thereof, or any improvements thereon or OFI's use thereof and concerning Hazardous Materials or Hazardous Materials Laws. In the event OFI institutes a cleanup or removal action, OFI shall provide copies of all work plans and subsequent reports submitted to the governmental agency with jurisdiction to City in a timely manner.

22. **Unlawful Activities**. OFI may not use or permit the Property to be used in any way that violates this Agreement or any valid and applicable statute, ordinance, regulation, rule, or order of any federal, state, or local governmental entity (including City). OFI may not maintain or commit, or permit the maintenance or commission of, any public or private nuisance as defined by any law applicable to the Property. OFI hereby waives any rights to compensation it may have if a court finds that the Billboard constitutes a public or private nuisance under any

valid and applicable federal, state, or local law and for that reason orders OFI to remove or modify the Billboard.

23. **Encumbrances**. OFI may not encumber the Property or any part of the Property or the Billboard or any part of the Billboard, for any purpose, without City's prior written consent, which City may withhold for any reason. OFI shall keep the Property and the Billboard free of all liens and other encumbrances other than those, if any, to which City consents.

24. **Construction and Operation of Billboard**. Subject to any required permits and approvals, OFI shall construct, operate, maintain and repair the Billboard on the Property in accordance with the provisions of this Agreement. Upon completion of the Billboard, OFI shall provide City with a complete set of as-built drawings.

25. **Permitting Costs**. OFI will bear the costs associated with obtaining the Caltrans Permits and costs related to all other permitting and entitlements which are required for the construction and operation of the Billboard, including obtaining any Project Approvals (as defined in Section 1.18), for the construction, operation, maintenance, and repair of the Billboard and the Property and any environmental review of the Property.

26. **Plans and Specifications**. At no cost to City, OFI shall prepare complete plans and specifications for the construction of the Billboard consistent with **Exhibit C** to this Agreement, working closely with City to develop plans and specifications that are mutually acceptable (the "Plans"). OFI shall submit the Plans to City for final approval, which City will not unreasonably withhold, condition or delay. The Billboard shall be designed to comply with all applicable state, county, and City codes and regulations.

27. **Caltrans Permits**. OFI is responsible for ensuring that the Billboard complies with all requirements of California's Outdoor Advertising Act and Regulations if Caltrans determines that the Property fall within the scope of such law. As soon as practicable after the Effective Date, OFI shall apply for the Caltrans Permits, or, if necessary, engage in discussions with Caltrans to negotiate a Billboard Relocation Agreement that is mutually agreeable to both OFI and Caltrans which will permit OFI to seek all Caltrans Permits required in connection with the construction and operation of the Billboard contemplated by this Agreement. OFI agrees that upon request by the City, OFI will provide updates and any reasonably requested documentation relating to the negotiations with Caltrans for the Caltrans Permits and any status on the issuance of the Caltrans Permits. During the Initial Term, OFI shall perform all obligations under the Caltrans Permits at no cost to City. OFI shall have twelve (12) months from the Effective Date to obtain the Caltrans Permits, which period shall be subject to the one (1) year tolling period provided in Sections 3 and 4 in the event of a third party lawsuit, initiative, or referendum. If OFI has not received the Caltrans Permits at the end of such twelve (12) month period in addition to any tolling period as provided in Sections 3 and 4, and provided that OFI has diligently pursued the Caltrans Permits, City must provide OFI an extension of an additional six (6) months to obtain the Caltrans Permits. If, following such additional six (6) month extension period, OFI is still unable to obtain the Caltrans Permits, either the City or OFI can agree to another extension of time or terminate this Agreement.

28. **Cooperation in Completing Project; Landscaping**. OFI and City acknowledge and agree that in order to provide for OFI's effective utilization of the Billboard, the Billboard must be visible without obstruction. Such effective utilization necessitates the removal of the trees depicted on **Exhibit D** (collectively, the "Trees"). City agrees to reasonably cooperate (at no cost to City) with OFI, including, without limitation, applying for certain permits in the name of the City, as necessary for the successful completion of the Project and fulfillment of Project requirements, including, without limitation, accomplishment of each and every mitigation measure, and all other requirements or conditions that may be imposed on the Project by other public agencies. OFI acknowledges and agrees that such requirements and conditions may include the planting of new landscaping and/or trees. OFI shall be solely responsible for paying all costs associated with this process.

29. **Construction**. OFI shall begin design process and permitting process for the Billboard as soon as practicable after the Effective Date and shall diligently pursue construction to completion without unnecessary interruption so that the Billboard is Operational by the date established in Section 13.1(d). OFI will be excused, however, for any delays in beginning or completing construction that are caused by a Force Majeure Event, as defined in Section 33. OFI shall use reasonable diligence to avoid such delays and to resume work as promptly as possible after such a delay.

30. **Prevailing Wages**. The parties agree that any "construction, alteration, demolition, installation, or repair work" ("Improvement Work") shall comply with applicable prevailing wage policies as set forth in California Labor Code section 1720 et seq., any applicable federal law and applicable regulations thereto ("Prevailing Wage Laws"). OFI shall defend, indemnify and hold harmless City and its officers, officials, employees, volunteers and agents from any claims arising out of or in any way connected to OFI's obligations regarding compliance with Prevailing Wage Laws.

31. **Maintenance**. OFI shall be responsible for all the on-going repair, maintenance, installation, and operation costs of the Billboard, and related improvements on the Property at no cost to the City. OFI shall also be responsible for the prompt removal of any graffiti from the Billboard within forty-eight (48) hours of receiving notice of the graffiti.

32. **Damage or Destruction to the Billboard**. This Agreement will continue in full effect if the Billboard is substantially damaged or destroyed in whole or part by any cause whether or not covered by the fire-and-casualty insurance OFI maintains, subject to the following:

32.1 The Rent thereafter due under this Agreement will abate from the date of the casualty until the repair or replacement of the Billboard is completed.

32.2 The City and OFI will mutually agree upon the repair or replacement of the Billboard, which such repair or replacement will use any proceeds of insurance maintained by the City or otherwise at the expense of the City. In connection with any election to repair the casualty, OFI and the City will promptly apply for, and diligently pursue the issuance of, any permits or approvals needed to repair or replace the Billboard. Within thirty (30) days after obtaining the necessary permits and approvals, the party which will perform such repair or

replacement will begin work to repair or replace the Billboard and diligently pursue the completion thereof.

32.3 In the event of any damage or destruction which is covered by insurance, the City will promptly make proof of loss and proceed promptly to collect, or cause to be collected, all valid claims which the City may have against insurers or others based upon any such damage or destruction. Except as otherwise provided above, amounts received on account of any losses pursuant to insurance policies shall be used and expended for the purpose of fully repairing or reconstructing the portions of the Billboard which has been destroyed or damaged.

32.4 Notwithstanding anything herein to the contrary, if (a) the cost to repair or replace the damage or destruction of the Billboard exceeds 50% of its fair-market value immediately before it is damaged or destroyed; and (b) the damage or destruction occurs during the last five (5) years of the Initial Term, then the City may terminate this Agreement upon written notice to OFI without penalty.

33. **Force Majeure** As used in this Agreement "Force Majeure Events" and "Pandemic Events" have the following meaning:

33.1 "Force Majeure Events" mean, collectively: (1) governmental preemption or governmental shutdowns of business in connection with a national emergency, (2) work stoppages or other delays due to pandemics or other unforeseen circumstances, (3) conditions that prevent or delay construction and which are affected by war, pandemic, civil unrest or other international, national, state or municipal emergency or other cause, (4) act of God, (5) Pandemic Events (as hereinafter defined) or (6) any other cause, similar or dissimilar, beyond the reasonable control of either party; and

33.2 "Pandemic Events" shall mean (1) governmental shutdowns of business in Ventura County in connection with the occurrence of a pandemic or other public health emergency, or (2) the issuance of "shelter-in-place" orders affecting Ventura County by one or more governmental authorities due to the occurrence of a pandemic or other public health emergency.

34. **Utilities**. At no cost to City, OFI shall provide and pay for all utility connections, utility equipment, and utility service required to construct, operate, maintain, repair, improve, or reposition the Billboard throughout the Initial Term (provided that City will pay for all such costs and expenses in connection with the construction and operation of the City's Telecommunication Facilities, if applicable). OFI shall coordinate with City and the applicable utility companies for utility tie-ins and electrical power sources that OFI may need to construct and operate the Billboard.

35. **Removal of Billboard**. OFI shall be responsible for the removal of the Billboard, and other improvements from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), at the expiration of the Initial Term of this Agreement, unless the City waives OFI's removal obligation in writing. In

the event this Agreement is otherwise terminated or cancelled prior to the expiration of the Initial Term, OFI shall remove the Billboard and other improvements installed by OFI from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), unless the City waives OFI's removal obligation in writing. Notwithstanding the above, OFI shall not be required to remove those portions of the Billboard and other improvements made by OFI on the Property that are more than ten (10) feet below grade. OFI shall cause the removal as required under this Section within thirty (30) days from the end of the Initial Term or from the date of early termination, whichever the case may be. If OFI does not timely remove the Billboard and other improvements as required by this Section, City may, but shall not be required to, remove or cause the removal of the Billboard and other improvements on the Property at OFI's expense. OFI shall reimburse City within thirty (30) days of receipt of an itemized accounting of the cost for such removal and the restoration of the Property to its state immediately prior to the installation of the Billboard. City and OFI acknowledge and agree that OFI and its assigns shall be the exclusive owner and operator of the Billboard, and that all equipment comprising the Billboard shall remain the personal property of OFI and its assigns and shall not become fixtures of the Property. City shall have no right, title or interest in the Billboard or any component of the Billboard, notwithstanding the manner in which the Billboard is or may be physically attached, mounted or adhered to the Property.

36. **Taxes**. OFI shall pay without abatement, deduction, or offset any income taxes or possessory interest taxes levied on or assessed against the Billboard located on the Property, OFI's equipment, fixtures, and personal property located on or in the Property, which are directly attributable to this Agreement or OFI's use of the Property, whether belonging, owned, or chargeable against the City. OFI shall make all such payments directly to the charging authority prior to delinquency and before any fine, interest, or penalty becomes due or is imposed for OFI's non-payment. Following prior request by City, OFI shall provide City with proof of payment of such tax.

37. **Compliance Review**.

37.1 Periodic Review. Pursuant to Government Code section 65865.1, the City Manager shall, not less than once in every twelve (12) months, review the Project and this Agreement to ascertain whether or not OFI is in full compliance with the terms of this Agreement (the "Periodic Review").

37.2 Review Procedure. During a Periodic Review, OFI shall provide information reasonably requested by the City Manager that the Project is being developed in good faith compliance with the terms of this Agreement. Upon completion of a Periodic Review, the City Manager shall submit a report to the City Council setting forth the City Manager's findings. If, as a result of a Periodic Review, the City Council finds and determines on the basis of substantial evidence that OFI has not complied in good faith with the terms or conditions of this Agreement, the City shall issue a written "Notice of Noncompliance" to OFI specifying the grounds therefore and all facts demonstrating such noncompliance. OFI's failure to cure the alleged non-compliance within ninety (90) days after receipt of the notice, or, if such noncompliance is not capable of being cured within ninety (90) days, OFI's failure to initiate all

actions required to cure such noncompliance within ninety (90) days after receipt of the notice, shall constitute a default under this Agreement on the part of OFI and shall constitute grounds for the termination of this Agreement by the City as provided for below.

37.3 Termination or Modification for Non-Compliance. Pursuant to Government Code Section 65865.1, if the City Council finds and determines, on the basis of substantial evidence, that OFI has not complied in good faith with the terms or conditions of this Agreement, the City Council may modify or terminate this Agreement. Any action by the City with respect to the termination or modification of this Agreement shall comply with the notice and public hearing requirements of Government Code section 65865.1 in addition to any other notice required by law. Additionally, the City shall give OFI written notice of its intention to terminate or modify this Agreement and shall grant OFI a reasonable opportunity to be heard on the matter and to oppose such termination or modification by the City.

37.4 Modification. Amendment or Cancellation by Mutual Consent. Pursuant to Government Code section 65868, this Agreement may be amended or canceled, in whole or in part, by mutual written consent of the City and OFI or their successors in interest. Public notice of the parties' intention to amend or cancel any portion of this Agreement shall be given in the manner provided by Government Code section 65867. Any amendment to the Agreement shall be subject to the provisions of Government Code section 65867.5.

37.5 Inurement and Assignment. This Agreement shall inure to the benefit of and bind the successors and assigns of the City and OFI and may be assigned by either the City or OFI to any party or parties pursuant to the requirements of this Section. The specific rights and obligations of this Agreement shall be deemed covenants running with the land that concern and affect the Property. Prior to OFI's assignment of any rights, duties or obligations under this Agreement, OFI shall present such information to the City as will reasonably demonstrate to the City's satisfaction that the proposed assignee (the "**Assignee**") has the financial ability and experience to fulfill those specific rights, duties and obligations under the Agreement that the Assignee will assume. The City shall have the right to approve the proposed Assignee, provided that the City's approval may not be unreasonably withheld. Because this Agreement is a statutory Development Agreement, if City staff determine that they can recommend approval of the proposed Assignee, a public hearing before the Planning Commission and City Council will be necessary to approve the proposed amendment to this Agreement. If the City does not approve the Assignee, the City shall deliver notice to OFI of the reasons for the City's disapproval of the Assignee. Once such approved assignment or succession has occurred and the Assignee has agreed to accept the applicable obligations under this Agreement, OFI shall be released from its obligations under this Agreement assumed by the Assignee with respect to the Property, or portion thereof, so transferred. Notwithstanding anything herein to the contrary, OFI shall not be required to obtain the City's written consent prior to effecting a transfer of all or a portion of OFI's interests to OFI member agencies Foster Interstate, LLC and Outfront Media, LLC.

38. **Monetary Damages**. OFI and the City acknowledge that neither the City nor OFI would have entered into this Agreement if either were liable for monetary damages under or with respect to this Agreement or the application thereof. Both the City and OFI agree and recognize that, as a practical matter, it may not be possible to determine an amount of monetary

damages which would adequately compensate OFI for its investment of time and financial resources in planning to arrive at the kind, location, intensity of use, and improvements for the Project, nor to calculate the consideration the City would require to enter into this Agreement to justify such exposure. Therefore, the City and OFI agree that neither shall be liable for monetary damages under or with respect to this Agreement or the application thereof and the City and OFI covenant not to sue for or claim any monetary damages for the breach of any provision of this Agreement. This foregoing waiver shall not be deemed to apply to any fees, payments, reimbursements or other monetary amounts specifically required to be paid by OFI to the City pursuant to this Agreement.

39. **Specific Performance**. OFI has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement and it is not possible to determine the amount of monetary damages that would adequately compensate OFI for such efforts. Damages would not be an adequate remedy if City fails to carry out its obligations under this Agreement, and that OFI shall have the right to seek and obtain specific performance as a remedy for any breach of this Agreement. The City's remedy to terminate or amend this Agreement in the event of OFI's uncured breach shall be sufficient in most circumstances.

40. **Administration of Agreement and Resolution of Disputes**. OFI shall at all times have the right to appeal to the City Council any decision or determination made by any employee, agent or other representative of the City concerning the Project or the interpretation and administration of this Agreement. All City Council decisions or determinations regarding the Project or the administration of this Agreement shall also be subject to judicial review pursuant to Code of Civil Procedure section 1094.5, provided that, pursuant to Code of Civil Procedure section 1094.6, any such action must be filed in a court of competent jurisdiction not later than ninety (90) days after the date on which the City Council's decision becomes final.

41. **Recordation of this Agreement**. Pursuant to Government Code section 65868.5, the City Clerk shall record a copy of this Agreement in the Official Records of Ventura County within ten (10) days after the mutual execution of this Agreement.

42. **Constructive Notice and Acceptance**. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is, and shall be, conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

43. **No Third-Party Beneficiaries**. This Agreement is made and entered into for the sole protection and benefit of the City, OFI and their respective successors and assigns. No other person or entity shall have any right of action based upon any provision of this Agreement.

44. **Miscellaneous**.

44.1 Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the

person giving such notice) (i) hand delivered by messenger or courier service, (ii) by overnight delivery (including Federal Express), or (iii) by United States mail (postage prepaid), registered or certified, return receipt requested, addressed to the addresses set forth below. Each notice shall be deemed delivered (1) on the date delivered if by personal delivery, (2) on the date of delivery by the overnight delivery service if by overnight delivery, or (3) seventy-two (72) hours after deposit in the United States mail (postage prepaid) if by registered or certified mail. By giving to the other parties at least fifteen (15) days' written notice, the parties to this Agreement and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses and each shall have the right to specify as its address any other address.

If to City: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Manager

with a copy to: City of Oxnard
214 South C Street
Oxnard, California 93030
Attention: Community Development Director
Tel. No.: (805) 385 7877
Fax No.: (805) 385 7854

with a copy to: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Attorney

If to OFI: Outfront Foster Interstate LLC
1111 Broadway, Suite 1515
Oakland, CA 94607
Attn: John B. Foster, President
Fax: (415) 832-7080

with a copy to: Outfront Media LLC
405 Lexington Avenue, 17th Floor
New York, NY 10174
Attn: General Counsel

with a copy to: Miller Starr Regalia
1331 North California Boulevard, Fifth Floor
Walnut Creek, CA 94596
Attn: Anthony Leones
Tel: (925) 941-3261
Fax: (925) 933-4126

Email: tony.leones@msrlegal.com

with a copy to: Wendel Rosen LLP
1111 Broadway, 24th Floor
Oakland, CA 94607
Attn: Matt Dambrov
Tel: (510) 834-6600
Fax: (510) 834-1928
Email: mdambrov@wendel.com

44.2 Severability. If any part of this Agreement is declared invalid for any reason, such invalidity shall not affect the validity of the remainder of the Agreement. The other parts of this Agreement shall remain in effect as if this Agreement had been executed without the invalid part. The City and OFI intend and desire that the remaining parts of this Agreement continue to be effective without any part or parts that have been declared invalid.

44.3 Entire Agreement; Conflicts. This Agreement represents the entire agreement between the City and OFI with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the City and OFI with respect to the matters contained in this Agreement. Should any or all of the provisions of this Agreement be found to be in conflict with any other provision or provisions found in the Applicable Rules or the Subsequent Applicable Rules, then the provisions of this Agreement shall govern and prevail.

44.4 Further Assurances. The City and OFI agree to perform, from time to time, such further acts and to execute and deliver such further instruments reasonably necessary to effect the intents and purposes of this Agreement, provided that the intended obligations of the City and OFI are not thereby modified.

44.5 Negation of Agency. The City and OFI acknowledge that, in entering into and performing under this Agreement, each is acting as an independent entity and not as an agent of the other in any respect. Nothing contained herein or in any document executed in connection herewith shall be construed as making the City and OFI joint venturers, partners or employer/employee.

44.6 Attorneys' Fees. In the event of any claim, dispute or controversy arising out of or relating to this Agreement, including an action for declaratory relief, the prevailing party in such action or proceeding shall be entitled to recover its court costs and reasonable out of pocket expenses not limited to taxable costs, including, but not limited to telephone calls, photocopies, expert witness, travel, and reasonable attorneys' fees and costs to be fixed by the court. Such recovery shall include, but not limited to, court costs, out of pocket expenses and attorneys' fees on appeal, if any. The court shall determine who is the "prevailing party," whether or not the dispute or controversy proceeds to final judgment. If the City or OFI is reasonably required to incur such out of pocket expenses and attorneys' fees as a result of any claim arising out of or concerning this Agreement or any right or obligation derived hereunder,

then the prevailing party shall be entitled to recover such reasonable out of pocket expenses and attorneys' fees whether or not an action is filed.

44.7 Waiver. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought.

44.8 Estoppel Certificates. Within thirty (30) days following the receipt by City of a written request by OFI, the City shall execute and deliver to the requesting OFI a statement (an "estoppel certificate") certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the City alleges that specified (date and nature) defaults exist. The estoppel certificate shall also provide any other reasonable information requested. The failure to timely deliver a requested estoppel certificate shall constitute a conclusive presumption that this Agreement is in full force and effect without modification, except as may be represented by the requesting OFI, and that there are no uncured defaults in the performance of the requesting OFI, except as may be represented by the requesting OFI. The requesting OFI shall pay to City all reasonable administrative costs incurred by City in connection with the issuance of estoppel certificates under this Section prior to City's issuance of such certificates. Any such certificate may be and is intended to be relied upon by any person, including, but not limited to, the other Party, potential purchasers or lessees of all or any part of the Property, lenders or potential lenders.

44.9 Section Headings. The section headings contained in this Agreement are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.

44.10 Relationship of the Parties; Not Third-Party Beneficiaries. This Agreement does not create any relationship or association between City and OFI other than that of landlord and tenant, and it is expressly understood and agreed that City does not in any way nor for any purpose become a partner of OFI or a joint venturer with OFI in the conduct of OFI's business or otherwise; nor does this Agreement create between City and OFI the relationship of principal and agent. The parties do not intend to create any third-party beneficiaries to the Agreement.

44.11 Time of Essence. Time is of the essence of this Agreement, and all performances required hereunder shall be completed within the time periods specified. Any failure of performance shall be deemed as a material breach of this Agreement.

44.12 Counterparts. This Agreement and any modifications hereto may be executed in any number of counterparts with the same force and effect as if executed in the form of a single document.

45. **Indemnification**.

45.1 Definitions. For the purposes of this Section, the following definitions will apply:

(a) "Person" is to be interpreted broadly and includes OFI and OFI's directors, officers, employees, contractors, and agents; and City and City's elected officials, officers, employees, contractors, and agents.

(b) "Liabilities" means all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that arise directly or indirectly from OFI's possession or use of the Property.

(c) "Occurrence" means (A) the death of, or injury to, any person; and (B) damage to, or destruction of, any real property, personal property (including intellectual property), or the environment (broadly interpreted to include the air, soil, soil vapor, surface water, groundwater, flora, and fauna on or about the Property).

45.2 General Indemnity. Except to the extent claims are caused by the negligence or willful misconduct of the City and its employees, agents and contractors, and not waived by OFI, OFI shall indemnify, protect, defend, and hold harmless City and its elected officials, officers, employees, volunteers, lenders, agents, and representatives and each of their successors and assigns from and against any and all third party claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all reasonable out-of-pocket costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Initial Term as a result (directly or indirectly) of or in connection with (a) any OFI default under this Agreement (including in the performance or non-performance of any obligation on OFI's part to be performed under the terms of this Agreement); (b) OFI's performance of the design and construction of the Billboard; (c) OFI's or OFI's representatives or agents use of the Property, the Billboard, any portion thereof, or any improvements thereon, the conduct of OFI's business or any activity, work or thing done, permitted or suffered by OFI or its representatives or agents in or about the Property or any portion thereof, or any improvements thereon, except that with regard to the presence of Hazardous Materials, the Property or any improvements thereon, OFI will not be responsible for conditions that existed prior to the date that City delivers exclusive control of the Property to OFI and, whether prior to the Effective Date or not, were not caused by OFI or its authorized representatives; and (d) any negligent or willful act, error or omission of OFI or its representatives or agents in or about the Billboard, any portion thereof, or any improvements thereon (collectively, "Indemnification"). OFI shall provide such Indemnification by and through counsel reasonably approved by City. Without limiting the foregoing, OFI's obligation under this Section includes Liabilities arising from any of the following:

(a) Any Occurrence that is caused by, or related in any way to, a verbal or nonverbal display on the Billboard.

(b) OFI's failure to perform any provision of this Agreement due to no fault of City, to comply with any requirement of law applicable to OFI, or to fulfill any requirement imposed by any governmental entity (including City when acting as a government) on OFI or on OFI's use of the Property.

(c) Any claim that OFI's policies with respect to the allocation of advertising time violate any person's or persons' First Amendment rights.

(d) Any Occurrence caused or allegedly caused by (i) any condition of the Property created by OFI or by any Person on the Property with OFI's permission; or (ii) some act or omission on the Property by OFI or by any Person on the Property with OFI's permission.

OFI agrees that its obligation under this Section includes the reasonable costs of attorney fees incurred by City's City Attorney's Office to monitor and consult with OFI regarding the defense of any such Liabilities, including providing direction with regard to strategy, preparation of pleadings, settlement discussions, and attendance at court hearings, mediations, or other litigation related appearances. City will use its best efforts to avoid duplicative attorney work or appearances in order to keep litigation costs to a reasonable minimum. OFI further acknowledges and agrees that settlement of any Liabilities requires the consent of City. City agrees that its consent will not be unreasonably withheld provided that OFI is financially able (based on demonstrated assets) to fulfill its obligation to indemnify City for the costs of any such settlement as required under this Agreement

45.3 Hazardous Materials. Except to the extent caused by City's negligence or willful misconduct, caused by a third party or with regard to the presence of Hazardous Materials on the Property as of the date City delivers exclusive control of the Property to OFI, OFI shall indemnify, defend and hold City harmless from any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses (including attorneys' fees and expenses and consultant fees and expenses) caused or alleged to have been caused by OFI's use, storage, handling, treatment, generation, discharge or release of Hazardous Materials in violation of OFI's obligations under this Agreement, whether such claims, causes of action or liabilities are first asserted during the Initial Term or thereafter, and including claims made against City with respect to bodily injury, death or property damage sustained by third parties caused or alleged to have been caused by OFI's use, storage, handling, treatment, generation, discharge or release of Hazardous Materials. For the purposes of clarification, the indemnity contained in this Section will be the sole indemnity OFI provides to the City with respect to Hazardous Materials and (b) OFI will not be responsible for nor indemnifies the City for any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses with respect to Hazardous Materials which do not directly result from OFI's use, storage, handling, treatment, generation, discharge or of Hazardous Materials in violation of OFI's obligations under this Agreement.

45.4 Survival. Each party's obligations under this Agreement will survive expiration or termination of this Agreement for a period of three (3) years following termination.

45.5 Reference of California Law. Unless expressly stated to the contrary, all references to statutes herein are to the California codes.

45.6 Interpretation of Agreement. The language in all parts of this Agreement shall in all cases be construed simply, as a whole and in accordance with its fair meaning and not strictly for or against any party. City and OFI acknowledge and agree that this Agreement has

been prepared jointly by City and OFI and has been the subject of arm's length and careful negotiation over a considerable period of time, that each party has been given the opportunity to independently review this Agreement with legal counsel, and that each party has the requisite experience and sophistication to understand, interpret, and agree to the particular language of the provisions hereof. Accordingly, in the event of an ambiguity in or dispute regarding the interpretation of this Agreement, this Agreement shall not be interpreted or construed against the party preparing it, and instead other rules of interpretation and construction shall be utilized.

45.7 Institution of Legal Actions. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the Superior Court of the County of Ventura, State of California or in the United States District Court for the Central District of California.

45.8 No Relocation Benefits. It is agreed that nothing contained in this Agreement shall give OFI any right to occupy the Property at any time after the expiration of the term of this Agreement or its termination. OFI agrees that, upon the expiration of termination of this Agreement, OFI's use of the Property for the location of a Billboard or this Agreement shall not entitle OFI to any relocation benefits from the City pursuant to any federal, state or local law and waives any such claim against the City.

Signatures on Following Page

IN WITNESS WHEREOF, the City and OFI hereto have each executed this Agreement as of the date first written above.

CITY: CITY OF OXNARD, a California municipal corporation

By: _____
Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen Fischer, City Attorney

OUTFRONT FOSTER INTERSTATE LLC

By Its Members:

FOSTER INTERSTATE LLC

By: _____

Print Name: John B. Foster

Title: Manager

OUTFRONT MEDIA, LLC

By: _____

Print Name: _____

Title: _____

EXHIBIT "A"

DESCRIPTION OF PROPERTY SUBJECT TO ENA

APN 132-003-301, 132-031-016 and 132-031-107 (RiverPark Boulevard near Vineyard Avenue) in the City of Oxnard, County of Ventura.

EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "B"

DESCRIPTION

AN EASEMENT IN THE IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNA BEING A PORTION OF DEED RECORDED AS INSTRUMENT NO. 20110329-00050783-0 OF OFFICIAL RECORDS IN THE OFFICE OF THE VENTURA COUNTY RECORDER. SAID EASEMENT ALSO BEING A PORTION OF LOT LINE ADJUSTMENT NO. 08-31-13 RECORDED MAY 29, 2009 AS INSTRUMENT NO. 20090529-00087845-0 OF OFFICIAL RECORDS OF SAID COUNTY RECORDER, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT LINE ADJUSTMENT, ALSO BEING THE MOST EASTERLY CORNER OF LOT D OF TRACT NO. 5352-1, RECORDED IN BOOK 150, PAGES 76 THROUGH 92 OF MISCELANEOUS RECORDS OF SAID COUNTY RECORDER; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT LINE ADJUSTMENT AND THE SOUTHEASTERLY LINE OF SAID TRACT MAP NO 5352-1, A DISTANCE OF 70.73 FEET TO MOST SOUTHERLY CORNER OF SAID LOT D; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT D; NORTH 35°55'20" EAST, A DISTANCE OF 10.54 FEET TO THE **POINT OF BEGINNING;** THENCE, LEAVING THE SOUTHWESTERLY LINE OF SAID LOT D,

1. SOUTH 54°04'40" WEST, A DISTANCE OF 50.00 FEET, TO THE SOUTHWESTERLY LINE OF SAID DEED RECORDED AS INSTRUMENT NO. 20110329-00050783-0 OF OFFICIAL RECORDS; THENCE, ALONG SAID SOUTHWESTERLY LINE,
2. NORTH 35°55'20" WEST, A DISTANCE OF 62.85 FEET; THENCE, LEAVING SAID SOUTHWESTERLY LINE,
3. NORTH 54°04'40" EAST, A DISTANCE OF 50.00 FEET, TO THE SOUTHWESTERLY LINE OF SAID LOT D; THENCE, SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT D,
4. SOUTH 35°55'20" EAST, A DISTANCE OF 62.85 FEET, TO THE **POINT OF BEGINNING**.

TOGETHER WITH A NONEXCLUSIVE EASEMENT OVER PARCELS 1 AND 2 OF DEED RECORDED MARCH 29, 2011 AS INSTRUMENT NO. 20110329-00050783-0 OF OFFICIAL RECORDS, RECORDED IN THE OFFICE OF SAID COUNTY RECORDER.

CONTAINING 3,143 SQUARE FEET, MORE OR LESS.

ALL AS SHOWN ON PAGE 2 AND BY REFERENCE HEREIN MADE A PART HEREOF.

PREPARED BY:
CHRIS NELSON & ASSOCIATES, INC.
28118 AGOURA ROAD, SUITE 100
AGOURA HILLS, CA 91301
(818) 991-1040

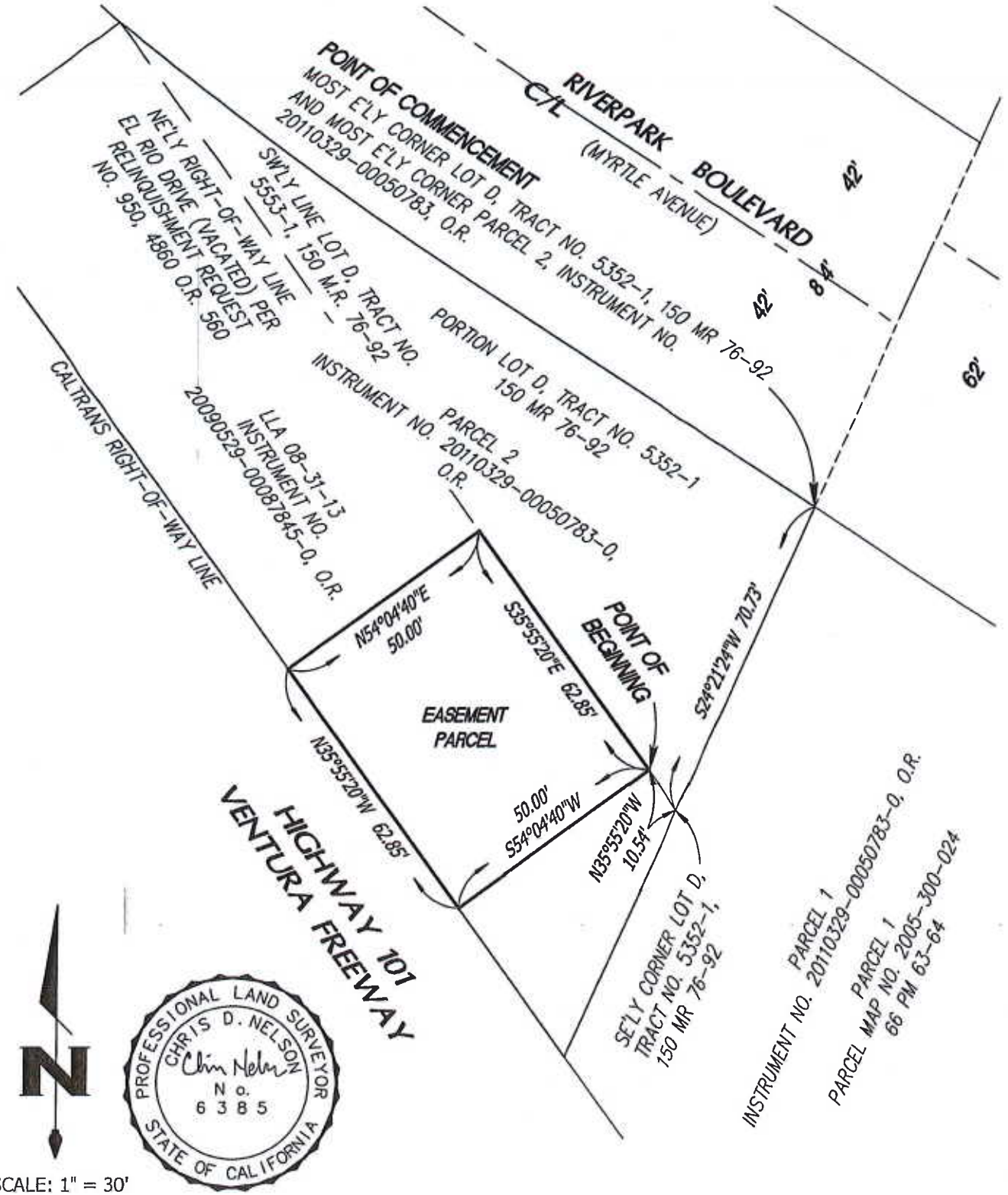
Chris Nelson

CHRIS NELSON, PLS 6385
DATED: DECEMBER 15, 2022



EASEMENT AREA:
3,143± SQ. FT

EXHIBIT 'B'



PROFESSIONAL LAND SURVEYOR
CHRIS D. NELSON
No. 6385
STATE OF CALIFORNIA

SCALE: 1" = 30'

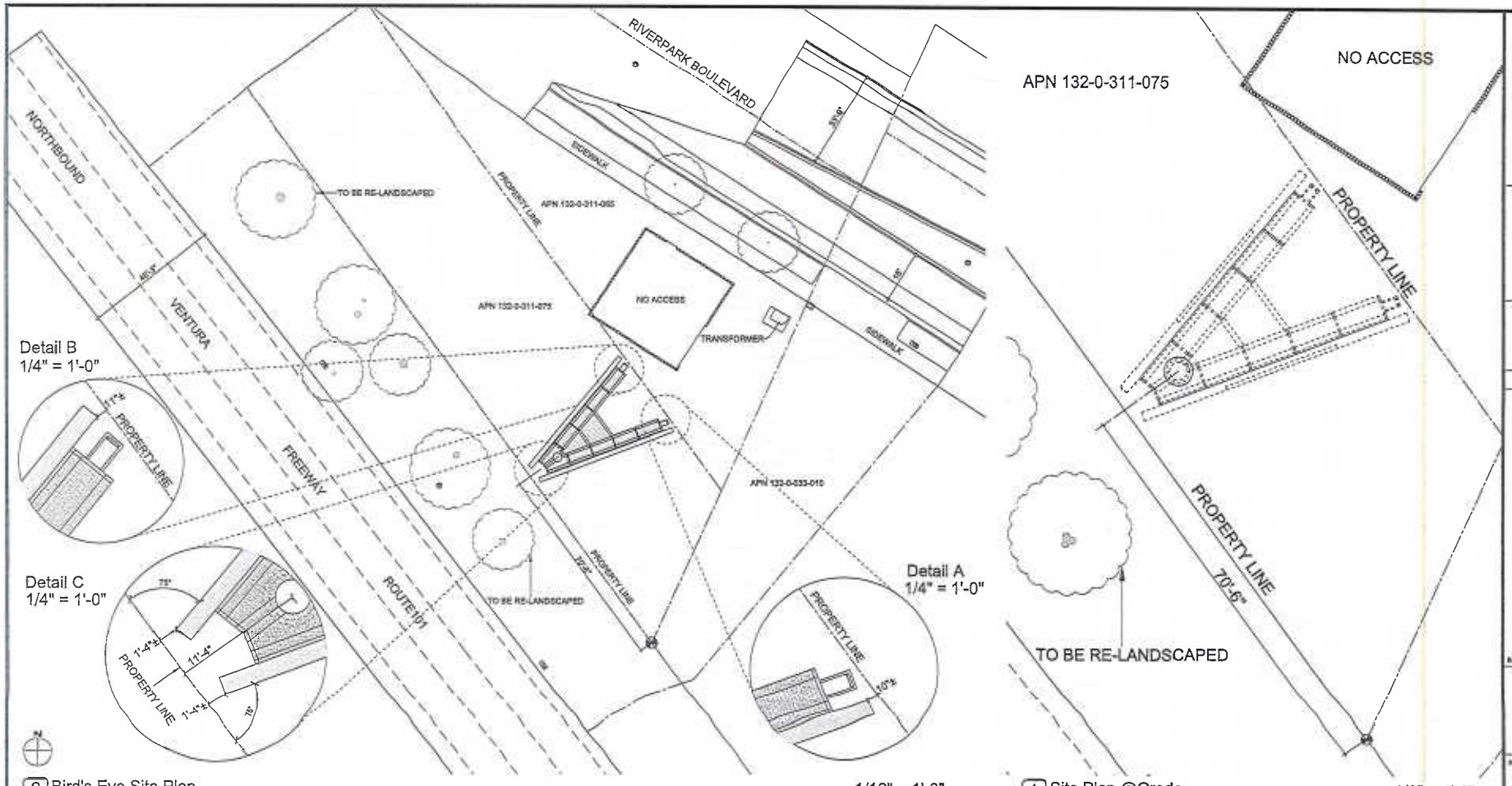
JOB NO.: 22-6505

DATED: 12/15/2022

PAGE 2 OF 2

EXHIBIT "C"

BILLBOARD



2 Bird's Eye Site Plan 1/16" = 1'-0"

1 Site Plan @Grade 1/8" = 1'-0"

LEGEND

- DRIVEWAY
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- TREE LINE

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES WHICH THE SPECIFICS DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ORDINANCES. THE LAWS OR ORDINANCES SHALL GOVERN. CONTRACTOR TO VERIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL USE DIMENSIONS SHOWN ON THIS DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WHEN SUB-CONTRACTORS TO ENSURE THEIR WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE ON PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE ANY PERMITS FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, and ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, DEVICES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 29 W CAL CHAPTER 33 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA, THE FOLLOWING WILL BE ADDRESSED:

15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SYSTEM FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE OWNER OR REGISTERED DESIGN ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET. WITHIN THAT HORIZONTAL DISTANCE OF 5 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORING SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE BRACING, SHORING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SAME.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER OF RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURROUNDING LINES FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE OF THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE "CAL / OSHA HANDBOOK, 8 CCR (WWW.DIR.CA.GOV/DOSH/DOSHREGULATIONS.HTML) CONSTRUCTION SAFETY ORDERS | CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED SEDIMENT PREVENTION DEVICES.

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PROJECT NAME
OXNARD SIGNAGE PROJECT
APN 132-0-311-075
Oxnard, California

CLIENT
OUTFRONT FOSTER INTERSTATE

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REV	DATE	ISSUE

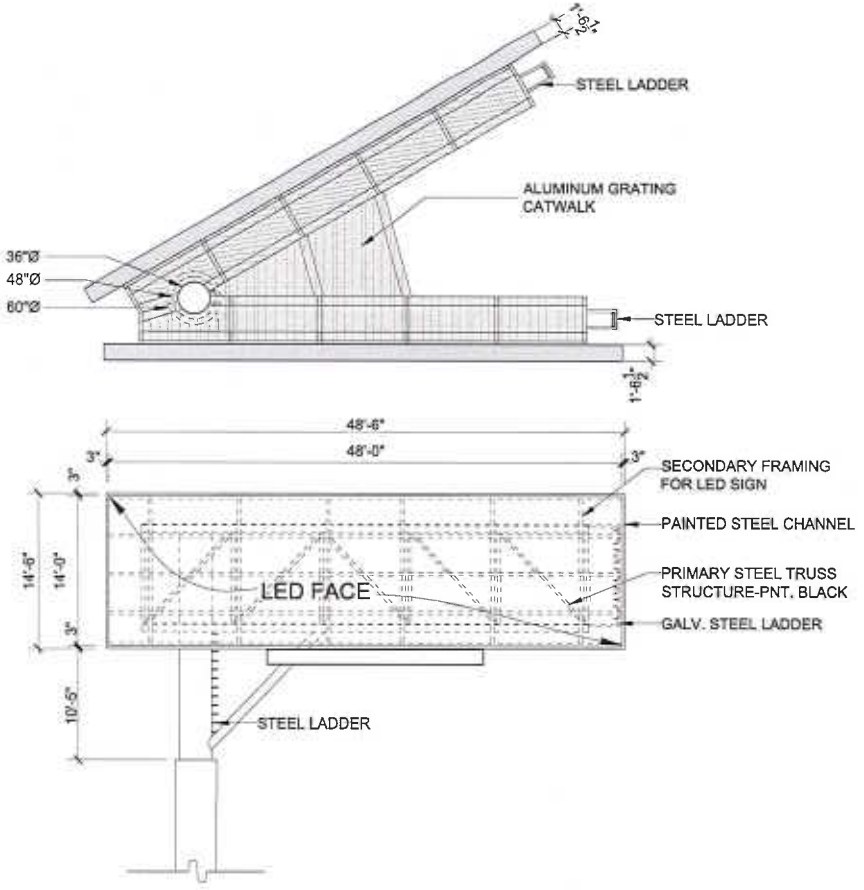
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DATE	8/8/2023
SCALE	1/16" = 1'-0"
DRAWN BY	
CHECKED BY	
JOB NO.	1814

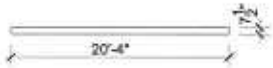
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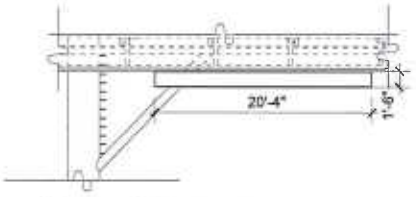
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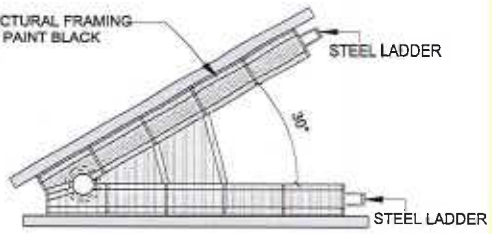
5 Face Elevation



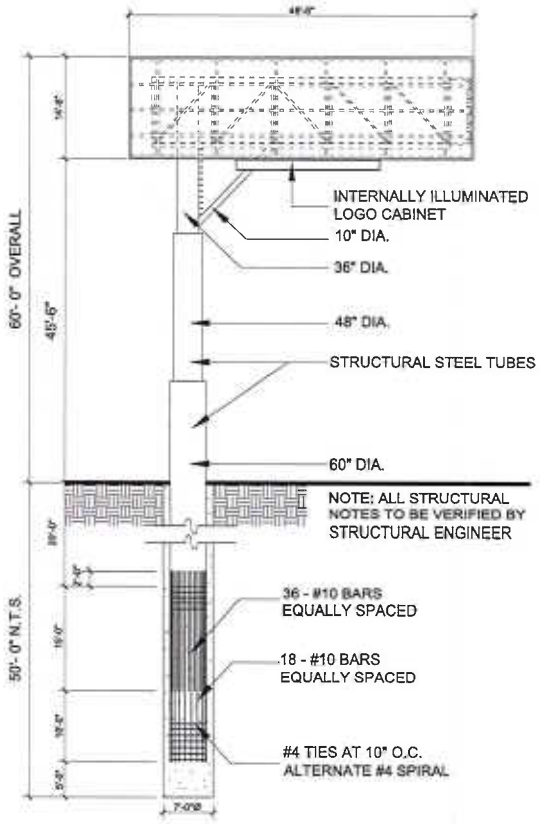
4 Logo Cabinet Plan



3 Logo Cabinet Elevation



2 Plan View



1 Overall Elevation
(See A-3.0 For Color Scheme)

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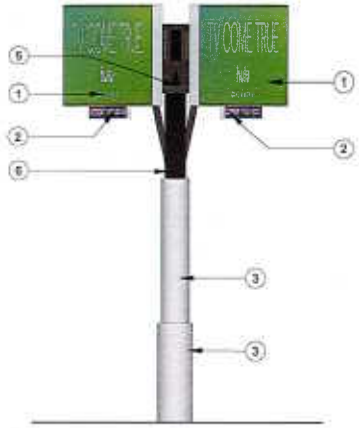
SIGN ELEVATIONS AND PLAN

1014

A-2.0

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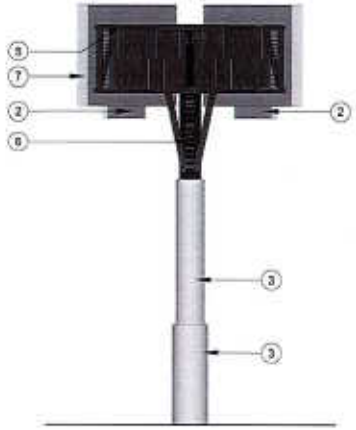
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5 Elevation A SCALE - 1/8" : 1'0"



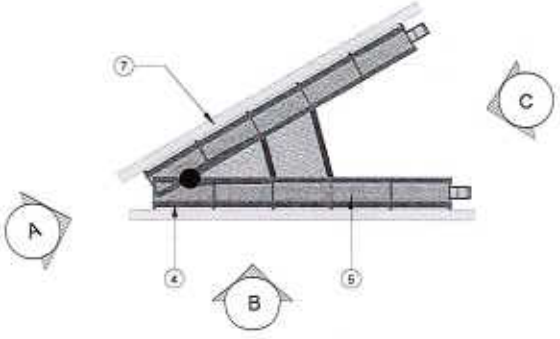
4 Elevation B SCALE - 1/8" : 1'0"



3 Elevation C SCALE - 1/8" : 1'0"



2 Perspective View 2 NTS



6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

SHEET NOTES

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REV DATE ISSUE

COLORED ELEVATIONS

DATE 6/8/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1814

A-3.0

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

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REV DATE ISSUE

SHEET DESCRIPTION
RENDERINGS

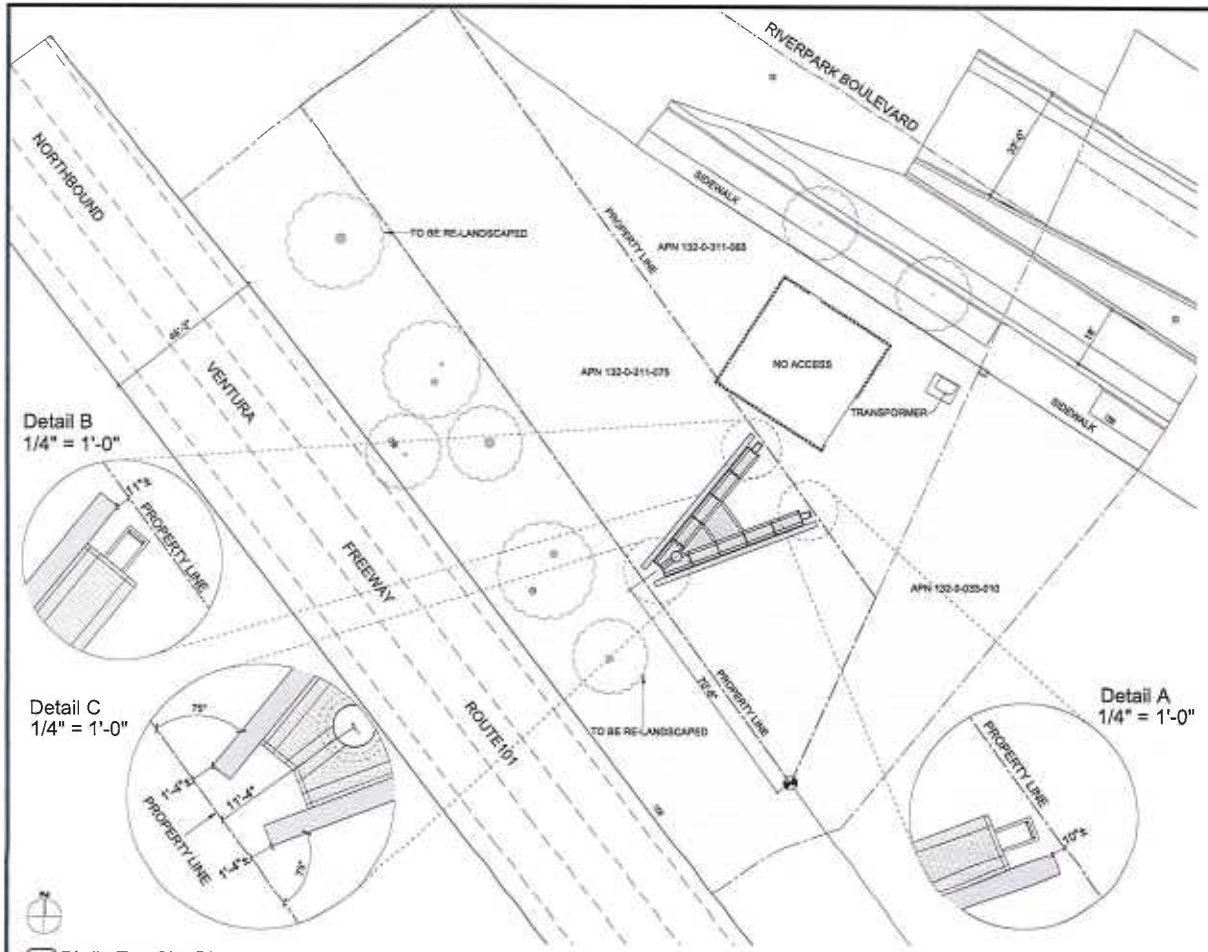
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SCALE
DRAWN BY
CHECKED BY
JOB NO. 1814

A-4.0
SHEET NO.

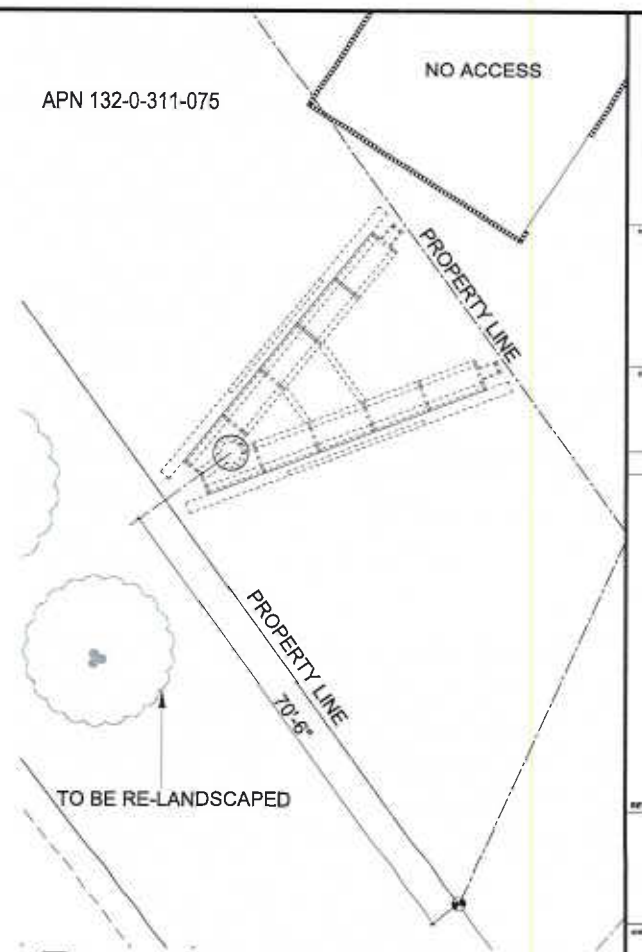
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EXHIBIT "D"

TREE REMOVAL



2 Bird's Eye Site Plan 1/16" = 1'-0"



1 Site Plan @Grade 1/8" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- TREE LINE

SHEET NOTES

1. ALL WORK SHALL COMPLY WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES IN EFFECT ON THE DATE OF THE BUILDING PERMIT OF THE LAWS OR ORDINANCES. THE LAWS OF ORDINANCES SHALL GOVERN. CONTRACTOR TO NOTIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL VERIFY DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION AND SUBMISSION WITH SUB-CONTRACTORS TO ENSURE THEIR WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE OR PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL NECESSARY REVIEWS AND PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, SOURCE PLATES, ETC. TO ARCHITECT FOR REVIEW BY AND EFFECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK WITHIN CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT SPECIFICALLY ILLUSTRATED ON THIS JOB COPY OF THE PLANS PRIOR TO PERFORMING THAT WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR GRADING AS REQUIRED BY 2019 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OBSHA. THE FOLLOWING WILL BE ADDRESSED:

15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY, WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE UNDERSTOOD WITH THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPING MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET, BEYOND THAT HORIZONTAL BENCHES OF 6 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1:1 TO 1 (HORIZONTAL TO VERTICAL) IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (AN IMAGINARY PLANE DRAWN UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT HTTP://WWW.CALOSHA.CA.GOV/PUBLICATIONS/CONSTRUCTIONSAFETYORDERS/ CONSTRUCTION SAFETY ORDERS - CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING SIDE PLAN REVIEW WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY REQUIRED BACKWATER PREVENTION DEVICES.

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PROJECT NAME
OXNARD SIGNAGE PROJECT
APN 132-0-311-075
Oxnard, California

CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

SHEET DESCRIPTION
SITE PLAN

DATE 8/6/2020
SCALE 1/16" = 1'-0"
DRAWN BY
CHECKED BY
JOB NO. 1814

A-1.0
SHEET NO.

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-500-07 (SPECIAL USE PERMIT) TO ALLOW FOR THE INSTALLATION AND OPERATION OF AN FREEWAY ORIENTED ELECTRONIC BILLBOARD AND LANDSCAPING IMPROVEMENTS, LOCATED BETWEEN THE U.S. 101 AND RIVERPARK BOULEVARD APPROXIMATELY 850 FEET NORTH OF VINEYARD AVENUE IN THE NORTHERN PORTION OF THE CITY OF OXNARD AND OVERTURNING THE PLANNING COMMISSION DENIAL (APN: 132-0-311-075). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment) to allow for the installation and operation of an electronic billboard on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The Special Use Permit will also include minor landscape improvements within the adjacent Caltrans right of way. These will include the removal of the existing eucalyptus trees and the planting of alternatives, subject to Caltrans approval. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan. ("Project"); and

WHEREAS, the City of Oxnard as the Lead Agency, has prepared Final IS/MND 22-02 in accordance with the requirements of the California Environmental Quality Act (CEQA, Public resources Code § 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines; and

WHEREAS, The Final IS/MND 22-02 identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The Final IS/MND 22-02 found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that

have been required within the Final IS/MND 22-02 would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the Final IS/MND 22-02 includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-02 prepared for the Project. The Final IS/MND 22-02 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-02 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Commission considered the proposed Final IS/MND 22-02 before making its recommendation, on the basis of the whole record before it finds, there is no substantial evidence that the project will have a significant effect on the environment, and recommends that the City Council adopt the Final IS/MND 22-02; and

WHEREAS, the City Council is concurrently reviewing a Development Agreement request that allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development (PZ 20-670-06), and a Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan. (PZ 20-630-02); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, in accordance with Sections 16-536 and 16-651 of the Oxnard City Code (OCC) and considered the Final IS/MND 22-03 pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, Sections 16-536 and 16-651 of the OCC authorize the Planning Commission to approve a Special Use Permit; and

WHEREAS, on January 19, 2023, the Planning Commission also reviewed all of the information provided in the staff reports and considered the testimony given at the public hearings, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

WHEREAS, on February 2, 2023, the Planning Commission voted 6-0-1, to adopt Resolution No. 2023-08 to deny the project; and

WHEREAS, on February 16, 2023, the City filed a timely request for review of the decision of the Planning Commission's denial of Planning and Zoning Permit No. 20-500-07 (Special Use Permit) within 18 days after the Planning Commission action pursuant to Sections 16-544 and 16-545 of the Oxnard City Code ("OCC"), to allow for the City Council to review the whole of the Project; and

WHEREAS, on March 21, 2023, the City Council conducted a duly noticed public hearing to consider the City's Request for Review of the Planning Commission's decision to Deny Planning and Zoning Permit No. 20-500-07 (Special Use Permit) in accordance with Oxnard City Code Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the project meets the criteria set out in Sections 16-536 and 16-651 of the OCC; and

WHEREAS, the City Council considered Final IS/MND 22-02 prior to making recommendations on the Project; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the City Council finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons set forth in the Planning Commission Staff Report; and

WHEREAS, the City Council finds after due study and deliberation that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who

work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THE CITY OF OXNARD APPROVES PLANNING AND ZONING PERMIT NO. 20-500-07 (SPECIAL USE PERMIT), SUBJECT TO THE FOLLOWING FINDINGS AND CONDITIONS:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds that the Special Use Permit is internally consistent with all other provisions of the City of Oxnard 2030 General Plan if the City Council approves a Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, Specific Plan Amendment (PZ 20-630-02) to allow Freeway Adjacent Digital Display Billboards pursuant to the Oxnard City Code, and Development Agreement (PZ 20-670-06) to allow for the use of City Property.

SECTION 3. The City Council finds that the Special Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, including the Special Use Permit Planning Commission and City Council Staff Reports and all attachments thereto, the City Council finds:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

   The Project site has 2030 General Plan land use designations of Commercial Regional (CR) and a zoning designation of RiverPark Specific Plan (RPSP). The proposed project includes the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. As discussed in detail in the Planning Commission Staff Report (Sections 6 b, c, Attachment D, and Attachment E) the Project, as designed and conditioned, meets all applicable development standards. Therefore, the proposed project is in compliance with the 2030 General Plan and other adopted policies of the City of Oxnard and meets this Finding.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   As described in the Staff Report, pursuant to the 2030 General Plan land use designation of Commercial Regional (CR) and a zoning designation of RiverPark Specific Plan

(RPSP), the proposed use of the project site for a freeway oriented electronic billboard is, is an allowed use, subject to a Special Use Permit (OCC §16-609) (subject to approval of PZ 20-580-06). The surrounding uses are primarily characterized by urban development, as it is located within one of the the City's Urban Village area. The surrounding development includes commercial, mid-rise office space, and high density residential. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Also, the environmental impacts were analyzed under Final IS/MND 22-02. The Final IS/MND 22-02 found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the Final IS/MND 22-02 would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the Final IS/MND 22-02 includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests. Therefore, the proposed use and improvements, as conditioned, will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. **The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).**

   As described in the Staff Report, the project as designed and conditioned meets the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). Pursuant to the Zoning Code, the Project has been designed to be consistent with the applicable development standards. As detailed in the Staff report, the project site is approximately 0.25-acres which is adequate to accommodate the Billboard. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards.

4. **The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

   As described in the Staff Report, the project site is directly adjacent to North Ventura Road right of way. The sign will be controlled remotely and will therefore require no

onsite employee, therefore no parking is required. The operation of the Billboard will not generate any regular traffic, aside for the occasional maintenance. Therefore, the existing roadway will continue to be adequate. As described in the IS/MND, the project will have less than significant impacts to the City roadway network and roadway improvements are not required as a result of the project. Therefore, the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

   The project only includes the construction of an electronic billboard. As discussed in the MND, the project will have a minimal impact on City utilities, as the project will only require electrical service. Furthermore, the Project was reviewed by the Development Advisory Committee for adequate utilities and services. The project is not anticipated to result in any significant impacts to utilities and public services. Therefore, the site for the proposed use will be provided with adequate sewage, water, fire protection and storm drainage facilities.

6. **Complies with the requirements of Section 16-609 and Chapter 16 of the Oxnard City Code.**

   As described in the Staff Report, the project as designed and conditioned meets the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). Pursuant to the Zoning Code, the Project has been designed to be consistent with the applicable development standards.

7. **Will not create a significant traffic or other public safety hazard.**

   As described in the Staff Report, and as described above in Finding Section 1(4), the Project will not generate regular traffic, as there are no onsite employees. In accordance with Oxnard City Code and the project conditions, the Project must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard. Conditions have also been added to regulate the display cycle, including limitations on the frequency of the image transitions, restrict the use of videos, flashing, blinking or any other means not providing constant illumination. The brightness has also been conditioned to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. Lastly, the Final IS/MND 22-03 includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2)

allowing for remote shut off in the event of malfunction and conducting illumination level verification tests. Therefore, the proposed use, as conditioned and compliance with the federal, state, and local regulation, will not create a significant traffic or other public safety hazard.

8. Will be of appropriate size, scale, and design for the area in which it will be located.

As described in the Staff Report, the project as designed and conditioned meets the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). The project is directly adjacent to U.S. Highway 101, within an urban area as designated by the City's Urban Village designation, which includes a variety of urban uses including the high density residential, commercial, and mid to high rise office uses. Also, in compliance with the height standards the Projects maximum height directly corresponds with the height of the adjacent freeway to ensure the scale of the sign is appropriate as viewed from the freeway. Additionally, the Project was analyzed under Final IS/MND 22-02, and it was determined that with the appropriate mitigation all project impacts would be less than significant. These mitigations have been included in the project conditions. Therefore, the proposed use, as designed and conditioned, will be of appropriate size, scale, and design for the area in which it will be located.

9. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

The pole would extend approximately 55 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black, and mostly covered by the sign face. The pole design has been kept simple with the gray color, to minimize the visual impact of the pole itself, and allow it to blend into the background. The top of the billboard would be approximately 60 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The Project is also conditioned to maintain the pole and sign in good condition. A graffiti plan is required to ensure timely removal of any graffiti. The project is also conditioned to maintain the pole in a uniform color. Therefore, the proposed use, as designed and conditioned, will be of high quality in appearance, design, and construction.

SECTION 5. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that after implementation of standard conditions and mitigation measures identified in the Final IS/MND 22-02, all potentially significant impacts associated with the proposed project would be reduced to less than significant levels.

SECTION 6. This Resolution shall not become effective unless and until the City of Oxnard City Council adopts the Final IS/MND 22-02 and approves the associated Ordinance Amendment (PZ No. 20-580-06), Specific Plan Amendment (PZ No. 20-630-02), and

Development Agreement (PZ 20-670-05). If the City Council fails to approve any of these permits, then this Resolution shall become null and void and be of no further force and effect.

SECTION 7. Based on the findings set forth herein, the City Council hereby approves Planning and Zoning Permit No. 20-500-07 (Special Use Permit), subject to the attached conditions of approval.

SECTION 8. The decision of the City Council shall be final.

SECTION 9. The City Clerk shall certify the adoption of this Resolution.

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated January 19, 2023 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, *G-6*)

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

8. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

9. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

10. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

12. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*)

FIRE DEPARTMENT STANDARD CONDITIONS

13. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)

14. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)

15. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD*, F-16*)

FIRE DEPARTMENT SPECIAL CONDITIONS

16. Contractor shall ensure adequate fire and safety precautions are maintained on site at all times as prescribed in Chapter 33 of the California Fire Code.

17. All fires shall be immediately reported to the Oxnard Fire Department.

PLANNING DIVISION STANDARD CONDITIONS

18. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

19. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)

20. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

21. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at

least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (B/DS, *PL-11*)

22. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)

23. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

24. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. *(*PL*, PL-50)*

25. Construction activities shall be limited to the hours of 7 am to 7pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the City.

PLANNING DIVISION SPECIAL CONDITIONS

26. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or Applicant has to protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved. (PL)

27. Applicant shall submit a check made out to the City of Oxnard in the amount to be determined for payment of outstanding discretionary permit and environmental processing fees associated with the development project. Funds shall be deposited prior to issuance of a grading permit. Additional funds to be paid when hours or contract planner hours exceeds deposited amounts (PL).

28. Developer shall comply with the mitigation measures identified in the Mitigated Negative Declaration Nos. 22-01 and 22-03 for the project. (PL)

29. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture’s specifications. (PL)

30. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (PL)

31. During construction, Developer shall control dust by the following activities:

    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special

attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, *PL-12*)

32. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (PL)

33. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations). (PL)

34. Developer shall remove any and all graffiti from any part of the sign structure within 48 hours of graffiti appearance. The surface of such affected areas shall be exactly matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. If the paint cannot be matched exactly, the entire structure shall be repainted. (PL)

35. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as washable paint and sealers on the structure and the procedures and contact for removal of graffiti within 48 hours of appearance. (PL)

36. This permit is granted subject to the approval of Development Agreement (PZ 20-670-05) for the project property. (PL)

37. This permit is granted subject to the approval of Ordinance Amendment (PZ 20-580-06). (PL)

38. This permit is granted subject to the approval of Specific Plan Amendment (PZ 20-630-02). (PL)

39. All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

40. The Freeway Adjacent Digital Display Billboard shall not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. The Freeway Adjacent Digital Display Billboard shall comply with all applicable laws and regulations concerning brightness, including,

without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

41. Developer shall comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and the Oxnard City Code, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

42. The Freeway Adjacent Digital Display Billboard shall show a series of still images, each displayed for at least eight (8) seconds. The still images shall not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

43. The billboard shall include an operating mechanism that allows for the billboard display to be turned off or turned to all black remotely in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.

44. Plans submitted by Developer with building permit applications shall show on the structure elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction.

45. This permit shall automatically become null and void 36 months from the effective date of the Development Agreement (PZ No. 20-570-06) (30 days after the second reading of the Development Agreement is adopted), unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements.

46. Developer shall deposit $5,000 for mitigation monitoring and reporting associated with the development project (PZ No. 20-500-06). Such funds shall be deposited prior to building permit submission. Additional deposits shall be made to cover staff time required to monitor implementation of project conditions until the final inspection is granted for the development.

Mitigated Negative Declaration 22-01 and 22-02 Mitigation Measures

Developer shall comply with the mitigation measures identified in Final Mitigated Negative Declarations (MNDs) 22-01 and 22-03, associated with the Ordinance Amendment (PZ No. 20-580-06) and Special Use Permit (20-500-07), Development Agreement (20-670-05), and Specific Plan Amendment (20-630-02), respectively.

Aesthetics

47. Prior to permit issuance, developers shall demonstrate that light trespass illuminance of 0.5 fc or greater for urban areas and 0.2 fc or greater for natural areas shall not be exceeded. (AES-1)

48. Each proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash. (AES-2)

49. Within 14 days of each electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), Developer shall submit to the satisfaction of the Community Development Director the following information:

    - A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas. (AES-3)

Air Quality

50. Developer shall demonstrate that construction and operational activities associated with each electronic billboard would not exceed the VCAPCD thresholds of significance that include a maximum daily ROG (VOC) or NOx emissions above 25 pounds per day (lbs/day). (AQ-1)

Biological Resources

51. Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a preconstruction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

    If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City Approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest

failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist. (Bio-1)

52. To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS.

    If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat.

    If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.

Cultural Resources

53. Prior to ground disturbance, the Applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant

and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis. (CUL-1)

54. Prior to ground disturbance, the Applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment. (CUL-2)

55. A qualified archaeologist and Native American Monitor shall be present during construction-related ground disturbance activities in order to identify any unanticipated discovery of tribal cultural resources. The qualified archaeologist and Native American monitor may be different individuals or the same individual if the City determines that individual qualifies as both a qualified archaeologist and Native American monitor. All archaeological resources unearthed by construction activities shall be evaluated by the qualified archaeologist and Native American Monitor. If the resources are determined to be human remains, the coroner shall be notified, and if the human remains are Native American in origin, the coroner shall notify the NAHC as mandated by state law, who will then appoint a most likely descendent, who shall then coordinate with the landowner regarding treatment and curation of these resources. Typically, the most likely descendent will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to PRC Section 21083.2(g), the qualified archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes. (CUL-3)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

56. Developer shall pay plan check and processing Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

57. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

58. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

59. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

60. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

61. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

62. Developer shall demonstrate to the satisfaction of the City Engineer that the placement of the sign within 10-inches of the property does not create any violations of the California Building Code in effect upon submittal of building permit application. (DS)

63. Landscaping and land disturbance outside of the permitted parcel (APN 132-0-311-075) are not permitted without written approval by the affected property owner(s). (DS)

64. Prior to permit issuance, Developer shall coordinate and acquire the necessary permit from the California Department of Transportation (Caltrans) for highway facilities that need to be adjusted or relocated. (DS)

65. Developer shall submit to the City Engineer a review analysis from the project soils engineer for the existing sewer lift station evaluating the effects of the proposed sign footings on the lift station and existing underground improvements. (DS)

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Oxnard on this 21st day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

_____
John Zaragoza, Mayor

ATTEST: _____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

Riverpark Boulevard Electronic Billboard Project

Planning & Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment)

Joe Pearson II, Planning Manager
Maureen Tamuri, Interim Community Development Director

City Council
March 21, 2023

CITY OF OXNARD CALIFORNIA

Executive Summary

- On February 2, 2023, the Commission denied a Special Use Permit and recommended City Council denial of three related permits, for a Electric Billboard, which will be described in this presentation.
- City Staff filed a request for review of the Planning Commissions denial of the Special Use Permit to ensure that the City Council had the opportunity to review the whole of the project.
- Staff continues to recommend approval of the Project as originally proposed by the Applicant.
- In summary, at this public hearing, the City Council has the option to move forward with: (1) the approval of the Project; or (2) provide direction to deny the Project and direct City staff to return at a date certain.

Project Description

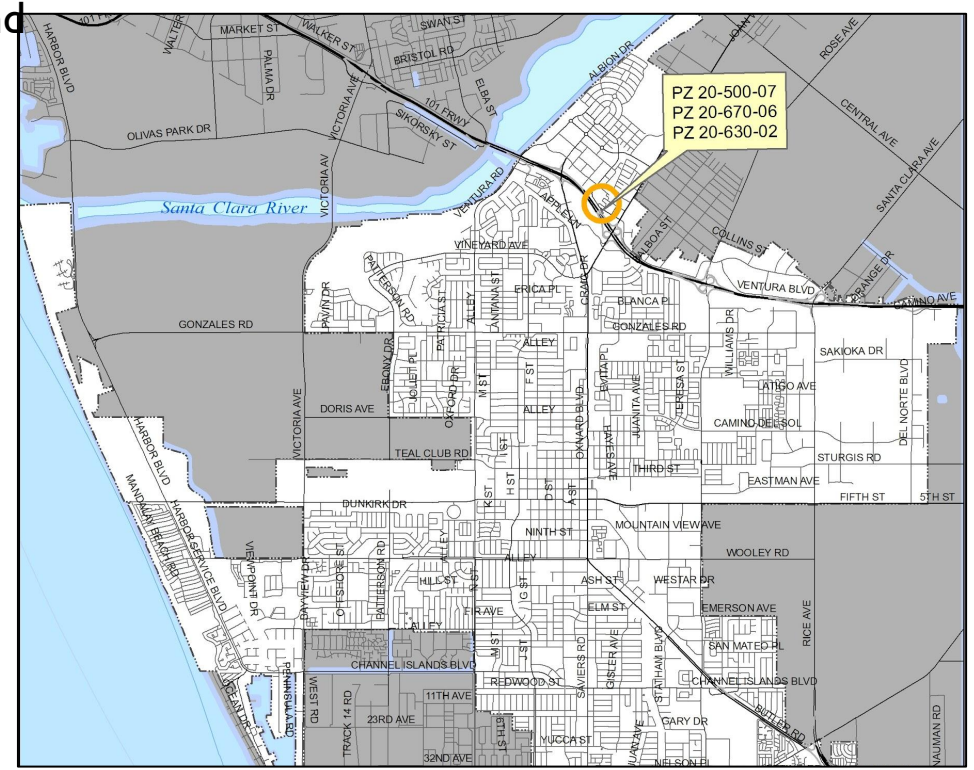
- A request for the following actions:
  - PZ 20-500-07 (Special Use Permit)
    - Allow for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products.
    - The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width.
    - The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.
    - Minor Landscape Improvements

Project Description (Cont)

- A request for the following actions:
  - PZ 20-670-06 (Development Agreement)
    - Allow for for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development.
  - PZ 20-630-02 (Specific Plan Amendment)
    - The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan.

Project Location

Subject Site: Located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard.



Project Location

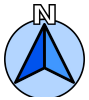




Project Location

Aerial-View



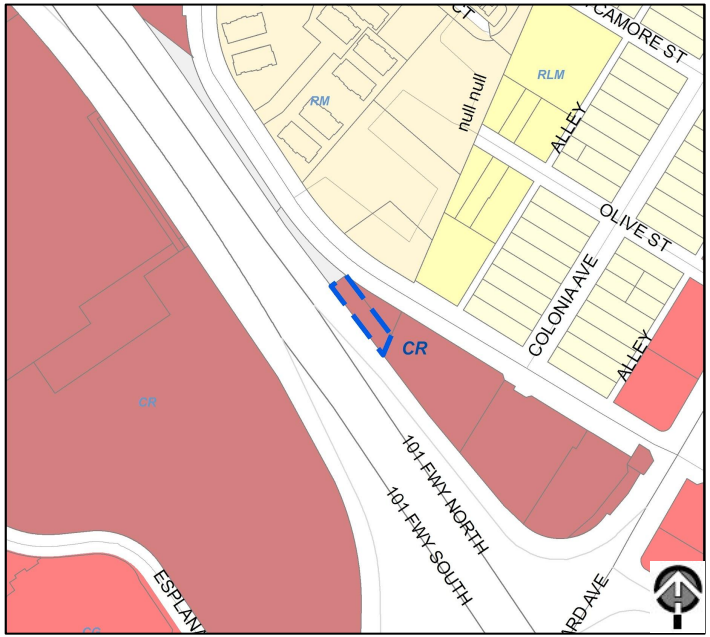


Reference North

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional	The RiverPark Specific Plan (Public Facilities)	Vacant
North	Commercial Regional	The RiverPark Specific Plan (Public Facilities and Residential: High)	Vacant/Apartments
South	Highway 101/Regional Commercial	Highway 101/General Commercial	Highway 101/The Esplanade Shopping Center
East	Commercial Regional	The RiverPark Specific Plan (Public Facilities and Commercial Retail)	Vacant/Fast food Restaurant and Retail Store
West	Highway 101/Easement	Highway 101	Highway 101

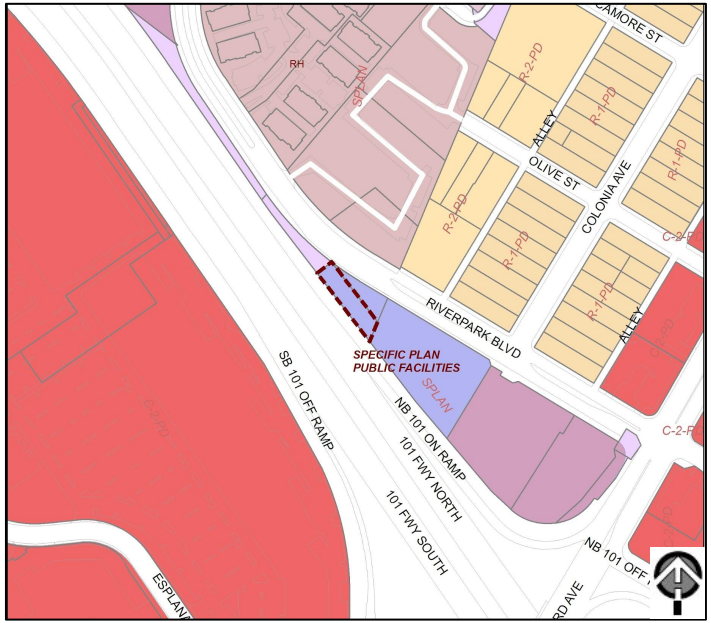
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



RiverPark Specific Plan

Background - Exclusive Negotiation Agreements (ENA)

- On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites.
- Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties.
- On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties.

Background - Code Amendment

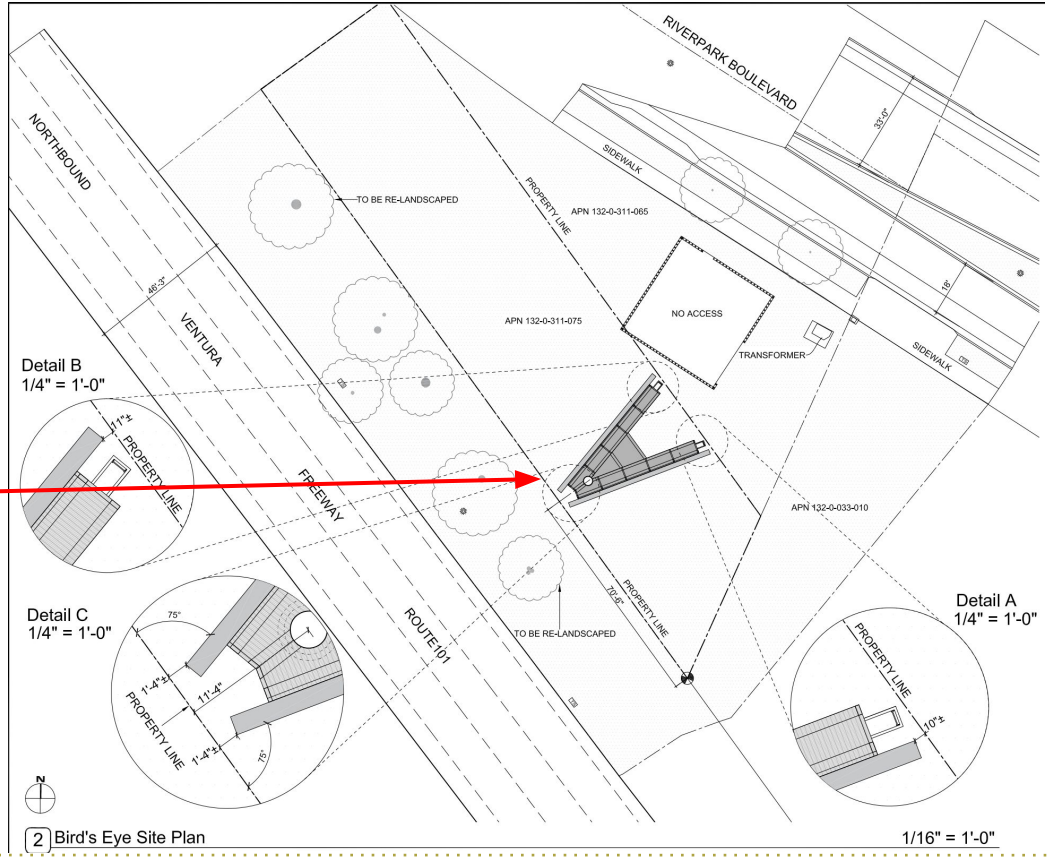
- Concurrent with the process of this Project the City is processing amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard.
- Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of four (4) allowed in the City.

Background - RiverPark Specific Plan

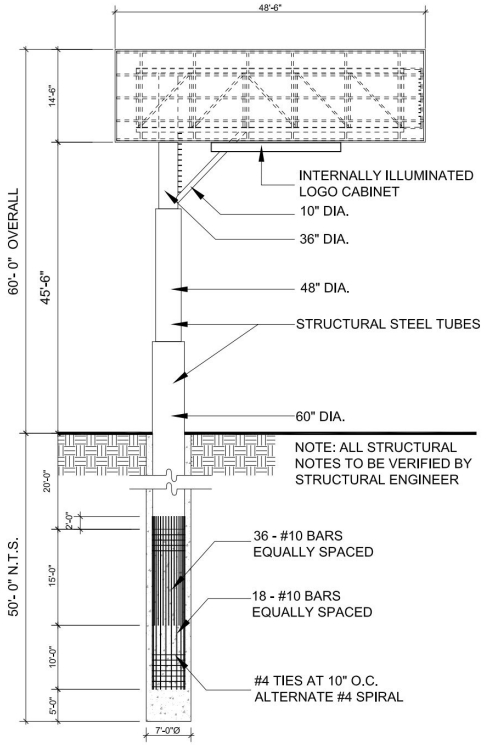
- The RPSP was adopted by the City Council on September 10, 2002, together with the General Plan Amendment, Zone Change, Annexation, Development Agreement, and EIR certification related to the RPSP approval.
- The original RPSP allowed for the phased development of 2,805 dwelling units and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development that was approved under the Oxnard Town Center Specific Plan, prior to the adoption of the RPSP).
- Seven prior amendments to the specific plan have been approved.

Proposed Site Plan

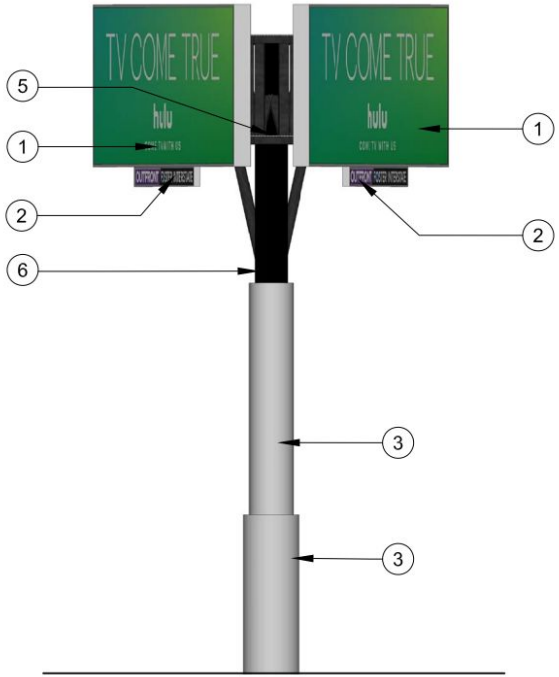
Proposed Sign



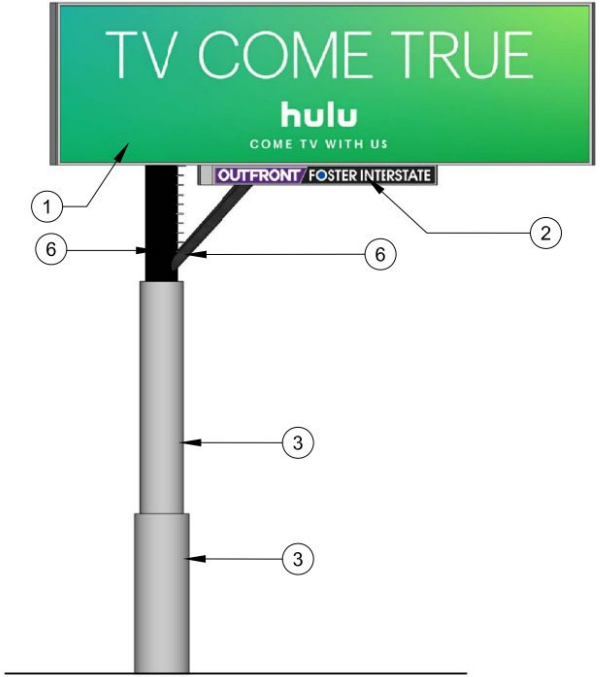
Proposed Sign Elevations



1 Overall Elevation SCALE - 1/8" : 1'0"
(See A-3.0 For Color Scheme)

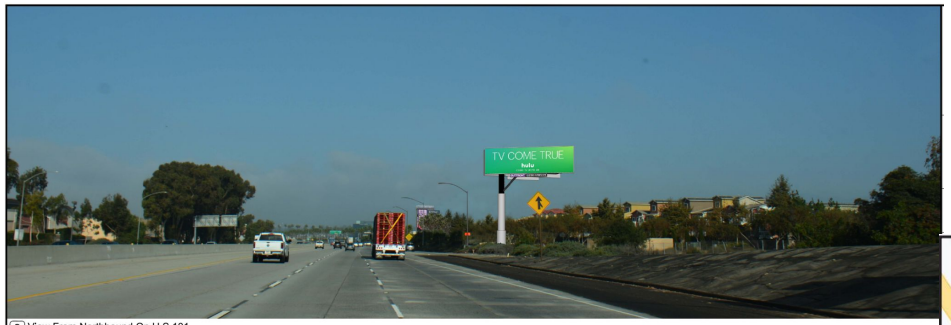


5 Elevation A SCALE - 1/8" : 1'0"

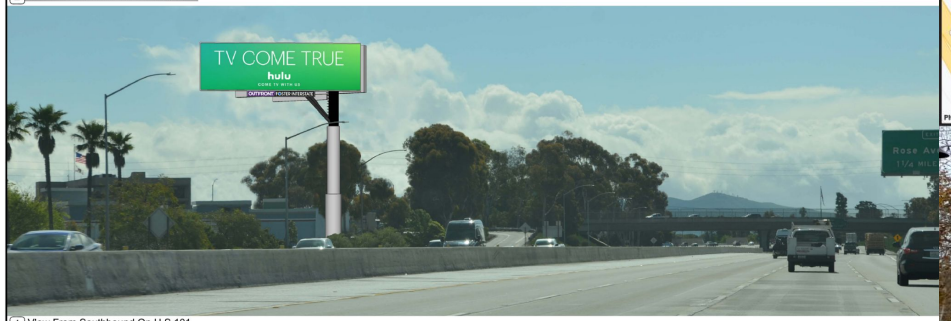


4 Elevation B SCALE - 1/8" : 1'0"

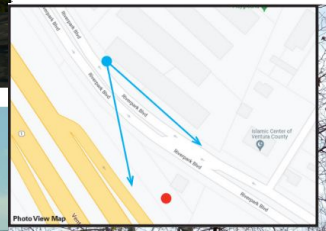
Proposed Sign Renderings



2 View From Northbound On U.S.101



1 View From Southbound On U.S.101



Proposed Landscape Improvements

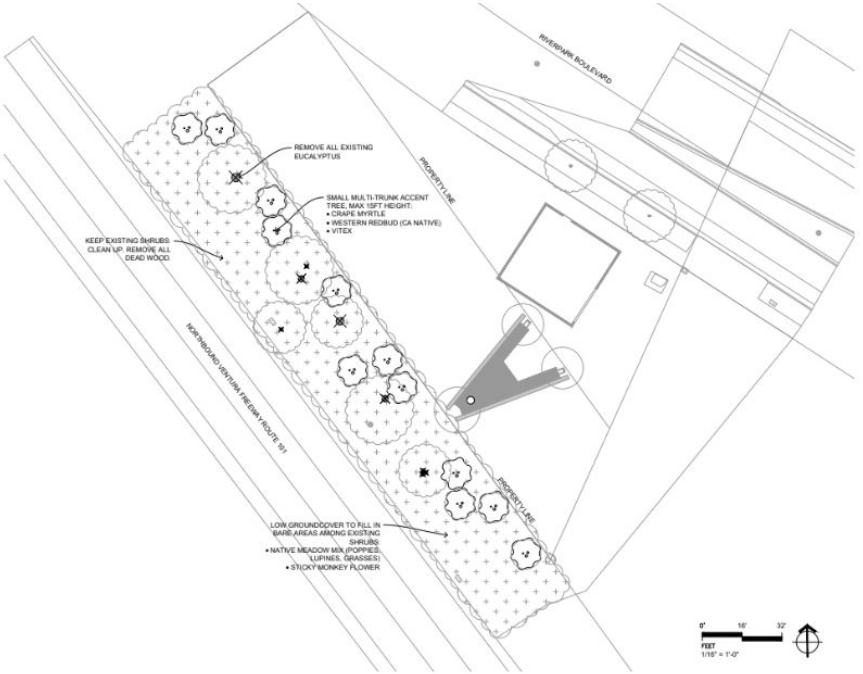


CRAPE MYRTLE: MANY SMALL VARIETIES ARE AVAILABLE



WESTERN REDBUD: CALIFORNIA NATIVE





LANDSCAPE DESIGN INTENT

THE LANDSCAPE DESIGN IS SIMPLE, NATURALISTIC, WATER CONSERVING AND LOW MAINTENANCE. IT IS IN CONTEXT WITH THE ADJACENT HIGHWAY, THE NEIGHBORING URBAN AREA AND WITH THE LOCAL ENVIRONMENT.

SMALL FLOWERING TREES DRIFT ALONG THE INSIDE EDGE, ADDING COLOR AND SOFTENING THE STRUCTURE.

THE UNDERSTORY RETAINS THE EXISTING LOW EVERGREEN SHRUBS AND FILLS IN THE BARE AREAS WITH A NATIVE MEADOW WHICH IS COMPOSED OF TOUGH LOW GROUNDCOVERS. ADDITIONAL WOODY SHRUBS ARE AVOIDED DUE TO THE POTENTIAL FIRE HAZARD OF THEIR FLAMMABLE INTERIORS.

THE DESIGN COMPLIES WITH THE WATER EFFICIENT LANDSCAPE ORDINANCE. IT INCORPORATES SUSTAINABLE PRINCIPLES AND BEST MANAGEMENT PRACTICES. SPECIES ARE CAREFULLY SELECTED AND COMBINED BASED ON SIMILAR WATER NEEDS AND HORTICULTURAL REQUIREMENTS. PLANTING AND IRRIGATION ARE COORDINATED SO THAT WATER USE IS MINIMIZED AND ENVIRONMENTAL BENEFITS ARE MAXIMIZED.

THIS LANDSCAPE PLAN IS CONCEPTUAL. FURTHER DESIGN IS REQUIRED TO DEVELOP IT TO





Development Agreement

- 30 Year Term
- Monetary Payment
- City Usage of the Billboard
- Emergency Notifications
- Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members
- Prohibitions
- Allow for the use of City Property through a lease agreement

RiverPark Specific Plan Amendment

- Add "Type 7-C: Freeway Adjacent Digital Display Billboards" building type.
- Provide development standards for Type 7-C: Freeway Adjacent Digital Display Billboards.
- Adjust landscaping requirements to remove freeway planting requirement where Billboards are proposed.
- Refer to OCC for specific standards.

Applicable General Plan Policies

- Many policies are directly or indirectly applicable to the proposed project. Some of the key policies are:
  - Community Development Policy 3.1& 4.1 - Land Use Conflicts
  - Community Development Policy 9.1, 9.3, & 9.4 - Neighborhood Identity Gateway Enhancement/View Corridor Preservation
  - Environmental Resource Policies 6.1, 6.2, and 6.5 - Views in New Development/Scenic Resources, Lighting and Glare
  - Community Development Policy 8.5 - Impact Mitigation

Zoning Code Compliance

- As noted above the City is concurrently processing an Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, as currently being proposed. The proposed ordinance amendment includes development standards which will be applicable to all Freeway Adjacent Digital Display Billboards developed within the City.
- The proposed project has been designed to be consistent with the proposed ordinance, as further detailed in the Staff Report.

Environmental Review

- An environmental consultant, under the supervision of Planning Division staff, prepared IS/MND which evaluated potential environmental impacts of the proposed Project. The IS/MND was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

- City prepared a Mitigated Negative Declaration (MND):
  a. MND review period for 30 days (30 days required)
  b. City received four comment letters
  c. Comments and responses included in MND
  d. Changes made to Draft MND for Final MND based on comments

- Final IS/MND includes a Mitigation Monitoring and Reporting Program:
  a. Details process to implement required mitigation measures
  b. After implementation of standard conditions and mitigation measures, all potentially significant impacts reduced to less than significant levels

Environmental Review

- Final IS/MND identified the following:
  - Class 2 impacts (potentially significant by mitigable, mitigation required)
    - Biological Resources
    - Cultural and Tribal Cultural Resources
  - All other impact area were identified as Class 3 (less than significant)
    - Aesthetics included two recommended mitigations were incorporated

- Staff determined that there is no substantial evidence that the Project will have a significant effect on the environment.

January 19, 2023 Planning Commission

- The Planning Commission considered the Project and following Commission deliberation, a motion of Intent to Deny the Project as they could not make all of the Findings required to support the Project.
- As it relates to the Special Use Permit, the Planning Commission found they could not make required Findings
  - 1 (adopted policies)
  - 2 (safety general welfare),
  - 6 (development standards),
  - 7 (traffic), and
  - 8 (size and scale)
- The Planning Commission continued the hearing to February 2, 2023, to ratify the action by approving a Resolutions of Denial.

February 2, 2023 Planning Commission

- The Planning Commission held the continued public hearing
- On February 2, 2023, the Commission voted 6-0 (with one commissioner absent), to adopt a resolution denying the Special Use Permit and recommending denial of the Specific Plan Amendment and Development Agreement to the City Council.
- As the final decision maker for the Specific Plan Amendment and the Development Agreement is the City Council, City Staff filed a request for review of the Planning Commissions denial of the Special Use Permit to ensure that the City Council had the opportunity to review the whole of the project.

Planning Commission Concerns

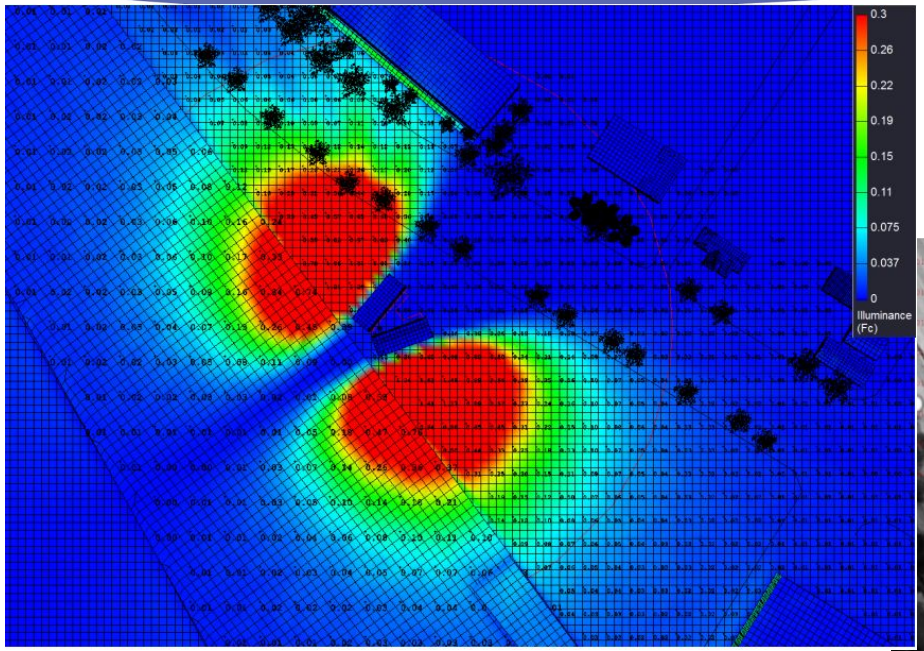
The primary Planning Commission concerns and reasons for the denial were related to:

- Lighting and Visual Impacts on Residential Properties.
- The Project was inconsistent with the recommended amendments to the Freeway Adjacent Digital Display Billboards Ordinance.

Lighting and Visual Impacts on Residential Properties

- The proposed billboard is approximately 130 feet south of the adjacent residential areas and 1,700 feet from the closest residentially zoned property within the County El Rio community.
- Based on the site specific lighting study the maximum illumination in the direction of a residential zoned property is 0.2 footcandles at approximately 100 feet.
- City Staff and the City's CEQA consultant prepared the MND, which analyzed lighting impact on any residential properties. The analysis contained in the MND found that, subject to the proposed Ordinance and required mitigation measures, there would not be a significant lighting impact.
- The proposed 100 foot setback is consistent with the City previous approval of the Collection electronic sign which is approximately 110 feet away from residentially zoned property.

Site Specific Lighting Study





Views of the Project Site



View from Ventura Blvd and Cortez Street (Northwest Corner)



View from Cortez Street (South of Stroube Street)

Public Notice

- Notice of Community Workshop: December 20, 2021
  - Public notice signs were posted onsite.
  - Notifications were mailed to the RiverPark Neighborhood.
- CEQA Notice was published in the newspaper.
- Planning Commission Meeting held January 19, 2023 and February 2, 2023
- Notice of City Council hearing was provided:
  - Newspaper,
  - On-site posting; and
  - Mailed to property owners within 300 feet.

City Council Options

1. **Applicants' Original Request/Staff's Recommended Action** – Allowing the development of a Freeway Adjacent Digital Display Billboard.
2. **Planning Commission Recommended Action -** Denying the development of a Freeway Adjacent Digital Display Billboard.

CITY OF
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CALIFORNIA

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.7

DATE: March 21, 2023

TO: City Council

FROM: Maureen Tamuri, Interim Community Development Director, (805) 385-7882, maureen.tamuri@oxnard.org

SUBJECT: Project Name: Ventura Road Electronic Billboard Project; Located on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. APN: N/A and along the Ventura Freeway (Highway 101) in The RiverPark Specific Plan area. (30 minutes)

RECOMMENDATION

That the City Council:

1. Conduct a public hearing, and

Take the actions identified under one of the two following options:

Option 1 – Applicants' Original Request/Staff's Recommended Action – Allowing the development of a Freeway Adjacent Digital Display Billboard:

a. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-02; and
b. Approve a Resolution Adopting a Mitigated Negative Declaration (MND) 22-03; and
c. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan) for text amendments to the RiverPark Specific Plan, subject to certain findings; and
d. Introduce an Ordinance (by title only, waiving further reading) approving Planning and Zoning Permit No. 20-670-05 (Development Agreement No. A-8516), subject to certain findings; and
e. Adopt a Resolution Approving Planning and Zoning Permit No. 20-500-06 (Special Use Permit) and overturning the Planning Commission's Denial, subject to certain conditions and findings.
f. Adopt Resolution declaring its intention to vacate its right, title and interest in an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard an direct the City Clerk to schedule a public hearing in accordance with the vacation procedures contained in California Streets and Highway Code Section 8300 et seq to be held on Tuesday April 18, 2023 at 6:00 p.m. at the at the City Council Chambers of the City of Oxnard located at 305 West Third Street in Oxnard, California.

Option 2 – Planning Commission Recommendation – Denying the development of a Freeway Adjacent Digital Display Billboard:

a. Provide direction to City staff to return at a date certain meeting with the appropriate resolutions of denial for Planning and Zoning Permit Nos. 20-630-02 (Specific Plan Amendment No. 8 to the RiverPark Specific Plan),

Planning and Zoning Permit No. 20-670-05 (Development Agreement No. A-8516), Planning and Zoning Permit No. 20-500-06 (Special Use Permit), and Planning and Zoning Permit No. 21-660-03 (Street Vacation).

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/QLdwREOpx_8

BACKGROUND

EXECUTIVE SUMMARY:

The Project includes a request for a Special Use Permit, Development Agreement, Street Vacation and Specific Plan Amendment to allow for the installation and operation of a Freeway Adjacent Digital Billboard (billboard) on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard ("Project").

The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The billboard complies with the staff recommended Freeway Adjacent Digital Billboard Ordinance: approximately 80 feet in height above the ground and a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The location also requires a Street Vacation to vacate the existing right-of-way to the City of Oxnard and a Specific Plan Amendment to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan.

The proposed Development Agreement (DA) allows for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and among other public benefits requires payment to the City equal to thirty (30) percent of the Annual Net Revenue, with a minimum guarantee of $150,000 per year for the thirty year (30) term of the DA. This payment equates to a range of approximately $4.5M - $8.4M for the subject sign.

Pursuant to Oxnard City Code, the Commission is the decision maker for Special Use Permit, however the Commission is only the recommendation body for Specific Plan Amendments, Street Vacations, and Development Agreements.

On February 2, 2023, the Planning Commision first took action on a proposed Freeway Adjacent Digital Billboard Ordinance (Ordinance). The Commission made numerous changes to the Ordinacne, which made the subject SUP inconsistent with the Ordinance. At the February 2, 2023 Commission hearing, the Commission denied, and recommended Council denial, of the Subject permits. Based on the denial of the Special Use Permit and recommendations on the other permits, the Commission could not find the street vacation in conformance with the 2030 General Plan. However, in their motion, the Commission stated that should the City Council approve the Freeway Adjacent Digital Display Billboards Ordinance as originally proposed by City Staff, which would allow for this billboard they would be in support of this proposed Project. This would include finding it consistent with the 2030 General Plan.

As the final decision maker for the Specific Plan Amendment and the Development Agreement is the City Council, and to ensure that the City Council had the opportunity to review the whole of the project, all related entitlements are being presented to the City Council for their consideration. City Staff filed a request for review of the Planning Commissions denial of the Special Use Permit. While City Staff filed the request for review, the Applicant for the project is still Outfront Foster Interstate represented by Lars Skugstad (hereafter "Applicant" or "Developer").

Staff continues to recommend approval of the Project as originally proposed by the Applicant based upon:

1. City Council authorization, approval, and continued extensions of Exclusive Negotiation Agreements (ENAs) with both Outfront Foster Interstate since 2019, which identified potential Freeway Adjacent Digital Display Billboard locations;

With the increased separation from residential uses requested by the Planning Commission as part of the recommendation on the Ordinance, the subject Billboard location would not be allowed.

2. Compliance with State laws established by the California Department of Transportation (Caltrans), which is the agency responsible for regulating freeway safety;

3. Consistency with the general plan, zoning, and the environmental review, specifically the lighting impacts which does not allow an increase in illumination at any residentially zoned property by more than 0.5 footcandles, which is deemed negligible. (This is further discussed in the "Key Projects Concerns" section of this report).

In summary, at this public hearing, the City Council has the option to move forward with: (1) the approval of the Project; or (2) provide direction to deny the Project and direct City staff to return at a date certain meeting with the appropriate resolutions of denial. Should the City Council choose to take another action other than those identified, the City Council can direct staff to return at a future public hearing with revised documents incorporating the direction provided.

Role of the Planning Commission and City Council

Pursuant to Oxnard City Code (OCC) Section 2-95, the Commission is an advisory body which provides land use recommendations to the City Council on items such as General Plan Amendments, Specific Plans, Ordinance Amendments, and Development Agreements. Therefore while the City Council is to consider the recommendations of the Commission, the Council may take an action which is not consistent with the recommendations of the Commission.

For the benefit of the City Council, this staff report provides: 1) background of the ENA discussions and Billboards; 2) a summary of the Commission hearings; 3) summaries of the Project and associated environmental review; and 5) a discussion of key concerns raised at Planning Commission.

BACKGROUND:

ENA Discussions and Extensions

On June 18, 2019, the City Council approved and authorized the Mayor to execute an Exclusive Negotiation Agreement (ENAs) with Outfront Foster Interstate, LLC for potential digital billboard sites. Under the terms of the ENA, Outfront Foster was given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by Outfront Foster. The ENA is currently on the 7th Amendment which runs through June 6, 2023.

Existing Billboards and Freeway Oriented Signage

The City currently allows for billboards in the form of Off-site advertising signs throughout the City in General Commercial (C-2), Commercial Manufacturing (C-M), Limited Manufacturing (M-L), Light Manufacturing (M-1), and Heavy Manufacturing (M-2) zones pursuant to OCC 16-608. Under the proposed ordinance the Freeway Adjacent Digital Display Billboards, would be regulated separately from the Off-site advertising signs. The allowance of Freeway Adjacent Digital Display Billboards, is much more limited, as they are only allowed within 400 feet of the U.S. Highway 101 and only on City owned property. Similar to the Off-site advertising signs these signs would only be allowed within commercially zoned property.

In addition to the existing Off-site advertising signs, the City has permitted two digital signs as allowed by the RiverPark Specific Plan (The Collection) and the Rose Santa Clara Specific Plan (Oxnard Auto Center). These signs are not defined as Off-site advertising signs and generally limited to the display of businesses located within the Collection or the Oxnard Auto Center. They were both permitted under their respective Specific Plans; therefore, no additional digital signage would be allowed without changes to the Specific Plans. Also, the Collection sign is approximately 110 feet away from the closest residential zoned property.

Freeway Adjacent Digital Display Billboards Ordinance (PZ 20-580-06)

Prior to consideration of the subject request, Council must take action on amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards. A separate staff report addresses the specifics of that Ordinance, as well as the Commission's recommended changes to that Ordinance. The Commission's recommended changes to the Ordinance was approved by 3 (in favor) - 2 (against), with two commissioners absent. Due to the proposed changes the Commission was required to review the Ventura Road Electronic Billboard Project in accordance with the amendments. As the Project was inconsistent with the recommended amendments, the Commission had to deny Planning and Zoning Permit No. 20-500-06 (Special Use Permit) and recommend denial of the other associated project component.

PROJECT REQUESTS:

The Applicant's request sought Planning Commission and City Council approval of the following four requests (Special Use Permit, Development Agreement, Specific Plan Amendment, Street Vacation, and Mitigated Negative Declarations (MND 22-02 and 22-03)):

1. Special Use Permit

The billboard would include a digital display of advertisements of various businesses, activities, services or products. The proposed billboard would be supported by a pole that ranges in diameter from approximately 7 feet to 3 feet. The pole would extend approximately 65.5 feet above ground. The pole would be painted primarily gray except for the upper 10.5 feet that would be painted black. The top of the billboard would be approximately 80 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The existing ground level is at approximately the same elevation as the travel lanes along Ventura Road. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Lighting levels on the digital sign will not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America. Brightness shall not exceed 300 nitere (nits) or candela per square meter from sunset to sunrise. At all other times, brightness will not exceed 7,500 nits. Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness based on ambient conditions. For reference, based on a study of existing lighting levels, along Ventura Road the average illumination is 15 foot-candles due to existing street lights and other nearby lighting fixtures. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. LED lighting has a directional nature, focused toward the freeway. Louvers will be located above each row of lights to prevent light from projecting upward into the sky. As designed the billboard complies with the staff recommended ordinance and the State laws established by the California Department of Transportation (Caltrans), which is the agency responsible for regulating freeway safety.

2. Development Agreement

The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement also outlines the required public benefits to be provided by the future development, including fiscal benefits to the City, such as revenue sharing. As proposed these include:

- Term - Thirty (30) years.
- Monetary Payment - The Applicant shall pay to the City 30 percent of the Annual Net Revenue, with a minimum guarantee of $150,000 per year (approximately $4.5M - $8.4M over the term of the agreement).
- City Usage of the Billboard - To the extent that commercial advertising time on the Billboard is unsold and available, City shall have the right to use 12.5% out of the total inventory of 16 spots (8 spots per face) or 2 total spots for the Billboard.
- Emergency Notifications - Outfront shall make the Billboard available to Caltrans and the California Highway Patrol for purposes of "Amber Alerts" and for emergency or disaster notifications by local, state or federal agencies.
- Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members - Oxnard Auto Dealers and members of the Oxnard Chamber of Commerce shall receive a ten percent (10%) discount from the rates to advertise on the Billboard.
- Prohibitions - Any message that: is inherently false, misleading, or libelous (i.e., speech that is incapable of being presented in a manner that is not misleading); promotes the sale or use of firearms or tobacco products, whether directly or indirectly; promotes adult entertainment, products, conventions, events, or websites; contains "obscene matter," as that term is defined in local, California or federal law.

3. Specific Plan Amendment

The proposed Project requires an amendment to the RiverPark Specific Plan. to add Freeway Adjacent Digital Display Billboards within the Commercial Master Plan of the RiverPark Specific Plan. The specific revisions to the Specific Plan text identify minimum and maximum lot dimensions as well as size and spacing of the billboards. These revisions are consistent with the staff recommended Freeway Adjacent Digital Display Billboards Ordinance that is required to be

approved prior to approval of the proposed Project. The Specific Plan Amendment was analyzed under MND 22-02.

4. Street Vacation

The Project site is within the current street right-of-way and is proposed to be vacated. As the underlying property owner, the City of Oxnard will retain ownership, making it a City-owned property. The process for a right-of-way vacation is outlined in the Streets and Highways Code Section 8320. Pursuant to Streets and Highways Code Section 8320, a vacation request involves a two-step process. The first step, occuring on March 21, 2023, requires the City Council to review the street vacation requests and adopt a resolution of intention to vacate the easement. The second step involves a noticed public hearing and the adoption of a resolution to vacate the easement by the City Council. In accordance with Streets and Highways Code Section 8320(b)(2), the date of the public hearing shall not be less than 15 days after the initiation of proceedings which means that the earliest the City Council can schedule a public hearing to consider the easement vacation at a regular City Council meeting is April 18, 2023.

The easement vacation map is included as Attachment 9, Exhibit A. Vacating the approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard will not alter public safety, convenience, and public welfare. The proposed site improvements include the installation of an electronic sign and traffic barrier. In the City's Bicycle and Pedestrian Master Plan, this location is identified as the possible location for the Santa Clara River multi-purpose path. City staff has reviewed the proposed sign and barrier location and confirmed that there is sufficient space for the future path, should it be developed in the future.

Additionally, all property vacations are to be reviewed for conformance with the General Plan. As previously mentioned, the easement vacation was reviewed by the Planning Commision. Based on the denial of the Special Use Permit and recommendations on the other permits, the Commission could not find the street vacation in conformance with the 2030 General Plan. However, in their motion, the Commission stated that should the City Council approve the Freeway Adjacent Digital Display Billboards Ordinance as originally proposed by City Staff, which would allow for this billboard, they would be in support of this proposed Project. This would include finding it consistent with the 2030 General Plan.

5. Environmental Determination

Mitigated Negative Declaration (MND 22-02)(Specific Plan Amendment)

Pursuant to the California Environmental Quality Act (CEQA) Section 15060, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests.

The MND was available for public review from June 30, 2022, and ended on July 29, 2022. The City of Oxnard received four comment letters on the Draft MND. The comment letters and responses to each comment have been prepared and included in the Final IS/MND. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

With the inclusion of the mitigations for the areas noted above, the Project will not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration (MND) was prepared with mitigation measures and a monitoring program in accordance with the provisions of CEQA.

Mitigated Negative Declarations (MND 22-03)

Pursuant to the California Environmental Quality Act (CEQA) Section 15060, the City of Oxnard as the Lead Agency,

prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include: (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting focused protocol nest survey for least Bell's vireo, and (CR-1 and CR-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests.

The MND was available for public review from June 30, 2022, and ended on July 29, 2022. The City of Oxnard received five comment letters on the Draft MND. The comment letters and responses to each comment have been prepared and included in the Final IS/MND. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

With the inclusion of the mitigations for the areas noted above, the Project will not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration (MND) was prepared with mitigation measures and monitoring program in accordance with the provisions of CEQA.

KEY PROJECT CONCERN

Visual Impacts on View Corridors
Concerns were raised by Commissioners and members of the public regarding visual impacts to the Highway 101 corridor. Specifically, comments were made about impacts on mountain views. While the proposed billboard would be visible, it is consistent with the nature of the U.S. Highway 101 corridor, which is generally characterized by urban or high density development. This includes mid-high rise developments in both RiverPark and Wagon Wheel, which include urban developments up to 100 feet in height, as well as other commercial developments including car dealerships, hotels, restaurants, etc. The corridor also includes other similar large scale signage such as the existing Auto Center (70 feet), The Collection (60 feet), and Esplanade (75 feet) signs, which is similar to the proposed Project which would be 60 feet tall as viewed from the freeway. In addition to these signs there are numerous larger illuminated freeway signs, including electronic ones, along the corridor. The proposed billboard would be consistent with the overall nature of the corridor.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, invite new business investments, and target site-based redevelopment opportunities.

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

If option 1 is selected, the Applicant shall pay to the City 30 percent of the Annual Net Revenue, with a minimum guarantee of $150,000 annually. Revenue receipt is dependent on construction timing, but would be anticipated in Fiscal Year 2023-24 at the earliest.

COMMITTEE OUTCOME

This is a Public Hearing and was reviewed by the Planning Commission (Commission), therefore this item did not originate in Committee.

During the Commission's public hearing on January 19, 2023, Commissioners asked a series of questions as a result of staff's and the Applicant team's presentations. One verbal comment was provided during the public comment period on the Project. The questions and comments were generally in regards to the impacts on views and lighting. Following Commission deliberation, a motion of Intent to Deny the Project as they could not make all of the Findings required to support the Project. However, as part of this motion the Commission, included a statement that if the the City Council did not incorporate their recommendations on the Zone Text Amendment PZ 20-580-06, that they would be in support of the proposed Project, as it was further from existing residential. The January 19, 2023 Planning Commission meeting can be viewed online at the following link: https://www.youtube.com/watch?v=DIS7Q-hYfgg.

On February 2, 2023, all six members of the Planning Commission were present. The Commissioners who were not present on January 19, 2023 confirmed they reviewed the staff materials and watched the video of the Commission's January 19 meeting. One of the Commissioners who was previously present on January 19th, was absent on February 2nd. On February 2, 2023, the Commission voted 6-0 (with one commissioner absent), to adopt a resolution denying the Special Use Permit and recommending denial of the Specific Plan Amendment, Street Vacation, and Development Agreement to the City Council. While as noted above the Commission was required to deny the project based upon the recommended changes to the ordinance, some of the commissioners did raise concern about the Project's visual impacts.

Prepared by: Joe Pearson II, AICP, Planning & Environmental Services Manager

ATTACHMENTS

1. Planning Commission Staff Materials dated 1-19-2023 and 2-2-2023
2. Final IS-MND 22-02
3. Final IS_MND 22-03
4. Draft City Council Resolution Adopting Mitigated Negative Declaration (MND) 22-02
5. Draft City Council Resolution Adopting Mitigated Negative Declaration (MND) 22-03
6. Draft Ordinance Approving PZ Permit No. 20-630-02 (Specific Plan Amendment)
7. Draft Ordinance Approving PZ Permit No. 20-670-05 (Development Agreement)
8. Draft Resolution Approving Planning and Zoning Permit No. 20-500-06 (Special Use Permit)
9. Draft City Council Resolution of Intent
10. Ventura Road Electronic Billboard Project CCPresentation

PLANNING COMMISSION
MEMORANDUM

TO: Planning Commission

FROM: Joe Pearson II, AICP, Planning Manager

DATE: February 2, 2023

SUBJECT: **Project Name: Ventura Road Electronic Billboard Project**; Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation); Located on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. APN: N/A

Summary

On January 19, 2023, the Planning Commission (the "Commission") considered PZ Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment)(Project)[1] and made a Motion of Intent to Deny the Project as they could not make all of the Findings required to support the project and directed staff to return with the following resolutions:

a. Resolution 2023-XX recommending that the City Council deny Mitigated Negative Declaration (MND) 22-03; and

b. Resolution 2023-XX recommending that the City Council deny Planning and Zoning Permit No. 20-670-05 (Development Agreement), subject to certain findings; and

c. Resolution 2023-XX recommending City Council deny Planning and Zoning Permit No. 21-660-03 (Street Vacation), subject to certain findings; and

d. Resolution 2023-XX Denying Planning and Zoning Permit No. 20-500-06 (Special Use

[1] The project includes a Special Use Permit, Development Agreement, and Street Vacation to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard.

Permit), subject to certain findings and conditions.

As part of the Motion the Commission included language that, if the City Council rejected the increased residential setback, that the commission would support the approval of all parts of the proposed project, including Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation). The Commission continued the hearing to February 2, 2023, to ratify the action by approving Resolutions of Denial. The motion carried 3:2:2:0:0[2].

Staff has prepared the Resolutions of Denial for the proposed Project (Attachments B-E).

Appeal Process

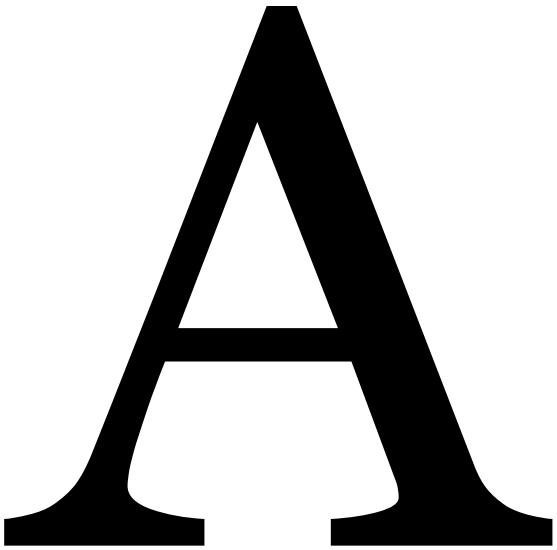
In accordance with Section 16-545 of the City Code, the Planning Commission's action on PZ 20-500-06 (Special Use Permit) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal is not filed within 18 working days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

The requested actions for the Development Agreement, Adoption of the Mitigated Negative Declaration, and Street Vacation are recommendations to the City Council. As the Planning Commission does not take formal action, but recommends an action to the City Council, an Appeal procedure is not necessary. All aspects of this Project shall not become effective unless and until the City Council approves the Development Agreement.

Attachments

A. January 19, 2023 Planning Commission Staff Report (w/o Attachments D, E, F, G, H, I)
B. Draft Planning Commission Resolution Recommending Denial of Mitigated Negative Declaration (MND) 22-03
C. Draft Planning Commission Resolution Recommending Denial of PZ Permit No. 20-670-05 (Development Agreement)
D. Draft Planning Commission Resolution Recommending Denial of PZ Permit No. 21-660-03 (Street Vacation)
E. Draft Planning Commission Resolution Denying PZ Permit No. 20-500-06 (Special Use Permit)

[2] In Favor: Against: Absent: Abstain: Recused



PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Joe Pearson II, Planning Manager

DATE: January 19, 2023

SUBJECT: **Project Name: Ventura Road Electronic Billboard Project**; Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation); Located on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. APN: N/A

1) **Recommendation:** That the Planning Commission ("**Commission**"):
   - **a)** Adopt Resolution 2023-XX recommending that the City Council adopt a Mitigated Negative Declaration (MND) 22-03; and
   - **b)** Adopt Resolution 2023-XX recommending that the City Council approve Planning and Zoning Permit No. 20-670-05 (Development Agreement), and
   - **c)** Adopt Resolution 2023-XX affirming that the City of Oxnard's proposed Vacation of real property consisting of an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard is in conformance with the City of Oxnard 2030 General Plan and recommending that the City Council order the proceed with the vacation, and
   - **d)** Adopt Resolution 2023-XX Approving Planning and Zoning Permit No. 20-500-06 (Special Use Permit), subject to certain findings and conditions.

2) **Project Description and Applicant:** The applicant requests a Special Use Permit, Development Agreement, and Street Vacation to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the

required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard.

The request includes adoption of the proposed Final Initial Study/Mitigated Negative Declaration (IS-MND) and adoption of the Mitigation Monitoring and Reporting Program (MMRP) which has been prepared pursuant to provisions of the California Environmental Quality Act (CEQA) Guidelines, Section 15063. The Project site is located within the RiverPark Specific Plan and designated as Commercial Office. The 2030 General Plan land use designation is Commercial Regional. For purposes of this staff report, the foregoing project description shall be referred to as the "Project.". Filed by Lars Skugstad, 1111 Broadway, Suite 1515, Oakland, CA 94607 (the "Applicant") on behalf of the City of Oxnard (the "Property Owner").

Please see the reduced Project plans (Attachment B) for more details.

3) **Existing & Surrounding Land Uses:** The Project site is currently undeveloped Right-of-Way located within the RPSP area. The area surrounding the Project site consists of a mix of office and commercial land uses. U.S. 101 is located immediately south of the Project site. Across U.S. 101 to the South, adjacent to Ventura Road, is The Wagon Wheel development which is currently under construction with residential townhomes, condominiums, and limited commercial development. To the north and west is The Santa Clara River Basin that includes vegetation. Recently, the vegetation within the Santa Clara River Basin and adjacent to U.S. 101 was removed by the County of Ventura for maintenance purposes. Northeast of and approximately 600 feet from the Project site is a senior housing facility, and other approved commercial development including a gas station and drive through restaurants. The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated in Attachment A:

Table 1
Existing and Surrounding Land Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional	The RiverPark Specific Plan (Commercial: Office)	Vacant
North	Commercial Regional	The RiverPark Specific Plan (Commercial: Office)	Light Industrial Development
South	Highway 101/Easement	Highway 101/The Village Specific Plan	Highway 101/Residential

East	Commercial Regional	The RiverPark Specific Plan (Residential:Very High or Commercial Regional)	Vacant (Approved For Apartments Project (PZ 19-200-16))
West	County Unincorporated	County Unincorporated	Santa Clara River

4) Background Information:

a) On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites. Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties. On November 17, 2020 Council amended the ENAs to allow for an additional 6 months (until June 2021), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties. On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties.

b) Concurrent with the process of this Project the City is processing amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard and a amendment to the RiverPark Specific Plan to allow the sign in accordance with the Oxnard City Code. The installation and operation of individual electronic billboards would require approval of a Special Use Permit and Development Agreement. No Freeway Adjacent Digital Billboard may be placed at a distance of less than 100 feet from the property line of any residentially zoned parcel. All Freeway Adjacent Digital Display Billboards would have a maximum face display area of 14 feet in height and 48 feet in width, would be oriented primarily for viewing from the adjacent freeway, and would have a maximum height of 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display or 80 feet to the top of the sign. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of five (5) allowed in the City.

5) Environmental Determination: Pursuant to the California Environmental Quality Act (CEQA) Section 15060, the City of Oxnard as the Lead Agency, prepared a Mitigated

Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include: (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting focused protocol nest survey for least Bell's vireo, and (CR-1 and CR-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests.

The MND was available for public review from June 30, 2022, and ended on July 29, 2022. The City of Oxnard received five comment letters on the Draft MND. The comment letters and responses to each comment have been prepared and included in the Final IS/MND. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

With the inclusion of the mitigations for the areas noted above, the Project will not have a significant effect on the environment. Therefore, a Mitigated Negative Declaration (MND) was prepared with mitigation measures and monitoring program in accordance with the provisions of CEQA (Attachment C).

6) Project Analysis:

a) ***General Discussion:*** Pursuant to Oxnard City Code (OCC) Section 2-95, the Planning Commission is an advisory body which provides land use recommendations to the City Council on items such as General Plan Amendments, Specific Plans, Ordinance Amendments and Development Agreements. The Planning Commission is the decision maker for Special Use Permit pursuant to OCC Section 16-531.

The applicant requests a Special Use Permit, Development Agreement, and Street Vacation to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The following is a summary of the requested revisions.

Special Use Permit

The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The proposed billboard would be supported by a pole that ranges in diameter from approximately 7 feet to 3 feet. The pole would extend approximately 40 feet below ground and approximately 65.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The top of the billboard would be approximately 80 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The existing ground level is at approximately the same elevation as the travel lanes along Ventura Road. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Lighting levels on the digital sign will not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America. Brightness shall not exceed 300 nitere (nits) or candela per square meter from sunset to sunrise. At all other times, brightness will not exceed 7,500 nits. Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness based on ambient conditions. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. LED lighting has a directional nature, focused toward the freeway. Louvers will be located above each row of lights to prevent light from projecting upward into the sky.

Development Agreement

The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement would also outline the required public benefits to be provided by the future development, including fiscal benefits to the City, such as revenue sharing. No other physical improvements are allowed or required by the development agreement.

Street Vacation

The Project site is within the current street right-of-way and is proposed to be vacated. As the underlying property owner, the City of Oxnard will retain ownership, making it a City-owned property.

b) ***General Plan Consistency:*** The City's 2030 General Plan land use designation for the subject site is Commercial Regional (CR) uses which allows retail, commercial, government and residential uses. The proposed use is Commercial. Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and

the proposed Project. The proposed Project does not conflict with General Plan land use, goals and policies. The proposed DA allows for the use of City property and outlines the required public benefits to be provided by future development. No other physical improvements are allowed or required by the development agreement, and therefore it does not conflict with General Plan land use, goals and policies. The project's consistency review with General Plan policies is included as Attachment D. The proposed Project has been determined to be consistent with the General Plan and the property's land use designation.

c) ***Conformance with Zoning Code Development Standards:*** As noted above the City is concurrently processing an Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, as currently being proposed. The proposed ordinance amendment includes development standards which will be applicable to all Freeway Adjacent Digital Display Billboards developed within the City. As shown in Attachment E, the proposed Project has been designed to be consistent with the proposed ordinance. As a condition, the approval of this Project is contingent upon the City's adoption of the proposed Freeway Adjacent Digital Display Billboards ordinance. Additionally, the Project must comply with the final ordinance as adopted, therefore, if any changes occur to the proposed development standards the Project would be required to be amended, to bring it into compliance.

d) **Site Design, Circulation, and Parking:** The Project is located on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The proposed site improvements include the installation of an electronic sign and traffic barrier. In the City's Bicycle and Pedestrian Master Plan, this location is identified as the possible location for the Santa Clara River multi-purpose path. City staff has reviewed proposed sign and barrier location and confirmed that there is sufficient space for the future path, should it be developed in the future. As the sign is controlled remotely, no parking is required. In the rare event onsite work is required, an encroachment permit can be obtained to allow for the use of the adjacent right of way, similar to utility companies with facilities in the right-of-way.

e) **Sign Design:** The pole would extend approximately 40 feet below ground and approximately 65.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The pole design has been kept simple with the gray color, to minimize the visual impact of the pole itself. The top of the billboard would be approximately 80 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width.

7) **Development Advisory Committee:** The Development Advisory Committee (DAC) reviewed the proposed Project on November 18, 2020. The comments from the DAC have been incorporated into the Project, including the studies, and MND.

8) **Community Workshop and Public Input:** A Community Workshop on the Project was held on December 20, 2021. Public notice signs were posted onsite. Notifications were mailed to the RiverPark Neighborhood. Approximately 2,000 notices were mailed. The meeting was held online. Eight members of the community attended this meeting, and two people spoke on the items. The video from the online workshop was also posted on the City's website for members of the public to view separately. The primary concern identified at the Community Workshop was related to general allowance of electronic billboards and lighting impacts. Both aesthetics and lighting impacts were analyzed in the environmental document and it was determined that with the implementation of the project mitigations the impacts would be less than significant. There was also a request for an additional site rendering showing the sign from the adjacent side of the freeway, which was prepared and has been included in Attachment B.

   Consistent with public noticing requirements, the Planning Commission Hearing was advertised with on-site postings and to property owners within 300 feet of the Project site.

9) **Appeal Procedure:** The action of the Planning Commission on the Special Use Permit is final unless appealed in writing to the City Council no later than eighteen (18) days after the decision date (Section 16-545) of the Oxnard City Code. Appeal forms may be obtained from the City Clerk (300 West Third Street, Fourth Floor) and must be submitted with the appropriate fees before the end of the appeal period. The action of the Planning Commission on the Development Agreement and Street Vacation is a recommendation of either approval or denial to the City Council. All aspects of this Project shall not become effective unless and until the City Council approves the Development Agreement and Street Vacation.

Attachments:

A. Maps (Vicinity, General Plan, Zoning, Aerial)
B. Reduced Project Plans
C. Final IS-MND 22-03 (December 2022)
D. General Plan Consistency Chart
E. Zoning Compliance Table
F. Draft Planning Commission Resolution Recommending Adoption of Mitigated Negative Declaration (MND) 22-03
G. Draft Planning Commission Resolution Recommending Approval of PZ Permit No. 20-670-05 (Development Agreement)
H. Draft Planning Commission Resolution Recommending Approval of PZ Permit No. 21-660-03 (Street Vacation)

I. Draft Planning Commission Resolution Approving PZ Permit No. 20-500-06 (Special Use Permit)
J. Staff Presentation

ATTACHMENT
A

MAPS
(VICINITY, GENERAL PLAN, ZONING, AERIAL)

Vicinity Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

November 17, 2022

PZ 20-500-06, 20-670-05, 21-660-03
Location:
APN
Ventura Rd Billboard

Vicinity Map

Miles
0 0.5 1 1.5 2

N

1162

1:70,000

Aerial Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

November 17, 2022

PZ 20-500-06, 20-670-05, 21-660-03
Location:
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Ventura Rd Billboard

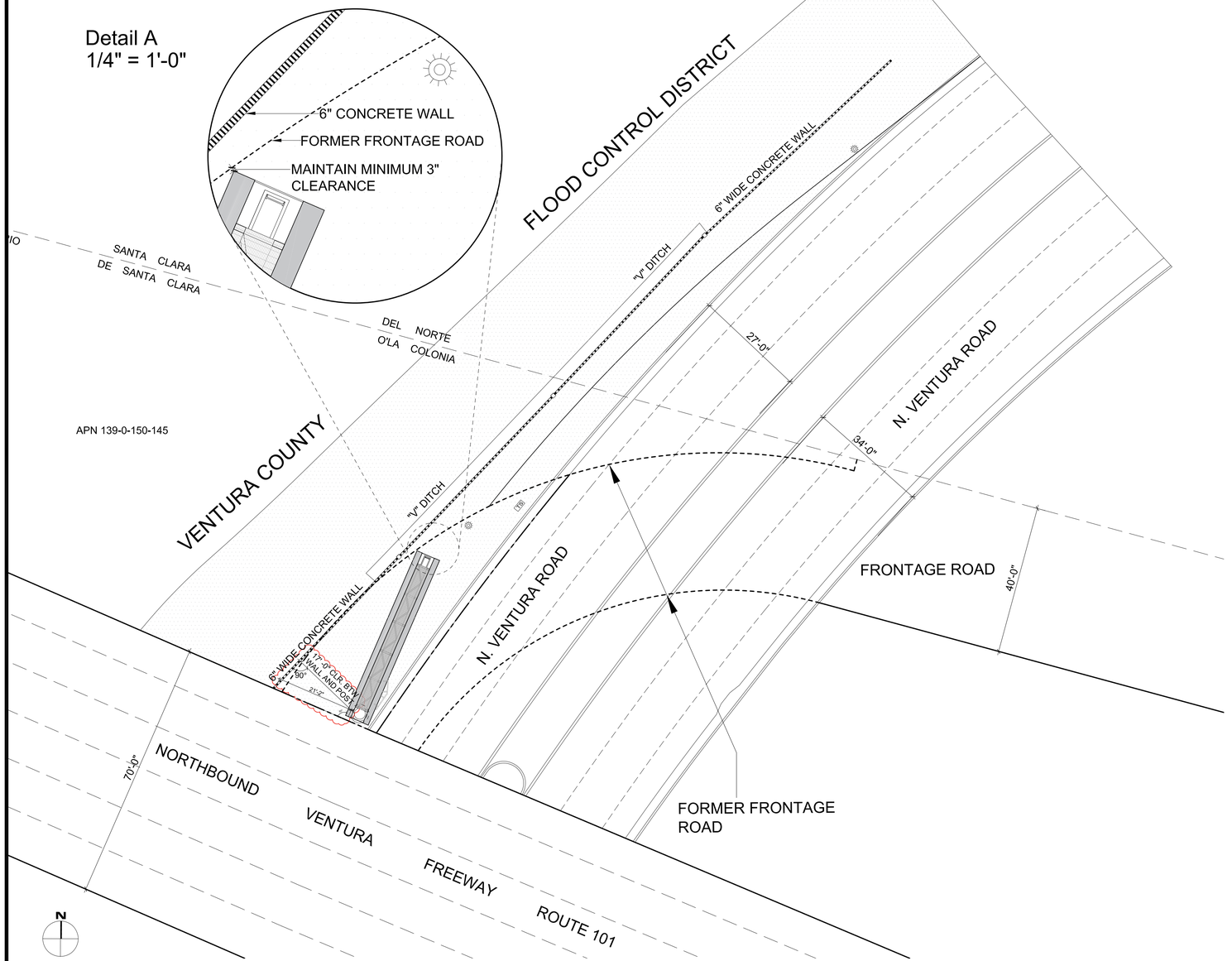
0 37.5 75 150 225 300 Feet

Aerial Map

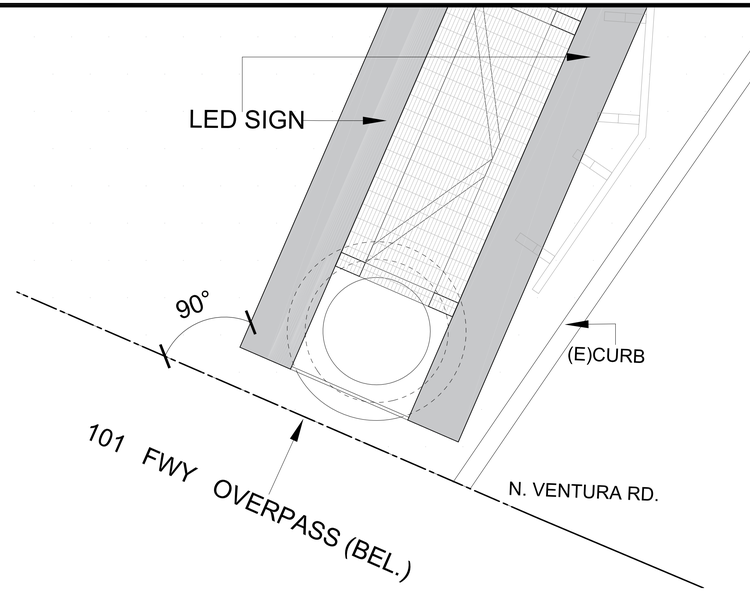
N W E S

ATTACHMENT B

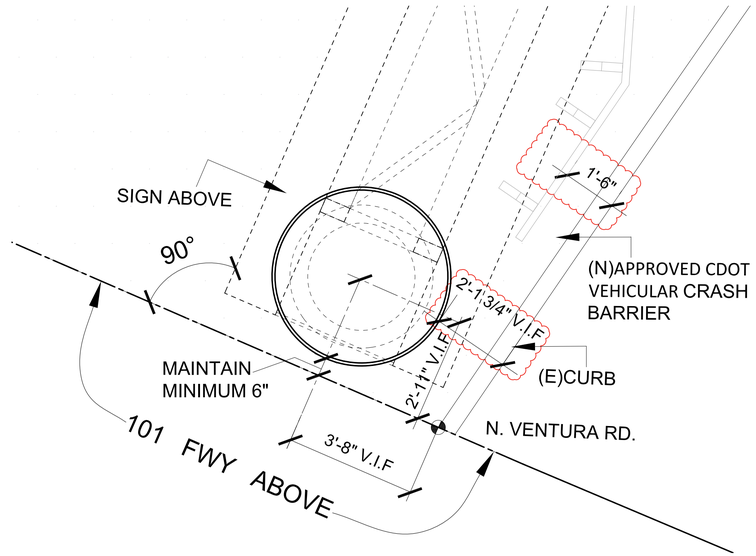
REDUCED PROJECT PLANS



3 Bird's Eye Site Plan 1/16" = 1'-0"



2 Layout Plan @ LED Panels 1/2" = 1'-0"



1 Site Plan @Grade 1/2" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX

SHEET NOTES

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13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

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15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET, BEYOND THAT HORIZONTAL BENCHES OF 5 FEET WIDE WILL BE REQUIRED, TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL), IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.CA-OSHA.COM/PDFPUBS/OSHA USERGUIDE.PDF * CONSTRUCTION SAFETY ORDERS : CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

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PROJECT NAME

OXNARD SIGNAGE PROJECT
APN 139-0-150-145

Oxnard,
California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV	DATE	ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-25037 REN. 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

SITE PLAN

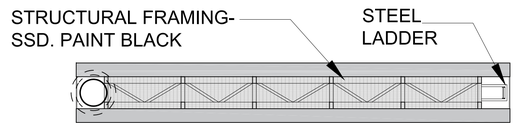
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CHECKED BY	
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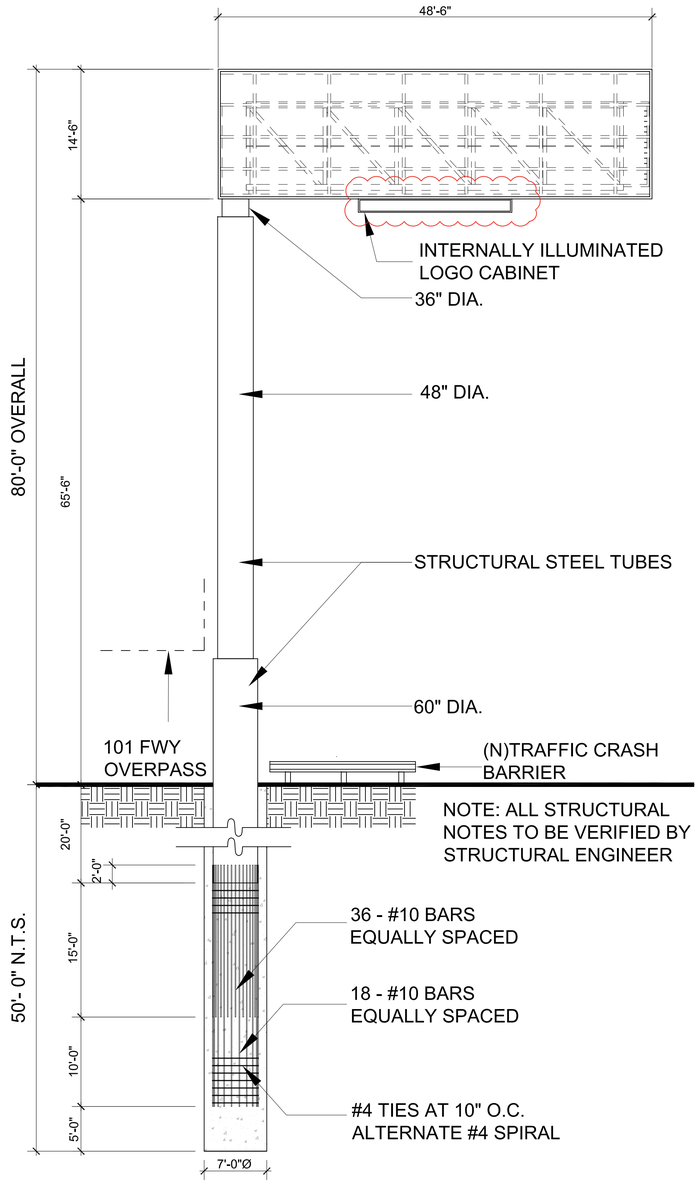
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2 Plan View

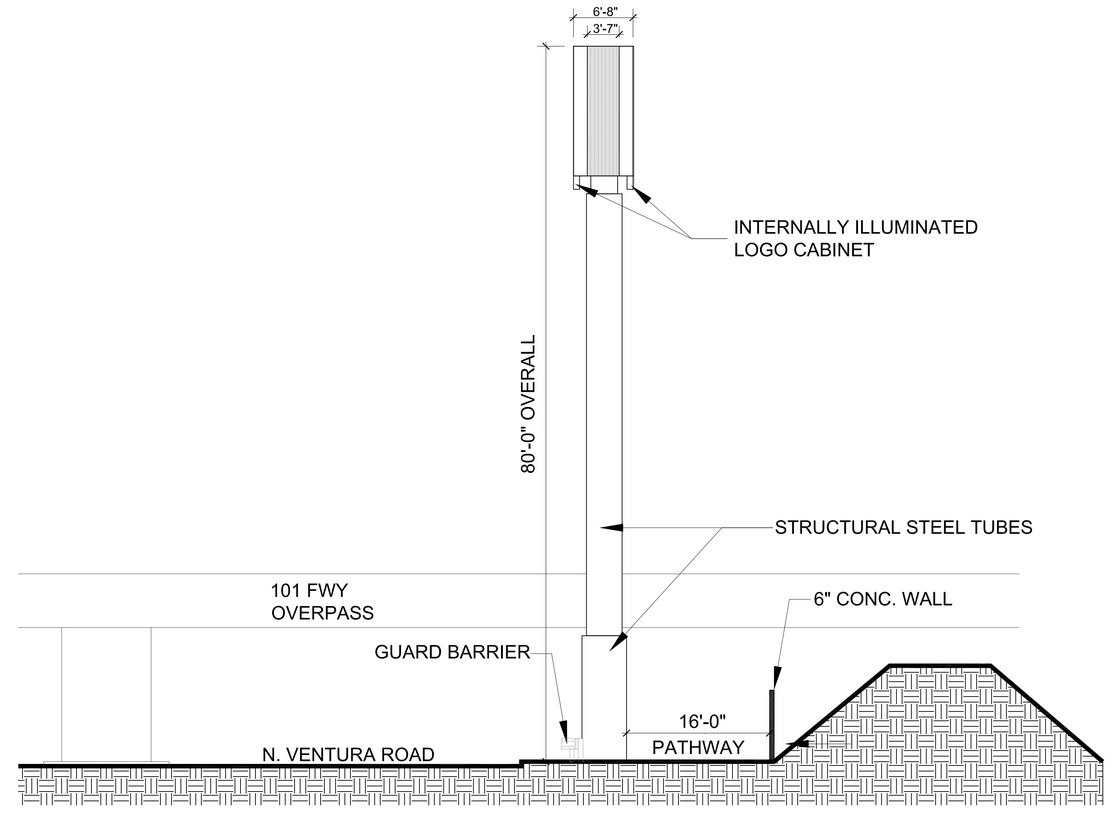
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1 Overall Elevation

SCALE - 1/8" : 1'0"

(See A-3.0 For Color Scheme)



3 CROSS SECTION VIEW

SCALE - 1/8" : 1'0"

(See A-3.0 For Color Scheme)

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Oxnard,
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CLIENT

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REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-29852 REN: 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

SIGN ELEVATIONS AND PLAN

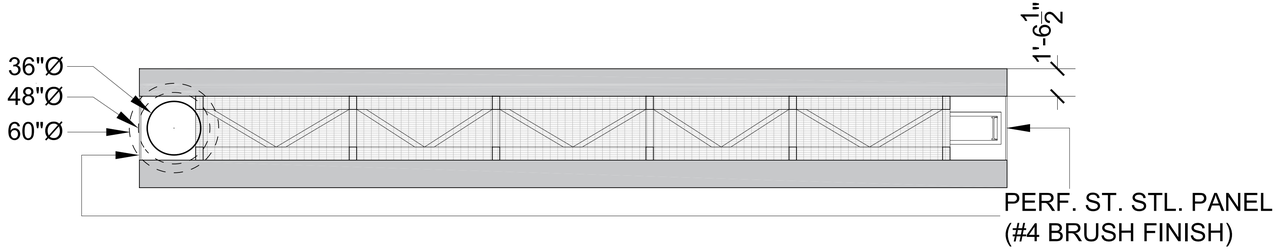
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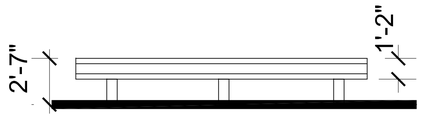
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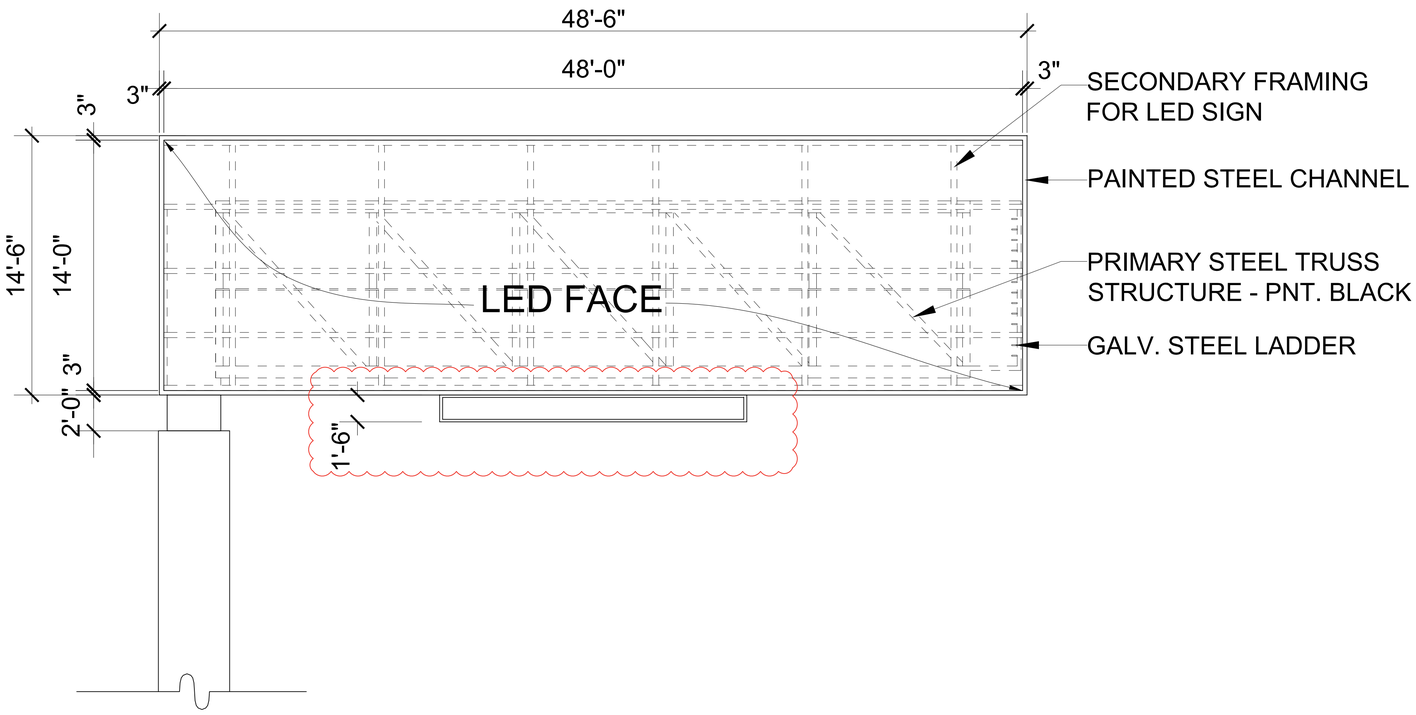
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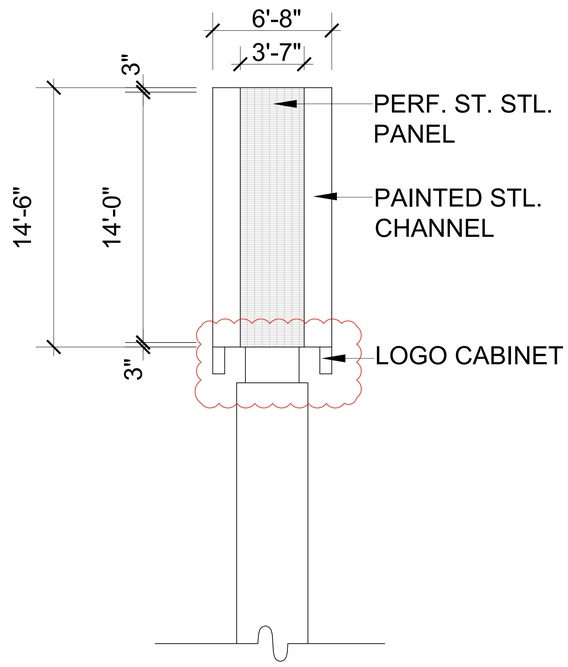




2 GUARD BARRIER FRONT VIEW SCALE - 1/4" : 1'0"



1 Face Elevation SCALE - 1/4" : 1'0"



3 End Elevation SCALE - 1/4" : 1'0"

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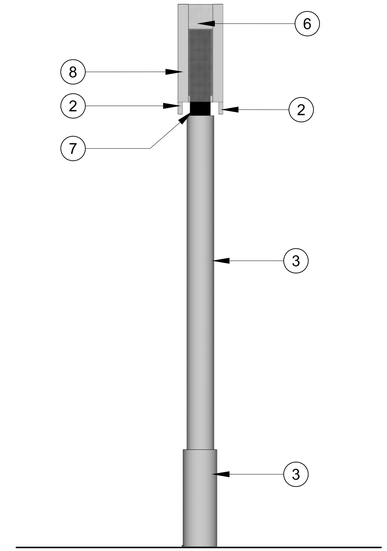
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SHEET DESCRIPTION
SIGN ELEVATIONS AND PLAN

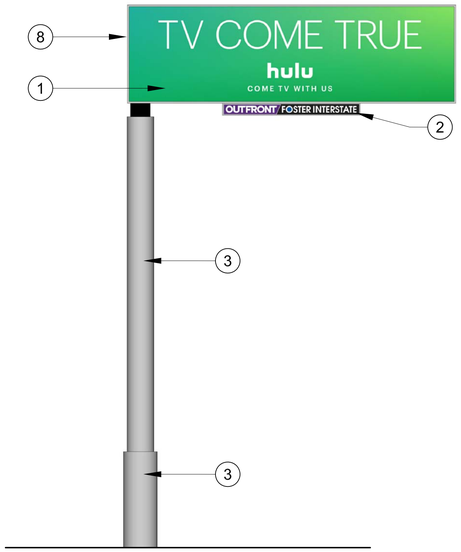
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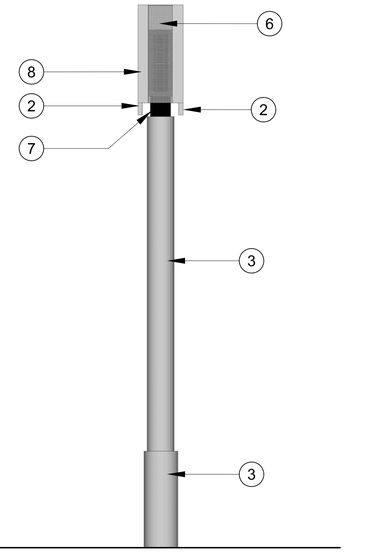
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5 Elevation C SCALE - 3/32" : 1'0"



4 Elevation B SCALE - 3/32" : 1'0"

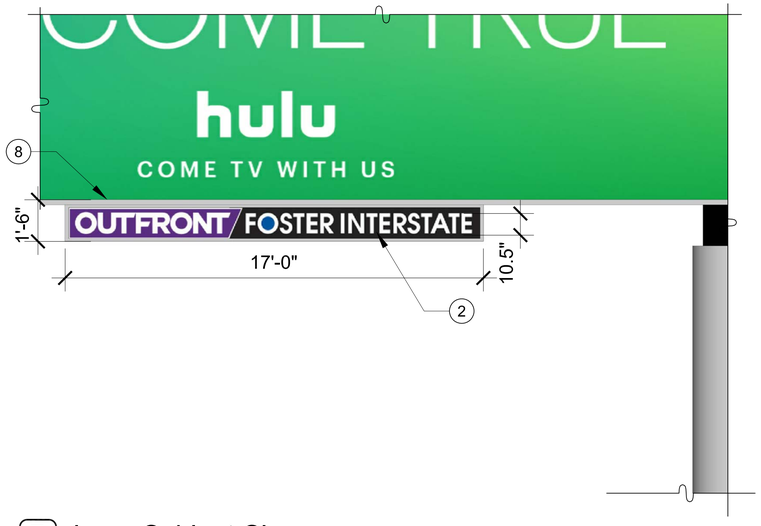


3 Elevation A SCALE - 3/32" : 1'0"

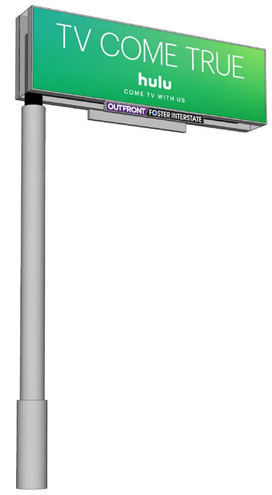


2 Perspective View 2 NTS

6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

1. LED SIGN FACE
2. INTERNALLY ILLUMINATED ANODIZED ALUMINUM LOGO CABINET
3. STEEL TUBE PAINTED GRAY (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)
4. STEEL TRUSS PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
5. ALUMINUM GRATING PLATFORM (NATURAL ANODIZED)
6. PERFORATED STAINLESS-STEEL CLOSER PANEL- #4 BRUSH
7. STEEL TUBE PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
8. PAINTED STEEL CHANNEL (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)

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14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

    ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2016 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:
15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING, MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET, BEYOND THAT HORIZONTAL BENCHES OF 5 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.CA-OSHA.COM/PDFPUBS/OSHA USERGUIDE.PDF * CONSTRUCTION SAFETY ORDERS : CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

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fax: (415) 512-9663
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PROJECT NAME

OXNARD SIGNAGE PROJECT

APN 139-0-150-145

Oxnard,
California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-26957 REN: 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

COLORED ELEVATIONS

DATE	8/6/2020
SCALE	
DRAWN BY	
CHECKED BY	
JOB NO.	1814

A-3.0

SHEET NO.

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

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PROJECT NAME

OXNARD SIGNAGE PROJECT

APN 139-0-150-145

Oxnard,
California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV	DATE	ISSUE

LICENSED ARCHITECT
IAN J. BIRCHALL
C-29453
REN. 11-30-21
STATE OF CALIFORNIA

SHEET DESCRIPTION

RENDERINGS

DATE	8/6/2020
SCALE	
DRAWN BY	
CHECKED BY	
JOB NO.	1814

A-4.0

SHEET NO.

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ATTACHMENT D

General Plan Consistency Chart

ATTACHMENT D - City of Oxnard 2030 General Plan Consistency Analysis

Ventura Road Electronic Billboard Project

January 19, 2023 Planning Commission

Level I: Direct Applicability to a Proposed Policy, Project or Program
Level II: Related or Indirect Applicability to the Proposed Policy, Project, or Program
Level III: No or Distance Applicability to the Proposed Policy, Project, or Program.
All polices not listed are designated as Level III are deemed consistent with the 2030 General Plan.

General Plan Chapter Abbreviations	Chapter:
SC: Sustainable Community	2
CD: Community Development	3
ICS: Infrastructure and Community Services	4
ER: Environmental Resources	5
SH: Safety and Hazards	6
MC: Military Compatibility	7
HE: 2021-2029 Housing Element	8

2030 General Plan		Level I	Level II	Rationale
Policy CD-3.1	***Neighborhood Preservation*** Protect existing residential neighborhoods from the encroachment of incompatible activities and land uses as determined through environmental review and/or determination by the Planning Commission.	X		The project has been designed to be consistent with proposed development standards and applicable mitigation measures. These include separation requirements from residential uses and limitations on illumination levels. Based on the Photometric Analysis provided the light levels at the existing multifamily residential uses and the current multifamily uses that are currently being processed would be 0.1 fc or less.Because the light level would be less than 0.5 fc, the Project would result in a less than significant lighting impact on the existing and future adjacent residential uses.
Policy CD-4.1	***Mitigate Land Use Conflicts*** Mitigate conflicts between commercial and other land uses, especially residential and recreational uses*.*	X		

Policy CD-8.5	***Impact Mitigation*** Ensure that new development avoids or mitigates impacts on air quality, traffic congestion, noise, and environmental resources to the maximum extent feasible.	X		All mitigation measures from the MND will be included as conditions of approval
Policy CD-9.1	***Neighborhood Identity*** Recognize, preserve, and improve the visual identity and character of existing neighborhoods. Infill development shall respect historic structures and be of compatible scale and character with historic areas.		X	The proposed site is located within a designated Urban Village which contains other urban uses compatible with large scale advertisement. Also, as the sign is located along the freeway corridor which contains other similar signage including the Collection sign, the Auto Center sign, and the esplanade sign.
Policy CD-9.3	***Gateway Enhancement*** Designate major entryways as gateways into the City. The City shall use landscaping, decorative lighting, signage and/or other streetscape design techniques to enhance the City's identity, sense of place, and provide visual emphasis to the streetscapes to the City.		X	Northbound views of the Project area from U.S. 101 consist of urban development and background views include a portion of the Coastal Mountain Range. Southbound motorists' who approach Ventura Road from the U.S. 101 bridge over the Santa Clara River Basin include urbanized views in the Project area. Northbound and southbound motorists' views of the proposed electronic billboard would add another typical view of an urban landscape (i.e., billboards and Caltrans signs) that occurs along U.S. 101 outside of the Santa Clara River Basin views obtained by motorists traveling on the U.S. 101 bridge. Due to the urbanized setting of the Project area, Project impacts on northbound motorists' views that include an urban landscape as well as partial distant views of the Coastal Mountain Range would not be considered a substantial adverse effect on a scenic vista. Southbound motorists' views also include an urban landscape and minimal background views of the hills of Point Mugu State Park. The southbound motorists' views would be minimally impacted with the implementation of the proposed electronic billboard, and the impact would not be considered a substantial
Policy CD-9.4	***View Corridor Preservation*** Ensure all public and private investments positively contribute to the overall character of the City by minimizing impacts on important view corridors by creating edge treatments along greenbelt areas and a landscaped buffer corridor of at least 30 feet along designated scenic corridors and other major transportation corridors.		X	

				adverse effect on a scenic vista.
Policy CD-11.3	***Protect and Enhance Cultural Resources*** Ensure that new public and private investment protects and enhances Oxnard's existing cultural resources, traditional neighborhoods, and historic districts, to the extent feasible.		X	The project includes mitigations, which have been included in the conditions, to protect potential cultural resources
Policy CD-14.2	***Development Advisory Committee (DAC) Function*** Continue to require that a staff Development Advisory Committee review new development projects for consistency with the City's development policies and appropriateness for the proposed sites.	X		Project was reviewed by the Development Advisory Committee on two occasions and the current plan reflects the input provided by DAC.

Policy ICS-17.5	***Undergrounding of Utility Lines*** Require undergrounding of utility lines in new development, except where it is not feasible due to electrical transmission load or other operational issues.		X	All equipment for the operation of the sign will be contained within the pole and the electrical service to the sign will be underground.

Policy ER-1.1	***Protect Oxnard's Natural and Cultural Resources*** Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.	X		The project is adjacent to the Santa Clara River therefore the Environmental document studied the potential impact on the adjacent resources. The illuminance impacts on natural areas were based on recommendations from the International Commission on Illumination (CIE). The CIE identifies impacts on natural areas as an illuminance of 0.2 foot-candle (fc) or greater (CIE, 2003). Therefore, due to the absence of a current local illumination standard impact on natural areas, a significant light impact on adjacent natural areas and associated species

Policy ER-2.2	***Designation and Protection of Sensitive Habitat Areas*** Evaluate existing and potential sensitive habitat areas (Environmentally Sensitive Habitat Area in the Coastal Zone – ESHA) as resource protection or open space land uses, including but not limited to: 1) Ormond Beach wetlands and upland areas, 2) Santa Clara River estuary and riverbed, 3) Edison Canal and harbor-related habitat areas, and 4) various dune habitat areas.	X		would occur if light levels are 0.2 fc or greater. Based on the Photometric Analysis provided and the Biological Site Visit Field Map, the sensitive willow riparian habitat area is located approximately 135 feet west of the Project site (i.e., west of the access road within the Santa Clara River Basin) and would result in an illumination of less than 0.2 fc. Because the light level would be less than 0.2 fc, the Project would result in a less than significant lighting impact on the existing sensitive willow riparian habitat area or associated species. Therefore, due to the relatively low illuminance resulting from the proposed electronic billboard, the project would not have a significant impact on the natural resources with the lighting restrictions placed on the project. The project is located outside of the formal river therefore there would be no direct construction impacts to the Santa Clara River. Lastly, with regard to construction noise impacts. Mitigations have been incorporated to require pre construction nesting bird surveys if construction takes place during nesting season.
Policy ER-2.4	***Design Review Process*** Use the environmental and design review process to protect designated sensitive habitat, and promote open space.	X		
Policy ER-3.1	***Preservation of Riparian Habitat*** Require the preservation and enhancement of the riparian habitat along the Santa Clara River, Edison Canal, the McGrath Lake vicinity, and within the Ormond Beach wetlands.		X	
Policy ER-3.2	***Review of Development Proposals*** Review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands and be open to requiring greater protection.	X		
Policy ER-4.5	***Planning in Sensitive Areas*** Require careful planning of new development in or near areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat.	X		

Policy ER-6.1	***Incorporate Views in New Development*** Preserve important public views and viewsheds by ensuring that the scale, bulk and setback of new development does not significantly impede or disrupt them and ensure that important vistas and view corridors are enhanced. Require development to provide physical breaks to allow views into these vistas and view corridors.		X	This policy includes the incorporation of views in new development. This policy requires development to provide physical breaks to allow views into scenic vistas and view corridors. Because the proposed Project includes a free-standing electronic billboard, the implementation of the Project would not conflict with this policy because motorists would briefly view the proposed billboard as they travel along U.S. 101. Therefore, the Project would be consistent with this policy.
Policy ER-6.2	***Protect and Enhance Major Scenic Resources*** Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.	X		Motorists traveling northbound along U.S. 101 would have a background view of the Coastal Mountain Range as well as partial views of the vegetation located within the Santa Clara River Basin; however, this background view would be bordered by foreground urban development for northbound U.S. 101 motorists. For southbound U.S. 101 motorists, the vegetation within the Santa Clara River provides a foreground view; however, this foreground view also includes urban development as the motorists' travel toward Ventura Road. Therefore, the addition of the proposed electronic billboard would not substantially impact the background views of the Coastal Mountain Range and Santa Clara River Basin or the foreground views of the Santa Clara River Basin.
Policy ER-6.5	***Control of Lighting and Glare*** Require that all outdoor light fixtures including street lighting, externally illuminated signs, advertising displays, and billboards use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor light fixtures.	X		The proposed electronic billboard would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology. The lighting of the proposed electronic billboard would be designed to allow the message on the display visible to passing motorists. The digital LED billboard technology allows sign brightness to be adjusted automatically depending on ambient weather conditions. The display, for example, would be brighter in the daytime than at night-time and

				responds to changes in the ambient light conditions. The proposed electronic billboard would require a California Department of Transportation Outdoor Advertising Act Permit from Caltrans. The proposed billboard would comply with the brightness requirements outlined in the Outdoor Advertising Act in that the illumination shall not be of such brilliance or so positioned as to cause a hazardous condition on adjacent highways.
Policy ER-11.1	***Archaeological Resource Surveys*** Continue to require a qualified archaeologist to perform a cultural resources study prior to project approval. Inspection for surface evidence of archaeological deposits, and archaeological monitoring during grading should be required in areas where significant cultural resources have been identified or are expected to occur.	X		No archaeological artifacts were found in the vicinity of the Project site during the Phase 1 survey. However, the MND includes mitigation measures (CUL-1 and CUL-2) for monitoring and collecting, if necessary, any discovered archaeological and paleontological resources.
Policy ER-11.2	***Mitigating the Impact of New Development on Cultural Resources*** Ensure that alternatives are considered, including planning construction to avoid archeological sites, deeding archaeological sites into permanent conservation easements, and planning parks, greenspace or other open space to incorporate archaeological sites in the event that development threatens significant archaeological resources.	X		
Policy ER-11.3	***Development Applicants to Conduct Research*** Continue to require project applicants to have a qualified archaeologist conduct a record search at the South Central Coast Information Center located at California State University Fullerton and other appropriate historical repositories, conduct field surveys where appropriate, and prepare technical		X	

	reports, where appropriate, meeting California Office of Historic Preservation Standards (Archaeological Resource Management Reports) prior to project approval.			
Policy ER-11.6	***Identification of Archaeological Resources*** In the event that archaeological/paleontological resources are discovered during site excavation, continue to require that grading and construction work on the project site is suspended until the significance of the features can be determined by a qualified archaeologist/paleontologist.	X		
Policy ER-14.4	***Emission Control Devices*** Require all construction equipment to be maintained and tuned to meet appropriate EPA, CARB, and VCAPCD emissions requirements and when new emission control devices or operational modifications are found to be effective, such devices or operational modifications are required on construction equipment.	X		Conditions have been included to require maintenance of equipment pursuant to manufacture specifications and minimization of dust on site.
Policy ER-14.6	***Minimizing Dust and Air Emissions through Permitting Requirements*** Continue to require mitigation measures as a condition of obtaining building or use permits to minimize dust and air emissions impacts from construction.	X		
Policy ER-14.12	***Use VCAPCD Air Quality Assessment Guidelines*** Use the VCAPCD Air Quality Assessment Guidelines and recommended analytical tools for determining and mitigating project air quality impacts and related thresholds of significance for use in environmental documents. The City shall continue to cooperate with the VCAPCD in the review of development proposals.		X	Project environmental analysis was prepared in compliance with APCD guidelines. Comments from APCD have been incorporated into the final IS/MND.

Policy SH-1.1	***Minimize Liquefaction Risk*** Ensure that structures for human occupancy are only constructed or placed on a potential liquefaction site if the approved geological report shows that an acceptable hazard risk would be created and/or required mitigation measures are met.		X	The project would be developed in compliance with all applicable state and local building codes.
Policy SH-1.3	***Building Code Standards*** Require that all new buildings and alterations to existing buildings be built according to the seismic requirements adopted within the most current City of Oxnard Building Code, or its adopted equivalent.	X		
Policy SH-1.4	***Soil, Geologic, and Structural Evaluation Reports*** Require that adequate soils, and geologic and structural evaluation reports be prepared by registered soils engineers, engineering geologists, and/or structural engineers, as appropriate, for applicable development.	X		
Policy SH-1.5	***Required Geologic Reports*** Continue to require the submission of a geological report for proposed development located in a potential liquefaction area.		X	
Policy SH-1.7	***Soil Investigations*** Continue to require a complete site-specific soils investigation that addresses liquefaction and compressible soil characteristics and identifies construction techniques or other mitigation measures to prevent significant impacts upon the proposed development.		X	

Policy SH-1.8	***Mitigating Seismic Hazards*** Where necessary, utilize the expert mitigation measures such as those identified in Special Publication 117: Guidelines for Analyzing and Mitigating Seismic Hazards in California (prepared by the Southern California Earthquake Center) to minimize risk associated with seismic activity.		X	
Policy SH-6.2	***Limiting Construction Activities*** Continue to limit construction activities to the hours of 7 am to 7pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the City.		X	Project has been conditioned to comply with the City Construction hours.

ATTACHMENT E

ZONING COMPLIANCE TABLE

Attachment E

Zoning Code Consistency Table
For Ventura Road Electronic Billboard Project

Development Standard	Oxnard City Code Citation	Standard	Proposed Project	Complies?
Location	Section 16-609	Freeway Adjacent Digital Display Billboards may only be erected on City of Oxnard owned property or Right of Way, in any non-residential zones located within four hundred (400) feet of the freeway right-of-way for US Highway 101. The total number of Freeway Adjacent Digital Display Billboard shall not exceed a total of five (5) within the City.	This project is within 400 feet of the freeway. The project is one of two proposed billboards. No other billboards currently exist.	Yes
Distance from residential uses	Section 16-609	100 feet from the property line of any residentially zoned parcel, as measured from the border of the Digital Display billboard face, or the base of the digital display billboard structure, whichever is closest to the residentially zoned parcel.	While the parcel is not residentially zoned the closest parcel which allows for residential is approximately 160 feet east. (Location of Fore Apartments Project)	Yes
Height	Section 16-609	Fifty-five (55) feet as measured from the pavement level of US Highway 101 to the bottom of the digital display. The maximum height to the top of the Freeway Adjacent Digital Display Billboard shall not exceed eighty (80) feet as measured from the pavement level of US Highway 101.	The sign is approximately 50 feet from the pavement of the US Highway 101 to the bottom of the sign face. The top of the billboard would be approximately 65 feet in height above US Highway 101.	Yes
Size and	Section	Fourteen (14) feet in height and	The proposed	Yes

Spacing	16-609	forty-eight (48) feet in width, with the area of each face not to exceed an overall maximum amount of eight hundred and fifty (850) square feet, including border and trim. Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet.	screen is Fourteen (14) feet in height and forty-eight (48) feet in width. The overall sign face is approximately 703 square feet. The closest proposed Freeway Adjacent Digital Display Billboard is approximately 4,000 feet to the east	
Design	Section 16-609	All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings.	The proposed sign is double-sided	Yes
Orientation	Section 16-609	Each Freeway Adjacent Digital Display Billboard must be oriented primarily for viewing from the adjacent freeway.	The sign is oriented for viewing by motorist on HWY 101	Yes
Brightness	Section 16-609	Shall not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. All Freeway Adjacent Digital Display Billboards shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.	Based on lighting studies the project shall comply. Conditions shall require confirmation after construction.	Yes, as conditioned
Display cycle	Section 16-609	A Freeway Adjacent Digital Display Billboard may show a series of still images, each displayed for at least eight (8) seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between	Project shall comply in accordance with conditions of approval.	Yes, as conditioned

		one still image and the next may not exceed one (1) second.		
Compliance with law	Section 16-609	The owner of the Freeway Adjacent Digital Display Billboard must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.	Project shall comply in accordance with conditions of approval.	Yes, as conditioned
Source: Oxnard City Code, Chapter 16, Zoning Code (Subject to proposed amendment PZ 20-580-06)				



OUTFRONT FOSTER INTERSTATE

14'h x 48'w, Double-Sided Digital Display

Site 1: View from Intersection of Ventura Rd. and Wagon Wheel

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-à-vis the overall view is for illustration purposes only and is not exact.

1

ATTACHMENT J

Staff Presentation

Ventura Road Electronic Billboard Project

Planning & Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation)

Joe Pearson II, Planning Manager

Planning Commission
January 19, 2023

CITY OF OXNARD CALIFORNIA

Project Description

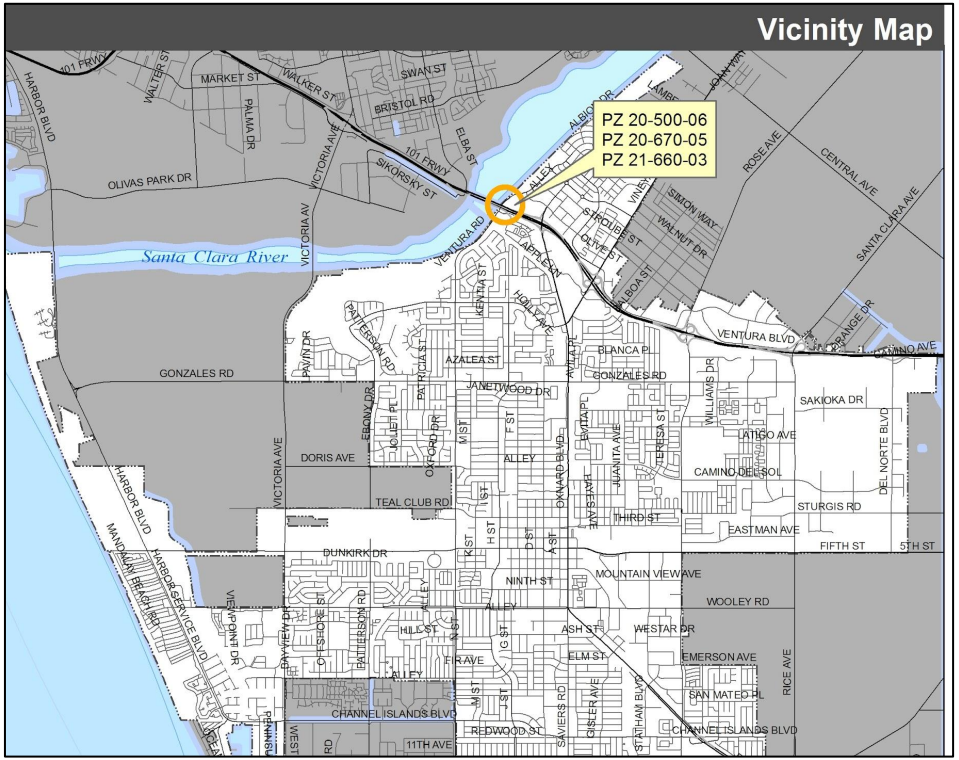
- A request for the following actions:
  - PZ 20-500-06 (Special Use Permit)
    - Allow for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products.
    - The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width.
    - The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Project Description (Cont.)

- A request for the following actions:
  - PZ 20-670-05 (Development Agreement)
    - Allow for for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development.
  - PZ 21-660-03 (Street Vacation)
    - The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard

Project Location

Subject Site: North side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard.



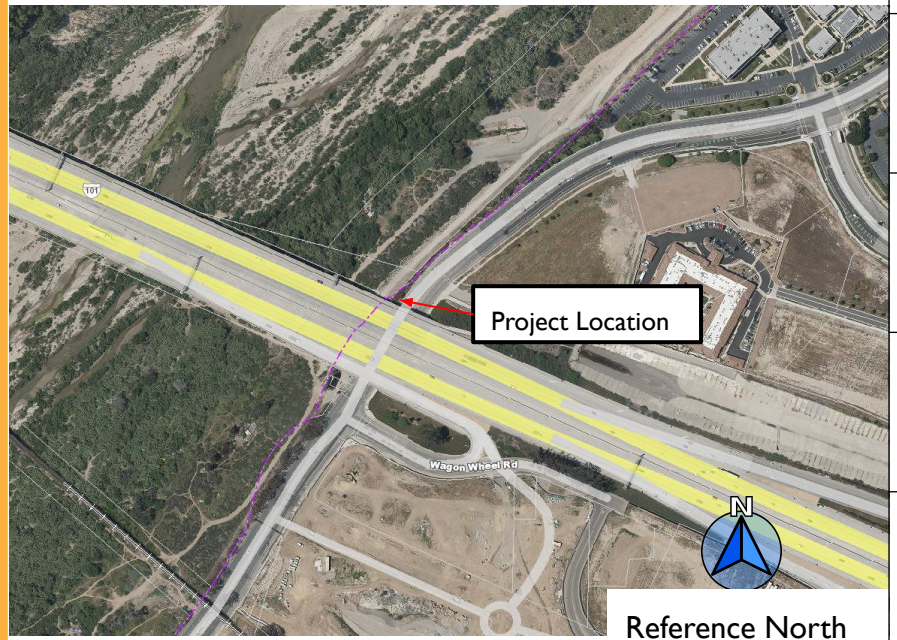
Project Location





Project Location

Aerial-View



LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional	The RiverPark Specific Plan (Commercial: Office)	Vacant
North	Commercial Regional	The RiverPark Specific Plan (Commercial: Office)	Light Industrial Development
South	Highway 101/Easement	Highway 101/The Village Specific Plan	Highway 101/Residential
East	Commercial Regional	The RiverPark Specific Plan (Residential: Very High or Commercial Regional)	Vacant (Approved Fore Apartments Project (PZ 19-200-16))
West	County Unincorporated	County Unincorporated	Santa Clara River

Background - Exclusive Negotiation Agreements (ENA)

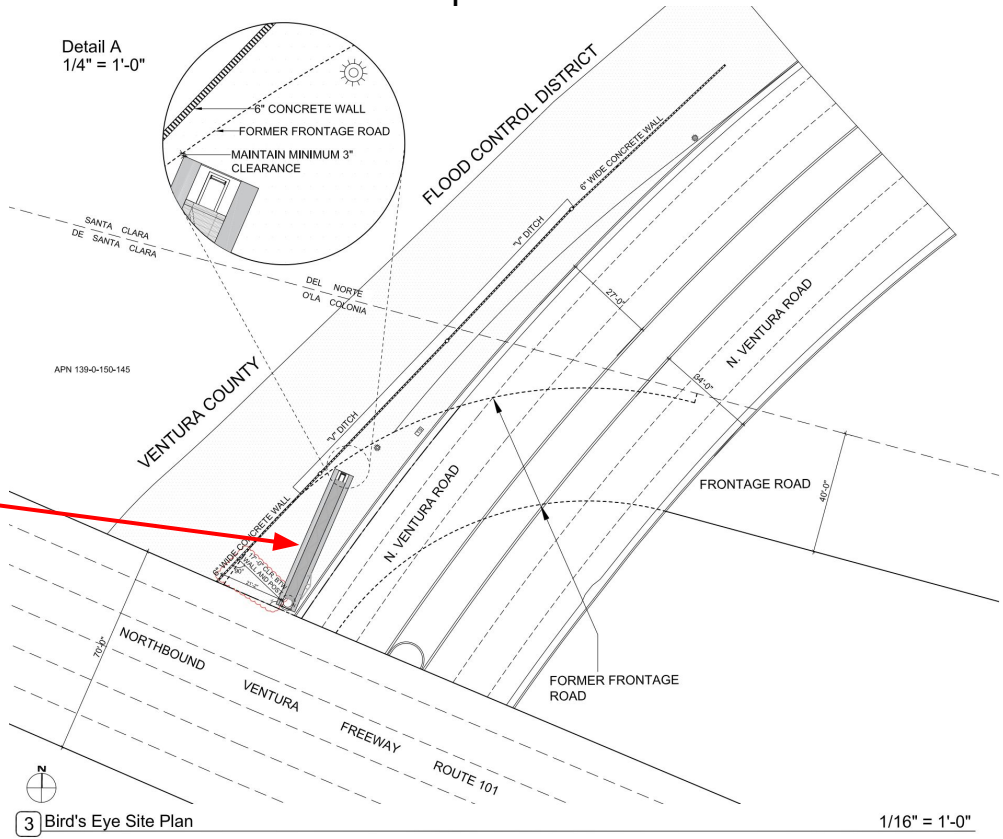
- On June 18, 2019, the City Council approved and authorized the Mayor to execute Exclusive Negotiation Agreements (ENAs) with Clear Channel Outdoor, LLC and another with Outfront Foster Interstate, LLC -- both for potential digital billboard sites.
- Under the terms of the ENAs, both companies were given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by the parties.
- On June 7, 2022, the City Council determined that significant enough progress had been made to amend the ENAs, to grant another 6 months (until June 2023), as well as provided the City Manager with authority to extend the ENAs for two additional six-month terms if the projects are being diligently pursued by the parties.

Background - Code Amendment

- Concurrent with the process of this Project the City is processing amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard and a amendment to the RiverPark Specific Plan to allow the sign in accordance with the Oxnard City Code.
- Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of five (5) allowed in the City.

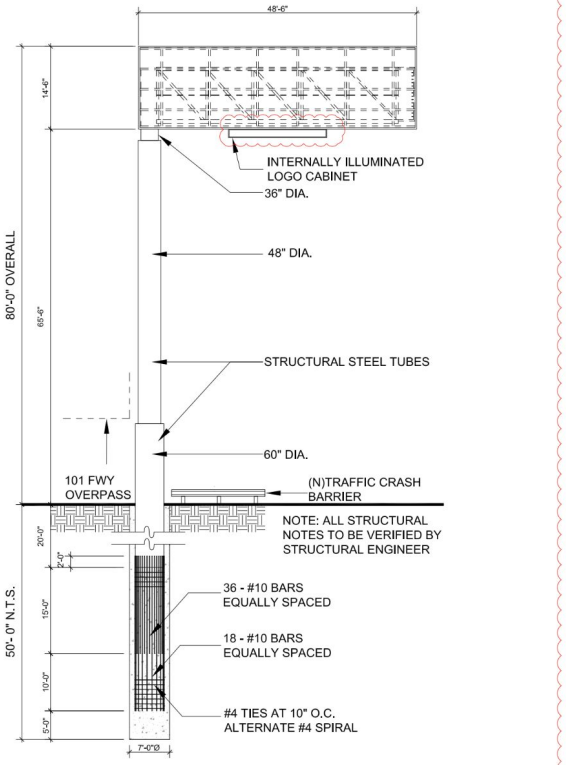
Proposed Site Plan

Proposed Site Plan

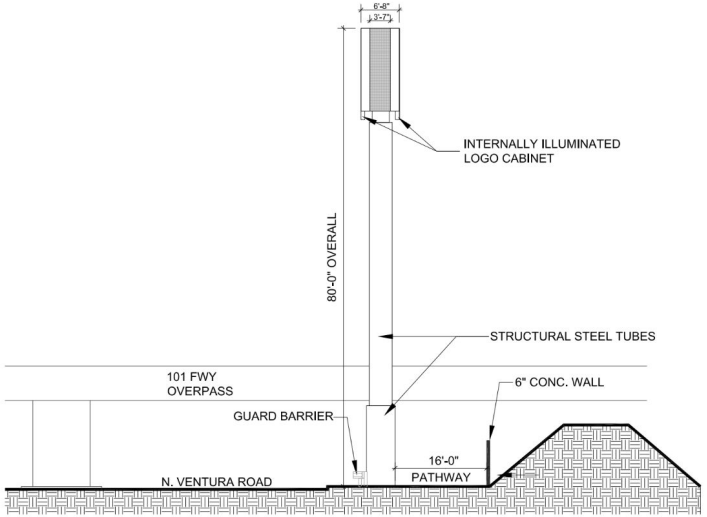


Proposed Sign

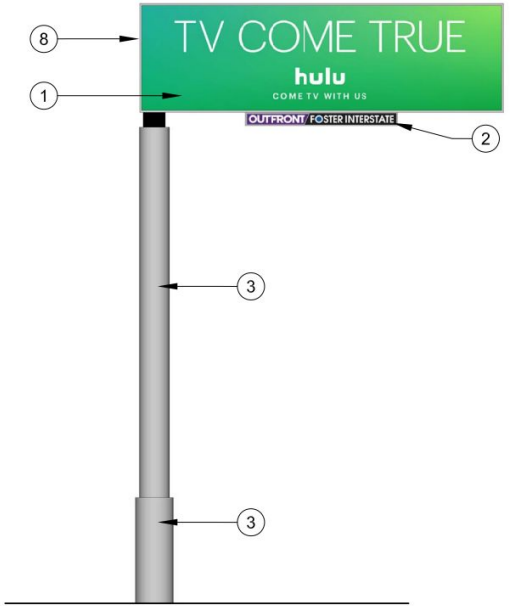
Proposed Sign Elevations



1 Overall Elevation SCALE - 1/8" : 1'0"



3 CROSS SECTION VIEW SCALE - 1/8" : 1'0"

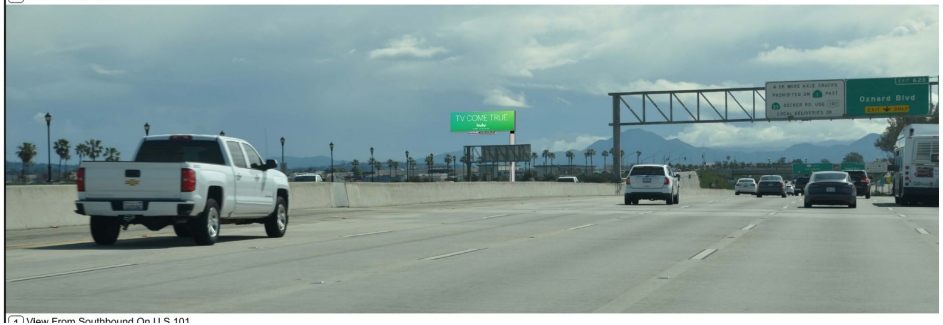


4 Elevation B SCALE - 3/32" : 1'0"

Proposed Sign Renderings



2 View From Northbound On U.S.101



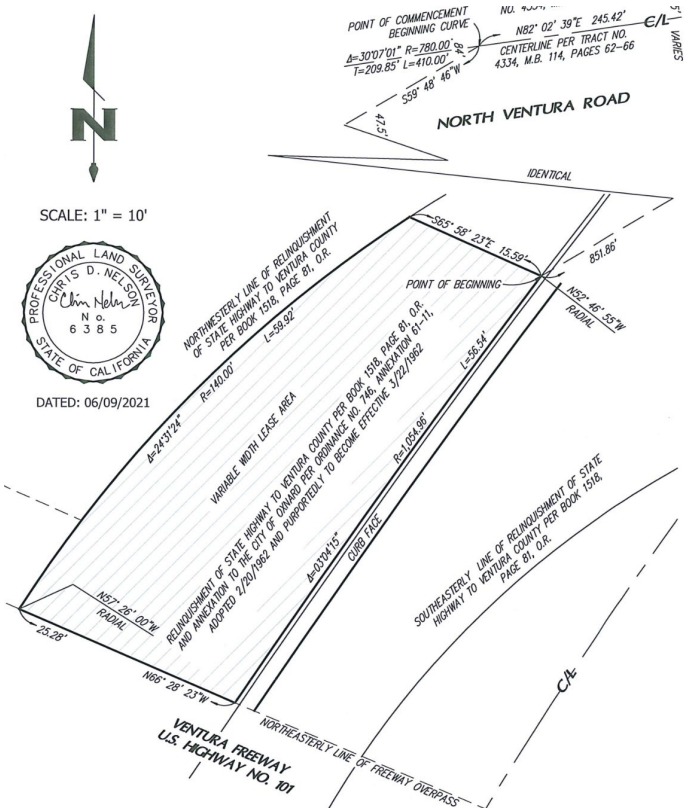
4 View From Southbound On U.S.101



Development Agreement

- Provide public benefit in the form of monetary payments to the City.
- Allow for the use of City Property through a lease agreement.

Right-of-Way Vacation



Applicable General Plan Policies

- Many policies are directly or indirectly applicable to the proposed project. Some of the key policies are:
  - Community Development Policy 3.1& 4.1 - Land Use Conflicts
  - Community Development Policy 9.1, 9.3, & 9.4 - Neighborhood Identity Gateway Enhancement/View Corridor Preservation
  - Environmental Resource Policies 6.1, 6.2, and 6.5 - Views in New Development/Scenic Resources, Lighting and Glare
  - Community Development Policy 8.5 - Impact Mitigation

Zoning Code Compliance

- As noted above the City is concurrently processing an Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, as currently being proposed. The proposed ordinance amendment includes development standards which will be applicable to all Freeway Adjacent Digital Display Billboards developed within the City.
- The proposed project has been designed to be consistent with the proposed ordinance, as further detailed in the Staff Report.

Environmental Review

- An environmental consultant, under the supervision of Planning Division staff, prepared IS/MND which evaluated potential environmental impacts of the proposed Project. The IS/MND was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

- City prepared a Mitigated Negative Declaration (MND):
  a. MND review period for 30 days (30 days required)
  b. City received five comment letters
  c. Comments and responses included in MND
  d. Changes made to Draft MND for Final MND based on comments

- Final IS/MND includes a Mitigation Monitoring and Reporting Program:
  a. Details process to implement required mitigation measures
  b. After implementation of standard conditions and mitigation measures, all potentially significant impacts reduced to less than significant levels

Environmental Review

- Final IS/MND identified the following:
  - Class 2 impacts (potentially significant by mitigable, mitigation required)
    - Biological Resources
    - Cultural and Tribal Cultural Resources
  - All other impact area were identified as Class 3 (less than significant)
    - Aesthetics included two recommended mitigations were incorporated

- Staff determined that there is no substantial evidence that the Project will have a significant effect on the environment.

Public Notice

- Notice of Community Workshop: December 20, 2021
  - Public notice signs were posted onsite.
  - Notifications were mailed to the RiverPark Neighborhood.
- Notice of PC hearing was provided:
  - Newspaper,
  - On-site posting; and
  - Mailed to property owners within 300 feet.
- To date, no public comments have been received.

Staff Recommendation

Recommendation: That the Planning Commission:

a) Adopt a resolution recommending that the City Council adopt a Mitigated Negative Declaration (MND) 22-03; and

b) Adopt a resolution recommending that the City Council approve Planning and Zoning Permit No. 20-670-05 (Development Agreement), and

c) Adopt a resolution affirming that the City of Oxnard's proposed Vacation of real property consisting of an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard is in conformance with the City of Oxnard 2030 General Plan and recommending that the City Council order the proceed with the vacation, and

d) Adopt a resolution Approving Planning and Zoning Permit No. 20-500-06 (Special Use Permit), subject to certain findings and conditions.

CITY OF
OXNARD
CALIFORNIA

B

RESOLUTION NO. 2023-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL DENY MITIGATED NEGATIVE DECLARATION 22-03 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRONIC BILLBOARD AND ASSOCIATED SITE IMPROVEMENTS, A DEVELOPMENT AGREEMENT, AND STREET VACATION ON AN APPROXIMATELY 1,000-SQUARE FOOT UNDEVELOPED SITE LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: N/A). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard ("Project"); and

WHEREAS, the City is the lead agency for purposes of the project pursuant to Public Resources Code section 21067; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act ("CEQA"); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, Pursuant to provisions of the California Environmental Quality Act and CEQA Guidelines, Section 15063, and following an Initial Study and environmental assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, the Planning Division has prepared a Mitigated Negative Declaration with mitigation measures and

monitoring program in accordance with the provisions of CEQA, including, without limitation CEQA Guidelines Sections 15070, 15071, 15072, and 15073, which have been incorporated as conditions; and

WHEREAS, a Notice of Intent to Adopt an Initial Study and Draft Mitigated Negative Declaration (IS-MND) for the Project was published and posted on June 30, 2022, at the State Office of Planning and Research (OPR) website and at the Ventura County Recorder's Office pursuant to CEQA Guidelines Sections 15072 and 15073; and

WHEREAS, the public comment period on the DEIR ran for thirty (30) days commencing on June 30, 2022 and ending on July 29, 2022; and

WHEREAS, after the close of the comment period on the IS/MND, the IS/MND was modified as set forth in Chapter 4 of the Response to Comment document; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City has prepared Final IS/MND 22-03 containing all comments received on the Draft IS/MND 22-03, written responses to all substantive comments, and necessary changes to the text of the Draft IS/MND 22-03; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-03; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends that the City Council deny an Final IS/MND 22-03, incorporated by reference.

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Final IS/MND has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21189).

SECTION 3. The Final IS/MND was presented to the Planning Commission, which, at a hearing before the public, reviewed and considered the information contained in the Mitigated Negative Declaration/Initial Study prior to making a recommendation to the City Council regarding the Project and its associated development entitlements.

SECTION 4. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-03 prepared for the Project. The Final IS/MND 22-03 is an accurate and complete statement

of the potential environmental impacts of the project. The Final IS/MND 22-03 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

SECTION 5. The Planning Commission hereby recommends to the City Council the not adopt Final IS/MND 22-03, set forth attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole.

SECTION 6. The Planning Commission hereby recommends that the City Council approve the resolution denying Final IS/MND 22-03, attached to the January 19, 2023 Planning Commission staff report and incorporated by reference.

SECTION 7. The Secretary shall certify the adoption of this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2023:

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 2nd day of February, 2023, and carried by the following vote:

AYES:	Commissioner(s):	Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf
NOES:	Commissioner(s):	
ABSENT:	Commissioner(s):	Vice Chair Stewart
ABSTAIN:	Commissioner(s):	
RECUSED:	Commissioner(s):	

Joe Pearson II, Secretary

C

RESOLUTION NO. 2023-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL DENY A DEVELOPMENT AGREEMENT AND LEASE OF PROPERTY (PLANNING AND ZONING PERMIT NO. 20-670-05) WITH OUTFRONT FOSTER INTERSTATE, LCC REGARDING PROPERTY LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: N/A). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard; and

WHEREAS, the Planning Commission of the City of Oxnard ("**Planning Commission**") has considered an application for Planning and Zoning Permit No. 20-670-05 (**"Project"**), a Development Agreement and Lease of Property between the CITY OF OXNARD, a municipal corporation of the State of California (the "City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI") (collectively referred to "Applicant" or "Developer" in the record of proceedings); and

WHEREAS, the Development Agreement and Lease of Property (DA) shall allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement also outlines the required public benefits to be provided by the future development, including fiscal benefits to the City. The proposed DA is included in Exhibit A to this Resolution; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for a Development Agreement and Lease of Property (PZ 20-670-05) in accordance with Chapter 16-575 of the Oxnard City Code; and

WHEREAS, the Planning Commission finds, after due study, deliberation and a duly noticed public hearing on January 19, 2023, and received and reviewed written and oral comments, presented by staff and the Applicant with a series of questions, and that the project does not meet the criteria set out in California Government Code 65864 through 65869.5; and

WHEREAS, the Commission considered Final IS/MND 22-03 prior to making recommendations on the Project; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard recommends that the City Council deny Planning and Zoning Permit No. 20-670-05 (Development Agreement), Exhibit A, hereto attached.

SECTION 1. The Recitals above are true and correct and incorporated into the operative provisions of this Resolution by this reference.

SECTION 2. The Planning Commission finds that the Development Agreement and Lease of Property is not internally consistent with all other provisions of the City of Oxnard 2030 General Plan.

SECTION 3. The proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 4. The Planning Commission hereby recommends that the City Council deny the Development Agreement and Lease of Property.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2023:

_____
Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of February, 2023, and carried by the following vote:

AYES: Commissioners: Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf

NOES: Commissioners:

ABSENT: Commissioners: Vice Chair Stewart

ABSTAIN: Commissioners:

RECUSED: Commissioners:



_____
Joe Pearson II, Secretary

EXHIBIT A

DEVELOPMENT AGREEMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Oxnard
305 West Third Street
Oxnard, California 93030
Attention: City Clerk

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY

THIS DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY ("Agreement") is made in Ventura County, California as of _____ ____, 2023 by and between the CITY OF OXNARD, a municipal corporation of the State of California ("City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI"). The City or OFI may be referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. The City and OFI entered into that certain Exclusive Negotiation Agreement ("ENA") on June 19, 2019 regarding the lease of certain City property for freeway oriented digital billboards ("ENA Property"), which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference.

B. The City and OFI have entered into a First Amendment to the ENA dated November 13, 2019, a Second Amendment to the ENA, dated May 28, 2020, a Third Amendment to the ENA dated November 17, 2020, a Fourth Amendment to the ENA dated June 17, 2021, a Fifth Amendment to the ENA dated December 14, 2021, a Sixth Amendment to the ENA dated June 7, 2022 and a Seventh Amendment to the ENA dated December 6, 2022. As of the date of this Agreement, the ENA is still in full force and effect and OFI retains exclusive rights relating to the Property. Based upon the ENA, OFI has a legal or equitable interest in the ENA Property during the term of the ENA.

C. City is authorized, pursuant to Government Code sections 65864 through 65869.5 (the "Development Agreement Statute") and City Council Resolution No. 10,488, to enter into binding development agreements with persons or entities with legal or equitable interests in real property located within the City in order to vest certain rights in the person or entity with the legal or equitable interest in such property.

D. City and OFI each mutually desire to enter into this Agreement to permit and ensure that a portion of the ENA Property, which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit B** attached hereto and incorporated herein by this reference ("Property"), is developed with a double-sided freeway oriented digital billboard (hereafter, the "Project"), and that such billboard is developed strictly

in accordance with the provisions of this Agreement, the Project Approvals (defined below), and associated entitlements.

E. The City has determined that it is in the best interests of City, and for the common benefit of the citizens residing in City, to enter into this Agreement with OFI for the construction, operation, maintenance, and repair of the Billboard (as that term is defined below) on the Property, subject to (i) OFI obtaining specific entitlements and approvals from Caltrans and the City, including a Specific Plan amendment and a Special Use Permit; and (ii) OFI agreeing to fully comply with all of the provisions of this Agreement, including the payment of specific financial considerations that are in the public interests.

F. To comply with the California Environmental Quality Act ("CEQA"), on _____, 2023, at a duly noticed public hearing, the Oxnard Planning Commission ("Planning Commission") certified the _____ (SCH # _____), as described more fully in Resolution _____, adopted a Mitigation, Monitoring, and Reporting Plan, and made the required CEQA findings.

G. On _____, 2023, at a duly noticed public hearing, the Planning Commission approved a Special Use Permit for the Project, contingent on City Council approval of this Agreement. At the same public hearing, the Planning Commission recommended that the City Council approve this Agreement by ordinance.

H. On _____, 2023, the Oxnard City Council ("City Council"), having received the Planning Commission's recommendation, held a duly noticed public hearing and introduced the ordinance to approve this Agreement. On _____, 2023 the City Council adopted Ordinance _____ approving the Agreement.

I. The Planning Commission of the City (the "Planning Commission") and City Council have each given notice of their intention to consider this Agreement, have each conducted the required public hearings thereon, and have each found that the provisions of this Agreement are consistent with the City of Oxnard General Plan for development within the City, City zoning ordinances, and the Specific Plan. The City Council has also specifically considered the impacts and benefits of the Project upon the welfare of the residents of the City and the surrounding region. The City Council has determined that this Agreement is beneficial to the residents of the City and is consistent with the present public health, safety and welfare needs of the residents of the City and the surrounding region.

NOW, THEREFORE, in consideration of the foregoing Recitals which are hereby incorporated into the operative provisions of this Agreement by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and OFI agree as follows:

AGREEMENT

1. **Definitions**. For purposes of this Agreement, unless a different meaning is clearly required, the following terms will have the following meanings and be capitalized throughout this Agreement:

1.1 "Annual Net Revenue" means all income actually received by OFI in connection with the sale of advertising space on the Billboard (net of any commissions paid by OFI to advertising agencies, not to exceed 16-2/3%). For the purposes hereof, any income described in this definition will not include the value of any in kind usage of the Billboard by the City.

1.2 "Applicable Rules" means the rules, regulations and official policies of the City which were in force as of the Effective Date (as defined below), including, but not limited to, the General Plan, the Specific Plan (as defined below) and entitlements for the Project including, but not limited to, the Special Use Permit.

1.3 "Billboard" shall mean that double-sided freeway-oriented digital billboard contemplated to be developed on the Property pursuant to the Applicable Rules. OFI shall be responsible for the construction, operation, maintenance, and repair of the Billboard, subject to the terms and conditions of this Agreement.

1.4 "Caltrans Permits" means all permits and approvals, if any, that OFI must obtain from Caltrans and subsequently assign to the City to construct, operate, maintain, and repair the Billboard in accordance with this Agreement.

1.5 "City Council" shall mean the City Council of the City.

1.6 "City Manager" shall mean the City Manager of the City.

1.7 "Effective Date" means the date on which the ordinance approving this Agreement, as required by Government Code section 65867.5, becomes effective.

1.8 "General Plan" means the City of Oxnard 2030 General Plan adopted in October of 2011 and updated in December of 2016.

1.9 "Hazardous Materials" means any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous or toxic materials, hazardous or toxic wastes, hazardous or toxic substances, carcinogenic materials or contaminants and all other materials governed, monitored, or regulated by any Federal, State or local Law or regulation, including the Comprehensive Environmental Response, Compensation and Liability Act, the Hazardous Substances Account Act, and/or the Resources Conservation and Recovery Act, together with asbestos, asbestos-containing materials, hydrocarbons, polychlorinated biphenyl ("PCB") or PCB-containing materials, petroleum, gasoline, petroleum products, crude oil or any fraction, product or by product thereof.

1.10 "Hazardous Materials Laws" means all laws, codes, rules, orders, ordinances, directives, regulations, permits, or other requirements of federal, state, county, municipal or governmental authorities having jurisdiction, now in force or which may hereafter be in force concerning the management, use, generation, storage, transportation, presence, discharge or disposal of Hazardous Materials.

1.11 "MAG" or "Minimum Annual Guarantee" has the definition given such term in Section 7.1(a).

1.12 "Off-site Outdoor Advertising Sign" means a general outdoor advertising sign that directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or offered at a location other than on the same lot or parcel upon which the sign is located.

1.13 "Operational" refers to the time when the Billboard is fully capable, legally and functionally, of displaying advertising on the digital display.

1.14 "Operational Date" is the date when the Billboard is Operational.

1.15 "Periodic Review" shall have the meaning assigned to such term in Section 36.

1.16 "Planning Commission" shall mean the Planning Commission of the City.

1.17 "Rent" means the MAG described in Section 7.1 and, as applicable, Percentage Rent described in Section 7.2.

1.18 "Project Approvals" shall mean and refer to the Special Use Permit approved on _____.

2. **Initial Term**. The "Initial Term" of this Agreement will begin on the Operational Date and will expire on the thirtieth (30th) year anniversary thereof. The Parties acknowledge that Government Code section 65868.5 requires the City to record this Agreement with the Ventura County Recorder's Office no later than ten (10) days after the Parties enter into this Agreement and that the burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties hereto, subject to the assignment provisions in Section 37.5 below.

3. **Tolling for Third Party Lawsuit**. If any third party files a lawsuit to challenge this Agreement, the City's CEQA determination made in connection with its consideration of this Agreement and/or the Project Approvals (each, a "Third-Party Lawsuit"), OFI may request that the Initial Term be tolled during the pendency of the Third-Party Lawsuit by providing a written notice ("Tolling Notice") to City within thirty (30) days after the commencement of the Third-Party Lawsuit, and said request shall be granted by City. The tolling of the Initial Term shall automatically begin upon City's receipt of the Tolling Notice, and it shall end on the earliest of the following to occur: (A) the date on which a court issues a final judgment in the Third-Party Lawsuit and the expiration of all appeal period(s) following that judgment; (B) the date the Third-Party Lawsuit is dismissed; or (C) three (3) years from the date of issuance of the Tolling Notice.

4. **Tolling for Initiative or Referendum**. If the subject of an initiative or referendum petition would overturn, set aside, or substantially modify this Agreement, the other Project Approvals, or otherwise substantially impair the development of the Project, the Initial Term of this Agreement shall be tolled under this Section 4. The Term shall be automatically tolled beginning on the date that the initiative or referendum petition is submitted to the Ventura County elections official for signature verification, and ending on the date the last of the following occurs: (A) the date the County elections official determines the petition does not

include a sufficient number of signatures; (B) the date the measure is voted on by the Council; or (C) the date of the election on the measure, if placed on the ballot. Notwithstanding any language in Sections 3 and 4 to the contrary, the total length of extension of the Initial Term shall not exceed three (3) years from the date the initiative or referendum petition is submitted to the Ventura County elections official for signature verification.

5. **Implementation and Development of the Project**.

5.1 Permitted Uses. OFI agrees that Property shall only be developed in accordance with this Agreement and the Project Approvals.

5.2 Subsequent Action and Approval. The City agrees not to unreasonably withhold, condition or delay any action or approval by the City which may be required by the Project subsequent to the execution of this Agreement.

6. **Vested Right to Develop the Project**. Subject to Section 9 below and the Applicable Rules, the City hereby grants to OFI the vested right to develop the Project on the Property in accordance with this Agreement and the Project Approvals. Other than the Project Approvals and this Development Agreement, development of the Project as described in this Agreement shall require no further discretionary approvals by the City. City and OFI intend to cause all development rights which may be required to develop the Project in accordance with the Project Approvals to be deemed vested in OFI for the Initial Term to the greatest extent permitted by law.

7. **Rent**.

7.1 Rent. Rent, as set forth in this provision, shall commence on the Operational Date.

(a) Minimum Annual Guarantee (MAG). Each year, OFI shall pay City the Minimum Annual Guarantee (the "MAG") in the initial amount of $150,000 per year, starting on the Operational Date, in accordance with the terms set forth in this Section.

Term	Rent
Years 1-30	$150,000

(b) Manner of Payment. An annual prorated share of the MAG is due and payable on a calendar quarter basis, commencing within forty-five (45) days of the Operational Date and within ten (10) days following the beginning of each calendar quarter occurring thereafter without notice, demand, offset or deduction. OFI shall remit the MAG to City at the address designated by City in writing to OFI for the payment of Rent. For any portion of the Initial Term that is less than a full calendar quarter, the MAG shall be prorated based on

the number of days occurring during such calendar quarter and actual number of days in such calendar quarter.

(i) Late Charge. If OFI fails to pay any installment of MAG within ten (10) calendar days after the same is due and payable, such unpaid amount will be subject to a late payment charge equal to five percent (5%) of the unpaid amount in each instance; provided, however, OFI shall not be assessed with the foregoing late payment charge with respect to the first (1st) late payment in any consecutive twelve (12) month period unless and until OFI fails to make such payment to City within three (3) business days after written notice from City that it failed to receive such amounts within the time period set forth above. Following the first (1st) late payment in any calendar year, no notice by City shall be required for purposes of collecting a late payment charge. The late payment charge has been agreed upon by City and OFI, after negotiation, as a reasonable estimate of the additional administrative costs and detriment that City will incur as a result of any such failure by OFI, the actual costs thereof being extremely difficult—if not impossible—to determine. The late payment charge constitutes liquidated damages to compensate City for its damages resulting from such failure to pay, and OFI shall promptly pay such charge to City together with any unpaid interest

(ii) Default Interest. If any MAG is not paid within ten (10) calendar days following the due date, such unpaid amount will bear simple interest at the rate of 10% per year or the maximum permitted by law, whichever is lower ("Default Rate") from the due date until paid. However, interest will not be payable on late charges incurred by OFI, nor on any amounts on which late charges are paid by OFI to the extent this interest would cause the total interest to be in excess of that which an individual is lawfully permitted to charge. Payment of interest will not excuse or cure any default by OFI.

(iii) Application of Payments. All payments received by City from OFI will be applied to the oldest obligation owed by OFI to City. No designation by OFI, either in a separate writing, on a check or money order, or otherwise will modify this Article 5 or have any force or effect.

7.2 Additional Consideration

(a) Percentage Rent. To the extent that the MAG for the 12-month period commencing on the Operational Date or anniversary of the Operational Date ("Agreement Year") during the Initial Term is less than 30% of the Annual Net Revenue for that Agreement Year (the difference being referred to herein as "Percentage Rent"), OFI shall pay to City, in addition to the MAG, within thirty (30) days after the end of the relevant Agreement Year, and to the extent applicable, the Percentage Rent.

(i) Reports. OFI shall furnish to City an annual statement of Annual Net Revenue within thirty (30) days after the end of each Agreement Year. Such statement shall be in a form acceptable to City. Each statement shall be signed and certified to be correct by a duly authorized officer of OFI. OFI shall keep and make available at its local office at _____ complete and materially accurate books of account, records, cash receipts and other pertinent data, in accordance with good accounting practices and in a form approved by City, showing the Annual Net Revenue, including without limitation,

materially accurate records of every sale and other transaction made for any advertising display on the Billboard and any commissions paid by OFI pursuant to this Agreement. Such books of account, records, cash receipts and other pertinent data shall be kept for a period of no less than four (4) years after the end of each Agreement Year. The receipt by City of any statement, or any payment of Percentage Rent for any period, will not bind City as to the correctness of the statement or payment.

(ii) Inspection and Audit. City, at its sole option, will be entitled, at any time and from time to time during the Initial Term and during normal business hours and with prior written notice to OFI, to inspect, examine, copy and audit OFI's books, records and cash receipts as related to Annual Net Revenue. OFI shall cooperate fully with City and City's agents in making the examination. City, at its option, will also be entitled once during each Agreement Year and once after the termination of this Agreement, to cause an independent audit of such records to be performed by a certified public accountant designated by City, provided such accountant is not paid on a contingency fee basis. The audit will be conducted during usual business hours at OFI's office located at _____, unless another location is mutually agreed upon. If the audit shows that there is a deficiency in the payment of any Percentage Rent, then OFI shall promptly upon notice pay the deficiency to City which payment will not require any penalty or other late fee. City will pay the costs of the audit unless the audit shows that OFI understated Annual Net Revenue by more than three percent (3%) in which case OFI will pay all reasonable out-of-pocket costs paid to third party consultants and incurred by City in connection with the audit.

(b) City Usage. To the extent that commercial advertising time on the Billboard is unsold and available, City shall have the right to use 12.5% out of the total inventory of 16 spots (8 spots per face) or 2 total spots for the Billboard (such usage "City Usage"). Content displayed on the Billboard in connection with City Usage shall be displayed (subject to the terms of this Agreement) during the operation of the Billboard in increments, at the times of day and otherwise in the same manner as the commercial advertising displayed by OFI on the Billboard. Subject to the terms of this Agreement, City may use such time to promote any purpose that City, in its sole discretion determines best serves the needs of the City and residents, including but not limited to advertising City events and programs. City will submit "camera ready" artwork to OFI, at no cost to OFI, for display purposes. City agrees that for any City Usage City will provide OFI with prior written notice of its desire for City Usage, City will provide OFI with the copy or text of such messages not less than ten (10) business days prior to the date such messages are to appear on the Billboard, and City Usage shall be limited to messages for the civic and public purposes described in this Section and will not be used directly or indirectly for any types of messaging or advertising which OFI would otherwise be able to sell to third parties in the ordinary course of OFI's business. City represents and warrants that all advertising materials and content supplied by City to OFI for display in connection with City Usage, (i) are owned or duly licensed by City and do not infringe or misappropriate the rights of any other person or entity, (ii) comply with all applicable federal, state, and local laws, rules and regulations and any industry codes or rules by which the parties may be bound and do not contain any obscene, libelous, slanderous or otherwise defamatory materials or refer in an offensive manner to the gender, race or ethnicity of any individual or group; (iii) are not false; and (iv) do not infringe upon any copyright, trademark or other intellectual property or privacy right of any third party. City hereby agrees to indemnify, defend and save harmless OFI against

any and all claims, liabilities, losses, damages, fees and expenses arising out of or in connection with the City Usage, including but not limited to any claim for defamation, or infringement of any copyright, trademark, or other intellectual property or privacy right and reasonable attorneys' fees and expenses incurred in defending any such claims.

(c) Emergency Notifications. Without any offset in the City Usage described above and at no cost to the City and as further consideration for the use and occupancy of Property, Outfront shall make the Billboard available to Caltrans and the California Highway Patrol for purposes of "Amber Alerts" and for emergency or disaster notifications by local, state or federal agencies.

(d) Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members. For the Initial Term of this Agreement, Oxnard Auto Dealers and members of the Oxnard Chamber of Commerce shall receive a ten percent (10%) discount from the rates to advertise on the Billboard.

8. **Advertising**. The Billboard is not intended to provide a general public forum for purposes of communication, but rather to make use of property held by the City in a proprietary capacity in order to generate revenue. Except for any advertising or messages displayed on the Billboard at the request of the City (subject to the terms of this Agreement), all advertising to be displayed on the Billboard shall be strictly "commercial advertising." As used in this Agreement, "commercial advertising" means advertising for a commercial or industrial business, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose. In addition to the general limitation on Billboard advertising to strictly commercial advertising, OFI may not display any message that: is inherently false, misleading, or libelous (i.e., speech that is incapable of being presented in a manner that is not misleading); promotes the sale or use of firearms or tobacco products, whether directly or indirectly; promotes adult entertainment, products, conventions, events, or websites; contains "obscene matter," as that term is defined in local, California or federal law, including but not limited to any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency or any other matter or thing of an obscene, indecent or immoral character; contains any "political advertising," which means advertising that promotes or opposes any candidate for public office or promotes or opposes a ballot measure, referendum, bond issue, or any federal, state or local legislation, regulation, or other discretionary action; contains language that presents a clear-and-present danger of causing riot, disorder, or other imminent threat to public safety, peace, or order. OFI shall, within 48 hours after written demand from City, at OFI's risk and expense, remove any advertising material or message that does not comply with the advertising criteria set forth in this Section, and which is not being disputed by OFI. If OFI fails to promptly cause the removal of such advertising, City may (but is not required to), without further process of law, cause the removal of the advertising. OFI shall reimburse City's costs of such actions upon demand and will bear the risk of any damage to the Billboard resulting from such actions. City may exercise such remedies without prejudice to any other remedies it may be entitled to exercise under this Agreement, at law or in equity. OFI agrees to ensure that businesses or organizations located within the City or residents of the City will be able to purchase advertising on the Billboard in such manner and at such rates as offered to businesses, organizations or persons located or

residing outside of the City and that it will not permit any exclusivity contracts or arrangements with advertisers that would violate this covenant.

9. **Subsequent Applicable Rules**. Rules, regulations and official policies of the City, including but not limited to the General Plan, the Specific Plan, zoning and other development regulations adopted after the Effective Date of this Agreement ("Subsequent Applicable Rules") shall not be applicable to or binding upon the Project unless they are otherwise expressly allowed by this Agreement or are consented to in writing by OFI. The City shall not require OFI to obtain any approvals or permits for the development of the Project other than those permits or approvals which are required by the Applicable Rules. This Agreement will bind the City to the terms and obligations specified in this Agreement.

10. **No Conflicting Enactments**. The City shall not enact rules, regulation, ordinances or other measures which limit or control the development of any part of the Project which is inconsistent or in conflict with this Agreement.

11. **Moratorium or Initiative Measures**. OFI and the City intend that no moratorium or other limitation (whether relating to the rate, timing or sequence of the development of the Project and whether enacted by initiative or otherwise) affecting building permits or other entitlements shall apply to the Project to the extent such moratorium or other limitation is inconsistent with or conflicts with this Agreement.

12. **Legal Challenges**. City agrees to cooperate with OFI in all reasonable manners in order to keep this Agreement in full force and effect. Notwithstanding the preceding sentence, in the event of any legal action instituted by a third party or other government entity or official challenging the validity of this Agreement, the City and OFI agree to cooperate in defending such action, with OFI to indemnify the City pursuant to this Agreement. In the event of any litigation challenging the effectiveness of this Agreement or any portion thereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending, unless a court of competent jurisdiction orders otherwise.

13. **Events of Default; Early Termination**.

13.1 Defaults by OFI. OFI will be in default under this Agreement ("Default") upon occurrence of any of the following:

(a) OFI is at any time late in the payment of Rent or any other monetary sum called for by this Agreement and fails to make payment within thirty (30) days following a written notice to cure from City to OFI; or

(b) OFI fails to keep and perform any of its other covenants or agreements contained in this Agreement and such failure continues for more than thirty (30) days after a written notice to cure from City to OFI specifying, the obligation which OFI has failed to perform. Where it will reasonably take OFI more than thirty (30) days, as calculated from receipt of written notice from the City to cure the default and come into compliance with applicable covenants or agreements, the 30-day period shall be extended for a reasonable time to allow OFI to come in to compliance and OFI shall be in Default under this Agreement if it has

failed to commence such cure within such 30-day period and has failed to diligently pursue completion of such cure; or

(c) After receipt of a written notice to cure from the City, OFI fails to cure within thirty (30) days and abandons and ceases to use the Property OFI; or

(d) The Billboard is not Operational by the one (1) year anniversary of the later of: (i) OFI's receipt of approval from Caltrans for the Caltrans Permits, and (ii) OFI's receipt of all other approvals, permits and entitlements and associated CEQA review from the City and any other relevant responsible agencies for construction and other work related to the Billboard. The one (1) year anniversary shall, however, be tolled in the event of the filing of third party lawsuits, initiatives, or referenda, as specified in Sections 3 and 4.

13.2 City's Remedies for Default by OFI. Upon the occurrence and during the continuance of any Default identified in Section 13.1, in addition to any and all other rights or remedies of City hereunder, City will have the sole option to exercise the following rights and remedies:

(a) City may terminate this Agreement if OFI is in default and fails to cure as provided in Section 13.1(a)-(c), or is in default as provided in Section 13.1(d), including any applicable tolling period.

(b) Except as provided in subdivision (c) below, in the event of a default by OFI, City shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate City for OFI's specific obligations to the City pursuant to this Agreement.

(c) In the event that a third party lawsuit, referendum, or initiative has been filed that triggers the tolling provisions in Sections 3 and 4 and such lawsuit, referendum, or initiative has not been resolved, dismissed, terminated, or otherwise completed within the three (3) year tolling period, the City's sole remedy for OFI's failure to make the Billboard Operational as provided in Section 13.1(d), shall be to terminate this Agreement.

13.3 City Remedies Cumulative. Each right and remedy of City provided for herein will be cumulative and will not preclude City from exercising any other rights or remedies provided for in this Agreement. No payment by OFI of a lesser amount than the Rent nor any endorsement on any check or letter accompanying any check or payment of Rent will be deemed an accord and satisfaction of full payment of Rent; and City may accept such payment without prejudice to City's right to recover the balance of such Rent or to pursue other remedies.

13.4 Default by City. City will not be in default under this Agreement unless City fails to perform obligations required of City within thirty (30) days after written notice is delivered by OFI to City specifying the obligation which City has failed to perform; provided, however, that if the nature of City's obligation is such that more than thirty (30) days are required for performance, then City will not be in default if City commences performance within such 30-day period and thereafter diligently prosecutes the same to completion. All obligations of City hereunder will be construed as covenants, not conditions.

13.5 OFI's Remedies for Default by City. Upon the occurrence and during the continuance of any Default by City identified in Section 13.4, OFI will have the sole option to exercise the following rights and remedies:

(a) OFI may terminate this Agreement if City is in default and fails to cure as provided in Section 13.4.

(b) In the event of a default by City, OFI shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate OFI for City's specific obligations to OFI pursuant to this Agreement.

13.6 OFI Remedies Cumulative. Each right and remedy of OFI provided herein will be cumulative and will not preclude OFI from exercising any other rights or remedies provided for in this Agreement.

13.7 OFI's Early Termination Rights. OFI may terminate this Agreement effective 30 days after OFI gives the City written notice of termination, if any of the following circumstances occur:

(a) The view of the Billboard's display area from the portion of U.S. 101 adjacent to the Property is materially obstructed, and OFI did not cause the obstruction.

(b) OFI cannot safely use the Property to renovate, operate, maintain, repair, or improve the Billboard because of a non-remediable condition, and OFI did not cause the condition.

(c) There is a material diversion of traffic from, or a material reduction or change in the directional flow of traffic on, the portion of U.S. 101 adjacent to the Property, and the diversion or disruption continues uninterrupted for at least six (6) consecutive months.

(d) Through no fault of its own, OFI cannot obtain or maintain the governmental permits required to construct, operate, maintain, and repair the Billboard, including the Caltrans Permits and City permits, or there is a legal challenge to such permits and approvals, including, but not limited to, any challenges under CEQA, and OFI elects, in its sole discretion, not to oppose such challenges, OFI may withdraw its applications for approval and terminate this Agreement.

(e) Use of the Billboard for its intended purpose is prevented or limited by law, or OFI is required by any court or other governmental entity, for reasons other than eminent domain, to remove the Billboard from the Property.

(f) The City is in default of this Agreement, and said default is not timely cured.

13.8 Consequential and Punitive Damages. Anything in this Agreement to the contrary notwithstanding, neither City nor OFI shall be liable to each other under or in connection with this Agreement for any consequential or punitive damages and each party

waives, to the full extent permitted by applicable laws, any claim for consequential or punitive damages, and any claim for loss of business or profits.

14. **Insurance**.

14.1 Types of Policies. During the Initial Term and, if OFI is removing the Billboard, during OFI's removal of the Billboard, at no cost to City except as otherwise contemplated by this Agreement, OFI shall procure and maintain the forms and amounts of insurance covering OFI's possession and use of the Property set forth below ("OFI's Insurance"). OFI's Insurance shall be primary to and not contributing with any other insurance, self-insurance or joint self-insurance maintained by City, and shall name the City as an additional insured.

14.2 Commercial General Liability Insurance. A policy of commercial general liability insurance (occurrence form) having a limit of Two Million Dollars ($2,000,000) per occurrence and Four Million Dollars ($4,000,000) annual aggregate, providing coverage for blanket contractual liability (including OFI's indemnification obligations under this Agreement), products and completed operations liability, broad form property damage, and bodily injury (including wrongful death) and advertising injury coverage.

14.3 Workers' Compensation and Employer's Liability Insurance. Workers' compensation insurance, if required by law, which complies with all applicable state statutes and regulatory requirements, and employer's liability insurance coverage in statutory amounts. OFI shall also require any contractor utilized to perform any services or work at the Property pursuant to this Agreement to maintain such workers' compensation insurance and provide proof of such insurance prior to commencing any services or work at the Property.

14.4 Other Insurance. Any other form or forms of insurance as City may reasonably require from time to time, in form, amounts and for insurance risks against which a prudent OFI would protect itself, but only to the extent such risks and amounts are available in the insurance market at commercially reasonable costs.

15. **City's Right to Enter and Inspect the Property**. City and its authorized representatives will have the right to enter upon and inspect the Property at reasonable times (and on no less than forty-eight (48) hours' notice) to determine OFI's compliance with this Agreement.

16. **Notification of Incidents**. OFI shall endeavor to notify City within forty-eight (48) hours after OFI has actual knowledge of the occurrence of any accident or event on or about the Billboard, the Property, any portion thereof, or any improvements thereon and which OFI actually determines could give rise to a claim against City, City's insurance, OFI, or OFI's Insurance, except that OFI will not be so obligated with respect to any accident or event which could give rise to a claim under OFI's workers' compensation insurance. OFI's notice shall be accompanied by a copy of any report(s) relating to such accident or event.

17. **Nonexclusive Easements**. The City reserves the right for itself and others in the future to establish nonexclusive utility easements (including easements for construction, maintenance, repair, replacement and reconstruction) over, under, through or on the Property in

locations that will not interfere with OFI's use of the Property as contemplated by this Agreement. Under no circumstances shall the City permit the construction of any improvement on the Property, or adjacent City-owned properties, that will obstruct views of the Billboard from US 101. OFI will not be required to maintain or repair the utility easements unless OFI has caused the need to repair.

18. **Expiration of Agreement; Holding Over**. This Agreement will expire at the end of the Initial Term. If OFI holds over on the Property after the expiration of the Initial Term with the consent of City, such holding over will be construed to be only a tenancy from month to month, subject to all the covenants, conditions and obligations contained in this Agreement that applied at the expiration of the Initial Term . If OFI does hold over on the Property after the Initial Term, then OFI agrees to pay City as monthly rental an amount which is equal to 1/12th of the annual Rent paid by OFI to City during the last year of the Initial Term.

19. **Condition of Property**. The Property and all improvements thereon, are being leased to OFI in its current, existing, "AS IS" condition. City makes no representations or warranties of any kind, express or implied, written or oral, about any of the following: the physical condition of the Property; the suitability of the Property for OFI's anticipated use; any limitations on OFI's use of the Property; the costs of conducting OFI's business on the Property; or the condition of the soils or ground waters of the Property. By taking possession of the Property, OFI accepts the Property "AS IS" and acknowledges that the Property are satisfactory for OFI's purposes. OFI has ascertained the condition of the Property through its own independent investigation and has relied solely on that independent investigation when entering into this Agreement.

20. **Permitted Uses**. Subject to any City Usage, OFI has the exclusive right to display an Off-site Outdoor Advertising Sign on the Property consistent with **Exhibit C**. City will not authorize any other Off-site Outdoor Advertising Signs on the Property. OFI's right to construct an Off-site Outdoor Advertising Sign on the Property includes the right to the following uses: constructing, operating, maintaining, and repairing, the Billboard, and any utilities installed in connection with the Billboard; installing and maintaining utility wires, poles, cables, conduits, and pipes over or under the Property from the nearest accessible public right-of-way that support the permitted operations of the Billboard; and all rights of ingress and egress over the Property that OFI needs to access the Billboard. Subject to the City's sole and absolute discretion as property owner, as well as the regulator through any generally applicable permit process, OFI may sublease the Property for telecommunications facilities on the Billboard with the written approval of the City and with any such revenue considered part of Annual Net Revenues. Such telecommunications facilities shall be "stealth;" not affect the aesthetic or structural integrity of the Billboard in the City's discretion.

21. **Prohibited Uses**. Hazardous Substances. Neither OFI nor any of OFI's representatives or agents may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials anywhere in, on, under or about the Property, the Billboard, or any improvements thereon. Notwithstanding the foregoing, OFI may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials in such limited amounts as are customarily used to construct, operate, maintain, or repair the Billboard in accordance with this Agreement, and so long as OFI is at all times in full compliance with all applicable

environmental laws. OFI shall cause any and all Hazardous Materials brought onto, used, generated, handled, treated, stored, released or discharged by OFI or its authorized representatives on or under the Billboard, the Property, or any improvements thereon to be removed therefrom and transported for disposal in accordance with applicable laws, including Hazardous Materials Laws. City will have the right to enter the Property, or any improvements thereon, from time to time to conduct tests, inspections and surveys concerning Hazardous Materials and to monitor OFI's compliance with its obligations concerning Hazardous Materials and Hazardous Materials Laws (the City agrees that all such testing, inspections, surveys and monitoring will be at the City's expense unless the results of such testing, inspections, surveys or monitoring demonstrate that, with respect to OFI's use, handling, storage, transportation, treatment, generation, release or disposal of Hazardous Materials in, on, under or about the Property, the Billboard, or any improvements thereon, OFI has violated its obligations contained in this Section. OFI shall promptly notify City in writing upon its actual knowledge of: (a) any release or discharge of any Hazardous Material by OFI or its authorized representatives; (b) any voluntary clean-up or removal action instituted or proposed by OFI, (c) any enforcement, clean-up, removal or other governmental or regulatory action instituted or threatened against OFI, or (d) any claim made or threatened by any person against OFI, the Billboard, the Property, or any improvements thereon relating to Hazardous Materials or Hazardous Materials Laws. OFI shall also supply to City as promptly as possible, and in any event within five (5) business days after OFI receives or sends same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Billboard, the Property, any portion thereof, or any improvements thereon or OFI's use thereof and concerning Hazardous Materials or Hazardous Materials Laws. In the event OFI institutes a cleanup or removal action, OFI shall provide copies of all work plans and subsequent reports submitted to the governmental agency with jurisdiction to City in a timely manner.

22. **Unlawful Activities**. OFI may not use or permit the Property to be used in any way that violates this Agreement or any valid and applicable statute, ordinance, regulation, rule, or order of any federal, state, or local governmental entity (including City). OFI may not maintain or commit, or permit the maintenance or commission of, any public or private nuisance as defined by any law applicable to the Property. OFI hereby waives any rights to compensation it may have if a court finds that the Billboard constitutes a public or private nuisance under any valid and applicable federal, state, or local law and for that reason orders OFI to remove or modify the Billboard.

23. **Encumbrances**. OFI may not encumber the Property or any part of the Property or the Billboard or any part of the Billboard, for any purpose, without City's prior written consent, which City may withhold for any reason. OFI shall keep the Property and the Billboard free of all liens and other encumbrances other than those, if any, to which City consents.

24. **Construction and Operation of Billboard**. Subject to any required permits and approvals, OFI shall construct, operate, maintain and repair the Billboard on the Property in accordance with the provisions of this Agreement. Upon completion of the Billboard, OFI shall provide City with a complete set of as-built drawings.

25. **Permitting Costs**. OFI will bear the costs associated with obtaining the Caltrans Permits and costs related to all other permitting and entitlements which are required for the

construction and operation of the Billboard, including obtaining any Project Approvals (as defined in Section 1.18), for the construction, operation, maintenance, and repair of the Billboard and the Property and any environmental review of the Property.

26. **Plans and Specifications**. At no cost to City, OFI shall prepare complete plans and specifications for the construction of the Billboard consistent with **Exhibit C** to this Agreement, working closely with City to develop plans and specifications that are mutually acceptable (the "Plans"). OFI shall submit the Plans to City for final approval, which City will not unreasonably withhold, condition or delay. The Billboard shall be designed to comply with all applicable state, county, and City codes and regulations.

27. **Caltrans Permits**. OFI is responsible for ensuring that the Billboard complies with all requirements of California's Outdoor Advertising Act and Regulations if Caltrans determines that the Property fall within the scope of such law. As soon as practicable after the Effective Date, OFI shall apply for the Caltrans Permits, or, if necessary, engage in discussions with Caltrans to negotiate a Billboard Relocation Agreement that is mutually agreeable to both OFI and Caltrans which will permit OFI to seek all Caltrans Permits required in connection with the construction and operation of the Billboard contemplated by this Agreement. OFI agrees that upon request by the City, OFI will provide updates and any reasonably requested documentation relating to the negotiations with Caltrans for the Caltrans Permits and any status on the issuance of the Caltrans Permits. During the Initial Term, OFI shall perform all obligations under the Caltrans Permits at no cost to City. OFI shall have twelve (12) months from the Effective Date to obtain the Caltrans Permits, which period shall be subject to the three (3) year tolling period provided in Sections 3 and 4 in the event of a third party lawsuit, initiative, or referendum. If OFI has not received the Caltrans Permits at the end of such twelve (12) month period in addition to any tolling period as provided in Sections 3 and 4, and provided that OFI has diligently pursued the Caltrans Permits, City must provide OFI an extension of an additional six (6) months to obtain the Caltrans Permits. If, following such additional six (6) month extension period, OFI is still unable to obtain the Caltrans Permits, either the City or OFI can agree to another extension of time or terminate this Agreement.

28. **[Reserved]**

29. **Construction**. OFI shall begin design process and permitting process for the Billboard as soon as practicable after the Effective Date and shall diligently pursue construction to completion without unnecessary interruption so that the Billboard is Operational by the date established in Section 13.1(d). OFI will be excused, however, for any delays in beginning or completing construction that are caused by a Force Majeure Event, as defined in Section 33. OFI shall use reasonable diligence to avoid such delays and to resume work as promptly as possible after such a delay.

30. **Prevailing Wages**. The parties agree that any "construction, alteration, demolition, installation, or repair work" ("Improvement Work") shall comply with applicable prevailing wage policies as set forth in California Labor Code section 1720 et seq., any applicable federal law and applicable regulations thereto ("Prevailing Wage Laws"). OFI shall defend, indemnify and hold harmless City and its officers, officials, employees, volunteers and

agents from any claims arising out of or in any way connected to OFI's obligations regarding compliance with Prevailing Wage Laws.

31. **Maintenance**. OFI shall be responsible for all the on-going repair, maintenance, installation, and operation costs of the Billboard, and related improvements on the Property at no cost to the City. OFI shall also be responsible for the prompt removal of any graffiti from the Billboard within forty-eight (48) hours of receiving notice of the graffiti.

32. **Damage or Destruction to the Billboard**. This Agreement will continue in full effect if the Billboard is substantially damaged or destroyed in whole or part by any cause whether or not covered by the fire-and-casualty insurance OFI maintains, subject to the following:

32.1 The Rent thereafter due under this Agreement will abate from the date of the casualty until the repair or replacement of the Billboard is completed.

32.2 The City and OFI will mutually agree upon the repair or replacement of the Billboard, which such repair or replacement will use any proceeds of insurance maintained by the City or otherwise at the expense of the City. In connection with any election to repair the casualty, OFI and the City will promptly apply for, and diligently pursue the issuance of, any permits or approvals needed to repair or replace the Billboard. Within thirty (30) days after obtaining the necessary permits and approvals, the party which will perform such repair or replacement will begin work to repair or replace the Billboard and diligently pursue the completion thereof.

32.3 In the event of any damage or destruction which is covered by insurance, the City will promptly make proof of loss and proceed promptly to collect, or cause to be collected, all valid claims which the City may have against insurers or others based upon any such damage or destruction. Except as otherwise provided above, amounts received on account of any losses pursuant to insurance policies shall be used and expended for the purpose of fully repairing or reconstructing the portions of the Billboard which has been destroyed or damaged.

32.4 Notwithstanding anything herein to the contrary, if (a) the cost to repair or replace the damage or destruction of the Billboard exceeds 50% of its fair-market value immediately before it is damaged or destroyed; and (b) the damage or destruction occurs during the last five (5) years of the Initial Term, then the City may terminate this Agreement upon written notice to OFI without penalty.

33. **Force Majeure** As used in this Agreement "Force Majeure Events" and "Pandemic Events" have the following meaning:

33.1 "Force Majeure Events" mean, collectively: (1) governmental preemption or governmental shutdowns of business in connection with a national emergency, (2) work stoppages or other delays due to pandemics or other unforeseen circumstances, (3) conditions that prevent or delay construction and which are affected by war, pandemic, civil unrest or other international, national, state or municipal emergency or other cause, (4) act of

God, (5) Pandemic Events (as hereinafter defined) or (6) any other cause, similar or dissimilar, beyond the reasonable control of either party; and

33.2 "Pandemic Events" shall mean (1) governmental shutdowns of business in Ventura County in connection with the occurrence of a pandemic or other public health emergency, or (2) the issuance of "shelter-in-place" orders affecting Ventura County by one or more governmental authorities due to the occurrence of a pandemic or other public health emergency.

34. **Utilities**. At no cost to City, OFI shall provide and pay for all utility connections, utility equipment, and utility service required to construct, operate, maintain, repair, improve, or reposition the Billboard throughout the Initial Term (provided that City will pay for all such costs and expenses in connection with the construction and operation of the City's Telecommunication Facilities, if applicable). OFI shall coordinate with City and the applicable utility companies for utility tie-ins and electrical power sources that OFI may need to construct and operate the Billboard.

35. **Removal of Billboard**. OFI shall be responsible for the removal of the Billboard, and other improvements from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), at the expiration of the Initial Term of this Agreement, unless the City waives OFI's removal obligation in writing. In the event this Agreement is otherwise terminated or cancelled prior to the expiration of the Initial Term, OFI shall remove the Billboard and other improvements installed by OFI from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), unless the City waives OFI's removal obligation in writing. Notwithstanding the above, OFI shall not be required to remove those portions of the Billboard and other improvements made by OFI on the Property that are more than eighteen (18) inches below grade. OFI shall cause the removal as required under this Section within thirty (30) days from the end of the Initial Term or from the date of early termination, whichever the case may be. If OFI does not timely remove the Billboard and other improvements as required by this Section, City may, but shall not be required to, remove or cause the removal of the Billboard and other improvements on the Property at OFI's expense. OFI shall reimburse City within thirty (30) days of receipt of an itemized accounting of the cost for such removal and the restoration of the Property to its state immediately prior to the installation of the Billboard. City and OFI acknowledge and agree that OFI and its assigns shall be the exclusive owner and operator of the Billboard, and that all equipment comprising the Billboard shall remain the personal property of OFI and its assigns and shall not become fixtures of the Property. City shall have no right, title or interest in the Billboard or any component of the Billboard, notwithstanding the manner in which the Billboard is or may be physically attached, mounted or adhered to the Property.

36. **Taxes**. OFI shall pay without abatement, deduction, or offset any income taxes or possessory interest taxes levied on or assessed against the Billboard located on the Property, OFI's equipment, fixtures, and personal property located on or in the Property, which are directly

attributable to this Agreement or OFI's use of the Property, whether belonging, owned, or chargeable against the City. OFI shall make all such payments directly to the charging authority prior to delinquency and before any fine, interest, or penalty becomes due or is imposed for OFI's non-payment. Following prior request by City, OFI shall provide City with proof of payment of such tax.

37. **Compliance Review**.

37.1 Periodic Review. Pursuant to Government Code section 65865.1, the City Manager shall, not less than once in every twelve (12) months, review the Project and this Agreement to ascertain whether or not OFI is in full compliance with the terms of this Agreement (the "Periodic Review").

37.2 Review Procedure. During a Periodic Review, OFI shall provide information reasonably requested by the City Manager that the Project is being developed in good faith compliance with the terms of this Agreement. Upon completion of a Periodic Review, the City Manager shall submit a report to the City Council setting forth the City Manager's findings. If, as a result of a Periodic Review, the City Council finds and determines on the basis of substantial evidence that OFI has not complied in good faith with the terms or conditions of this Agreement, the City shall issue a written "Notice of Noncompliance" to OFI specifying the grounds therefore and all facts demonstrating such noncompliance. OFI's failure to cure the alleged non-compliance within ninety (90) days after receipt of the notice, or, if such noncompliance is not capable of being cured within ninety (90) days, OFI's failure to initiate all actions required to cure such noncompliance within ninety (90) days after receipt of the notice, shall constitute a default under this Agreement on the part of OFI and shall constitute grounds for the termination of this Agreement by the City as provided for below.

37.3 Termination or Modification for Non-Compliance. Pursuant to Government Code Section 65865.1, if the City Council finds and determines, on the basis of substantial evidence, that OFI has not complied in good faith with the terms or conditions of this Agreement, the City Council may modify or terminate this Agreement. Any action by the City with respect to the termination or modification of this Agreement shall comply with the notice and public hearing requirements of Government Code section 65865.1 in addition to any other notice required by law. Additionally, the City shall give OFI written notice of its intention to terminate or modify this Agreement and shall grant OFI a reasonable opportunity to be heard on the matter and to oppose such termination or modification by the City.

37.4 Modification. Amendment or Cancellation by Mutual Consent. Pursuant to Government Code section 65868, this Agreement may be amended or canceled, in whole or in part, by mutual written consent of the City and OFI or their successors in interest. Public notice of the parties' intention to amend or cancel any portion of this Agreement shall be given in the manner provided by Government Code section 65867. Any amendment to the Agreement shall be subject to the provisions of Government Code section 65867.5.

37.5 Inurement and Assignment. This Agreement shall inure to the benefit of and bind the successors and assigns of the City and OFI and may be assigned by either the City or OFI to any party or parties pursuant to the requirements of this Section. The specific rights

and obligations of this Agreement shall be deemed covenants running with the land that concern and affect the Property. Prior to OFI's assignment of any rights, duties or obligations under this Agreement, OFI shall present such information to the City as will reasonably demonstrate to the City's satisfaction that the proposed assignee (the "**Assignee**") has the financial ability and experience to fulfill those specific rights, duties and obligations under the Agreement that the Assignee will assume. The City shall have the right to approve the proposed Assignee, provided that the City's approval may not be unreasonably withheld. Because this Agreement is a statutory Development Agreement, if City staff determine that they can recommend approval of the proposed Assignee, a public hearing before the Planning Commission and City Council will be necessary to approve the proposed amendment to this Agreement. If the City does not approve the Assignee, the City shall deliver notice to OFI of the reasons for the City's disapproval of the Assignee. Once such approved assignment or succession has occurred and the Assignee has agreed to accept the applicable obligations under this Agreement, OFI shall be released from its obligations under this Agreement assumed by the Assignee with respect to the Property, or portion thereof, so transferred. Notwithstanding anything herein to the contrary, OFI shall not be required to obtain the City's written consent prior to effecting a transfer of all or a portion of OFI's interests to OFI member agencies Foster Interstate, LLC and Outfront Media, LLC.

38. **Monetary Damages**. OFI and the City acknowledge that neither the City nor OFI would have entered into this Agreement if either were liable for monetary damages under or with respect to this Agreement or the application thereof. Both the City and OFI agree and recognize that, as a practical matter, it may not be possible to determine an amount of monetary damages which would adequately compensate OFI for its investment of time and financial resources in planning to arrive at the kind, location, intensity of use, and improvements for the Project, nor to calculate the consideration the City would require to enter into this Agreement to justify such exposure. Therefore, the City and OFI agree that neither shall be liable for monetary damages under or with respect to this Agreement or the application thereof and the City and OFI covenant not to sue for or claim any monetary damages for the breach of any provision of this Agreement. This foregoing waiver shall not be deemed to apply to any fees, payments, reimbursements or other monetary amounts specifically required to be paid by OFI to the City pursuant to this Agreement.

39. **Specific Performance**. OFI has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement and it is not possible to determine the amount of monetary damages that would adequately compensate OFI for such efforts. Damages would not be an adequate remedy if City fails to carry out its obligations under this Agreement, and that OFI shall have the right to seek and obtain specific performance as a remedy for any breach of this Agreement. The City's remedy to terminate or amend this Agreement in the event of OFI's uncured breach shall be sufficient in most circumstances.

40. **Administration of Agreement and Resolution of Disputes**. OFI shall at all times have the right to appeal to the City Council any decision or determination made by any employee, agent or other representative of the City concerning the Project or the interpretation and administration of this Agreement. All City Council decisions or determinations regarding

the Project or the administration of this Agreement shall also be subject to judicial review pursuant to Code of Civil Procedure section 1094.5, provided that, pursuant to Code of Civil Procedure section 1094.6, any such action must be filed in a court of competent jurisdiction not later than ninety (90) days after the date on which the City Council's decision becomes final.

41. **Recordation of this Agreement**. Pursuant to Government Code section 65868.5, the City Clerk shall record a copy of this Agreement in the Official Records of Ventura County within ten (10) days after the mutual execution of this Agreement.

42. **Constructive Notice and Acceptance**. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is, and shall be, conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

43. **No Third-Party Beneficiaries**. This Agreement is made and entered into for the sole protection and benefit of the City, OFI and their respective successors and assigns. No other person or entity shall have any right of action based upon any provision of this Agreement.

44. **Miscellaneous**.

44.1 Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the person giving such notice) (i) hand delivered by messenger or courier service, (ii) by overnight delivery (including Federal Express), or (iii) by United States mail (postage prepaid), registered or certified, return receipt requested, addressed to the addresses set forth below. Each notice shall be deemed delivered (1) on the date delivered if by personal delivery, (2) on the date of delivery by the overnight delivery service if by overnight delivery, or (3) seventy-two (72) hours after deposit in the United States mail (postage prepaid) if by registered or certified mail. By giving to the other parties at least fifteen (15) days' written notice, the parties to this Agreement and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses and each shall have the right to specify as its address any other address.

If to City: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Manager

with a copy to: City of Oxnard
214 South C Street
Oxnard, California 93030
Attention: Community Development Director
Tel. No.: (805) 385 7877
Fax No.: (805) 385 7854

with a copy to: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Attorney

If to OFI: Outfront Foster Interstate LLC
1111 Broadway, Suite 1515
Oakland, CA 94607
Attn: John B. Foster, President
Fax: (415) 832-7080

with a copy to: Outfront Media LLC
405 Lexington Avenue, 17th Floor
New York, NY 10174
Attn: General Counsel

with a copy to: Miller Starr Regalia
1331 North California Boulevard, Fifth Floor
Walnut Creek, CA 94596
Attn: Anthony Leones
Tel: (925) 941-3261
Fax: (925) 933-4126
Email: tony.leones@msrlegal.com

with a copy to: Wendel Rosen LLP
1111 Broadway, 24th Floor
Oakland, CA 94607
Attn: Matt Dambrov
Tel: (510) 834-6600
Fax: (510) 834-1928
Email: mdambrov@wendel.com

44.2 Severability. If any part of this Agreement is declared invalid for any reason, such invalidity shall not affect the validity of the remainder of the Agreement. The other parts of this Agreement shall remain in effect as if this Agreement had been executed without the invalid part. The City and OFI intend and desire that the remaining parts of this Agreement continue to be effective without any part or parts that have been declared invalid.

44.3 Entire Agreement; Conflicts. This Agreement represents the entire agreement between the City and OFI with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the City and OFI with respect to the matters contained in this Agreement. Should any or all of the provisions of this Agreement be found to be in conflict with any other provision or provisions found in the Applicable Rules or the Subsequent Applicable Rules, then the provisions of this Agreement shall govern and prevail.

44.4 Further Assurances. The City and OFI agree to perform, from time to time, such further acts and to execute and deliver such further instruments reasonably necessary to effect the intents and purposes of this Agreement, provided that the intended obligations of the City and OFI are not thereby modified.

44.5 Negation of Agency. The City and OFI acknowledge that, in entering into and performing under this Agreement, each is acting as an independent entity and not as an agent of the other in any respect. Nothing contained herein or in any document executed in connection herewith shall be construed as making the City and OFI joint venturers, partners or employer/employee.

44.6 Attorneys' Fees. In the event of any claim, dispute or controversy arising out of or relating to this Agreement, including an action for declaratory relief, the prevailing party in such action or proceeding shall be entitled to recover its court costs and reasonable out of pocket expenses not limited to taxable costs, including, but not limited to telephone calls, photocopies, expert witness, travel, and reasonable attorneys' fees and costs to be fixed by the court. Such recovery shall include, but not limited to, court costs, out of pocket expenses and attorneys' fees on appeal, if any. The court shall determine who is the "prevailing party," whether or not the dispute or controversy proceeds to final judgment. If the City or OFI is reasonably required to incur such out of pocket expenses and attorneys' fees as a result of any claim arising out of or concerning this Agreement or any right or obligation derived hereunder, then the prevailing party shall be entitled to recover such reasonable out of pocket expenses and attorneys' fees whether or not an action is filed.

44.7 Waiver. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought.

44.8 Estoppel Certificates. Within thirty (30) days following the receipt by City of a written request by OFI, the City shall execute and deliver to the requesting OFI a statement (an "estoppel certificate") certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the City alleges that specified (date and nature) defaults exist. The estoppel certificate shall also provide any other reasonable information requested. The failure to timely deliver a requested estoppel certificate shall constitute a conclusive presumption that this Agreement is in full force and effect without modification, except as may be represented by the requesting OFI, and that there are no uncured defaults in the performance of the requesting OFI, except as may be represented by the requesting OFI. The requesting OFI shall pay to City all reasonable administrative costs incurred by City in connection with the issuance of estoppel certificates under this Section prior to City's issuance of such certificates. Any such certificate may be and is intended to be relied upon by any person, including, but not limited to, the other Party, potential purchasers or lessees of all or any part of the Property, lenders or potential lenders.

44.9 Section Headings. The section headings contained in this Agreement are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.

44.10 Relationship of the Parties; Not Third-Party Beneficiaries. This Agreement does not create any relationship or association between City and OFI other than that of landlord and tenant, and it is expressly understood and agreed that City does not in any way nor for any purpose become a partner of OFI or a joint venturer with OFI in the conduct of OFI's business or otherwise; nor does this Agreement create between City and OFI the relationship of principal and agent. The parties do not intend to create any third-party beneficiaries to the Agreement.

44.11 Time of Essence. Time is of the essence of this Agreement, and all performances required hereunder shall be completed within the time periods specified. Any failure of performance shall be deemed as a material breach of this Agreement.

44.12 Counterparts. This Agreement and any modifications hereto may be executed in any number of counterparts with the same force and effect as if executed in the form of a single document.

45. **Indemnification**.

45.1 Definitions. For the purposes of this Section, the following definitions will apply:

(a) "Person" is to be interpreted broadly and includes OFI and OFI's directors, officers, employees, contractors, and agents; and City and City's elected officials, officers, employees, contractors, and agents.

(b) "Liabilities" means all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that arise directly or indirectly from OFI's possession or use of the Property.

(c) "Occurrence" means (A) the death of, or injury to, any person; and (B) damage to, or destruction of, any real property, personal property (including intellectual property), or the environment (broadly interpreted to include the air, soil, soil vapor, surface water, groundwater, flora, and fauna on or about the Property).

45.2 General Indemnity. Except to the extent claims are caused by the negligence or willful misconduct of the City and its employees, agents and contractors, and not waived by OFI, OFI shall indemnify, protect, defend, and hold harmless City and its elected officials, officers, employees, volunteers, lenders, agents, and representatives and each of their successors and assigns from and against any and all third party claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all reasonable out-of-pocket costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Initial Term as a result (directly or indirectly) of or in connection with (a) any OFI default under this Agreement (including in the performance or non-performance of any obligation on OFI's part to be

performed under the terms of this Agreement); (b) OFI's performance of the design and construction of the Billboard; (c) OFI's or OFI's representatives or agents use of the Property, the Billboard, any portion thereof, or any improvements thereon, the conduct of OFI's business or any activity, work or thing done, permitted or suffered by OFI or its representatives or agents in or about the Property or any portion thereof, or any improvements thereon, except that with regard to the presence of Hazardous Materials, the Property or any improvements thereon, OFI will not be responsible for conditions that existed prior to the date that City delivers exclusive control of the Property to OFI and, whether prior to the Effective Date or not, were not caused by OFI or its authorized representatives; and (d) any negligent or willful act, error or omission of OFI or its representatives or agents in or about the Billboard, any portion thereof, or any improvements thereon (collectively, "Indemnification"). OFI shall provide such Indemnification by and through counsel reasonably approved by City. Without limiting the foregoing, OFI's obligation under this Section includes Liabilities arising from any of the following:

(a) Any Occurrence that is caused by, or related in any way to, a verbal or nonverbal display on the Billboard.

(b) OFI's failure to perform any provision of this Agreement due to no fault of City, to comply with any requirement of law applicable to OFI, or to fulfill any requirement imposed by any governmental entity (including City when acting as a government) on OFI or on OFI's use of the Property.

(c) Any claim that OFI's policies with respect to the allocation of advertising time violate any person's or persons' First Amendment rights.

(d) Any Occurrence caused or allegedly caused by (i) any condition of the Property created by OFI or by any Person on the Property with OFI's permission; or (ii) some act or omission on the Property by OFI or by any Person on the Property with OFI's permission.

OFI agrees that its obligation under this Section includes the reasonable costs of attorney fees incurred by City's City Attorney's Office to monitor and consult with OFI regarding the defense of any such Liabilities, including providing direction with regard to strategy, preparation of pleadings, settlement discussions, and attendance at court hearings, mediations, or other litigation related appearances. City will use its best efforts to avoid duplicative attorney work or appearances in order to keep litigation costs to a reasonable minimum. OFI further acknowledges and agrees that settlement of any Liabilities requires the consent of City. City agrees that its consent will not be unreasonably withheld provided that OFI is financially able (based on demonstrated assets) to fulfill its obligation to indemnify City for the costs of any such settlement as required under this Agreement

45.3 Hazardous Materials. Except to the extent caused by City's negligence or willful misconduct, caused by a third party or with regard to the presence of Hazardous Materials on the Property as of the date City delivers exclusive control of the Property to OFI, OFI shall indemnify, defend and hold City harmless from any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses (including attorneys' fees and expenses and consultant fees and expenses) caused or alleged to have been caused by OFI's use,

storage, handling, treatment, generation, discharge or release of Hazardous Materials in violation of OFI's obligations under this Agreement, whether such claims, causes of action or liabilities are first asserted during the Initial Term or thereafter, and including claims made against City with respect to bodily injury, death or property damage sustained by third parties caused or alleged to have been caused by OFI's use, storage, handling, treatment, generation, discharge or release of Hazardous Materials. For the purposes of clarification, the indemnity contained in this Section will be the sole indemnity OFI provides to the City with respect to Hazardous Materials and (b) OFI will not be responsible for nor indemnifies the City for any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses with respect to Hazardous Materials which do not directly result from OFI's use, storage, handling, treatment, generation, discharge or of Hazardous Materials in violation of OFI's obligations under this Agreement.

45.4 Survival. Each party's obligations under this Agreement will survive expiration or termination of this Agreement for a period of three (3) years following termination.

45.5 Reference of California Law. Unless expressly stated to the contrary, all references to statutes herein are to the California codes.

45.6 Interpretation of Agreement. The language in all parts of this Agreement shall in all cases be construed simply, as a whole and in accordance with its fair meaning and not strictly for or against any party. City and OFI acknowledge and agree that this Agreement has been prepared jointly by City and OFI and has been the subject of arm's length and careful negotiation over a considerable period of time, that each party has been given the opportunity to independently review this Agreement with legal counsel, and that each party has the requisite experience and sophistication to understand, interpret, and agree to the particular language of the provisions hereof. Accordingly, in the event of an ambiguity in or dispute regarding the interpretation of this Agreement, this Agreement shall not be interpreted or construed against the party preparing it, and instead other rules of interpretation and construction shall be utilized.

45.7 Institution of Legal Actions. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the Superior Court of the County of Ventura, State of California or in the United States District Court for the Central District of California.

45.8 No Relocation Benefits. It is agreed that nothing contained in this Agreement shall give OFI any right to occupy the Property at any time after the expiration of the term of this Agreement or its termination. OFI agrees that, upon the expiration of termination of this Agreement, OFI's use of the Property for the location of a Billboard or this Agreement shall not entitle OFI to any relocation benefits from the City pursuant to any federal, state or local law and waives any such claim against the City.

IN WITNESS WHEREOF, the City and OFI hereto have each executed this Agreement as of the date first written above.

CITY: CITY OF OXNARD, a California municipal corporation

By: _____
Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen Fischer, City Attorney

OUTFRONT FOSTER INTERSTATE LLC

By Its Members:

FOSTER INTERSTATE LLC

By: _____

Print Name: John B. Foster

Title: Manager

OUTFRONT MEDIA, LLC

By: _____

Print Name: _____

Title: _____

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO ENA

City-owned property and right-of-way on the north side of U.S. Highway 101 between Santa Clara River and Rose Avenue.

EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "B"

DESCRIPTION

A VARIABLE WIDTH LEASE AREA FOR ALL THAT PORTION OF LAND IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, BEING A PORTION OF PROPERTY AS DESCRIBED IN THE RELINQUISHMENT TO THE COUNTY OF VENTURA, AS RECORDED IN BOOK 1518, AT PAGES 81 THROUGH 84 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDS, AND PER THE EFFECT OF ORDINANCE NO. 746, ANNEXATION 61-11, ADOPTED FEBRUARY 20, 1962, PURPORTEDLY TO BECOME EFFECTIVE MARCH 22, 1962, PURPORTING TO ANNEX THE SUBJECT LAND INTO THE CITY OF OXNARD, STATE OF CALIFORNIA, PURSUANT TO THE TERMS COVENANTS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, THE LEASE AREA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY TERMINUS OF A TANGENT LINE BEARING NORTH 82°02'39" EAST, HAVING A DISTANCE OF 245.42 FEET, ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 780.00 FEET, AS SHOWN ON TRACT NO. 4434, RECORDED IN MAP BOOK 114, PAGES 62 THROUGH 66, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE LEAVING SAID TANGENT LINE, SOUTH 59°48'46" WEST, A DISTANCE OF 851.86 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,054.96 FEET AND A RADIAL LINE BEARING NORTH 52°46'55" WEST, SAID BEGINNING OF CURVE BEING THE **POINT OF BEGINNING**; THENCE, SOUTHWESTERLY ALONG SAID CURVATURE,

1. THROUGH A CENTRAL ANGLE OF 03°04'15", AN ARC DISTANCE OF 56.54 FEET; THENCE,
2. NORTH 66°28'23" WEST, A DISTANCE OF 25.28 FEET, TO THE NORTHWESTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81 OF OFFICIAL RECORDS OF SAID COUNTY RECORDER, BEING A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 140.00 FEET AND A RADIAL LINE TO SAID CURVATURE BEARING NORTH 57°26'00" WEST; THENCE NORTHEASTERLY ALONG SAID CURVATURE,
3. THROUGH A CENTRAL ANGLE OF 24°31'24", AN ARC DISTANCE OF 59.92 FEET, TO THE INTERSECTION WITH A LINE BEARING NORTH 65°58'23" WEST FROM THE POINT OF BEGINNING; THENCE, ALONG SAID LINE,
4. SOUTH 65°58'23" EAST, A DISTANCE OF 15.59 FEET, TO THE POINT OF BEGINNING.

ALL AS SHOWN ON EXHIBIT "B", AND BY REFERENCE HEREIN, MADE A PART HEREOF.

Chris Nelson

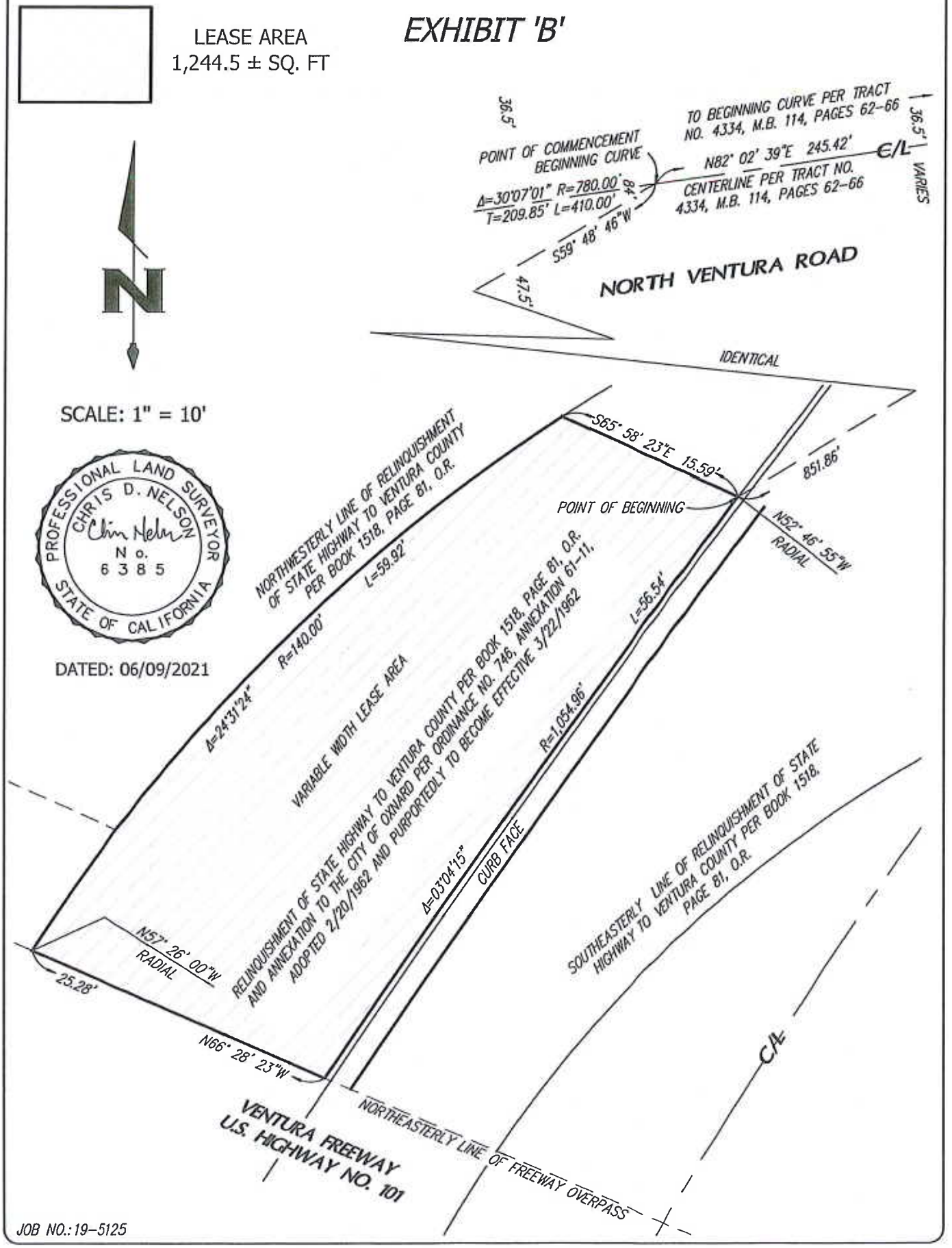
CHRIS NELSON, PLS 6385
DATED: JUNE 14, 2021



JN 19-5125

EXHIBIT 'B'

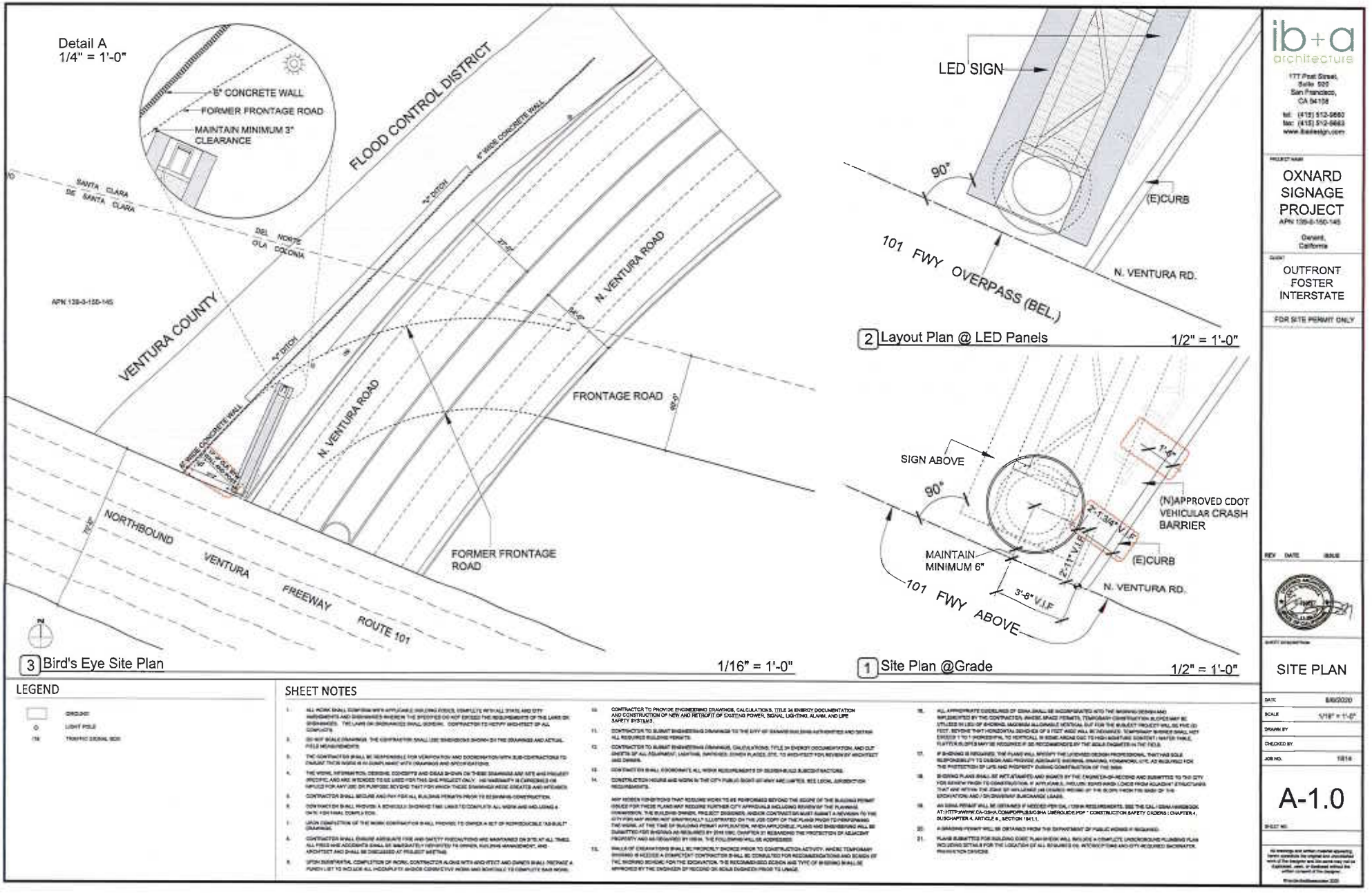
LEASE AREA
1,244.5 ± SQ. FT



JOB NO.: 19-5125

EXHIBIT "C"

BILLBOARD



LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ENHANCEMENTS WHERE THE SPECIFIED DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ENHANCEMENTS. THE LAWS OR ENHANCED SHALL GOVERN. CONTRACTOR TO NOTIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL USE DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WITH SUB-CONTRACTORS TO ENSURE THOSE WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE OR PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACT ON BUILD PROVIDE A SCHEDULE SHOWING TIME LIMITS TO COMPLETE ALL WORK AND INCLUDING A CRITICAL PATH FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD FOR PLAN REVIEW AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, FIXTURES, DOWN PLATES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY'S PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING DIVISION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT SPECIFICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR BRACING AS REQUIRED BY 2016 CBC, CHAPTER 21 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:

15. WALLS OF EXCAVATIONS SHALL BE PROPERLY BRACED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY BRACING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE BRACING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF BRACING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE BRACING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF BRACING. MAXIMUM ALLOWABLE HORIZONTAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET, BEYOND THAT HORIZONTAL BENCHES OF 3 FEET WIDE WILL BE REQUIRED. TEMPORARY SLOPES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED AT SOIL RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF BRACING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE BRACING, DRAWING, WORKING SITE, AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE WORK.
18. BRACING PLANS SHALL BE INITIATED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF ANY KNOWN, INCLUDE: BOND WORK / LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (AS DEFINED HEREIN) OF THE SLOPE FROM THE BASE OF THE EXCAVATION; AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.DIR.CA.GOV/DOSH/PUBLICATIONS.HTML#GROUNDUP * CONSTRUCTION SAFETY ORDERS / CHAPTER 4, SUBCHAPTER 4, ARTICLE 6, SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN REVIEW WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

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PROJECT NAME
OXNARD SIGNAGE PROJECT
APN: 139-0-150-145
Oxnard, California

CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

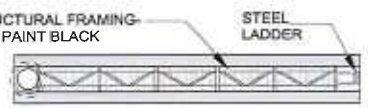
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SITE PLAN

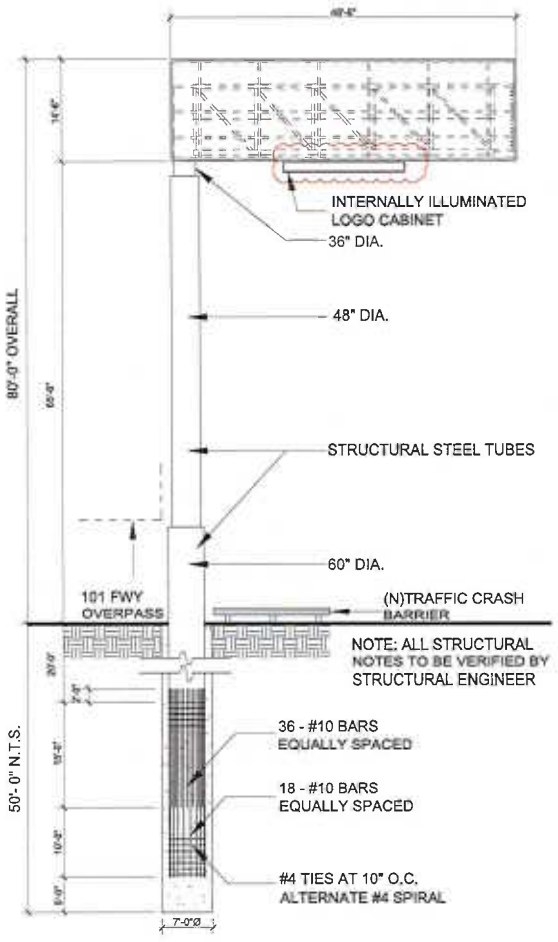
DATE 8/6/2020
SCALE 1/16" = 1'-0"
DRAWN BY
CHECKED BY
JOB NO. 1814

A-1.0
SHEET NO.

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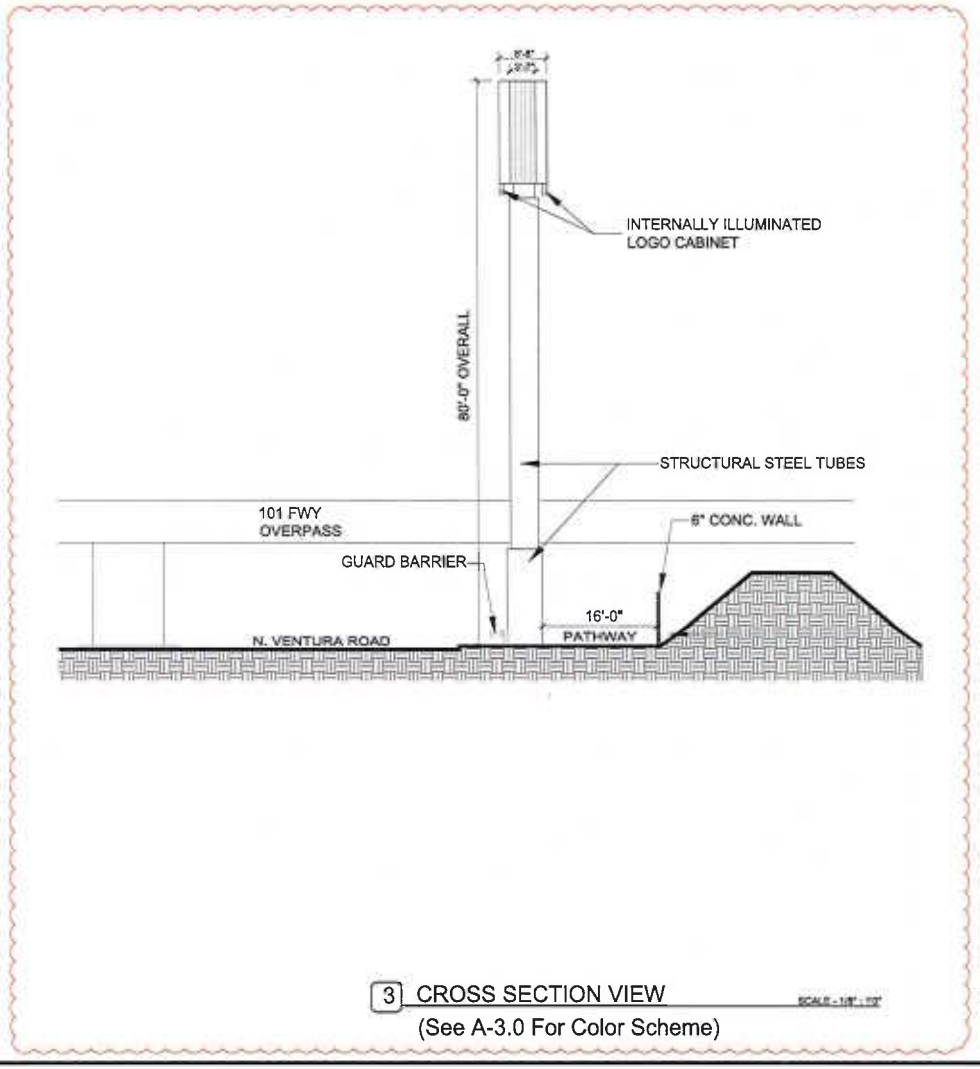


2 Plan View



1 Overall Elevation

(See A-3.0 For Color Scheme)



3 CROSS SECTION VIEW

(See A-3.0 For Color Scheme)

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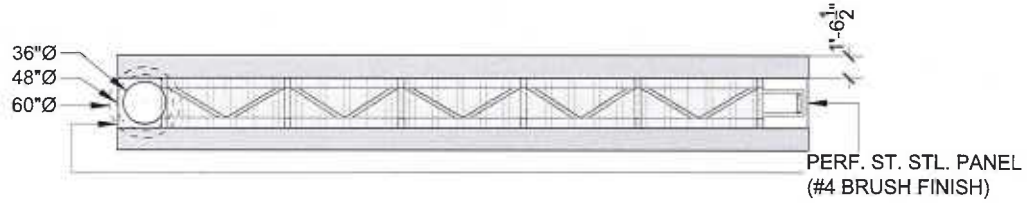
SIGN
ELEVATIONS
AND PLAN

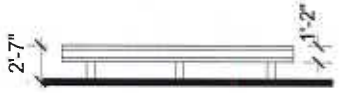
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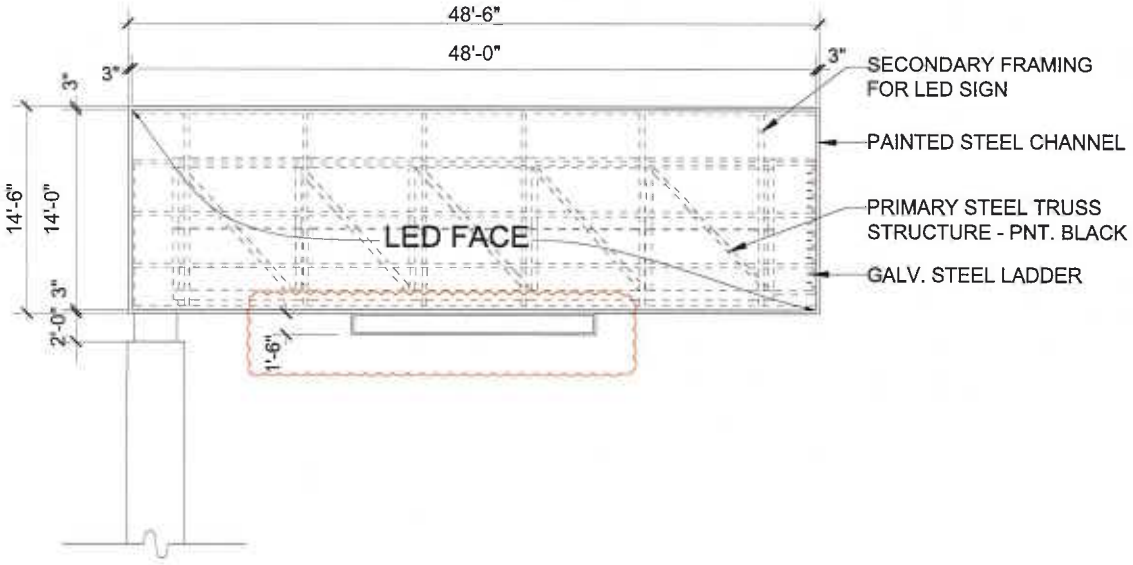
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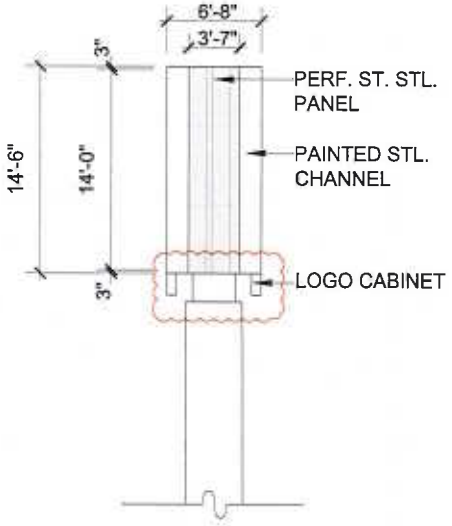




2 GUARD BARRIER FRONT VIEW SCALE - 1/4" : 1'-0"



1 Face Elevation SCALE - 1/4" : 1'-0"



3 End Elevation SCALE - 1/4" : 1'-0"

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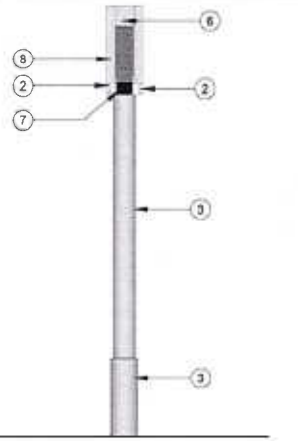
SIGN
ELEVATIONS
AND PLAN

8/6/2020

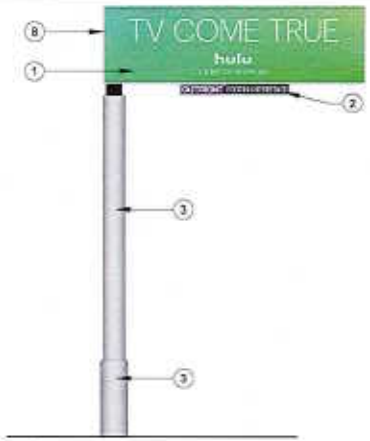
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A-2.1

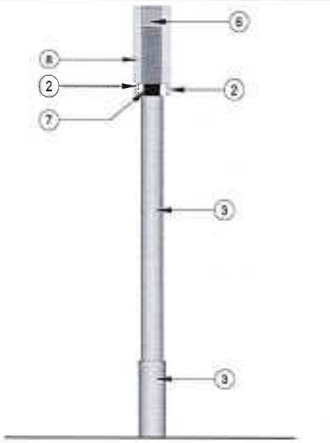
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5 Elevation C SCALE - 3/32" : 1'0"



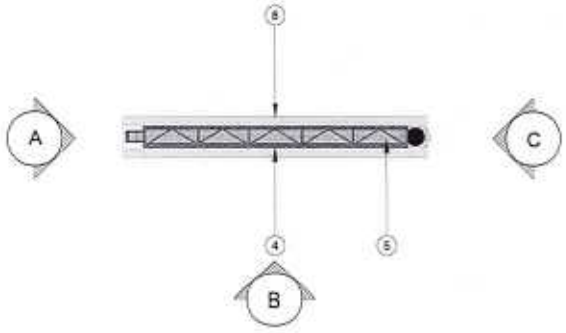
4 Elevation B SCALE - 3/32" : 1'0"



3 Elevation A SCALE - 3/32" : 1'0"



2 Perspective View 2 NTS



6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

1. LED SIGN FACE
2. INTERNALLY ILLUMINATED ANODIZED ALUMINUM LOGO CABINET
3. STEEL TUBE PAINTED GRAY (MATTHEW PAINT TO MATCH PANTONE PMS#TBD) - SATIN
4. STEEL TRUSS PAINTED BLACK (MATTHEW PAINT - IMPRINT BLACK IS BACK -) SATIN
5. ALUMINUM GRATING PLATFORM (NATURAL ANODIZED)
6. PERFORATED STAINLESS STEEL CLOSED PANEL- AS SHOWN
7. STEEL TUBE PAINTED BLACK (MATTHEW PAINT - IMPRINT BLACK IS BACK -) SATIN
8. PAINTED STEEL CHANNEL (MATTHEW PAINT TO MATCH PANTONE PMS#TBD) - SATIN

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES WHERE THE STRINGENCIES DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ORDINANCES. TWO LAWS OR ORDINANCES SHALL EXISTING. CONTRACTOR TO NOTIFY AND REVIEW OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE DIMENSIONS SHALL STILL ENGINEERING SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WITH SUB-CONTRACTORS TO ENSURE THESE WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE ON PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER 4 SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR DEFECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT SHEDDING DRAWINGS TO THE CITY OF OXNARD HOLIDAY AUTHORITIES AND OBTAIN ALL REQUIRED SIGNED PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, CONTROLS, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS ARE WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING DESIGN BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2019 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:

16. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
17. ALL APPROPRIATE GUIDELINES OF CAMA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET, BEYOND THAT HORIZONTAL BENCHES OF 4 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL) IN ZONES WHERE DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
18. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE BRACING, SHORING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE WORK.
19. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER OF RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE BLOCKAGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR SURCHARGE LOADS.
20. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.DIR.CA.GOV/DOSH/DOSHREGS.HTM#UNDERGROUND FOR "CONSTRUCTION SAFETY ORDERS", CHAPTER 4, SUBCHAPTER 4, ARTICLE 6, SECTION 1541.1.
21. A SHORING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
22. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL PIPELINES ON, INTERSECTING AND CITY REQUIRED BACKWATER PREVENTION DEVICES.

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PROJECT NAME:
OXNARD SIGNAGE PROJECT
APN 139-0-150-145
Oxnard, California

CLIENT:
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

SHEET DESCRIPTION:
COLORED ELEVATIONS

DATE: 8/6/2020
SCALE:
DRAWN BY:
APPROVED BY:
JOB NO: 1614

A-3.0

SHEET NO:

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

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OXNARD SIGNAGE PROJECT
APN 139-0-150-145
Oxnard, California

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REV DATE ISSUE

RENDERINGS

DATE 8/6/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1816

A-4.0
SHEET NO.

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D

RESOLUTION NO. 2023-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DETERMINING THAT THE CITY OF OXNARD'S PROPOSED VACATION OF APPROXIMATELY 1,000-SQUARE FEET OF UNDEVELOPED RIGHT OF WAY LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: N/A) IS NOT IN CONFORMANCE WITH THE OXNARD 2030 GENERAL PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE AND RECOMMENDING CITY COUNCIL ORDER THE VACATION. FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee" and/or "Developer") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard ("Project"); and

WHEREAS, The Property, includes a approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard, as shown in Exhibit 1 of this resolution, and incorporated by reference; and

WHEREAS, The City of Oxnard is the owner of record of the right of way easement; and

WHEREAS, The 2030 General Plan in a comprehensive, long term plan that guides land use and physical development of land within the City of Oxnard and provides policy direction regarding land uses that are intended to serve the community; and

WHEREAS, Whenever a public agency proposes to acquire, dispose, vacate or abandon any real property, California Government Code Section 65402 requires a report on conformity with the General Plan; and

WHEREAS, The subject property is designated Commercial Regional (CR) by the City's 2030 General Plan and is zoned RiverPark Specific Plan (RPSP); and

WHEREAS, The vacation of this easement and the ultimate use of the parcel for an Electronic Billboard is inconsistent with the land use designation on the subject site, subject to City Council's approval of Ordinance Amendment (PZ 20-580-06), as recommended. The Planning Commission recommendation to the City Council on PZ No. 20-580-06, included increasing the setback from residential to 250 feet. As the proposed sign is within 250 feet of a residentially zoned property, the Project does not conform with the proposed ordinance regulating the placement of the Electronic Billboards. Therefore, the proposed project is not in compliance with the 2030 General Plan and other adopted policies, including the proposed Freeway Adjacent Digital Display Billboard regulation, of the City of Oxnard; and

WHEREAS, on January 19, 2023, the Planning Commission considered the proposed vacation of real property located on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard in light of the Oxnard 2030 General Plan and the requirements of Government Code section 65402.

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that after implementation of standard conditions and mitigation measures identified in the Final IS/MND 22-03, all potentially significant impacts associated with the proposed project would be reduced to less than significant levels.

SECTION 2. Based on the findings set forth herein, and on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission hereby determines that the proposed City's vacation of the subject right of way is not in conformity with the Oxnard 2030 General Plan, as the Project is consistent with Ordinance Amendment (PZ No. 20-580-06), as recommended. The Planning Commission recommendation to the City Council on PZ No. 20-580-06, included increasing the setback from residential to 250 feet. As the proposed sign is within 250 feet of a residentially zoned property, the Project does not conform with the proposed ordinance regulating the placement of the Electronic Billboards. Therefore, the proposed project is not in compliance with the 2030 General Plan and other adopted policies,

including the proposed Freeway Adjacent Digital Display Billboard regulation, of the City of Oxnard. Therefore, the Planning Commission recommends City Council not order the vacation.

SECTION 3. The Secretary shall certify the adoption of this Resolution.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of January 2023 by the following vote:

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of February 2023, and carried by the following vote:

AYES: Commissioners: Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf

NOES: Commissioners:

ABSENT: Commissioners: Vice Chair Stewart

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Joe Pearson II, Secretary

EXHIBIT A

PROPERTY AREA EXHIBIT

EXHIBIT "A"

DESCRIPTION

A VARIABLE WIDTH LEASE AREA FOR ALL THAT PORTION OF LAND IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, BEING A PORTION OF PROPERTY AS DESCRIBED IN THE RELINQUISHMENT TO THE COUNTY OF VENTURA, AS RECORDED IN BOOK 1518, AT PAGES 81 THROUGH 84 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDS, AND PER THE EFFECT OF ORDINANCE NO. 746, ANNEXATION 61-11, ADOPTED FEBRUARY 20, 1962, PURPORTEDLY TO BECOME EFFECTIVE MARCH 22, 1962, PURPORTING TO ANNEX THE SUBJECT LAND INTO THE CITY OF OXNARD, STATE OF CALIFORNIA, PURSUANT TO THE TERMS COVENANTS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, THE LEASE AREA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY TERMINUS OF A TANGENT LINE BEARING NORTH 82°02'39" EAST, HAVING A DISTANCE OF 245.42 FEET, ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 780.00 FEET, AS SHOWN ON TRACT NO. 4434, RECORDED IN MAP BOOK 114, PAGES 62 THROUGH 66, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE LEAVING SAID TANGENT LINE, SOUTH 59°48'46" WEST, A DISTANCE OF 851.86 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,054.96 FEET AND A RADIAL LINE BEARING NORTH 52°46'55" WEST, SAID BEGINNING OF CURVE BEING THE **POINT OF BEGINNING**; THENCE, SOUTHWESTERLY ALONG SAID CURVATURE,

1. THROUGH A CENTRAL ANGLE OF 03°04'15", AN ARC DISTANCE OF 56.54 FEET; THENCE,
2. NORTH 66°28'23" WEST, A DISTANCE OF 25.28 FEET, TO THE NORTHWESTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81 OF OFFICIAL RECORDS OF SAID COUNTY RECORDER, BEING A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 140.00 FEET AND A RADIAL LINE TO SAID CURVATURE BEARING NORTH 57°26'00" WEST; THENCE NORTHEASTERLY ALONG SAID CURVATURE,
3. THROUGH A CENTRAL ANGLE OF 24°31'24", AN ARC DISTANCE OF 59.92 FEET, TO THE INTERSECTION WITH A LINE BEARING NORTH 65°58'23" WEST FROM THE POINT OF BEGINNING; THENCE, ALONG SAID LINE,
4. SOUTH 65°58'23" EAST, A DISTANCE OF 15.59 FEET, TO THE POINT OF BEGINNING.

ALL AS SHOWN ON EXHIBIT "B", AND BY REFERENCE HEREIN, MADE A PART HEREOF.

Chris Nelson

CHRIS NELSON, PLS 6385
DATED: JUNE 14, 2021



JN 19-5125

EXHIBIT 'B'

LEASE AREA
1,244.5 ± SQ. FT



SCALE: 1" = 10'

PROFESSIONAL LAND SURVEYOR
CHRIS D. NELSON
No. 6385
STATE OF CALIFORNIA

DATED: 06/09/2021

36.5'

POINT OF COMMENCEMENT
BEGINNING CURVE
Δ=30°07'01" R=780.00'
T=209.85' L=410.00'

TO BEGINNING CURVE PER TRACT NO. 4334, M.B. 114, PAGES 62-66

N82° 02' 39"E 245.42'

CENTERLINE PER TRACT NO. 4334, M.B. 114, PAGES 62-66

36.5' VARIES

S59° 48' 46"W

47.5'

NORTH VENTURA ROAD

IDENTICAL

S65° 58' 23"E 15.59'

851.86'

POINT OF BEGINNING

N52° 46' 55"W RADIAL

NORTHWESTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81, O.R.

L=59.92'

R=140.00'

Δ=24°31'24"

VARIABLE WIDTH LEASE AREA

RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81, O.R. AND ANNEXATION TO THE CITY OF OXNARD PER ORDINANCE NO. 746, ANNEXATION 61-11, ADOPTED 2/20/1962 AND PURPORTEDLY TO BECOME EFFECTIVE 3/22/1962

L=56.54'

R=1,054.96'

Δ=03°04'15"

CURB FACE

SOUTHEASTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81, O.R.

N57° 26' 00"W RADIAL

25.28'

N66° 28' 23"W

VENTURA FREEWAY
U.S. HIGHWAY NO. 101

NORTHEASTERLY LINE OF FREEWAY OVERPASS

C/L

JOB NO.:19-5125



RESOLUTION NO. 2023-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 20-500-06 (SPECIAL USE PERMIT) TO ALLOW FOR THE INSTALLATION AND OPERATION OF AN FREEWAY ORIENTED ELECTRONIC BILLBOARD, LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: N/A). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee" and/or "Developer") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard ("Project"); and

WHEREAS, the City of Oxnard as the Lead Agency, has prepared Final IS/MND 22-03 in accordance with the requirements of the California Environmental Quality Act (CEQA, Public resources Code § 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines; and

WHEREAS, the Planning Commission is concurrently recommending the City Council deny a Development Agreement request that allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development (PZ 20-670-05), and a Street Vacation which would vacate the existing right-of-way to the City of Oxnard (PZ 21-660-03); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, in accordance with Sections 16-536 and 16-651 of the Oxnard City Code (OCC) and considered the Final IS/MND 22-03 pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, Sections 16-536 and 16-651 of the OCC authorize the Planning Commission to approve a Special Use Permit; and

WHEREAS, the Commission considered Final IS/MND 22-03 prior to making recommendations on the Project; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds, that it cannot make the following finding necessary for the proposed Special Use Permit:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

   The Project site has 2030 General Plan land use designations of Commercial Regional (CR) and a zoning designation of RiverPark Specific Plan (RPSP). The proposed project includes the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The Planning Commission does not find that the Project is consistent with Ordinance Amendment (PZ No. 20-580-06), as recommended. The Planning Commission recommendation to the City Council on PZ No. 20-580-06, included increasing the setback from residential to 250 feet. As the proposed sign is within 250 feet of a residentially zoned property, the Project does not conform with the proposed ordinance regulating the placement of the Electronic Billboards. Therefore, the proposed project is not in compliance with the 2030 General Plan and other adopted policies, including the proposed Freeway Adjacent Digital Display Billboard regulation, of the City of Oxnard. For the reasons stated above, this Finding cannot be met.

SECTION 3. Based on the findings set forth above, each of which provides a separate and distinct basis for denial, the Planning Commission hereby denies Planning and Zoning Permit No. 20-500-06 (Special Use Permit) as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.

SECTION 4. The proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 5. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Oxnard City Code Section 16-545.

SECTION 6. The Secretary shall certify the adoption of this Resolution.

PASSED and ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of February 2023.

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of February, 2023, and carried by the following vote:

AYES: Commissioners: Chair Arruejo, Commissioner, Chavez, Dr. Lopez, Connelly, Nash and Zielsdorf

NOES: Commissioners:

ABSENT: Commissioners: Vice Chair Stewart

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Joe Pearson II, Secretary

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

State Clearinghouse Number 2022060706

Prepared for
City of Oxnard
Community Development Department

October 2022

ESA

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

Prepared for

City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
805.385.8272

October 2022

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ESA

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CHAPTER 1

Introduction

This Response to Comments document was prepared to respond to comments that were received on the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). The Final Initial Study/Mitigated Negative Declaration (Final IS/MND) consists of the Public Review Draft IS/MND and this Response to Comments document. The Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). Documents relating to this Final IS/MND were cited and incorporated. All documents are available for review at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

1.1 CEQA Requirements

Before the City of Oxnard may approve the project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the Oxnard City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis.

CEQA Guidelines Section 15074 states that prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. Therefore, the decision making body will be considering the following documents that constitute the Final IS/MND prior to making a decision on the project.

- The Public Review Draft IS/MND
- Response to Comment Document which includes:
  - Comments and recommendations received on the Public Review Draft IS/MND;
  - A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND;
  - The response of the Lead Agency to substantive environmental points raised in the review and consultation process.

This Response to Comments document for the Riverpark Boulevard Electronic Billboard presents the following chapters:

- Chapter 1: Introduction – this chapter incudes an introduction to the Response to Comments and the CEQA process and requirements
- Chapter 2: Comment Letters – this chapter includes a list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND
- Chapter 3: Response to Comments – this chapter includes the written comments received on the Public Review Draft IS/MND as well as the written responses to each comment
- Chapter 4: Errata – this chapter includes any revisions made to the Public Review Draft IS/MND in response to comments received or initiated by the Lead Agency
- Chapter 5: Mitigation and Monitoring Program (MMRP) – this chapter includes a list of the mitigation measures, identification of the responsible implementation agency, agency responsible for monitoring, timing of implementation, and date of compliance for each mitigation measure

1.2 CEQA Process

Public Participation Process

Notice of Intent of the Public Review Draft IS/MND

The Notice of Intent (NOI) of the Public Review Draft IS/MND was posted on June 30, 2022 with the Ventura County Clerk Recorder. The Public Review Draft IS/MND was circulated for a 30-day public review until July 29, 2022. The NOI for the Public Review Draft IS/MND was circulated to state and local agencies and interested parties requesting a copy of the NOI. Copies of the Public Review Draft IS/MND were made available for review at the City of Oxnard Community Development Department located at 214 S. C Street, Oxnard, California, 93030 and at the Oxnard Public Library, 251 South "A" Street. The document was also available at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

Evaluation and Response to Comments

In accordance with Article 6 of the *CEQA Guidelines*, the City of Oxnard, as the Lead Agency, was required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. This Response to Comments document provides written responses to each comment received on the Public Review Draft IS/MND.

Final IS/MND Approval

As the Lead Agency, the City of Oxnard is required to determine the adequacy of the Final IS/MND (Public Review Draft IS/MND and Response to Comments). The City can adopt the Final IS/MND if they find on the basis of the whole record before it (including the Public Review Draft IS/MND and Response to Comments) that there is no substantial evidence that the project will have a significant effect on the environment and that the Final IS/MND reflects the City's independent judgment and analysis.

Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Oxnard will file a Notice of Determination (NOD) with the Ventura County Clerk Recorder within five working days of project approval.

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CHAPTER 2
Comment Letters

The Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) for the Riverpark Boulevard Electronic Billboard was circulated for public review for 30 days (June 30, 2022 through July 29, 2022). The City of Oxnard received four comment letters from public agencies and an individual during the public review period, as listed in the table below. Each comment letter has been assigned an alphabetical designation (A through D). Each comment within each letter has been assigned a numerical designation so that each comment could be cross-referenced with an individual response. The comments and responses are provided in Chapter 3.

COMMENT LETTERS RECEIVED

Comment No.	Commenting Agency	Date of Comment
A	California Highway Patrol	July 27, 2022
B	Ventura County Air Pollution Control District	July 26, 2022
C	County of Ventura Resource Management Agency, Planning Division	July 29, 2022
D	Darron Baida	July 15, 2022

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CHAPTER 3
Responses to Comments

Following are the comment letters and the written responses to each of the comments that were received during the public review period of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). In some instances, in response to the comment, the City of Oxnard has made additions or deletions to the text of the Public Review Draft IS/MND; additions are included as underlined text and deletions are shown as ~~stricken text~~.

CITY OF OXNARD CALIFORNIA

Comment Letter A

Pearson II, Joe <joe.pearson@oxnard.org>

RE: Environmental Impact Report (SCH # 2022060706)

1 message

Primicerio, Jarod@CHP <JPrimicerio@chp.ca.gov> Wed, Jul 27, 2022 at 12:41 PM
To: "Joe.Pearson@Oxnard.org" <Joe.Pearson@oxnard.org>
Cc: CHP-701_AA_Desk <701_AA_Desk@chp.ca.gov>, CHP-EIR <EIR@chp.ca.gov>, "state.clearinghouse@opr.ca.gov" <state.clearinghouse@opr.ca.gov>

The California Highway Patrol's (CHP) Ventura Area office received an Environmental Impact Report (SCH # 2022060706) for a proposed digital billboard adjacent to the US-101 Freeway, located within the City of Oxnard. The CHP Ventura Area was requested to evaluate the proposal; specifically, in regard to the potential impact it may have on departmental operations, public safety, increased calls to the communications center/dispatch, increased response times, and traffic congestion.

This proposed digital billboard, coupled with the two additional proposed digital billboards (SCH # 2022060700 and SCH # 2022060701), all adjacent to the US-101 Freeway within the City of Oxnard, will likely cause a drastic increase to traffic congestion already severely impacted in the region. There are currently two digital billboards adjacent to the US-101 Freeway within the City of Oxnard, thus adding three additional, there would be a total of five digital billboards within less than a four mile stretch along this portion of the Freeway. The magnitude of the project may place a greater strain on limited public safety resources with an expected increase in vehicular traffic on US-101. A potential delay of emergency response due to extended response times places the public at risk. The potential increase in traffic may cause an increase in motor services, crashes, and injuries to motorists. Consequently, these incidents will cause an increase in calls to the CHP Ventura Communications Center and dispatchers. The proposed area is currently experiencing significant growth with the construction of retail and residential properties. The digital sign(s) will exacerbate the traffic congestion and may create long-term detrimental impact to the residents, visitors, and first responders within the Ventura Area.

A-1

Should you have any questions, please contact Lieutenant Sergio Perez or myself at (805) 662-2640.

Sincerely,

Jarod Primicerio

CAPTAIN JAROD PRIMICERIO
CALIFORNIA HIGHWAY PATROL
VENTURA AREA
4656 VALENTINE ROAD
VENTURA , CA 93003
OFFICE (805) 662-2640

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Comment Letter A: California Highway Patrol – July 27, 2022

Comment A-1

The comment asserts that the proposed Riverpark Boulevard Electronic Billboard along with the Ventura Road Electronic Billboard and potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance could cause a drastic increase in traffic congestion along U.S. 101 within the City of Oxnard. The comment further states that the increase in traffic volumes and congestion on U.S. 101 would result in a potential delay on emergency response and could result in an increase in motor services, crashes, and injuries.

Response to Comment A-1

The implementation of the proposed electronic billboard along Riverpark Boulevard as well as additional electronic billboards including the Ventura Road Electronic Billboard and electronic billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would not result in a substantial amount of traffic. The proposed Riverpark Electronic Billboard would not generate any employment growth or population growth as discussed in Section 3.13 of the Public Review Draft IS/MND. The implementation of cumulative electronic billboards would not increase operational traffic volumes along U.S. 101. As discussed in Section 3.15 of the Public Review Draft IS/MND, construction activities would generate a nominal number of construction vehicular trips over an approximately two-week construction period.

The concerns raised in this comment do not appear to be a direct result of implementing electronic billboards, but may result from cumulative development throughout the City of Oxnard. Because the Project would not result in an increase in daily or weekly operational traffic volumes, the Project would not contribute to potential cumulative traffic volume increases along U.S. 101 that would contribute to increases in motor services, crashes, and injuries to motorists.

As discussed in Section 3.15 c) in the Public Review Draft IS/MND, the proposed billboard as well as future billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would be required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the proposed electronic billboard would not substantially increase hazards to drivers along U.S. 101, and less than significant impacts would occur. Furthermore, the Project will require an Outdoor Advertising Act Permit from the California Department of Transportation to ensure that the proposed electronic billboard does not represent a danger to motorists traveling along U.S. 101.

Ventura County
Air Pollution
Control District

4567 Telephone Rd
Ventura, California 93003

tel 805/303-4005
fax 805/456-7797
www.vcapcd.org

Ali Reza Ghasemi, PE
Air Pollution Control Officer

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Joe Pearson II, Sr. Planner, City of Oxnard DATE: July 26, 2022

FROM: Nicole Collazo, Air Quality Specialist, Planning Division

SUBJECT: Draft Mitigated Negative Declaration for the Riverpark Boulevard Electronic Billboard (RMA 22-019)

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Riverpark Boulevard Electronic Billboard project (project). The proposed project includes a request for approval of a Special Use Permit for the installation and operation of an LED electronic billboard. The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The Lead Agency is the City of Oxnard. APCD submits the following comments for the project's MND.

GENERAL COMMENTS B-1

Air Quality Section

1) Item a, Page 18. VCOG is no longer responsible for developing the AQMP. This is language contained in our 2003 Ventura County Air Quality Assessment Guidelines and no longer applies. The AQMP is developed by the APCD using SCAG's population growth forecasts in its air quality modeling and forecasting. We recommend amending this section. We also note that our 2022 AQMP is currently in development and scheduled to be adopted at the end of 2022.

Thank you for the opportunity to comment on the project's MND. If you have any questions, you may contact me at nicole@vcapcd.org.

Comment Letter B: Ventura County Air Pollution Control District – July 26, 2022

Comment B-1

This comment states that the Ventura Council of Governments (VCOG) no longer responsible for developing the Ventura County Air Quality Management Plan (VCAQMP) but Ventura County APCD is responsible.

Response to Comment B-1

The City of Oxnard thanks the Ventura County Air Pollution Control District in clarifying that the VCOG no longer provides forecasted regional population, housing, and employment for the VCAQMP.

The fourth sentence of the first paragraph on page 18 of the Public Review Draft IS/MND is revised as follows:

> VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

The second paragraph on page 18 of the Public Review Draft IS/MND is revised as follows:

> The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY
DAVE WARD, AICP
Planning Director

Comment Letter C

July 29, 2022

Joe Pearson II, AICP
Community Development Department, Planning Division
City of Oxnard
214 South C Street
Oxnard, CA 93030

SUBJECT: Response to Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance, a Notice of Intent to Adopt the Proposed Riverpark Boulevard Electronic Billboard MND and the proposed Notice of Intent to Adopt the Ventura Road Electronic Billboard MND

Dear Joe Pearson,

Thank you for providing the Ventura County Planning Division with the opportunity to comment regarding the following Mitigated Negative Declarations:

1. City of Oxnard (City) Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance project (proposed ordinance).
2. City of Oxnard NOI to adopt an MND for the Ventura Road Electronic Billboard project
3. City of Oxnard NOI to adopt an MND for the Riverpark Boulevard Electronic Billboard project.

The proposed Freeway Adjacent Billboards ordinance would permit the siting of digital display billboards within 400 feet of the U.S. 101 right-of-way, on the City's property or in its right-of-way, and in non-residential zones. No digital display billboards may be sited less than 100 feet from the property line of any residential zoned parcel. The proposed development standards would limit billboards to a maximum face display area of 14 feet in height and 48 feet in width, require orientation primarily for viewing from the freeway, and the maximum height of the entire structure cannot exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of each display. Each digital display billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet. The permitting path process would be a Special Use Permit. Section 16-530 of the Oxnard Municipal Code describes that a Special Use Permit is authorized by the Planning Commission. C-1

HALL OF ADMINISTRATION #1740
805-654-2481 • FAX 805-654-2509 • 800 South Victoria Avenue, Ventura, CA 93009 • vcrma.org

The County has calculated the distance of the proposed ordinance planning area in relationship with unincorporated area of the County. Calculating the stretch of Highway U.S. 101 from the easternmost portion of the proposed ordinance project area to the westernmost portion, the total length of the project area was estimated at 4.09 miles. Using this estimate, the total of length of unincorporated area in the ordinance planning area totaled approximately 1.3 miles or 30% of the total project planning area distance along the Highway U.S. 101. This calculation represents a significant portion of unincorporate area that may be impacted by the proposed ordinance, particularly along unincorporated areas of El Rio/ Del Norte and Nyeland Acres.

C-1 (Cont)

The project area for the proposed ordinance is located adjacent to portions of the El Rio/ Del Norte and Nyeland Acres unincorporated communities. There are also two billboards proposed. The Riverpark Boulevard Electronic Billboard project would be located approximately 1,800 feet from an unincorporated zone for residential high-density development (RHD-20 du/ac). The Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed. Based on these circumstances, the proposed projects may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Since it is difficult to evaluate cumulative impacts due to the three separate MND's for these projects; prior to taking any action on the proposed projects, the City should consolidate its review of potential environmental impacts of the Ordinance MND, Ventura Road and RiverPark project MND's into one environmental analysis and document. Given that these projects are being processed concurrently, and the fact that Ventura Road and RiverPark projects cannot be adopted until the billboard ordinance is adopted, consolidation of the three MND's will enable to the County to understand direct, indirect and cumulative environmental impacts of the ordinance programmatic and billboard projects.

C-2

The revised analysis should evaluate potential environmental impacts for the unincorporated areas adjacent to and in the vicinity of the proposed projects; , particularly residential areas in the El Rio/Del Norte and Nyeland Acres communities. Specific issue area to consider are neighborhood compatibility, scenic resources, and biological resource issues areas discussed below.

Impacts to Neighborhood Compatibility

The MNDs evaluate aesthetic impacts, and the Ordinance MND states that, "because specific electronic billboard projects are not known at this time, project-level environmental impacts cannot be assessed. As each individual electronic billboard project is proposed, a project level environmental evaluation will be required" (MND Chapter 3, Aesthetics and Urban Design). However, there are MNDs for two proposed billboards within the proposed ordinance planning area. As stated above, for adequate CEQA review, these projects should be combined onto one study and the projects should be processed in accordance with the proposed ordinance.

C-3

The proposed ordinance should require projects to be designed to meet development standards that reduce or eliminate potential impacts without deferring to an evaluation for consistency with lighting and other standards until after the billboards are authorized and built. Please consider the following amendments to the draft ordinance to reduce potential impacts:

- Clarify that setback distances to residential zones also apply to unincorporated residential zones.
- Clarify how height is measured and require height to be measured from the adjacent average grade.
- Limit the number of billboards that can be sited within the planning area.
- Clarify how the ordinance will benefit disadvantaged communities.

C-3 (Cont)

Setbacks: The ordinance should be revised to consider residential zoned unincorporated properties located adjacent to the proposed ordinance planning area where electronic billboards could be sited (see circled areas in Figure 1 below). As drafted, the ordinance could allow billboards to be sited within a few feet of residential zones in the unincorporated area.

It would be helpful if the proposed Ordinance MND, Figures 2, 2b, and 2d accurately delineate unincorporated areas relative to the planning area. As of now, the program location areas do not display the difference between the separate jurisdictional boundaries, specifically the City of Oxnard and unincorporated community planning areas and therefore potential impacts cannot be adequately evaluated. The City should update the program location index images in the proposed ordinance MND to accurately reflect the location of planning area boundaries in relation to unincorporated County boundaries.

C-4

Height: As stated in the proposed Ordinance MND, the "maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display" (MND Page 9). The height standards of electronic billboards in the Ordinance MND should be clarified so the public can understand maximum heights of the billboards from the top of the billboard to ground level, as slope and topography changes will site billboards lower or higher in relation to adjacent land uses and cause impacts that were not evaluated in the Ordinance MND. For example, the proposed Riverpark Boulevard Electronic Billboard (MND No.22-03) has a proposed height of 80 feet measured from the top of the billboard to the ground. This height standard used in this specific proposal is more accurate than the method of measurement proposed in the ordinance and could be inconsistent with the ordinance. One method of measurement is needed that evaluates the maximum height as measured from the adjacent grade to the top of the billboard itself. The County requests that you please verify in the Response to Comments that the height in the ordinance for billboards will not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display for any proposed billboard projects. If this height assumption is inaccurate, please verify the maximum height that any billboard can be pursuant to the ordinance.

C-5

Limit the Number of Billboards: Another potential cumulative impact on unincorporated areas is there are no maximum quantity of allowable digital billboard displays identified in the proposed ordinance. As of now, the Ordinance MND makes no indication for a maximum allowable number throughout the entirety of the planning area. There should be calculations to understand the potential maximum number of digital display billboards, taking into consideration that they must be placed 2,000 feet away from one another. The proposed ordinance should include reference that existing digital display billboards must comply with the all development standards, including setbacks set forth in the Caltrans Outdoor Advertising Act and Regulations. C-6

Community Benefits: El Rio/ Del Norte and Nyeland Acres communities are identified in the County General Plan as designated disadvantaged communities. The City should take into consideration how the ordinance and billboards would affect these disadvantaged communities and update the Required Findings of Public Benefit section of the proposed Ordinance MND (page 10) to describe how public benefits will be provided to affected disadvantaged communities that could be adversely affected by the proliferation of digital display billboards. C-7

The City and digital display billboard applicants should also meet with the El Rio/ Del Norte Municipal Advisory Council to further clarify potential public benefits and impacts from the proposed ordinance and XX project and XX project . Furthermore, the El Rio/Del Norte Area Plan includes the following policy that encourages the City to present proposed ordinances and discretionary projects to the Council for review and comment (italics added for emphasis):

Policy, ED-21.1- Public Review Authority
The El Rio/Del Norte Municipal Advisory Council shall continue to be the Board of Supervisors' recognized public review group for the El Rio/Del Norte area. All County *and city applications for discretionary permit*s and all environmental documents for projects which would affect the El Rio/Del Norte area shall be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council as early in the process as possible. C-8

Scenic Resources
To address concerns with light pollution, light trespass illuminance standards were discussed in the proposed Ordnance MND. However, there are still concerns with glare and light pollution, specifically in the evening with respect to the nearby residential communities. The analysis within Chapter 3 of the proposed Ordinance MND did not evaluate potential impacts from public viewing locations such as roadways in the unincorporated area of Ventura County, particularly the El Rio and Nyeland Acres communities. Since there is no numerical limit on the proliferation of billboards under the proposed ordinance, the Ordinance MND should also evaluate cumulative impacts from glare and illuminance from the perspective of public roads and hiking trails in the hillside areas with views of the Oxnard Plain. C-9

When assessing the distance from Digital Billboard Display's to residential parcels, Los Angeles County's zoning code, Section 22.114.070 prescribes standards for outdoor advertising signs, and states that such signs shall not be permitted within 200 feet of a residential zone located on the same side of the street or highway. The City should adopt the same or greater 200-foot setback requirement from residential zones (including unincorporated residential zones) rather than the proposed 100-foot setback. The City should also include the following standard from Los Angeles County zoning code Section 22.114.050 in the MNDs and conditions of approval for light protection to surrounding premises, with the additional reference added for applicability to unincorporated areas in parenthesis:

- In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

The proposed Ordinance MND states that, "light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for light-sensitive urban areas such as residential areas and 0.2 fc or greater for natural areas such as the Santa Clara River Basin" (MND page 19). The Ordinance MND should also include references to compliance with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5 for enforcing sign brightness and reads as follows: C-9 (Cont)

- No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.
- The brightness reading of an objectionable light source shall be measured with a 11/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source.

Lastly, Federal Highway Administration guidance on off-premise changeable message signs recommend adjusting brightness in response to changes in light levels so that signs are not unreasonably bright for the safety of the motoring public. Brightness should be adjusted accordingly and if a billboard has the potential to illuminate uses in unincorporated residential zones, an evening time shut off period should be required for mitigation of potential brightness and illumination light spill.

The City should include mitigation measures and comparable brightness standards for the intensity of lighting identified in the City of Ventura's Auto Center Specific Plan Amendments for the Final Initial Study Mitigated Negative Declaration that was approved in 2017 as either mitigation measures in the Ordinance MND or development standards in the Billboard Ordinance. The City of Ventura's Auto Center electronic billboard display is routinely turned off at 10 p.m. to mitigate light emittance and nuisance in the evening time. The following measures from the Auto Center Specific Plan should also be included in the proposed ordinance, and digital display billboard projects should be conditioned as follows:

Mitigation Measure AES-1: Electronic Sign Brightness. The Auto Center Specific Plan shall include the following standards for the Auto Center freeway sign and Auto Center entry sign:

- Lighting levels on the digital sign shall not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America.
- Brightness shall not exceed 800 nits (candela per square meter) from sunset to sunrise. At all other times, brightness will not exceed 7500 nits.
- Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face.
- A light sensor shall be installed with the sign to measure ambient light levels and to adjust light intensity to respond to such conditions. The light sensor adjusts the sign's brightness in order to compete with ambient light. The darker the surrounding ambient light, the less bright the sign is.
- The sign shall not display any moving, flashing, scrolling, fading, brightening or animated text or video.
- Signage shall be controlled remotely and include remote maintenance software.
- LED lighting has a directional nature, and the projected viewing angle values for this sign shall be ± 30° vertically and ± 60° horizontally. Louvers shall be located above each row of lights to prevent light from projecting upward into the sky.

C-9 (Cont)

Mitigation Measure AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the freeway sign. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.3 foot-candle requirement is satisfied.

Biological Resources

The proposed Ordinance MND (page 32) evaluates potential impacts to critical habitat, special status plant species and avian species. The electronic billboards could impact wildlife corridor movement due to electronic light displays that deter and disorient wildlife movement. The Santa Clara River riparian area is identified by the County of Ventura as an important Habitat Connectivity and Wildlife Corridor. Without precise mapping that identifies the extent that billboards could be placed closest to the Santa Clara River basin, and the proposed approach to test billboards for impacts after they are bult, there is insufficient information to determine whether there will be direct, indirect, or cumulative impacts to wildlife movement. CEQA requires protecting wildlife corridors/movement areas and the proposed ordinance development standards, environmental impact analyses, and project-specific conditions of approval should include measures to conserve the natural state of the habitat wildlife corridor and ensure species can move throughout the region. The City should consider the following mitigation measure in the Ordinance MND for impacts to biological resources. This mitigation measure should also apply to the Riverpark Boulevard MND and as needed to future digital billboard projects' conditions of approval:

AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign, as measured from within the Habitat Corridor. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.2 foot-candle requirement is satisfied.

C-9 (Cont)

The Santa Clara River is the longest continuous river system in Southern California and runs over 100 miles in length, originating from the San Gabriel Mountains in Los Angeles County and traverses throughout Ventura County to reach the Pacific Ocean. Extensive patches of high-quality riparian habitat are present along the length of the river and its tributaries. Numerous state and federally listed species have been found in and nearby the undeveloped areas (e.g., least bell's vireo (Vireo bellii pusillus), mesa horkelia (Horkelia cuneata), California legless lizard (Anniella pulchra), Lyon's pentachaeta (Pentachaeta lyonia), and coastal California gnatcatcher (Polioptila californica californica). Please see Figure 2 below for a map of the Habitat Connectivity and Wildlife Corridor in the South Coast Ventura County region. The proposed Ordinance MND should be revised to adequalty analyze the impacts to the wildlife corridor and include additional mitigation measures as appropiate. Lastly, the following El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance, and as a basis for biological mitigation measures to offset environmental impacts:

Goal, ED-32: To protect the biological resources of the Santa Clara River and adjoining natural habitat areas including significant stands of Southern Willow within the Santa Clara River bounding the El Rio/Del Norte area.

Goal, ED-33: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

C-9 (Cont)

Policy, ED-33.1: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

In closing, thank you again for the opportunity to comment on the three MNDs for the proposed ordinance and digital display billboard projects. The County is hopeful that the City will combine these three MND's into one environmental document and recirculate for public review and comment. This action would facilitate meaningful public disclosure of the potential direct, indirect, and cumulative environmental impacts of the Ordinance MND and associated Ventura Road and RiverPark projects on the unincorporated County. If you have any questions about this letter, please contact Joel Hayes at Joel.Hayes@ventura.org or 805.654.2834.

C-10

Sincerely,

Susan Curtiss for Dave Ward

Dave Ward, AICP I Planning Director
County of Ventura, Planning Division

Figure 1. Unincorporated Residential Zones (circled in green) that need to be evaluated for direct, indirect and cumulative impacts due to the proposed ordinance and billboard projects.

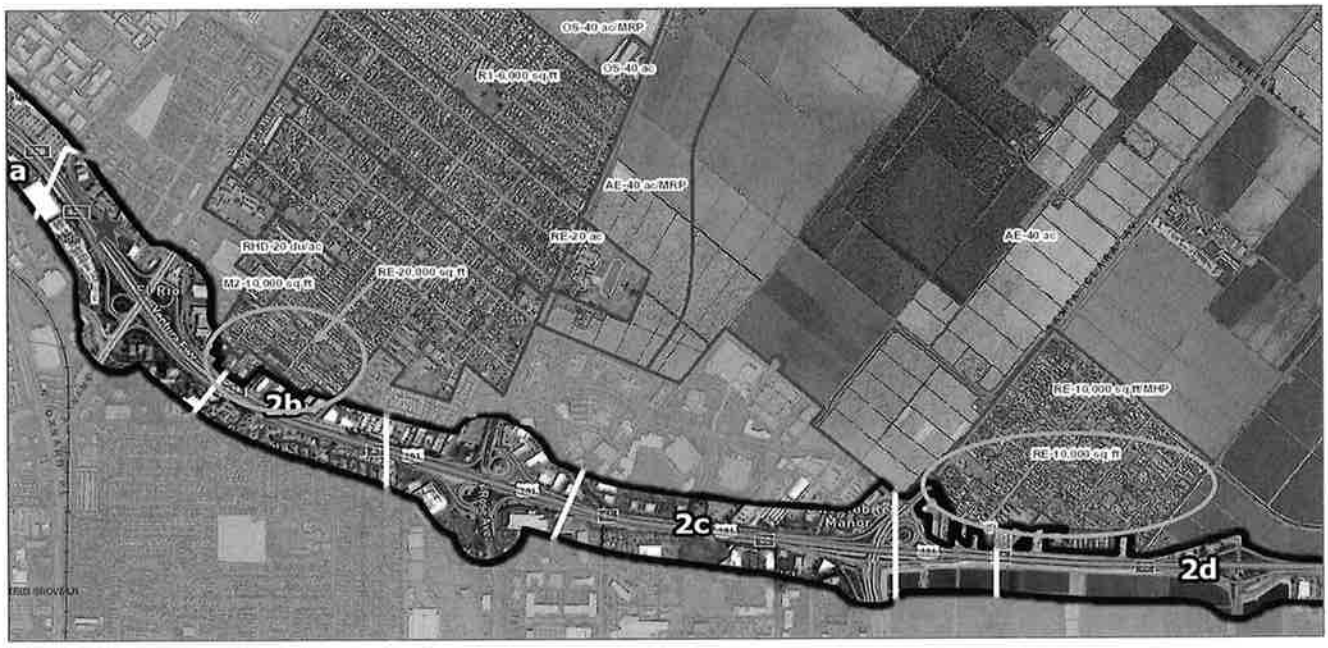
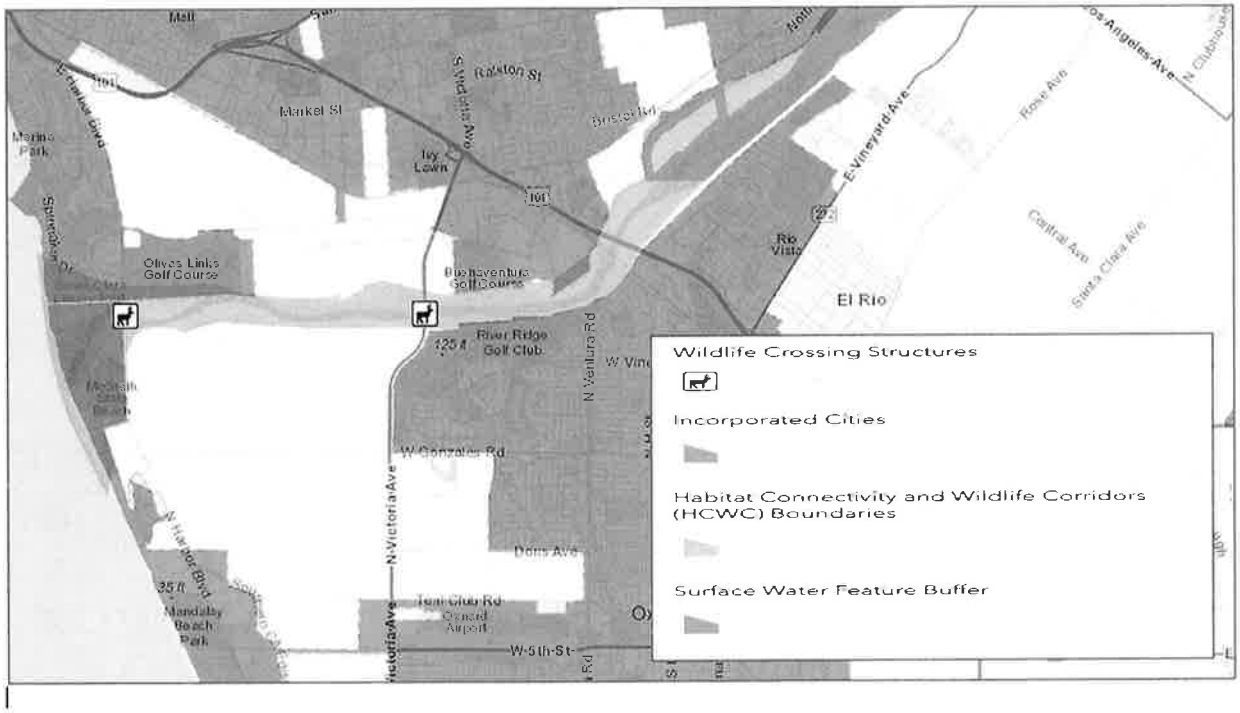


Figure 2. Map showing Habitat Connectivity and Wildlife Corridors in the Santa Clara River basin.



Comment Letter C: County of Ventura Resources Management Agency, Planning Division – July 29, 2022

Comment C-1

This comment states that the Planning Division reviewed three separate Mitigated Negative Declaration (MNDs) related to the proposed Riverpark Electronic Billboard, potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance and Ventura Road Electronic Billboard. The comment specifically states that the proposed Riverpark Electronic Billboard would be located approximately 1,800 feet from an unincorporated zone for residential high-density development. The comment asserts that the proposed Project may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Response to Comment C-1

The potential Riverpark Boulevard Electronic Billboard Project would increase impacts to residential areas in the immediate vicinity of the site; however, nominal impacts to residents located approximately 1,800 feet from the Project site would occur due to distance. As discussed in Section 3.18 b) in the Public Review Draft IS/MND, the proposed Riverpark Electronic Billboard could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related electronic billboard projects would need to occur at least 2,000 feet from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

Comment C-2

This comment asserts that evaluating the cumulative impacts of the three projects that are addressed within the three separate Public Review Draft IS/MNDs is difficult and recommends that the City consolidates its review into one environmental document.

Response to Comment C-2

The potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. A discussion of cumulative impacts is provided for each Public Review Draft IS/MND in Section

3.18 b). The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

Comment C-3

This comment states that an analysis of potential environmental impacts to unincorporated areas such as the El Rio/Del Norte and Nyeland Acres communities and sensitive biological resources adjacent to and in the vicinity of the proposed Project should be evaluated.

The comment also requests amendments to the draft Freeway Adjacent Digital Display Billboards Ordinance.

Response to Comment C-3

The Riverpark Boulevard Electronic Billboard Project is located approximately 1,000 feet from the El Rio/Del Norte community but located approximately two miles from the Nyeland Acres community. As discussed in Chapter 3 of the Public Review Draft IS/MND, the proposed Riverpark Electronic Billboard could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Additional potential impacts on residents and motorists such as views, light, glare, and noise from the implementation of the proposed Riverpark Boulevard Electronic Billboard could occur, but the impacts would be less than significant as discussed in Chapter 3 of the Public Review Draft IS/MND.

Given that the potential related billboard projects (i.e., Ventura Road Electronic Billboard and additional electronic billboards implemented as part of the Freeway Adjacent Digital Display Billboards Ordinance) would need to occur at least 2,000 feet from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

Because the Project site is located approximately 1,000 feet from the El Rio/Del Norte unincorporated community, the request for amendments to the Ordinance is not applicable to the Riverpark Boulevard Electronic Billboard Project. The Project's specific potential impacts are evaluated in the Public Review Draft IS/MND.

Comment C-4

This comment references the proposed Ordinance and requests setbacks.

Response to Comment C-4

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

Comment C-5

This comment references the proposed Ordinance and requests more specific information on maximum heights.

Response to Comment C-5

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

Comment C-6

This comment references the proposed Ordinance and requests more specific information on limiting the number of billboards.

Response to Comment C-6

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

Comment C-7

This comment asserts that the City should take into consideration how the ordinance and proposed billboards would affect disadvantage communities and how public benefits will be provided to affected disadvantage communities.

Response to Comment C-7

The El Rio/Del Norte and Nyeland Acres communities are within the jurisdiction of the County of Ventura. These communities are outside of the City of Oxnard. Potential impacts associated with the construction and operation of the Riverpark Boulevard Electronic Billboard Project would impact residents that are in close proximity to the Project site; however, less than significant impacts would occur to these residents as well as residents of the El Rio/Del Norte community. The Project would not impact the residents of the Nyeland Accres community because the Project site is located more than 3 miles to this unincorporated community.

Comment C-8

This comment asserts that all County and City applications for discretionary permits and all environmental documents for Projects should be sent to the Board of Supervisor's Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

Response to Comment C-8

A Notice of Intent to Adopt a Mitigated Negative Declaration was mailed to the County of Ventura for distribution. Potential impacts associated with the construction and operation of the Riverpark Boulevard Electronic Billboard Project would not result in significant impacts to the residents of the El Rio/Del Norte community as discussed in Chapter 3 of the Public Review Draft IS/MND.

Comment C-9

This comment addresses evaluations of scenic resources and biological resources provided in the Freeway Adjacent Digital Display Billboards Ordinance Public Review Draft IS/MND.

Response to Comment C-9

This comment does not address contents within the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND. Therefore, no further response is required.

Comment C-10

This comment thanks the City for providing an opportunity to comment on the three Public Review Draft IS/MNDs for the proposed Ordinance and the electronic billboard projects. The County reiterated the request to provide the environmental documentation for the IS/MNDs into one environmental document.

Response to Comment C-10

As discussed in Response to Comment C-2, the potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

CITY OF OXNARD CALIFORNIA

Comment Letter D

Pearson II, Joe <joe.pearson@oxnard.org>

Re: Notice of Intent to Adopt MND - Riverpark Boulevard Electronic Billboard

1 message

Darron B <darronbaida@gmail.com> Fri, Jul 15, 2022 at 2:41 PM
To: "Pearson II, Joe" <joe.pearson@oxnard.org>

Mr. Pearson,
Were there any additional hearings on the electronic billboards since December 2021? Being on the interest list and not hearing anything since then, I assumed the proposal was abandoned. Was a migratory bird study performed as they may be impacted by the new light pollution?

Are there any ways to stop the ordnance from being changed and these being built? It's an incredibly bad idea for Oxnard that I'm willing to go to bat for. I appreciate any suggestions you have. D-1

Thank you.
Darron Baida

On Thu, Jun 30, 2022 at 8:37 AM Pearson II, Joe <joe.pearson@oxnard.org> wrote:

> Hello,
>
> Please see attached Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Riverpark Boulevard Electronic Billboard Project.
>
> **The public review period begins June 30, 2022, and ends July 29, 2022**. All comments should be provided in writing and received before 5:00 p.m. on July 29, 2022. Inquiries should be directed to Joe Pearson, Principal Planner, at (805) 385-8272 or Joe.Pearson@oxnard.org. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).
>
> Best,
>
> **Joe Pearson II, AICP | Principal Planner**
> **Community Development Department**
> 214 S C Street | Oxnard, CA 93030
> O: 805-385-8272
> Joe.Pearson@Oxnard.org
> www.oxnard.org
>
> Online services are available through our online portal at www.oxnard.org/planning
>
> - General inquiries should be sent via email to Planning@oxnard.org.
> - For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
> - For existing applications, contact your assigned Case Planner by direct email.
>
> The Community Development service counter has reopened to the public from 8:00 a.m. to 4:00 p.m., Monday through Thursday and 9 a.m.-4 p.m. on alternating Fridays.
>
> When visiting the Service Center, please follow masking protocols as established by the County of Ventura. Information regarding mask wearing guidelines can be found here: https://www.venturacountyrecovers.org/

Comment Letter D: Darron Baida – July 15, 2022

Comment D-1

This comment asks if there were hearings on the proposed electronic billboard since December 2021. In addition, the comment asserts that the proposed Freeway Adjacent Digital Display Billboards Ordinance is a bad idea.

Response to Comment D-1

No public hearings have occurred on the Riverpark Boulevard Electronic Billboard Project. The public hearing to deliberate the approval of the Project will be noticed to the public in accordance with the City's public hearing notice requirements. The comment regarding the Freeway Adjacent Digital Display Billboards Ordinance is an opinion and not a comment on the contents of the Public Review Draft IS/MND.

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CHAPTER 4
Errata

The following text changes are made to the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and incorporated as part of the Final Initial Study/Mitigated Negative Declaration (Final IS/MND). These changes are minor and do not alter the conclusions of the Public Review Draft IS/MND. Changes to the text are noted with underline (for added text) or ~~strikeout~~ (for deleted text).

Page 18, fourth sentence of the first paragraph

VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

Page 18, second paragraph

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

Page 27, second and third paragraphs

Mitigation Measure BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December ~~January~~ 31, outside the ~~typical~~ nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the ~~typical~~ nesting season (January ~~February~~ 1 – September 15 ~~August 31~~), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a ~~100 to 3~~ 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests

within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

CHAPTER 5
Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
AES-1: The proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash..	Prior to construction completion	Project Construction Contractor	Community Development Department	
AES-2: Within 14 days of the proposed electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), the Applicant shall submit to the satisfaction of the Community Development Director the following information: • A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas.	Ongoing	Applicant	Community Development Department	
BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds. If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.				
CUL-1: Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of	Retain Archaeologist and Native American Monitor prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant, Project Archaeologist, and Native American Monitor	Community Development Department	

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department

June 2022

ESA

RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
805.385.8272

June 2022

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ENVIRONMENTAL CHECKLIST

Initial Study

1.0 Project Information

1. **Project Title:** Riverpark Boulevard Electronic Billboard

2. **City of Oxnard Contact Person and Phone Number and Address:**
City of Oxnard
Community Development Department
Planning Division
214 South C Street
Oxnard, California 93030
Joe Pearson, II, Senior Planner
805-385-8272

3. **Project Location:** The Project is located on a 0.25-acre site in the northern portion of the City of Oxnard (**Figure 1**). Specifically, the site is located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue, approximately 65 feet south of Riverpark Boulevard, and approximately 1-foot and 4 inches from the U.S. 101 right-of-way (**Figure 2**). The Project site is currently undeveloped.

4. **Project Sponsor's Name and Address:**
Foster Interstate Media, Inc.
1111 Broadway, Suite 1515
Oakland, CA 94607
T: 510-832-7070 x 1103
F: 510-832-7071
C: 415.385.1781

5. **General Plan Designation(s):** The Project site is designated under the City of Oxnard 2030 General Plan as Regional Commercial, according to the General Plan Land Use Map. The proposed Project conforms to the 2030 General Plan land use designation.

6. City Zoning: The zoning designation of the proposed Project is RiverPark Specific Plan with a Public Facilities Land Use.

7. Description of Project:

The Riverpark Boulevard Electronic Billboard is located between U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue. The Project site is located within the RiverPark Specific Plan "A" and was assessed as Public Facilities as part of the 2009 Addendum 8 to the RiverPark Specific Plan Final EIR. The implementation of the proposed Riverpark Boulevard Electronic Billboard would require the approval of a Special Use Permit, Amendment to the RiverPark Specific Plan, and a Development Agreement. The Project plans are provided in **Appendix A**.

Special Use Permit

The proposed Project includes a request for approval of a Special Use Permit for the installation and operation of an electronic billboard (**Figure 3**). The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The proposed billboard would be supported by a pole that ranges in diameter from approximately 7 feet to 3 feet. The pole would extend approximately 40 feet below ground and approximately 45.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The top of the billboard would be 60 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width (**Figure 4**). The existing ground level is at approximately the same elevation as the travel lanes along U.S. 101 and Riverpark Boulevard. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Electricity for the electronic billboard will be provided by electrical service located immediately adjacent to the Project site and require approximately 40 feet of trenching for the electrical connection. The average electricity use is approximately 150 kilowatt hour (kwh) per day and approximately 54,000 kwh per year. Lighting levels on the digital sign will not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America. Brightness shall not exceed 300 nitere (nits) or candela per square meter from sunset to sunrise. At all other times, brightness will not exceed 7,500 nits. Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness based on ambient conditions. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. LED lighting has a directional nature, and the projected viewing angle values for the proposed sign will be +14.9°/-34.6° vertically and ±45° horizontally. Louvers will be located above each row of lights to prevent light from projecting upward into the sky.

Construction activities would occur in approximately four days over a two-week period. Eight existing eucalyptus located on the north side of U.S. 101 are proposed to be removed which would require Caltrans approval because the trees are located within the U.S. 101 right-of-way. In addition, the Project includes removal of all dead wood located in the vicinity of the existing eucalyptus trees. The Project includes the placement of small multi-trunk accent trees with a maximum height of 15 feet along with low groundcover and shrubs (**Figure 5**). Up to two days will be required to drill the footing and haul/dispose of excess dirt and pour concrete to set the column. After the concrete sets, the structure is built. Finally, the digital displays are built and set.

Specific Plan Amendment

The proposed Project will require an amendment to the RiverPark Specific Plan. The amendment would include the addition of Freeway Adjacent Digital Display Billboards within the Commercial Master Plan of the RiverPark Specific Plan. The specific revisions to the Specific Plan text is provided in **Appendix B**. The proposed revisions identify minimum and maximum lot dimensions as well as size and spacing of the billboards. These revisions would be consistent with the proposed Freeway Adjacent Digital Display Billboards Ordinance that is required to be approved prior to approval of the proposed Project.

Development Agreement

The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement would also outline the required public benefits to be provided by the future development, including fiscal benefits to the City, such as revenue sharing. No other physical improvements are allowed or required by the development agreement.

8. Surrounding Land Uses and Setting

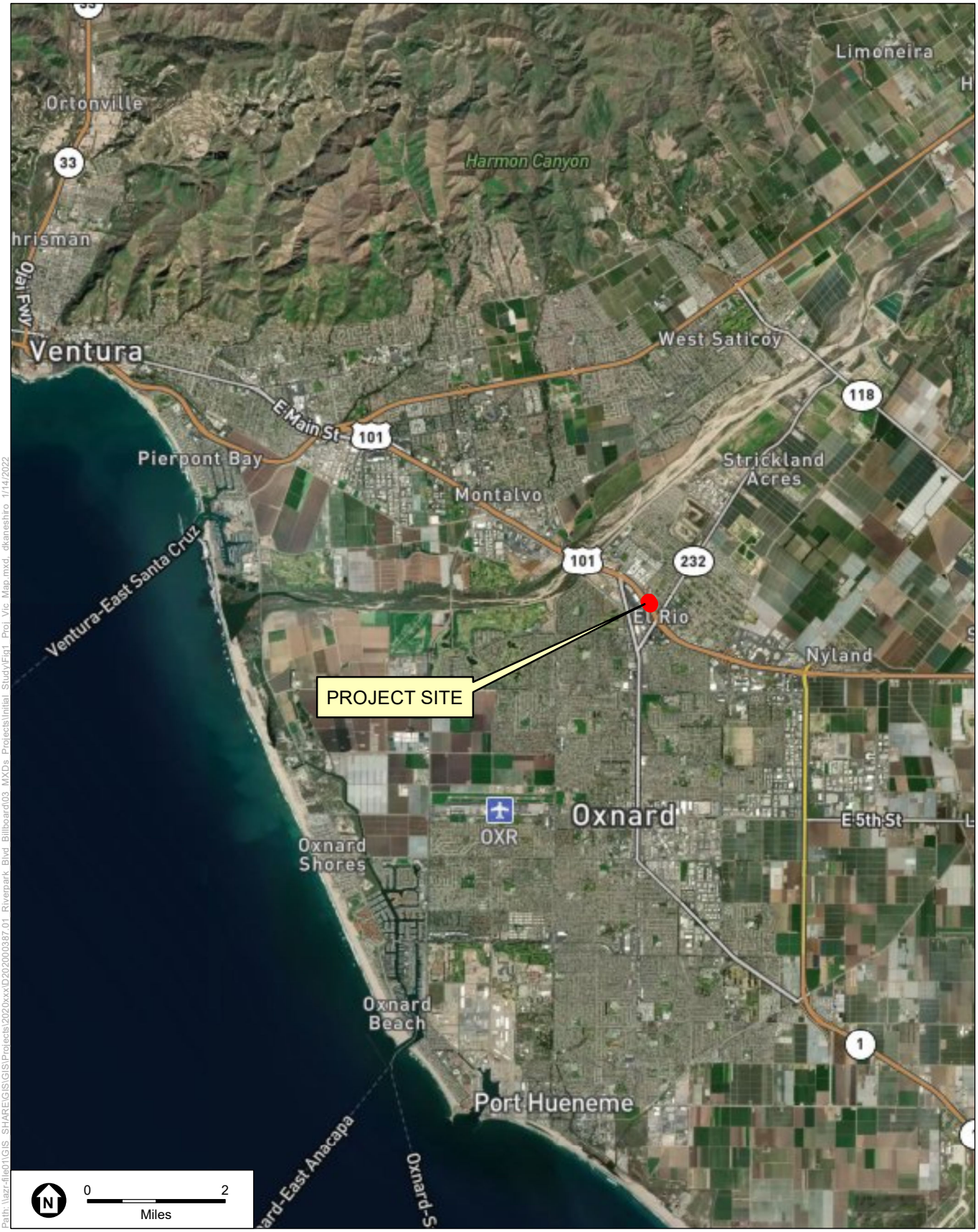
The area surrounding the Project site consists of a mix of residential and commercial land uses. To the west and south of the Project site, across U.S. 101, is the Esplanade Commercial Shopping Center. To the southeast are retail commercial uses adjacent to Vineyard Avenue. These commercial and retail land uses are zoned as RiverPark Specific Plan. On the northeast side of Riverpark Boulevard is a place of worship and single family residences that are part of the El Rio West neighborhood and zoned as a Multiple-Family Residential Planned Development and Single-Family Residential Planned Development. To the north are the two and three story Paseo Del Rio Apartments, which are also a part of the RiverPark Specific Plan Area. Further to northeast within the RiverPark Specific Plan area are additional apartments that are three stories and beyond the apartments is the Collection shopping center.

9. Other public agencies whose approval is required

The proposed Project will require two separate permits from the California Department of Transportation (Caltrans). Because the Project includes the removal of existing landscaping and the installation of new landscaping within the right-of-way of U.S. 101, an encroachment permit from Caltrans will be required. In addition, the proposed Project will require an Outdoor Advertising Act Permit from Caltrans to ensure the proposed electronic sign does not represent a danger to motorists traveling along U.S. 101. No additional permits, financing approval or participation agreement will be required from other public agencies.

10. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (**Appendix C**). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52. The Barbareno/Ventureno Band of Mission Indians did not request consultation with the City of Oxnard regarding the proposed Project.



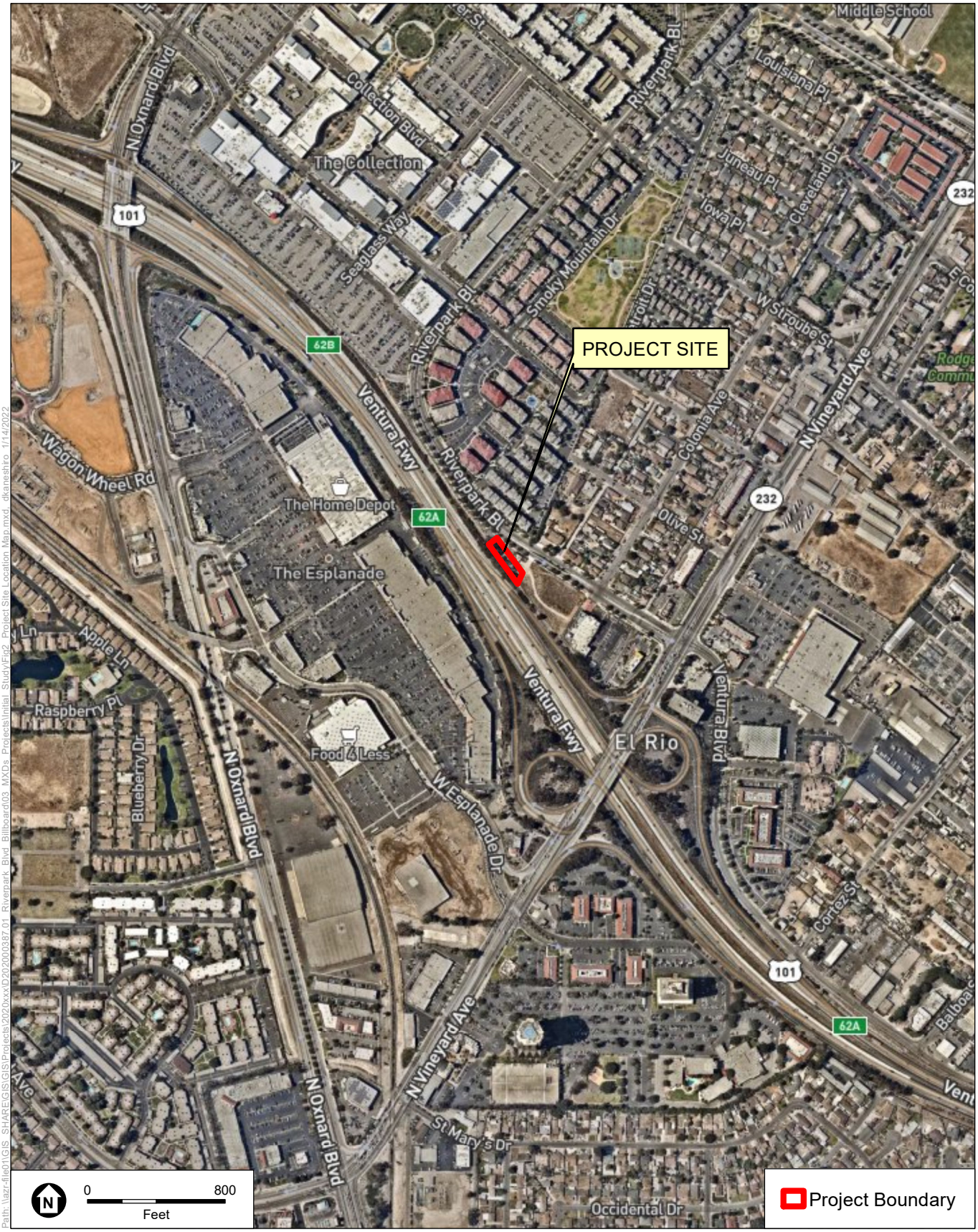
Path: \\azr-file01\GIS_SHARE\GIS\Projects\2020\xxx\D2020000387.01_Riverpark_Blvd_Billboard\03_MXDs_Projects\Initial_Study\Fig1_Proj_Vic_Map.mxd dkaneshiro 1/14/2022

SOURCE: OpenStreetMap, 2022

Riverpark Boulevard Electronic Billboard Project

Figure 1
Project Vicinity Map

ESA

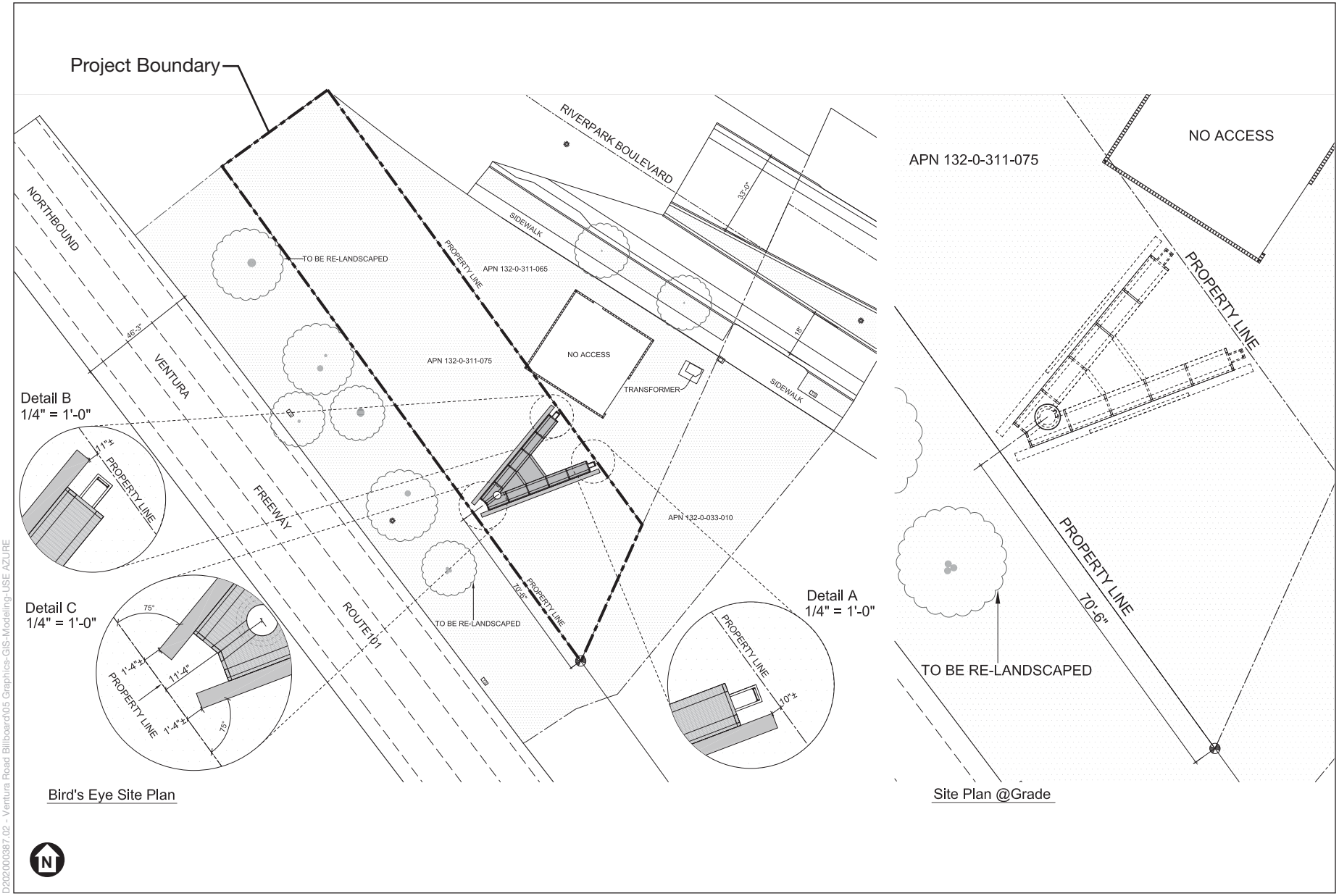


SOURCE: OpenStreetMap, 2022

Riverpark Boulevard Electronic Billboard Project

Figure 2
Project Site Location Map

Path: \\azr-file01\GIS_SHARE\GIS\Projects\2020\xxxID2020000387.01_Riverpark_Blvd_Billboard\03_MXDs_Projects\Initial_Study\Fig2_Project Site Location Map.mxd dkaneshiro 1/14/2022



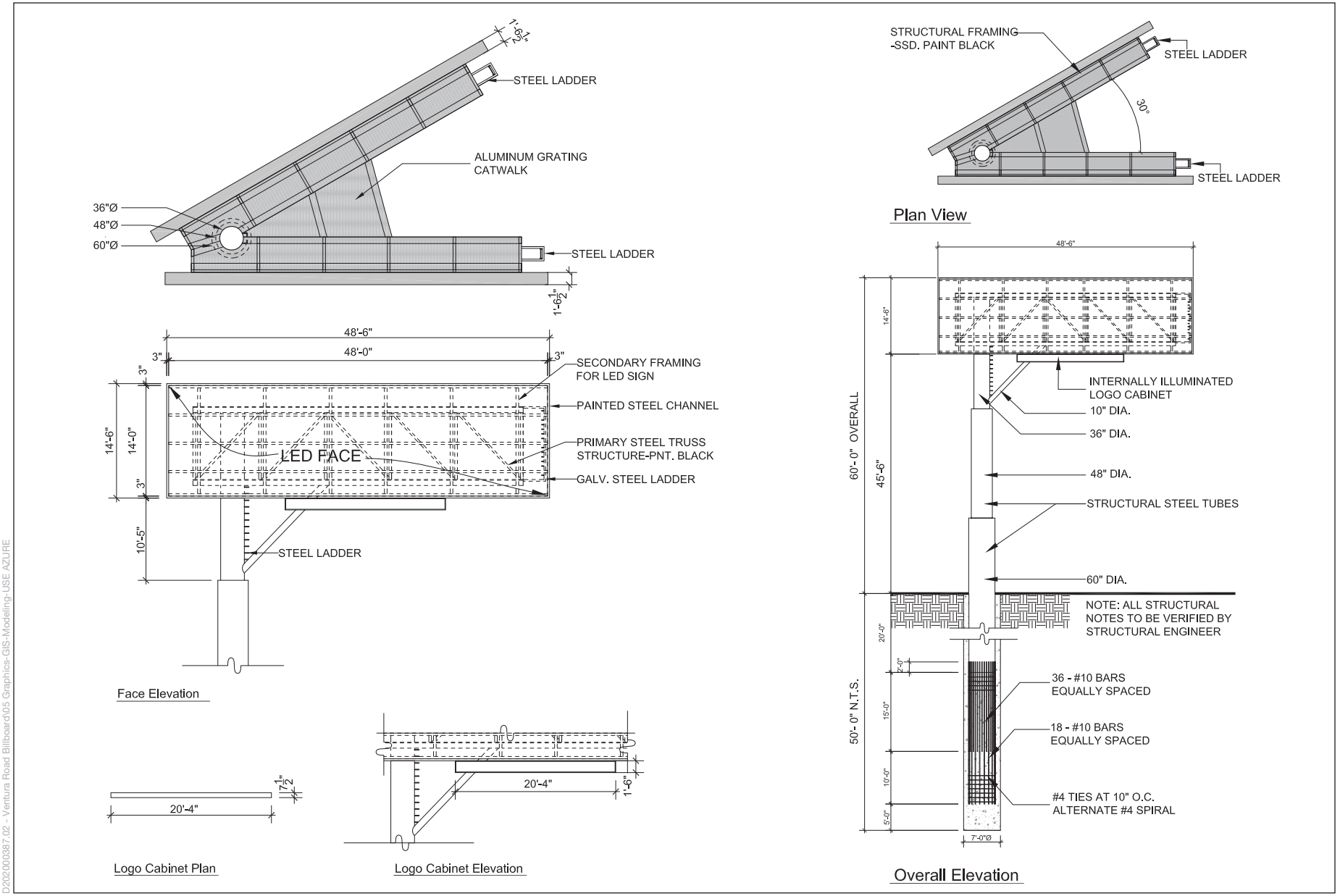
D202000387.02 - Ventura Road Billboard\05 Graphics-GIS-Modeling-USE AZURE

SOURCE: ib+a architecture, 2020

Riverpark Boulevard Electronic Billboard Project

Figure 3
Project Site Plan

ESA



SOURCE: ib+a architecture, 2020

Ventura Road Electronic Billboard Project

Figure 4
Electronic Billboard Elevation and Plan Views

D202000387.02 - Ventura Road Billboard\05 Graphics-GIS-Modeling-USE AZURE



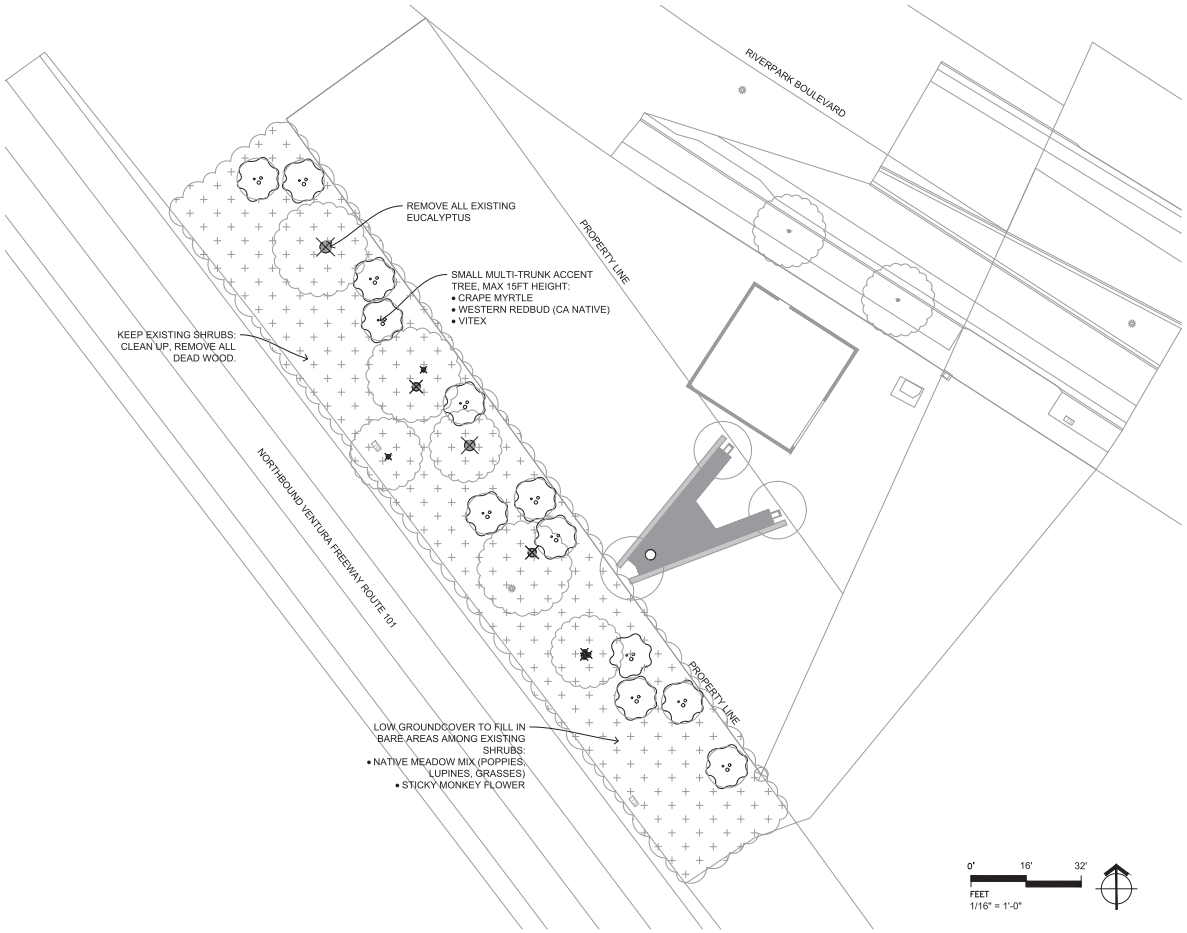
CRAPE MYRTLE: MANY SMALL VARIETIES ARE AVAILABLE



WESTERN REDBUD: CALIFORNIA NATIVE



VITEX: FRAGRANT LAVENDAR FLOWERS ATTRACT BUTTERFLIES



LANDSCAPE DESIGN INTENT

THE LANDSCAPE DESIGN IS SIMPLE, NATURALISTIC, WATER CONSERVING AND LOW MAINTENANCE. IT IS IN CONTEXT WITH THE ADJACENT HIGHWAY, THE NEIGHBORING URBAN AREA AND WITH THE LOCAL ENVIRONMENT.

SMALL FLOWERING TREES DRIFT ALONG THE INSIDE EDGE, ADDING COLOR AND SOFTENING THE STRUCTURE.

THE UNDERSTORY RETAINS THE EXISTING LOW EVERGREEN SHRUBS AND FILLS IN THE BARE AREAS WITH A NATIVE MEADOW WHICH IS COMPOSED OF TOUGH LOW GROUNDCOVERS. ADDITIONAL WOODY SHRUBS ARE AVOIDED DUE TO THE POTENTIAL FIRE HAZARD OF THEIR FLAMMABLE INTERIORS.

THE DESIGN COMPLIES WITH THE WATER EFFICIENT LANDSCAPE ORDINANCE. IT INCORPORATES SUSTAINABLE PRINCIPLES AND BEST MANAGEMENT PRACTICES. SPECIES ARE CAREFULLY SELECTED AND COMBINED BASED ON SIMILAR WATER NEEDS AND HORTICULTURAL REQUIREMENTS. PLANTING AND IRRIGATION ARE COORDINATED SO THAT WATER USE IS MINIMIZED AND ENVIRONMENTAL BENEFITS ARE MAXIMIZED.

THIS LANDSCAPE PLAN IS CONCEPTUAL. FURTHER DESIGN IS REQUIRED TO DEVELOP IT TO CONSTRUCTION READY PLANS.



STICKY MONKEY FLOWER: NATIVE



NATIVE MEADOW

D2020000387.01 - Riverpark Boulevard Billboard\05 Graphics-GIS-Modeling-USE AZURE

SOURCE: Panoramic Design Group, 2021

Riverpark Boulevard Electronic Billboard Project

Figure 5
Landscape Plan

2.0 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ Aesthetics and Urban Design	☒ Cultural Resources and Tribal Cultural Resources	☐ Mineral Resources	☐ Utilities and Energy
☐ Agricultural Resources	☐ Geology and Soils	☒ Noise	☐ Wildfire
☐ Air Quality	☐ Hazards and Hazardous Materials	☐ Population, Education, and Housing	☒ Mandatory Findings of Significance
☒ Biological Resources	☐ Hydrology and Water Quality	☐ Public Services and Recreation	
☐ Climate Change and Greenhouse Gas Emissions	☐ Land Use and Planning	☐ Transportation and Circulation	

DETERMINATION:

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed Name	For

3.0 Environmental Checklist

3.1 Aesthetics and Urban Design

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have a substantial adverse effect on a scenic vista such as an ocean or mountain view from an important view corridor or location as identified in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, or route identified as scenic by the County of Ventura or City of Oxnard?	☐	☐	☒	☐
c) Would the project substantially degrade the existing visual character or quality of the site or its surroundings such as by creating new development or other physical changes that are visually incompatible with surrounding areas or that conflict with visual resource policies contained in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
d) Would the project add to or compound an existing negative visual character associated with the project site?	☐	☐	☒	☐
e) Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Based on a review of the Oxnard General Plan Background Report (City of Oxnard, 2006), there are scenic areas and view corridors within the City of Oxnard. The scenic areas and view corridors include local waterways, agricultural open space, beaches and coastline, scenic highways/roadways, and urban landscapes that maintain original historic architectural features and contain park/plaza features.

The proposed Project is located adjacent to U.S. 101 that is identified as part of the City's Scenic Highway System along the entire length of U.S. 101 from the eastern city limits to the western city limits. The current views from U.S. 101 in the vicinity of the Project site include urban development such as commercial and residential uses. The view from motorists traveling northbound on U.S. 101 from Vineyard Avenue includes eucalyptus trees on both sides of the freeway, urban development on both sides of the freeway and a background view of the Coastal Mountain Range. The view from motorists traveling southbound on U.S. 101 from Oxnard Boulevard includes urban development (commercial and residential uses) on both sides of the freeway with landscaping providing partial obstruction of structures in some areas. This view also includes Caltrans signs and private commercial billboards associated with the RiverPark Specific Plan development. Background views from the southbound lanes include a small portion of the hills of Point Mugu State Park that bound the southeastern portion of the City of Oxnard.

The implementation of the proposed amendment to the RiverPark Specific Plan, Development Agreement and placement of the proposed electronic billboard on the Project site would result in the removal of six existing eucalyptus trees located on the north side of the U.S. 101 right-of-way, and the placement of a 60-foot high pole with an electronic billboard that would be 14.5 feet in height and 48.5 feet in width. No landscaping is proposed on the Project site. A visual simulation of the proposed electronic billboard is provided in the Project Plans located in Appendix A. The implementation of the Project would result in an impact on motorist views traveling along U.S. 101; however, this impact would not be considered a substantial adverse effect on a scenic vista since the views of the Project area from U.S. 101 consist of urban development and the views of the proposed electronic billboard would add another typical view of an urban landscape (i.e., billboards and Caltrans signs) that occurs along U.S. 101. Northbound motorists' background views would be minimally impacted because existing views include partial distant views of the Coastal Mountain Range. Southbound motorists' background view will also be minimally impacted because existing views include partial distant views of the hills of Point Mugu State Park. Therefore, implementation of the proposed electronic billboard along with the removal of the existing eucalyptus trees adjacent to the Project site would result in less than significant effects on a scenic vista.

b) **Less than Significant Impact.** The Project site is located along the north side of U.S. 101. Currently, U.S. 101 is an eligible State scenic highway; however, it is not an official State-designated scenic highway (Caltrans, 2019). The nearest officially State-designated highway is State Route 33 located approximately 8 miles west of the Project site. Oxnard Boulevard is also an eligible State scenic highway as well as a City-designated scenic highway to U.S. 101. However, Oxnard Boulevard is approximately 0.3 to 0.5 mile west of the Project site and due to existing terrain as well as existing development, very limited views of the upper elevations of the proposed electronic billboard would be viewable. These limited views would not substantially alter the characteristics of existing views from Oxnard Boulevard.

As described above, U.S. 101 is identified as a City of Oxnard scenic highway. As discussed, potential visual impacts from the implementation of the proposed electronic billboard would result in less than significant visual impacts in the existing urban area. Based on a review of the Oxnard General Plan Background Report (City of Oxnard, 2006), there are no historic resources in the vicinity of the Project site. In addition, based on a site visit, there are no areas of rock outcroppings. The Project will remove six eucalyptus trees located along the north side of U.S. 101; however, these trees would be replaced with trees that will mature with lower heights (i.e., 15 feet). The Project also includes the planting of shrubs along U.S. 101 adjacent to the Project site. Less than significant visual impacts would occur with the removal of the existing vegetation within the U.S. 101 right-of-way.

c) **Less than Significant Impact.** As discussed above, the Project would add a structure to motorists' view along the U.S. 101. The addition of the proposed electronic billboard would alter the existing visual characteristics along U.S. 101; however, because the area contains urban development and the proposed electronic billboard provides a typical view

of an urban landscape (i.e., billboards and Caltrans signs) that occurs along U.S. 101, the visual alteration caused by the Project would not be considered a substantial change. Therefore, potential impacts from the visual alteration of adding the proposed electronic billboard to the visual landscape would be less than significant.

The City of Oxnard 2030 General Plan includes aesthetic policies to protect and enhance natural setting and scenic resources. A discussion of the Project's consistency with the applicable aesthetic policies is provided below.

Policy ER-6.1 includes the incorporation of views in new development. This policy requires development to provide physical breaks to allow views into scenic vistas and view corridors. Because the proposed Project includes a free-standing electronic billboard, the implementation of the Project would not conflict with this policy because motorists would briefly view the proposed billboard as they travel along U.S. 101. Therefore, the Project would be consistent with this policy.

Policy ER-6.2 includes the protection and enhancement of major scenic resources including the surrounding mountains. As discussed above, motorists traveling northbound along U.S. 101 would have a background view of the Coastal Mountain Range; however, this background view would be bordered by foreground urban development. Therefore, the addition of the proposed electronic billboard would not substantially impact these background views of the mountain and thus would not conflict with this policy. Therefore, the Project would be consistent with this policy.

Policy ER-6.5 includes the control of light and glare. The policy requires advertising displays and billboards to use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor fixtures. The proposed electronic billboard would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology. The lighting of the proposed electronic billboard would be designed to allow the message on the display visible to passing motorists. The digital LED billboard technology allows sign brightness to be adjusted automatically depending on ambient weather conditions. The display, for example, would be brighter in the daytime than at night-time and responds to changes in the ambient light conditions. The proposed electronic billboard would require a California Department of Transportation Outdoor Advertising Act Permit from Caltrans. The proposed billboard would comply with the brightness requirements outlined in the Outdoor Advertising Act in that the illumination shall not be of such brilliance or so positioned as to cause a hazardous condition on adjacent highways. The implementation of the proposed electronic billboard would not conflict with this policy. Therefore, the Project would be consistent with this policy.

Based on a review of the existing City of Oxnard sign regulations within the City of Oxnard Municipal Code, the proposed electronic billboard is not currently an allowed use within the City of Oxnard. However, as discussed above, the implementation of the proposed

electronic billboard would result in less than significant impact to scenic vistas, scenic resources, and scenic highways, and the Project would result in a less than significant visual alteration of the existing visual characteristics as well as less than significant light and glare.

d) **Less than Significant Impact.** Currently, the Project site includes non-native grasses and disturbed areas as well as landscaping located along U.S. 101. The Project site is undeveloped and does not represent an existing negative view from the surrounding areas. The addition of the proposed electronic billboard would alter the existing visual characteristics of the Project area; however, as discussed above, this alteration would be considered less than significant. Therefore, the addition of the proposed electronic billboard would not add to or compound to an existing negative view of the Project site, and as a result the Project's impact would be less than significant.

e) **Less than Significant Impact.** The operation of the proposed Project would increase nighttime lighting in the Project vicinity. Currently, the City of Oxnard does not have a quantitative exterior light standard. Typically, lighting is quantified using foot-candle (fc) which is the unit of measure expressing the quantity of light received on a surface. One foot-candle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.

Light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for urban areas such as the Project site (CIE, 2003). Therefore, due to the absence of a current local light pollution standard, a significant light impact on the adjacent residents would occur if light levels are 0.5 fc or greater.

The lighting associated with the proposed electronic billboard was evaluated within a Photometric Analysis provided in **Appendix D**. Lighting from the billboard would be directed toward the travel lanes along U.S. 101. Louvers will be located above each row of lights to prevent light from projecting upward into the sky. As discussed above, the digital LED billboard technology allows sign brightness to be adjusted automatically depending on ambient weather conditions. The display, for example, would be brighter in the daytime than at night-time and responds to changes in the ambient light conditions.

The nearest residences to the Project site are located approximately150 feet to the north and northeast. Based on the Photometric Analysis provided in Appendix D, the light levels at the residential areas north and northeast of the site and east of Riverpark Boulevard would be less than 0.2 fc. Because the light level would be less than 0.5 fc, the Project would result in a less than significant lighting impact on the adjacent residential uses.

To ensure that the images on the electronic billboard do not cause hazardous conditions to motorists, the billboard may show a series of still images, each displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant

illumination. Transition or blank screen time between one still image and the next may not exceed one second. The implementation of these design features as well as complying with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131) and the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), when constructing, operating, improving, maintaining, and repairing the proposed billboard would reduce potential light and glare impacts from the proposed electronic billboard to less than significant.

Lighting from the proposed billboard would be primarily directed towards the travel lanes along U.S. 101. The proposed billboard will be angled as shown in Figure 4 so that lighting onto adjacent land uses (i.e., the residences north and northeast of the site) would be minimized. Based on the photometric analysis provided in Appendix D, lighting levels at the adjacent residences would be minimized and would be less than 0.5 fc. Therefore, the operation of the proposed electronic billboard would not result in a substantial light increase and would result in a less than significant impact on daytime or nighttime views.

Although less than significant lighting impacts would occur, the following mitigation measures are recommended to further reduce less than significant light impacts.

> **Mitigation Measure AES-1:** The proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.
>
> **Mitigation Measure AES-2:** Within 14 days of the proposed electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), the Applicant shall submit to the satisfaction of the Community Development Director thereafter as, of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director the following information:
>
> - A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed 0.5 foot-candle at any residential uses.

As identified above, the implementation of the above mitigation measures would further reduce a less than significant impact.

References

Caltrans. 2019. California State Scenic Highways. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed on February 10, 2022.

City of Oxnard. City of Oxnard General Plan Background Report. Available at: https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 10, 2022.

exp. 2020. Photometric Analysis. October 23. Appendix D of this IS/MND.

International Commission on Illumination (CIE). 2003. Guide on the Illumination of the Effects of Obtrusive Light from Outdoor Lighting Installations.

3.2 Agricultural Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☐	☒
b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of off-site farmland to non-agricultural use?	☐	☐	☐	☒

Discussion

a) **No Impact.** The Project site is currently identified as Urban and Built-Up Land and not designated as Prime Farmland, Unique Farmland, Farmland, or Statewide Importance based on a review of the California Department of Conservation's California Important Farmland Finder (CDC, 2016). Therefore, the implementation of the proposed Project would not convert farmland to an urban use, and no impact to farmland would occur.

b) **No Impact.** Williamson Act contracts are formed between a county or city and a landowner for the purposes of restricting specific parcels of land to agricultural preserve areas. The Project site does not contain any agricultural uses. It is currently zoned for Specific Plan with a Public Facilities land use. Because there are no active Williamson Act contracts associated with the Project site, the Project would not conflict with existing agricultural zoning or a Williamson Act contract. No Project impact would occur.

c) **No Impact.** Because there are no agricultural or forest lands located in the immediate vicinity of the Project site, the construction and operation of the proposed electronic billboard would not involve other changes in the existing environment that would result in the conversion of agricultural or forest lands. No impacts would occur.

References

California Department of Conservation (CDC), 2016. Available at: California Important Farmland Finder https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed on February 10, 2022.

3.3 Air Quality

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with or obstruct implementation of the Ventura County AQMP?	☐	☐	☒	☐
b) Would the project result in a cumulatively considerable net increase of any criteria pollutant in excess of quantitative thresholds recommended by the VCAPCD?	☐	☐	☒	☐
c) Would the project expose sensitive receptors to substantial pollutant concentrations exceeding state or federal standards or in excess of applicable health risk criteria for toxic air contaminants?	☐	☐	☒	☐
d) Would the project create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Ventura County Air Pollution Control District (VCAPCD) is responsible for attaining and maintaining air quality standards in the Ventura County portion of the South Central Coast Air Basin (SCCAB) through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of VCAPCD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. The Ventura County portion of the SCCAB is designated as nonattainment for ozone for the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) and for respirable particulate matter 10 micrometers in diameter and smaller (PM10) for the CAAQS. VCAPCD and the Ventura Council Association of Governments (VCOG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements. The VCAPCD has adopted Air Quality Management Plans (AQMPs) to meet the CAAQS and NAAQS. The VCAPCD Governing Board adopted the 2016 AQMP on February 14, 2017. The goals of the VCAQMP are to ensure that city and county population growth do not interfere with emission reductions and progress in meeting the state and national ambient air quality standards.

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by VCOG are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCOG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCOG's regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCOG's regional forecast projections, and thus also with the AQMP growth projections.

The billboard Project would generate temporary emissions that would occur during the construction associated with installation activities. These emissions would be short-term in nature (approximately 4 days of construction for the billboard installation) over a two-week period. The billboard operations would not generate additional employment or population growth or transportation impacts from increased vehicle trips. Ongoing operation of the billboards would require power in the form of purchased electricity and would not generate any direct emissions of criteria pollutants or ozone precursors at the Project site, aside from minimal emissions from occasional site visits for maintenance or repairs.

The VCAPCD Ventura County Air Quality Assessment Guidelines exempts projects with de minimis emissions from Consistency Assessments. According to Section 4.2.1, Projects Exempt from Consistency Assessments, a project that conforms to the applicable General Plan designation and has emissions below two pounds per day of reactive organic compounds (ROC), and below two pounds per day of nitrogen oxides (NO_X), is not required to assess consistency with the AQMP. According to Section 5.2, Calculating Ozone Precursor Emissions from Project Construction, the VCAPCD does not consider emissions from construction activities towards VCAPCD thresholds since construction emissions are temporary.

The Project would not generate air pollutant emissions during operations, and is thus not required to assess consistency with the AQMP. Further, as discussed above, the billboard operations would not generate additional employment or population growth or transportation impacts from increased vehicle trips. Therefore, the Project would have no impact with respect to conflicts with or obstruction of implementation of the applicable air quality plan.

b) **Less than Significant Impact.** The City of Oxnard has not developed specific air quality thresholds for air quality impacts. However, as stated in Appendix G of the CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. As such, the significance thresholds and analysis methodologies in VCAPCD's CEQA Air Quality Handbook are used in evaluating Project impacts. The VCAPCD's CEQA Air Quality Handbook focuses on reducing ozone precursor emissions, which includes ROCs (also referred to as volatile organic compounds [VOCs]) and NO_X because emissions of these pollutants could jeopardize attainment of the NAAQS and CAAQS for ozone in Ventura County. The other criteria pollutants of concern include: carbon monoxide (CO), which is a colorless and odorless gas and can cause dizziness, confusion, unconsciousness or even death at high levels; sulfur dioxide (SO_2), which is also colorless and can cause asthma exacerbation, including bronchoconstriction accompanied by symptoms of respiratory irritation, such as wheezing, shortness of breath and chest tightness; and PM10 and fine particulate matter 2.5 micrometers or less in diameter (PM2.5), which can worsen respiratory diseases, including asthma and chronic obstructive pulmonary disease, leading to hospitalization and emergency department visits and respiratory mortality. The

VCAPCD has not established mass emission significance thresholds for CO, SO_2, PM10 or PM2.5.

Construction

Construction emissions from projects are considered short term and temporary but could adversely affect air quality. Emissions of ozone precursors and particulate matter are potential concerns in the Ventura County portion of the SCCAB since the area is designated as nonattainment for ozone (NAAQS and CAAQA) and PM10 (CAAQS). Emissions of ozone precursors ROC and NO_X are primarily generated from heavy-duty equipment and motor vehicle exhaust and vary as a function of vehicle trips per day associated with soil hauling, delivery of construction materials, and worker commute trips, and the types and number of heavy-duty, off-road equipment used and the intensity and frequency of their operation. Particulate matter (i.e., PM10 and PM2.5) is among the pollutants of greatest localized concern with respect to construction activities given that particulate concentrations tend to be higher near the source of the emissions. Particulate emissions from construction activities can lead to adverse health effects and nuisance concerns, such as reduced visibility and soiling of exposed surfaces. Particulate emissions can result from a variety of construction activities, including drilling/excavation, vehicle travel on paved and unpaved surfaces, and vehicle and equipment exhaust. Construction emissions of PM can vary greatly depending on the level of activity, the specific operations taking place, the number and types of equipment operated, local soil conditions, weather conditions, and the amount of earth disturbance.

Proposed construction activities associated with billboard installations would generate temporary pollutant emissions from the following construction activities: (1) drilling and haul of excavated soil; (2) column set/concrete pour; (3) build and set of the billboard structure; and (4) build & set digital displays. These construction activities would create emissions of dust, fumes, equipment exhaust, and other air contaminants. The daily quantity of emissions generated would vary, depending on the intensity and types of construction activities occurring during each task.

Construction emissions from the proposed billboard Project is estimated to require four days of construction activity. For the purposes of the air quality analysis, the construction activities were modeled for the earliest potential time frame to provide for a conservative analysis. Construction of the Project is assumed to occur in 2022. If construction occurs subsequent to 2022, the emissions presented in this IS/MND would be conservative as emissions occurring in future years would be lower than those calculated for 2022 due to the use of a more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to State regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. Assumptions, including information on equipment horsepower, hours of operation, vehicle trip distances and the model output, are included in **Appendix E**. CalEEMod version 2020.4.0 was used with Ventura County defaults whenever appropriate to ensure a location specific, but generic emission model that would apply to a range of installation scenarios. **Table AQ-1**, *Construction Schedule and*

Equipment, below summarizes the basic construction schedule, equipment and on-road vehicle types and trips.

TABLE AQ-1
CONSTRUCTION SCHEDULE AND EQUIPMENT

	Days	Equipment	Daily Haul / Equipment Delivery Trips[a]	Daily Worker Trips[a]
Drilling / Haul Soil	1	Excavator/Drill Skid Steer Loader Dump Trucks	12	8
Column Set / Concrete Pour	1	Crane Truck mounted Aerial Lift Concrete Pump Concrete Mixers (trucks)	12	10
Build & Set Structure	1	Crane Truck Mounted Aerial Lift Air Compressor	8	10
Build & Set Digital Displays	1	Crane Truck Mounted Aerial Lift	8	10

[a] Haul and construction worker trips are inbound and outbound trips, with one inbound and one outbound trip comprising a roundtrip. Haul and delivery trips are for the export of soil, import of cement and delivery of the billboard columns, display, and associated materials.

SOURCE: City of Oxnard, 2022

It is mandatory for all construction projects in the SCCAB to comply with VCAPCD Rule 55 for controlling fugitive dust. Incorporating Rule 55 into the proposed Project reduces regional PM10 and PM2.5 emissions from construction activities. Specific Rule 55 control requirements may include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas. Compliance with Rule 55 was accounted for in the construction emissions modeling.

Ventura County Guidance specifies that construction-related emissions are not counted towards the significance thresholds for the ozone precursors (ROC and NO_X) since the emissions are temporary. However, they should be mitigated if they are predicted to exceed the threshold level (25 pounds per day of ROC or NO_X in the Project area).

The VCAPCD has not established a quantitative threshold for fugitive dust emissions, but provides qualitative criteria in its Air Quality Assessment Guidelines.

A project that may be reasonably expected to generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which may endanger the comfort, repose, health, or safety of any such person or the public, or which may cause, or have a natural tendency to cause,

injury or damage to business or property (see California Health and Safety Code, Division 26, §41700) will have a significant adverse air quality impact.

Table AQ-2, *Maximum Daily Total Construction Emissions*, summarizes the estimated emissions of criteria air pollutants and ozone precursors associated with a typical billboard installation for each individual construction phase (day) along with the maximum daily emissions. These emissions are compared to VCAPCD's daily operational significance threshold for ROG and NO_X emissions to determine if mitigation should be implemented. As shown, the maximum daily emissions would be below the operational thresholds. Therefore, the proposed Project would not result in any significant construction emission impacts for these nonattainment pollutants, nor require any mitigation measures beyond those incorporated into the Project design (e.g., fugitive dust control according to VCAPCD Rule 55, compliance with state truck regulations).

TABLE AQ-2
MAXIMUM DAILY TOTAL CONSTRUCTION EMISSIONS

	Maximum Regional Emissions (lbs/day)					
	ROG	**NO_x**	**CO**	**SO_2**	**PM^{10}**	**$PM^{2.5}$**
Drilling / Haul Soil	<1	5.5	6.1	<1	<1	<1
Column Set / Concrete Pour	<1	8.1	5.6	<1	<1	<1
Build & Set Structure	<1	7.9	6.0	<1	<1	<1
Build & Set Digital Displays	<1	6.0	3.6	<1	4	4
Maximum Daily Emissions [a]	**<1**	**8.1**	**6.1**	**<1**	**<1**	**<1**
Operational Significance Thresholds / Screening Levels	25 [b]	25 [b]	—	—	—	—
Significant Impact?	No	No	NA	NA	NA	NA

[a] Maximum daily emissions are for each individual pollutant that results in the greatest emissions on a peak day of construction. Note: All emissions shown above include VCAPCD Rule 55 fugitive dust reduction measures.

[b] VCAPCD operational significance thresholds.

SOURCE: ESA, 2022

Operation

Proposed operational activities associated with the operation of the proposed electronic billboard would not generate any direct emissions of criteria pollutant and ozone precursors. Furthermore, the operation of the billboard would not generate any employment or population growth and related emissions nor any additional daily vehicle trips or transportation related emissions of criteria pollutants or ozone precursors (minimal emissions from occasional site visits for maintenance or repairs may occur periodically).

The operation of the billboard would not result in emissions of ozone precursors in excess of the ROC and NO_X operational significance thresholds, and impacts from these pollutants would be less than significant. Operation of the billboard would also not generate PM10 or PM2.5 emissions from fugitive dust are minimal and would not cause injury, nuisance

or health impacts to a significant number of persons of the public. Therefore, impacts from fugitive dust (PM10 and PM2.5) emissions would be less than significant.

Cumulative

The geographic scope for regional air quality impacts consists of the air basin(s) in which Project emissions would occur. The VCAPCD's approach for assessing cumulative impacts is based on attainment of ambient air quality standards in accordance with the requirements of the CAA and California Clean Air Act. As discussed earlier, the VCAPCD has developed a comprehensive plan, the 2016 AQMP, which addresses the region's cumulative air quality condition. CEQA Guidelines Section 15064(h)(3) provides guidance in determining the significance of cumulative impacts, stating in part that:

> *A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.*

For purposes of the cumulative air quality analysis with respect to CEQA Guidelines Section 15064(h)(3), the proposed Project's incremental contribution to cumulative air quality impacts is determined based on compliance with the VCAPCD's adopted 2016 AQMP. With respect to the Project's short-term construction-related air quality emissions and cumulative conditions, VCAPCD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the federal CAA mandates. Construction of the Project would comply with VCAPCD Rule 55 fugitive dust control requirements and the ATCM to limit heavy duty diesel motor vehicle idling to no more than five minutes at any location. These measures would also be imposed on trucks used for construction in the State, which would include the cumulative projects in the Project area. Additionally, with respect to operational emissions, the Project's emissions would be less than the significance thresholds, and the Project would not conflict with the AQMP. Since the Project's construction and operational emissions would not exceed the VCAPCD's regional significance thresholds, and the proposed Project would not conflict with the AQMP, cumulative construction and operational impacts would be less than significant.

c) **Less than Significant Impact**. Sensitive receptors are individuals who are considered more sensitive to air pollutants than others. The reasons for greater than average sensitivity may include pre-existing health problems, proximity to emissions sources, or duration of exposure to air pollutants. Schools, hospitals, and convalescent homes are considered as relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality-related health problems than

the general public. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. Because the installation of the proposed billboard would occur approximately 150 feet from an existing residence, construction air emissions would disperse in the environment and decrease with distance from the source. The limited emissions from construction activities would not cause a significant impact to sensitive receptors as discussed below.

Carbon Monoxide Hotspots

Emissions of CO are generated in greatest quantities from motor vehicle combustion of fossil fuels and are usually concentrated at or near ground level because they do not readily disperse into the atmosphere, particularly under cool, stable (i.e., low or no wind) atmospheric conditions. Localized areas where ambient concentrations exceed State and/or federal standards are termed CO hotspots. Traffic impacts and the potential for CO hot spots from the operation of motor vehicles related construction of the proposed Project would be minimal as there are less than 20 additional one-way trips per day from construction related haul vehicles and construction worker automobiles combined. In fact, the VCAPCD requires a screening analysis to determine the potential for CO Hotspots for any project with indirect emissions greater than the applicable ozone (ROG and NO_x) project significance levels as analyzed in Section 3.3 b) above where roadway intersections are currently operating at or are expected to operate at a Level of Service (LOS) of E or F. As indicated in Table AQ-2 above, the proposed Project would be below significance thresholds for ROG and NO_X, indicating the low potential for Project impacts.

Operation of the billboards would not result in any regular vehicular activity, though there may be the occasional site visit for maintenance or repairs. These would result in negligible emissions and result in a negligible impact on traffic, and impacts would be less than significant.

Localized Air Quality Impacts – TACs

Project construction would result in short-term emissions of diesel PM, a TAC. Diesel particulate matter poses a carcinogenic health risk that is measured using an exposure period of 70 years for a lifetime exposure or 30 years for a residential exposure. The exhaust of off-road heavy-duty diesel equipment would emit diesel particulate matter from off-road construction vehicles and from on-road cement trucks and haul trucks, delivery tractor trailers during the short construction phase for the proposed billboard. The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., the potential exposure to TACs to be compared to applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer time period. According to the Office of Environmental Health Hazard Assessment (OEHHA), carcinogenic health risk assessments, which

determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period for a lifetime exposure or 30 years for a residential exposure; however, such assessments should be limited to the period or duration of activities associated with the proposed Project.

The construction period for the proposed billboard installation is approximately four days in duration over approximately two weeks and would not represent a significant dose. Additionally, the billboard would be located approximately 150 feet from the nearest residence. Given the short duration of the construction activities, and the distance of the sensitive receptors from the Project, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.

Operation of the billboard would not result in any direct emissions, as it would utilize purchased electricity to power for lighting. Further, operation of the billboard would not generate daily vehicle trips or transportation related emissions of criteria pollutants or ozone precursors (minimal emissions from occasional site visits for maintenance or repairs may occur periodically). Therefore, implementation of the proposed electronic billboard would not result in emissions of TACs that would substantially impact sensitive receptors, and the impact would be less than significant.

d) **Less than Significant Impact.** During installation of billboard, diesel exhaust from diesel trucks and off-road construction equipment construction equipment may emit odors. Such odors would be a temporary source of nuisance to adjacent uses but would not affect a substantial number of people. As odors associated with Project construction would be temporary and intermittent in nature, the odors would not be considered as a significant environmental impact. Therefore, construction activities would result in less than significant impacts with respect to other emissions, including those leading to odors.

There are no direct emissions associated with the operation of the billboard, and operational impacts would not result in any odor impacts and, therefore, would be less than significant with respect to odors. The Project would not generate other emissions that would adversely affect a substantial number of people as discussed in Section 3.3 b) and c) above, and impacts would be less than significant.

References

City of Oxnard. 2022. Construction Assumptions for Electronic Billboard.

VCAPCD 2003. *Ventura County Air Quality Assessment Guidelines.* October. Available: http://www.vcapcd.org/environmental-review.htm.

VCAPCD 2017. *Final 2016 Ventura County Air Quality Management Plan*. February 14. Available: http://www.vcapcd.org/pubs/Planning/AQMP/2016/Final/Final-2016-Ventura-County-AQMP.pdf

3.4 Biological Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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?	☐	☐	☒	☐
b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Would the project have a substantial adverse effect on federally protected waters of the U.S. as defined by Section 404 of the federal Clean Water Act or protected waters of the state as defined by Section 1600 et seq. of the California Fish and Game Code (including, but not limited to, marshes, vernal pools, coastal wetlands) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Would the project 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?	☐	☒	☐	☐
e) Would the project conflict with any local policies or ordinances protecting biological resources?	☐	☐	☐	☒
f) Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** The Project site is located in a highly urbanized area of the City of Oxnard predominantly developed with commercial and residential uses. The Project site has non-native herbaceous and grassland vegetation as the dominant habitat, and the Project site is surrounded by ornamental trees, including eucalyptus. A database review showed that the Project site is not overlain within U.S. Fish and Wildlife Service (USFWS)-designated Critical Habitat for any special-status plant or wildlife species (USFWS 2022a). Additionally, the California Natural Diversity Data Base (CNDDB) and California Native Plant Society (CNPS) Rare Plant Inventory identified 25 special-status species being recorded within the Oxnard USGS 7.5-minute quadrangle (CDFW 2022; CNPS 2022). Of these 25 special-status species, none of the species have potential to occur within or surrounding the Project site as the parcel is disturbed and developed, lacks suitable habitat, is adjacent to Highway 101, and is sparsely vegetated. Therefore, implementation of the Project would result in a less than significant impact on sensitive habitat or sensitive species.

b) **No Impact.** No riparian or other sensitive communities are known to occur within or surrounding the Project site. Although limited ornamental vegetation is present, the Project site consists of, and is surrounded by, developed and disturbed areas that lack natural vegetation. Therefore, the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural communities. No impact would occur.

c) **No Impact.** Wetlands (including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas) are considered waters of the U.S., and are defined by USACE as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b]; 40 CFR 230.3[t]). No wetland features are identified by the National Wetlands Inventory (NWI) as occurring within or surrounding the Project site (USFWS 2022b). Therefore, no impact to wetlands would occur as a result of the proposed Project.

d) **Less than Significant with Mitigation Incorporated.** As mentioned above in Sections 3.4 b) and 3.4 c), no surface water bodies, streams, or waterways occur within or surrounding the Project site making it unsuitable for migratory fish. Additionally, the Project site is highly disturbed and surrounded by commercial development making it unsuitable for wildlife to use as a migratory corridor or nursery site. Therefore, no impacts would occur.

While no special-status avian species are expected to nest within the Project site, all native bird species that occur within the Project site are protected from 'take' by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). Limited suitable avian nesting habitat is present within or surrounding the Project site. However, many avian species are known to nest within ornamental shrubs and trees planted as part of existing landscaping and man-made structures and buildings. Therefore, the proposed Project may affect nesting birds as suitable habitat occurs for tree, shrub, and cavity-nesting birds within and surrounding the Project site. This potential effect is considered significant.

> **Mitigation Measure BIO-1:** Vegetation removal shall be conducted between September 1 and January 31, outside the typical nesting season for birds in the region. If vegetation removal must occur during the typical nesting season (February 1 – August 31), a City-approved qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 100 to 300-foot buffer around existing trees and landscaped areas, to identify any potential active nests. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.
>
> If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction

monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

Implementation of Mitigation Measure BIO-1 would reduce potentially significant impacts to nesting birds during construction to less than significant.

e) **No Impact.** The Project includes the removal of existing eucalyptus trees along U.S. 101 and the planting of drought tolerant tree species, including carpe myrtle, western redbud, and vitex. The removal of the existing eucalyptus trees within the U.S. 101 right-of-way will require approval of an encroachment permit from Caltrans. No trees or shrubs exist on the Project site and would not be removed as a result of implementing the proposed electronic billboard. Therefore, there are no applicable local (City of Oxnard) policies or ordinances protecting biological resources associated with the proposed Project. As a result, no impact would occur.

f) **No Impact.** The Project site does not occur within any habitat conservation plan or natural community conservation plan areas. Therefore, the proposed Project would not conflict with provisions of an adopted natural community conservation plan or other approved local, regional, or state habitat conservation plan, and no impact would occur.

References

California Department of Fish and Wildlife (CDFW). 2022. California Natural Diversity Database (CNDDB) RareFind 5. CDFW's Electronic database, Sacramento, California. Accessed on February 22, 2022, at https://www.dfg.ca.gov/biogeodata/cnddb.

U.S. Fish and Wildlife Service (USFWS). 2022a. IPAC Information for Planning and Consultation. Accessed on February 22, 2022, at https://ecos.fws.gov/ipac/.

U.S. Fish and Wildlife Services (USFWS). 2022b. National Wetland Inventory (NWI) Data Mapper. Accessed on February 22, 2022, at https://www.fws.gov/wetlands/Data/Mapper.html.

3.5 Climate Change and Greenhouse Gas Emissions

Issues		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases or otherwise conflict with the state goal for reducing greenhouse gas emissions in California?	☐	☐	☒	☐
c)	Would the project contribute or be subject to potential secondary effects of climate change (e.g., sea level rise, increase fire hazard)?	☐	☐	☒	☐

Discussion

a, b) **Less than Significant Impact.** State regulated GHGs include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), nitrogen trifluoride (NF_3), and sulfur hexafluoride (SF_6). CO_2 is the most abundant GHG in the atmosphere. Not all GHGs exhibit the same ability to induce climate change; as a result, GHG contributions are commonly quantified in equivalent mass of CO_2, denoted as CO_2e. Mass emissions are calculated by converting pollutant specific emissions to CO_2e emissions by applying the proper global warming potential (GWP) value. These GWP ratios are available from the U.S. Environmental Protection Agency (USEPA) and are published in the California Climate Action Registry (CCAR) General Reporting Protocol. By applying the GWP ratios, Project related CO_2e emissions can be tabulated in metric tons per year.

Neither the City nor the VCAPCD have adopted a numerical significance threshold for assessing impacts related to GHG emissions from a project, and the City has not formally adopted a local plan for reducing GHG emissions. When no guidance exists under CEQA, the lead agency may look to and assess general compliance with comparable regulatory schemes.[1] In its January 2008 CEQA and Climate Change white paper, the California Air Pollution Control Officer's Association (CAPCOA) identified a number of potential approaches for determining the significance of GHG emissions in CEQA documents. In its white paper, CAPCOA suggests making significance determinations on a case-by-case basis when no significance thresholds have been formally adopted by a lead agency.

Amendments to Section 15064.4 of the CEQA Guidelines were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with

[1] See Protect Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107 ["'[A] lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and resolution.'"'']. Lead agencies can, and often do, use regulatory agencies' performance standards. A project's compliance with these standards usually is presumed to provide an adequate level of protection for environmental resources. See, e.g., Cadiz Land Co. v. Rail Cycle (2000) 83 Cal.App.4th 74, 99 (upholding use of regulatory agency performance standard).

existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. If a qualitative analysis is used, in addition to quantification, this section recommends certain qualitative factors that may be used in the determination of significance (i.e., extent to which the project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and extent to which the project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs). The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies, or suggested by other experts, such as CAPCOA, so long as any threshold chosen is supported by substantial evidence (see Section 15064.7(c)). The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see Section 15064(h)(3)).[2]

Although GHG emissions can be quantified, CARB, VCAPCD and the City of Oxnard have not adopted project-level significance thresholds for GHG emissions that would be applicable to the Project. The Governor's Office of Planning and Research (OPR) released a technical advisory on CEQA and climate change that provided some guidance on assessing the significance of GHG emissions, and states that "lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice," and that while "climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment."[3] Furthermore, the technical advisory states that "CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project."[4]

Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.[5] To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process

2 See generally California Natural Resources Agency, Final Statement of Reasons for Regulatory Action (December 2009), pp. 11-13, 14, 16. http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdfhttp://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed November 2019; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, Secretary for Natural Resources, April 13, 2009. Available at http://www.valleyair.org/Programs/CCAP/documents/Transmittal_LetterOPRApril2009.pdfhttp://opr.ca.gov/docs/Transmittal_Letter.pdf, accessed November 2019.

3 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

4 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

5 14 CCR § 15064(h)(3).

to implement, interpret, or make specific the law enforced or administered by the public agency.[6] Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."[7] Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions.[8]

In the absence of any adopted, quantitative threshold, the Project would not have a significant effect on the environment if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within CARB's Climate Change Scoping Plan and City of Oxnard's policies established for the purpose of increasing energy efficiency and reducing GHG emissions. The proposed Project would generate GHG emissions during construction of the Project from the use of off-road construction equipment and on-road trucks and construction worker vehicles. Once fully installed, the Project's operations would generate GHG emissions from electrical consumption for the billboard lighting. The proposed electronic billboard is estimated to consume an average of approximately 150 kWh per day and approximately 54,000 kWh per year.

Emissions Estimates

Consistent with calculations in Section 3.3, Air Quality, construction emissions were forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the mobile source emissions factors. The emissions were estimated using the CalEEMod software and EMFAC2017. The output values used in this analysis were adjusted to be Project-specific based on equipment types and the construction schedule. These values were then applied to the same construction phasing assumptions used in the criteria pollutant analysis in Section 3.3, Air Quality, to generate GHG emissions values for the proposed Project (Appendix F includes the assumptions and modeling). Industry standards recommend that construction Project GHG emissions should be "amortized over a 30-year Project lifetime, so that construction GHG emissions are included as part of the operational GHG life cycle. In accordance with

6 14 CCR § 15064(h)(3).

7 14 CCR § 15064(h)(3).

8 See, for example, San Joaquin Valley Air Pollution Control District (SJVAPCD), CEQA Determinations of Significance for Projects Subject to ARB's GHG Cap-and-Trade Regulation, APR-2025 (June 25, 2014), in which the SJVAPCD "determined that GHG emissions increases that are covered under ABR's Cap-and-Trade regulation cannot constitute significant increases under CEQA…" Furthermore, the SCAQMD has taken this position in CEQA documents it has produced as a lead agency. The SCAQMD has prepared three Negative Declarations and one Draft Environmental Impact Report that demonstrate the SCAQMD has applied its 10,000 $MTCO_2e$/yr significance threshold in such a way that GHG emissions covered by the Cap-and-Trade Program do not constitute emissions that must be measured against the threshold. See SCAQMD, Final Negative Declaration for Ultramar Inc. Wilmington Refinery Cogeneration Project, SHC No. 2012041014 (October 2014); SCAQMD Final Negative Declaration for Phillips 99 Los Angeles Refinery Carson Plant—Crude Oil Storage Capacity Project, SCH No. 2013091029 (December 2014); SCAQMD Final Mitigated Negative Declaration for Toxic Air Contaminant Reduction for Compliance with SCAQMD Rules 1420.1 and 1402 at the Exide Technologies Facility in Vernon, CA, SCH No. 2014101040 (December 2014); and SCAQMD Final Environmental Impact Report for the Breitburn Santa Fe Springs Blocks 400/700 Upgrade Project, SCH No. 2014121014 (August 2015).

this, GHG emissions from construction have been amortized over the 30-year lifetime of the Project and are added to the operational emissions for the determination of significance. Total estimated construction-related GHG emissions for the Project are estimated at 1.77 metric tons of CO2e (MTCO2e) for off-road construction equipment and 1.38 MTCO2e per year for on-road vehicles for a total of 3.1 MTCO2e. This would equal to approximately 0.1 MTCO2e per year after amortization over 30 years. The construction related GHG emissions are summarized in Table GHG-1, GHG Emissions from Project Construction.

Emissions of GHGs were estimated for operation of the proposed electronic billboard from electricity usage in base year 2022 (based on 2021 energy intensity factor where renewable sources are projected to account for approximately 35 percent of SCEs overall energy mix) and were extrapolated for several milestone years (2030 based on 60 percent renewable sources as required by Senate Bill 100 and 2040 based on 85 percent renewable energy sources) based on a linear projection of 100 percent renewable in 2045 as targeted in SB 100. GHG emissions from construction activities are not adjusted for future year GHG reductions that will occur from medium- and heavy-duty emissions regulations at the federal and state level that will phase in lower emitting, and potentially electric-powered, trucks and equipment over time. This analysis conservatively assumed that the construction equipment and on-road vehicles would be diesel fueled in future years. The operational related GHG emissions are summarized in Table GHG-2, GHG Emissions from Project Operations.

TABLE GHG-1
GHG EMISSIONS FROM PROJECT CONSTRUCTION

Single Billboard Installation GHG Emissions (MT CO_2e/year)

Source	2022	2030	2040
Construction On-Road	1.38	1.38	1.38
Construction (off-Road)	1,77	1.77	1.77
Total Construction	3.1	3.1	3.1
Amortized Construction:[a]	0.1	0.1	0.1

[a] Construction Emissions are amortized over 30 years
SOURCE: ESA, 2022

TABLE GHG-2
GHG EMISSIONS FROM PROJECT OPERATIONS

Single Billboard Installation GHG Emissions (MT CO_2e/year)			
Source	**2022**	**2030**	**2040**
Operational (lighting)	9.6	7.3	2.4
Amortized Construction:	0.1	0.1	0.1
Total Project:	9.7	7.4	2.5

SOURCE: ESA, 2022

Compliance with Applicable Plans, Policies, or Regulations

Assembly Bill 32/Senate Bill 32 and Executive Order B-30-15

In support of Assembly Bill 32 and Senate Bill 32, the state has promulgated specific laws aimed at GHG reductions applicable to the Project. Executive Order B-30-15 sets a goal of Statewide GHG emissions 40 percent less than 1990 levels by 2030 (this goal was codified in Senate Bill 32). In order to achieve the Statewide GHG reduction target, CARB is required to adopt a Climate Change Scoping Plan that outlines GHG reduction strategies.

The Project would generate GHG emissions due to construction and operational activities; however, its annual GHG emissions would be minimized due to the utilization of fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations. The Project would also utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). The Project's potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs is discussed below.

2017 Climate Change Scoping Plan

According to the CARB 2017 Climate Change Scoping Plan, reductions needed to achieve the 2030 goal are expected to be achieved by targeting specific emission sectors, including those sectors that are not directly controlled or influenced by the Project, but nonetheless contribute to Project-related GHG emissions. Table GHG-3, Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies, contains a list of GHG emission reduction actions and strategies from the 2017 Climate Change Scoping Plan that would be applicable and relevant to the Project and describes the Project's compliance with those applicable actions and strategies.

TABLE GHG-3
PROJECT COMPLIANCE WITH APPLICABLE
2017 CLIMATE CHANGE SCOPING PLAN ACTIONS AND STRATEGIES

Actions and Strategies	Responsible Party(ies)	Compliance Analysis
Senate Bill 350 (SB 350): The Clean Energy and Pollution Reduction Act of 2015 increases the standards of the California Renewable Portfolio Standard (RPS) program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by 2030.[a] Required measures include: Increase RPS to 50 percent of retail sales by 2030. Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030. Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in IRPs to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.	CPUC, CEC, CARB	**No Conflict.** The Project would use electricity provided by Southern California Edison (SCE), which is required to meet the energy performance standard of 60 percent renewable energy by 2030 pursuant to Senate Bill 100 (which was adopted after SB 350 and is a more stringent target). The Project would not conflict with this action and strategy.
Implement Mobile Source Strategy (Cleaner Technology and Fuels): • Implementation of federal phase 2 standards for medium- and heavy-duty vehicles.	CARB, CalSTA, SGC, Caltrans, CEC, OPR, Local Agencies	**No Conflict.** In 2011 the U.S. Environmental Protection Agency (USEPA) and National Highway Transportation Safety Administration (NHTSA) announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the USEPA, this regulatory program would reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline. Building on the first phase of standards, in August 2016, the USEPA and NHTSA finalized Phase 2 standards for medium and heavy-duty vehicles through model year 2027 that will improve fuel efficiency and cut carbon pollution. The Phase 2 standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons. Project-related heavy-duty mobile source GHG emissions would be reduced accordingly as the phase-in of lower emitting trucks occurs in compliance with the regulation. The Project would not conflict with this action and strategy.

Actions and Strategies	Responsible Party(ies)	Compliance Analysis
Adopt a Low Carbon Fuel Standard with a CI reduction of 18 percent.	CARB	**No Conflict.** This regulatory program applies to fuel suppliers, not directly to land use development. GHG emissions related to vehicular travel associated with the Project would benefit from this regulation because fuel used by Project-related vehicles would be required to comply with Low Carbon Fuel Standard (LCFS). Mobile source GHG emissions provided in Table GHG-1 were calculated using CalEEMod and EMFAC. However, CalEEMod and EMFAC do not fully include implementation of the LCFS into mobile source emission factors. Thus, Table GHG-1 provides conservatively estimated GHG emissions. On September 27, 2018, CARB approved an amendment to the LCFS regulation to require a 20 percent reduction in carbon intensity from a 2010 baseline by 2030. Reductions in carbon intensity are phased in starting in 2019 with a reduction of 6.25 percent and increases by 1.25 percent each year. Thus, in 2021, LCFS emissions reductions are 8.75 percent reduced carbon intensity relative to the 2010 baseline. Project-related mobile source GHG emissions would be reduced accordingly, and would increase as LCFS compliance increases to 20 percent reduce carbon intensity by 2030 relative to the 2010 baseline year. The Project would not conflict with this action and strategy.
Implement the post-2020 Cap-and-Trade Program with declining annual caps.	CARB	**No Conflict.** Assembly Bill 398 (AB 398) was enacted in 2017 to extend and clarify the role of the State's Cap-and-Trade Program from January 1, 2021, through December 31, 2030. As part of AB 398, refinements were made to the Cap-and-Trade program to establish updated protocols and allocation of proceeds to reduce GHG emissions. Under the Cap-and-Trade program, entities such as power generation companies and natural gas processing plants would be required to limit or reduce GHG emissions. While the Project itself is not a regulated entity under the Cap-and-Trade Program, it would result in a reduction of GHG emissions associated with the Project's energy usage, since energy supplied to the Project would be from a regulated entity. As the Project would not impede the Program's progress, the Project is considered compliant. The Project would not conflict with this action and strategy.

[a] Senate Bill 350 (2015–2016 Regular Session) Stats 2015, Ch. 547.

SOURCE: ESA, 2022

City of Oxnard 2030 General Plan and Energy Action Plan

The City of Oxnard adopted its 2030 General Plan in October 2011 and includes amendments through December 2016. The 2030 General Plan includes the following applicable goals and implementing policies aimed to reduce GHG emissions.

- **Goal SC-3 Energy Generation and Increased Efficiency.** Energy efficiency performance standards and generation from renewable sources.
  - **General Plan Policy SC-3.10, Alternatives to Power Plant Generation:** Evaluate the feasibility of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants.

The Oxnard General Plan Goal SC-3 addresses energy efficiency performance standards and generation from renewable sources and includes Policy SC-3.10, which has the goal of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants. This policy would support the availability of progressively clean forms of electricity, which would minimize the energy impact and GHG emissions from the Project. The Project would not conflict with this action and strategy.

As discussed above, GHG emissions for the Project have been analyzed and disclosed demonstrating that the Project would not generate GHG emissions that would have a significant impact and that the Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, impacts would be less than significant.

c) **Less than Significant Impact.** As discussed above, the proposed electronic billboard would result in the annual generation of greenhouse gas emissions that would contribute to potential secondary effects of climate change; however, due to the relatively small amount of annual greenhouse gas emissions (less than 10 MTCO2e and progressively reducing in future years as shown in Table GHG-2), the Project's contribution to climate change impacts is nominal and considered less than significant.

References

California Air Pollution Control Officers Association (CAPCOA), 2008. CEQA & Climate Change Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf.

California Air Pollution Control Officers Association (CAPCOA), 2010, Model Policies for Greenhouse Gases in General Plans A Resource for Local Government to Incorporate General Plan Policies to Reduce Greenhouse Gas Emissions, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-ModelPolicies-6-12-09-915am.pdf.

City of Oxnard, 2013, Energy Action Plan, A Component of the Climate Action and Adaptation Plan. https://www.oxnard.org/wp-content/uploads/2016/04/OxnardEAP4.2013.pdf.

U.S. Department of Energy, n.d., LED Lighting, https://www.energy.gov/energysaver/led-lighting, accessed February 2022.

3.6 Cultural Resources and Tribal Cultural Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5?	☐	☐	☐	☒
b) Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to State CEQA Guidelines Section15064.5?	☐	☒	☐	☐
c) Would the project directly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	☐	☐	☐	☒
f) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Discussion

a) **No Impact.** The Project site is located within the RiverPark Specific Plan that encompasses 701 acres. An archival and historic records search was conducted as part of the RiverPark Specific Plan EIR that was prepared in 2001. Two prehistoric archaeological sites were identified within one-half mile radius of the 701-acre RiverPark Specific Plan. No archaeological sites were recorded within the 701-acre site. A Phase I Archaeological Survey was conducted in 2000 as part of the RiverPark Specific Plan EIR. In 2000, the ground surface was examined by walking transects across the 701-acre RiverPark Specific Plan site. The transects were spaced at 15-meter intervals to identify artifacts that might be present on the ground surface. No archaeological artifacts were found in the vicinity of the Project site during the Phase 1 survey, but a mixed scatter of historical debris was found in the extreme southeastern portion of the RiverPark Specific Plan area approximately 300 feet southeast of the Project site. The survey did not find evidence of an intact historical

deposit or site within this area (W&S Consultants, 2000 and Impact Sciences, Inc. 2001). In 2016, the area of the previously known historical debris was developed as a commercial center in 2016.

In 2001, buildings and structures within the RiverPark Specific Plan were also evaluated to determine if they were eligible for the National or the California Registers. There were no buildings or structures in the immediate vicinity of the Project site. Therefore, no impacts to historical resources would occur with Project implementation.

b) **Less than Significant with Mitigation Incorporated.** As discussed above, no archaeological resources were found in the immediate vicinity of the Project site. Although no known resources were discovered, there could be an inadvertent discovery. Therefore, there is a negligible potential for archaeological resources to be found and if they are found, construction activities could cause significant impacts to the unknown resources.

> **Mitigation Measure CUL-1:** Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor for monitoring of ground disturbing activities. In the event that archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.

Implementation of the above mitigation measure would reduce the potential impacts on unknown archaeological resources to less than significant.

c) **Less than Significant with Mitigation Incorporated.** Based on a review of the U.S. Geological Survey map for Oxnard, the Project site is underlain by Holocene alluvial deposits (CDC, 2003). Holocene alluvium is thought to be too young to contain significant paleontological resources. Therefore, near surface grading would result in less than significant impacts to paleontological resources. However, based on the drilling depth of 40 feet for the proposed billboard pole, the Holocene alluvium could be underlain by more sensitive geologic sediment that could have a high potential to contain paleontological resources. Therefore, construction activities associated with the proposed billboard pole, could result in significant impacts to paleontological resources.

> **Mitigation Measure CUL-2:** Prior to ground disturbance, the applicant is required to retain a City-approved paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.

With the implementation of Mitigation Measure CUL-2, potential impacts on paleontological resources would be reduced to less than significant.

d) **Less than Significant Impact.** No human remains are known to exist on or in the immediate vicinity of the Project site. If human remains are inadvertently encountered, all work is required to halt, and the Ventura County Coroner is required to be contacted in accordance with California Public Resources Code 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) would be notified in accordance with State law. Compliance with the State law would ensure that potential impacts on human remains would be reduced to less than significant.

e, f) **No Impact.** The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (Appendix C). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52.

The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a NOP or a Notice of Intent to Adopt a Negative Declaration or MND will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under the CEQA, known as tribal cultural resources (as defined in PRC Section 21074(a)). On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources update to *CEQA Guidelines* Appendix G, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency's formal notification and the lead agency must begin

consultation within 30 days of receiving the tribe's request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the Project's impacts on the tribal cultural resources; Project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt a Mitigated Negative Declaration (PRC Section 21082.3(d)(2) and (3)).

The Barbareno/Ventureno Band of Mission Indians was notified of the Project, but did not request consultation with the City of Oxnard regarding the proposed Project. There are no known tribal cultural resources located on the Project site, and therefore, no impacts to known tribal cultural resources would occur.

References

California Department of Conservation (CDC), California Geological Survey. 2003. Geologic Map of the Oxnard 7.5' Quadrangle, Ventura County, California: A Digital Database, Version 1.0.

Impact Sciences, Inc. 2001. RiverPark Specific Plan Draft EIR. Available at: https://www.oxnard.org/environmental-document-archives/. Accessed on February 11, 2022.

W&S Consultants. 2000. Phase I Archaeological Survey for the RiverPark Specific Plan Area. December 14.

3.7 Geology and Soils

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or 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 or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii) Strong seismic ground shaking that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
b) Would the project 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-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
c) Would the project be located on expansive soil, creating substantial risk to life or property that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
d) Would the project expose people or structures to inundation by seiche or tsunami?	☐	☐	☐	☒
e) Would the project rely on dredging or other maintenance activity by another agency that is not guaranteed to continue?	☐	☐	☐	☒

Discussion

a.i) **Less than Significant Impact.** A fault is a plane or surface in the earth along which failure has occurred and materials on opposite sides have moved relative to one another in response to the accumulation and release of stress. The U.S. Geological Survey defines active faults as those that have had surface displacements within Holocene time (about the last 11,000 years). Potentially active faults are those that have had surface displacement during Quaternary time, within the last 1.6 million years. Based on a review of the City of Oxnard General Plan Background Report, the most regionally active faults in the vicinity of the City of Oxnard are the Oak Ridge, Pitas Point-Ventura, Red Mountain, Anacapa, and Malibu Coast faults. The nearest active fault to the Project site is the Pitas Point-Ventura fault which is located approximately four miles north of the Project site (Matrix Design Group, Inc., 2006). Due to the distance to the nearest active fault, impacts from a fault rupture at the Project site would be less than significant.

a.ii) **Less than Significant Impact.** The Project site is located in Southern California, an area that is subject to strong seismic ground shaking. Seismically induced ground acceleration is the shaking motion that is produced by an earthquake. As noted in Section 3.7 a.i) above, there are regionally active faults in the vicinity of the City of Oxnard. Earthquake activity associated with these faults could cause ground shaking at the Project site. The proposed

Project is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code. The criteria contain seismic safety provisions with the aim of preventing building and structural collapse during an earthquake. Adherence to these criteria would result in less than significant seismic ground shaking impacts on the proposed Project.

b) **Less than Significant Impact.** Unstable geologic units or soils commonly occur when there are landslides, lateral spreading, subsidence/collapse, or liquefaction.

Landslides

Because the Project site is located on relatively flat terrain, the Project would not be subject to potential unstable soils due to landslides.

Lateral Spreading

Lateral spreading movement occurs when a soil mass slides laterally on liquefied soil layers, moving downslope or towards a free face. Based on a review of the RiverPark Specific Plan EIR, the potential for lateral spreading in the Project area appears to be low. Therefore, less than significant lateral spreading impacts would occur on the Project site.

Subsidence/Collapse

Subsidence or collapse is the sinking of the ground surface caused by the compression of earth materials resulting from manmade activities, such as groundwater or oil and gas withdrawal. The resulting compression typically occurs only once within affected soils and cannot be repeated during fluctuations of the groundwater level or from peat oxidation. Historic groundwater withdrawals have caused some regional subsidence. There are no known active groundwater wells in the immediate vicinity of the Project site, therefore, there is a low potential for subsidence/collapse at the site. As a result, potential effects from land subsidence/collapse would be less than significant. The potential for subsidence/collapse from peat oxidation on the Project site is not likely because of the absence of peat deposits in the borings that were taken as part of the RiverPark Specific Plan. Similarly, subsidence/collapse from oil and gas withdrawal is not likely because there are no known active oil or natural gas wells in the Project vicinity over the past 20 years. Overall, effects from land subsidence/collapse on the Project would be less than significant.

Liquefaction

Liquefaction is a phenomenon that occurs when soil undergoes transformation from a solid state to a liquefied condition due to the effects of increased pore-water pressure. This typically occurs where susceptible soils (particularly soils in the medium sand to silt range) are located over a high groundwater table. A high groundwater table is described as one within 50 feet of the surface. Because the proposed Project is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code and the CBC includes provisions to prevent liquefaction impacts, the potential liquefaction impacts to the Project would be less than significant.

c) **Less than Significant Impact.** Expansive soil is characterized by a clay composition whereby clay particles expand dramatically upon wetting. Structures constructed on expansive soils require special design considerations that are identified within the CBC. Based on a review of the RiverPark Specific Plan EIR, the Specific Plan area generally consists of granular materials (silty sand, well-graded sand, sandy silt, and some clayey silt) that are not expected to be expansive. Conformance with the design criteria within the CBC would prevent substantive expansive soils. Therefore, potential expansive soil impact to the Project would be less than significant.

d) **No Impact.** Seiches and tsunamis are caused by earthquakes. Seiches are waves caused by large-scale, short-duration oscillation of confined bodies of water (such as reservoirs and lakes) during earthquakes that may damage low-lying adjacent areas, although not as severely as a tsunami. The closest enclosed body of water that could result in earthquake-induced seiche is Lake Piru which is approximately 30 miles northeast of the Project site. Due to the distance of Lake Piru, potential seiches in the lake would not impact the Project site. Tsunamis are earthquake-induced surge waves that can cause severe coastal flooding. Because the Project site is located approximately five miles from the coast and at approximately elevation 80 feet above mean sea level, the Project site is not at risk from a tsunami. Implementation of the Project would not be impacted by seiches or tsunamis.

e) **No Impact.** The Project is located in a developed area adjacent to U.S. 101, and the Project would be located on a city-owned property. The operation of the Project would not rely on maintenance activities under the purview of other agencies aside from the City of Oxnard. The Project would have no impact.

References

Matrix Design Group, Inc. 2006. City of Oxnard General Plan Draft Background Report. Available at https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 16, 2022.

3.8 Hazards and Hazardous Materials

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Would the project emit hazardous substances or involve handling hazardous or acutely hazardous substances, or waste within one-quarter mile of an existing or proposed school in quantities or a manner that would create a substantial hazard?	☐	☐	☒	☐
d) Would the project be located on a site that 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?	☐	☐	☐	☒
e) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction activities required for the proposed electronic billboard would involve site clearing, grading, drilling, trenching to connect to an existing electrical line and other ground-disturbing activities. These construction activities would temporarily require the use of equipment such as trucks, drill, concrete mixer, crane, and other powered equipment, and would use potentially hazardous materials, such as fuels (gasoline and diesel) and lubricants (oil and grease). In addition, construction may use hazardous materials, such as solvents, paints, thinners, or other chemicals. Such materials would be used only in small quantities based on the minimal activities associated with the installation of an electronic billboard. These materials would be transported, handled, stored and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Compliance with these existing regulations would result in a less than significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. As such, impacts during construction would be less than significant.

Operation of the proposed electronic billboard would result in periodic maintenance activities of the billboard. These activities may include the limited use of paints, solvents and other chemicals. However, given the periodic nature of maintenance, the potential to create a hazard to the public or the environment through the routine transport, use or disposal of hazardous materials during operational activities would be less than significant.

b) **Less than Significant Impact.** As stated above, the maintenance activities associated with the proposed new electronic billboard may use a limited quantity of hazardous materials such as paints, solvents and other chemicals. However, because these activities are periodic

and the use of potential hazardous materials is limited, the Project will not 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. The Project would result in a less than significant impact.

c) **Less than Significant Impact.** There are no existing or proposed schools within 0.25-mile of the Project site. The nearest school is Sierra Linda Elementary that is located approximately 0.9-mile southwest of the Project site. Since there are no schools within 0.25-mile of the Project site, construction and operational activities associated with the Project are not expected to cause risk to the public or nearby attendees of schools. Therefore, impacts would be less than significant.

d) **No Impact.** Government Code Section 65962.5 requires CalEPA to develop and annually update the Hazardous Waste and Substances Sites (Cortese) List. The information contained in the Cortese List is provided by the Department of Toxic Substances Control (DTSC) and other state and local government agencies. A review of the DTSC EnviroStor and State Water Resources Control Board (SWRCB) GeoTracker databases did not indicate any hazardous materials sites within the Project site. A Leaking Underground Storage Tank (LUST) cleanup site was identified approximately 350 feet southeast of the Project site, where existing commercial retail buildings are located. The site was investigated for potential contamination of underlying groundwater due to the accidental release of diesel and the case for the LUST was closed by the Los Angeles Regional Water Quality Control Board (RWQCB) in 1998, indicating that the LUST no longer poses a threat for groundwater contamination (SWRCB 1998). The proposed Project would not require ground disturbing activities in close proximity to the closed LUST cleanup site. Therefore, the proposed Project would not create a significant hazard to the public or the environment. The Project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.19. Therefore, the proposed Project would not create a significant hazard to the public or the environment.

e) **No Impact.** The Project site is located in an undeveloped lot between Riverpark Boulevard and U.S. 101. Project construction and operational activities would occur onsite, and these activities would not result in changes to the transportation circulation, an existing emergency response plan, or evacuation plan. Therefore, no impact would occur.

References

State Water Resources Control Board (SWRCB), 1998. GeoTracker Database. MacValley/McCaslin Oil (T0611100537). Available at: http://geotracker.waterboards.ca.gov/profile_report?global_id=T0611100537. Accessed on February 28, 2022.

3.9 Hydrology and Water Quality

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Would the project 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 on- or off-site flooding or exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	☐	☒
d) Would the project place new 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?	☐	☐	☐	☒
e) Would the project impede or redirect flood flows such that it would increase on- or off-site flood potential?	☐	☐	☐	☒
f) Would the project 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?	☐	☐	☒	☐
g) Would the project be exposed to a substantial risk related to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction activities associated with the Project could result in short-term surface water quality impacts. These potential impacts could occur from construction-related activities such as drilling for the electronic sign pole foundation and pouring concrete as well as the trenching for the electrical line. Runoff of loose soils and/or construction wastes and fuel during a rainstorm could flow into local storm drains as a result of Project construction. Such contaminated runoff could potentially threaten downstream water resources that receive runoff from the local drainage network. Standard construction BMPs such as silt fencing, storm drain inlet protection, and proper material and waste storage will ensure surface water quality is not substantially degraded during construction. Compliance with the City's standard stormwater runoff provisions for construction activities, such as runoff control and other measures set forth in the City of Oxnard Code Section 22-222 would ensure that the Project does not violate any water quality standards or any waste discharge requirements during construction (City of Oxnard, Nd). Due to the lack of significant grading, earth-moving activities, and paving as part of the Project, the potential water quality impact from construction activities would be less than significant.

Operation activities associated with the electronic billboard would not involve the use of water or the generation of wastewater. Therefore, no violation of any water quality standards or any waste discharge requirements would occur, and thus no water quality impact would result.

b) **Less than Significant Impact.** The proposed Project includes construction activities to install an electronic billboard, trenching for an electrical line and the placement of landscaping. The proposed billboard would not require water to operate. The Project includes the removal of existing eucalyptus trees along U.S. 101 and the planting of drought tolerant tree species including carpe myrtle, western redbud and vitex. The proposed billboard will include an approximately 7-foot diameter hole for the proposed 5-foot diameter pole that will be set into concrete. The Project also includes trenching for approximately 40 feet to connect the Project to an existing electrical facility. The Project site currently provides little to no infiltration of water into groundwater aquifers. The Project site does not support any groundwater production systems, and construction and operation of the proposed electronic billboard would not interfere with the operation of any production system. The proposed Project would not substantially change the amount of existing impervious surface area and would not have a substantial impact on groundwater recharge. The Project also includes trenching for the proposed electric power line to connect with the existing line and would extend approximately 40 linear feet. The construction of the 7-foot diameter hole that would extend approximately 50 feet into the ground may encounter groundwater that would need to be extracted for construction of the pole location. The extraction of the groundwater would not be substantial because it would be limited for a 7-foot diameter pole. Implementation of the proposed Project would result in less than significant groundwater impacts.

c) **No Impact.** The Project site is undeveloped and has relatively flat topography. No stream or water resource features occur on the Project site. In addition, the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of a course, stream or river, or through the addition of impervious surfaces as the installation of the proposed electronic billboard would nominally increase impervious surfaces on the site. As such, no impact would occur.

d) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Project site is not located in a flood prone area including a 100-year flood zone (FEMA, 2010). Therefore, the Project would not place the pole for the electronic billboard or trench for the proposed electrical line within a flood prone area. No impact would occur.

e) **No Impact.** The implementation of the Project includes the placement of a 5-foot diameter pole within a 7-foot diameter hole on the Project site and includes approximately 40 linear feet of trenching for the placement of an electrical line. The placement of the pole and electrical line would not impede or redirect existing surface drainage flows from the Project site.

f) **Less than Significant Impact.** Based on a review of the Ventura County Multi-Hazard Mitigation Plan, the majority of the City of Oxnard including the Project site is within a dam inundation area (AECOM, 2015). Although the Project site is subject to inundation due to a failure of a dam upstream along the Santa Clara River, the probability of dam failure inundation is not known but such an event would likely be the result of an extreme storm. The Division of Safety and Dams periodically checks the conditions of dams so that the likelihood for a dam failure is further reduced. The existing levee along the Santa Clara River is currently being evaluated to reconstruct to provide greater protection for urban uses. There is a potential for a breach of the levee prior to reconstruction of the levee. Because the proposed electronic billboard would be installed with concrete approximately 40 feet below ground surface and the proposed electronic billboard is located approximately 0.8 mile from the levee, a potential breach of the levee would result in a less than significant impact on the proposed electronic billboard. Overall, the potential inundation at the Project site would result in a less than significant impact on the proposed electronic billboard and would not result in exposing people to injury or death.

g) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Project site is not located in a flood prone area (FEMA, 2010). As discussed in Section 3.9 d) above, the Project site would not be subject to seiches or tsunamis. The Project site and surrounding area contain relatively flat terrain and are not subject to mudflows. Therefore, the Project would not be exposed to substantial risk related to inundation by a seiche, tsunami or mudflow at the Project site.

References

AECOM. 2015. Ventura County Multi-Hazard Mitigation Plan. Available at: https://www.vcfloodinfo.com/pdf/2015%20Ventura%20County%20Multi-Hazard%20Mitigation%20Plan%20and%20Appendices.pdf. Accessed on February 18, 2022.

City of Oxnard. Nd. City of Oxnard Code of Ordinances, Section 22-222, Construction Development. Available at: https://codelibrary.amlegal.com/codes/oxnard/latest/oxnard_ca/0-0-0-45944. Accessed on February 17, 2022.

Federal Emergency Management Agency. 2010. Flood Insurance Rate Map, Ventura County, California, Panel 910 of 1275, Map Number 06111C0910E. Available at: https://msc.fema.gov/portal/search?AddressQuery=Riverpark%20Oxnard%20Ca#searchresultsanchor. Accessed on February 18, 2022.

3.10 Land Use and Planning

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with an applicable land use plan, policy or regulation of the City or other agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect?	☐	☐	☒	☐
b) Would the project involve land uses that are not allowed under any applicable airport land use compatibility plan?	☐	☐	☒	☐
a) Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
b) Would the project physically divide an established community?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** As discussed in Section 3.1 c), based on a review of the existing City of Oxnard sign regulations within the City of Oxnard Municipal Code, the proposed electronic billboard is not currently an allowed use within the City of Oxnard. However, as discussed within Section 3.1, Aesthetics and Urban Design, the implementation of the proposed electronic billboard would result in less than significant impacts to scenic vistas, scenic resources, and scenic highways, and the Project would result a less than significant visual alteration of the existing visual characteristics as well as less than significant light and glare. In addition, the City is currently processing a separate Ordinance amendment to allow electronic billboards prior to approval of the Project, and the Project design complies with the proposed Ordinance regulations. The Project includes an amendment to the RiverPark Specific Plan and a Development Agreement to ensure Project consistency. Therefore, the proposed Project would not conflict with a regulation of the City (i.e., the City of Oxnard Municipal Code or the RiverPark Specific Plan) that was adopted for the purpose of avoiding or mitigating a significant environmental effect.

b) **Less than Significant Impact.** The Project is located approximately 2.5 miles from the Oxnard Airport. According to the Oxnard Airport Master Plan, obstructions to air navigation in the vicinity of the Project site would occur if structures exceeded 350 feet in elevation (Coffman Associates, Inc., 2004). Because the Project includes an electronic billboard that will include a height of 60 feet above the ground, the implementation of the Project would not impact air navigation.

c) **No Impact.** According to the City of Oxnard 2030 General Plan EIR, no established or planned Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan exists within the City of Oxnard (Matrix Design Group, 2009). Therefore, the Project would not result in any impact associated with these plans.

d) **No Impact.** Construction of the proposed electronic billboard includes the placement of a pole in the ground. The proposed billboard would not physically divide the surrounding community since the proposed sign would not obstruct or in any way change access to the existing community. The Project site is located in an existing undeveloped lot and would not impact any roadways or traffic circulation patterns within the existing community. The proposed electronic billboard Project would not create any barriers to access to a community or require removal of any housing. As such, the proposed Project would have no impact.

References

Coffman Associates, Inc. 2004. Airport Master Plan for Oxnard Airport. Available at: https://vcportal.ventura.org/AIRPORTS/docs/document_library/Master_Plan_OXR_2004.pdf. Accessed on February 18, 2022.

Matrix Design Group. 2009. City of Oxnard General Plan Program Environmental Impact Report. Available at: https://www.oxnard.org/city-department/community-development/planning/2030-general-plan/. Accessed on February 18, 2022.

3.11 Mineral Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in the loss of availability of a known mineral resource of value to the region or state?	☐	☐	☐	☒
b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated in the 2030 General Plan or other adopted land use plan?	☐	☐	☐	☒

Discussion

a) **No Impact.** Based on a review of the RiverPark Specific Plan EIR, the Project site is located in an area identified as RiverPark Specific Plan Area 'A'. The City has designated this area for urban uses since 1986 and mining within this area, including the Project site, would be economically infeasible due to its location and expected poor quality of materials recovered (Impact Sciences, 2001). The proposed Project would not result in the loss of availability of important mineral resources. No impacts to mineral resources would occur with the implementation of the proposed Project.

b) **No Impact.** Because the Project site has been designated for urban development since 1986 and currently designated Regional Commercial uses, the City of Oxnard General Plan has not designated the Project site as a mineral resource recovery area (City of Oxnard, 2014). Therefore, the implementation of the Project would not impact a locally-important mineral resource recovery site.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 22, 2022.

Impact Sciences. RiverPark Specific Plan Draft EIR. 2001. Available at: https://www.oxnard.org/environmental-document-archives/. Accessed on February 22, 2022.

3.12 Noise

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project generate or expose persons to noise levels exceeding standards established in the Oxnard 2030 General Plan or Noise Ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Would the project generate or expose persons to excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) Would the project generate a substantial temporary or periodic increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Would the project generate a substantial permanent increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within the airport land use plan for Oxnard Airport or within two miles of Naval Base, Ventura County at Point Mugu, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) Would the project expose non-human species to excessive noise?	☐	☒	☐	☐

Discussion

a) **Less than Significant Impact.** Implementation of the proposed electronic billboard would result in noise increases during construction activities and noise increases during operation due to periodic maintenance activities.

Construction activities will include the placement of a pole 50 feet into the ground and extension of the pole 60 feet above the ground as well as trenching for the proposed electrical line. The construction activities will also include the removal of the existing eucalyptus trees within the existing U.S. 101 right-of-way and plant replacement trees. The placement of the proposed pole will result in the highest noise levels during construction and would require the following construction equipment for each construction activity:

Drill footing/haul and dispose dirt (1 to 2 days)

- 48’ Flatbed Truck & Trailer
- Caterpillar 262D Skid Steer Loader
- LoDril HT Drill Mounted on a John Deere 270D
- 5 Super 10 Dump Trucks rotating dumps

Column Set/Concrete Pour (1 to 2 days)

- Link Belt HTC8690 90 Ton Mobile Crane Truck
- Elliott L140 Hireach Crane Truck

- 4 Concrete Mixing Trucks
- Concrete Rock Pump Trailer

Set Top of Column and Build & Set Structure (1 to 2 days)

- 2 - 48' Flatbed Truck & Trailer
- Grove GMK5275 – 275 Ton Mobile Crane Truck
- Elliott L140 Hireach Crane Truck
- Ingersoll Rand P-1000-W-D Towable Air Compressor

Build and Set Digital Displays (1 to 2 days)

- 2 - 48' Flatbed Truck & Trailer
- Link Belt HTC8690 90 Ton Crane Mounted on flatbed truck
- Elliott L140 Hireach Crane Truck

As a worst-case evaluation, there is an assumption that the drill footing/haul and dirt disposal as well as the column set/concrete pour activities could occur in one day. **Table N-1** provides estimated construction noise levels at 50 feet, 100 feet and 200 feet.

TABLE N-1
CONSTRUCTION NOISE LEVEL[a]

Activity	Noise Level, dBA Leq
Drill Footing/Haul and Dispose Dirt, and Column Set/Concrete Pour	
At 50 feet	82/83
At 100 feet	76/77
At 200 feet	70/71
Set Top of Column and Build & Set Structure	
At 50 feet	80
At 100 feet	74
At 200 feet	68
Build and Set Digital Displays	
At 50 feet	79
At 100 feet	73
At 200 feet	67

[a] Based on equipment identified above that was provided by the Project applicant.
SOURCE: Client and ESA 2022

The nearest existing residences to the Project site is approximately 145 feet north of the site. As shown above, the highest construction noise levels at 100 feet would be approximately 77 dBA Leq. These residences are also located approximately 280 feet from

the centerline of U.S. 101. Based on Caltrans peak hour traffic volume information (6,954 automobiles, 207 medium trucks and 139 heavy trucks) adjacent to the Project site, traffic noise levels at approximately 200 feet from the freeway centerline would be 75.6 dBA Leq which is similar to the noise level that would be experienced during construction activities.

Construction noise levels are considered significant if noise levels are not consistent with the City of Oxnard Noise Ordinance or are not consistent with the 2030 General Plan noise policies.

City of Oxnard Noise Ordinance

In accordance with Section 7-188 of the City's Municipal Code, sound sources associated with or created by construction, repair, remodeling or grading of any real property are exempt, provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Because the Project would include construction activities between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday, the construction noise levels are considered less than significant.

Operational noise levels would occur during periodic maintenance activities. These activities would be required to repair and maintain the proposed electronic billboard. These maintenance activities would include a nominal number of trucks traveling to the Project site and result in less than significant truck traffic noise. In addition, the repair and maintenance activities that would periodically occur onsite would be considered exempt and result in nominal increases in noise levels to the surrounding uses. These periodic maintenance activities would only occur during the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Therefore, long-term operational activities associated with the proposed electronic billboard would result in less than significant noise impacts.

City of Oxnard Safety & Hazards Element

The Safety & Hazards Element includes noise policies. The applicable policies are related to construction noise (City of Oxnard, 2016). Because the operational activities would include periodic maintenance activities that would generate nominal noise levels, the operational-related noise policies are not applicable to the Project. The following construction noise policies are applicable to the Project.

SH-6.1 Construction Noise Control – Provide best practices guidelines to developers for reducing potential noise impacts on surrounding land uses.

As described above, noise levels associated with construction activities at the nearest residences would be similar to the noise levels associated with freeway traffic along U.S. 101. Therefore, construction activities would not require best practices to reduce anticipated construction noise.

SH-6.2 Limiting Construction Activities – Continue to limit construction activities to the hours of 7 am to 7 pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the city.

As also described above, construction activities would be limited to the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Therefore, the Project would be consistent with this goal.

b) **Less than Significant Impact.** Construction equipment generates ground vibration. Operational activities associated with the Project would generate ground vibration with vehicles traveling on roadways.

The City of Oxnard does not have vibration criteria standards; however, there are federal vibration criteria that have been adopted by the Federal Transit Administration (FTA). The vibration damage criteria for structures in the Project vicinity is 0.5 peak particle velocity (PPV). The vibration criteria for human annoyance is 72 vibration decibels (VdB) (Federal Transit Authority, 2018). Based on the review of the FTA vibration levels by type of equipment, the highest level of vibration from a piece of equipment that would be used during the Project construction activities would occur from a loaded truck that generates 0.076 PPV and 86 VdB at 25 feet. At the nearest residence located at approximately 145 feet north of the Project site, the residence would be exposed to 0.006 PPV and 63 VdB that are less than the 0.5 PPV vibration damage criteria and less than the 72 VdB human annoyance criteria. Therefore, construction activities associated with the Project would result in less than significant vibration impacts.

Long-term maintenance activities would result in periodic trucks accessing the Project site; however, trucks accessing the site would result in nominal increases in the typical vibration levels that are experienced from daily vehicles traveling along Riverpark Boulevard. Therefore, long-term vibration impacts associated with the Project would be less than significant.

c) **Less than Significant Impact.** The implementation of the Project would result in temporary and periodic increases in noise levels. As discussed above, temporary noise levels would occur during construction activities associated with the electronic billboard. As a worst-case assumption, noise levels at the nearest residence could reach up to 77 dBA Leq while vehicular noise levels from U.S. 101 at the same nearest residence would be approximately 75.5 dBA Leq. This potential increase of 1.5 dBA Leq would not be considered substantial for construction activities. In addition, the City considers construction activities as significant if construction noise does not occur within the Noise Ordinance timing restriction. Because the Project would include construction activities within the allowed times of day, the Project would result in a less than significant temporary noise impact.

As discussed above, long-term maintenance activities associated with the proposed electronic billboard would occur. However, these periodic activities would result in nominal increases in noise and would be considered less than significant.

d) **No Impact.** Operation of the proposed electronic billboard would not generate permanent noise. Therefore, the implementation of the Project would result in no long-term permanent noise impact.

e) **No Impact.** There are no public airports or private airstrips within two miles of the Project site. The closest airport is the Oxnard Airport located approximately 2.5 miles southwest of the Project site in the City of Oxnard. The next closest airport is the Camarillo Airport which is located approximately 4.0 miles southeast of the Project site. Because the Project does not include people residing on the site, and the site is over two miles from the nearest airport, the Project would not expose people to excessive airport noise levels. Therefore, no impact would occur.

f) **Less than Significant with Mitigation Incorporated.** As discussed in Section 3.4 d) above, the implementation of the Project could impact nesting bird species associated with the eucalyptus trees that are proposed to be removed as part of the Project. In addition, trees that are in the Project vicinity could also include nesting birds that could be impacted from the construction-related noise associated with the Project. This increase in noise could result in a significant noise impact to nesting birds.

Implementation of Mitigation Measure BIO-1 from Section 3.4 d) is required.

With the implementation of Mitigation Measure BIO-1 for nesting birds, potential impacts to nesting birds would be reduced to less than significant.

References

City of Oxnard. 2016. 2030 General Plan Goals and Policies, Safety & Hazards Element. Available at: https://www.oxnard.org/wp-content/uploads/2017/06/Oxnard-2030-General-Plan-Amend-06.2017-SM.pdf. Accessed on February 28, 2022.

Federal Transit Administration. 2018. Transit Noise and Vibration Impact Analysis.

3.13 Population, Education, and Housing

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project involve a General Plan amendment that could result in an increase in population beyond that projected in the 2030 General Plan that may result in one or more significant physical environmental effects?	☐	☐	☐	☒
b) Would the project induce substantial growth on the project site or surrounding area, resulting in one or more significant physical environmental effects?	☐	☐	☐	☒
c) Would the project result in a substantial (15 single-family or 25 multi-family dwelling units – about one-half block) net loss of housing units through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
d) Would the project result in a net loss of existing housing units affordable to very low- or low-income households (as defined by federal and/or City standards), through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
e) Would the project cause an increase in enrollment at local public schools that would exceed capacity and necessitate the construction of new or expanded facilities?	☐	☐	☐	☒
f) Would the project directly or indirect interfere with the operation of an existing or planned school?	☐	☐	☐	☒

Discussion

a) **No Impact.** The proposed Project includes the installation of a digital electronic billboard on a site that currently is designated Regional Commercial within the 2030 General Plan (City of Oxnard, 2014). The placement of the billboard does not require a general plan amendment and would not increase population beyond that projected in the 2030 General Plan. Therefore, the Project would result in no impact on population.

b) **No Impact.** The proposed Project includes the installation of a digital electronic billboard. The operation of the billboard would not result in the inducement of growth on the Project site or surrounding area because the operation would not require an onsite employee to operate the billboard.

c) **No Impact.** The implementation of the electronic billboard is on a site that does not contain any existing housing. Therefore, the implementation of the Project would result in no impact on existing housing.

d) **No Impact.** As stated above, the implementation of the electronic billboard is on a site that does not contain any existing housing. Therefore, the implementation of the Project would result in no impact on existing housing, including existing affordable housing units.

e) **No Impact.** Because the Project would not result in new housing or employment opportunities, the implementation of the Project would not impact enrollment at local public schools.

f) **No Impact.** The nearest school to the Project site is Rio Vista Middle School located approximately 0.5-mile north of the Project site. Construction and operation of the proposed billboard would not directly or indirectly interfere with the operation of a school.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 28, 2022.

3.14 Public Services and Recreation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase demand for fire protection service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
b) Would the project increase demand for law enforcement service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
c) Would the project increase the use of existing park facilities such that substantial physical deterioration of the facilities would occur or be accelerated or that new or expanded park facilities would be needed to maintain acceptable service levels?	☐	☐	☐	☒
d) Would the project increase the need for or use of existing library or other community facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒

Discussion

a) **No Impact.** The operation of the proposed electronic billboard would add a structure that would be served by the City of Oxnard Fire Department Station 7 that is located approximately one-mile northeast of the Project site (City of Oxnard, 2022a). No employees would be located on the Project site, and therefore, the addition of the proposed billboard would not require the addition of a new fire station or modifications to an existing fire station to serve the Project site. Therefore, the proposed Project would have no impact on fire protection services.

b) **No Impact.** The Project site is located approximately 2.3 miles north of the City of Oxnard Police Department and located within Neighborhood Policing Beat 14 (City of Oxnard, 2022b). The proposed Project includes an electronic billboard that would not result in a demand for police protection services because there are no employees that would be located on the Project site. Therefore, the Project would have no impact on police protection services.

c) **No Impact.** The proposed Project would not generate employees and would not increase the use of existing park facilities. Therefore, the Project would not result in the physical deterioration of existing park facilities.

d) **No Impact.** The proposed Project would not generate employees and would not increase the use of existing libraries or other community facilities. Therefore, the Project would not impact libraries or community facilities.

References

City of Oxnard. 2022a. City of Oxnard Fire Department, Fire Station Locations. Available at: https://www.oxnard.org/fire-station-locations-fire-department/. Accessed on February 28, 2022.

City of Oxnard. 2022b. Oxnard Police Department, Neighborhood Policing Beat Coordinator Map. Available at: https://sites.google.com/oxnardpd.org/2020-beat-map/police-beat-map Accessed on February 28, 2022.

3.15 Transportation and Circulation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Would the project result in inadequate emergency access?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction of the proposed electronic billboard and trenching for an electrical line would generate a nominal number of construction vehicle trips for the activities to place the electronic billboard on the Project site and trench for approximately 40 feet to the adjacent electrical enclosure that is located south of Riverpark Boulevard. This nominal number of trips would not conflict with the circulation system and result in less than significant impacts. In addition, the trenching for the electrical line would not impact automobile circulation or the pedestrian pathway located along Riverpark Boulevard. In addition, long-term activities associated with the Project include periodic visits to the site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system.

b) **No Impact.** The proposed Project would include periodic maintenance vehicle trips to the site, as needed, and would not require daily vehicle trips to the site for operation of the electronic billboard. Therefore, the Project would have no impact on vehicle miles traveled.

c) **Less than Significant Impact.** The proposed Project includes the placement of an electronic billboard adjacent to U.S. 101. The proposed billboard will be oriented for viewing primarily from U.S. 101. The proposed billboard will comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the proposed electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur.

d) **No Impact.** The implementation of the proposed electronic billboard would not cause inadequate emergency access in the Project vicinity because the placement of the electronic sign does not include employees at the Project site. Therefore, the Project would not impact access.

References

No references.

3.16 Utilities and Energy

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project need new or expanded water supply entitlements that are not anticipated in the current Urban Water Management Plan?	☐	☐	☐	☒
b) Would the project require additional wastewater conveyance or treatment capacity to serve project demand and existing commitments?	☐	☐	☐	☒
c) Would the project generate solid waste that would exceed the permitted capacity of a landfill serving the City?	☐	☐	☐	☒
d) Would the project conflict with federal, state, or local statutes or regulations related to solid waste?	☐	☐	☐	☒
e) Would the project involve wasteful, inefficient, or unnecessary consumption of energy during project construction, operation, maintenance, and/or removal?	☐	☐	☒	☐
f) Would the project require additional energy facilities, the provision of which may have a significant effect on the environment?	☐	☐	☐	☒
g) Would the project be inconsistent with existing energy standards?	☐	☐	☒	☐
h) Would the project preempt future energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage?	☐	☐	☐	☒

Discussion

a) **No Impact**. The operational activities associated with the proposed electronic billboard would not require the use of water, and therefore, the Project would not require new or expanded water supply entitlements. Therefore, the Project would have no impact.

b) **No Impact.** The proposed Project would not result in wastewater generation, and therefore, would not result in a need for wastewater treatment. As a result, the Project would not impact the capacity of the existing wastewater treatment facilities servicing the City of Oxnard.

c) **No Impact**. The proposed electronic billboard would not include any employees and would not generate solid waste. Temporary construction waste would be hauled off site in accordance with all Federal, State, and local regulations. The Project would not exceed current permitted capacities of landfills because the Project would not generate operational waste. As such, the proposed Project would have no long-term impact.

d) **No Impact.** As discussed above, temporary construction waste would be generated during installation of the proposed billboard, trenching for the electrical line and removal of the existing landscaping along U.S. 101. However, the construction waste would be hauled off site in accordance with all Federal, State, and local regulations, and therefore, would not conflict with these regulations.

e) **Less than Significant Impact**. As described below, the proposed Project would not involve wasteful, inefficient, or unnecessary consumption of energy.

Construction

The Project would consume energy during construction activities, primarily from on- and off-road vehicle fuel consumption in the form of diesel and gasoline, necessary to install a typical billboard. Construction of a typical billboard is assumed to require up to four workdays, depending on the nature of the soil and the extent of the column footing required. For the purposes of evaluating energy usage, the analysis conservatively assumes a construction scenario of four days of construction. The construction would consist of the following tasks: 1) drilling and haul of excavated soil, 2) column set and concrete pour, 3) building the structure and 4) installation of digital display. These activities would occur over a two-week period with a five to seven-day break between the drilling/column set and the installation to allow for concrete setting.

Energy consumption would occur from the operation of heavy-duty construction equipment, on-road trucks, and from on-road light-duty passenger vehicles from construction workers commuting to and from the Project site. Heavy-duty construction equipment was conservatively assumed to be primarily diesel-fueled. Diesel fuel would also be used for heavy-duty on-road trucks used for hauling of excavated soils, cement delivery, on-road transport of construction equipment and materials (i.e., aerial lift trucks, cranes, and billboard construction materials such as columns and electronic displays) Natural gas and electricity are not anticipated to be used during construction activities in any substantial quantities. A summary of the Project's construction fuel usage is provided in **Table UE-1**, *Summary of Fuel Consumption During Installation of the Proposed Electronic Billboard*. Energy calculations for fuel consumption are based on the same assumptions used for the Air Quality analysis and used for the CalEEMod Emissions Modeling.

TABLE UE-1
SUMMARY OF FUEL CONSUMPTION DURING INSTALLATION OF THE PROPOSED ELECTRONIC BILLBOARD

Activity	Fuel	Gallons[a]
Off-Road Construction Equipment	Diesel	203
Construction Haul Vehicles	Diesel	117
Construction Worker Commuting	Gasoline	14

[a] Fuel estimates are based on installation of the proposed electronic billboard in 2022.
SOURCE: ESA, 2022

As shown, the estimated total diesel fuel consumed by construction equipment and on-road haul/delivery trucks would be approximately 320 gallons for the installation of the proposed electronic billboard. Transportation fuel from workers traveling to and from the

Project site would be limited and are estimated as less than 15 gallons of gasoline which is considered minimal fuel consumption.

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, crude oil production would be sufficient to meet 50 years of worldwide consumption (BP Global, 2022). Vehicles that would be used by construction workers would comply with Corporate Average Fuel Economy fuel economy standards, which would result in more efficient use of transportation fuels (lower consumption). Vehicles that would be used by construction workers would also comply with Pavley and Low Carbon Fuel Standards which are designed to reduce vehicle GHG emissions, but would also result in fuel savings in addition to compliance with Corporate Average Fuel Economy standards.

Construction of the Project would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, and would comply with State measures to reduce the inefficient, wasteful, and unnecessary consumption of energy, such as petroleum-based transportation fuels. While these regulations are intended to reduce construction emissions, compliance with the anti-idling and emissions regulations discussed above would also result in fuel savings from the use of more fuel-efficient engines. Therefore, Project construction would not result in wasteful, inefficient, or unnecessary consumption of energy resources and energy impacts would still be less than significant. Calculation details for fuel and energy consumption are included in **Appendix G**.

Operation

Operations of the proposed electronic billboard would consume energy in the form of purchased electricity to power the lighting. Electricity in the Project area (Ventura County) is provided by Southern California Edison (SCE). SCE is required to commit to the use of renewable energy sources for compliance with the Renewable Portfolio Standards (RPS). SCE has already met its requirement to procure at least 33 percent of its energy portfolio from renewable sources by 2020 with approximately 33.1 percent of its 2020 electric supply power mix from renewable power (SCE 2020). With the passage of SB 100 in September 2018, SCE will be required to update its long-term plans to demonstrate compliance including providing 60 percent of its energy portfolio from renewable sources by December 31, 2030, and ultimately planning for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

Predicted energy use for the proposed electronic billboard is estimated at an average of approximately 150 kilowatt hours (kWh) per day and approximately 54,000 kWh per year.

Based on SCE's 2020 Annual Report, SCE total system sales for 2020 was 85,399 million kWh of electricity (SCE 2021). As such, the Project-related net increase in annual electricity consumption of 54,000 kWh per year would represent less than 0.0001 percent of SCE's total energy sales. The proposed electronic billboard would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). Therefore, Project operations would not result in wasteful, inefficient, or unnecessary consumption of energy resources and energy impacts would still be less than significant.

As discussed above, Project construction would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, to reduce the use of petroleum-based transportation fuels. Operation of the Project would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). As a result, the proposed Project would support Statewide efforts to implement fuel saving strategies and utilize energy efficient technologies. Overall, the Project would not be inconsistent with existing energy standards and impacts would be less than significant.

f) **No Impact.** Implementation of the proposed electronic billboard would include the extension of an electrical line for approximately 40 linear feet to an existing electrical facility located immediately adjacent to the Project site. The electronic billboard would not require additional energy facilities, beyond the proposed extension of an electrical line, to serve the proposed Project. Therefore, the Project would result in no impact.

g) **Less than Significant Impact.** As discussed above, Project construction would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, to reduce the use of petroleum-based transportation fuels. Operation of the Project would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, nd.). As a result, the proposed Project would support Statewide efforts to implement fuel saving strategies and utilize energy efficient technologies. Overall, the Project would not be inconsistent with existing energy standards and impacts would be less than significant.

h) **No Impact.** The implementation of the proposed electronic billboard would not preempt energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage due to the Project's limited use of energy resources.

References

BP Global. 2022. Oil reserves. Available at: https://www.bp.com/en/global/corporate/energy-economics/statistical-review-of-world-energy/oil.html. Accessed February 2022.

Edison International. 2021. Edison International and Southern California Edison 2020 Annual Report, page 2. Available at: https://www.edison.com/content/dam/eix/documents/investors/sec-filings-financials/2020-eix-sce-annual-report.pdf. Accessed February 2022.

Southern California Edison. 2020, 2020 Power Content Label, Southern California Edison.

U.S. Department of Energy. nd. LED Lighting. Available at: https://www.energy.gov/energysaver/led-lighting. Accessed February 2022.

3.17 Wildfire

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion

a - d) **Less than Significant Impact.** The proposed digital electronic billboard is located on a lot in an urban area of the City of Oxnard. Based on a review of the fire hazards severity zones prepared as part of the CalFire fire and resource assessment program, the Project site is not located within or near an area that is designated as a very high fire hazard severity zone (VHFHSZ). The nearest VHFHSZ designated in a Local Responsibility Area is approximately 4.5 miles to the northwest and within a State Responsibility Area is approximately 4.3 miles to the northeast. Due to the distance from a VHFHSZ, the Project would result in less than significant impacts related to wildfires.

References

CalFire. 2020. FHSZ Viewer. Available at: gis.fire.ca.gov/FHSZ/. Accessed on March 2, 2022.

3.18 Mandatory Findings of Significance

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Would 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 projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) **Less than Significant with Mitigation Incorporated.** The implementation of the Project would include installation activities for the proposed billboard and electrical line as well as removal of existing eucalyptus trees along U.S. 101 that could provide nesting opportunities for bird species. The installation activities and removal of the eucalyptus trees could result in significant impacts to nesting birds. The implementation of Mitigation Measure BIO-1 would reduce these potential impacts to less than significant. In addition, construction activities for the Project could result in potential significant impacts to archaeological resources. The implementation of Mitigation Measure CUL-1 would reduce these potential impacts to less than significant.

b) **Less than Significant with Mitigation Incorporated.** The potential for cumulative impacts occur when the impacts of a project are combined with impacts from related development projects and result in impacts that are greater than the impacts of a project alone. The City of Oxnard currently includes an additional electronic billboard proposed at Ventura Road on the northside of U.S. 101. This related project is located approximately 4,600 feet west of the Project site. The City of Oxnard is also contemplating the adoption of an ordinance that would allow additional electronic billboards to be constructed and operate along U.S. 101; however, these billboards would not be allowed to be placed within 2,000 feet of an existing electronic billboard and would be required to be located at least 100 feet from an existing residence. As discussed in Sections 3.1 through 3.17 above, the proposed Project could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related projects would need to occur at least 2,000 feet

from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

c) **Less than Significant Impact.** The implementation of the proposed electronic billboard includes potential significant impacts to nesting birds and potential archeological and paleontological resources. The Project would result in less than significant direct or indirect impacts on human beings.

References

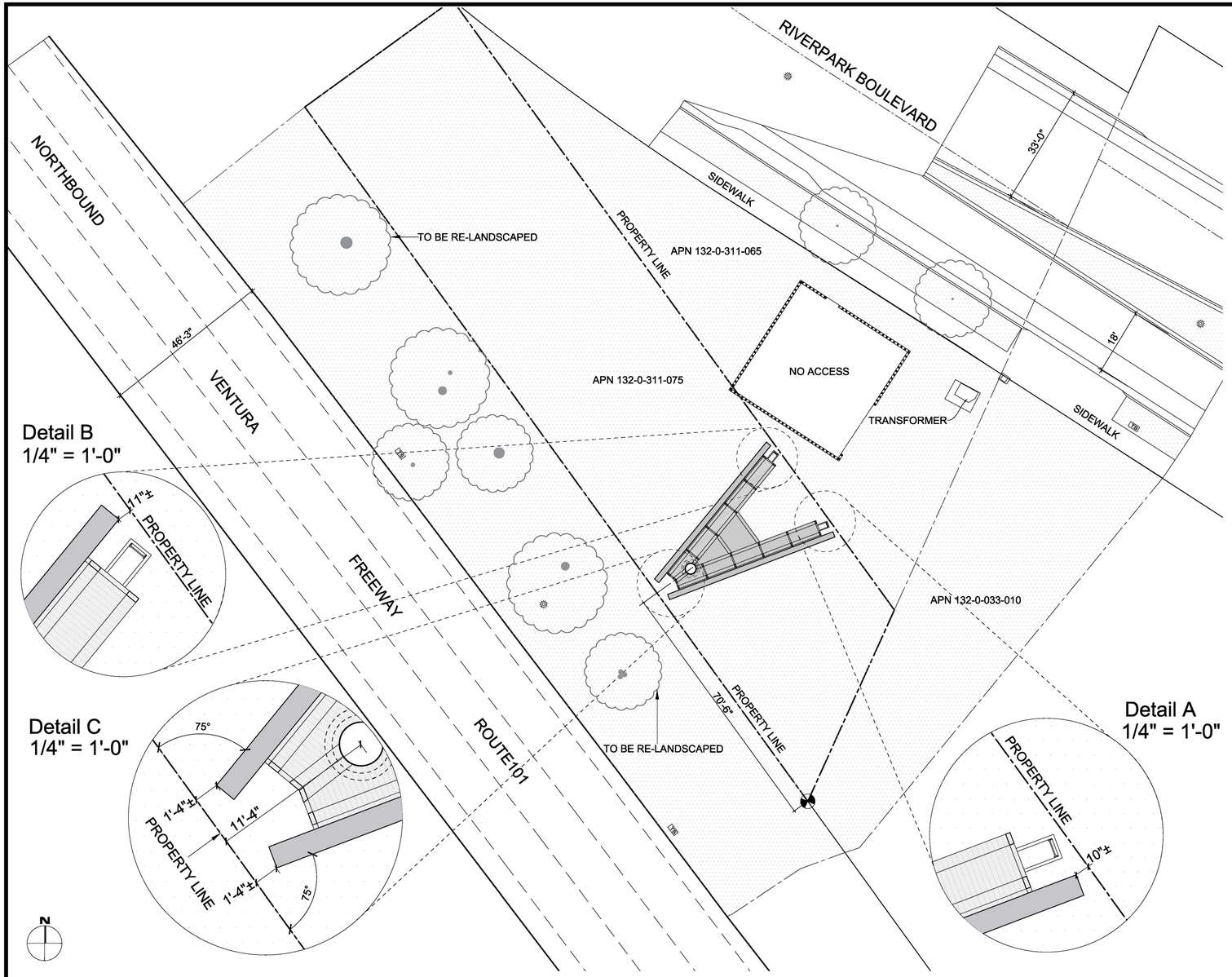
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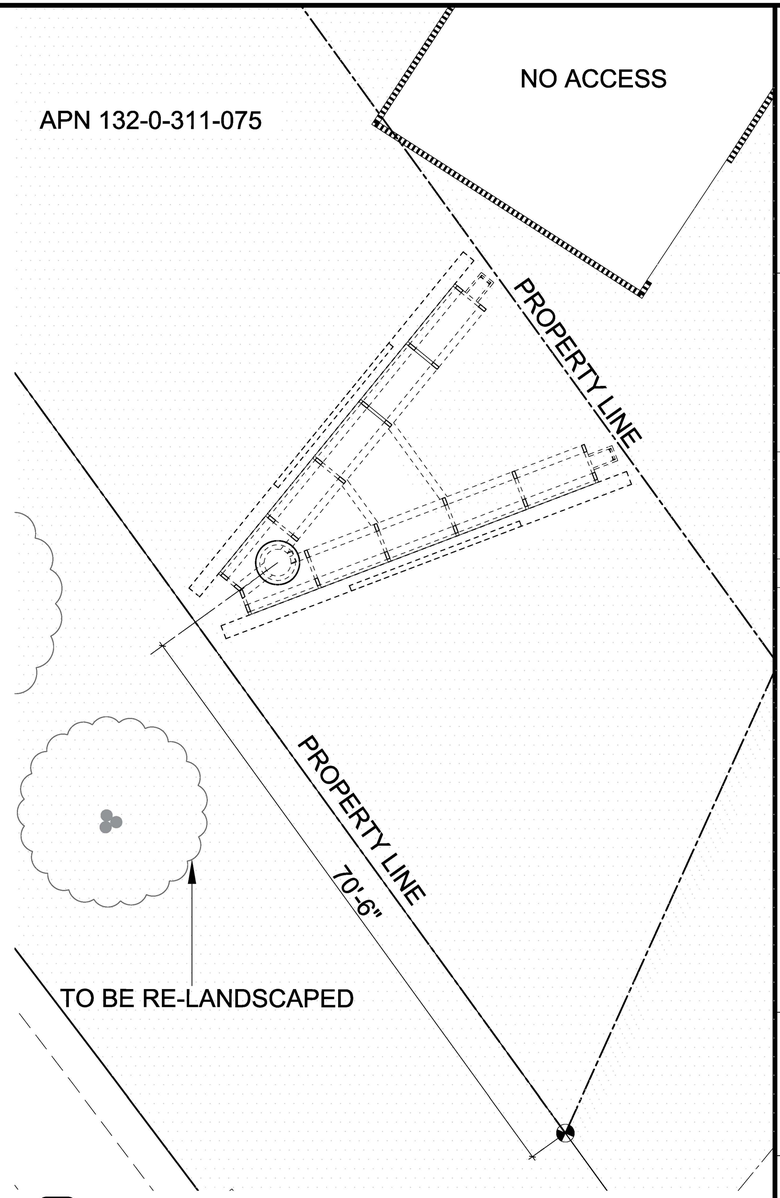
Appendix A

Project Plans

ESA



2 Bird's Eye Site Plan — 1/16" = 1'-0"



1 Site Plan @Grade — 1/8" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- TREE LINE

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES WHEREIN THE SPECIFIED DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ORDINANCES. THE LAWS OR ORDINANCES SHALL GOVERN. CONTRACTOR TO NOTIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL USE DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WITH SUB-CONTRACTORS TO ENSURE THEIR WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE OR PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, COVER PLACES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

    ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2016 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:
15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET. BEYOND THAT HORIZONTAL BENCHES OF 5 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.CA-OSHA.COM/PDFPUBS/OSHA USERGUIDE.PDF * CONSTRUCTION SAFETY ORDERS : CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

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PROJECT NAME

OXNARD SIGNAGE PROJECT

APN 132-0-311-075
Oxnard, California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-26087 REN. 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

SITE PLAN

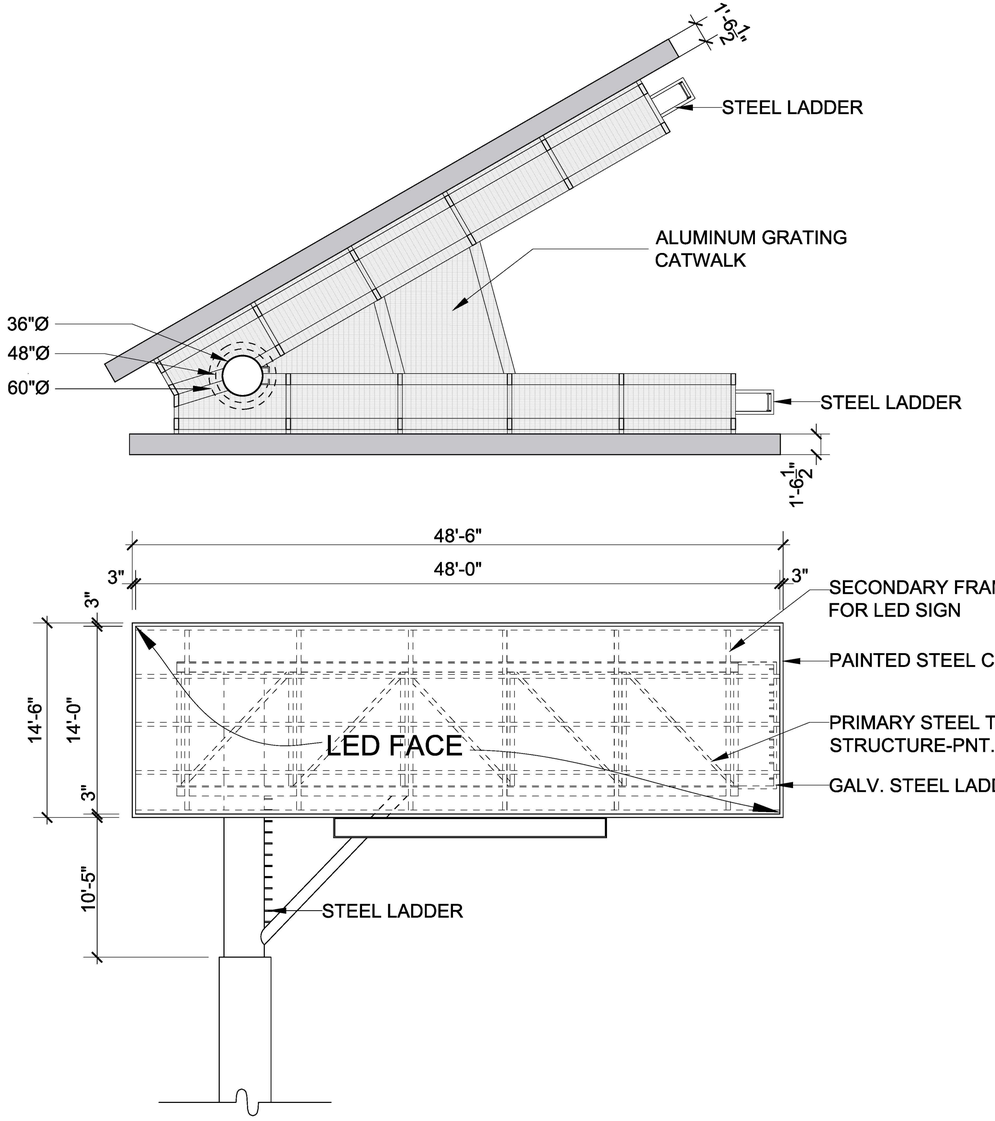
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CHECKED BY	
JOB NO.	1814

A-1.0

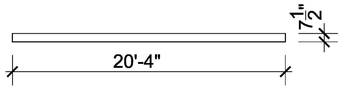
SHEET NO.

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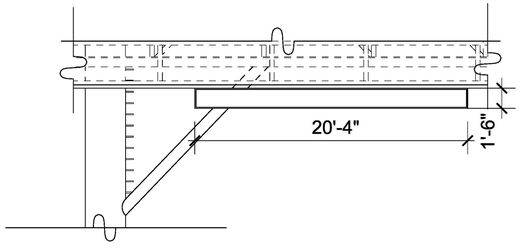
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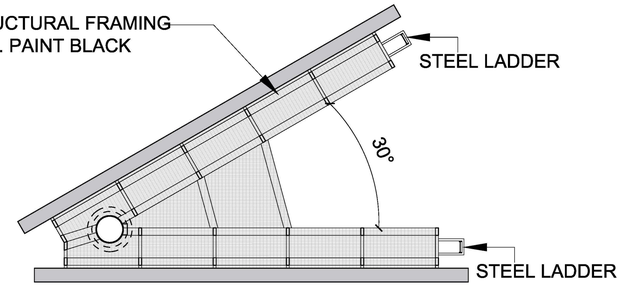
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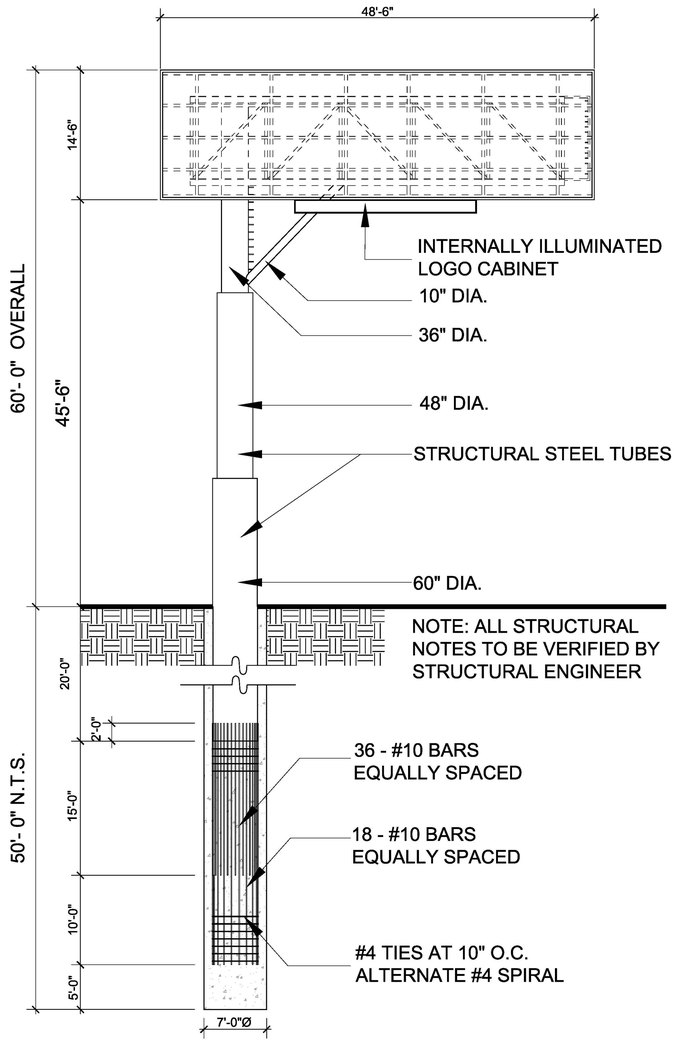
4 Logo Cabinet Plan SCALE - 3/16" : 1'0"



3 Logo Cabinet Elevation SCALE - 3/16" : 1'0"



2 Plan View SCALE - 1/8" : 1'0"



1 Overall Elevation SCALE - 1/8" : 1'0"
(See A-3.0 For Color Scheme)

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FOR SITE PERMIT ONLY

REV DATE ISSUE

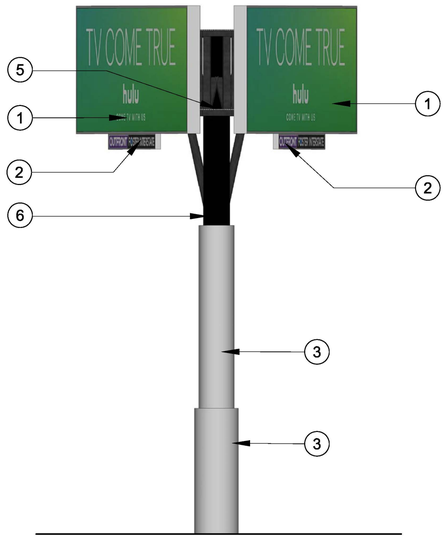
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SIGN ELEVATIONS AND PLAN

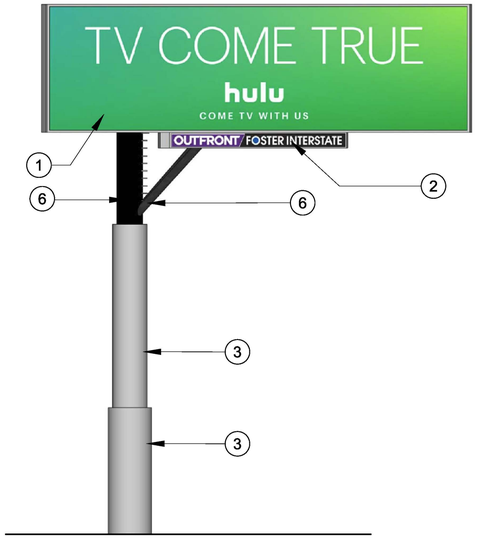
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SCALE	
DRAWN BY	
CHECKED BY	
JOB NO.	1814

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SHEET NO.

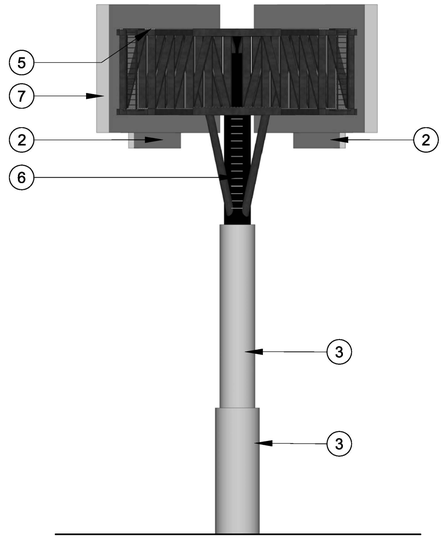
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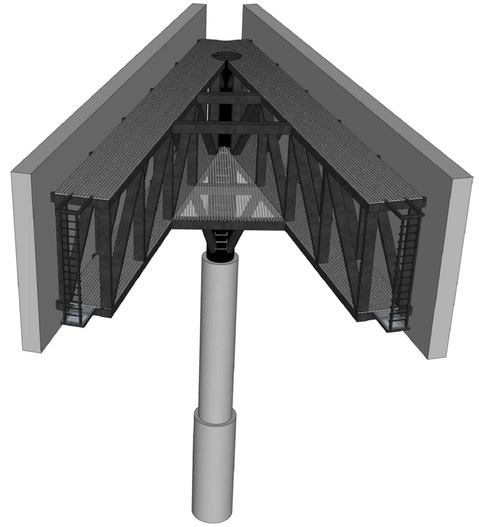
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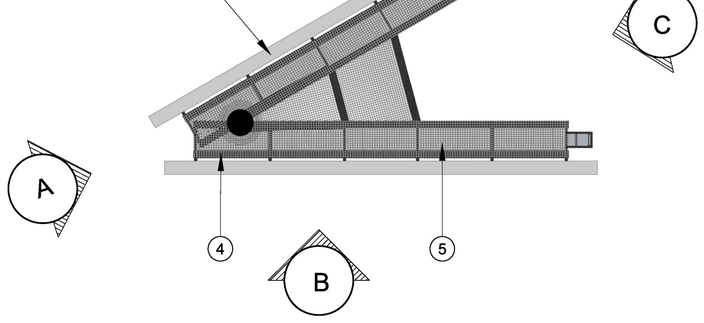
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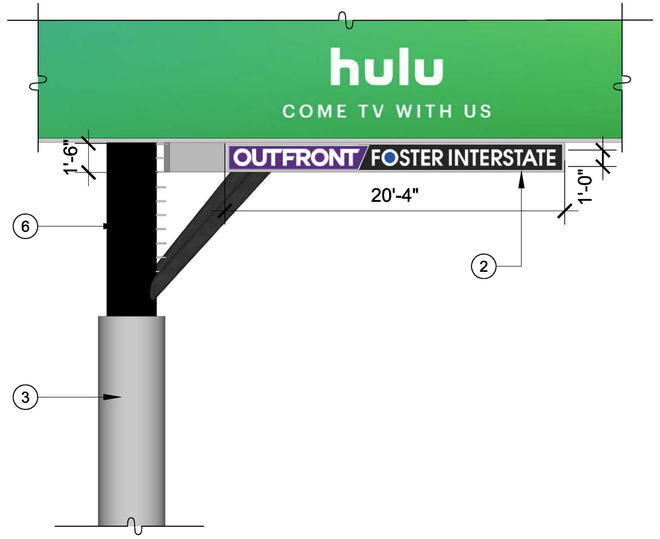
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2 Perspective View 2 NTS



6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

1. LED SIGN FACE
2. INTERNALLY ILLUMINATED ANODIZED ALUMINUM LOGO CABINET
3. STEEL TUBE PAINTED GRAY (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)
4. STEEL TRUSS PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
5. ALUMINUM GRATING PLATFORM (NATURAL ANODIZED)
6. STEEL TUBE PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
7. PAINTED STEEL CHANNEL (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES WHEREIN THE SPECIFIED DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ORDINANCES. THE LAWS OR ORDINANCES SHALL GOVERN. CONTRACTOR TO NOTIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL USE DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WITH SUB-CONTRACTORS TO ENSURE THEIR WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE OR PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, COVER PLACES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

    ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2016 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:
15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET. BEYOND THAT HORIZONTAL BENCHES OF 5 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.CA-OSHA.COM/PDFPUBS/OSHA USERGUIDE.PDF * CONSTRUCTION SAFETY ORDERS : CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

ib+a architecture
177 Post Street,
Suite 920
San Francisco,
CA 94108
tel: (415) 512-9660
fax: (415) 512-9663
www.ibadesign.com

PROJECT NAME

OXNARD SIGNAGE PROJECT

APN 132-0-311-075

Oxnard, California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-29457 REN. 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

COLORED ELEVATIONS

DATE	8/6/2020
SCALE	
DRAWN BY	
CHECKED BY	
JOB NO.	1814

A-3.0

SHEET NO.

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

ib+a architecture

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Suite 920
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CA 94108

tel: (415) 512-9660
fax: (415) 512-9663
www.ibadesign.com

PROJECT NAME

OXNARD SIGNAGE PROJECT

APN 132-0-311-075

Oxnard,
California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-29852 Rens. 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

RENDERINGS

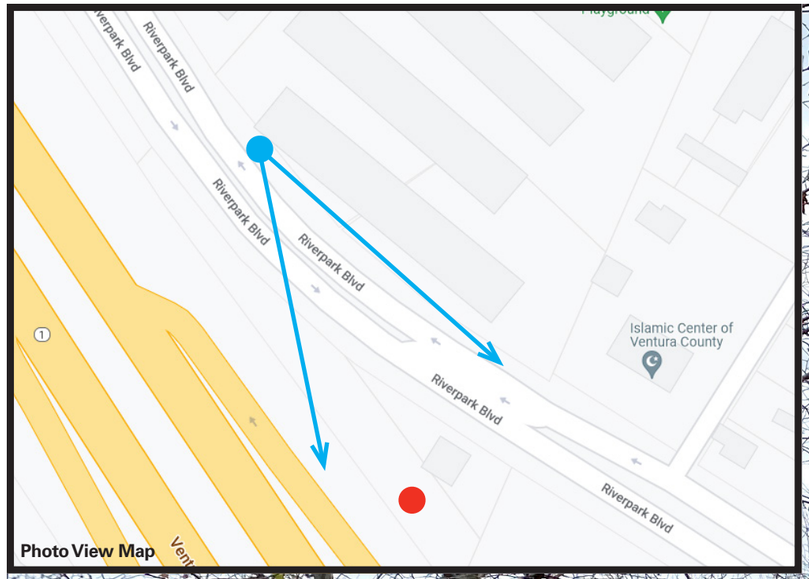
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JOB NO.	1814

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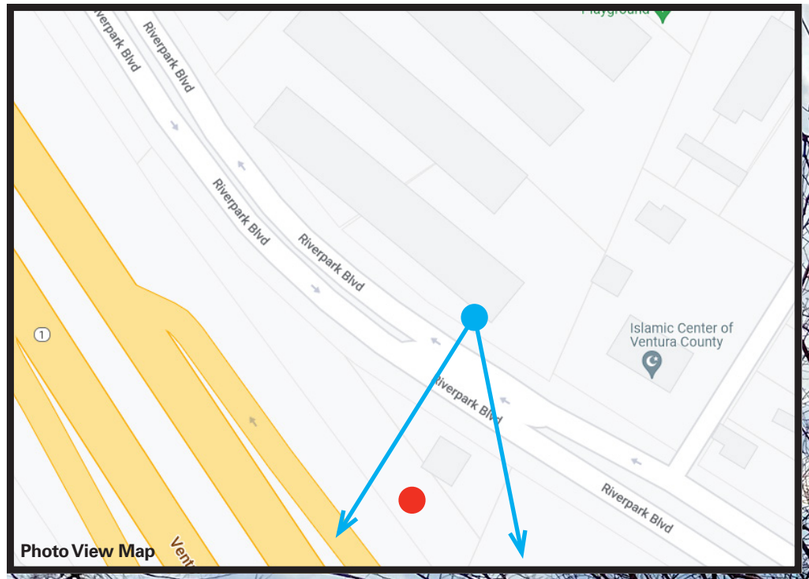


OUTFRONT FOSTER INTERSTATE

14'h x 48'w, Double-Sided Digital "V" Display

Site 2: View from North-West End of 210 Riverpark Blvd

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-a-vis the overall view is for illustration purposes only and is not exact.



14’h x 48’w, Double-Sided Digital “V” Display

Site 2: View from South-East End of 210 Riverpark Blvd

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-a-vis the overall view is for illustration purposes only and is not exact.

Appendix B

Proposed RiverPark Specific Plan Amendment Text Revisions

ESA

KEY:	Blue Text = Proposed Additions ~~Red Strikethrough~~ = Proposed Deletions

3 COMMERCIAL MASTER PLAN

SECTION 3.5 BUILDING TYPE STANDARDS

Section 3.5.2 Standards for Each Building Type

- Type 1-C-A: Large Multistory Anchor
- Type 1-C-B: Large Pad Retail
- Type 1-C-C: Multistory Mini Anchor
- Type 1-C-D: Inline Retail
- Type 1-C-E: Inline Retail With Upper Story Office/Housing
- Type 1-C-F: Pad Restaurant/Retail
- Type 1-C-G: Drive Thru Commercial
- Type 2-C-A: Food and Wine Multistory
- Type 2-C-B: Food and Wine Demo Factory/Outlet Store
- Type 2-C-C: Food and Wine Pavilion/Office Building
- Type 3-C: Office Building
- Type 4-C: Hotel With Retail
- Type 5-C: Stand Alone Kiosk
- Type 6-C: Outparcel Commercial
- Type 7-C: Freeway Adjacent Digital Display Billboards

[. . .]

TYPE 7-C: Freeway Adjacent Digital Display Billboards

The following standards apply to lots for Freeway Adjacent Digital Display Billboards. If the lot contains other building types, the lot must comply with the minimum lot dimension standards required for that building type pursuant to this section, unless otherwise modified. Additional standards pertaining to Freeway Electronic Billboards can be found in Section 5.9 (Signage Standards) and the Oxnard City Code.

LOT DIMENSIONS

Lot Area	Min: 1,000 SF	Max: 15,000 SF
Lot Width	Min: 10’	Max: 300’
Lot Depth	Min: 40’	Max: 100’

SIZE AND SPACING

Billboard Face Display	For allowable face size refer to the Oxnard City Code
Sign Height	For allowable sign height refer to the Oxnard City Code

Setbacks	Min: 0’ (Freeway Adjacent Digital Display Billboards only)
Spacing	For minimum spacing requirements refer to the Oxnard City Code

5 LANDSCAPE MASTER PLAN

5.5 EDGES AND BUFFERS STANDARDS

5.5.2 Design Concept for Edges and Buffers

5.5.2.1 The Ventura Freeway Frontage

Landscaping of RiverPark’s frontage with the Ventura freeway at Planning Districts D, B and E shall be provided in a landscaped buffer zone. Landscaping in this area shall meet the requirements at two distinct scales: the scale of the freeway, and that of slower moving vehicles and pedestrians within RiverPark. Landscaping perceptible from the Ventura freeway will consist of a single row of 30-foot tall Mexican Fan Palms (at 30 feet O.C.) along the freeway frontage. These palms will clearly differentiate and identify RiverPark not only from the freeway but from the southern approach from Oxnard. For slower-moving vehicles and pedestrians, the zone will also be planted with an appropriate mix of native and indigenous grasses, perennials, shrubs, and trees. See Exhibit 5.AA for a typical cross-section. Alternative landscaping may be approved, under a Special Use Permit.

5.9 SIGNAGE STANDARDS

[. . .]

5.9.3.11 Freeway Adjacent Digital Display Billboards

Freeway Adjacent Digital Display Billboards, as defined in the Oxnard City Code (OCC) shall be allowed in Planning Districts A and E, subject solely to the applicable regulations and procedures of OCC Chapter 9 Article IX. Advertising Signs.

Appendix C

Native American Assembly Bill 52 Notification

ESA

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030
(805)385-7858
Fax (805) 385-7417

CITY OF OXNARD CALIFORNIA

November 23, 2021

Julie Tumamait-Stenslie, Chairperson
Barbareño/Ventureño Band of Mission Indians
365 North Poli Avenue
Ojai, California 93023

RE: Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of determination that a Project Application is Complete or Decision to Undertake a Project, and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1 (hereafter PRC).

Dear Chair Tumamait-Stenslie

The City of Oxnard has determined that a project application is complete for the Riverpark Boulevard Electronic Billboard Project.

Below please find a description of the proposed project, a map showing the project location, and the name of our project point of contact, pursuant to PRC § 21080.3.1 (d).

The project is a request for a Special Use Permit (PZ 20-500-07), Specific Plan Amendment (PZ 20-630-02), and Development Agreement (PZ 20-670-06) for the construction of a new double sided digital freeway oriented electronic billboard on the North of Hwy 101, South of Riverpark Blvd, and West of N. Vineyard Road. The property is currently a vacant City owned property. The project will require re-landscaping along the Cal-Trans Right-of-Way. The re-landscaping will require the removal of approximately 10 trees and the replanting of native trees and shrubs. The project is subject to the California Environmental Quality Act (CEQA) and the City of Oxnard is the lead agency under CEQA.

The project is located North of Hwy 101, South of Riverpark Blvd, and West of N. Vineyard Road (APN: 132-0-311-075).

The proposed project must comply with California Public Resources Code § 21080.3.1 (Assembly Bill [AB] 52 of 2014), which requires local governments to conduct meaningful consultation with California Native American tribes that have requested to be notified by CEQA lead agencies of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated.

Your tribe's input is important to the City's planning process. We request that you advise us as early as possible if you wish to consult on the proposed project. Pursuant to PRC § 21080.3.1 (b), you have 30

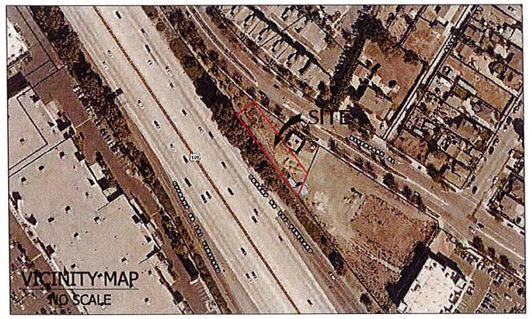
days from the receipt of this letter to request consultation, in writing, with the City of Oxnard. If you require any additional information or have any questions, please contact me 805-385-8272 or via e-mail at Joe.Pearson@oxnard.org. Thank you for your assistance.

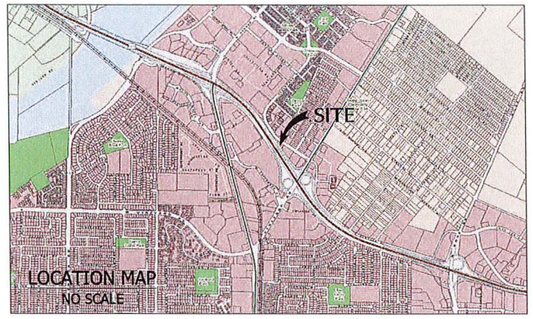
Very Respectfully,

Joe Pearson II, AICP | Senior Planner
Community Development Department
City of Oxnard

Enclosed: Project Location Map and Site Plan

SITE 2





TERRAIN COLOR CODE:

- ASPHALT
- CONCRETE
- GROUND

DIGITAL BILLBOARD DETAIL
PLAN VIEW

SCALE: 1" = 10'

NOTE:

1. BOUNDARY SHOWN HEREON IS BASED ON FOUND MONUMENTS PER COUNTY PUBLIC WORKS FIELD BOOKS, TRACT NO. 5852-1, 150 MR 76, AND CALIFORNIA R/W MAP NO. F 2232-5 07-VEN-101-22.2.
2. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
3. TREE LINE CANOPIES ARE PICTORIAL, AND MAY NOT REFLECT TRUE DRIP LINES.
4. ROAD STRIPING IS PICTORIAL AND REPRESENTS ONLY APPROXIMATE, RELATIVE LOCATIONS
5. DIGITAL BILLBOARD AND PROPOSED LOCATION PROVIDED BY CLIENT.
6. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
7. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. EXISTING EASEMENTS (IF ANY) ARE NOT SHOWN HEREON.
8. ATTENTION: IF THIS MAP IS PROVIDED IN AN ELECTRONIC FORMAT (IE: CAD) AS A COURTESY TO A CLIENT, THE DELIVERY OF THE ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF OUR PROFESSIONAL WORK PRODUCT. ONLY THE SURVEYOR'S SIGNED AND SEALED PAPER PRINT OR PDF FORMATTED DRAWING CONSTITUTES OUR PROFESSIONAL WORK PRODUCT. IN THE EVENT THAT THE ELECTRONIC FILE IS ALTERED, THE SURVEYOR'S SIGNED AND SEALED PRINT OR PDF FORMATTED DRAWING MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. CHRIS NELSON AND ASSOCIATES, INC., SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATION MADE TO THE PROVIDED CAD FILE, OR FOR ANY PRODUCTS THAT HAVE BEEN DERIVED FROM THE CAD FILE, WHICH ARE NOT REVIEWED, SIGNED AND SEALED BY US.

BENCH MARK:

B.M. NO. 110-8 VCPID 494 NAVD 1988 COUNTY OF VENTURA DATUM

AT THE NORTHWESTERLY CORNER OF THE INTERSECTION OF VINEYARD AVENUE AND MYRTLE STREET.

ELEVATION = 87.3196 FEET (26.615 METERS) (VENTURA COUNTY ADJ PUB 1989)

LEGEND:

- CURB
- V-GUTTER
- PAVED ROAD
- GRADE BREAK
- WALL
- TREE LINE
- MAJOR INDEX CONTOUR
- MINOR INDEX CONTOUR
- BOUNDARY LINE
- LOT LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- STREET SIGN
- SEWER MANHOLE
- WATER VALVE
- PROPOSED BILLBOARD

N

20' 10' 0' 10' 20' 40'
GRAPHIC SCALE
SCALE: 1"=20'

PROFESSIONAL LAND SURVEYOR
CHRIS D. NELSON
No. 6385
STATE OF CALIFORNIA

DATED: 12/6/2019

REVISION NOTES

DATE	DESCRIPTION	BY
12/6/19	CHANGED OVERALL AESTHETICS	CJD

PREPARED BY:
Chris Nelson & Associates, inc.
PROFESSIONAL LAND SURVEYORS
31238 Via Colinas Suite H, Westlake Village, CA. 91362
Voice: 818.991.1040 Fax: 818.991.0614

PREPARED FOR:
FOSTER INTERSTATE MEDIA, INC.
1111 BROADWAY, SUITE 1515
OAKLAND, CA. 94607

TOPOGRAPHIC SURVEY
PORTION OF CALIFORNIA R/W MAP NO.
F 2232-5 07-VEN-101-22.2
CITY OF OXNARD, COUNTY OF VENTURA

JOB NO. 19-5125
SCALE: 1" = 20'
DATE: OCT. 2019
DRAFTED: SJN

SHEET NO.
1
OF 1 SHEET

Appendix D

Photometric Analysis



330 N. Brand Blvd. Suite 950
Glendale, CA 91203
818.539.1111 • www.exp.com

City of Oxnard
Ventura County
Site # 2

Digital Billboards

Photometric Analysis

Project Number
2020239.00

Prepared By:

Michael Schrupp

Date Submitted
23 October, 2020

TABLE OF CONTENTS

1.0 NARRATIVE 1

2.0 APPENDIX - FOOT-CANDLE LEVEL GRAPHIC SHEETS 3

1.0 NARRATIVE

We (exp engineering) have conducted a photometric review of the digital billboards being proposed by Outfront Foster Interstate to be located on Riverpark Blvd near the 101 freeway at Vineyard Ave, in Oxnard, CA.

Using the photometric software AGI32, we studied the screen's output brightness to determine

a) what if any modifications to the sign would be needed to comply with the OAAA (Outdoor Advertising Association of America) lighting level standards, and
b) What impact will the sign have at night on the surrounding community.

The photometry is based on the specified Nichia series 336 LED modules, which output light horizontally at 90° and 45° vertically.

The proposed billboard is to be 14'x48' with the top of the sign mounted at +60' above the ground with maximum screen brightness of 300 NITS (300 Candela per Square Meter) in the evening.
Per OAAA guidelines, the proposed sign, displaying a full white image (for maximum brightness) should not exceed .3 footcandles over the surrounding ambient light levels at a distance of 250' in any direction.
As we are unable to determine what the ambient light levels will be at the location, the studies were done assuming the worst-case scenario of no ambient light.

We have included graphical illustrations demonstrating the light levels in footcandles (fc) we expect from the screen.

Sheet 1 of the attachment is a location plan indicating the 250' boundary overlaid on a map of the proposed site, as well as the projected relative angle of light emanating from the sign
Sheet 2 shows the photometric calculations at the ground over the entire map area, graphicly shown as both footcandle points and as a pseudocolor graph.
Sheet 3 is a graphic representation of the light levels impacting the area to the north of the NE-facing sign.
Sheet 4 is a graphic representation of the light levels impacting the adjacent residential area to the east of the signs.
Sheet 5 is a graphic representation of the light levels impacting the retail areas and HW101 on-ramp to the south-east of the signs.

Conclusions

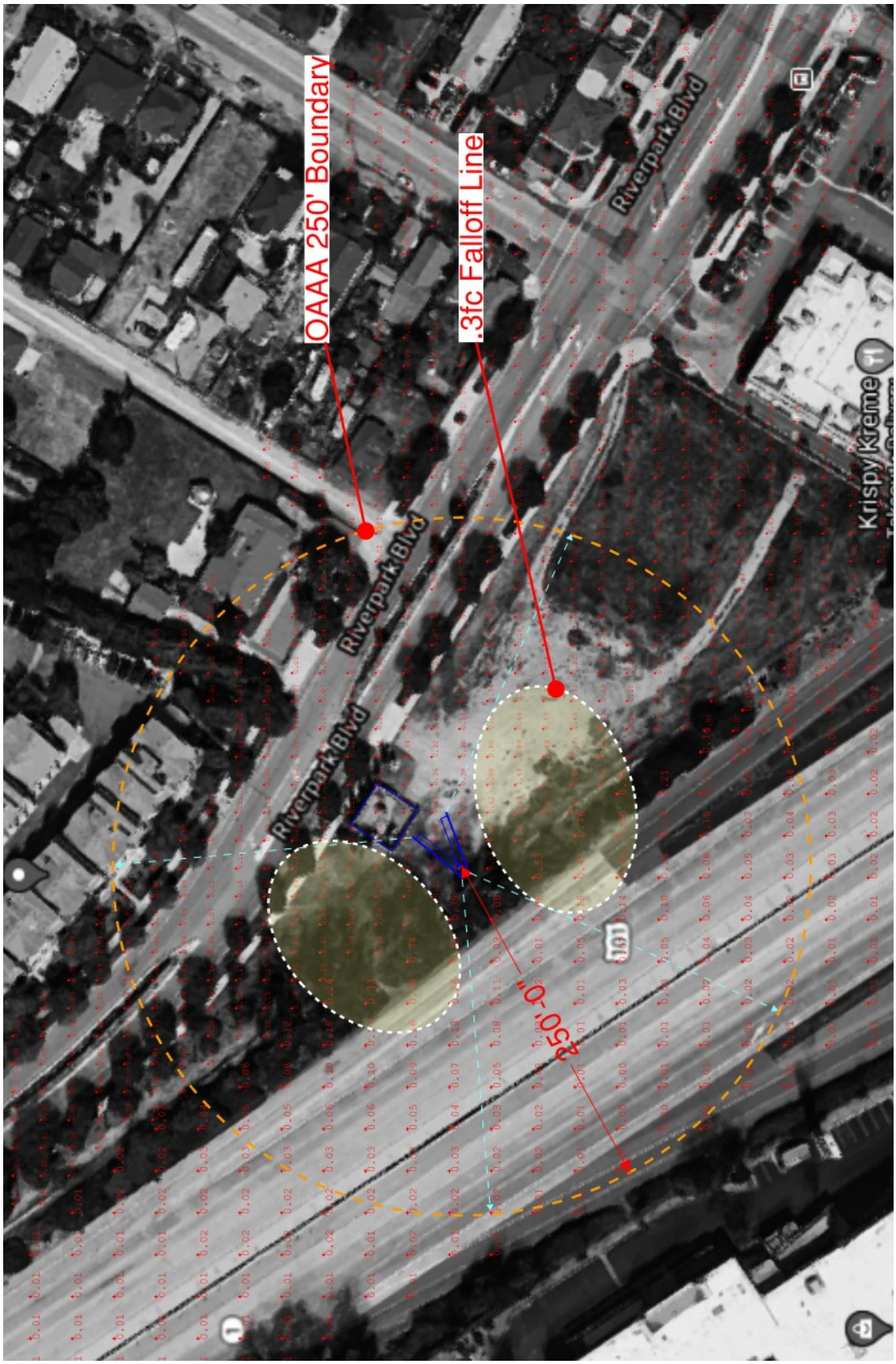
We see no light levels in excess of .3fc beyond the 250' radius of the signs, nor do we find any significant impact to the neighboring properties provided the sign brightness is reduced after dark to the 300 NIT level.

This report, prepared by exp Services Inc., is intended for the exclusive use of the City of Oxnard, Ventura County, and Outfront Foster Interstate Media. Neither exp Services Inc., City of Oxnard, Ventura County, or Outfront Foster Interstate Media assume any liability for the use of this report, or for the use of any information disclosed in the report, or for damages resulting from the use of this report, by other parties.

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Appendix

Foot-candle Level Graphic Sheets

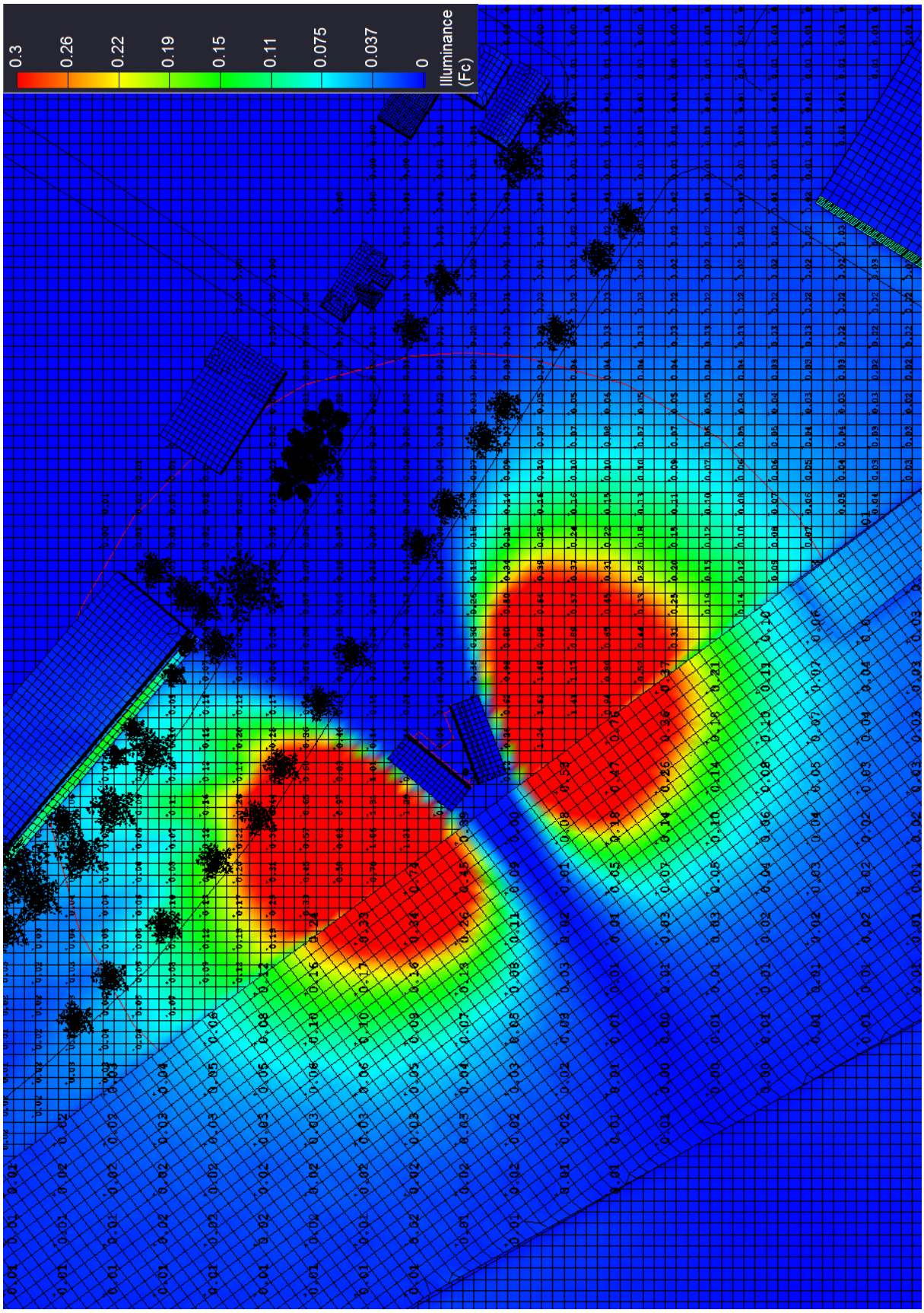


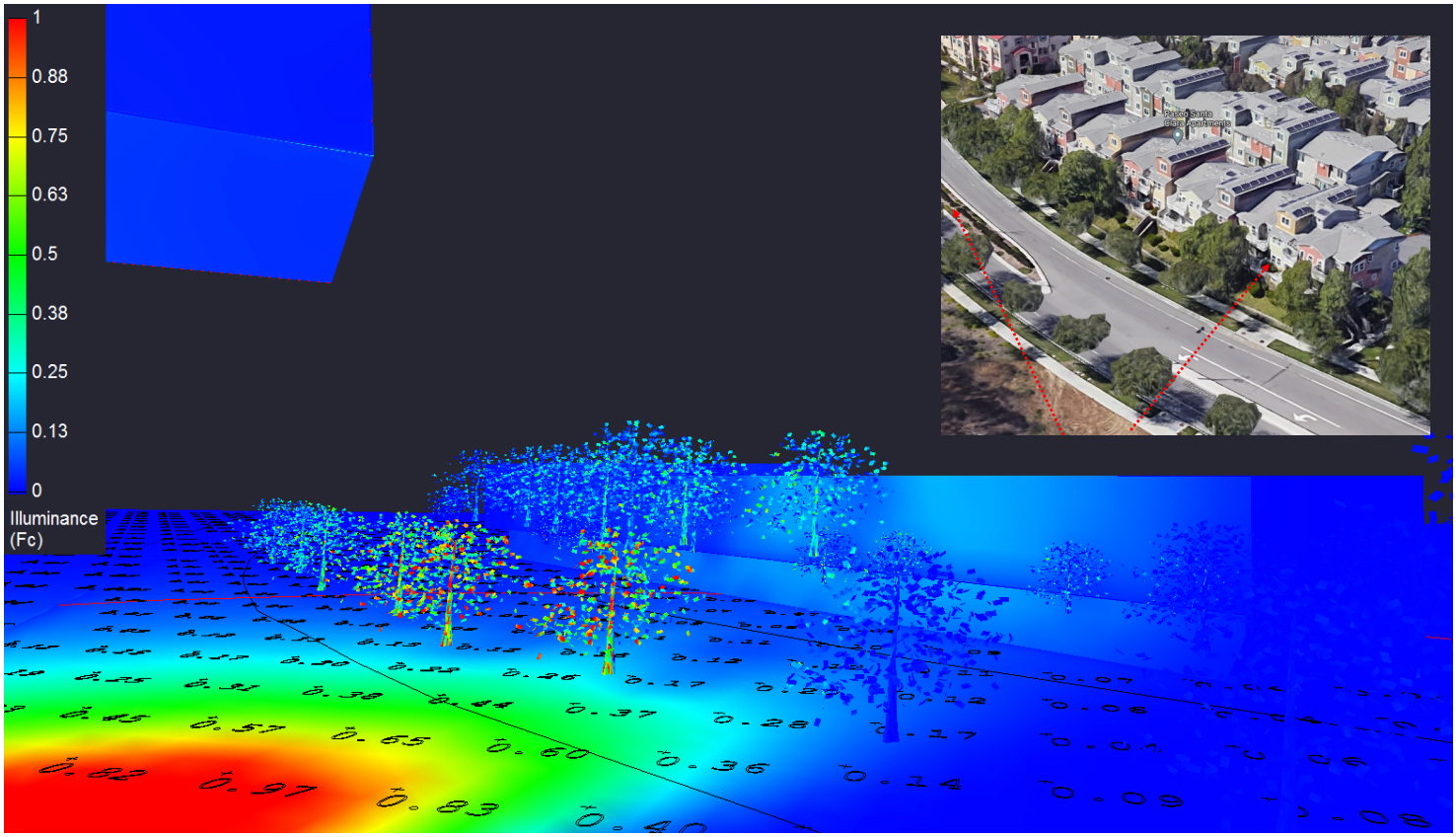
exp.
330 N. Brand Blvd. Suite 950

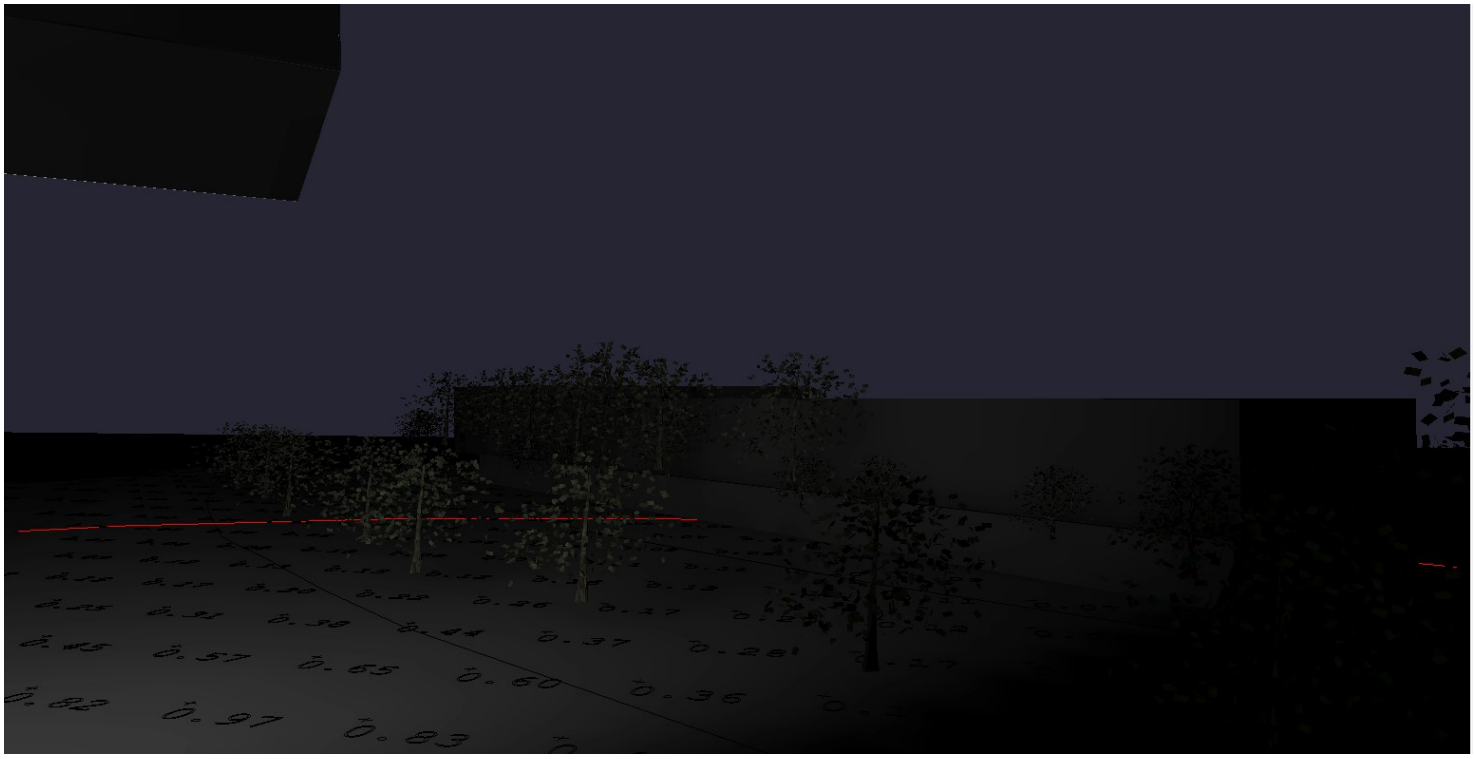
Outfront Foster Interstate
OXNARD BILLBOARD SITE 2

Riverpark Blvd.
Overall Plan w/250' Boundary

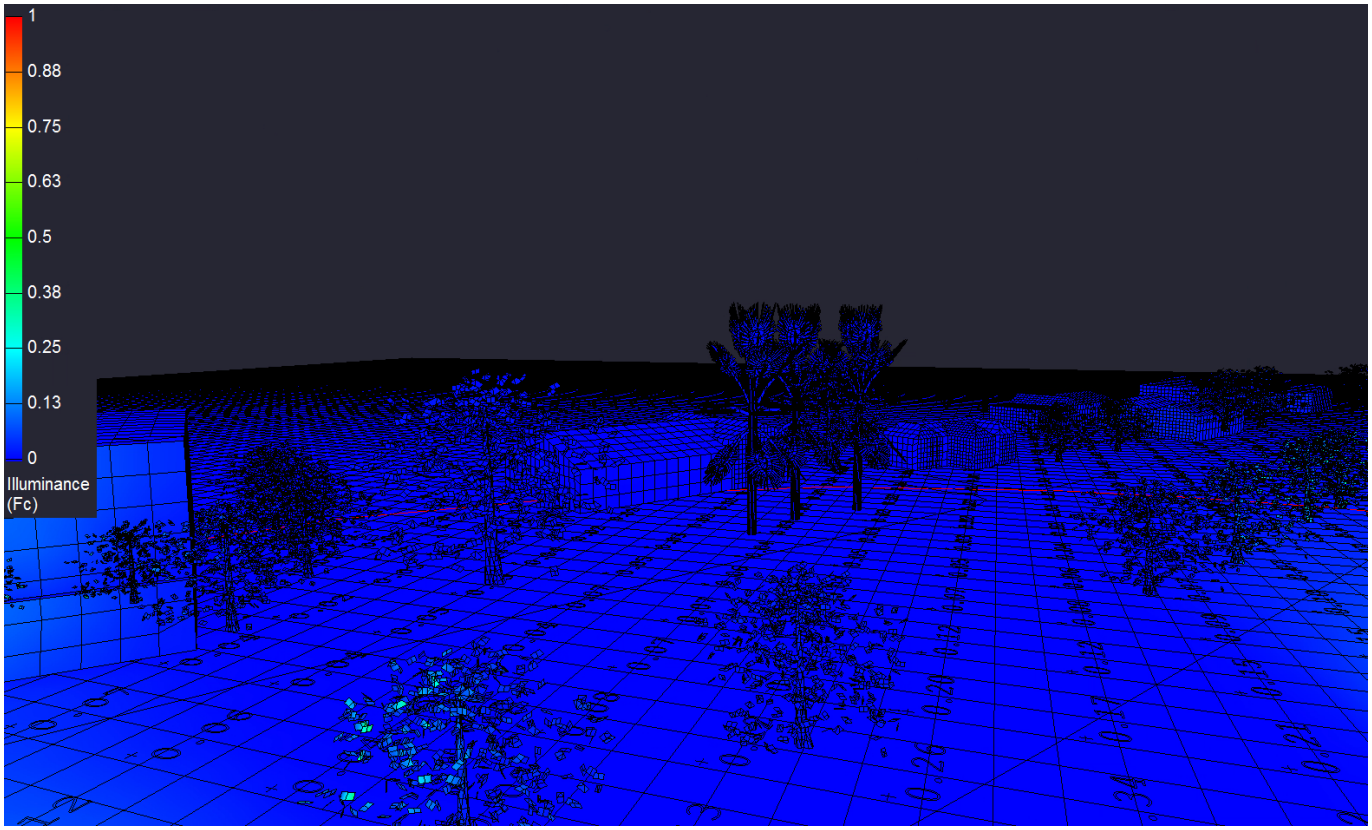
Release: 10/23/2020
Revision: 0


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Illuminance (Fc)

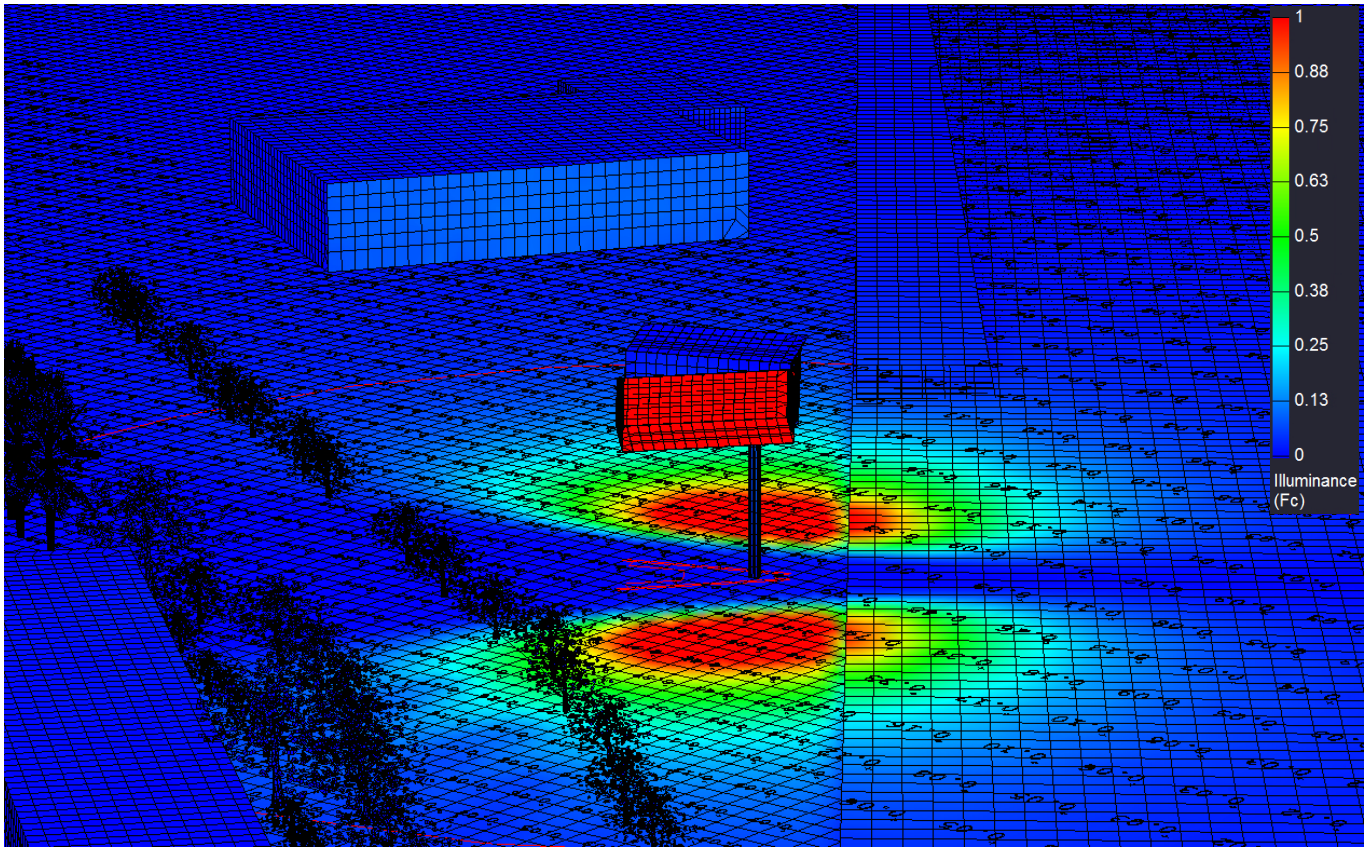

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Appendix E

Air Quality Assumptions and Modeling

ESA

Riverpark Boulevard Electronic Billboard MND
Air Quality Assumptions and Modeling

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Maximum Daily Construction Emissions

	(lb/day)										
On + Off-Site Construction	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Max Daily Emissions	0.741	8.060	6.143	0.019	0.482	0.304	0.655	0.097	0.289	0.349	1939.197

	Phase Emissions (lbs)										
Off-Road Const. Eqpt	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.404	3.709	5.482	0.011	0.207	0.157	0.364	0.022	0.144	0.167	1028
Column Set	0.585	6.229	4.852	0.011	-	0.262	0.262	-	0.247	0.247	1039
Build & Set Structure	0.682	6.623	5.404	0.011	-	0.293	0.293	-	0.278	0.278	1103
Build & Set Displays	0.409	4.745	2.986	0.007	-	0.184	0.184	-	0.169	0.169	727
total offroad	**2.080**	**21.305**	**18.725**	**0.040**	**0.207**	**0.896**	**1.103**	**0.022**	**0.839**	**0.862**	**3898.0**
On-Road Mobile	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.067	1.827	0.661	0.008	0.275	0.016	0.291	0.075	0.015	0.090	885
Column Set	0.074	1.831	0.717	0.008	0.292	0.016	0.307	0.079	0.015	0.094	900
Build & Set Structure	0.059	1.227	0.570	0.005	0.222	0.011	0.233	0.060	0.010	0.070	625
Build & Set Displays	0.059	1.227	0.570	0.005	0.222	0.011	0.233	0.060	0.010	0.070	625
total on-road	**0.259**	**6.113**	**2.519**	**0.027**	**1.010**	**0.053**	**1.063**	**0.274**	**0.051**	**0.325**	**3034.5**
Total Construction	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.471	5.5	6.1	0.018	0.5	0.2	0.7	0.1	0.2	0.3	1913.6
Column Set	0.659	8.1	5.6	0.019	0.292	0.278	0.569	0.079	0.262	0.342	1939
Build & Set Structure	0.741	7.8	6.0	0.017	0.222	0.304	0.526	0.060	0.289	0.349	1728
Build & Set Displays	0.468	6.0	3.6	0.013	0.222	0.195	0.417	0.060	0.180	0.240	1352
Project Total (lbs)	**2.339**	**27.418**	**21.244**	**0.067**	**1.217**	**0.949**	**2.166**	**0.296**	**0.890**	**1.186**	**6933**

Oxnard Billboard MND - Ventura County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.7410	8.0601	6.1432	0.0186	0.8054	0.3038	0.9781	0.1321	0.2886	0.3486	0.0000	1,893.7113	1,893.7113	0.3821	0.1273	1,939.1974
Maximum	**0.7410**	**8.0601**	**6.1432**	**0.0186**	**0.8054**	**0.3038**	**0.9781**	**0.1321**	**0.2886**	**0.3486**	**0.0000**	**1,893.7113**	**1,893.7113**	**0.3821**	**0.1273**	**1,939.1974**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.7410	8.0601	6.1432	0.0186	0.4820	0.3038	0.6546	0.0971	0.2886	0.3486	0.0000	1,893.7113	1,893.7113	0.3821	0.1273	1,939.1974
Maximum	**0.7410**	**8.0601**	**6.1432**	**0.0186**	**0.4820**	**0.3038**	**0.6546**	**0.0971**	**0.2886**	**0.3486**	**0.0000**	**1,893.7113**	**1,893.7113**	**0.3821**	**0.1273**	**1,939.1974**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**40.16**	**0.00**	**33.07**	**26.44**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5303	0.0000	0.5303	0.0573	0.0000	0.0573			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444		1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.5303**	**0.1569**	**0.6872**	**0.0573**	**0.1444**	**0.2016**		**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0247	0.0160	0.2221	5.8000e-004	0.0657	3.8000e-004	0.0661	0.0174	3.5000e-004	0.0178		58.5551	58.5551	1.8600e-003	1.6200e-003	59.0832
Total	**0.0673**	**1.8271**	**0.6612**	**7.7100e-003**	**0.2752**	**0.0157**	**0.2909**	**0.0748**	**0.0150**	**0.0898**		**846.1050**	**846.1050**	**0.0522**	**0.1269**	**885.2284**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2068	0.0000	0.2068	0.0223	0.0000	0.0223			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444	0.0000	1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.2068**	**0.1569**	**0.3637**	**0.0223**	**0.1444**	**0.1667**	**0.0000**	**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0247	0.0160	0.2221	5.8000e-004	0.0657	3.8000e-004	0.0661	0.0174	3.5000e-004	0.0178		58.5551	58.5551	1.8600e-003	1.6200e-003	59.0832
Total	**0.0673**	**1.8271**	**0.6612**	**7.7100e-003**	**0.2752**	**0.0157**	**0.2909**	**0.0748**	**0.0150**	**0.0898**		**846.1050**	**846.1050**	**0.0522**	**0.1269**	**885.2284**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472		1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**		**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0735**	**1.8311**	**0.7167**	**7.8500e-003**	**0.2916**	**0.0158**	**0.3074**	**0.0792**	**0.0151**	**0.0943**		**860.7438**	**860.7438**	**0.0526**	**0.1273**	**899.9992**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472	0.0000	1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**	**0.0000**	**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0735**	**1.8311**	**0.7167**	**7.8500e-003**	**0.2916**	**0.0158**	**0.3074**	**0.0792**	**0.0151**	**0.0943**		**860.7438**	**860.7438**	**0.0526**	**0.1273**	**899.9992**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784		1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**		**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694		721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**		**721.4502**	**721.4502**	**0.2333**		**727.2835**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694	0.0000	721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**	**0.0000**	**721.4502**	**721.4502**	**0.2333**		**727.2835**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Oxnard Billboard MND - Ventura County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.6818	6.6225	5.7539	0.0114	0.6124	0.2931	0.7698	0.0790	0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.3325	2.2500e-003	1,103.1584
Maximum	**0.6818**	**6.6225**	**5.7539**	**0.0114**	**0.6124**	**0.2931**	**0.7698**	**0.0790**	**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.3325**	**2.2500e-003**	**1,103.1584**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.6818	6.6225	5.7539	0.0114	0.2890	0.2931	0.4463	0.0441	0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.3325	2.2500e-003	1,103.1584
Maximum	**0.6818**	**6.6225**	**5.7539**	**0.0114**	**0.2890**	**0.2931**	**0.4463**	**0.0441**	**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.3325**	**2.2500e-003**	**1,103.1584**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**52.82**	**0.00**	**42.02**	**44.18**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5303	0.0000	0.5303	0.0573	0.0000	0.0573			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444		1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.5303**	**0.1569**	**0.6872**	**0.0573**	**0.1444**	**0.2016**		**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0333	0.0234	0.2719	6.9000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		70.0187	70.0187	2.5300e-003	2.2500e-003	70.7514
Total	**0.0333**	**0.0234**	**0.2719**	**6.9000e-004**	**0.0822**	**4.7000e-004**	**0.0826**	**0.0218**	**4.3000e-004**	**0.0222**		**70.0187**	**70.0187**	**2.5300e-003**	**2.2500e-003**	**70.7514**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2068	0.0000	0.2068	0.0223	0.0000	0.0223			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444	0.0000	1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.2068**	**0.1569**	**0.3637**	**0.0223**	**0.1444**	**0.1667**	**0.0000**	**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0333	0.0234	0.2719	6.9000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		70.0187	70.0187	2.5300e-003	2.2500e-003	70.7514
Total	**0.0333**	**0.0234**	**0.2719**	**6.9000e-004**	**0.0822**	**4.7000e-004**	**0.0826**	**0.0218**	**4.3000e-004**	**0.0222**		**70.0187**	**70.0187**	**2.5300e-003**	**2.2500e-003**	**70.7514**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472		1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**		**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472	0.0000	1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**	**0.0000**	**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784		1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**		**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694		721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**		**721.4502**	**721.4502**	**0.2333**		**727.2835**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694	0.0000	721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**	**0.0000**	**721.4502**	**721.4502**	**0.2333**		**727.2835**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

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Appendix F

Greenhouse Gas Assumptions and Modeling

ESA

Riverpark Boulevard Electronic **Billboard MND**
Greenhouse Gas Assumptions and Modeling

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Construction Impacts

On-road + Off-Road Construction Impacts	MT/yr			
	CO2	CH4	N2O	CO2e
total Construction	3.07	0.0006	0.0002	3.14
ammortized (30-yrs)	0.10	0.000019	6.33E-06	0.10

Operational Impacts

	Energy Intensity Factor (lb/MW-hr)			
	CO2	CH4	N2O	CO2e
	390.98	0.03	0.004	393.00

Billboard Electricity Use	MT/yr			
kw-hr/yr	CO2	CH4	N2O	CO2e
54000	9.5767	0.0008	0.0001	9.6261

Total GHG Contribution	MT/yr			
	CO2	**CH4**	**N2O**	**CO2e**
Operational Energy	9.58	8.10E-04	1.00E-04	9.63
Amortized Construction	0.10	1.90E-05	6.33E-06	0.10
	9.68	**8.29E-04**	**1.06E-04**	**9.73**

Oxnard Billboard MND - Ventura County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	7.6000e-004	4.7000e-004	1.2400e-003	1.6000e-004	4.4000e-004	6.1000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**7.6000e-004**	**4.7000e-004**	**1.2400e-003**	**1.6000e-004**	**4.4000e-004**	**6.1000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	6.0000e-004	4.7000e-004	1.0700e-003	1.5000e-004	4.4000e-004	5.9000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**6.0000e-004**	**4.7000e-004**	**1.0700e-003**	**1.5000e-004**	**4.4000e-004**	**5.9000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**21.05**	**0.00**	**13.71**	**6.25**	**0.00**	**3.28**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**6-6-2022**	**9-5-2022**	0.0054	0.0054
		Highest	0.0054	0.0054

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.7000e-004	0.0000	2.7000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**2.7000e-004**	**8.0000e-005**	**3.5000e-004**	**3.0000e-005**	**7.0000e-005**	**1.0000e-004**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0000e-004	0.0000	1.0000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**1.0000e-004**	**8.0000e-005**	**1.8000e-004**	**1.0000e-005**	**7.0000e-005**	**8.0000e-005**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Commercial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Commercial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Commercial	0.537638	0.058030	0.174616	0.137192	0.028458	0.007596	0.011602	0.006026	0.000704	0.000394	0.029425	0.000660	0.0076

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Appendix G

Energy Assumptions and Data



Riverpark Boulevard Electronic Billboard MND
Energy Assumptions and Data

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Oxnard Buildboard Ordinance MND
Construction Energy Analysis

Off-Road Equipment

Equipment ≤ 100 hp		
pounds diesel fuel/hp-hr (lb/hp-hr):[1]	0.408	lb/hp-hr
diesel density (lb/gal):[1]	7.11	lb/gal
diesel gallons/hp-hr:	0.0574	gal/hp-hr
Total <100	1,388	hp-hr
Total diesel gallons:	80	gal
Equipment > 100 hp		
pounds diesel fuel/hp-hr (lb/hp-hr):[1]	0.367	lb/hp-hr
diesel density (lb/gal):[1]	7.11	lb/gal
diesel gallons/hp-hr:	0.0516	gal/hp-hr
Total >100	2,394	hp-hr
Total diesel gallons:	124	gal
Total diesel gallons (off-road equipment):	**203**	**gal**

1. OFFROAD2017 Emission Factor Documentation

Construction Phase	Equipment	Number	Hours/Day	HP	Load	Days	Total hp-hr
Drill Footing	Excavators	1	8	158	0.38	1	480
Drill Footing	Off-Highway Trucks	1	2	402	0.38	1	306
Drill Footing	Skid Steer Loaders	1	8	65	0.37	1	192
Column Set	Aerial Lifts	1	8	63	0.31	1	156
Column Set	Cement and Mortar Mixers	1	4	80	0.56	1	179
Column Set	Cranes	1	8	231	0.29	1	536
Column Set	Pumps	1	4	84	0.74	1	249
Build & Set Structure	Aerial Lifts	1	8	63	0.31	1	156
Build & Set Structure	Air Compressors	1	8	78	0.48	1	300
Build & Set Structure	Cranes	1	8	231	0.29	1	536
Build & Set Digital Displays	Aerial Lifts	1	8	63	0.31	1	156
Build & Set Digital Displays	Cranes	1	8	231	0.29	1	536
						Total >100	2,394
						Total <100	1,388

Oxnard Buildboard Ordinance MND
Construction Energy Analysis

Off-Road Equipment

Construction Phase & Trip Type	Vehicle Class	Vehicle Fuel	Trip Number	Trip Length (mi)	Total VMT	Phase Emissions CO2(MT)	Fuel Equivalency (MT CO2/gal)	Fuel Consumption Gallons
Drill Footing								
Worker	HHDT	Diesel	12	20	240	0.357	10.181E-03	35.10
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	8	10.8	86.4	0.026	8.887E-03	2.88
Column Set								
Worker	HHDT	Diesel	12	20	240	0.357	10.181E-03	35.10
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
Build & Set Structure								
Worker	HHDT	Diesel	8	20	160	0.238	10.181E-03	23.40
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
Build & Set Digital Displays								
Worker	HHDT	Diesel	8	20	160	0.238	10.181E-03	23.40
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
							Diesel	**117.0**
							Gasoline	**13.7**

Calculated CalEEMod CO2e emisions include EMFAC estimate emissions from start and idle modes as well as running mode fuel consumption based on fuel equivalencies to determine total fuel consumption including these modes.

Fuel Equivalency Factors (US EPA, IPCC)
https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references
IPCC (2006). 2006 IPCC Guidelines for National Greenhouse Gas Inventories. Volume 2 (Energy). Intergovernmental Panel on Climate Change, Geneva, Switzerland
Gasoline = 8.887 × 10-3 metric tons CO2/gallon of gasoline
Diesel =10.180 x 10-3 metric tons CO2/gallon of diesel

Oxnard Billboard MND - Ventura County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	7.6000e-004	4.7000e-004	1.2400e-003	1.6000e-004	4.4000e-004	6.1000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**7.6000e-004**	**4.7000e-004**	**1.2400e-003**	**1.6000e-004**	**4.4000e-004**	**6.1000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	6.0000e-004	4.7000e-004	1.0700e-003	1.5000e-004	4.4000e-004	5.9000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**6.0000e-004**	**4.7000e-004**	**1.0700e-003**	**1.5000e-004**	**4.4000e-004**	**5.9000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**21.05**	**0.00**	**13.71**	**6.25**	**0.00**	**3.28**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	6-6-2022	9-5-2022	0.0054	0.0054
		Highest	0.0054	0.0054

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.7000e-004	0.0000	2.7000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**2.7000e-004**	**8.0000e-005**	**3.5000e-004**	**3.0000e-005**	**7.0000e-005**	**1.0000e-004**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0000e-004	0.0000	1.0000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**1.0000e-004**	**8.0000e-005**	**1.8000e-004**	**1.0000e-005**	**7.0000e-005**	**8.0000e-005**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Commercial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Commercial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Commercial	0.537638	0.058030	0.174616	0.137192	0.028458	0.007596	0.011602	0.006026	0.000704	0.000394	0.029425	0.000660	0.0076

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.				
CUL-2: Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.	Retain Paleontologist prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant and Project Paleontologist	Community Development Department	

VENTURA ROAD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

State Clearinghouse Number 2022060700

Prepared for
City of Oxnard
Community Development Department

October 2022

ESA

VENTURA ROAD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

Prepared for

City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
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October 2022

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CHAPTER 1

Introduction

This Response to Comments document was prepared to respond to comments that were received on the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). The Final Initial Study/Mitigated Negative Declaration (Final IS/MND) consists of the Public Review Draft IS/MND and this Response to Comments document. The Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). Documents relating to this Final IS/MND were cited and incorporated. All documents are available for review at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

1.1 CEQA Requirements

Before the City of Oxnard may approve the project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the Oxnard City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis.

CEQA Guidelines Section 15074 states that prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. Therefore, the decision making body will be considering the following documents that constitute the Final IS/MND prior to making a decision on the project.

- The Public Review Draft IS/MND
- Response to Comment Document which includes:
  - Comments and recommendations received on the Public Review Draft IS/MND;
  - A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND;
  - The response of the Lead Agency to substantive environmental points raised in the review and consultation process.

This Response to Comments document for the Ventura Road Electronic Billboard presents the following chapters:

- Chapter 1: Introduction – this chapter incudes an introduction to the Response to Comments and the CEQA process and requirements
- Chapter 2: Comment Letters – this chapter includes a list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND
- Chapter 3: Response to Comments – this chapter includes the written comments received on the Public Review Draft IS/MND as well as the written responses to each comment
- Chapter 4: Errata – this chapter includes any revisions made to the Public Review Draft IS/MND in response to comments received or initiated by the Lead Agency
- Chapter 5: Mitigation and Monitoring Program (MMRP) – this chapter includes a list of the mitigation measures, identification of the responsible implementation agency, agency responsible for monitoring, timing of implementation, and date of compliance for each mitigation measure

1.2 CEQA Process

Public Participation Process

Notice of Intent of the Public Review Draft IS/MND

The Notice of Intent (NOI) of the Public Review Draft IS/MND was posted on June 30, 2022 with the Ventura County Clerk Recorder. The Public Review Draft IS/MND was circulated for a 30-day public review until July 29, 2022. The NOI for the Public Review Draft IS/MND was circulated to state and local agencies and interested parties requesting a copy of the NOI. Copies of the Public Review Draft IS/MND were made available for review at the City of Oxnard Community Development Department located at 214 S. C Street, Oxnard, California, 93030 and at the Oxnard Public Library, 251 South "A" Street. The document was also available at the City of Oxnard website: https://www.oxnard.org/city-department/community-development/planning/environmental-documents/.

Evaluation and Response to Comments

In accordance with Article 6 of the *CEQA Guidelines*, the City of Oxnard, as the Lead Agency, was required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. This Response to Comments document provides written responses to each comment received on the Public Review Draft IS/MND.

Final IS/MND Approval

As the Lead Agency, the City of Oxnard is required to determine the adequacy of the Final IS/MND (Public Review Draft IS/MND and Response to Comments). The City can adopt the Final IS/MND if they find on the basis of the whole record before it (including the Public Review Draft IS/MND and Response to Comments) that there is no substantial evidence that the project will have a significant effect on the environment and that the Final IS/MND reflects the City's independent judgment and analysis.

Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Oxnard will file a Notice of Determination (NOD) with the Ventura County Clerk Recorder within five working days of project approval.

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CHAPTER 2
Comment Letters

The Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) for the Ventura Road Electronic Billboard was circulated for public review for 30 days (June 30, 2022 through July 29, 2022). The City of Oxnard received five comment letters from public agencies during the public review period, as listed in the table below. Each comment letter has been assigned an alphabetical designation (A through E). Each comment within each letter has been assigned a numerical designation so that each comment could be cross-referenced with an individual response. The comments and responses are provided in Chapter 3.

COMMENT LETTERS RECEIVED

Comment No.	Commenting Agency	Date of Comment
A	California Department of Fish and Wildlife	July 29, 2022
B	California Highway Patrol	July 27, 2022
C	County of Ventura Resource Management Agency, Planning Division	July 29, 2022
D	County of Ventura Resource Management Agency, Watershed Protection District	July 29, 2022
E	Ventura County Air Pollution Control District	July 26, 2022

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CHAPTER 3
Responses to Comments

Following are the comment letters and the written responses to each of the comments that were received during the public review period of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). In some instances, in response to the comment, the City of Oxnard has made additions or deletions to the text of the Public Review Draft IS/MND; additions are included as <u>underlined text</u> and deletions are shown as ~~stricken text~~.

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Comment Letter A

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 29, 2022

Mr. Joe Pearson
City of Oxnard
214 South C St.
Oxnard, CA 93030
Joe.Pearson@Oxnard.org

Subject: Venture Road Electronic Billboard, Mitigated Negative Declaration, SCH No. 2022060700; City of Oxnard, Ventura County

Dear Mr. Pearson:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Oxnard's (City) Mitigated Negative Declaration (MND) for the Ventura Road Electronic Billboard (Project). The City, as Lead Agency, prepared a MND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). CDFW is also directed to provide biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

A-1

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The City of Oxnard has proposed to erect an electronic billboard on a 1,000 square foot site adjacent to the State-Rout 101. The Billboard will extend 40 feet underground, 65.5 feet above the ground, and be illuminated on both sides. Light-emitting diodes (LEDs) will be used and will include components to block light from emitting towards the sky. Construction would occur over four days over a two-week period.

Location: The Project is located within bank and levee of the Santa Clara River, upstream of State-Rout 101 in the City of Oxnard. Surrounding land use includes office, commercial, and natural (Santa Clara River).

A-1 (Cont)

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. CDFW recommends the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097). Additional comments or other suggestions may also be included to improve the document.

Specific Comments

Comment #1: Impacts to Aquatic and Riparian Resources, Lake and Streambed Alteration Agreement (LSA)

Issue: The Project may result in direct or indirect impacts to Santa Clara River and associated riparian and wetland vegetation.

Specific Impacts: Within the MND it states, "[t]he Project site is located on the southeast side of the Santa Clara River southbank levee along Ventura Road..." CDFW is concerned that project activities within and surrounding Santa Paula River may result in changes to the stream and/or the associated sensitive riparian vegetation communities which are subject to Fish and Game Code.

A-2

Why impacts would occur: Project implementation includes grading, excavating, material staging, grubbing, and vegetation clearing which may result in direct mortality and loss of sensitive vegetation communities and special status wildlife.

Moreover, S3 ranked willow riparian forest and woodland and red willow riparian woodland are present within close proximity to the Project site. Riparian habitats provide important food, nesting habitat, cover, and migration corridors for wildlife. Only 5 to 10% of California's original riparian habitat exists today and much of the remaining habitat is in a degraded condition. Increased sediment deposition can bury seedlings and saplings of riparian trees, resulting in increased mortality of new recruits (Kui and Stella 2016). Construction equipment, vehicles, import of fill material, disposal piles, and staging areas can introduce and spread non-native,

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invasive plants. Invasive plant seeds, rhizomes, or stolons can be transported along streams and spread upstream and downstream. Impacts to sensitive vegetation communities should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive plant communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any special status species or sensitive vegetation community.

Evidence Impact Would Be Significant: Debris, soil, silt, sawdust, rubbish, raw cement/concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream.

Mitigation Measure #1: The Project applicant (or "entity") should provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lsa.

A-2 (Cont)

If necessary, CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #3: If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.

Comment #2: Potential Impacts to California Species of Special Concern due to Project Design

A-3

Issue: CDFW is concerned that Project-related activities may result in significant impacts to the following Species of Special Concern (SSC):

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- Birds: Yellow warbler (*Setophaga petechia*) and;
- Reptiles: Coast horned lizard (*Phrynosoma blainvillii*), and western pond turtle (Emys marmorata)

Specific impact: Project construction and related activities, directly or through indirect effects, may result in direct injury or mortality of SSC. The MND acknowledged the potential for these species to occur in and around the Project site.

A-3 (Cont)

Why impact would occur: Project implementation includes staging and using heavy equipment within and adjacent to the active river channel. These activities include increased ambient noise and vibration, night lighting, and other activities. These effects may result in direct mortality, population declines, or local extirpation of SSC fish, reptile, and mammal species.

Lights on elevated structures have been found to attract bird species causing them to veer off migration routes or cause avian collisions that result in mortality (Gehring 2009). Likewise, increased ambient lighting levels can increase predation risks and disorientation. This would disrupt normal behaviors of birds in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004). The light emitted from the billboard may impact species which utilize the coastal sage scrub directly below the structure along the Santa Clara River.

A-4

Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise has also been shown to reduce the density of nesting birds (Francis 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). Substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber 2009). For reference, normal conversation is approximately 60 dB, and natural ambient noise levels (e.g., forest habitat) are generally measured at less than 50dB.

A-5

Evidence impact would be significant: Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

A-6

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's Scientific Collection Permits webpage for information. A LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

A-7

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & Game Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is

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required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). A-7 (Cont)

Mitigation Measure #2: CDFW recommends including shields for the bottom of the billboard to further mitigate illumination of sensitive habitats directly below the structure. Within the MND it states, "Louvers will be located above each row of lights to prevent light from projecting upward into the sky." It is recommended that a component which will further shield light from the ground be included within the Project design. Additionally, the Project plans on using LEDs to light the billboard. CDFW suggests the Applicant avoids blue-light emitting and ultraviolet LEDs. Studies have found that LEDs emitting these spectrums of light attract a greater number of species (Longcore 2016). Birds have also been found to be especially attracted to solid full spectrum white lights and solid red lights (Gehring 2009). A-8

Mitigation Measure #3: CDFW recommends monitoring noise generated by the Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent river habitat. The MND should set acceptable noise thresholds that would be part of a daily monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect.

Mitigation Measure #4: Construction equipment should use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. Stationary noise sources (e.g., generators, pumps) at staging areas within 1,400 feet of sensitive receptors should be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets should have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Unnecessary construction vehicle use and idling time should be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off. A-9

Mitigation Measure #5: The City should retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the species mentioned above. The qualified biologist should conduct focused surveys for SSC and suitable habitat within the appropriate season to detect presence, and again no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing (including ruderal areas), open ditches or pits, or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

Mitigation Measure #6: Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC should be captured only by a qualified biologist with

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proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be submitted to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal.

Mitigation Measure #7: The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.

A-9 (Cont)

Mitigation Measure #8: If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment #3: Special Status Species Survey Protocols

Issue: The MND only offers protocol surveys for nesting birds and least Bell's vireo (*Vireo bellii pusillus*) though there are multiple special status species with the potential to occur on or near the Project site.

Specific impacts: Project activities may also impact other special status species in and around the Project site.

Why impacts would occur: A lack of protocol surveys will likely result in avoidable impacts to a variety of sensitive species. Protocol surveys are necessary to sensitive listed species and supporting habitat necessary for their survival. Within the MND the Applicant suggested protocol surveys only for nesting birds and least Bell's vireo. CDFW recommends standardized protocol surveys be conducted for other special status species which may be present and impacted by Project activities.

A-10

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or SSC. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact absent appropriate mitigation.

Recommended Potentially Feasible Mitigation Measure(s) For Coast Horned Lizard (*Phrynosoma blainvillii*):

Mitigation Measure #1: To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each species. Suitable habitat consists of

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areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the District coordinate with CDFW and/or the U.S. Fish and Wildlife Service (USFWS) prior to any ground disturbing activities within potentially occupied habitat.

A-10 (Cont)

Recommended Potentially Feasible Mitigation Measure(s) For Raptors:

Mitigation Measure #1: To protect nesting birds of prey that may occur on site, CDFW recommends that construction activities be avoided from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

A-11

Mitigation Measure #2: State-fully-protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW recognizes that certain fully protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat CDFW cannot authorize the take of any fully protected species as defined by state law.

A-12

Comment #4: Impacts to Rare Plants including White Rabbit-Tobacco (*Pseudognaphalium leucocephalum*)

Issue: It is unclear if the Project will impact rare plants including California Rare Plant Ranked (CRPR) 2B.2 white rabbit-tobacco that is known to occur on site.

Specific impacts: Project activities may directly impact white rabbit-tobacco during project construction if it occurs within the Project site.

A-13

Why impacts would occur: Within the MND it states, “Dominant vegetation around the Project site and surrounding property includes…sporadic cover of native mulefat (*Baccharis salicifolia*) saplings and rabbit tobacco (*Pseudognaphalium sp.*).” Likewise, a review of the California Natural Diversity Database (CNDDB) revealed white rabbit-tobacco has potential to occur in the area. Project implementation includes grading, vegetation clearing, soil compaction, utilities construction, site staging, and the movement of work equipment and vehicles. These and other

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activities that may result in direct mortality, population declines, or local extirpation of vegetation communities.

Evidence impact would be significant: Impacts to special status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to special status plant species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative 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 CDFW or USFWS. Likewise, plants that have a California Native Plant Society (CNPS) CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks page for additional rank definitions.

Mitigation Measure #1: If rare or sensitive plants including white rabbit-tobacco are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts. This may include flagging all plants and/or perimeter of populations; no work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.

Mitigation Measure #2: If rare or sensitive plants including white rabbit-tobacco are found on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. A-13 (Cont)

1. CDFW recommends the MND be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to 10:1 depending on the population and occurrence status of the species (i.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.

2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and

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success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

A-13 (Cont)

Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Comment #5: Impacts to Non-Game Mammals and Wildlife

Issue: Riparian and riverine areas often act as movement corridors for wildlife. As such, CDFW is concerned wildlife may still move through the Project site during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge on the Project site may be directly impacted during Project activities and construction.

Specific impacts: Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

Why impacts would occur: Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating in the Project site.

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

A-14

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project construction and activities.

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. CDFW recommends the City consider permeable fencing as part of its mitigation for Project-related impacts. Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.

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It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Mitigation Measure #3: Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

A-14 (Cont)

Additional Recommendations

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

A-15

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

A-16

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov

A-17

Sincerely,

DocuSigned by:
B6E58CFE24724F5...
Erinn Wilson-Olgin
Environmental Program Manager I

EC: CDFW
Steve Gibson – Los Alamitos – Steve.Gibson@wildlife.ca.gov
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Susan Howell – San Diego – Susan.Howell@wildlife.ca.gov
CEQA Program Coordinator – Sacramento – CEQACommentLetters@wildlife.ca.gov

State Clearinghouse - state.clearinghouse@opr.ca.gov

References:

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-LSA	The Project applicant (or "entity") should provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lsa. If necessary, CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.	Prior to Project construction and activities	City of Oxnard/ Applicant

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MM-BIO-2-LSA	Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-3-LSA	If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-4-Scientific Collection Permit	Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's Scientific Collection Permits webpage for information (CDFW 2020d). A LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).	Prior to Project construction and activities	City of Oxnard/ Applicant

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MM-BIO-5- Impacts due to Lighting	CDFW recommends including shields for the bottom of the billboard to further mitigate illumination of the sensitive habitats directly below the structure. Within the MND it states, "Louvers will be located above each row of lights to prevent light from projecting upward into the sky." It is recommended that a component that will further shield light from the ground be included within the Project design. Additionally, the Project plans on using LEDs to light the billboard. CDFW suggests the Applicant avoids blue-light emitting and ultraviolet LEDs. Studies have found that LEDs emitting these spectrums of light attract a greater number of species (Longcore 2016). Birds have also been found to be especially attracted to solid full spectrum white lights and solid red lights (Gehring 2009).	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-6- Impacts due to Noise	CDFW recommends monitoring noise generated by the Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent river habitat. The MND should set acceptable noise thresholds that would be part of a daily monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect.	Prior to/ During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-7- Impacts due to Noise	Construction equipment should use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. Stationary noise sources (e.g., generators, pumps) at staging areas within 1,400 feet of sensitive receptors should be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets should have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Unnecessary construction vehicle use and idling time should be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off.	During Project construction and activities	City of Oxnard/ Applicant

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MM-BIO-8-SSC	The City should retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the species mentioned above. The qualified biologist should conduct focused surveys for SSC and suitable habitat within the appropriate season to detect presence, and again no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing (including ruderal areas), open ditches or pits, or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.	Prior to/ During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-9-Relocation	Wildlife should be protected, allowed to move away on its own (non- invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be submitted to the City prior to implementing any Project-related ground- disturbing activities and vegetation removal.	Prior to/ During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-10-Awareness Training	The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only	Prior to/ During Project construction and activities	City of Oxnard/ Applicant

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	resume once a qualified biologist has determined that it is safe to do so.		
MM-BIO-11-Reporting	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-12-Impacts to Coast Horned Lizard	To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-13-Impacts to Coast Horned Lizard	Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the District coordinate with CDFW	Prior to Project construction and activities	City of Oxnard/ Applicant

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	and/or the USFWS prior to any ground disturbing activities within potentially occupied habitat.		
MM-BIO-14-Impacts to Raptors	To protect nesting birds of prey that may occur on-site, CDFW recommends that no construction should occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.	Prior to/ During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-15-Impacts to Raptors	State-fully-protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW recognizes that certain fully protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat CDFW cannot authorize the take of any fully protected species as defined by state law.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-16-Impacts to White Rabbit-Tobacco	If rare or sensitive plants including white rabbit-tobacco are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts. This may include flagging all plants and/or perimeter of populations; no work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected	Prior to/ During/ After Project construction and activities	City of Oxnard/ Applicant

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	areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.		
MM-BIO-17-Impacts to Special-status Plants	If rare or sensitive plants including white rabbit-tobacco are found on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. 1. CDFW recommends the MND be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to 10:1 depending on the population and occurrence status of the species (i.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat. 2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5)	Prior to/ During Project construction and activities	City of Oxnard/ Applicant

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	location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques. Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.		
MM-BIO-18-Impacts to Non-Game Mammals and Wildlife	If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-19-Impacts to Non-Game Mammals and Wildlife	To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.	Prior to Project construction and activities	City of Oxnard/ Applicant

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MM-BIO-20-Impacts to Non-Game Mammals and Wildlife	Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to Project construction and activities	City of Oxnard/ Applicant
REC-1-Mitigation and Monitoring Reporting Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to Project construction and activities	City of Oxnard/ Applicant

Comment Letter A: California Department of Fish and Wildlife – July 29, 2022

Comment A-1
This comment states that California Department of Fish and Wildlife (CDFW) reviewed the Public Review Draft IS/MND, and that CDFW's role is California's Trustee Agency for fish and wildlife resources and a Responsible Agency for lake and streambed alteration in accordance with Fish and Game Code Section 1600. The comment also describes the CDFW role as a Responsible Agency for potential "take" of any species protected under the California Endangered Species Act (CESA). In addition, this comment provides a summary of the Project description. Furthermore, this comment provides a reference to the specific comments provided in Comments A-2 through A-17.

Response to Comment A-1
The City of Oxnard thanks CDFW for its review of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and its recommendations. This comment does not provide specific comments on the contents of the environmental analysis provided in the Public Review Draft IS/MND. The comment indicates under what circumstances CDFW would be considered a responsible agency for which a permit may be required under the State Fish and Game Code.

The description of the Project location is not accurate. The comment states that the Project is located within the bank and levee of the Santa Clara River. This description is incorrect. The Project location is within the current right-of-way of Ventura Road and east of the existing Santa Clara River Basin levee. The base of the proposed electronic billboard would not be located on the basin side of the existing levee.

The 1,000 square foot Project site includes ornamental landscaping, and no special-status species were observed on the Project site that would require a Section 2081 "take" permit of the Fish and Game Code. In addition, since the Project is located outside of the existing Santa Clara River Basin, a lake and streambed alteration agreement in accordance with Fish and Game Code Section 1600 would not be required.

Comment A-2
This comment raises a concern that Project activities may result in changes to the stream and/or associated sensitive riparian vegetation communities which are subject to the Fish and Game Code. Specifically, the comment states grading, excavation, material staging, grubbing and vegetation clearing may result in direct mortality and loss of sensitive vegetation communities and special status wildlife. In addition, the comment includes recommended mitigation measures.

Response to Comment A-2
Appendix E of the Public Review Draft IS/MND includes a map of the existing biological resources on the Project site as well as in the vicinity of the Project site. As illustrated, the Project

site contains ornamental landscaping, and there is currently a barrier (i.e., levee) that is located between the Project site and the Santa Clara River Basin. The removal of ornamental landscaping would not constitute the loss of sensitive vegetation communities. In addition, there were no special status wildlife species observed or expected to be located within the ornamental landscaping on the Project site. Therefore, the construction activities would not result in the direct mortality or loss of sensitive vegetation communities and special-status wildlife species.

Comment A-3

This comment raises a concern that construction and related activities such as staging and using heavy equipment could result in direct injury or mortality of fish, reptile and mammal species of special concern (SSC). The comment also states that construction activities would increase ambient noise and vibration, night lighting and other activities.

Response to Comment A-3

The comment is correct regarding construction activities increasing noise, vibration, and lighting in the Project vicinity. Construction activities are not expected to result in any direct impacts on sensitive plant or wildlife species on the Project site because the ornamental landscaping that is proposed to be removed does not support sensitive plant or sensitive wildlife species. Therefore, no direct impacts to the coast horned lizard would occur. As identified in Section 3.4 of the Public Review Draft IS/MND, construction activities that are expected to occur over a two-week period could result in impacts to special-status avian species such as the least Bell's vireo and yellow warbler. However, Mitigation Measure BIO-1 is recommended to ensure construction activities occur outside the nesting season (i.e., January 1st to September 15th as revised in Chapter 4, Errata of this Response to Comments Document) for the birds in the region. If construction activities occur within the nesting season, a pre-construction survey is required for active nests and if no sign of nesting activity is observed, construction could proceed. Mitigation Measure BIO-2 is recommended to avoid impacts to nesting least Bell's vireo whose existing suitable habitat is located approximately 220 feet northwest of the Project site.

Also provided in Section 3.4 of the Public Review Draft IS/MND was a discussion of general effects of light on migrating birds. Response 3.4 d) states that "it is known that migrating birds are attracted to artificial light sources… Direct effects of migrating birds becoming attracted to artificial light sources include collisions with lighting, communication and power structures, buildings, or even the ground.". As discussed in the Public Review Draft IS/MND, areas surrounding the Project site and Santa Clara River riparian area are highly developed and urbanized with commercial and residential development, all of which contribute to increased nighttime illuminance. In addition, U.S. 101 crosses over the Santa Clara River Basin immediately adjacent to and southwest of Project site and is lined on either side with street lighting. Based on a lighting study conducted for the Project, a maximum illuminance value from the proposed electronic billboard of less than 0.2 foot-candles (fc) would occur at the edge of the willow riparian woodland habitat. Although it is understood that increased ambient lighting can affect wildlife behavior, no quantitative increase in illuminance above ambient light is agreed

upon as a threshold for significant impacts to wildlife. Based on information from the International Commission on Illuminance (CIE), impacts on natural areas would occur with an illuminance of 0.2 fc or greater. Because the Project would result in an illuminance of less than 0.2 fc, the Project would result in a less than significant lighting impact.

Comment A-4
The comment asserts that lights on elevated structures have been found to attract bird species causing them to veer off migration routes or cause collisions. In addition, the comment asserts that birds in adjacent habitat such as the coastal sage scrub could be impacted from light emitted from the proposed billboard.

Response to Comment A-4
As discussed above in Response to Comment A-3, the increase in lighting onto the adjacent sensitive willow riparian woodland habitat would be limited to less than 0.2 fc which would result in a less than significant impact due to the existing illumination in the Project vicinity.

As discussed in Section 3.4 and illustrated in Appendix E of the Public Review Draft IS/MND, coastal sage scrub is located on the basin side of the existing levee. The coastal sage scrub habitat is located between the levee and an access road within the Santa Clara River Basin. The area of the coastal sage scrub habitat is approximately 60 feet wide and approximately 500 feet in length. During project operation, the proposed billboard would result in a range of illuminance onto an approximately 150 linear foot by 60-foot wide portion of the coastal sage scrub of 0.2-fc to approximately 0.9 fc. No sensitive avian species are associated with the coastal sage scrub habitat, and this habitat currently is exposed to existing lighting systems associated with the U.S. 101 freeway lights that line the U.S. 101 bridge over the Santa Clara River Basin. In addition, there are existing street lights located along Ventura Road that provide illumination of this area that is directly adjacent to the existing levee.

Comment A-5
This comment identifies that noise can disrupt wildlife species behavior such as nesting birds.

Response to Comment A-5
As discussed in Section 3.4 a) of the Public Review Draft IS/MND, the Project construction activities that are expected to extend over an approximately two-week time-frame could increase noise levels for nesting bird species in the Project vicinity. Mitigation Measures BIO-1 and BIO-2 are identified to reduce the potential noise impact to nesting birds to less than significant.

Comment A-6
This comment asserts that Project construction activities may directly or through habitat modification, result in direct mortality, reduced reproductive capacity, population declines or local extirpation of special status species. The comment also asserts that Project activities could result in a take of a special-status species.

Response to Comment A-6
As identified in Response to Comment A-2, the Project site contains ornamental landscaping, and there is currently a barrier (i.e., levee) that is located between the Project site and the Santa Clara River Basin. The removal of ornamental landscaping would not constitute the loss of sensitive vegetation communities. In addition, there were no special-status wildlife species observed or expected to be located within the ornamental landscaping on the Project site. Therefore, the construction activities would not result in the direct mortality or loss of sensitive vegetation communities and special-status wildlife or result in a take of a special-status species.

Comment A-7
This comment states that appropriate handling permits are required to capture, temporarily possess, and relocate wildlife to avoid harm or mortality from Project construction activities.

Response to Comment A-7
As stated in Response to Comment A-2, the Project site contains ornamental landscaping. Project construction activities would not result in the direct mortality or loss of sensitive vegetation communities and special-status wildlife or result in a take of a special-status species.

Comment A-8
This comment includes a recommendation to include shields for the bottom of the proposed electronic billboard to further reduce the illumination of habitats immediately adjacent to the Project site. This comment also suggest that the design of the proposed electronic billboard avoid the use of blue-light emitting and ultraviolet light-emitting diodes (LEDs).

Response to Comment A-8
As discussed in Section 1.7 of the Public Review Draft IS/MND, louvers will be located above each row of lights to prevent light from projecting upward into the sky. The recommendation of using louvers to reduce the illumination of the ground surface is not feasible because the use of louvers below each row of LED lighting would eliminate the ability of motorists to read the electronic billboard due to the viewing angle of the motorists. As discussed in Section 3.1 d) of the Public Review Draft IS/MND, light impacts on the existing willow riparian habitat area within the Santa Clara River Basin would not increase illumination by more than 0.2 fc. Therefore, the implementation of the proposed electronic billboard would result in less than significant lighting impacts on the adjacent habitat. The proposed electronic billboard includes the use of each color of LED including blue-light; however, the electronic billboard does not use ultraviolet LEDs.

Comment A-9
This comment recommends the inclusion of six mitigation measures.

Mitigation measure #3 recommends the monitoring of noise generated during Project construction activities as well as post-construction activities.

Mitigation measure #4 recommends that construction equipment should use noise reduction features. This measure also states that stationary noise sources such as generators and pumps used during construction be shielded and that vehicle use and idling time be minimized.

Mitigation measure #5 recommends that a qualified biologist is retained during vegetation removal to conduct focused surveys for species of special concern and suitable habitat.

Mitigation measure #6 recommends moving wildlife species so that there would not be a direct impact during construction activities.

Mitigation measure #7 recommends the preparation of a worker environmental awareness training for construction personnel.

Mitigation measure #8 recommends construction activities to stop if species of special concern (special-status species) are harmed during relocation or are injured or die.

Response to Comment A-9
Following are responses to each of the recommended mitigation measures.

Recommended mitigation measure #3 - Mitigation Measure BIO-1 in Section 3.4 a) of the Public Review Draft IS/MND includes conducting construction activities outside of the nesting season. The measure also includes requirements if construction activities occur during the nesting season. These requirements include a pre-construction nesting bird survey and creation of a buffer to ensure that no direct or indirect impacts to an active nest or nesting activities occur.

Recommended mitigation measure #4 - As discussed in Section 3.12 f) of the Public Review Draft IS/MND, the implementation of Mitigation Measures BIO-1 and BIO-2 would reduce potential noise impacts to nesting birds to less than significant. In addition, construction activities would not include the use of generators or pumps that could require shielding.

Recommended mitigation measure #5 – As discussed in Mitigation Measure BIO-1, a biological monitor will be required if construction activities occur during the nesting season. However, because the Project site includes only ornamental landscaping, no special-status species would be directly impacted from vegetation removal. Therefore, no natural habitat would be removed.

Recommended mitigation measure #6 – As stated previously in Response to Comment A-1, the Project site includes ornamental landscaping, and no special-status species were observed on the Project site. Therefore, no special-status species are present in the onsite ornamental landscaping and would not require relocation.

Recommended mitigation measure #7 – Because the Project site only includes ornamental landscaping, a worker environmental awareness training would not be required because the ornamental landscaping does not provide habitat for special-status species.

Recommended mitigation measure #8 – Because no special-status species are located on the Project site, special-status species would not be harmed during onsite construction activities.

Comment A-10

The comment asserts that protocol surveys for special-status species need to be conducted because ground clearing and construction activities could lead to direct mortality of listed species or species of special concern (special status species) including the coast horned lizard. In addition, this comment also infers that the Project site includes occupied habitat for listed species or species of special concern and recommends measures (mitigation measure #1 and #2) to reduce impacts.

Response to Comment A-10

Because the Project site only includes ornamental landscaping, the Project site's vegetation does not provide habitat for the coast horned lizard or any species of special concern. In addition, the habitat for the coast horned lizard is within the Santa Clara River Basin which is physically separated from the Project site by the existing levee on the east side of the River Basin. As a result, the recommended measures (mitigation measures #1 and #2) are not appropriate for the proposed removal of ornamental landscaping.

Comment A-11

This comment recommends that Mitigation Measure BIO-1 be modified to avoid nesting birds, including raptors, from January 1st through September 15th and if nests are observed that nests are protected by a minimum 500-foot radius during construction.

Response to Comment A-11

Although Mitigation Measure BIO-1 provides adequate mitigation to reduce potential impacts to active nests, the measure on page 27 is modified as follows:

> **Mitigation Measure BIO-1:** Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 1<u>6</u> and <u>December</u> ~~January~~ 31, outside the ~~typical~~ nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the ~~typical~~ nesting season (<u>January</u> ~~February~~ 1 – <u>September 15</u> ~~August 31~~), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a ~~100 to 3~~ <u>5</u>00-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.
>
> If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the

active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

Comment A-12
The comment states that State fully protected species such as the coast horned lizard may not be taken or possessed any time.

Response to Comment A-12
The City of Oxnard understands that a State fully protected species may not be taken or possessed any time. As discussed in Response to Comment A-1, the Project site only includes ornamental landscaping which does not provide suitable habitat for State fully protected species.

Comment A-13
The comment asserts that Project activities may directly impact rare plants and recommends mitigation measures.

Response to Comment A-13
As discussed in Response to Comment A-1, the Project site only contains ornamental landscaping. No rare plants exist on the Project site, and therefore, no mitigation measures related to rare plants are required.

Comment A-14
The comment asserts that Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. The comment also recommended mitigation measures to reduce impact on wildlife movement.

Response to Comment A-14
As stated in Response to Comment A-1, the Project site includes ornamental landscaping. The Project site is located within the existing right-of-way of Ventura Road and is physically separated from the Santa Clara River Basin by an existing levee. The construction activities associated with the Project would not directly impact wildlife and birds moving through or seeking temporary refuge on site during the approximately two weeks of construction. The recommended mitigation measures related to wildlife movement are not required.

Comment A-15

This comment references mitigation measures recommended within the above comments and is provided in the form of a Mitigation Monitoring and Reporting Program provided as Attachment A to this comment letter.

Response to Comment A-15

The recommended mitigation measures have been discussed above. As identified in Response to Comment A-11, Mitigation Measures BIO-1 has been modified to address commenter's comments to further reduce less than significant impacts to nests. Chapter 5 of this Response to Comments Document includes a Mitigation Monitoring and Reporting Program as required by CEQA.

Comment A-16

This comment references the filing fee that is required to be paid when the Notice of Determination is filed.

Response to Comment A-16

The City of Oxnard acknowledges that submittal of the California Department of Fish and Wildlife fee along with the filing of the Notice of Determination is required for this Project.

Comment A-17

This comment expresses appreciation for the opportunity to comment on the Project and assist the City in identifying potential impacts to biological resources. The comment also requests an opportunity to review and comment on responses provided by the City.

Response to Comment A-17

The City of Oxnard acknowledges the appreciation. The City has reviewed each of the biological issues that were raised as well as the recommended mitigation measures. As identified above in Response to Comment A-11, the City has modified the bird nest mitigation (Mitigation Measure BIO-1) to further reduce less than significant impacts. The City of Oxnard intends to provide responses to those agencies and organizations that provided comments on the Public Review Draft IS/MND. In addition, when responses are provided, the City of Oxnard will identify the date, time and location of the public hearing that will be held by the City for the Project.

CITY OF OXNARD CALIFORNIA

Comment Letter B

Pearson II, Joe <joe.pearson@oxnard.org>

Environmental Impact Report (SCH # 2022060700)

1 message

Primicerio, Jarod@CHP <JPrimicerio@chp.ca.gov> Wed, Jul 27, 2022 at 12:40 PM
To: "Joe.Pearson@Oxnard.org" <Joe.Pearson@oxnard.org>
Cc: CHP-701_AA_Desk <701_AA_Desk@chp.ca.gov>, CHP-EIR <EIR@chp.ca.gov>, "state.clearinghouse@opr.ca.gov" <state.clearinghouse@opr.ca.gov>

The California Highway Patrol's (CHP) Ventura Area office received an Environmental Impact Report (SCH # 2022060700) for a proposed digital billboard adjacent to the US-101 Freeway, located within the City of Oxnard. The CHP Ventura Area was requested to evaluate the proposal; specifically, in regard to the potential impact it may have on departmental operations, public safety, increased calls to the communications center/dispatch, increased response times, and traffic congestion.

This proposed digital billboard, coupled with the two additional proposed digital billboards (SCH # 2022060701 and SCH # 2022060706), all adjacent to the US-101 Freeway within the City of Oxnard, will likely cause a drastic increase to traffic congestion already severely impacted in the region. There are currently two digital billboards adjacent to the US-101 Freeway within the City of Oxnard, thus adding three additional, there would be a total of five digital billboards within less than a four mile stretch along this portion of the Freeway. The magnitude of the project may place a greater strain on limited public safety resources with an expected increase in vehicular traffic on US-101. A potential delay of emergency response due to extended response times places the public at risk. The potential increase in traffic may cause an increase in motor services, crashes, and injuries to motorists. Consequently, these incidents will cause an increase in calls to the CHP Ventura Communications Center and dispatchers. The proposed area is currently experiencing significant growth with the construction of retail and residential properties. The digital sign(s) will exacerbate the traffic congestion and may create long-term detrimental impact to the residents, visitors, and first responders within the Ventura Area. B-1

Should you have any questions, please contact Lieutenant Sergio Perez or myself at (805) 662-2640.

Sincerely,

Jarod Primicerio

CAPTAIN JAROD PRIMICERIO
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Comment Letter B: California Highway Patrol – July 27, 2022

Comment B-1

The comment asserts that the proposed Ventura Road Electronic Billboard along with the Riverpark Boulevard Electronic Billboard and potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance could cause a drastic increase in traffic congestion along U.S. 101 within the City of Oxnard. The comment further states that the increase in traffic volumes and congestion on U.S. 101 would result in a potential delay on emergency response and could result in an increase in motor services, crashes, and injuries.

Response to Comment B-1

The implementation of the proposed electronic billboard along Ventura Road as well as additional electronic billboards including the Riverpark Boulevard Electronic Billboard and electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance would not result in a substantial amount of traffic. The proposed Ventura Road Electronic Billboard would not generate any employment growth or population growth as discussed in Section 3.13 of the Public Review Draft IS/MND. The implementation of the cumulative electronic billboards would not increase daily operational traffic volumes along U.S. 101. As discussed in Section 3.15 of the Public Review Draft IS/MND, construction activities would generate a nominal number of construction vehicular trips over an approximately two-week construction period.

The concerns raised in this comment do not appear to be a direct result of implementing electronic billboards, but may result from cumulative development throughout the City of Oxnard. Because the Project would not result in an increase in daily or weekly operational traffic volumes, the Project would not contribute to potential cumulative traffic volume increases resulting from development of additional residential, commercial and other urban uses along U.S. 101 that would contribute to increases in motor services, crashes, and injuries to motorists.

As discussed in Section 3.15 c) in the Public Review Draft IS/MND, the proposed billboard as well as future billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would be required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the proposed electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur. Furthermore, the Project will require an Outdoor Advertising Act Permit from the California Department of Transportation to ensure that the proposed electronic billboard does not represent a danger to motorists traveling along U.S. 101.

COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY
DAVE WARD, AICP
Planning Director

Comment Letter C

July 29, 2022

Joe Pearson II, AICP
Community Development Department, Planning Division
City of Oxnard
214 South C Street
Oxnard, CA 93030

SUBJECT: Response to Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance, a Notice of Intent to Adopt the Proposed Riverpark Boulevard Electronic Billboard MND and the proposed Notice of Intent to Adopt the Ventura Road Electronic Billboard MND

Dear Joe Pearson,

Thank you for providing the Ventura County Planning Division with the opportunity to comment regarding the following Mitigated Negative Declarations:

1. City of Oxnard (City) Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance project (proposed ordinance).
2. City of Oxnard NOI to adopt an MND for the Ventura Road Electronic Billboard project
3. City of Oxnard NOI to adopt an MND for the Riverpark Boulevard Electronic Billboard project.

The proposed Freeway Adjacent Billboards ordinance would permit the siting of digital display billboards within 400 feet of the U.S. 101 right-of-way, on the City's property or in its right-of-way, and in non-residential zones. No digital display billboards may be sited less than 100 feet from the property line of any residential zoned parcel. The proposed development standards would limit billboards to a maximum face display area of 14 feet in height and 48 feet in width, require orientation primarily for viewing from the freeway, and the maximum height of the entire structure cannot exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of each display. Each digital display billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet. The permitting path process would be a Special Use Permit. Section 16-530 of the Oxnard Municipal Code describes that a Special Use Permit is authorized by the Planning Commission. C-1

The County has calculated the distance of the proposed ordinance planning area in relationship with unincorporated area of the County. Calculating the stretch of Highway U.S. 101 from the easternmost portion of the proposed ordinance project area to the westernmost portion, the total length of the project area was estimated at 4.09 miles. Using this estimate, the total of length of unincorporated area in the ordinance planning area totaled approximately 1.3 miles or 30% of the total project planning area distance along the Highway U.S. 101. This calculation represents a significant portion of unincorporate area that may be impacted by the proposed ordinance, particularly along unincorporated areas of El Rio/ Del Norte and Nyeland Acres.

C-1 (Cont)

The project area for the proposed ordinance is located adjacent to portions of the El Rio/ Del Norte and Nyeland Acres unincorporated communities. There are also two billboards proposed. The Riverpark Boulevard Electronic Billboard project would be located approximately 1,800 feet from an unincorporated zone for residential high-density development (RHD-20 du/ac). The Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed. Based on these circumstances, the proposed projects may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Since it is difficult to evaluate cumulative impacts due to the three separate MND's for these projects; prior to taking any action on the proposed projects, the City should consolidate its review of potential environmental impacts of the Ordinance MND, Ventura Road and RiverPark project MND's into one environmental analysis and document. Given that these projects are being processed concurrently, and the fact that Ventura Road and RiverPark projects cannot be adopted until the billboard ordinance is adopted, consolidation of the three MND's will enable to the County to understand direct, indirect and cumulative environmental impacts of the ordinance programmatic and billboard projects.

C-2

The revised analysis should evaluate potential environmental impacts for the unincorporated areas adjacent to and in the vicinity of the proposed projects; , particularly residential areas in the El Rio/Del Norte and Nyeland Acres communities. Specific issue area to consider are neighborhood compatibility, scenic resources, and biological resource issues areas discussed below.

Impacts to Neighborhood Compatibility

The MNDs evaluate aesthetic impacts, and the Ordinance MND states that, "because specific electronic billboard projects are not known at this time, project-level environmental impacts cannot be assessed. As each individual electronic billboard project is proposed, a project level environmental evaluation will be required" (MND Chapter 3, Aesthetics and Urban Design). However, there are MNDs for two proposed billboards within the proposed ordinance planning area. As stated above, for adequate CEQA review, these projects should be combined onto one study and the projects should be processed in accordance with the proposed ordinance.

C-3

The proposed ordinance should require projects to be designed to meet development standards that reduce or eliminate potential impacts without deferring to an evaluation for consistency with lighting and other standards until after the billboards are authorized and built. Please consider the following amendments to the draft ordinance to reduce potential impacts:

- Clarify that setback distances to residential zones also apply to unincorporated residential zones.
- Clarify how height is measured and require height to be measured from the adjacent average grade.
- Limit the number of billboards that can be sited within the planning area.
- Clarify how the ordinance will benefit disadvantaged communities.

C-3 (Cont)

Setbacks: The ordinance should be revised to consider residential zoned unincorporated properties located adjacent to the proposed ordinance planning area where electronic billboards could be sited (see circled areas in Figure 1 below). As drafted, the ordinance could allow billboards to be sited within a few feet of residential zones in the unincorporated area.

It would be helpful if the proposed Ordinance MND, Figures 2, 2b, and 2d accurately delineate unincorporated areas relative to the planning area. As of now, the program location areas do not display the difference between the separate jurisdictional boundaries, specifically the City of Oxnard and unincorporated community planning areas and therefore potential impacts cannot be adequately evaluated. The City should update the program location index images in the proposed ordinance MND to accurately reflect the location of planning area boundaries in relation to unincorporated County boundaries.

C-4

Height: As stated in the proposed Ordinance MND, the "maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display" (MND Page 9). The height standards of electronic billboards in the Ordinance MND should be clarified so the public can understand maximum heights of the billboards from the top of the billboard to ground level, as slope and topography changes will site billboards lower or higher in relation to adjacent land uses and cause impacts that were not evaluated in the Ordinance MND. For example, the proposed Riverpark Boulevard Electronic Billboard (MND No.22-03) has a proposed height of 80 feet measured from the top of the billboard to the ground. This height standard used in this specific proposal is more accurate than the method of measurement proposed in the ordinance and could be inconsistent with the ordinance. One method of measurement is needed that evaluates the maximum height as measured from the adjacent grade to the top of the billboard itself. The County requests that you please verify in the Response to Comments that the height in the ordinance for billboards will not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display for any proposed billboard projects. If this height assumption is inaccurate, please verify the maximum height that any billboard can be pursuant to the ordinance.

C-5

Limit the Number of Billboards: Another potential cumulative impact on unincorporated areas is there are no maximum quantity of allowable digital billboard displays identified in the proposed ordinance. As of now, the Ordinance MND makes no indication for a maximum allowable number throughout the entirety of the planning area. There should be calculations to understand the potential maximum number of digital display billboards, taking into consideration that they must be placed 2,000 feet away from one another. The proposed ordinance should include reference that existing digital display billboards must comply with the all development standards, including setbacks set forth in the Caltrans Outdoor Advertising Act and Regulations. C-6

Community Benefits: El Rio/ Del Norte and Nyeland Acres communities are identified in the County General Plan as designated disadvantaged communities. The City should take into consideration how the ordinance and billboards would affect these disadvantaged communities and update the Required Findings of Public Benefit section of the proposed Ordinance MND (page 10) to describe how public benefits will be provided to affected disadvantaged communities that could be adversely affected by the proliferation of digital display billboards. C-7

The City and digital display billboard applicants should also meet with the El Rio/ Del Norte Municipal Advisory Council to further clarify potential public benefits and impacts from the proposed ordinance and XX project and XX project . Furthermore, the El Rio/Del Norte Area Plan includes the following policy that encourages the City to present proposed ordinances and discretionary projects to the Council for review and comment (italics added for emphasis):

Policy, ED-21.1- Public Review Authority
The El Rio/Del Norte Municipal Advisory Council shall continue to be the Board of Supervisors' recognized public review group for the El Rio/Del Norte area. All County *and city applications for discretionary permit*s and all environmental documents for projects which would affect the El Rio/Del Norte area shall be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council as early in the process as possible. C-8

Scenic Resources
To address concerns with light pollution, light trespass illuminance standards were discussed in the proposed Ordnance MND. However, there are still concerns with glare and light pollution, specifically in the evening with respect to the nearby residential communities. The analysis within Chapter 3 of the proposed Ordinance MND did not evaluate potential impacts from public viewing locations such as roadways in the unincorporated area of Ventura County, particularly the El Rio and Nyeland Acres communities. Since there is no numerical limit on the proliferation of billboards under the proposed ordinance, the Ordinance MND should also evaluate cumulative impacts from glare and illuminance from the perspective of public roads and hiking trails in the hillside areas with views of the Oxnard Plain. C-9

When assessing the distance from Digital Billboard Display's to residential parcels, Los Angeles County's zoning code, Section 22.114.070 prescribes standards for outdoor advertising signs, and states that such signs shall not be permitted within 200 feet of a residential zone located on the same side of the street or highway. The City should adopt the same or greater 200-foot setback requirement from residential zones (including unincorporated residential zones) rather than the proposed 100-foot setback. The City should also include the following standard from Los Angeles County zoning code Section 22.114.050 in the MNDs and conditions of approval for light protection to surrounding premises, with the additional reference added for applicability to unincorporated areas in parenthesis:

- In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

The proposed Ordinance MND states that, "light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for light-sensitive urban areas such as residential areas and 0.2 fc or greater for natural areas such as the Santa Clara River Basin" (MND page 19). The Ordinance MND should also include references to compliance with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5 for enforcing sign brightness and reads as follows: C-9 (Cont)

- No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.
- The brightness reading of an objectionable light source shall be measured with a 11/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source.

Lastly, Federal Highway Administration guidance on off-premise changeable message signs recommend adjusting brightness in response to changes in light levels so that signs are not unreasonably bright for the safety of the motoring public. Brightness should be adjusted accordingly and if a billboard has the potential to illuminate uses in unincorporated residential zones, an evening time shut off period should be required for mitigation of potential brightness and illumination light spill.

The City should include mitigation measures and comparable brightness standards for the intensity of lighting identified in the City of Ventura's Auto Center Specific Plan Amendments for the Final Initial Study Mitigated Negative Declaration that was approved in 2017 as either mitigation measures in the Ordinance MND or development standards in the Billboard Ordinance. The City of Ventura's Auto Center electronic billboard display is routinely turned off at 10 p.m. to mitigate light emittance and nuisance in the evening time. The following measures from the Auto Center Specific Plan should also be included in the proposed ordinance, and digital display billboard projects should be conditioned as follows:

Mitigation Measure AES-1: Electronic Sign Brightness. The Auto Center Specific Plan shall include the following standards for the Auto Center freeway sign and Auto Center entry sign:

- Lighting levels on the digital sign shall not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America.
- Brightness shall not exceed 800 nits (candela per square meter) from sunset to sunrise. At all other times, brightness will not exceed 7500 nits.
- Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face.
- A light sensor shall be installed with the sign to measure ambient light levels and to adjust light intensity to respond to such conditions. The light sensor adjusts the sign's brightness in order to compete with ambient light. The darker the surrounding ambient light, the less bright the sign is.
- The sign shall not display any moving, flashing, scrolling, fading, brightening or animated text or video.
- Signage shall be controlled remotely and include remote maintenance software.
- LED lighting has a directional nature, and the projected viewing angle values for this sign shall be ± 30° vertically and ± 60° horizontally. Louvers shall be located above each row of lights to prevent light from projecting upward into the sky.

C-9 (Cont)

Mitigation Measure AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the freeway sign. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.3 foot-candle requirement is satisfied.

Biological Resources

The proposed Ordinance MND (page 32) evaluates potential impacts to critical habitat, special status plant species and avian species. The electronic billboards could impact wildlife corridor movement due to electronic light displays that deter and disorient wildlife movement. The Santa Clara River riparian area is identified by the County of Ventura as an important Habitat Connectivity and Wildlife Corridor. Without precise mapping that identifies the extent that billboards could be placed closest to the Santa Clara River basin, and the proposed approach to test billboards for impacts after they are bult, there is insufficient information to determine whether there will be direct, indirect, or cumulative impacts to wildlife movement. CEQA requires protecting wildlife corridors/movement areas and the proposed ordinance development standards, environmental impact analyses, and project-specific conditions of approval should include measures to conserve the natural state of the habitat wildlife corridor and ensure species can move throughout the region. The City should consider the following mitigation measure in the Ordinance MND for impacts to biological resources. This mitigation measure should also apply to the Riverpark Boulevard MND and as needed to future digital billboard projects' conditions of approval:

AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign, as measured from within the Habitat Corridor. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.2 foot-candle requirement is satisfied.

C-9 (Cont)

The Santa Clara River is the longest continuous river system in Southern California and runs over 100 miles in length, originating from the San Gabriel Mountains in Los Angeles County and traverses throughout Ventura County to reach the Pacific Ocean. Extensive patches of high-quality riparian habitat are present along the length of the river and its tributaries. Numerous state and federally listed species have been found in and nearby the undeveloped areas (e.g., least bell's vireo (Vireo bellii pusillus), mesa horkelia (Horkelia cuneata), California legless lizard (Anniella pulchra), Lyon's pentachaeta (Pentachaeta lyonia), and coastal California gnatcatcher (Polioptila californica californica). Please see Figure 2 below for a map of the Habitat Connectivity and Wildlife Corridor in the South Coast Ventura County region. The proposed Ordinance MND should be revised to adequalty analyze the impacts to the wildlife corridor and include additional mitigation measures as appropiate. Lastly, the following El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance, and as a basis for biological mitigation measures to offset environmental impacts:

Goal, ED-32: To protect the biological resources of the Santa Clara River and adjoining natural habitat areas including significant stands of Southern Willow within the Santa Clara River bounding the El Rio/Del Norte area.

Goal, ED-33: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

C-9 (Cont)

Policy, ED-33.1: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

In closing, thank you again for the opportunity to comment on the three MNDs for the proposed ordinance and digital display billboard projects. The County is hopeful that the City will combine these three MND's into one environmental document and recirculate for public review and comment. This action would facilitate meaningful public disclosure of the potential direct, indirect, and cumulative environmental impacts of the Ordinance MND and associated Ventura Road and RiverPark projects on the unincorporated County. If you have any questions about this letter, please contact Joel Hayes at Joel.Hayes@ventura.org or 805.654.2834.

C-10

Sincerely,

Susan Curtiss for Dave Ward

Dave Ward, AICP I Planning Director
County of Ventura, Planning Division

Figure 1. Unincorporated Residential Zones (circled in green) that need to be evaluated for direct, indirect and cumulative impacts due to the proposed ordinance and billboard projects.

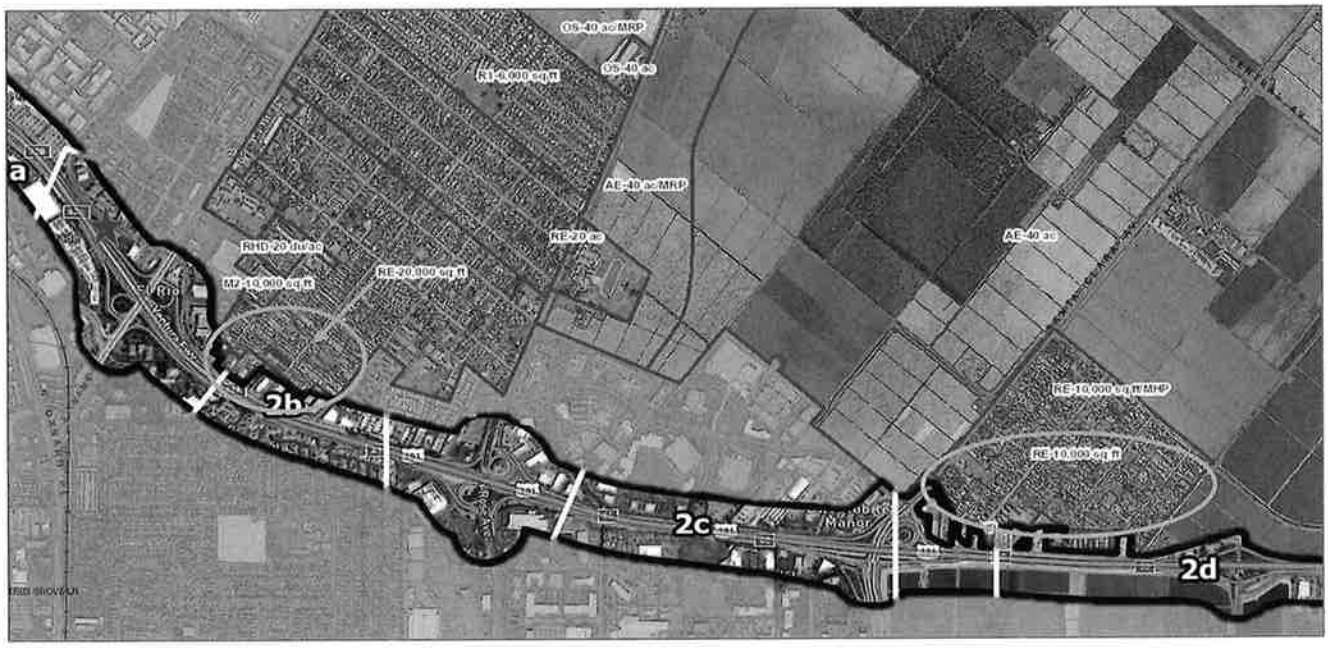
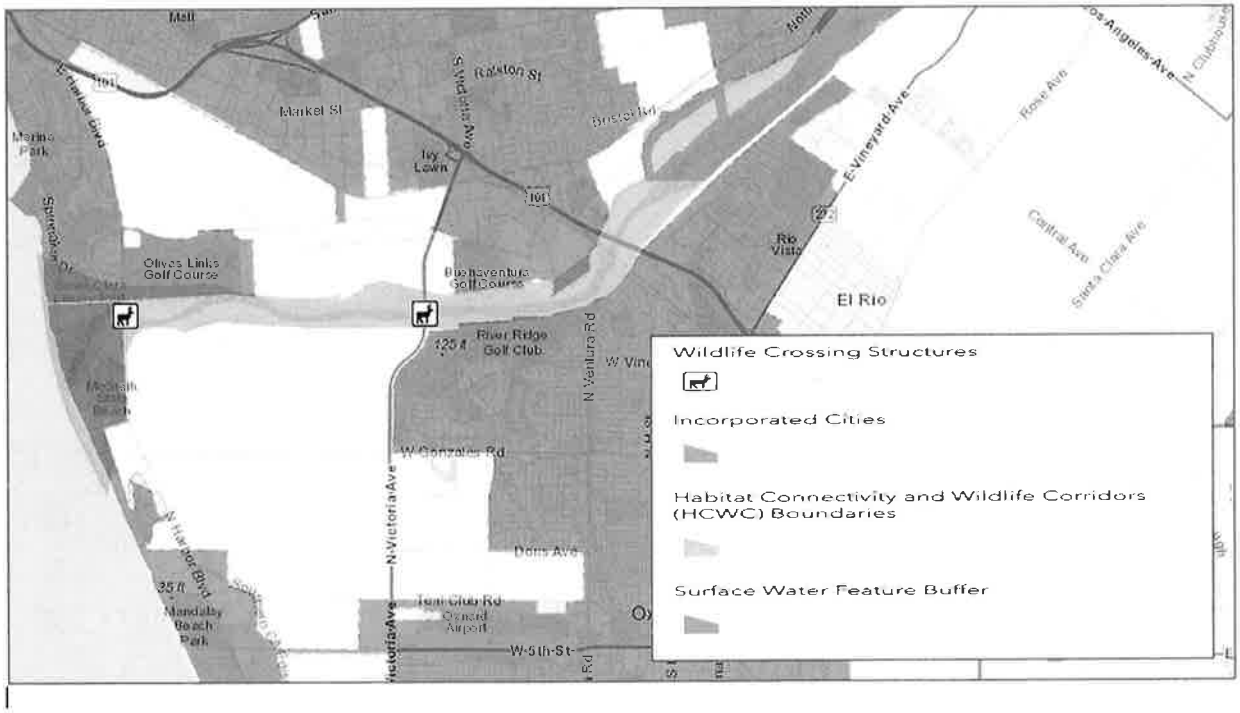


Figure 2. Map showing Habitat Connectivity and Wildlife Corridors in the Santa Clara River basin.



Comment Letter C: County of Ventura Resources Management Agency, Planning Division – July 29, 2022

Comment C-1

This comment states that the Planning Division reviewed three separate Mitigated Negative Declaration (MNDs) related to proposed Ventura Road Electronic Billboard, potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance and Riverpark Boulevard Electronic Billboard. The comment specifically states that the proposed Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed and may have direct and cumulative impacts on sensitive habitat in the County's jurisdiction.

Response to Comment C-1

The potential Ventura Road Electronic Billboard Project impacts to biological resources associated with construction and operational activities are discussed in Section 3.4 of the Public Review Draft IS/MND. As discussed, the proposed construction activities would be located outside of the existing Santa Clara River Basin and physically separated from the Basin by the existing levee that borders the eastern edge of the Basin. The Project site is located within the existing right-of-way of Ventura Road. The Project site currently contains ornamental landscaping. The analysis identifies potential impacts to birds during the nesting season and includes mitigation measures to reduce the potential impacts to less than significant (see Response to Comment A-11 for a modification to the nesting season identified in Mitigation Measure BIO-1). An operational lighting study was conducted and modifications to the design of the electronic billboard have been incorporated into the Project so that the maximum illuminance from the electronic billboard at the edge of the willow riparian habitat would be less than 0.2 foot candles. Based on recommendations from the International Commission on Illumination (CIE). The CIE identifies impacts on natural areas as an illuminance of 0.2 foot-candle (fc) or greater. Therefore, due to the absence of a current local illumination standard impact on natural areas, a significant light impact on adjacent natural areas and associated species would occur if light level increases are 0.2 fc or greater. Because the increase in light level would be less than 0.2 fc, the Project would result in a less than significant lighting impact on the existing sensitive willow riparian habitat area or associated species.

The cumulative impact of implementing the proposed electronic billboard within the existing Ventura Road right-of-way, the proposed electronic billboard along Riverpark Boulevard, and the adoption of an ordinance to allow additional electronic billboards along U.S. 101 but separated by at least 2,000 feet in distance is discussed in Section 3.18 b) of the Public Review Draft IS/MND. As discussed, the proposed Project could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, BIO-2, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related billboard projects would need to occur at least 2,000

feet from the Project site, and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

Comment C-2

This comment asserts that evaluating the cumulative impacts of the three projects that are addressed within the three separate Public Review Draft IS/MNDs is difficult and recommends that the City consolidates its review into one environmental document.

Response to Comment C-2

The potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. As stated in Response to Comment C-1, a discussion of cumulative impacts is provided for each Public Review Draft IS/MND in Section 3.18 b). The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

Comment C-3

This comment states that an analysis of potential environmental impacts to unincorporated areas such as the El Rio/Del Norte and Nyeland Acres communities and sensitive biological resources adjacent to and in the vicinity of the proposed Project should be evaluated.

The comment also requests amendments to the draft Freeway Adjacent Digital Display Billboards Ordinance.

Response to Comment C-3

The Ventura Road Electronic Billboard Project is not located in the vicinity of the El Rio/Del Norte and Nyeland Acres communities, and therefore, the implementation of the Project would not result in impacts to these communities. The Project site is located near the Santa Clara River Basin which includes biological resources and is an unincorporated area of the County. As discussed in Response to Comment C-1, potential significant impacts associated with the implementation of the Ventura Road Electronic Billboard Project could occur to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, BIO-2, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related billboard projects (i.e., Riverpark Electronic Billboard and additional electronic billboards implemented as part of the Freeway Adjacent Digital Display Billboards Ordinance) would need to occur at least 2,000 feet from the Project site, and the

Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

This comment's recommended amendments to the Billboards Ordinance are not pertinent to the proposed Ventura Road Electronic Billboard Project. The Project's specific potential impacts are evaluated in the Public Review Draft IS/MND.

Comment C-4

This comment references the proposed Ordinance and requests setbacks.

Response to Comment C-4

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Ventura Road Electronic Billboard Public Review Draft IS/MND.

Comment C-5

This comment references the proposed Ordinance and requests more specific information on maximum heights.

Response to Comment C-5

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Ventura Road Electronic Billboard Public Review Draft IS/MND.

Comment C-6

This comment references the proposed Ordinance and requests more specific information on limiting the number of billboards.

Response to Comment C-6

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Ventura Road Electronic Billboard Public Review Draft IS/MND.

Comment C-7

This comment asserts that the City should take into consideration how the ordinance and proposed billboards would affect disadvantage communities and how public benefits will be provided to affected disadvantage communities

Response to Comment C-7

The El Rio/Del Norte and Nyeland Acres communities are within the jurisdiction of the County of Ventura. These communities are outside of the City of Oxnard. Potential impacts associated with the construction and operation of the Ventura Road Electronic Billboard Project would not

impact these communities because the Project site is located more than one mile from the El Rio/Del Norte community and more than 3 miles from the Nyeland Acres community.

Comment C-8

This comment asserts that all County and City applications for discretionary permits and all environmental documents for Projects should be sent to the Board of Supervisor's Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

Response to Comment C-8

A Notice of Intent to Adopt a Mitigated Negative Declaration was mailed to the County of Ventura for distribution. Potential impacts associated with the construction and operation of the Ventura Road Electronic Billboard Project would not impact El Rio/Del Norte community because the Project site is located approximately one mile from this unincorporated community.

Comment C-9

This comment addresses evaluations of scenic resources and biological resources provided in the Freeway Adjacent Digital Display Billboards Ordinance Public Review Draft IS/MND.

Response to Comment C-9

This comment does not address contents within the Ventura Road Electronic Billboard Public Review Draft IS/MND. Therefore, no further response is required.

Comment C-10

This comment thanks the City for providing an opportunity to comment on the three Public Review Draft IS/MNDs for the proposed Ordinance and the electronic billboard projects. The County reiterated the request to provide the environmental documentation for the IS/MNDs into one environmental document.

Response to Comment C-10

As discussed in Response to Comment C-2, the potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

CITY OF OXNARD CALIFORNIA

Comment Letter D

Pearson II, Joe <joe.pearson@oxnard.org>

FW: Ventura County Agency Comments for Proposed Billboard Ordinance & Projects

1 message

Ciuffetelli, Anthony <Anthony.Ciuffetelli@ventura.org> Fri, Jul 29, 2022 at 3:47 PM
To: "joe.pearson@oxnard.org" <joe.pearson@oxnard.org>

Good Afternoon,

Attached to this e-mail are the following comments regarding the proposed ordinance and projects:

- VC Air Pollution Control District (Ordinance & projects)
-VC Watershed Protection District (Ventura rd project)

Please feel free to contact me with any questions regarding this submission. Responses to these comments should be sent directly to the commenter with a copy to me. Additional comments are expected from the VC Planning Division and will be sent directly from staff.

Regards,

-Tony C.

Anthony Ciuffetelli

Ventura County Planning Division

Planning Programs

(805)654-2443

COUNTY of VENTURA

4 attachments

RMA 22-018_APCD.pdf
152K

RMA 22-019_APCD.pdf
149K

RMA 22-020_APCD.pdf
149K

RMA 22-020_WPD.pdf
316K

Hello Anthony,

Watershed has the following conditions. Please let us know if you have any questions.

Encroachment Permit

Purpose: To comply with the *Ventura County Watershed Protection District (County) Ordinance*, and mitigate potential impacts such as obstructing, impairing, diverting, impeding, or altering the characteristics of the flow of water to jurisdictional channels by designing and constructing appropriate surface drainage and flood control facilities to protect life and property from damage or destruction from flood and storm waters. Facilities requiring permits may include, but are not limited to, channel improvements, and lateral storm drain connections. Permits are also required for any activities in, on, over, under, or across a jurisdictional red-line channel or within District Right of Way.

Requirement: The Permittee shall obtain an Encroachment Permit. The permit application shall include the following:

a. Construction plans prepared, signed, and stamped by a California licensed civil engineer including but not limited to, a site plan depicting general drainage trends, existing and proposed topography with elevations, proposed improvements in both plan and profile, and construction details that meet the standards of the County and the WP.
b. Site specific hydrology for existing and proposed conditions that conforms to the Watershed Protection District's Hydrology Manual.
c. Hydraulics using a methodology and/or computer model applicable to the proposed improvements and acceptable to the Watershed Protection District. The final model shall confirm there are no adverse impacts to Stroube Drain and Santa Clara River including no loss of storage volume and no increase in water surface elevation for the 1-percent chance flood peak discharge on adjacent parcels.
d. Any other information or studies required by the Permit Section to administer the requirements of watershed Ordinance WP-2.

D-1

Documentation: A WP Permit application package shall be prepared and signed by the Permittee or a duly authorized agent and submitted to and logged by the WP Permit Section.

Timing: The applicant shall obtain an encroachment permit prior to obtaining a building permit or grading permit or prior to project start date if no grading or building permits are required.

Monitoring and Reporting: Prior to permit closure, WP staff shall inspect the improvements to assure that construction was completed, in accordance with the approved plans and the Permit.

Thank you,

Dawn Husted
Management Assistant II
Watershed Protection – Planning & Permits

PUBLIC WORKS VENTURA COUNTY
800 S. Victoria Ave. / #1610
Ventura, CA 93009
P: 805.662-6882
VCPWA Online | Facebook | Twitter

Comment Letter D: County of Ventura Resources Management Agency, Watershed Protection District – July 29, 2022

Comment D-1

This comment states that permits are required for activities in, on, over, under, or across a jurisdictional red-line channel or within District right-of-way.

Response to Comment D-1

Because the Project is located on a site that is within the City of Oxnard and within the Ventura Road right-of-way as well as physically separated from the Santa Clara River Basin by the existing levee, the Project would not encroach upon jurisdictional channels or within District right-of-way. Therefore, a permit from the Watershed Protection District is not required for the Project.

Ventura County
Air Pollution
Control District

4567 Telephone Rd
Ventura, California 93003

tel 805/303-4005
fax 805/456-7797
www.vcapcd.org

Ali Reza Ghasemi, PE
Air Pollution Control Officer

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Joe Pearson II, Sr. Planner, City of Oxnard DATE: July 26, 2022

FROM: Nicole Collazo, Air Quality Specialist, Planning Division

SUBJECT: Draft Mitigated Negative Declaration for the Ventura Road Electronic Billboard (RMA 22-020)

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Ventura Road Electronic Billboard project (project). The proposed project includes a request for approval of a Special Use Permit for the installation and operation of an LED electronic billboard. The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The project is located on the north side of the U.S. 101 and immediately west of Ventura Road. The Lead Agency is the City of Oxnard. APCD submits the following comments for the project's MND.

GENERAL COMMENTS E-1

Air Quality Section

1) Item a, Page 17. VCOG is no longer responsible for developing the AQMP. This is language contained in our 2003 Ventura County Air Quality Assessment Guidelines and no longer applies. The AQMP is developed by the APCD using SCAG's population growth forecasts in its air quality modeling and forecasting. We recommend amending this section. We also note that our 2022 AQMP is currently in development and scheduled to be adopted at the end of 2022.

Thank you for the opportunity to comment on the project's MND. If you have any questions, you may contact me at nicole@vcapcd.org.

Comment Letter E: Ventura County Air Pollution Control District – July 26, 2022

Comment E-1

This comment states that the Ventura Council of Governments (VCOG) no longer responsible for developing the Ventura County Air Quality Management Plan (VCAQMP) but Ventura County APCD is responsible.

Response to Comment E-1

The City of Oxnard thanks the Ventura County Air Pollution Control District in clarifying that the VCOG no longer provides forecasted regional population, housing, and employment for the VCAQMP.

The fourth sentence of the first paragraph 0n page 17 is revised as follows:

> VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

The second paragraph on page 17 of the Public Review Draft IS/MND is revised as follows:

> The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

CHAPTER 4
Errata

The following text changes are made to the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and incorporated as part of the Final Initial Study/Mitigated Negative Declaration (Final IS/MND). These changes are minor and do not alter the conclusions of the Public Review Draft IS/MND. Changes to the text are noted with underline (for added text) or ~~strikeout~~ (for deleted text).

Page 17, fourth sentence of the first paragraph

VCAPCD ~~and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

Page 17, second paragraph

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

Page 27, second and third paragraphs

Mitigation Measure BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December ~~January~~ 31, outside the ~~typical~~ nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the ~~typical~~ nesting season (January ~~February~~ 1 – September 15 ~~August 31~~), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a ~~100 to 3~~ 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests

within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

CHAPTER 5
Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
AES-1: The proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.	Prior to construction completion	Project Construction Contractor	Community Development Department	
AES-2: Within 14 days of the proposed electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), the Applicant shall submit to the satisfaction of the Community Development Director the following information: • A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas.	Ongoing	Applicant	Community Development Department	
BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds. If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.				
BIO-2: To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS. If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat.	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.				
CUL-1: Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.	Retain Archaeologist and Native American Monitor prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant, Project Archaeologist, and Native American Monitor	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
CUL-2: Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.	Retain Paleontologist prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant and Project Paleontologist	Community Development Department	

VENTURA ROAD ELECTRONIC BILLBOARD

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department

June 2022

ESA

VENTURA ROAD ELECTRONIC BILLBOARD

Initial Study/Mitigated Negative Declaration

Prepared for
City of Oxnard
Community Development Department
214 South C Street
Oxnard, California 93030
805.385.8272

June 2022

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ENVIRONMENTAL CHECKLIST

Initial Study

1.0 Project Information

1. **Project Title:** Ventura Road Electronic Billboard

2. **City of Oxnard Contact Person and Phone Number and Address:**
City of Oxnard
Community Development Department
Planning Division
214 South C Street
Oxnard, California 93030
Joe Pearson, II, Senior Planner
805-385-8272

3. **Project Location:** The Project site is located on an approximately 1,000 square foot site located in the northern portion of the City of Oxnard within the County of Ventura (**Figure 1**). Specifically, the site is located on the north side of the U.S. 101 and immediately west of Ventura Road (**Figure 2**). The Project site is currently undeveloped.

4. **Project Sponsor's Name and Address:**
Foster Interstate Media, Inc.
1111 Broadway, Suite 1515
Oakland, CA 94607
T: 510-832-7070 x 1103
F: 510-832-7071
C: 415.385.1781

5. **General Plan Designation(s):** The Project site is designated under the City of Oxnard 2030 General Plan as Regional Commercial, according to the General Plan Land Use Map. The proposed Project conforms to the 2030 General Plan land use designation.

6. **Zoning:** The zoning designation for the proposed Project is RiverPark Specific Plan with a Commercial Retail Land Use.

7. Description of Project:

The Ventura Road Electronic Billboard is located on the north side of U.S. 101 and immediately west of Ventura Road. The Project site is located within the RiverPark Specific Plan and designated as Commercial Retail. The implementation of the proposed Ventura Road Electronic Billboard would require the approval of a Special Use Permit, a Development Agreement, and Street Vacation. The Project plans are provided in **Appendix A**.

Special Use Permit

The proposed Project includes a request for approval of a Special Use Permit for the installation and operation of an electronic billboard (**Figure 3**). The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The proposed billboard would be supported by a pole that ranges in diameter from approximately 7 feet to 3 feet. The pole would extend approximately 40 feet below ground and approximately 65.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black. The top of the billboard would be approximately 80 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width (**Figure 4**). The existing ground level is at approximately the same elevation as the travel lanes along Ventura Road. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Electricity for the electronic billboard will be provided by electrical service located immediately adjacent to the Project site and require approximately 200 feet of trenching along the west side of Ventura Road right-of-way to an existing Edison electrical box for the electrical connection. The average electricity use is approximately 150 kilowatt hour (kwh) per day and approximately 54,000 kwh per year. Lighting levels on the digital sign will not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America. Brightness shall not exceed 300 nitere (nits) or candela per square meter from sunset to sunrise. At all other times, brightness will not exceed 7,500 nits. Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness based on ambient conditions. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. LED lighting has a directional nature, and the projected viewing angle values for the proposed sign will be +14.9°/-34.6° vertically and ±45° horizontally. Louvers will be located above each row of lights to prevent light from projecting upward into the sky.

Construction activities would occur in approximately four days over a two-week period. There is ornamental landscaping located along Ventura Road right-of-way. Up to two days will be required to drill the footing and haul/dispose of excess dirt and pour concrete to set the column. After the concrete sets, the structure is built. Finally, the digital displays are built and set.

Development Agreement

The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement would also outline the required public benefits to be provided by the future development, including fiscal benefits to the City, such as revenue sharing. No other physical improvements are allowed or required by the development agreement.

Street Vacation

The Project site is within the current street right-of-way and is proposed to be vacated. As the underlying property owner, the City of Oxnard will retain ownership, making it a City-owned property.

8. Surrounding Land Uses and Setting.

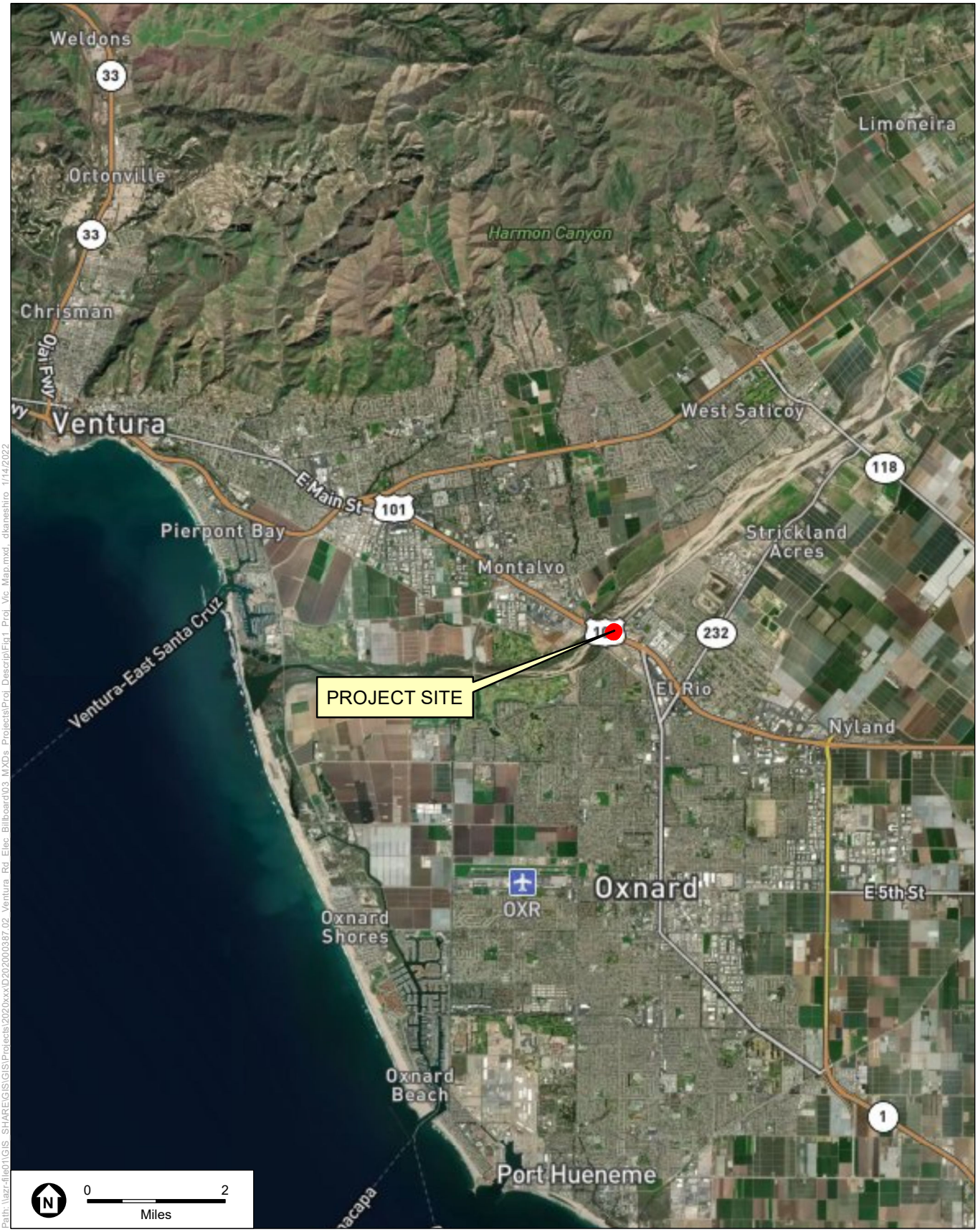
The area surrounding the Project site consists of a mix of office and commercial land uses. U.S. 101 is located immediately south of the Project site. Across U.S. 101 to the South, adjacent to Ventura Road, is The Wagon Wheel development which is currently under construction with residential townhomes, condominiums, and limited commercial development. To the north and west is The Santa Clara River Basin that includes vegetation. Recently, the vegetation within the Santa Clara River Basin and adjacent to U.S. 101 was removed by the County of Ventura for maintenance purposes. Northeast of and approximately 600 feet from the Project site is a senior housing facility, and other approved commercial development including a gas station and drive through restaurants.

9. Other public agencies whose approval is required.

The proposed Project will require an Outdoor Advertising Act Permit from the California Department of Transportation to ensure the proposed electronic sign does not represent a danger to motorists traveling along U.S. 101. No additional permits, financing approval or participation agreement will be required from other public agencies.

10. Have California Native American tribes traditionally and culturally affiliated with the Project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (**Appendix B**). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52. The Barbareno/Ventureno Band of Mission Indians did not request consultation with the City of Oxnard regarding the proposed Project.

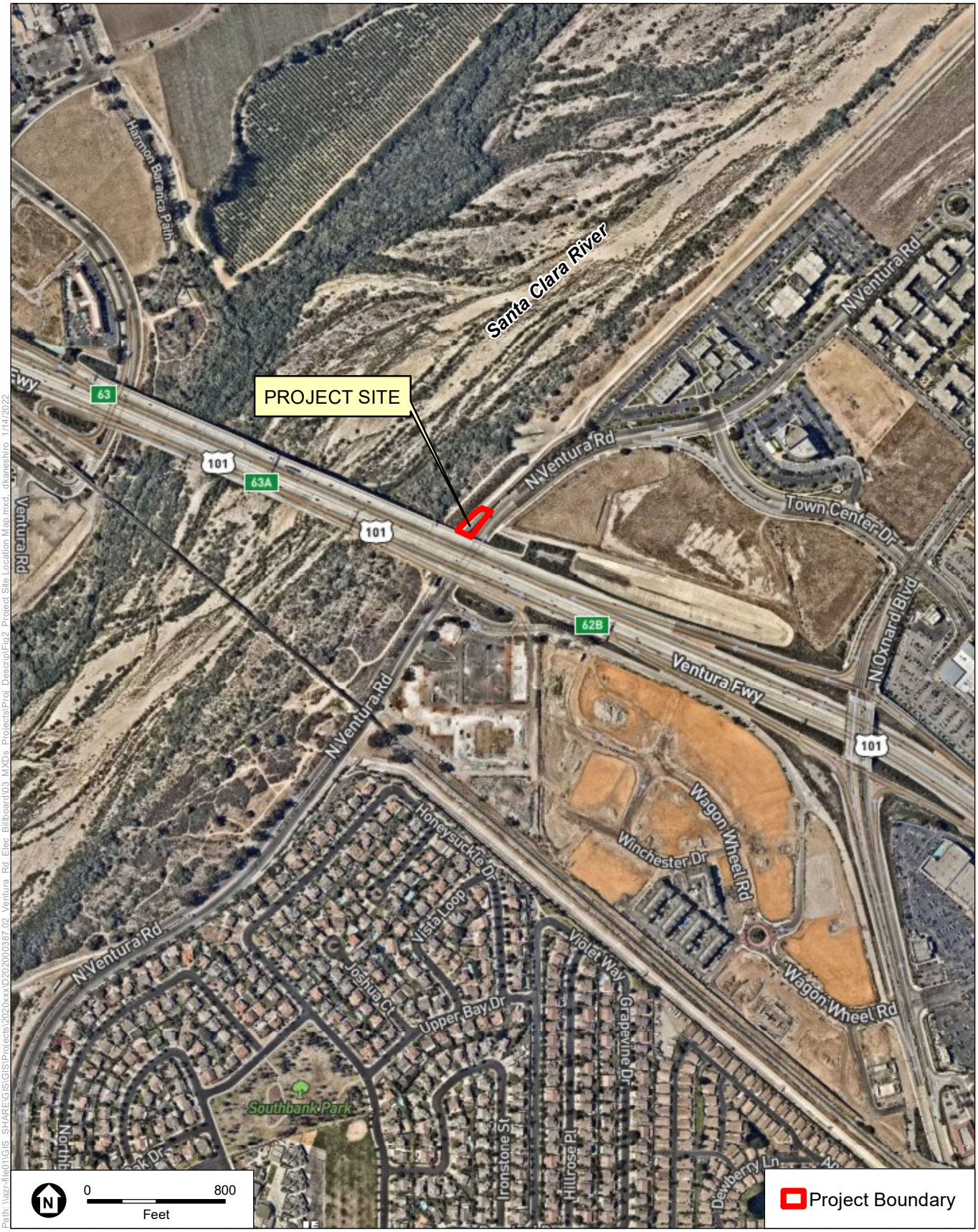


SOURCE: OpenStreetMap, 2022

Ventura Road Electronic Billboard Project

Figure 1
Project Vicinity Map

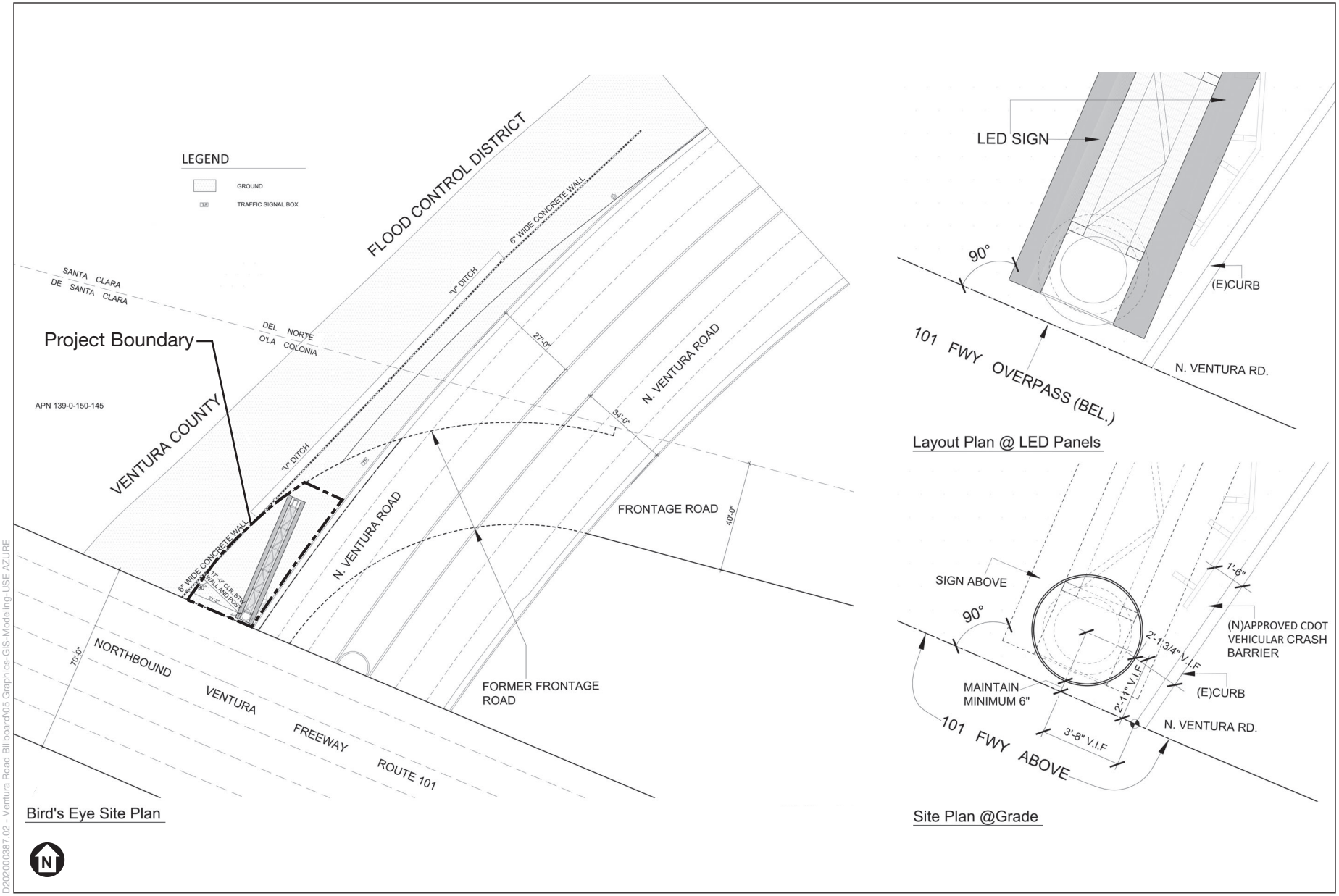
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SOURCE: OpenStreetMap, 2022

Ventura Road Electronic Billboard Project

Figure 2
Project Site Location Map



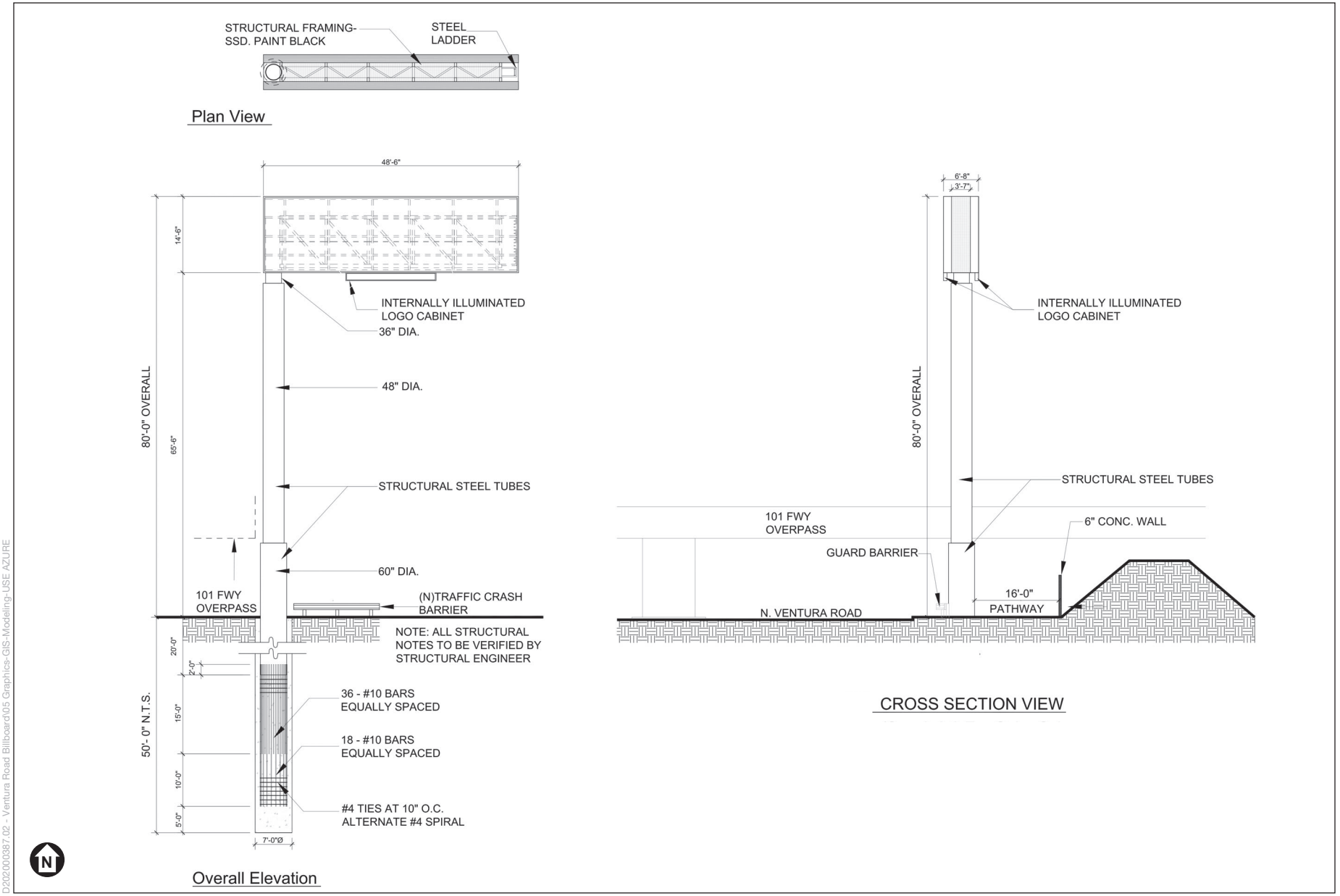
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SOURCE: ib+a architecture, 2020

Ventura Road Electronic Billboard Project

Figure 3
Project Site Plan

ESA



D202000387.02 - Ventura Road Billboard\05 Graphics-GIS-Modeling-USE AZURE

SOURCE: ib+a architecture, 2020

Ventura Road Electronic Billboard Project

Figure 4
Electronic Billboard Elevation and Plan Views

ESA

2.0 Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ Aesthetics and Urban Design	☒ Cultural Resources and Tribal Cultural Resources	☐ Mineral Resources	☐ Utilities and Energy
☐ Agricultural Resources	☐ Geology and Soils	☒ Noise	☐ Wildfire
☐ Air Quality	☐ Hazards and Hazardous Materials	☐ Population, Education, and Housing	☒ Mandatory Findings of Significance
☒ Biological Resources	☐ Hydrology and Water Quality	☐ Public Services and Recreation	
☐ Climate Change and Greenhouse Gas Emissions	☐ Land Use and Planning	☐ Transportation and Circulation	

DETERMINATION:

On the basis of this initial study:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Printed Name	For

3.0 Environmental Checklist

3.1 Aesthetics and Urban Design

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have a substantial adverse effect on a scenic vista such as an ocean or mountain view from an important view corridor or location as identified in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, or route identified as scenic by the County of Ventura or City of Oxnard?	☐	☐	☒	☐
c) Would the project substantially degrade the existing visual character or quality of the site or its surroundings such as by creating new development or other physical changes that are visually incompatible with surrounding areas or that conflict with visual resource policies contained in the 2030 General Plan or other City planning documents?	☐	☐	☒	☐
d) Would the project add to or compound an existing negative visual character associated with the project site?	☐	☐	☒	☐
e) Would the project create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Based on a review of the Oxnard General Plan Background Report (City of Oxnard, 2006), there are scenic areas and view corridors within the City of Oxnard. The scenic areas and view corridors include local waterways, agricultural open space, beaches and coastline, scenic highways/roadways, and urban landscapes that maintain original historic architectural features and contain park/plaza features.

The proposed Project is located adjacent to U.S. 101 that is identified as part of the City's Scenic Highway System along the entire length of U.S. 101 from the eastern city limits to the western city limits at Ventura Road. The current views from U.S. 101 in the vicinity of the Project site include urban development such as commercial and residential uses as well as vegetation associated with the Santa Clara River Basin. The view from motorists traveling northbound on U.S. 101 from Oxnard Boulevard includes urban development on the north side of the freeway and construction activities for commercial and residential development on the south side of the freeway. Caltrans billboard signs are located along the north and south sides of the freeway, and limited landscaping is located on both sides of the freeway. Background views include the Coastal Mountain Range. The view from motorists traveling southbound on U.S. 101 from Johnson Drive and across the Santa Clara River Basin includes vegetation that is located within the Basin and includes Caltrans billboard signs. The bridge includes light poles that are spaced approximately 60 to 65 feet

apart from each other along the north side of the bridge and along the entire length of the approximately 1,700-foot long bridge. As southbound U.S. 101 motorists approach Ventura Road, views include urban development as well as construction areas. An advertisement billboard with a width of approximately 48 feet is on the south side of the freeway and immediately adjacent to the Ventura Road right-of-way. Background views from the southbound lanes include the Morgan Stanley Bank Tower and hills of Point Mugu State Park that bound the southeastern portion of the City of Oxnard.

The implementation of the Development Agreement, Street Vacation, and placement of the proposed electronic billboard on the Project site would include the placement of an 80-foot high pole (approximately 60 feet high as seen by motorists along U.S. 101) with an electronic billboard that would be 14.5 feet in height and 48.5 feet in width. A visual simulation of the proposed electronic billboard is provided in the Project Plans located in Appendix A. The implementation of the Project would result in an impact on motorist views traveling along U.S. 101. Northbound views of the Project area from U.S. 101 consist of urban development and background views include a portion of the Coastal Mountain Range. Southbound motorists' who approach Ventura Road from the U.S. 101 bridge over the Santa Clara River Basin include urbanized views in the Project area. Northbound and southbound motorists' views of the proposed electronic billboard would add another typical view of an urban landscape (i.e., billboards and Caltrans signs) that occurs along U.S. 101 outside of the Santa Clara River Basin views obtained by motorists traveling on the U.S. 101 bridge. Due to the urbanized setting of the Project area, Project impacts on northbound motorists' views that include an urban landscape as well as partial distant views of the Coastal Mountain Range would not be considered a substantial adverse effect on a scenic vista. Southbound motorists' views also include an urban landscape and minimal background views of the hills of Point Mugu State Park. The southbound motorists' views would be minimally impacted with the implementation of the proposed electronic billboard, and the impact would not be considered a substantial adverse effect on a scenic vista. Therefore, implementation of the proposed electronic billboard would result in less than significant effects on a scenic vista.

b) **Less than Significant Impact.** The Project site is located along the north side of U.S. 101. Currently, U.S. 101 is an eligible State scenic highway; however, it is not an official State-designated scenic highway (Caltrans, 2019). The nearest officially State-designated highway is State Route 33 located approximately 7 miles west of the Project site. Oxnard Boulevard is also an eligible State scenic highway as well as a City-designated scenic highway to U.S. 101. However, Oxnard Boulevard is approximately 0.4 mile east of the Project site and due to existing terrain as well as existing development, very limited views of the upper elevations of the proposed electronic billboard would be viewable. These limited views would not substantially alter the characteristics of existing views from Oxnard Boulevard. Therefore, the implementation of the proposed Project would result in a less than significant impact on existing scenic resources within a state or local scenic highway.

c) **Less than Significant Impact.** As discussed above, the Project would add a structure to motorists' view along the U.S. 101. The addition of the proposed electronic billboard would alter the existing visual characteristics along U.S. 101; however, because the area contains urban development and the proposed electronic billboard provides a typical view of an urban landscape (i.e., billboards and Caltrans signs) that occurs along U.S. 101, the visual alteration caused by the Project would not be considered a substantial change. Therefore, potential impacts from the visual alteration of adding the proposed electronic billboard to the visual landscape would be less than significant.

The City of Oxnard 2030 General Plan includes aesthetic policies to protect and enhance natural setting and scenic resources. A discussion of the Project's consistency with the applicable aesthetic policies is provided below.

Policy ER-6.1 includes the incorporation of views in new development. This policy requires development to provide physical breaks to allow views into scenic vistas and view corridors. Because the proposed Project includes a free-standing electronic billboard, the implementation of the Project would not conflict with this policy because motorists would briefly view the proposed billboard as they travel along U.S. 101. Therefore, the Project would be consistent with this policy.

Policy ER-6.2 includes the protection and enhancement of major scenic resources including the surrounding mountains. As discussed above, motorists traveling northbound along U.S. 101 would have a background view of the Coastal Mountain Range as well as partial views of the vegetation located within the Santa Clara River Basin; however, this background view would be bordered by foreground urban development for northbound U.S. 101 motorists. For southbound U.S. 101 motorists, the vegetation within the Santa Clara River provides a foreground view; however, this foreground view also includes urban development as the motorists' travel toward Ventura Road. Therefore, the addition of the proposed electronic billboard would not substantially impact the background views of the Coastal Mountain Range and Santa Clara River Basin or the foreground views of the Santa Clara River Basin. Thus, the Project would not conflict with this policy, and the Project would be consistent with this policy.

Policy ER-6.5 includes the control of light and glare. The policy requires advertising displays and billboards to use low-energy, shielded light fixtures which direct light downward and, where public safety would not be compromised, encourage the use of low-pressure sodium lighting for all outdoor fixtures. The proposed electronic billboard would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology. The lighting of the proposed electronic billboard would be designed to allow the message on the display visible to passing motorists. The digital LED billboard technology allows sign brightness to be adjusted automatically depending on ambient weather conditions. The display, for example, would be brighter in the daytime than at night-time and responds to changes in the ambient light conditions. The proposed electronic billboard would require a California Department of Transportation Outdoor Advertising Act Permit from Caltrans. The

proposed billboard would comply with the brightness requirements outlined in the Outdoor Advertising Act in that the illumination shall not be of such brilliance or so positioned as to cause a hazardous condition on adjacent highways. The implementation of the proposed electronic billboard would not conflict with this policy. Therefore, the Project would be consistent with this policy.

Based on a review of the existing City of Oxnard sign regulations within the City of Oxnard Municipal Code, the proposed electronic billboard is not currently an allowed use within the City of Oxnard. However, as discussed above, the implementation of the proposed electronic billboard would result in less than significant impact to scenic vistas, scenic resources, and scenic highways, and the Project would result in a less than significant visual alteration of the existing visual characteristics as well as less than significant light and glare.

d) **Less than Significant Impact.** Currently, the Project site includes ornamental shrubs of oleander within the existing Ventura Road right-of-way. The Project site is landscaped and does not represent an existing negative view from the surrounding areas. The addition of the proposed electronic billboard would alter the existing visual characteristics of the Project area; however, as discussed above, this alteration would be considered less than significant. Therefore, the addition of the proposed electronic billboard would not add to or compound to an existing negative view of the Project site, and as a result the Project's impact would be less than significant.

e) **Less than Significant Impact.** The operation of the proposed Project would increase nighttime lighting in the Project vicinity. Currently, the City of Oxnard does not have a quantitative exterior light standard. Typically, lighting is quantified using footcandles which is the unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.

Light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for urban areas such as the Project site and 0.2 fc or greater for natural areas such as the Santa Clara River Basin (CIE, 2003). Therefore, due to the absence of a current local light pollution standard, a significant light impact on the adjacent residents would occur if light levels are 0.5 fc or greater and a significant impact on adjacent natural areas would occur if light levels are 0.2 fc or greater.

The lighting associated with the proposed electronic billboard would be directed toward the travel lanes along U.S. 101. Louvers will be located above each row of lights to prevent light from projecting upward into the sky. As discussed above, the digital LED billboard technology allows sign brightness to be adjusted automatically depending on ambient weather conditions. The display, for example, would be brighter in the daytime than at night-time and responds to changes in the ambient light conditions.

The nearest current multifamily residential use is located approximately 600 feet east of the site; however, the City is processing an amendment to the RiverPark Specific Plan to allow for high density multifamily residential uses approximately 200 feet east of the Project site. Based on the Photometric Analysis provided in **Appendix C**, the light levels at the existing multifamily residential uses and the current multifamily uses that are currently being processed would be 0.1 fc or less. Because the light level would be less than 0.5 fc, the Project would result in a less than significant lighting impact on the existing and future adjacent residential uses. The sensitive willow riparian habitat area is located approximately 135 feet west of the Project site (i.e., west of the access road within the Santa Clara River Basin) and would result in an illumination of less than 0.2 fc based on the Photometric Analysis provided in Appendix C. Because the light level would be less than 0.2 fc, the Project would result in a less than significant lighting impact on the existing sensitive willow riparian habitat area.

To ensure that the images on the electronic billboard do not cause hazardous conditions to motorists, the billboard may show a series of still images, each displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one second. The implementation of these design features as well as complying with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131) and the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), when constructing, operating, improving, maintaining, and repairing the proposed billboard would reduce potential light and glare impacts from the proposed electronic billboard to less than significant.

Although less than significant lighting impacts would occur, the following mitigation measures are recommended to further reduce less than significant light impacts.

> **Mitigation Measure AES-1:** The proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.
>
> **Mitigation Measure AES-2:** Within 14 days of the proposed electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), the Applicant shall submit to the satisfaction of the Community Development Director the following information:
>
> - A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at the sensitive willow riparian habitat.

As identified above, the implementation of the above mitigation measures would further reduce a less than significant impact.

References

Caltrans. 2019. California State Scenic Highways. Available at: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed on February 10, 2022.

City of Oxnard. City of Oxnard General Plan Background Report. Available at: https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 10, 2022.

exp. 2020. Digital Billboards Photometric Analysis. December 7, 2020. Appendix C of this IS/MND.

International Commission on Illumination (CIE). 2003. Guide on the Illumination of the Effects of Obtrusive Light from Outdoor Lighting Installations.

3.2 Agricultural Resources

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	☐	☐	☐	☒
b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of off-site farmland to non-agricultural use?	☐	☐	☐	☒

Discussion

a) **No Impact.** The Project site is currently identified as Urban and Built-Up Land and not designated as Prime Farmland, Unique Farmland, Farmland, or Statewide Importance based on a review of the California Department of Conservation's California Important Farmland Finder (CDC, 2016). Therefore, the implementation of the proposed Project would not convert farmland to an urban use, and no impact to farmland would occur.

b) **No Impact.** Williamson Act contracts are formed between a county or city and a landowner for the purposes of restricting specific parcels of land to agricultural preserve areas. The Project site does not contain any agricultural uses. It is currently zoned for Specific Plan with a Commercial Retail land use. Because there are no active Williamson Act contracts associated with the Project site, the Project would not conflict with existing agricultural zoning or a Williamson Act contract. No Project impact would occur.

c) **No Impact.** Because there are no agricultural or forest lands located in the immediate vicinity of the Project site, the construction and operation of the proposed electronic billboard would not involve other changes in the existing environment that would result in the conversion of agricultural or forest lands. No impacts would occur.

References

California Department of Conservation (CDC), 2016. Available at: California Important Farmland Finder https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed on February 10, 2022.

3.3 Air Quality

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with or obstruct implementation of the Ventura County AQMP?	☐	☐	☒	☐
b) Would the project result in a cumulatively considerable net increase of any criteria pollutant in excess of quantitative thresholds recommended by the VCAPCD?	☐	☐	☒	☐
c) Would the project expose sensitive receptors to substantial pollutant concentrations exceeding state or federal standards or in excess of applicable health risk criteria for toxic air contaminants?	☐	☐	☒	☐
d) Would the project create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Ventura County Air Pollution Control District (VCAPCD) is responsible for attaining and maintaining air quality standards in the Ventura County portion of the South Central Coast Air Basin (SCCAB) through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of VCAPCD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and issuance of permits for stationary sources of air pollution. The Ventura County portion of the SCCAB is designated as nonattainment for ozone for the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) and for respirable particulate matter 10 micrometers in diameter and smaller (PM10) for the CAAQS. VCAPCD and the Ventura Council Association of Governments (VCOG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements. The VCAPCD has adopted Air Quality Management Plans (AQMPs) to meet the CAAQS and NAAQS. The VCAPCD Governing Board adopted the 2016 AQMP on February 14, 2017. The goals of the VCAQMP are to ensure that city and county population growth do not interfere with emission reductions and progress in meeting the state and national ambient air quality standards.

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by VCOG are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCOG forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCOG's regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCOG's regional forecast projections, and thus also with the AQMP growth projections.

The billboard Project would generate temporary emissions that would occur during the construction associated with installation activities. These emissions would be short-term in nature (approximately 4 days of construction for the billboard installation) over a two-week period. The billboard operations would not generate additional employment or population growth or transportation impacts from increased vehicle trips. Ongoing operation of the billboards would require power in the form of purchased electricity and would not generate any direct emissions of criteria pollutants or ozone precursors at the Project site, aside from minimal emissions from occasional site visits for maintenance or repairs.

The VCAPCD Ventura County Air Quality Assessment Guidelines exempts projects with de minimis emissions from Consistency Assessments. According to Section 4.2.1, Projects Exempt from Consistency Assessments, a project that conforms to the applicable General Plan designation and has emissions below two pounds per day of reactive organic compounds (ROC), and below two pounds per day of nitrogen oxides (NO_X), is not required to assess consistency with the AQMP. According to Section 5.2, Calculating Ozone Precursor Emissions from Project Construction, the VCAPCD does not consider emissions from construction activities towards VCAPCD thresholds since construction emissions are temporary.

The Project would not generate air pollutant emissions during operations, and is thus not required to assess consistency with the AQMP. Further, as discussed above, the billboard operations would not generate additional employment or population growth or transportation impacts from increased vehicle trips. Therefore, the Project would have no impact with respect to conflicts with or obstruction of implementation of the applicable air quality plan.

b) **Less than Significant Impact.** The City of Oxnard has not developed specific air quality thresholds for air quality impacts. However, as stated in Appendix G of the CEQA Guidelines, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the above determinations. As such, the significance thresholds and analysis methodologies in VCAPCD's CEQA Air Quality Handbook are used in evaluating Project impacts. The VCAPCD's CEQA Air Quality Handbook focuses on reducing ozone precursor emissions, which includes ROCs (also referred to as volatile organic compounds [VOCs]) and NO_X because emissions of these pollutants could jeopardize attainment of the NAAQS and CAAQS for ozone in Ventura County. The other criteria pollutants of concern include: carbon monoxide (CO), which is a colorless and odorless gas and can cause dizziness, confusion, unconsciousness or even death at high levels; sulfur dioxide (SO_2), which is also colorless and can cause asthma exacerbation, including bronchoconstriction accompanied by symptoms of respiratory irritation, such as wheezing, shortness of breath and chest tightness; and PM10 and fine particulate matter 2.5 micrometers or less in diameter (PM2.5), which can worsen respiratory diseases, including asthma and chronic obstructive pulmonary disease, leading to hospitalization and emergency department visits and respiratory mortality. The

VCAPCD has not established mass emission significance thresholds for CO, SO_2, PM10 or PM2.5.

Construction

Construction emissions from projects are considered short term and temporary but could adversely affect air quality. Emissions of ozone precursors and particulate matter are a potential concern in the Ventura County portion of the SCCAB since the area is designated as nonattainment for ozone (NAAQS and CAAQA) and PM10 (CAAQS). Emissions of ozone precursors ROC and NO_X are primarily generated from heavy-duty equipment and motor vehicle exhaust and vary as a function of vehicle trips per day associated with soil hauling, delivery of construction materials, and worker commute trips, and the types and number of heavy-duty, off-road equipment used and the intensity and frequency of their operation. Particulate matter (i.e., PM10 and PM2.5) is among the pollutants of greatest localized concern with respect to construction activities given that particulate concentrations tend to be higher near the source of the emissions. Particulate emissions from construction activities can lead to adverse health effects and nuisance concerns, such as reduced visibility and soiling of exposed surfaces. Particulate emissions can result from a variety of construction activities, including drilling/excavation, vehicle travel on paved and unpaved surfaces, and vehicle and equipment exhaust. Construction emissions of PM can vary greatly depending on the level of activity, the specific operations taking place, the number and types of equipment operated, local soil conditions, weather conditions, and the amount of earth disturbance.

Proposed construction activities associated with billboard installations would generate temporary pollutant emissions from the following construction activities: (1) drilling and haul of excavated soil; (2) column set/concrete pour; (3) build and set of the billboard structure; and (4) build & set digital displays. These construction activities would create emissions of dust, fumes, equipment exhaust, and other air contaminants. The daily quantity of emissions generated would vary, depending on the intensity and types of construction activities occurring during each task.

Construction emissions from the proposed billboard Project is estimated to require four days of construction activity. For the purposes of the air quality analysis, the construction activities were modeled for the earliest potential time frame to provide for a conservative analysis. Construction of the Project is assumed to occur in 2022. If construction occurs subsequent to 2022, the emissions presented in this IS/MND would be conservative as emissions occurring in future years would be lower than those calculated for 2022 due to the use of a more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to State regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. Assumptions, including information on equipment horsepower, hours of operation, vehicle trip distances and the model output, are included in **Appendix D**. CalEEMod version 2020.4.0 was used with Ventura County defaults whenever appropriate to ensure a location specific, but generic emission model that would apply to a range of installation scenarios. **Table AQ-1**, *Construction Schedule and*

Equipment, below summarizes the basic construction schedule, equipment and on-road vehicle types and trips.

TABLE AQ-1
CONSTRUCTION SCHEDULE AND EQUIPMENT

	Days	Equipment	Daily Haul / Equipment Delivery Trips[a]	Daily Worker Trips[a]
Drilling / Haul Soil	1	Excavator/Drill Skid Steer Loader Dump Trucks	12	8
Column Set / Concrete Pour	1	Crane Truck mounted Aerial Lift Concrete Pump Concrete Mixers (trucks)	12	10
Build & Set Structure	1	Crane Truck Mounted Aerial Lift Air Compressor	8	10
Build & Set Digital Displays	1	Crane Truck Mounted Aerial Lift	8	10

[a] Haul and construction worker trips are inbound and outbound trips, with one inbound and one outbound trip comprising a roundtrip. Haul and delivery trips are for the export of soil, import of cement and delivery of the billboard columns, display, and associated materials.

SOURCE: City of Oxnard, 2022

It is mandatory for all construction projects in the SCCAB to comply with VCAPCD Rule 55 for controlling fugitive dust. Incorporating Rule 55 into the proposed Project reduces regional PM10 and PM2.5 emissions from construction activities. Specific Rule 55 control requirements may include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas. Compliance with Rule 55 was accounted for in the construction emissions modeling.

Ventura County Guidance specifies that construction-related emissions are not counted towards the significance thresholds for the ozone precursors (ROC and NO_X) since the emissions are temporary. However, they should be mitigated if they are predicted to exceed the threshold level (25 pounds per day of ROC or NO_X in the Project area).

The VCAPCD has not established a quantitative threshold for fugitive dust emissions, but provides qualitative criteria in its Air Quality Assessment Guidelines.

A project that may be reasonably expected to generate fugitive dust emissions in such quantities as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which may endanger the comfort, repose, health, or safety of any such person or the public, or which may cause, or have a natural tendency to cause,

injury or damage to business or property (see California Health and Safety Code, Division 26, §41700) will have a significant adverse air quality impact.

Table AQ-2, *Maximum Daily Total Construction Emissions*, summarizes the estimated emissions of criteria air pollutants and ozone precursors associated with a typical billboard installation for each individual construction phase (day) along with the maximum daily emissions. These emissions are compared to VCAPCD's daily operational significance threshold for ROG and NO_X emissions to determine if mitigation should be implemented. As shown, the maximum daily emissions would be below the operational thresholds. Therefore, the proposed Project would not result in any significant construction emission impacts for these nonattainment pollutants, nor require any mitigation measures beyond those incorporated into the Project design (e.g., fugitive dust control according to VCAPCD Rule 55, compliance with state truck regulations).

TABLE AQ-2
MAXIMUM DAILY TOTAL CONSTRUCTION EMISSIONS

	Maximum Regional Emissions (lbs/day)					
	ROG	**NO_x**	**CO**	**SO_2**	**PM^{10}**	**$PM^{2.5}$**
Drilling / Haul Soil	<1	5.5	6.1	<1	<1	<1
Column Set / Concrete Pour	<1	8.1	5.6	<1	<1	<1
Build & Set Structure	<1	7.9	6.0	<1	<1	<1
Build & Set Digital Displays	<1	6.0	3.6	<1	4	4
Maximum Daily Emissions [a]	**<1**	**8.1**	**6.1**	**<1**	**<1**	**<1**
Operational Significance Thresholds / Screening Levels	25 [b]	25 [b]	—	—	—	—
Significant Impact?	No	No	NA	NA	NA	NA

[a] Maximum daily emissions are for each individual pollutant that results in the greatest emissions on a peak day of construction. Note: All emissions shown above include VCAPCD Rule 55 fugitive dust reduction measures.

[b] VCAPCD operational significance thresholds.

SOURCE: ESA, 2022

Operation

Proposed operational activities associated with the operation of the proposed electronic billboard would not generate any direct emissions of criteria pollutant and ozone precursors. Furthermore, the operation of the billboard would not generate any employment or population growth and related emissions nor any additional daily vehicle trips or transportation related emissions of criteria pollutants or ozone precursors (minimal emissions from occasional site visits for maintenance or repairs may occur periodically).

The operation of the billboard would not result in emissions of ozone precursors in excess of the ROC and NO_X operational significance thresholds, and impacts from these pollutants would be less than significant. Operation of the billboard would also not generate PM10 or PM2.5 emissions from fugitive dust are minimal and would not cause injury, nuisance

or health impacts to a significant number of persons of the public. Therefore, impacts from fugitive dust (PM10 and PM2.5) emissions would be less than significant.

Cumulative

The geographic scope for regional air quality impacts consists of the air basin(s) in which Project emissions would occur. The VCAPCD's approach for assessing cumulative impacts is based on attainment of ambient air quality standards in accordance with the requirements of the CAA and California Clean Air Act. As discussed earlier, the VCAPCD has developed a comprehensive plan, the 2016 AQMP, which addresses the region's cumulative air quality condition. CEQA Guidelines Section 15064(h)(3) provides guidance in determining the significance of cumulative impacts, stating in part that:

> *A lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program which provides specific requirements that will avoid or substantially lessen the cumulative problem (e.g., water quality control plan, air quality plan, integrated waste management plan) within the geographic area in which the project is located. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process to implement, interpret, or make specific the law enforced or administered by the public agency.*

For purposes of the cumulative air quality analysis with respect to CEQA Guidelines Section 15064(h)(3), the proposed Project's incremental contribution to cumulative air quality impacts is determined based on compliance with the VCAPCD's adopted 2016 AQMP. With respect to the Project's short-term construction-related air quality emissions and cumulative conditions, VCAPCD has developed strategies to reduce criteria pollutant emissions outlined in the AQMP pursuant to the federal CAA mandates. Construction of the Project would comply with VCAPCD Rule 55 fugitive dust control requirements and the ATCM to limit heavy duty diesel motor vehicle idling to no more than five minutes at any location. These measures would also be imposed on trucks used for construction in the State, which would include the cumulative projects in the Project area. Additionally, with respect to operational emissions, the Project's emissions would be less than the significance thresholds, and the Project would not conflict with the AQMP. Since the Project's construction and operational emissions would not exceed the VCAPCD's regional significance thresholds, and the proposed Project would not conflict with the AQMP, cumulative construction and operational impacts would be less than significant.

c) **Less than Significant Impact**. Sensitive receptors are individuals who are considered more sensitive to air pollutants than others. The reasons for greater than average sensitivity may include pre-existing health problems, proximity to emissions sources, or duration of exposure to air pollutants. Schools, hospitals, and convalescent homes are considered as relatively sensitive to poor air quality because children, elderly people, and the infirm are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are considered sensitive to poor air quality because

people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. Because the installation of the proposed billboard would occur approximately 600 feet from an existing residence, construction air emissions would disperse in the environment and decrease with distance from the source. The limited emissions from construction activities would not cause a significant impact to sensitive receptors as discussed below.

Carbon Monoxide Hotspots

Emissions of carbon monoxide (CO) are generated in greatest quantities from motor vehicle combustion of fossil fuels and are usually concentrated at or near ground level because they do not readily disperse into the atmosphere, particularly under cool, stable (i.e., low or no wind) atmospheric conditions. Localized areas where ambient concentrations exceed State and/or federal standards are termed CO hotspots. Traffic impacts and the potential for CO hot spots from the operation of motor vehicles related construction of the proposed Project would be minimal as there are less than 20 additional one-way trips per day from construction related haul vehicles and construction worker automobiles combined. In fact, the VCAPCD requires a screening analysis to determine the potential for CO Hotspots for any Project with indirect emissions greater than the applicable ozone (ROG and NO_x) Project significance levels as analyzed Section 3.3 b) above where roadway intersections are currently operating at or are expected to operate at a Level of Service (LOS) of E or F. As indicated in Table AQ-2 above, the proposed Project would be below significance thresholds for ROG and NO_X, indicating the low potential for Project impacts.

Operation of the billboards would not result in any regular vehicular activity, though there may be the occasional site visit for maintenance or repairs. These would result in negligible emissions and result in a negligible impact on traffic, and impacts would be less than significant.

Localized Air Quality Impacts – TACs

Project construction would result in short-term emissions of diesel PM, a TAC. Diesel particulate matter poses a carcinogenic health risk that is measured using an exposure period of 70 years for a lifetime exposure or 30 years for a residential exposure. The exhaust of off-road heavy-duty diesel equipment would emit diesel particulate matter from off-road construction vehicles and from on-road cement trucks and haul trucks, delivery tractor trailers during the short construction phase for the proposed billboard. The dose to which receptors are exposed is the primary factor used to determine health risk (i.e., the potential exposure to TACs to be compared to applicable standards). Dose is a function of the concentration of a substance or substances in the environment and the duration of exposure to the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer time period. According to the Office of Environmental Health Hazard Assessment (OEHHA), carcinogenic health risk assessments, which

determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period for a lifetime exposure or 30 years for a residential exposure; however, such assessments should be limited to the period or duration of activities associated with the proposed Project.

The construction period for the proposed billboard installation is approximately four days in duration over approximately two weeks and would not represent a significant dose. Additionally, the billboard would be located approximately 600 feet from the nearest residence. Given the short duration of the construction activities, and the distance of the sensitive receptors from the Project, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant.

Operation of the billboard would not result in any direct emissions, as it would utilize purchased electricity to power for lighting. Further, operation of the billboard would not generate daily vehicle trips or transportation related emissions of criteria pollutants or ozone precursors (minimal emissions from occasional site visits for maintenance or repairs may occur periodically). Therefore, implementation of the proposed electronic billboard would not result in emissions of TACs that would substantially impact sensitive receptors, and the impact would be less than significant.

d) **Less than Significant Impact.** During installation of billboard, diesel exhaust from diesel trucks and off-road construction equipment construction equipment may emit odors. Such odors would be a temporary source of nuisance to adjacent uses but would not affect a substantial number of people. As odors associated with Project construction would be temporary and intermittent in nature, the odors would not be considered as a significant environmental impact. Therefore, construction activities would result in less than significant impacts with respect to other emissions, including those leading to odors.

There are no direct emissions associated with the operation of the billboard, and operational impacts would not result in any odor impacts and, therefore, would be less than significant with respect to odors. The Project would not generate other emissions that would adversely affect a substantial number of people as discussed in Section 3.3 b) and c) above, and impacts would be less than significant.

References

City of Oxnard. 2022. Construction Assumptions for Electronic Billboard.

VCAPCD 2003. *Ventura County Air Quality Assessment Guidelines.* October. Available: http://www.vcapcd.org/environmental-review.htm.

VCAPCD 2017. *Final 2016 Ventura County Air Quality Management Plan*. February 14. Available: http://www.vcapcd.org/pubs/Planning/AQMP/2016/Final/Final-2016-Ventura-County-AQMP.pdf

3.4 Biological Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project 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?	☐	☒	☐	☐
b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Would the project have a substantial adverse effect on federally protected waters of the U.S. as defined by Section 404 of the federal Clean Water Act or protected waters of the state as defined by Section 1600 et seq. of the California Fish and Game Code (including, but not limited to, marshes, vernal pools, coastal wetlands) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Would the project 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?	☐	☐	☒	☐
e) Would the project conflict with any local policies or ordinances protecting biological resources?	☐	☐	☐	☒
f) Would the project conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Discussion

a) **Less than Significant with Mitigation Incorporated.** The Project site is located on the southeast side of the Santa Clara River southbank levee along Ventura Road in the City of Oxnard. The Project site is planted with ornamental shrubs of oleander (*Nerium oleander*). Dominant vegetation around the Project site and surrounding property includes non-native grasses and herbaceous species along with sparse, sporadic cover of native mulefat (*Baccharis salicifolia*) saplings and rabbit tobacco (*Pseudognaphalium* sp.). The Santa Clara River is located on the opposite side of the levee from the Project site, and approximately 135 feet to the northwest is where riparian habitat was observed. The active channel of the Santa Clara River is greater than 380 feet from the Project site. Willow riparian woodland habitat dominates the southbank of the river and transitions to coastal sage scrub habitat located between the northwest side of the levee and the southeast side of the Santa Clara River Basin access road (**Appendix E**). During a site visit on February 16, 2022, an ESA biologist observed large patches of both willow riparian woodland habitat and coastal sage scrub habitat had been recently removed. Willow riparian woodland habitat that had once been located along U.S. 101 has been removed. There was approximately 0.5 acre of willow riparian woodland along U.S. 101 that has been removed.

Upstream of the approximately 0.5 acre, the willow riparian habitat previously extended approximately 200 feet from the mainstem of the Santa Clara River; however, now extends approximately 100 feet from the mainstem because of recent vegetation removal (Appendix E).

A database review showed that the Project site itself is not overlain within U.S. Fish and Wildlife Service (USFWS)-designated Critical Habitat for any special-status plant or wildlife species (USFWS 2022a); however, southwestern willow flycatcher (*Empidonax traillii extimus)* Critical Habitat is mapped as occurring throughout the Santa Clara River riparian area. Additionally, the California Natural Diversity Data Base (CNDDB) and California Native Plant Society (CNPS) Rare Plant Inventory identified 25 special-status species being recorded within the Oxnard USGS 7.5-minute quadrangle (CDFW 2022; CNPS 2022). Based on the results of the CNDDB search and presence of willow riparian habitat adjacent to and northwest of the Project site, special-status avian species with a high potential to occur within or surrounding the Project site include least Bell's vireo (*Vireo bellii pusillus*) and yellow warbler (*Setophaga petechia*). Additionally, State-protected reptile species, coast horned lizard (*Phrynosoma blainvillii*) and western pond turtle (*Emys marmorata*), and special-status plant species (California Rare Plant Rank [CRPR] 2B.2), white rabbit-tobacco (*Pseudognaphalium leucocephalum*), were recorded by CNDDB as occurring in close proximity to the Project site.

Both southwestern willow flycatcher and least Bell's vireo are listed as Endangered by the USFWS. In 2013, southwestern willow flycatcher and least Bell's vireo protocol surveys were conducted by Werner Biological Consulting along a 7-mile stretch of the Santa Clara River, including adjacent to and northwest of the Project site, as part of the Ventura County Watershed Protection District's (VCWPD) Levee Maintenance Program. Although no southwestern willow flycatcher territories were identified near the Project site during the protocol surveys, one least Bell's vireo territory was identified within the willow riparian habitat located approximately 220 feet northwest of the Project site and in an area that did not have recent vegetation removed in 2013 (Werner 2013a, b).

Direct Effects of Billboard Installation

The Project site and immediately surrounding area has limited native vegetation present as the Project site is located immediately adjacent to a constructed and maintained levee adjacent to busy roadways. Plant and animal species that are most likely to use the area surrounding the Project site would include common species that are associated with urban developed conditions as habitat likely to support special-status species is limited. However, native riparian habitat important for various plant and wildlife species is present approximately 50 feet away on the northwest side of the levee and the willow habitat suitable to support least Bell's vireo starts approximately 220 feet from the Project site.

While no special-status species are expected to use the Project site, all native bird species that occur adjacent to or surrounding the Project site are protected from 'take' by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). The proposed Project has the potential to affect nesting birds, including special-status species,

because suitable habitat occurs for nesting birds such as least Bell's vireo surrounding the Project site. As a result, the implementation of the proposed Project would result in potentially significant impacts.

Mitigation Measure BIO-1: Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 1 and January 31, outside the typical nesting season for birds in the region. If vegetation removal or installation must occur during the typical nesting season (February 1 – August 31), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 100 to 300-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

Mitigation Measure BIO-2: To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS.

If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat.

If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a

preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.

Implementation of Mitigation Measure BIO-1 and BIO-2 would reduce potentially significant impacts to special-status and nesting birds during construction to less than significant.

Indirect Effects of Electronic Billboard Lighting on Off Site Areas

Many wildlife species have evolved physiological and behavioral responses to light cues from day-night cycles, moon phases, and seasonal light levels. The intensity, duration, spectral quality (distribution of light spectrum colors emitted by light source), and periodicity of light exposure affects the biochemistry, physiology, and behavior of organisms (Royal Commission on Environmental Pollution 2009). Processes, such as movement patterns, breeding behavior, feeding, growth, and many more, can be affected by light for birds, mammals, and other wildlife species (de Molenaar et al. 2006). Therefore, it is suggested that increased ambient lighting, including artificial lighting, may interfere with these natural processes ultimately impacting wildlife populations (Royal Commission on Environmental Pollution 2009). It was found that habitat availability and quality was negatively affected by increased artificial lighting as it caused birds to avoid the well-lit areas (de Molenaar et al. 2006).

Areas surrounding the Project site and Santa Clara River riparian area are highly developed and urbanized with commercial and residential development, all of which contribute to increased nighttime illuminance. Additionally, the U.S. 101 crosses over the Santa Clara River Basin immediately adjacent to and southwest of the Project site and is lined on either side with freeway street lighting. While most of the surrounding developed areas do not support special-status species, the Santa Clara River riparian habitat is known to support least Bell's vireo, yellow warbler, coast horned lizard, western pond turtle, and white rabbit-tobacco.

A study of existing lighting levels and proposed lighting levels after the installation of the electronic billboard was conducted by lighting specialist, exp, in 2020 (Appendix C). The study determined that illuminance from the billboard will have a maximum illuminance value of 0.2 foot candles (fc) at the edge of the willow riparian woodland habitat (exp, 2022). Although it is understood that increased ambient lighting can affect wildlife behavior, no quantitative increase in illuminance above ambient light is agreed upon as a threshold for significant impacts to wildlife.

As discussed in Section 3.1 e) above, illuminance impacts on natural areas are based on recommendations from the International Commission on Illumination (CIE). The CIE identifies impacts on natural areas as an illuminance of 0.2 foot-candle (fc) or greater (CIE, 2003). Therefore, due to the absence of a current local illumination standard impact on natural areas, a significant light impact on adjacent natural areas and associated species would occur if light levels are 0.2 fc or greater. Based on the Photometric Analysis provided in Appendix C and the Biological Site Visit Field Map provided in Appendix E, the sensitive willow riparian habitat area is located approximately 135 feet west of the Project site (i.e., west of the access road within the Santa Clara River Basin) and would result in an illumination of less than 0.2 fc. Because the light level would be less than 0.2 fc, the Project would result in a less than significant lighting impact on the existing sensitive willow riparian habitat area or associated species. Therefore, due to the relatively low illuminance resulting from the proposed electronic billboard, a less than significant impact on wildlife behavior, physiological processes, decreased habitat availability, or increased predation would occur.

b) **No Impact.** No riparian habitat or other sensitive natural communities are present within the Project site. The Santa Clara River, which supports the sensitive willow riparian natural community, is located on the opposite side of the levee from the Project site, approximately 115 feet to the northwest. Additionally, the Stroube Drain outflow enters the willow riparian woodland habitat associated with the Santa Clara River approximately 450 feet northeast of the Project site and flows meanders through the willow riparian woodland habitat for approximately 600 feet before entering the Santa Clara River mainstem near the US-101 overpass. Since construction of the billboard would not extend into riparian habitat, no impacts are expected from construction or operation of the billboard.

c) **No Impact.** Wetlands (including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas) are considered waters of the U.S., and are defined by USACE as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b]; 40 CFR 230.3[t]). No wetland features are identified by the National Wetlands Inventory (NWI) as occurring within or immediately adjacent to the Project site (USFWS 2022b), and no wetlands were observed within the immediate Project site. As mentioned above, the Santa Clara River is located on the opposite side of the levee from the Project site and contains a large swath of willow riparian woodland habitat that may contain wetlands. Since construction of the billboard would not extend into riparian habitat and standard measures will be taken to avoid potential impacts on water quality as a result of increased erosion or sedimentation from construction, no impacts would occur.

d) **Less than Significant Impact.** While the physical structure of the billboard itself would not impact the movement of wildlife species, the electronic billboard illuminance could affect the movement of birds and mammals in and around the Project site. It is known that migrating birds are attracted to artificial light sources and hundreds of species migrate nocturnally, including least Bell's vireo (Gauthreaux and Belser 2006). Direct effects of

migrating birds becoming attracted to artificial light sources include collisions with lighting, communication, and power structures, buildings, or even the ground; while orientation mistakes and increased migration lengths are indirect effects of artificial lighting (Gauthreaux and Belser 2006). Additionally, migrating birds are especially susceptible to disorienting effects of billboard illuminance when visibility is poor during fog or rain events (Gauthreaux and Belser 2006). Research also shows that birds have the ability to orient to the Earth's magnetic field under certain colors of light: monochromatic blue or green light, but not under red or white light (van de Laar 2007; Poot et al. 2008; Ritz et al. 2009). Local movement by passerine birds, including those songbirds migrating along the Pacific Flyway, could also be attracted to the increased illuminance within the Santa Clara River riparian area. Studies have shown passerine birds foraging nocturnally and displaying territorial defense behaviors as a result of increased artificial illuminance (de Molenaar et al. 2006).

The beam angle of the proposed electronic billboard relative to the flight lines of birds and brightness of the billboard perceived by the bird results in the risk the electronic billboard poses to birds in flight. The projected viewing angle values of the proposed billboard are ± 45° vertically and ± 90° horizontally, potentially being narrow enough during clear nights to prevent attracting migrating birds as they will be flying high enough to be outside of the viewing angle of the billboard. A light sensor will be installed with the sign to measure ambient light levels and adjust light intensity and brightness. The electronic sign will not display any moving, flashing, scrolling, fading, brightening or animated text or video. The signage will be controlled remotely and include remote maintenance software. Louvers will be located above each row of lights to prevent light from projecting upward into the sky. Therefore, birds flying more than 45° above the center of the beam angle on either side of the billboard will not be attracted or affected by the billboard luminance. However, fog and rain conditions could force migrating birds to fly low, potentially bringing them into the billboard's beam angle.

It is possible that some birds moving locally within the nearby riparian habitat at night may end up near the center of the billboard's beam angle and be attracted to it. However, this would be uncommon and limited as majority of the species using the riparian habitat are diurnal and not typically active at night, including least Bell's vireo. Additionally, the willow riparian woodland habitat is relatively low in stature (10-15 feet in height) and is located much lower in elevation than the planned electronic billboard, with the top of the planned billboard being 80 feet in height. Birds moving locally at any time of the day or night would be at these lower elevations, rarely rising the height of the billboard's center beam angle.

While it is possible the birds could be attracted to the billboard while flying at the appropriate beam angle, it is not expected to substantially interfere with bird movement or result in increased bird-strike mortalities as the billboard will be oriented toward the US-101 freeway and not on airspace above the freeway. Additionally, the surrounding area is heavily urbanized with a substantial amount of lighting including the residences, business parks and commercial uses immediately east and south of the Project site as well as existing

street and freeway lighting and billboard lighting. The surrounding area is not known to support large numbers of migrating seabirds or shorebirds. Therefore, it is not expected that migrating birds and birds moving locally will be attracted to the proposed electronic billboard for a long enough duration to result in direct impacts. The projected viewing angle, light sensor, louvers, and location of bird habitat in relation to the billboard will reduce any impacts on avian flight behavior to less than significant.

e) **No Impact.** The proposed Project will remove ornamental landscaping and will not involve the removal of trees. Therefore, there are no applicable local (City of Oxnard) policies or ordinances protecting biological resources associated with the proposed Project. As a result, no impact would occur.

f) **No Impact.** The Project site does not occur within any habitat conservation plan or natural community conservation plan areas. Therefore, the proposed Project would not conflict with provisions of an adopted natural community conservation plan or other approved local, regional, or state habitat conservation plan, and no impact would occur.

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3.5 Climate Change and Greenhouse Gas Emissions

Issues		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a)	Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b)	Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases or otherwise conflict with the state goal for reducing greenhouse gas emissions in California?	☐	☐	☒	☐
c)	Would the project contribute or be subject to potential secondary effects of climate change (e.g., sea level rise, increase fire hazard)?	☐	☐	☒	☐

Discussion

a, b) **Less than Significant Impact.** State regulated GHGs include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), nitrogen trifluoride (NF_3), and sulfur hexafluoride (SF_6). CO_2 is the most abundant GHG in the atmosphere. Not all GHGs exhibit the same ability to induce climate change; as a result, GHG contributions are commonly quantified in equivalent mass of CO_2, denoted as CO_2e. Mass emissions are calculated by converting pollutant specific emissions to CO_2e emissions by applying the proper global warming potential (GWP) value. These GWP ratios are available from the U.S. Environmental Protection Agency (USEPA) and are published in the California Climate Action Registry (CCAR) General Reporting Protocol. By applying the GWP ratios, Project related CO_2e emissions can be tabulated in metric tons per year.

Neither the City nor the VCAPCD have adopted a numerical significance threshold for assessing impacts related to GHG emissions from a project, and the City has not formally adopted a local plan for reducing GHG emissions. When no guidance exists under CEQA, the lead agency may look to and assess general compliance with comparable regulatory schemes.[1] In its January 2008 CEQA and Climate Change white paper, the California Air Pollution Control Officers Association (CAPCOA) identified a number of potential approaches for determining the significance of GHG emissions in CEQA documents. In its white paper, CAPCOA suggests making significance determinations on a case-by-case basis when no significance thresholds have been formally adopted by a lead agency.

Amendments to Section 15064.4 of the CEQA Guidelines were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with

[1] See Protect Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal. App. 4th 1099, 1107 ["'[A] lead agency's use of existing environmental standards in determining the significance of a project's environmental impacts is an effective means of promoting consistency in significance determinations and integrating CEQA environmental review activities with other environmental program planning and resolution.'"']. Lead agencies can, and often do, use regulatory agencies' performance standards. A project's compliance with these standards usually is presumed to provide an adequate level of protection for environmental resources. See, e.g., Cadiz Land Co. v. Rail Cycle (2000) 83 Cal.App.4th 74, 99 (upholding use of regulatory agency performance standard).

existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. If a qualitative analysis is used, in addition to quantification, this section recommends certain qualitative factors that may be used in the determination of significance (i.e., extent to which the Project may increase or reduce GHG emissions compared to the existing environment; whether the Project exceeds an applicable significance threshold; and extent to which the Project complies with regulations or requirements adopted to implement a reduction or mitigation of GHGs). The amendments do not establish a threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies, or suggested by other experts, such as CAPCOA, so long as any threshold chosen is supported by substantial evidence (see Section 15064.7(c)). The California Natural Resources Agency has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and that they should be analyzed in the context of CEQA's requirements for cumulative impact analysis (see Section 15064(h)(3)).[2]

Although GHG emissions can be quantified, CARB, VCAPCD and the City of Oxnard have not adopted Project-level significance thresholds for GHG emissions that would be applicable to the Project. The Governor's Office of Planning and Research (OPR) released a technical advisory on CEQA and climate change that provided some guidance on assessing the significance of GHG emissions, and states that "lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice," and that while "climate change is ultimately a cumulative impact, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment."[3] Furthermore, the technical advisory states that "CEQA authorizes reliance on previously approved plans and mitigation programs that have adequately analyzed and mitigated GHG emissions to a less than significant level as a means to avoid or substantially reduce the cumulative impact of a project."[4]

Per CEQA Guidelines Section 15064(h)(3), a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the Project would comply with an approved plan or mitigation program that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area of the project.[5] To qualify, such a plan or program must be specified in law or adopted by the public agency with jurisdiction over the affected resources through a public review process

2 See generally California Natural Resources Agency, Final Statement of Reasons for Regulatory Action (December 2009), pp. 11-13, 14, 16. http://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdfhttp://resources.ca.gov/ceqa/docs/Final_Statement_of_Reasons.pdf, accessed November 2019; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, Secretary for Natural Resources, April 13, 2009. Available at: http://www.valleyair.org/Programs/CCAP/documents/Transmittal_LetterOPRApril2009.pdfhttp://opr.ca.gov/docs/Transmittal_Letter.pdf, accessed November 2019.

3 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

4 Governor's Office of Planning and Research, Technical Advisory – CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review, (2008).

5 14 CCR § 15064(h)(3).

to implement, interpret, or make specific the law enforced or administered by the public agency.[6] Examples of such programs include a "water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, [and] plans or regulations for the reduction of greenhouse gas emissions."[7] Thus, CEQA Guidelines Section 15064(h)(3) allows a lead agency to make a finding of non-significance for GHG emissions if a project complies with a program and/or other regulatory schemes to reduce GHG emissions.[8]

In the absence of any adopted, quantitative threshold, the Project would not have a significant effect on the environment if the Project is found to be consistent with the applicable regulatory plans and policies to reduce GHG emissions, including the emissions reduction measures discussed within CARB's Climate Change Scoping Plan and City of Oxnard's policies established for the purpose of increasing energy efficiency and reducing GHG emissions. The proposed Project would generate GHG emissions during construction of the Project from the use of off-road construction equipment and on-road trucks and construction worker vehicles. Once fully installed, the Project's operations would generate GHG emissions from electrical consumption for the billboard lighting. The proposed electronic billboard is estimated to consume an average of approximately 150 kWh per day and approximately 54,000 kWh per year.

Emissions Estimates

Consistent with calculations in Section 3.3, Air Quality, construction emissions were forecasted by assuming a conservative estimate of construction activities (i.e., assuming all construction occurs at the earliest feasible date) and applying the mobile source emissions factors. The emissions were estimated using the CalEEMod software and EMFAC2017. The output values used in this analysis were adjusted to be Project-specific based on equipment types and the construction schedule. These values were then applied to the same construction phasing assumptions used in the criteria pollutant analysis in Section 3.3, Air Quality, to generate GHG emissions values for the proposed Project (**Appendix F** includes the assumptions and modeling). Industry standards recommend that construction Project GHG emissions should be "amortized over a 30-year Project lifetime, so that construction GHG emissions are included as part of the operational GHG life cycle. In accordance with

6 14 CCR § 15064(h)(3).

7 14 CCR § 15064(h)(3).

8 See, for example, San Joaquin Valley Air Pollution Control District (SJVAPCD), CEQA Determinations of Significance for Projects Subject to ARB's GHG Cap-and-Trade Regulation, APR-2025 (June 25, 2014), in which the SJVAPCD "determined that GHG emissions increases that are covered under ABR's Cap-and-Trade regulation cannot constitute significant increases under CEQA…" Furthermore, the SCAQMD has taken this position in CEQA documents it has produced as a lead agency. The SCAQMD has prepared three Negative Declarations and one Draft Environmental Impact Report that demonstrate the SCAQMD has applied its 10,000 $MTCO_2e$/yr significance threshold in such a way that GHG emissions covered by the Cap-and-Trade Program do not constitute emissions that must be measured against the threshold. See SCAQMD, Final Negative Declaration for Ultramar Inc. Wilmington Refinery Cogeneration Project, SHC No. 2012041014 (October 2014); SCAQMD Final Negative Declaration for Phillips 99 Los Angeles Refinery Carson Plant—Crude Oil Storage Capacity Project, SCH No. 2013091029 (December 2014); SCAQMD Final Mitigated Negative Declaration for Toxic Air Contaminant Reduction for Compliance with SCAQMD Rules 1420.1 and 1402 at the Exide Technologies Facility in Vernon, CA, SCH No. 2014101040 (December 2014); and SCAQMD Final Environmental Impact Report for the Breitburn Santa Fe Springs Blocks 400/700 Upgrade Project, SCH No. 2014121014 (August 2015).

this, GHG emissions from construction have been amortized over the 30-year lifetime of the Project and are added to the operational emissions for the determination of significance. Total estimated construction-related GHG emissions for the Project are estimated at 1.77 metric tons of CO_2e ($MTCO_2e$) for off-road construction equipment and 1.38 $MTCO_2e$ per year for on-road vehicles for a total of 3.1 $MTCO_2e$. This would equal to approximately 0.1 $MTCO_2e$ per year after amortization over 30 years. The construction related GHG emissions are summarized in **Table GHG-1**, *GHG Emissions from Project Construction*.

Emissions of GHGs were estimated for operation of the proposed electronic billboard from electricity usage in base year 2022 (based on 2021 energy intensity factor where renewable sources are projected to account for approximately 35 percent of SCEs overall energy mix) and were extrapolated for several milestone years (2030 based on 60 percent renewable sources as required by Senate Bill 100 and (2040 based on 85 percent renewable energy sources) based on a linear projection of 100 percent renewable in 2045 as targeted in SB 100. GHG emissions from construction activities are not adjusted for future year GHG reductions that will occur from medium- and heavy-duty emissions regulations at the federal and state level that will phase in lower emitting, and potentially electric-powered, trucks and equipment over time. This analysis conservatively assumed that the construction equipment and on-road vehicles would be diesel fueled in future years. The operational related GHG emissions are summarized in **Table GHG-2**, *GHG Emissions from Project Operations*.

TABLE GHG-1
GHG EMISSIONS FROM PROJECT CONSTRUCTION

Single Billboard Installation GHG Emissions (MT CO_2e/year)			
Source	**2022**	**2030**	**2040**
Construction On-Road	1.38	1.38	1.38
Construction (off-Road)	1,77	1.77	1.77
Total Construction	3.1	3.1	3.1
Amortized Construction:[a]	0.1	0.1	0.1

[a] Construction Emissions are amortized over 30 years
SOURCE: ESA, 2022

TABLE GHG-2
GHG EMISSIONS FROM PROJECT OPERATIONS
Single Billboard Installation GHG Emissions (MT CO_2e/year)

Source	2022	2030	2040
Operational (lighting)	9.6	7.3	2.4
Amortized Construction:	0.1	0.1	0.1
Total Project:	9.7	7.4	2.5

SOURCE: ESA, 2022

Compliance with Applicable Plans, Policies, or Regulations

Assembly Bill 32/Senate Bill 32 and Executive Order B-30-15

In support of Assembly Bill 32 and Senate Bill 32, the state has promulgated specific laws aimed at GHG reductions applicable to the Project. Executive Order B-30-15 sets a goal of Statewide GHG emissions 40 percent less than 1990 levels by 2030 (this goal was codified in Senate Bill 32). In order to achieve the Statewide GHG reduction target, CARB is required to adopt a Climate Change Scoping Plan that outlines GHG reduction strategies.

The Project would generate GHG emissions due to construction and operational activities; however, its annual GHG emissions would be minimized due to the utilization of fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations. The Project would also utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). The Project's potential to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment and conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs is discussed below.

2017 Climate Change Scoping Plan

According to the CARB 2017 Climate Change Scoping Plan, reductions needed to achieve the 2030 goal are expected to be achieved by targeting specific emission sectors, including those sectors that are not directly controlled or influenced by the Project, but nonetheless contribute to Project-related GHG emissions. **Table GHG-3**, *Project Compliance with Applicable 2017 Climate Change Scoping Plan Actions and Strategies*, contains a list of GHG emission reduction actions and strategies from the 2017 Climate Change Scoping Plan that would be applicable and relevant to the Project and describes the Project's compliance with those applicable actions and strategies.

TABLE GHG-3
PROJECT COMPLIANCE WITH APPLICABLE
2017 CLIMATE CHANGE SCOPING PLAN ACTIONS AND STRATEGIES

Actions and Strategies	Responsible Party(ies)	Compliance Analysis
Senate Bill 350 (SB 350): The Clean Energy and Pollution Reduction Act of 2015 increases the standards of the California Renewable Portfolio Standard (RPS) program by requiring that the amount of electricity generated and sold to retail customers per year from eligible renewable energy resources be increased to 50 percent by 2030.[a] Required measures include: Increase RPS to 50 percent of retail sales by 2030. Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030. Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in IRPs to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.	CPUC, CEC, CARB	**No Conflict.** The Project would use electricity provided by Southern California Edison (SCE), which is required to meet the energy performance standard of 60 percent renewable energy by 2030 pursuant to Senate Bill 100 (which was adopted after SB 350 and is a more stringent target). The Project would not conflict with this action and strategy.
Implement Mobile Source Strategy (Cleaner Technology and Fuels): • Implementation of federal phase 2 standards for medium- and heavy-duty vehicles.	CARB, CalSTA, SGC, Caltrans, CEC, OPR, Local Agencies	**No Conflict.** In 2011 the U.S. Environmental Protection Agency (USEPA) and National Highway Transportation Safety Administration (NHTSA) announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the USEPA, this regulatory program would reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline. Building on the first phase of standards, in August 2016, the USEPA and NHTSA finalized Phase 2 standards for medium and heavy-duty vehicles through model year 2027 that will improve fuel efficiency and cut carbon pollution. The Phase 2 standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons. Project-related heavy-duty mobile source GHG emissions would be reduced accordingly as the phase-in of lower emitting trucks occurs in compliance with the regulation. The Project would not conflict with this action and strategy.

Actions and Strategies	Responsible Party(ies)	Compliance Analysis
Adopt a Low Carbon Fuel Standard with a CI reduction of 18 percent.	CARB	**No Conflict.** This regulatory program applies to fuel suppliers, not directly to land use development. GHG emissions related to vehicular travel associated with the Project would benefit from this regulation because fuel used by Project-related vehicles would be required to comply with Low Carbon Fuel Standard (LCFS). Mobile source GHG emissions provided in Table GHG-1 were calculated using CalEEMod and EMFAC. However, CalEEMod and EMFAC do not fully include implementation of the LCFS into mobile source emission factors. Thus, Table GHG-1 provides conservatively estimated GHG emissions. On September 27, 2018, CARB approved an amendment to the LCFS regulation to require a 20 percent reduction in carbon intensity from a 2010 baseline by 2030. Reductions in carbon intensity are phased in starting in 2019 with a reduction of 6.25 percent and increases by 1.25 percent each year. Thus, in 2021, LCFS emissions reductions are 8.75 percent reduced carbon intensity relative to the 2010 baseline. Project-related mobile source GHG emissions would be reduced accordingly, and would increase as LCFS compliance increases to 20 percent reduce carbon intensity by 2030 relative to the 2010 baseline year. The Project would not conflict with this action and strategy.
Implement the post-2020 Cap-and-Trade Program with declining annual caps.	CARB	**No Conflict.** Assembly Bill 398 (AB 398) was enacted in 2017 to extend and clarify the role of the State's Cap-and-Trade Program from January 1, 2021, through December 31, 2030. As part of AB 398, refinements were made to the Cap-and-Trade program to establish updated protocols and allocation of proceeds to reduce GHG emissions. Under the Cap-and-Trade program, entities such as power generation companies and natural gas processing plants would be required to limit or reduce GHG emissions. While the Project itself is not a regulated entity under the Cap-and-Trade Program, it would result in a reduction of GHG emissions associated with the Project's energy usage, since energy supplied to the Project would be from a regulated entity. As the Project would not impede the Program's progress, the Project is considered compliant. The Project would not conflict with this action and strategy.

[a] Senate Bill 350 (2015–2016 Regular Session) Stats 2015, Ch. 547.

SOURCE: ESA, 2022

City of Oxnard 2030 General Plan and Energy Action Plan

The City of Oxnard adopted its 2030 General Plan in October 2011 and includes amendments through December 2016. The 2030 General Plan includes the following applicable goals and implementing policies aimed to reduce GHG emissions.

- **Goal SC-3 Energy Generation and Increased Efficiency.** Energy efficiency performance standards and generation from renewable sources.

– **General Plan Policy SC-3.10, Alternatives to Power Plant Generation:** Evaluate the feasibility of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants.

The Oxnard General Plan Goal SC-3 addresses energy efficiency performance standards and generation from renewable sources and includes Policy SC-3.10, which has the goal of incorporating alternative sources of power generation such as wind and tidal power into the regional existing power supply grid to reduce reliance on GHG emission producing public utility and privately-owned power plants. This policy would support the availability of progressively clean forms of electricity, which would minimize the energy impact and GHG emissions from the Project. The Project would not conflict with this action and strategy.

As discussed above, GHG emissions for the Project have been analyzed and disclosed demonstrating that the Project would not generate GHG emissions that would have a significant impact and that the Project would not conflict with applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, impacts would be less than significant.

c) **Less than Significant Impact.** As discussed above, the proposed electronic billboard would result in the annual generation of greenhouse gas emissions that would contribute to potential secondary effects of climate change; however, due to the relatively small amount of annual greenhouse gas emissions (less than 10 MTCO2e and progressively reducing in future years as shown in Table GHG-2), the Project's contribution to climate change impacts is nominal and considered less than significant.

References

California Air Pollution Control Officers Association (CAPCOA), 2008. CEQA & Climate Change Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf

California Air Pollution Control Officers Association (CAPCOA), 2010, Model Policies for Greenhouse Gases in General Plans A Resource for Local Government to Incorporate General Plan Policies to Reduce Greenhouse Gas Emissions, http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-ModelPolicies-6-12-09-915am.pdf

City of Oxnard, 2013, Energy Action Plan, A Component of the Climate Action and Adaptation Plan. https://www.oxnard.org/wp-content/uploads/2016/04/OxnardEAP4.2013.pdf

U.S. Department of Energy, n.d., LED Lighting, https://www.energy.gov/energysaver/led-lighting, accessed February 2022.

3.6 Cultural Resources and Tribal Cultural Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section15064.5?	☐	☐	☐	☒
b) Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to State CEQA Guidelines Section15064.5?	☐	☒	☐	☐
c) Would the project directly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐
e) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).	☐	☐	☐	☒
f) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resources determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Discussion

a) **No Impact.** The Project site is located within the RiverPark Specific Plan that encompasses 701 acres. An archival and historic records search was conducted as part of the RiverPark Specific Plan EIR that was prepared in 2001. Two prehistoric archaeological sites were identified within one-half mile radius of the 701-acre RiverPark Specific Plan. No archaeological sites were recorded within the 701-acre site. A Phase I Archaeological Survey was conducted in 2000 as part of the RiverPark Specific Plan EIR. In 2000, the ground surface was examined by walking transects across the 701-acre RiverPark Specific Plan site. The transects were spaced at 15-meter intervals to identify artifacts that might be present on the ground surface. No archaeological artifacts were found in the vicinity of the Project site during the Phase 1 survey, but a mixed scatter of historical debris was found in the extreme southeastern portion of the RiverPark Specific Plan area approximately one mile southeast of the Project site. The survey did not find evidence of an intact historical

deposit or site within this area (W&S Consultants, 2000 and Impact Sciences, Inc. 2001). In 2016, the area of the previously known historical debris was developed as a commercial center in 2016.

In 2001, buildings and structures within the RiverPark Specific Plan were also evaluated to determine if they were eligible for the National or the California Registers. There were no buildings or structures in the immediate vicinity of the Project site. Therefore, no impacts to historical resources would occur with Project implementation.

b) **Less than Significant with Mitigation Incorporated.** As discussed above, no archaeological resources were found in the immediate vicinity of the Project site. Although no known resources were discovered, there could be an inadvertent discovery. Therefore, there is a negligible potential for archaeological resources to be found and if they are found, construction activities could cause significant impacts to the unknown resources.

> **Mitigation Measure CUL-1:** Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor for monitoring of ground disturbing activities. In the event that archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All archaeological resources unearthed by Project construction activities shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.

Implementation of the above mitigation measure would reduce the potential impacts on unknown archaeological resources to less than significant.

c) **Less than Significant with Mitigation Incorporated.** Based on a review of the U.S. Geological Survey map for Oxnard, the Project site is underlain by Holocene alluvial deposits (CDC, 2003). Holocene alluvium is thought to be too young to contain significant paleontological resources. Therefore, near surface grading would result in less than significant impacts to paleontological resources. However, based on the drilling depth of 40 feet for the proposed billboard pole, the Holocene alluvium could be underlain by more sensitive geologic sediment that could have a high potential to contain paleontological resources. Therefore, construction activities associated with the proposed billboard pole, could result in significant impacts to paleontological resources.

> **Mitigation Measure CUL-2:** Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.

With the implementation of Mitigation Measure CUL-2, potential impacts on paleontological resources would be reduced to less than significant.

d) **Less than Significant.** No human remains are known to exist on or in the immediate vicinity of the Project site. If human remains are inadvertently encountered, all work is required to halt, and the Ventura County Coroner is required to be contacted in accordance with California Public Resources Code 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines that the remains are Native American, the California Native American Heritage Commission (NAHC) would be notified in accordance with State law. Compliance with the State law would ensure that potential impacts on human remains would be reduced to less than significant.

e, f) **No Impact.** The City of Oxnard sent a notification letter on November 23, 2021 to the Native American tribe that is on the City's Assembly Bill (AB) 52 list (Appendix B). This list includes only one tribe, Barbareno/Ventureno Band of Mission Indians, that has requested notification of projects within the City in accordance with AB 52.

The act amended California Public Resources Code (PRC) Section 5097.94, and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 applies specifically to projects for which a NOP or a Notice of Intent to Adopt a Negative Declaration or MND will be filed on or after July 1, 2015. The primary intent of AB 52 was to include California Native American Tribes early in the environmental review process and to establish a new category of resources related to Native Americans that require consideration under the CEQA, known as tribal cultural resources (as defined in PRC Section 21074(a)). On July 30, 2016, the California Natural Resources Agency adopted the final text for tribal cultural resources update to *CEQA Guidelines* Appendix G, which was approved by the Office of Administrative Law on September 27, 2016.

PRC Section 21080.3.1 requires that within 14 days of a lead agency determining that an application for a project is complete, or a decision by a public agency to undertake a project, the lead agency provide formal notification to the designated contact, or a tribal representative, of California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the Project (as defined in PRC Section 21073) and who have requested in writing to be informed by the lead agency (PRC Section 21080.3.1(b)). Tribes interested in consultation must respond in writing within 30 days from receipt of the lead agency's formal notification and the lead agency must begin

consultation within 30 days of receiving the tribe's request for consultation (PRC Sections 21080.3.1(d) and 21080.3.1(e)).

PRC Section 21080.3.2(a) identifies the following as potential consultation discussion topics: the type of environmental review necessary; the significance of tribal cultural resources; the significance of the Project's impacts on the tribal cultural resources; Project alternatives or appropriate measures for preservation; and mitigation measures. Consultation is considered concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached (PRC Section 21080.3.2(b)).

If a California Native American tribe has requested consultation pursuant to Section 21080.3.1 and has failed to provide comments to the lead agency, or otherwise failed to engage in the consultation process, or if the lead agency has complied with Section 21080.3.1(d) and the California Native American tribe has failed to request consultation within 30 days, the lead agency may certify an EIR or adopt a Mitigated Negative Declaration (PRC Section 21082.3(d)(2) and (3)).

The Barbareno/Ventureno Band of Mission Indians was notified of the Project, but did not request consultation with the City of Oxnard regarding the proposed Project. There are no known tribal cultural resources located on the Project site, and therefore, no impacts to known tribal cultural resources would occur.

References

California Department of Conservation (CDC), California Geological Survey. 2003. Geologic Map of the Oxnard 7.5' Quadrangle, Ventura County, California: A Digital Database, Version 1.0.

Impact Sciences, Inc. 2001. RiverPark Specific Plan Draft EIR. Available at: https://www.oxnard.org/environmental-document-archives/. Accessed on February 11, 2022.

W&S Consultants. 2000. Phase I Archaeological Survey for the RiverPark Specific Plan Area. December 14.

3.7 Geology and Soils

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or 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 or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii) Strong seismic ground shaking that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
b) Would the project 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-site or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
c) Would the project be located on expansive soil, creating substantial risk to life or property that cannot be addressed through compliance with standard Code requirements?	☐	☐	☒	☐
d) Would the project expose people or structures to inundation by seiche or tsunami?	☐	☐	☐	☒
e) Would the project rely on dredging or other maintenance activity by another agency that is not guaranteed to continue?	☐	☐	☐	☒

Discussion

a.i) **Less than Significant Impact.** A fault is a plane or surface in the earth along which failure has occurred and materials on opposite sides have moved relative to one another in response to the accumulation and release of stress. The U.S. Geological Survey defines active faults as those that have had surface displacements within Holocene time (about the last 11,000 years). Potentially active faults are those that have had surface displacement during Quaternary time, within the last 1.6 million years. Based on a review of the City of Oxnard General Plan Background Report, the most regionally active faults in the vicinity of the City of Oxnard are the Oak Ridge, Pitas Point-Ventura, Red Mountain, Anacapa, and Malibu Coast faults. The nearest active fault to the Project site is the Pitas Point-Ventura fault which is located approximately three miles north of the Project site (Matrix Design Group, Inc., 2006). Due to the distance to the nearest active fault, impacts from a fault rupture at the Project site would be less than significant.

a.ii) **Less than Significant Impact.** The Project site is located in Southern California, an area that is subject to strong seismic ground shaking. Seismically induced ground acceleration is the shaking motion that is produced by an earthquake. As noted in Section 3.7 a.i) above, there are regionally active faults in the vicinity of the City of Oxnard. Earthquake activity associated with these faults could cause ground shaking at the Project site. The proposed

Project is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code. The criteria contain seismic safety provisions with the aim of preventing building and structural collapse during an earthquake. Adherence to these criteria would result in less than significant seismic ground shaking impacts on the proposed Project.

b) **Less than Significant Impact.** Unstable geologic units or soils commonly occur when there are landslides, lateral spreading, subsidence/collapse, or liquefaction.

Landslides

Because the Project site is located on relatively flat terrain, the Project would not be subject to potential unstable soils due to landslides.

Lateral Spreading

Lateral spreading movement occurs when a soil mass slides laterally on liquefied soil layers, moving downslope or towards a free face. Based on a review of the RiverPark Specific Plan EIR, the potential for lateral spreading in the Project area appears to be low. Therefore, less than significant lateral spreading impacts would occur on the Project site.

Subsidence/Collapse

Subsidence or collapse is the sinking of the ground surface caused by the compression of earth materials resulting from manmade activities, such as groundwater or oil and gas withdrawal. The resulting compression typically occurs only once within affected soils and cannot be repeated during fluctuations of the groundwater level or from peat oxidation. Historic groundwater withdrawals have caused some regional subsidence. There are no known active groundwater wells in the immediate vicinity of the Project site, therefore, there is a low potential for subsidence/collapse at the site. As a result, potential effects from land subsidence/collapse would be less than significant. The potential for subsidence/collapse from peat oxidation on the Project site is not likely because of the absence of peat deposits in the borings that were taken as part of the RiverPark Specific Plan. Similarly, subsidence/collapse from oil and gas withdrawal is not likely because there are no known active oil or natural gas wells in the Project vicinity over the past 20 years. Overall, effects from land subsidence/collapse on the Project would be less than significant.

Liquefaction

Liquefaction is a phenomenon that occurs when soil undergoes transformation from a solid state to a liquefied condition due to the effects of increased pore-water pressure. This typically occurs where susceptible soils (particularly soils in the medium sand to silt range) are located over a high groundwater table. A high groundwater table is described as one within 50 feet of the surface. Because the proposed Project is subject to the seismic design criteria of the most recent California Building Code (CBC) which has been adopted within the Oxnard City Code and the CBC includes provisions to prevent liquefaction impacts, the potential liquefaction impacts to the Project would be less than significant.

c) **Less than Significant Impact.** Expansive soil is characterized by a clay composition whereby clay particles expand dramatically upon wetting. Structures constructed on expansive soils require special design considerations that are identified within the CBC. Based on a review of the RiverPark Specific Plan EIR, the Specific Plan area generally consists of granular materials (silty sand, well-graded sand, sandy silt, and some clayey silt) that are not expected to be expansive. Conformance with the design criteria within the CBC would prevent substantive expansive soils. Therefore, potential expansive soil impact to the Project would be less than significant.

d) **No Impact.** Seiches and tsunamis are caused by earthquakes. Seiches are waves caused by large-scale, short-duration oscillation of confined bodies of water (such as reservoirs and lakes) during earthquakes that may damage low-lying adjacent areas, although not as severely as a tsunami. The closest enclosed body of water that could result in earthquake-induced seiche is Lake Piru which is approximately 30 miles northeast of the Project site. Due to the distance of Lake Piru, potential seiches in the lake would not impact the Project site. Tsunamis are earthquake-induced surge waves that can cause severe coastal flooding. Because the Project site is located approximately five miles from the coast and at approximately elevation 60 feet above mean sea level, the Project site is not at risk from a tsunami. Implementation of the Project would not be impacted by seiches or tsunamis.

e) **No Impact.** The Project is located in a developed area adjacent to U.S. 101, and the Project would be located on a city-owned parcel. The operation of the Project would not rely on maintenance activities under the purview of other agencies aside from the City of Oxnard. The Project would have no impact.

References

Matrix Design Group, Inc. 2006. City of Oxnard General Plan Draft Background Report. Available at https://www.oxnard.org/wp-content/uploads/2016/08/OxnardDraftBackgroundReport2006_04.21.06.pdf. Accessed on February 16, 2022.

3.8 Hazards and Hazardous Materials

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Would the project emit hazardous substances or involve handling hazardous or acutely hazardous substances, or waste within one-quarter mile of an existing or proposed school in quantities or a manner that would create a substantial hazard?	☐	☐	☒	☐
d) Would the project be located on a site that 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?	☐	☐	☐	☒
e) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Construction activities required for the proposed electronic billboard would involve site clearing, grading, drilling, trenching and other ground-disturbing activities. The trenching would be required to connect the proposed electronic billboard to an existing Southern California Edison facility. The trenching would extend approximately 200 feet northeast of the Project site along the dirt portion of Ventura Road right-of-way. The Project's construction activities would temporarily require the use of equipment such as trucks, drill, concrete mixer, crane, and other powered equipment, and would use potentially hazardous materials, such as fuels (gasoline and diesel) and lubricants (oil and grease). In addition, construction may use hazardous materials, such as solvents, paints, thinners, or other chemicals. Such materials would be used only in small quantities based on the minimal activities associated with the installation of an electronic billboard. These materials would be transported, handled, stored and disposed of in accordance with applicable laws and regulations and manufacturers' instructions. Compliance with these existing regulations would result in a less than significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials. As such, impacts during construction would be less than significant.

Operation of the proposed electronic billboard would result in periodic maintenance activities of the billboard. These activities may include the limited use of paints, solvents and other chemicals. However, given the periodic nature of maintenance, the potential to create a hazard to the public or the environment through the routine transport, use or disposal of hazardous materials during operational activities would be less than significant.

b) **Less than Significant Impact.** As stated above, the maintenance activities associated with the proposed new electronic billboard may use a limited quantity of hazardous materials such as paints, solvents and other chemicals. However, because these activities are periodic and the use of potential hazardous materials is limited, the Project will not 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. The Project would result in a less than significant impact.

c) **Less than Significant Impact.** There are no existing or proposed schools within 0.25-mile of the Project site. The nearest school is Rio Del Sol School that is located approximately 0.5-mile northeast of the Project site. Since there are no schools within 0.25-mile of the Project site, construction and operational activities associated with the Project are not expected to cause risk to the public or nearby attendees of schools. Therefore, impacts would be less than significant.

d) **No Impact.** Government Code Section 65962.5 requires CalEPA to develop and annually update the Hazardous Waste and Substances Sites (Cortese) List. The information contained in the Cortese List is provided by the Department of Toxic Substances Control (DTSC) and other state and local government agencies. A review of the DTSC EnviroStor and State Water Resources Control Board (SWRCB) GeoTracker databases did not indicate any hazardous materials sites within the Project site. A Leaking Underground Storage Tank (LUST) cleanup site was identified approximately 350 feet southeast of the Project site, where existing commercial retail buildings are located. The site was investigated for potential contamination of underlying groundwater due to the accidental release of diesel and the case for the LUST was closed by the Los Angeles Regional Water Quality Control Board (RWQCB) in 1998, indicating that the LUST no longer poses a threat for groundwater contamination (SWRCB 1998). The proposed Project would not require ground disturbing activities in close proximity to the closed LUST cleanup site. Therefore, the proposed Project would not create a significant hazard to the public or the environment. The Project site is not located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.19. Therefore, the proposed Project would not create a significant hazard to the public or the environment.

e) **Less than Significant Impact.** The Project site is located within the existing right-of-way of Ventura Road immediately north of U.S. 101. Project construction activities may require temporary partial lane closure along Ventura Road during the drilling for the electronic billboard pole and the trenching along the Ventura Road right-of-way to connect an electrical line from the Project site to a Southern California Edison facility located approximately 200 feet to the northeast. Ventura Road currently has two southbound lanes and an approximately 6-foot wide paved shoulder lane. If a closure of the shoulder lane and a portion of one of the southbound lanes occurs, the painted median could allow emergency vehicles to pass. Operational activities occurring on the Project site would not result in changes to the transportation circulation. Therefore, construction and operational

activities associated with the Project would result in less than significant impacts to an existing emergency response plan, or evacuation plan.

References

State Water Resources Control Board (SWRCB), 1998. GeoTracker Database. MacValley/McCaslin Oil (T0611100537). Available at: http://geotracker.waterboards.ca.gov/profile_report?global_id=T0611100537. Accessed on February 28, 2022.

3.9 Hydrology and Water Quality

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Would the project 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 on- or off-site flooding or exceed the capacity of existing or planned stormwater drainage systems?	☐	☐	☐	☒
a) Would the project place new 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?	☐	☐	☐	☒
b) Would the project impede or redirect flood flows such that it would increase on- or off-site flood potential?	☐	☐	☐	☒
c) Would the project 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?	☐	☐	☒	☐
d) Would the project be exposed to a substantial risk related to inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** Construction activities associated with the Project could result in short-term surface water quality impacts. These potential impacts could occur from construction-related activities such as drilling for the electronic sign pole foundation and pouring concrete as well as the trenching for the electrical line. Runoff of loose soils and/or construction wastes and fuel during a rainstorm could flow into local storm drains as a result of Project construction. Such contaminated runoff could potentially threaten downstream water resources that receive runoff from the local drainage network. Standard construction BMPs such as silt fencing, storm drain inlet protection, and proper material and waste storage will ensure surface water quality is not substantially degraded during construction. Compliance with the City's standard stormwater runoff provisions for construction activities, such as runoff control and other measures set forth in the City of Oxnard Code Section 22-222 would ensure that the Project does not violate any water quality standards or any waste discharge requirements during construction (City of Oxnard, nd). Due to the lack of significant grading, earth-moving activities, and paving as part of the Project, the potential water quality impact from construction activities would be less than significant.

Operation activities associated with the electronic billboard would not involve the use of water or the generation of wastewater. Therefore, no violation of any water quality standards or any waste discharge requirements would occur, and thus no water quality impact would result.

b) **Less than Significant Impact.** The proposed Project includes construction activities to install an electronic billboard, the trenching for an electrical line and the placement of landscaping. The proposed billboard would not require water to operate. The proposed billboard will include an approximately 7-foot diameter hole for the proposed 5-foot diameter pole that will be set into concrete. The Project also includes the trenching for an electrical line from the Project site for approximately 200 feet. The Project site currently provides little to no infiltration of water into groundwater aquifers. The Project site does not support any groundwater production systems, and construction and operation of the proposed electronic billboard would not interfere with the operation of any production system. The proposed Project would not substantially change the amount of existing impervious surface area and would not have a substantial impact on groundwater recharge. The Project includes trenching for the proposed electric power line to connect with the existing line and would extend approximately 200 linear feet. The construction of the 7-foot diameter hole that would extend approximately 50 feet into the ground may encounter groundwater that would need to be extracted for construction of the pole location. The extraction of the groundwater would not be substantial because it would be limited for a 7-foot diameter pole. Implementation of the proposed Project would result in less than significant groundwater impacts.

c) **No Impact.** The Project site is undeveloped and has relatively flat topography. No stream or water resource features occur on the Project site. In addition, the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of a course, stream or river, or through the addition of impervious surfaces as the installation of the proposed electronic billboard would nominally increase impervious surfaces on the site. As such, no impact would occur.

d) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Project site is not located in a flood prone area including a 100-year flood zone (FEMA, 2010). Therefore, the Project would not place the pole for the electronic billboard or trench for the proposed electrical line within a flood prone area. No impact would occur.

e) **No Impact.** The implementation of the Project includes the placement of a 5-foot diameter pole within a 7-foot diameter hole on the Project site and includes approximately 200 linear feet of trenching for the placement of an electrical line. The placement of the pole and electrical line would not impede or redirect existing surface drainage flows from the Project site.

f) **Less than Significant Impact.** Based on a review of the Ventura County Multi-Hazard Mitigation Plan, the majority of the City of Oxnard including the Project site is within a dam inundation area (AECOM, 2015). Although the Project site is subject to inundation

due to a failure of a dam upstream along the Santa Clara River, the probability of dam failure inundation is not known but such an event would likely be the result of an extreme storm. The Division of Safety and Dams periodically checks the conditions of dams so that the likelihood for a dam failure is further reduced. The existing levee along the Santa Clara River is currently being evaluated to be reconstructed to provide greater protection for urban uses. There is a potential for a breach of the levee prior to reconstruction of the levee. Because the proposed electronic billboard would be installed with concrete approximately 40 feet below ground surface, a potential breach of the levee would result in a less than significant impact on the proposed electronic billboard. Overall, the potential inundation at the Project site would result in a less than significant impact on the proposed electronic billboard and would not result in exposing people to injury or death.

g) **No Impact.** Based on a review of the Flood Insurance Rate Map, the Project site is not located in a flood prone area (FEMA, 2010). As discussed in Section 3.9 d) above, the Project site would not be subject to seiches or tsunamis. The Project site and surrounding area contain relatively flat terrain and are not subject to mudflows. Therefore, the Project would not be exposed to substantial risk related to inundation by a seiche, tsunami or mudflow at the Project site.

References

AECOM. 2015. Ventura County Multi-Hazard Mitigation Plan. Available at: https://www.vcfloodinfo.com/pdf/2015%20Ventura%20County%20Multi-Hazard%20Mitigation%20Plan%20and%20Appendices.pdf. Accessed on February 18, 2022.

City of Oxnard. Nd. City of Oxnard Code of Ordinances, Section 22-222, Construction Development. Available at: https://codelibrary.amlegal.com/codes/oxnard/latest/oxnard_ca/0-0-0-45944. Accessed on February 17, 2022.

Federal Emergency Management Agency. 2010. Flood Insurance Rate Map, Ventura County, California, Panel 910 of 1275, Map Number 06111C0910E. Available at: https://msc.fema.gov/portal/search?AddressQuery=Riverpark%20Oxnard%20Ca#searchresultsanchor. Accessed on February 18, 2022.

3.10 Land Use and Planning

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with an applicable land use plan, policy or regulation of the City or other agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect?	☐	☐	☒	☐
b) Would the project involve land uses that are not allowed under any applicable airport land use compatibility plan?	☐	☐	☒	☐
a) Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
b) Would the project physically divide an established community?	☐	☐	☐	☒

Discussion

a) **Less than Significant Impact.** As discussed in Section 3.1 c), based on a review of the existing City of Oxnard sign regulations within the City of Oxnard Municipal Code, the proposed electronic billboard is not currently an allowed use within the City of Oxnard. However, as discussed within Section 3.1, Aesthetics, the implementation of the proposed electronic billboard would result in less than significant impacts to scenic vistas, scenic resources, and scenic highways, and the Project would result a less than significant visual alteration of the existing visual characteristics as well as less than significant light and glare. In addition, the City is currently processing a separate Ordinance amendment to allow electronic billboards prior to approval of the Project. The Project includes a Development Agreement, Street Vacation and a design that complies with the proposed Ordinance regulations. Therefore, the proposed Project would not conflict with a regulation of the City (i.e., the City of Oxnard Municipal Code) that was adopted for the purpose of avoiding or mitigating a significant environmental effect.

b) **Less Than Significant Impact.** The Project is located approximately 2.8 miles from the Oxnard Airport. According to the Oxnard Airport Master Plan, obstructions to air navigation in the vicinity of the Project site would occur if structures exceeded 350 feet in elevation (Coffman Associates, Inc., 2004). Because the Project includes an electronic billboard that will include a height of 80 feet above the ground, the implementation of the Project would not impact air navigation.

c) **No Impact.** According to the City of Oxnard 2030 General Plan EIR, no established or planned Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan exists within the City of Oxnard (Matrix Design Group, 2009). Therefore, the Project would not result in any impact associated with these plans.

d) **No Impact.** Construction of the proposed electronic billboard includes the placement of a pole in the ground. The proposed billboard would not physically divide the surrounding

community since the proposed sign would not obstruct or in any way change access to the existing community. The Project site is along an existing roadway right-of-way and would not impact any roadways or traffic circulation patterns within the existing community. The proposed electronic billboard Project would not create any barriers to access to a community or require removal of any housing. As such, the proposed Project would have no impact.

References

Coffman Associates, Inc. 2004. Airport Master Plan for Oxnard Airport. Available at: https://vcportal.ventura.org/AIRPORTS/docs/document_library/Master_Plan_OXR_2004.pdf. Accessed on February 18, 2022.

Matrix Design Group. 2009. City of Oxnard General Plan Program Environmental Impact Report. Available at: https://www.oxnard.org/city-department/community-development/planning/2030-general-plan/. Accessed on February 18, 2022.

3.11 Mineral Resources

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in the loss of availability of a known mineral resource of value to the region or state?	☐	☐	☐	☒
b) Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated in the 2030 General Plan or other adopted land use plan?	☐	☐	☐	☒

Discussion

a) **No Impact.** Based on a review of the RiverPark Specific Plan EIR, the Project site is located in an area identified as RiverPark Specific Plan Area 'A'. The City has designated this area for urban uses since 1986 and mining within this area, including the Project site, would be economically infeasible due to its location and expected poor quality of materials recovered (Impact Sciences, 2001). The proposed Project would not result in the loss of availability of important mineral resources. No impacts to mineral resources would occur with the implementation of the proposed Project.

b) **No Impact.** Because the Project site has been designated for urban development since 1986 and currently designated Regional Commercial uses, the City of Oxnard General Plan has not designated the Project site as a mineral resource recovery area (City of Oxnard, 2014). Therefore, the implementation of the Project would not impact a locally-important mineral resource recovery site.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 22, 2022.

Impact Sciences. RiverPark Specific Plan Draft EIR. 2001. Available at: https://www.oxnard.org/environmental-document-archives/. Accessed on February 22, 2022.

3.12 Noise

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project generate or expose persons to noise levels exceeding standards established in the Oxnard 2030 General Plan or Noise Ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Would the project generate or expose persons to excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) Would the project generate a substantial temporary or periodic increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) Would the project generate a substantial permanent increase in ambient noise in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e) For a project located within the airport land use plan for Oxnard Airport or within two miles of Naval Base, Ventura County at Point Mugu, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) Would the project expose non-human species to excessive noise?	☐	☒	☐	☐

Discussion

a) **Less than Significant Impact.** Implementation of the proposed electronic billboard would result in noise increases during construction activities and noise increases during operation due to periodic maintenance activities.

Construction activities will include the placement of a pole 50 feet into the ground and extension of the pole 80 feet above the ground as well as trenching for the proposed electrical line. The placement of the proposed pole will result in the highest noise levels during construction and would require the following construction equipment for each construction activity:

Drill footing/haul and dispose dirt (1 to 2 days)

- 48’ Flatbed Truck & Trailer
- Caterpillar 262D Skid Steer Loader
- LoDril HT Drill Mounted on a John Deere 270D
- 5 Super 10 Dump Trucks rotating dumps

Column Set/Concrete Pour (1 to 2 days)

- Link Belt HTC8690 90 Ton Mobile Crane Truck
- Elliott L140 Hireach Crane Truck

- 4 Concrete Mixing Trucks
- Concrete Rock Pump Trailer

Set Top of Column and Build & Set Structure (1 to 2 days)

- 2 - 48' Flatbed Truck & Trailer
- Grove GMK5275 – 275 Ton Mobile Crane Truck
- Elliott L140 Hireach Crane Truck
- Ingersoll Rand P-1000-W-D Towable Air Compressor

Build and Set Digital Displays (1 to 2 days)

- 2 - 48' Flatbed Truck & Trailer
- Link Belt HTC8690 90 Ton Crane Mounted on flatbed truck
- Elliott L140 Hireach Crane Truck

As a worst-case evaluation, there is an assumption that the drill footing/haul and dirt disposal as well as the column set/concrete pour activities could occur in one day. **Table N-1** provides estimated construction noise levels at 50 feet, 100 feet and 200 feet.

TABLE N-1
CONSTRUCTION NOISE LEVEL[a]

Activity	Noise Level, dBA Leq
Drill Footing/Haul and Dispose Dirt, and Column Set/Concrete Pour	
At 50 feet	82/83
At 100 feet	76/77
At 200 feet	70/71
Set Top of Column and Build & Set Structure	
At 50 feet	80
At 100 feet	74
At 200 feet	68
Build and Set Digital Displays	
At 50 feet	79
At 100 feet	73
At 200 feet	67

[a] Based on equipment identified above that was provided by the Project applicant.
SOURCE: Client and ESA 2022

The nearest existing residences to the Project site is approximately 600 feet east of the site. As shown above, the highest construction noise levels at 200 feet would be approximately 71 dBA Leq. Based on a distance attenuation of 6 dBA for each doubling of distance, construction noise levels at 400 feet would be approximately 65 dBA Leq. Because the

existing residences would be approximately 600 feet east from the proposed construction activities, noise levels at these existing residences would be less than 65 dBA Leq. Based on the Community Noise Exposure standards for residential uses and specifically multi-family uses that are located approximately 600 feet from the Project site, normally acceptable noise exposure is less than 65 dB.

Construction noise levels are considered significant if noise levels are not consistent with the City of Oxnard Noise Ordinance or are not consistent with the 2030 General Plan noise policies.

City of Oxnard Noise Ordinance

In accordance with Section 7-188 of the City's Municipal Code, sound sources associated with or created by construction, repair, remodeling or grading of any real property are exempt, provided the activities occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Because the Project would include construction activities between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday, the construction noise levels are considered less than significant.

Operational noise levels would occur during periodic maintenance activities. These activities would be required to repair and maintain the proposed electronic billboard. These maintenance activities would include a nominal number of trucks traveling to the Project site and result in less than significant truck traffic noise. In addition, the repair and maintenance activities that would periodically occur onsite would be considered exempt and result in nominal increases in noise levels to the surrounding uses. These periodic maintenance activities would only occur during the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Therefore, long-term operational activities associated with the proposed electronic billboard would result in less than significant noise impacts.

City of Oxnard Safety & Hazards Element

The Safety & Hazards Element includes noise policies. The applicable policies are related to construction noise (City of Oxnard, 2016). Because the operational activities would include periodic maintenance activities that would generate nominal noise levels, the operational-related noise policies are not applicable to the Project. The following construction noise policies are applicable to the Project.

SH-6.1 Construction Noise Control – Provide best practices guidelines to developers for reducing potential noise impacts on surrounding land uses.

As described above, noise levels associated with construction activities at the nearest residences would be less than 65 dBA Leq which is considered a normally acceptable noise exposure for multi-family residences. Therefore, construction activities would not require best practices to reduce anticipated construction noise.

SH-6.2 Limiting Construction Activities – Continue to limit construction activities to the hours of 7 am to 7 pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the city.

As also described above, construction activities would be limited to the hours of 7:00 a.m. and 6:00 p.m. on weekdays, including Saturday. Therefore, the Project would be consistent with this goal.

b) **Less than Significant Impact.** Construction equipment generates ground vibration. Operational activities associated with the Project would generate ground vibration with vehicles traveling on roadways.

The City of Oxnard does not have vibration criteria standards; however, there are federal vibration criteria that have been adopted by the Federal Transit Administration (FTA). The vibration damage criteria for structures in the Project vicinity is 0.5 peak particle velocity (PPV). The vibration criteria for human annoyance is 72 vibration decibels (VdB) (Federal Transit Authority, 2018). Based on the review of the FTA vibration levels by type of equipment, the highest level of vibration from a piece of equipment that would be used during the Project construction activities would occur from a loaded truck that generates 0.076 PPV and 86 VdB at 25 feet. At the nearest residence, located at approximately 600 feet east of the Project site, the residence would be exposed to 0.0007 PPV and 45 VdB that are less than the 0.5 PPV vibration damage criteria and less than the 72 VdB human annoyance criteria. Therefore, construction activities associated with the Project would result in less than significant vibration impacts.

Long-term maintenance activities would result in periodic trucks accessing the Project site; however, trucks accessing the site would result in nominal increases in the typical vibration levels that are experienced from daily vehicles traveling along Ventura Road. Therefore, long-term vibration impacts associated with the Project would be less than significant.

c) **Less than Significant Impact.** The implementation of the Project would result in temporary and periodic increases in noise levels. As discussed above, temporary noise levels would occur during construction activities associated with the electronic billboard and the trenching for the electrical line. As a worst-case assumption, noise levels at the nearest residence would be less than 65 dBA Leq which would be considered less than significant for multi-family residences. In addition, the City considers construction activities as significant if construction noise does not occur within the Noise Ordinance timing restriction. Because the Project would include construction activities within the allowed times of day, the Project would result in a less than significant temporary noise impact.

As discussed above, long-term maintenance activities associated with the proposed electronic billboard would occur. However, these periodic activities would result in nominal increases in noise and would be considered less than significant.

d) **No Impact.** Operation of the proposed electronic billboard would not generate permanent noise. Therefore, the implementation of the Project would result in no long-term permanent noise impact.

e) **No Impact.** There are no public airports or private airstrips within two miles of the Project site. The closest airport is the Oxnard Airport located approximately 2.8 miles southwest of the Project site in the City of Oxnard. The next closest airport is the Camarillo Airport which is located approximately 4.9 miles southeast of the Project site. Because the Project does not include people residing on the site, and the site is over two miles from the nearest airport, the Project would not expose people to excessive airport noise levels. Therefore, no impact would occur.

f) **Less than Significant with Mitigation Incorporated.** As discussed in Section 3.4 a) above, construction activities from the implementation of the Project could increase noise levels for nesting bird species in the Project vicinity. This increase in noise could result in a significant noise impact to nesting birds.

> Implementation of Mitigation Measures BIO-1 and BIO-2 from Section 3.4 a) is required.

With the implementation of Mitigation Measures BIO-1 and BIO-2 for nesting birds, potential impacts to nesting birds would be reduced to less than significant.

References

City of Oxnard. 2016. 2030 General Plan Goals and Policies, Safety & Hazards Element. Available at: https://www.oxnard.org/wp-content/uploads/2017/06/Oxnard-2030-General-Plan-Amend-06.2017-SM.pdf. Accessed on February 28, 2022.

Federal Transit Administration. 2018. Transit Noise and Vibration Impact Analysis.

3.13 Population, Education, and Housing

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project involve a General Plan amendment that could result in an increase in population beyond that projected in the 2030 General Plan that may result in one or more significant physical environmental effects?	☐	☐	☐	☒
b) Would the project induce substantial growth on the project site or surrounding area, resulting in one or more significant physical environmental effects?	☐	☐	☐	☒
c) Would the project result in a substantial (15 single-family or 25 multi-family dwelling units – about one-half block) net loss of housing units through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
d) Would the project result in a net loss of existing housing units affordable to very low- or low-income households (as defined by federal and/or City standards), through demolition, conversion, or other means that may necessitate the development of replacement housing?	☐	☐	☐	☒
e) Would the project cause an increase in enrollment at local public schools that would exceed capacity and necessitate the construction of new or expanded facilities?	☐	☐	☐	☒
f) Would the project directly or indirect interfere with the operation of an existing or planned school?	☐	☐	☐	☒

Discussion

a) **No Impact.** The proposed Project includes the installation of a digital electronic billboard on a site that currently is designated Regional Commercial within the 2030 General Plan (City of Oxnard, 2014). The placement of the billboard does not require a general plan amendment and would not increase population beyond that projected in the 2030 General Plan. Therefore, the Project would result in no impact on population.

b) **No Impact.** The proposed Project includes the installation of a digital electronic billboard. The operation of the billboard would not result in the inducement of growth on the Project site or surrounding area because the operation would not require an onsite employee to operate the billboard.

c) **No Impact.** The implementation of the electronic billboard is on a site that does not contain any existing housing. Therefore, the implementation of the Project would result in no impact on existing housing.

d) **No Impact.** As stated above, the implementation of the electronic billboard is on a site that does not contain any existing housing. Therefore, the implementation of the Project would result in no impact on existing housing, including existing affordable housing units.

e) **No Impact.** Because the Project would not result in new housing or employment opportunities, the implementation of the Project would not impact enrollment at local public schools.

f) **No Impact.** The nearest school to the Project site is Rio del Sol School located approximately 0.5-mile northeast of the Project site. Construction and operation of the proposed billboard would not directly or indirectly interfere with the operation of a school.

References

City of Oxnard. 2014. City of Oxnard 2030 General Plan Map. Available at: https://www.oxnard.org/wp-content/uploads/2016/03/203020GENERAL20PLAN2030x402009.14V3-1.pdf. Accessed on February 28, 2022.

3.14 Public Services and Recreation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase demand for fire protection service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
b) Would the project increase demand for law enforcement service such that new or expanded facilities would be needed to maintain acceptable service levels, the construction of which may have significant environmental effects?	☐	☐	☐	☒
c) Would the project increase the use of existing park facilities such that substantial physical deterioration of the facilities would occur or be accelerated or that new or expanded park facilities would be needed to maintain acceptable service levels?	☐	☐	☐	☒
d) Would the project increase the need for or use of existing library or other community facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☐	☐	☐	☒

Discussion

a) **No Impact.** The operation of the proposed electronic billboard would add a structure that would be served by the City of Oxnard Fire Department Station 7 that is located approximately 1.6 miles east of the Project site (City of Oxnard, 2022a). No employees would be located on the Project site, and therefore, the addition of the proposed billboard would not require the addition of a new fire station or modifications to an existing fire station to serve the Project site. Therefore, the proposed Project would have no impact on fire protection services.

b) **No Impact.** The Project site is located approximately 3 miles north of the City of Oxnard Police Department and located within Neighborhood Policing Beat 14 (City of Oxnard, 2022b). The proposed Project includes an electronic billboard that would not result in a demand for police protection services because there are no employees that would be located on the Project site. Therefore, the Project would have no impact on police protection services.

c) **No Impact.** The proposed Project would not generate employees and would not increase the use of existing park facilities. Therefore, the Project would not result in the physical deterioration of existing park facilities.

d) **No Impact.** The proposed Project would not generate employees and would not increase the use of existing libraries or other community facilities. Therefore, the Project would not impact libraries or community facilities.

References

City of Oxnard. 2022a. City of Oxnard Fire Department, Fire Station Locations. Available at: https://www.oxnard.org/fire-station-locations-fire-department/. Accessed on February 28, 2022.

City of Oxnard. 2022b. Oxnard Police Department, Neighborhood Policing Beat Coordinator Map. Available at: https://sites.google.com/oxnardpd.org/2020-beat-map/police-beat-map Accessed on February 28, 2022.

3.15 Transportation and Circulation

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	☒
c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Would the project result in inadequate emergency access?	☐	☐	☒	☐

Discussion

a) **Less than Significant Impact.** Construction of the proposed electronic billboard would generate a nominal number of construction vehicle trips for the activities to place the electronic billboard on the Project site and trench for approximately 200 feet to an existing Southern California Edison electrical facility north of the Project site along Ventura Road. Project construction activities would result in a nominal number of trips and may require a temporary partial lane closure along Ventura Road. However, these activities would occur over a short term, and the existing painted median could be used for access. Construction activities would not substantially conflict with the circulation system. Therefore, potential impacts would be less than significant impacts. In addition, long-term activities associated with the Project include periodic visits to the site for maintenance. These periodic visits would also result in less than significant impacts to the surrounding circulation system.

b) **No Impact.** The proposed Project would include periodic maintenance vehicle trips to the site and would not require daily vehicle trips to the site for operation of the electronic billboard. Therefore, the Project would have no impact on vehicle miles traveled.

c) **Less than Significant Impact.** The proposed Project includes the placement of an electronic billboard adjacent to U.S. 101. The proposed billboard will be oriented for viewing primarily from U.S. 101. The proposed billboard will comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the proposed electronic billboard would not substantially increase hazards to drivers along U.S. 101 and less than significant impacts would occur.

d) **Less than Significant Impact.** The implementation of the proposed electronic billboard and installation of an electrical line may require temporary partial lane closure along Ventura Road during the drilling for the electronic billboard pole and the trenching along the Ventura Road right-of-way to connect an electrical line from the Project site to a Southern California Edison facility located approximately 200 feet to the northeast. Ventura Road currently has two southbound lanes and an approximately 6-foot wide paved shoulder lane. If a closure of the shoulder lane and a portion of one of the southbound lanes occurs, the painted median could allow adequate southbound emergency access along Ventura Road. Operational activities occurring on the Project site would not result in changes to the transportation circulation. Therefore, construction and operational activities associated with the Project would result in less than significant impacts to emergency access.

References

No references.

3.16 Utilities and Energy

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project need new or expanded water supply entitlements that are not anticipated in the current Urban Water Management Plan?	☐	☐	☐	☒
b) Would the project require additional wastewater conveyance or treatment capacity to serve project demand and existing commitments?	☐	☐	☐	☒
c) Would the project generate solid waste that would exceed the permitted capacity of a landfill serving the City?	☐	☐	☐	☒
d) Would the project conflict with federal, state, or local statutes or regulations related to solid waste?	☐	☐	☐	☒
e) Would the project involve wasteful, inefficient, or unnecessary consumption of energy during project construction, operation, maintenance, and/or removal?	☐	☐	☒	☐
f) Would the project require additional energy facilities, the provision of which may have a significant effect on the environment?	☐	☐	☐	☒
g) Would the project be inconsistent with existing energy standards?	☐	☐	☒	☐
h) Would the project preempt future energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage?	☐	☐	☐	☒

Discussion

a) **No Impact**. The operational activities associated with the proposed electronic billboard would not require the use of water, and therefore, the Project would not require new or expanded water supply entitlements. Therefore, the Project would have no impact.

b) **No Impact.** The proposed Project would not result in wastewater generation, and therefore, would not result in a need for wastewater treatment. As a result, the Project would not impact the capacity of the existing wastewater treatment facilities servicing the City of Oxnard.

c) **No Impact**. The proposed electronic billboard would not include any employees and would not generate solid waste. Temporary construction waste would be hauled off site in accordance with all Federal, State, and local regulations. The Project would not exceed current permitted capacities of landfills because the Project would not generate operational waste. As such, the proposed Project would have no long-term impact.

d) **No Impact.** As discussed above, temporary construction waste would be generated during installation of the proposed billboard as well as trenching for the electrical line. However, the construction waste would be hauled off site in accordance with all Federal, State, and local regulations, and therefore, would not conflict with these regulations.

e) **Less than Significant Impact**. As described below, the proposed Project would not involve wasteful, inefficient, or unnecessary consumption of energy.

Construction

The Project would consume energy during construction activities, primarily from on- and off-road vehicle fuel consumption in the form of diesel and gasoline, necessary to install a typical billboard. Construction of a typical billboard is assumed to require up to four workdays, depending on the nature of the soil and the extent of the column footing required. For the purposes of evaluating energy usage, the analysis conservatively assumes a construction scenario of four days of construction. The construction would consist of the following tasks: 1) drilling and haul of excavated soil, 2) column set and concrete pour, 3) building the structure and 4) installation of digital display. These activities would occur over a two-week period with a five to seven-day break between the drilling/column set and the installation to allow for concrete setting.

Energy consumption would occur from the operation of heavy-duty construction equipment, on-road trucks, and from on-road light-duty passenger vehicles from construction workers commuting to and from the Project site. Heavy-duty construction equipment was conservatively assumed to be primarily diesel-fueled. Diesel fuel would also be used for heavy-duty on-road trucks used for hauling of excavated soils, cement delivery, on-road transport of construction equipment and materials (i.e., aerial lift trucks, cranes, and billboard construction materials such as columns and electronic displays) Natural gas and electricity are not anticipated to be used during construction activities in any substantial quantities. A summary of the Project's construction fuel usage is provided in **Table UE-1**, *Summary of Fuel Consumption During Installation of the Proposed Electronic Billboard*. Energy calculations for fuel consumption are based on the same assumptions used for the Air Quality analysis and used for the CalEEMod Emissions Modeling.

TABLE UE-1
SUMMARY OF FUEL CONSUMPTION DURING INSTALLATION OF THE PROPOSED ELECTRONIC BILLBOARD

Activity	Fuel	Gallons[a]
Off-Road Construction Equipment	Diesel	203
Construction Haul Vehicles	Diesel	117
Construction Worker Commuting	Gasoline	14

[a] Fuel estimates are based on installation of the proposed electronic billboard in 2022.
SOURCE: ESA, 2022

As shown, the estimated total diesel fuel consumed by construction equipment and on-road haul/delivery trucks would be approximately 320 gallons for the installation of the proposed electronic billboard. Transportation fuel from workers traveling to and from the Project site would be limited and are estimated as less than 15 gallons of gasoline which is considered minimal fuel consumption.

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, crude oil production would be sufficient to meet 50 years of worldwide consumption (BP Global, 2022). Vehicles that would be used by construction workers would comply with Corporate Average Fuel Economy fuel economy standards, which would result in more efficient use of transportation fuels (lower consumption). Vehicles that would be used by construction workers would also comply with Pavley and Low Carbon Fuel Standards which are designed to reduce vehicle GHG emissions, but would also result in fuel savings in addition to compliance with Corporate Average Fuel Economy standards.

Construction of the Project would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, and would comply with State measures to reduce the inefficient, wasteful, and unnecessary consumption of energy, such as petroleum-based transportation fuels. While these regulations are intended to reduce construction emissions, compliance with the anti-idling and emissions regulations discussed above would also result in fuel savings from the use of more fuel-efficient engines. Therefore, Project construction would not result in wasteful, inefficient, or unnecessary consumption of energy resources and energy impacts would still be less than significant. Calculation details for fuel and energy consumption are included in **Appendix G**.

Operation

Operations of the proposed electronic billboard would consume energy in the form of purchased electricity to power the lighting. Electricity in the Project area (Ventura County) is provided by Southern California Edison (SCE). SCE is required to commit to the use of renewable energy sources for compliance with the Renewable Portfolio Standards (RPS). SCE has already met its requirement to procure at least 33 percent of its energy portfolio from renewable sources by 2020 with approximately 33.1 percent of its 2020 electric supply power mix from renewable power (SCE 2020). With the passage of SB 100 in September 2018, SCE will be required to update its long-term plans to demonstrate compliance including providing 60 percent of its energy portfolio from renewable sources by December 31, 2030, and ultimately planning for 100 percent eligible renewable energy resources and zero-carbon resources by December 31, 2045.

Predicted energy use for the proposed electronic billboard is estimated at an average of approximately 150 kilowatt hours (kWh) per day and approximately 54,000 kWh per year.

Based on SCE's 2020 Annual Report, SCE total system sales for 2020 was 85,399 million kWh of electricity (SCE 2021). As such, the Project-related net increase in annual electricity consumption of 54,000 kWh per year would represent less than 0.0001 percent of SCE's total energy sales. The proposed electronic billboard would utilize energy

efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). Therefore, Project operations would not result in wasteful, inefficient, or unnecessary consumption of energy resources and energy impacts would still be less than significant.

As discussed above, Project construction would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, to reduce the use of petroleum-based transportation fuels. Operation of the Project would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, n.d.). As a result, the proposed Project would support Statewide efforts to implement fuel saving strategies and utilize energy efficient technologies. Overall, the Project would not be inconsistent with existing energy standards and impacts would be less than significant.

f) **No Impact.** Implementation of the proposed electronic billboard would include the extension of an electrical line for approximately 200 linear feet to an existing electrical facility located north of and within the existing Ventura Road right-of-way. The electronic billboard would not require additional energy facilities, beyond the proposed extension of an electrical line, to serve the proposed Project. Therefore, the Project would result in no impact.

g) **Less than Significant Impact.** As discussed above, Project construction would utilize fuel-efficient equipment consistent with State and federal regulations, such as fuel efficiency regulations in accordance with the California Air Resources Board (CARB) Pavley Phase II standards, the anti-idling regulation in accordance with Section 2485 in Title 13 of the California Code of Regulations, and fuel requirements in accordance with Section 93115 in Title 17 of the California Code of Regulations, to reduce the use of petroleum-based transportation fuels. Operation of the Project would utilize energy efficient light emitting diode (LED) technology, which is recognized by the U.S. Department of Energy as the most energy efficient lighting technology (U.S. DOE, nd.). As a result, the proposed Project would support Statewide efforts to implement fuel saving strategies and utilize energy efficient technologies. Overall, the Project would not be inconsistent with existing energy standards and impacts would be less than significant.

h) **No Impact.** The implementation of the proposed electronic billboard would not preempt energy development or future energy conservation, or inhibit the future use of renewable energy or energy storage due to the Project's limited use of energy resources.

References

BP Global. 2022. Oil reserves. Available at: https://www.bp.com/en/global/corporate/energy-economics/statistical-review-of-world-energy/oil.html. Accessed February 2022.

Edison International. 2021. Edison International and Southern California Edison 2020 Annual Report, page 2. Available at: https://www.edison.com/content/dam/eix/documents/investors/sec-filings-financials/2020-eix-sce-annual-report.pdf. Accessed February 2022.

Southern California Edison. 2020, 2020 Power Content Label, Southern California Edison.

U.S. Department of Energy. nd. LED Lighting. Available at: https://www.energy.gov/energysaver/led-lighting. Accessed February 2022.

3.17 Wildfire

Issues:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☒	☐

Discussion

a - d) **Less than Significant Impact.** The proposed digital electronic billboard is located in an urban area of the City of Oxnard. Based on a review of the fire hazards severity zones prepared as part of the CalFire fire and resource assessment program, the Project site is not located within or near an area that is designated as a very high fire hazard severity zone (VHFHSZ). The nearest VHFHSZ designated in a Local Responsibility Area as well as a State Responsibility Area is approximately 3.5 miles to the northwest. Due to the distance from a VHFHSZ, the Project would result in less than significant impacts related to wildfires.

References

CalFire. 2020. FHSZ Viewer. Available at: gis.fire.ca.gov/FHSZ/. Accessed on March 2, 2022.

3.18 Mandatory Findings of Significance

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Would 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 projects, and the effects of probable future projects)?	☐	☒	☐	☐
c) Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion

a) **Less than Significant with Mitigation Incorporated.** The implementation of the Project would include installation activities for the proposed billboard and electrical line. These activities could result in significant impacts to nesting birds in the Project vicinity. The implementation of Mitigation Measure BIO-1 and BIO-2 would reduce these potential impacts to less than significant. In addition, construction activities for the Project could result in potential significant impacts to archaeological resources. The implementation of Mitigation Measure CUL-1 would reduce these potential impacts to less than significant.

b) **Less than Significant with Mitigation Incorporated.** The potential for cumulative impacts occur when the impacts of a Project are combined with impacts from related development projects and result in impacts that are greater than the impacts of a project alone. The City of Oxnard currently includes an additional electronic billboard proposed between Riverpark Boulevard and the northside of U.S. 101. This related project is located approximately 4,600 feet east of the Project site. The City of Oxnard is also contemplating the adoption of an ordinance that would allow additional electronic billboards to be constructed and operate along U.S. 101; however, these billboards would not be allowed to be placed within 2,000 feet of an existing electronic billboard and would be required to be located at least 100 feet from an existing residence. In addition, commercial and residential projects in the vicinity of the Project site are currently in different planning and construction phases. Multi-family residential units currently exist approximately 600 feet east of the Project site while multi-family residential units are currently being planned within 200 feet east of the Project site. Because the Project site is adjacent to U.S. 101 and bound by the Santa Clara River Basin and a currently undeveloped site planned for multi-family residences on the east side, construction activities would result in less than significant impact on human beings. As discussed in Sections 3.1 through 3.17 above, the

proposed Project could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, BIO-2, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related billboard projects would need to occur at least 2,000 feet from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

c) **Less than Significant Impact.** The implementation of the proposed electronic billboard includes potential significant impacts to nesting birds and potential archeological and paleontological resources. The Project would result in less than significant direct or indirect impacts on human beings.

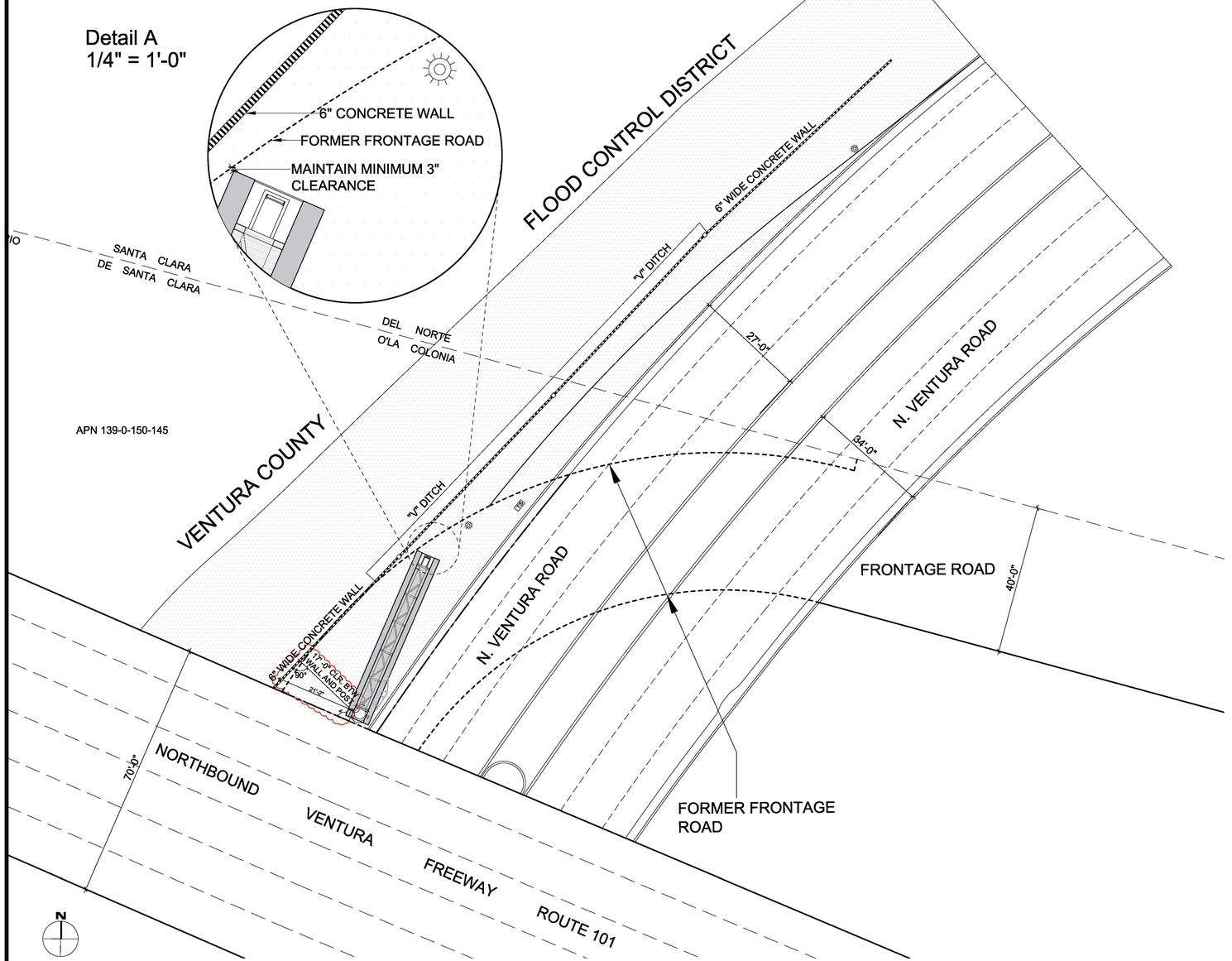
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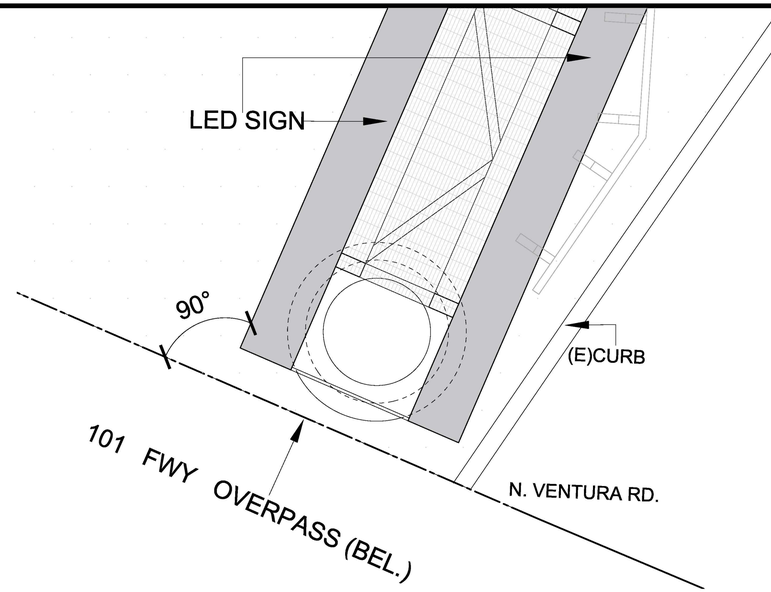
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Appendix A
Project Plans

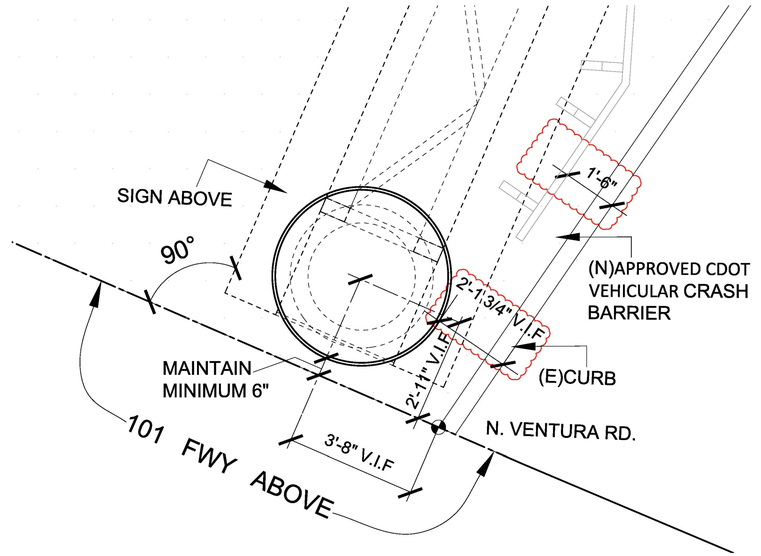




3 Bird's Eye Site Plan 1/16" = 1'-0"



2 Layout Plan @ LED Panels 1/2" = 1'-0"



1 Site Plan @Grade 1/2" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES WHEREIN THE SPECIFIED DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ORDINANCES. THE LAWS OR ORDINANCES SHALL GOVERN. CONTRACTOR TO NOTIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL USE DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WITH SUB-CONTRACTORS TO ENSURE THEIR WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE OR PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, COVER PLACES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

    ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2016 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:
15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET. BEYOND THAT HORIZONTAL BENCHES OF 5 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.CA-OSHA.COM/PDFPUBS/OSHA USERGUIDE.PDF * CONSTRUCTION SAFETY ORDERS : CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

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www.ibadesign.com

PROJECT NAME

OXNARD SIGNAGE PROJECT
APN 139-0-150-145

Oxnard,
California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL 25033 REV. 11-30-21 STATE OF CALIFORNIA

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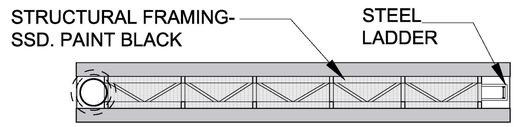
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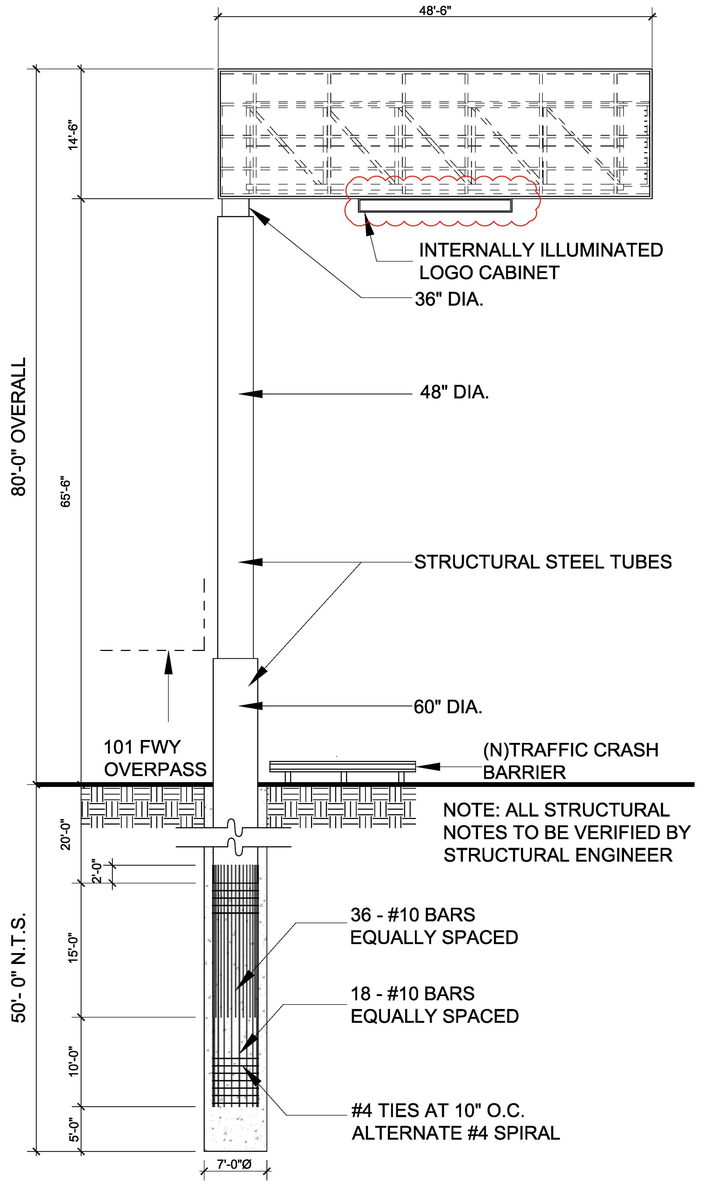
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2 Plan View

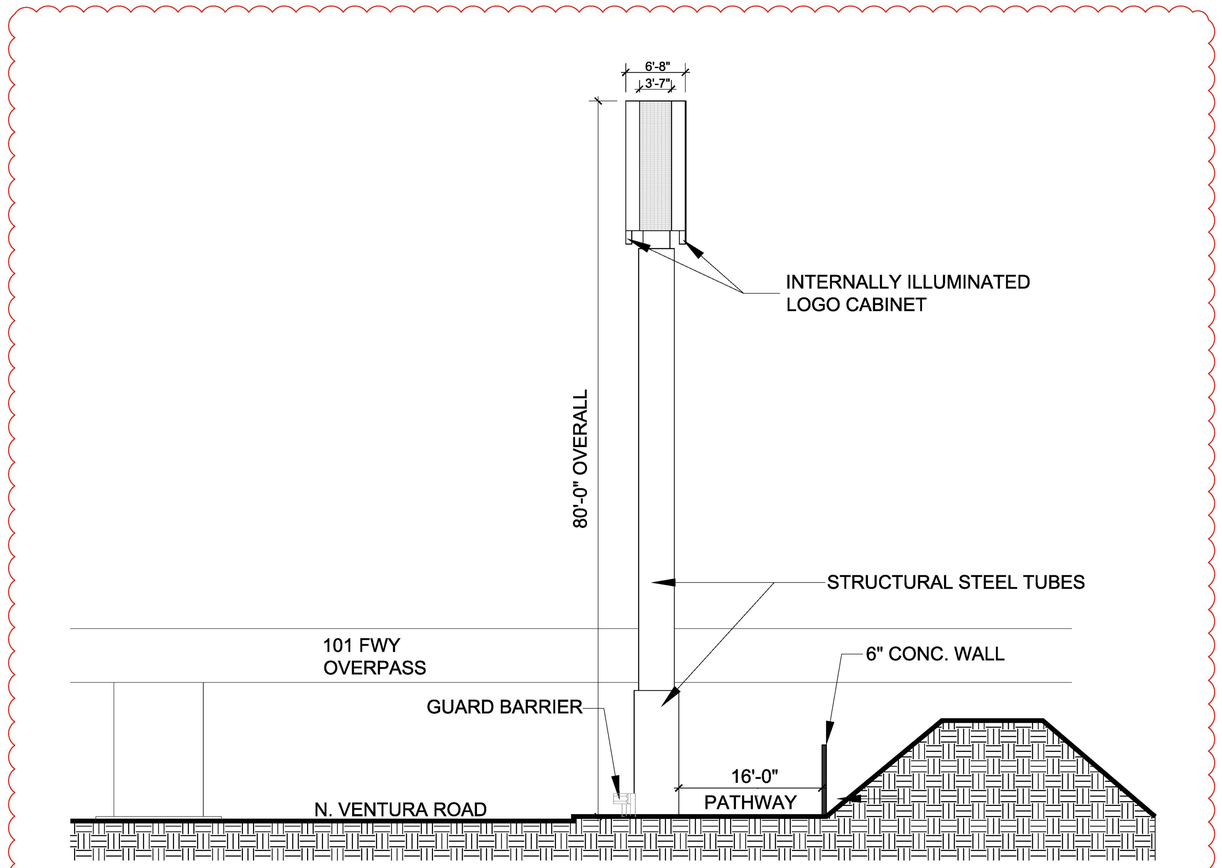
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1 Overall Elevation

SCALE - 1/8" : 1'0"

(See A-3.0 For Color Scheme)



3 CROSS SECTION VIEW

SCALE - 1/8" : 1'0"

(See A-3.0 For Color Scheme)

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REV DATE ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C-26937 REN. 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

SIGN ELEVATIONS AND PLAN

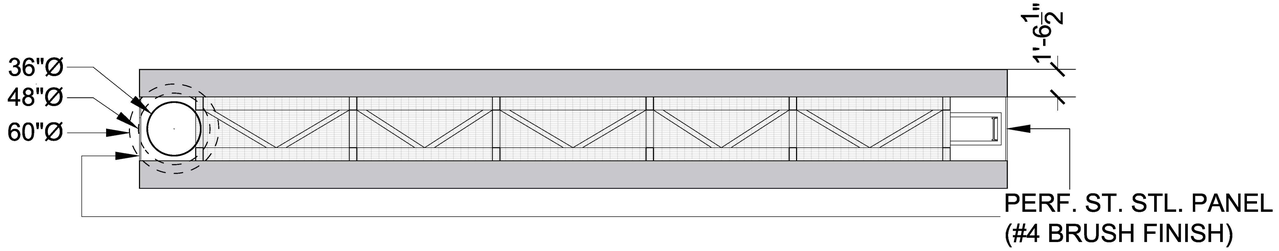
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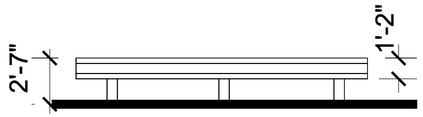
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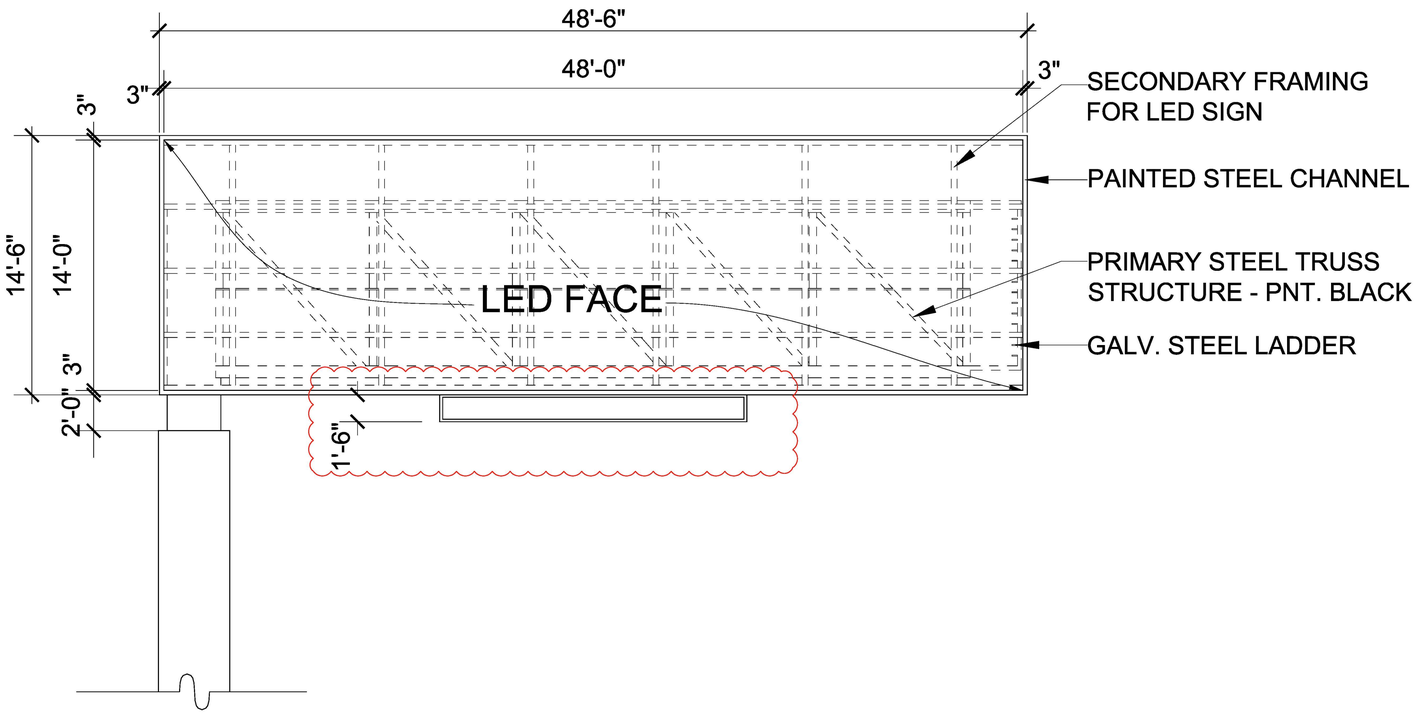
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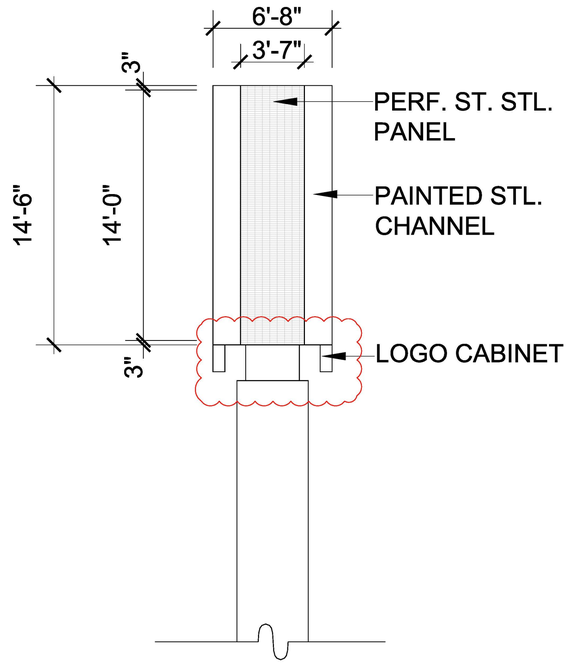




2 GUARD BARRIER FRONT VIEW SCALE - 1/4" : 1'0"



1 Face Elevation SCALE - 1/4" : 1'0"



3 End Elevation SCALE - 1/4" : 1'0"

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REV	DATE	ISSUE

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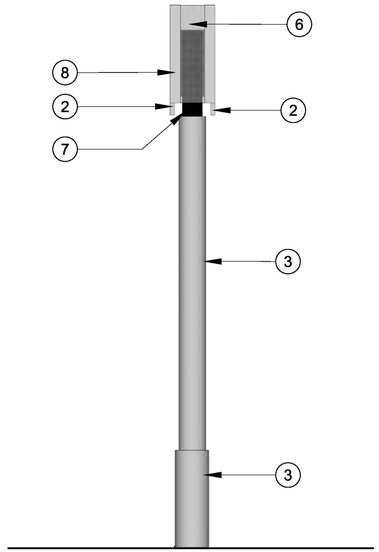
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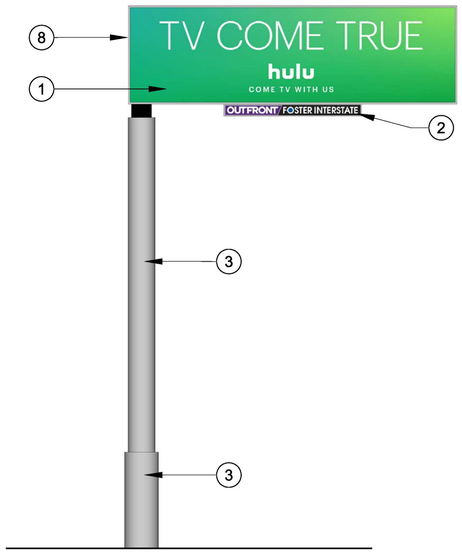
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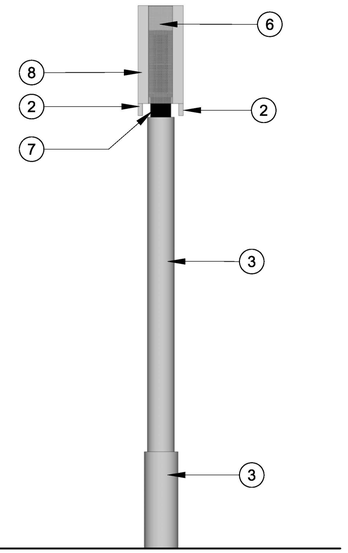
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5 Elevation C SCALE - 3/32" : 1'0"



4 Elevation B SCALE - 3/32" : 1'0"

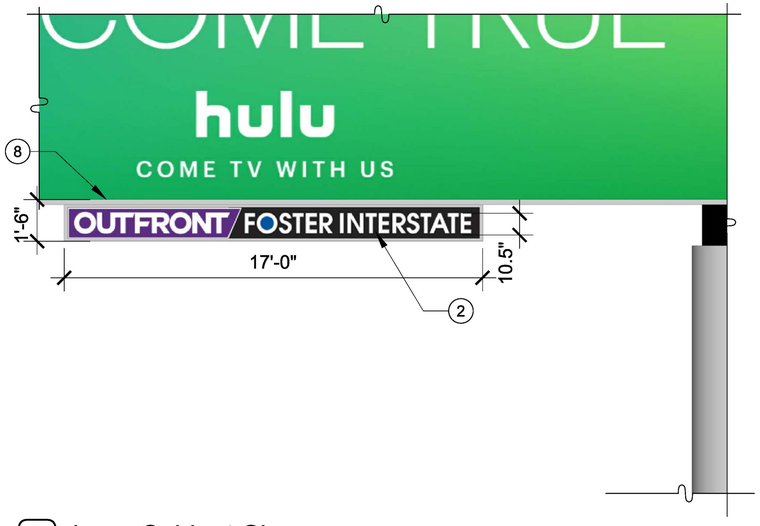


3 Elevation A SCALE - 3/32" : 1'0"



2 Perspective View 2 NTS

6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

1. LED SIGN FACE
2. INTERNALLY ILLUMINATED ANODIZED ALUMINUM LOGO CABINET
3. STEEL TUBE PAINTED GRAY (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)
4. STEEL TRUSS PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
5. ALUMINUM GRATING PLATFORM (NATURAL ANODIZED)
6. PERFORATED STAINLESS-STEEL CLOSER PANEL- #4 BRUSH
7. STEEL TUBE PAINTED BLACK (MATTHEW PAINT - MP59647 BLACK IS BACK - SATIN)
8. PAINTED STEEL CHANNEL (MATTHEW PAINT TO MATCH PANTONE PMS877C - SATIN)

SHEET NOTES

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5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD BUILDING AUTHORITIES AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, COVER PLACES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

    ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2016 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:
15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET. BEYOND THAT HORIZONTAL BENCHES OF 5 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING, BRACING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SIGN.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE SURCHARGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.CA-OSHA.COM/PDFPUBS/OSHA USERGUIDE.PDF * CONSTRUCTION SAFETY ORDERS : CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED OIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

ib+a architecture
177 Post Street,
Suite 920
San Francisco,
CA 94108
tel: (415) 512-9660
fax: (415) 512-9663
www.ibadesign.com

PROJECT NAME

OXNARD SIGNAGE PROJECT

APN 139-0-150-145

Oxnard, California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

LICENSED ARCHITECT JON J. BIRCHALL C-26947 REN: 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

COLORED ELEVATIONS

DATE	8/6/2020
SCALE	
DRAWN BY	
CHECKED BY	
JOB NO.	1814

A-3.0

SHEET NO.

All drawings and written material appearing herein constitute the original and unpublished work of the designer and the same may not be duplicated, used, or disclosed without the written consent of the designer.

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

ib+a architecture

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Suite 920
San Francisco,
CA 94108

tel: (415) 512-9660
fax: (415) 512-9663
www.ibadesign.com

PROJECT NAME

OXNARD SIGNAGE PROJECT

APN 139-0-150-145

Oxnard, California

CLIENT

OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV	DATE	ISSUE

LICENSED ARCHITECT IAN J. BIRCHALL C29453 REN: 11-30-21 STATE OF CALIFORNIA

SHEET DESCRIPTION

RENDERINGS

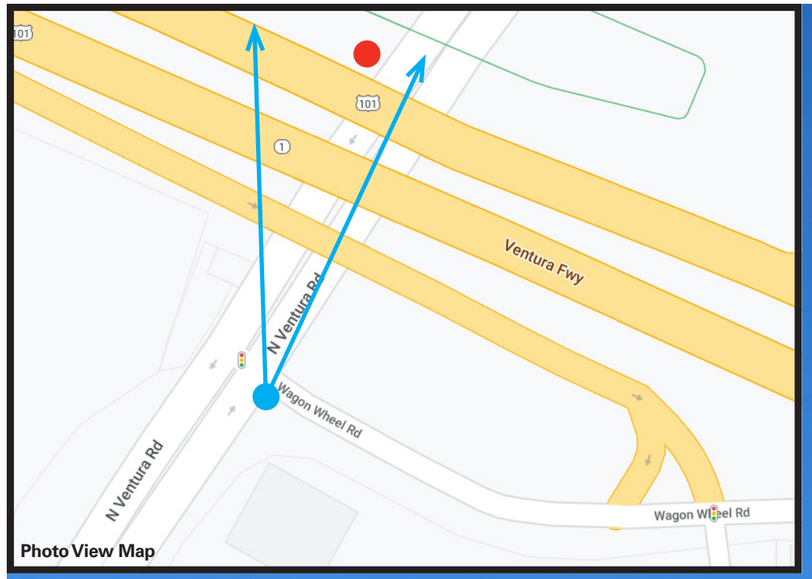
DATE	8/6/2020
SCALE	
DRAWN BY	
CHECKED BY	
JOB NO.	1814

A-4.0

SHEET NO.

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OUTFRONT FOSTER INTERSTATE

14'h x 48'w, Double-Sided Digital Display

Site 1: View from Intersection of Ventura Rd. and Wagon Wheel

Working Draft - For Discussion Purposes Only. *Please note, design, placement of structures and elevation details are preliminary and subject to change. The positioning of each sign in this rendering and the perspective of each sign vis-a-vis the overall view is for illustration purposes only and is not exact.

Appendix B

Native American Assembly Bill 52 Notification

ESA

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030
(805)385-7858
Fax (805) 385-7417

CITY OF OXNARD CALIFORNIA

November 23, 2021

Julie Tumamait-Stenslie, Chairperson
Barbareño/Ventureño Band of Mission Indians
365 North Poli Avenue
Ojai, California 93023

RE: Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of determination that a Project Application is Complete or Decision to Undertake a Project, and Notification of Consultation Opportunity, pursuant to Public Resources Code § 21080.3.1 (hereafter PRC).

Dear Chair Tumamait-Stenslie

The City of Oxnard has determined that a project application is complete for the Ventura Road Electronic Billboard Project.

Below please find a description of the proposed project, a map showing the project location, and the name of our project point of contact, pursuant to PRC § 21080.3.1 (d).

The project is a request for a Special Use Permit (PZ 20-500-06) and Development Agreement (PZ 20-670-05) for the construction of a new double sided digital freeway oriented electronic billboard West-Side of Ventura Road north of Hwy 101. The property is currently a vacant City owned property. The project is subject to the California Environmental Quality Act (CEQA) and the City of Oxnard is the lead agency under CEQA.

The project is located on the West-Side of Ventura Road north of Hwy 101, between Ventura Road and the Santa Clara River (Right of Way).

The proposed project must comply with California Public Resources Code § 21080.3.1 (Assembly Bill [AB] 52 of 2014), which requires local governments to conduct meaningful consultation with California Native American tribes that have requested to be notified by CEQA lead agencies of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated.

Your tribe's input is important to the City's planning process. We request that you advise us as early as possible if you wish to consult on the proposed project. Pursuant to PRC § 21080.3.1 (b), you have 30 days from the receipt of this letter to request consultation, in writing, with the City of Oxnard. If you

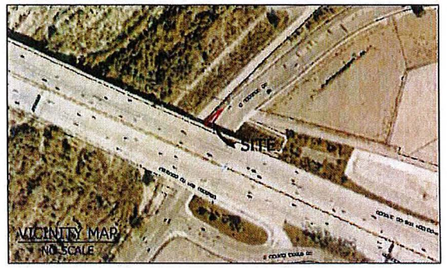
require any additional information or have any questions, please contact me 805-385-8272 or via e-mail at Joe.Pearson@oxnard.org. Thank you for your assistance.

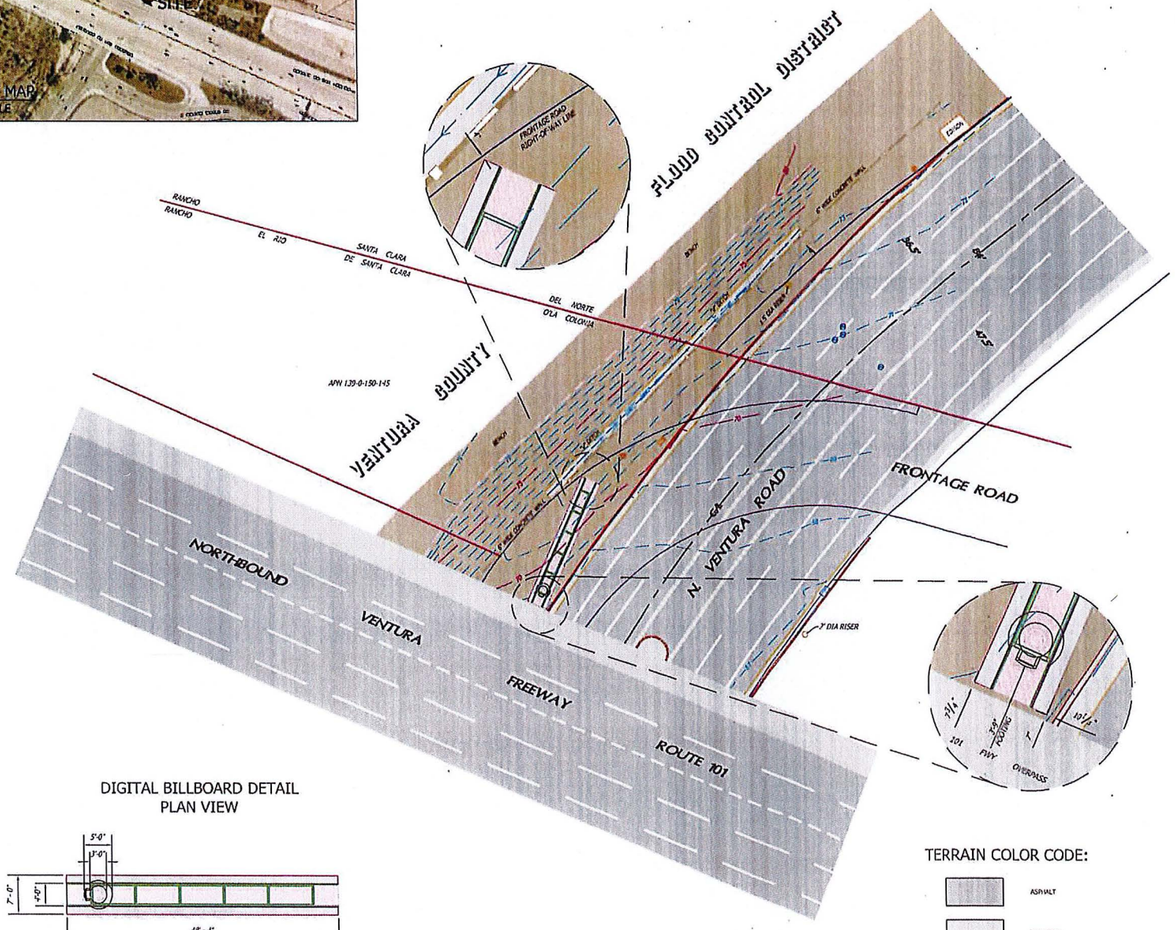
Very Respectfully,

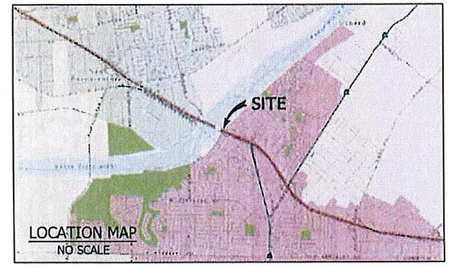
Joe Pearson II, AICP | Senior Planner
Community Development Department
City of Oxnard

Enclosed: Project Location Map and Site Plan

SITE 1







NOTE:

1. BOUNDARY SHOWN HEREON IS BASED ON FOUND MONUMENTS PER COUNTY PUBLIC WORKS FIELD BOOKS, TRACT NO. 5852, 159 MR 81, AND CALIFORNIA R/W MAP NO. F 2232-11 07-VEN-101-23.0.
2. LANDSCAPING AND LANDSCAPE IRRIGATION DEVICES MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
3. TREES AND OTHER FOLIAGE MAY EXIST WITHIN THE PROPERTY AND ARE NOT SHOWN.
4. ROAD STRIPING IS PICTORIAL AND REPRESENTS ONLY APPROXIMATE, RELATIVE LOCATIONS
5. DIGITAL BILLBOARD AND PROPOSED LOCATION PROVIDED BY CLIENT.
6. IF RETAINING WALLS OR SIMILAR STRUCTURES ARE TO BE DESIGNED FROM TOPOGRAPHY SHOWN HEREON, THE ELEVATIONS OF CRITICAL POINTS CONTROLLING THE DESIGN MUST BE VERIFIED PRIOR TO ADOPTION OF FINAL DESIGN.
7. THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. EXISTING EASEMENTS (IF ANY) ARE NOT SHOWN HEREON.
8. ATTENTION: IF THIS MAP IS PROVIDED IN AN ELECTRONIC FORMAT (IE: CAD) AS A COURTESY TO A CLIENT, THE DELIVERY OF THE ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF OUR PROFESSIONAL WORK PRODUCT. ONLY THE SURVEYOR'S SIGNED AND SEALED PAPER PRINT OR PDF FORMATTED DRAWING CONSTITUTES OUR PROFESSIONAL WORK PRODUCT. IN THE EVENT THAT THE ELECTRONIC FILE IS ALTERED, THE SURVEYOR'S SIGNED AND SEALED PRINT OR PDF FORMATTED DRAWING MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. CHRIS NELSON AND ASSOCIATES, INC., SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATION MADE TO THE PROVIDED CAD FILE, OR FOR ANY PRODUCTS THAT HAVE BEEN DERIVED FROM THE CAD FILE, WHICH ARE NOT REVIEWED, SIGNED AND SEALED BY US.

BENCH MARK:

B.M. NO. R 30 1920 VCPID 193 NAVD 1988 COUNTY OF VENTURA DATUM

3.2 MILES ALONG THE SOUTHERN PACIFIC RAILROAD FROM THE STATION AT OXNARD, AT A LONG STEEL BRIDGE OVER THE SANTA CLARA RIVER, 2.3 FEET NORTHWEST OF THE SOUTHEAST END OF THE ABUTMENT, IN THE TOP OF THE SOUTHWEST END OF THE SOUTHEAST ABUTMENT , 5.1 FEET SOUTHWEST OF THE SOUTHWEST RAIL, AND ABOUT 1 FOOT LOWER THAN THE RAIL.

ELEVATION = 80.6363 FEET (24.578 METERS) (VENTURA COUNTY ADJ PUB 1992)

LEGEND:

- CURB
- V-GUTTER
- PAVED ROAD
- GRADE BREAK
- WALL
- INDEX CONTOUR
- BOUNDARY LINE
- RIGHT-OF-WAY LINE
- INTERMEDIATE CONTOUR
- LIGHT POLE
- TRAFFIC SIGNAL BOX
- STREET SIGN
- WATER VALVE
- PROPOSED BILLBOARD

DIGITAL BILLBOARD DETAIL
PLAN VIEW

SCALE: 1" = 10'

TERRAIN COLOR CODE:

- ASPHALT
- CONCRETE
- GROUND

N

20' 10' 0' 10' 20' 40'
GRAPHIC SCALE
SCALE: 1"=20'

DATED: 12/6/2019

REVISION NOTES

DATE	DESCRIPTION	BY
12/6/19	CHANGED OVERALL AESTHETICS	CJD

PREPARED BY:
Chris Nelson & Associates, inc.
31238 Via Colinas Suite H, Westlake Village, CA. 91362
Voice: 818.991.1040 Fax: 818.991.0814

PREPARED FOR:
FOSTER INTERSTATE MEDIA, INC.
1111 BROADWAY, SUITE 1515
OAKLAND, CA. 94607

TOPOGRAPHIC SURVEY
PORTION OF CALIFORNIA R/W MAP NO.
F 2232-11 07-VEN-101-23.0
CITY OF OXNARD, COUNTY OF VENTURA

JOB NO. 19-5125
SCALE: 1" = 20'
DATE: OCT. 2019
DRAFTED: SJN

SHEET NO.
1
OF 1 SHEET

Appendix C
Photometric Analysis

330 N. Brand Blvd. Suite 950
Glendale, CA 91203
818.539.1111 • www.exp.com

City of Oxnard
Ventura County
Site # 1

Digital Billboards

Photometric Analysis

Project Number
2020239.00

Prepared By:

Michael Schrupp

Date Submitted
23 October, 2020

Date Revised
7 December, 2020

TABLE OF CONTENTS

1.0 NARRATIVE 1

2.0 APPENDIX - FOOT-CANDLE LEVEL GRAPHIC SHEETS 3

1.0 NARRATIVE

We (exp engineering) have conducted a photometric review of the digital billboards being proposed by Outfront Foster Interstate to be located on N. Ventura Dr. near the 101 freeway and Santa Clara River Basin, in Oxnard, CA.

Using the photometric software AGI32, we studied the screen's output brightness to determine

a) what if any modifications to the sign would be needed to comply with the OAAA (Outdoor Advertising Association of America) lighting level standards, and
b) What impact will the sign have at night on the surrounding community, including the new Fore Riverpark Complex.
c) What are the specific impacts on the Santa Clara River Basin that may effect the wildlife in the area.

The photometry is based on the specified Nichia series 336 LED modules, which output light horizontally at 90° and 45° vertically.

The proposed billboard is to be 14'x48' with the top of the sign mounted at +80' above the ground with maximum screen brightness of 300 NITS (300 Candela per Square Meter) in the evening.
Per OAAA guidelines, the proposed sign, displaying a full white image (for maximum brightness) should not exceed .3 footcandles over the surrounding ambient light levels at a distance of 250' in any direction.
As we are unable to determine what the ambient light levels will be at the location, the studies were done assuming the worst-case scenario of no ambient light.

We have included graphical illustrations demonstrating the light levels in footcandles (fc) we expect from the screen.

Sheet 1 of the attachment is a location plan indicating the 250' boundary overlaid on a map of the proposed site, as well as the projected relative angle of light emanating from the sign
Sheet 2 shows the photometric calculations at the ground over the entire map area, graphicly shown as both footcandle points and as a pseudocolor graph.
Sheet 3 is a graphic representation of the light levels impacting the area to the south of the sign.
Sheet 4 is a graphic representation of the light levels impacting the area to the north of the sign.
Sheet 5 is a graphic representation of the light levels impacting the adjacent river basin area
Sheet 5 is a graphic representation of the light levels impacting the Fore Riverpark Complex.

Conclusions

We see no light levels in excess of .3fc beyond the 250' radius of the signs, nor do we find any significant impact to the surrounding public area provided the sign brightness is reduced after dark to the 300 NIT level. While there is some highlight to the west face of the Fore Riverpark complex, the levels are minimal enough so as we feel it will not be a disruption to the residents on that corner of the building.

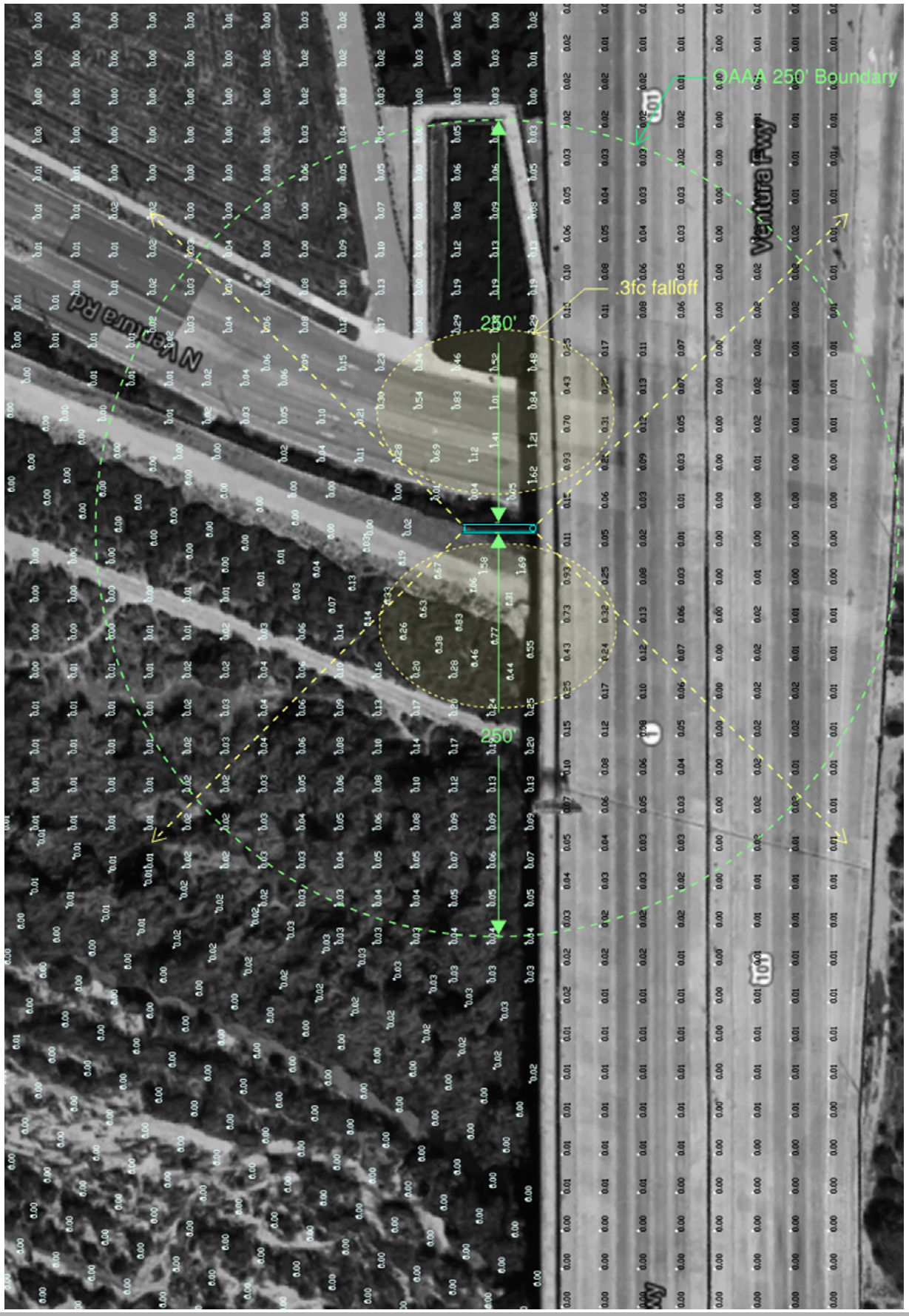
As it relates to the Santa Clara River Basin area, we find that a minimal amount of light will impact the immediate area in front of the North facing sign, with light levels quickly dropping below that of full-moon light (.025fc). Roughly 14,000sf would fall between .3fc and .1fc, with the rest falling below the 1/10th fc mark. Also of note, the adjacent freeway overpass has pedestrian light poles that likely contribute light on the basin below in much greater levels than the proposed billboard and over a much larger area.
It is our assessment that given the extremely low levels of illumination and minimal area of light spill, the proposed billboard would provide little to no impact to the river basin ecosystem.

This report, prepared by exp Services Inc., is intended for the exclusive use of the City of Oxnard, Ventura County, and Outfront Foster Interstate Media. Neither exp Services Inc., City of Oxnard, Ventura County, or Outfront Foster Interstate Media assume any liability for the use of this report, or for the use of any information disclosed in the report, or for damages resulting from the use of this report, by other parties.

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Appendix

Foot-candle Level Graphic Sheets



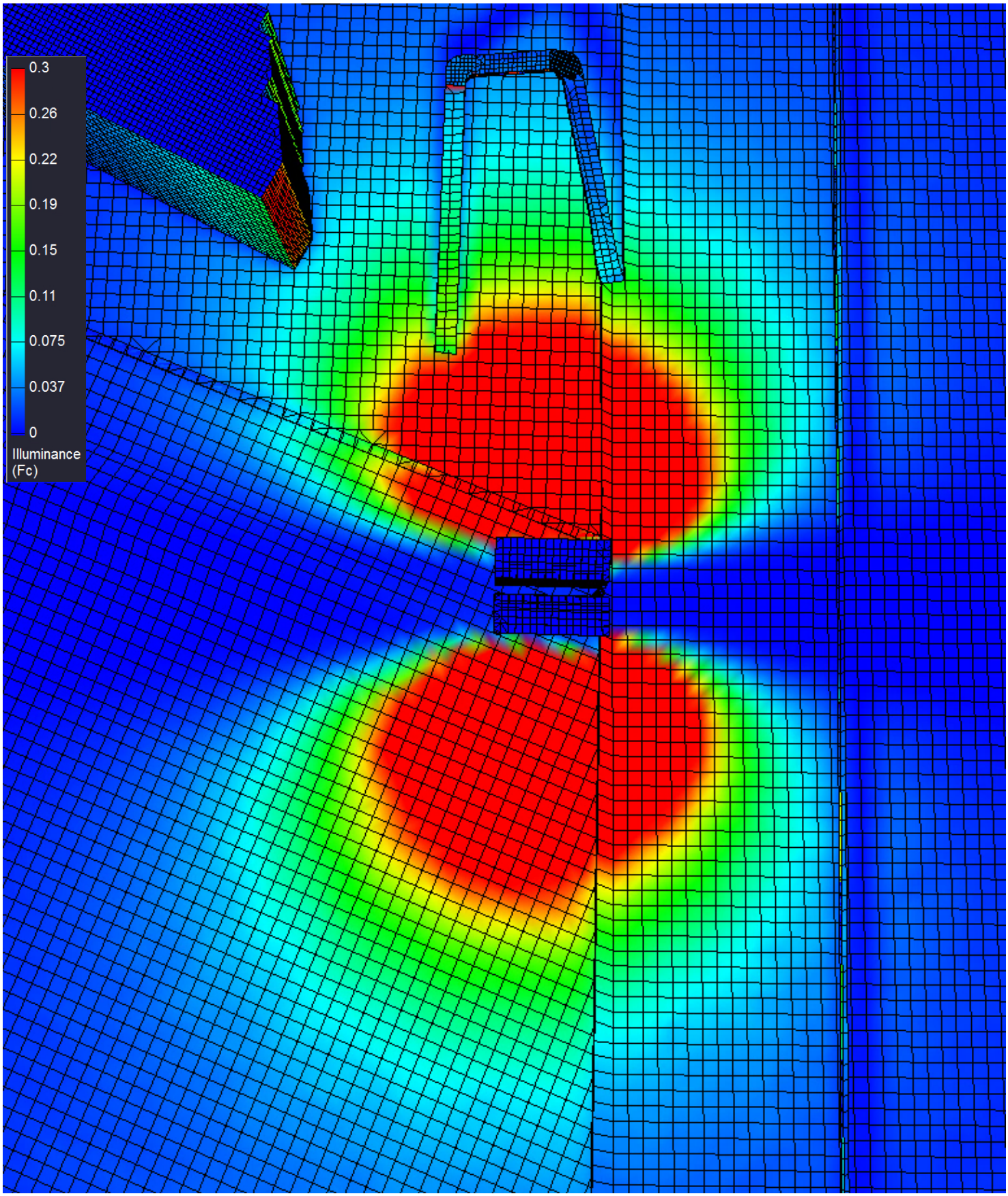
exp.

330 N. Brand Blvd. Suite 950

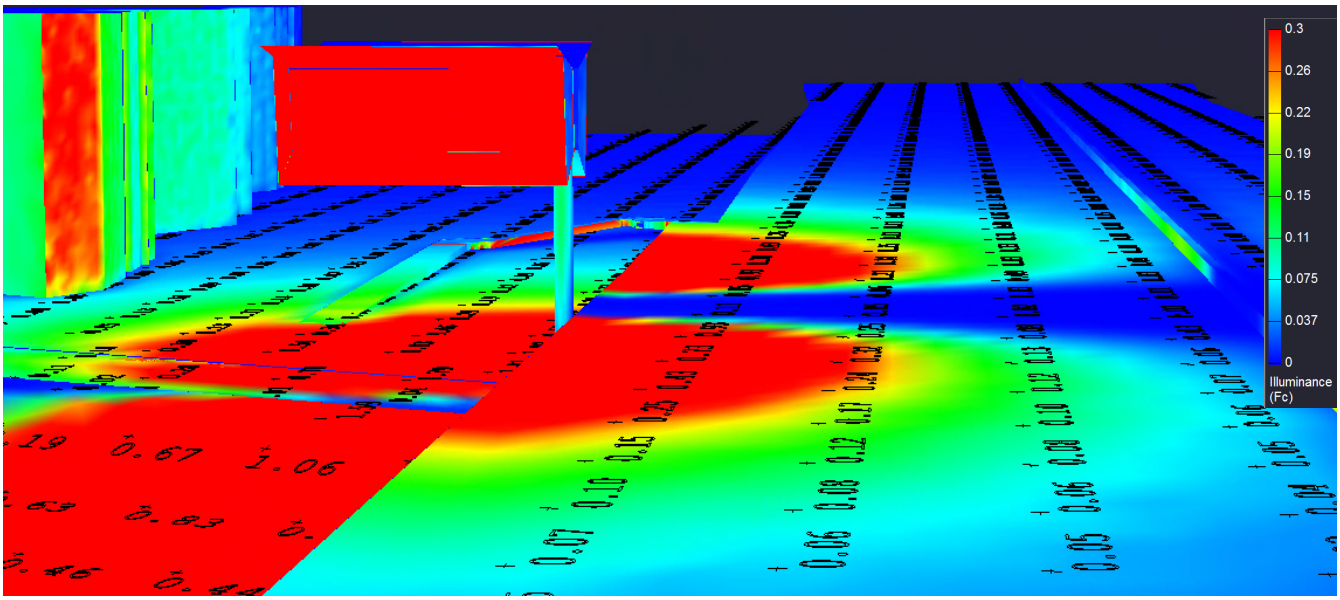
Outfront Foster Interstate
OXNARD BILLBOARD SITE 1

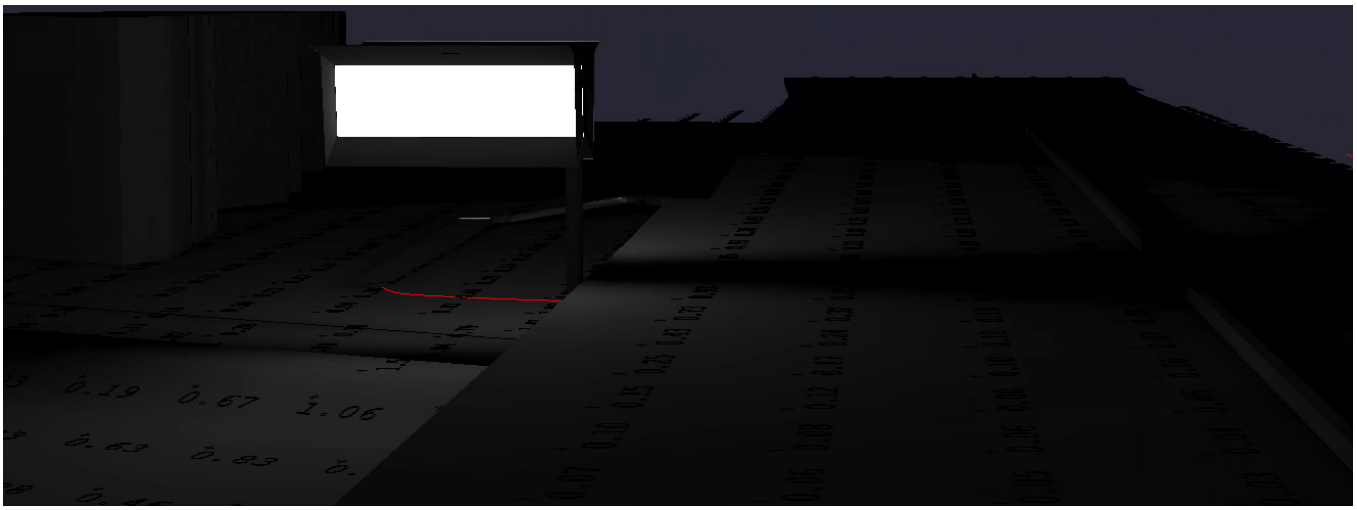
N. Ventura Rd.
Overall Plan w/250' Boundary

Release: 03/29/2022
Revision: 0

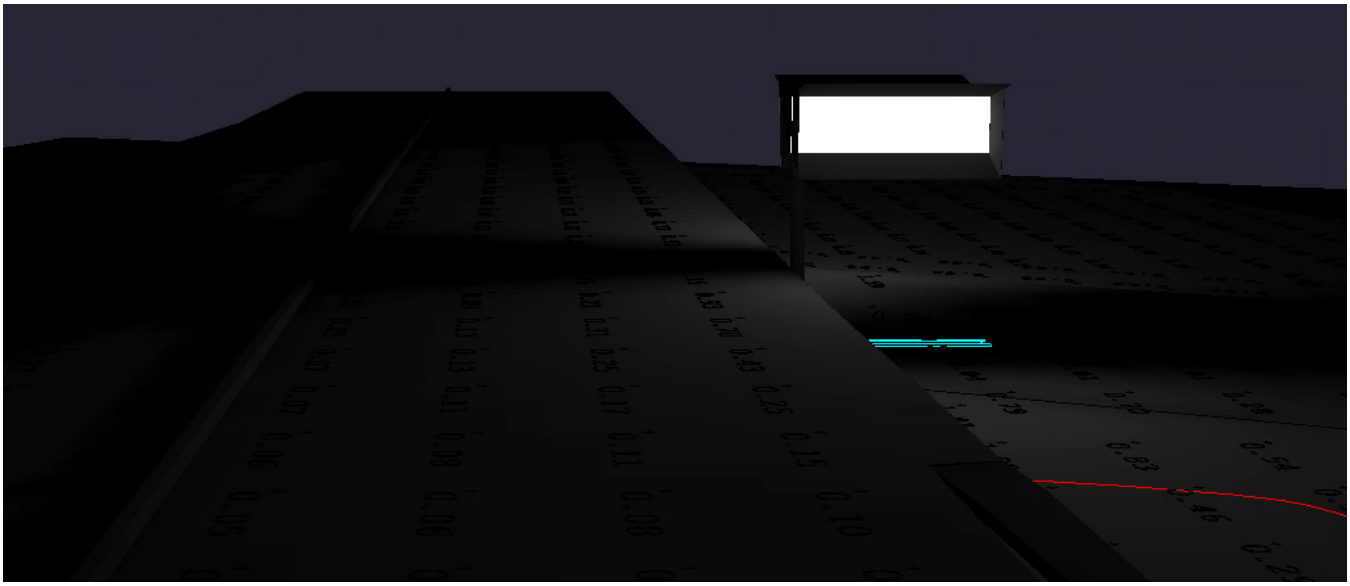

0.3
0.26
0.22
0.19
0.15
0.11
0.075
0.037
0
Illuminance
(Fc)

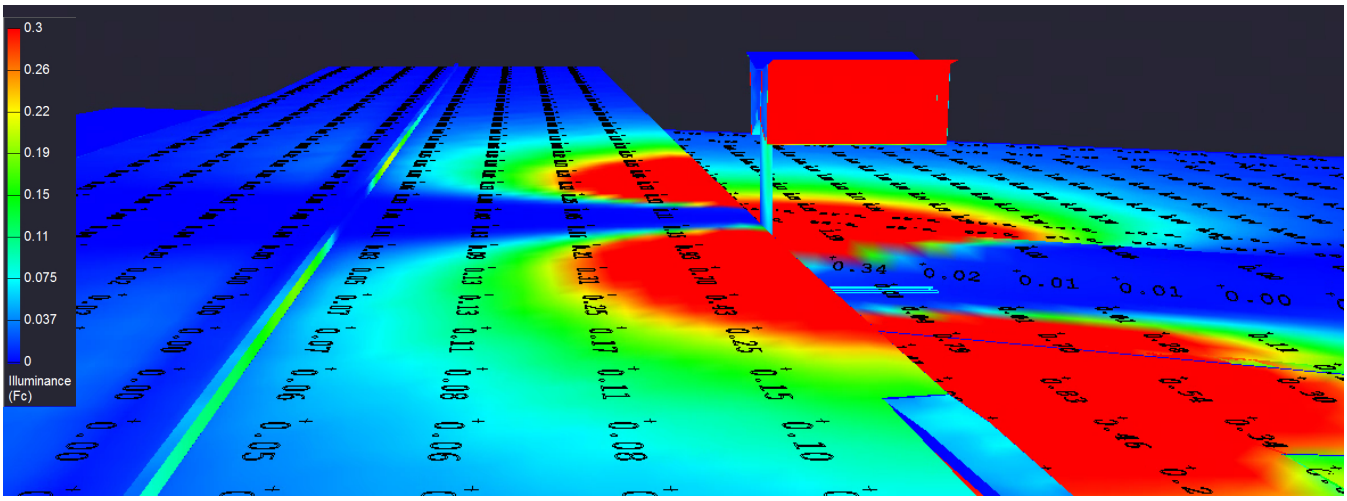

The "S" Area Pass (805
Official Passageway)
Temporarily closed

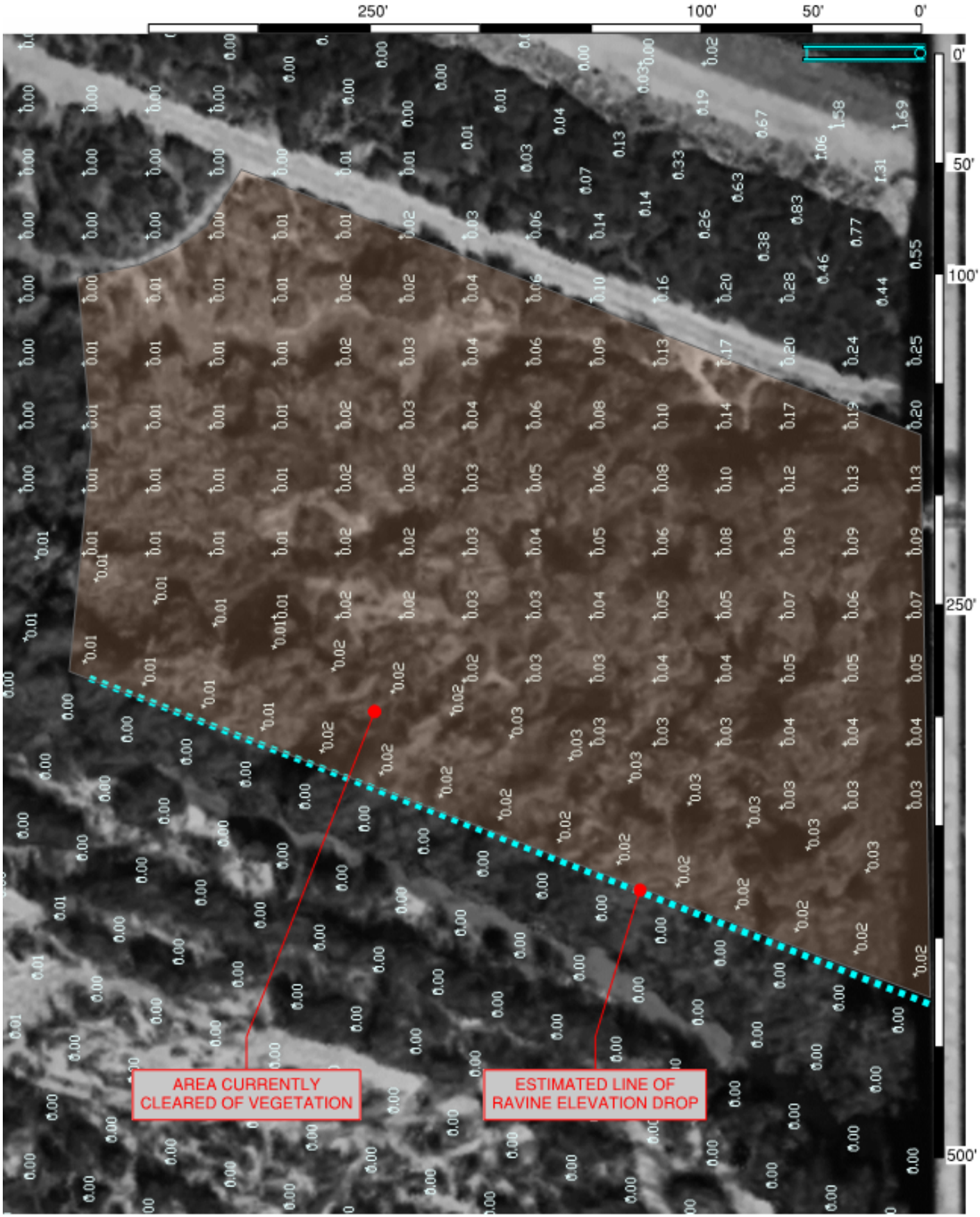

0.3
0.26
0.22
0.19
0.15
0.11
0.075
0.037
0
Illuminance (Fc)

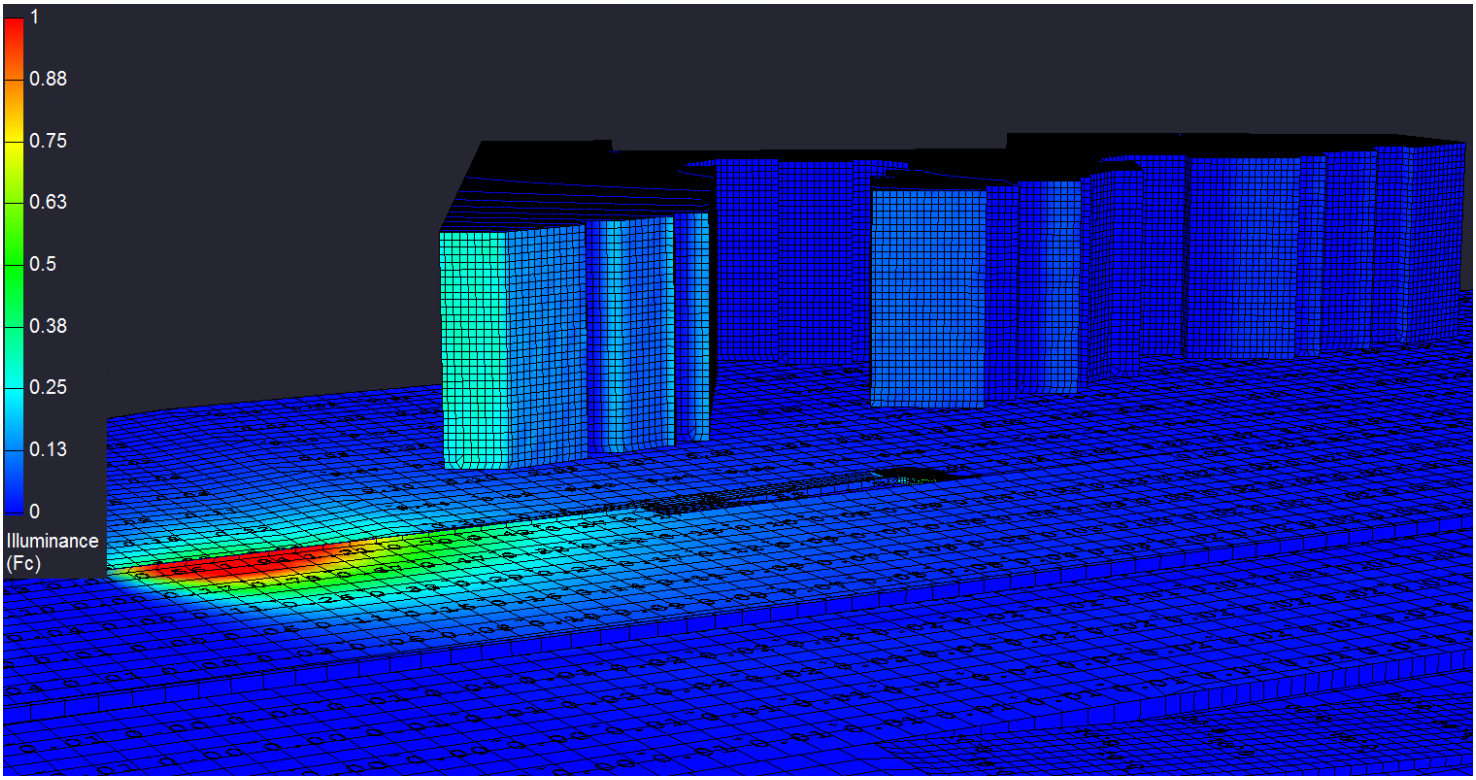




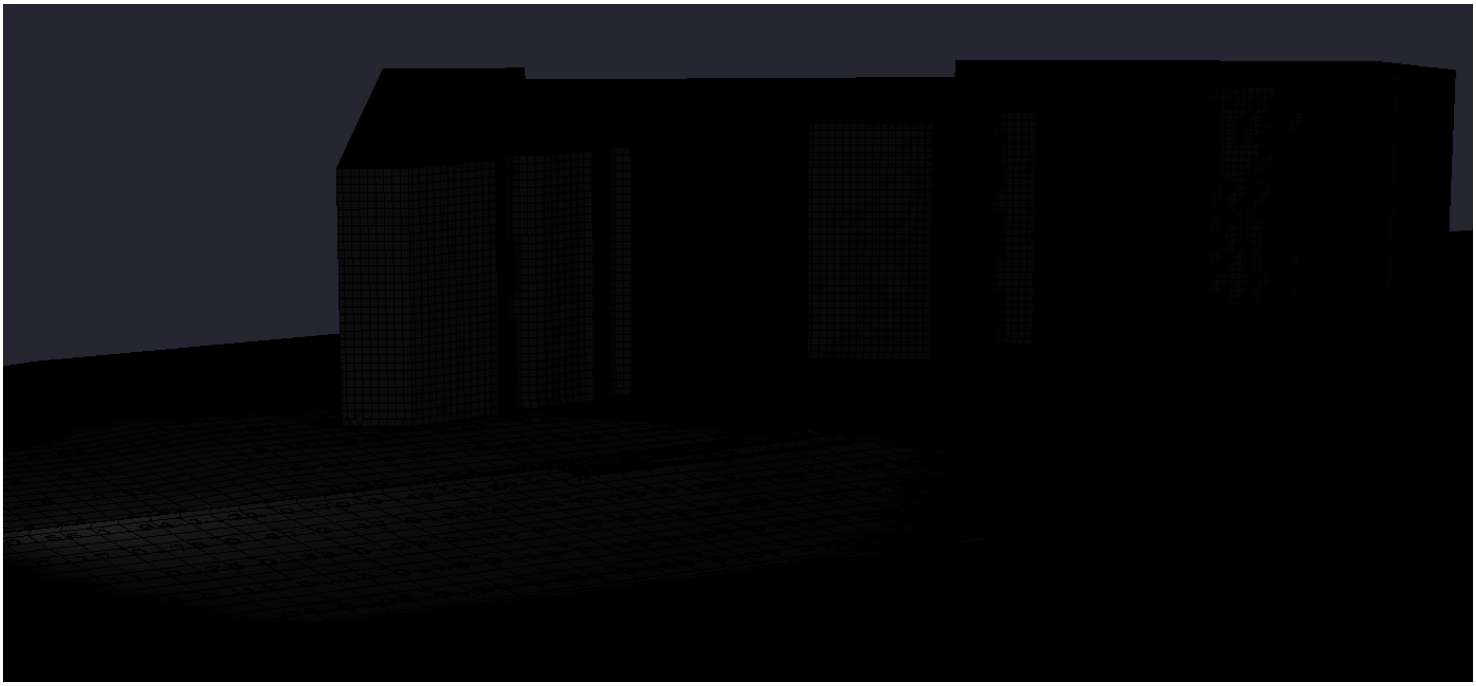



0.3
0.26
0.22
0.19
0.15
0.11
0.075
0.037
0
Illuminance (Fc)


250'
100'
50'
0'
0'
50'
100'
250'
500'
AREA CURRENTLY CLEARED OF VEGETATION
ESTIMATED LINE OF RAVINE ELEVATION DROP



Pseudocolor Map



Rendered View

Appendix D
Air Quality Assumptions and Modeling

ESA

Ventura Road Electronic Billboard MND
Air Quality Assumptions and Modeling

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Maximum Daily Construction Emissions

	(lb/day)										
On + Off-Site Construction	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Max Daily Emissions	0.741	8.060	6.143	0.019	0.482	0.304	0.655	0.097	0.289	0.349	1939.197

	Phase Emissions (lbs)										
Off-Road Const. Eqpt	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.404	3.709	5.482	0.011	0.207	0.157	0.364	0.022	0.144	0.167	1028
Column Set	0.585	6.229	4.852	0.011	-	0.262	0.262	-	0.247	0.247	1039
Build & Set Structure	0.682	6.623	5.404	0.011	-	0.293	0.293	-	0.278	0.278	1103
Build & Set Displays	0.409	4.745	2.986	0.007	-	0.184	0.184	-	0.169	0.169	727
total offroad	**2.080**	**21.305**	**18.725**	**0.040**	**0.207**	**0.896**	**1.103**	**0.022**	**0.839**	**0.862**	**3898.0**
On-Road Mobile	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.067	1.827	0.661	0.008	0.275	0.016	0.291	0.075	0.015	0.090	885
Column Set	0.074	1.831	0.717	0.008	0.292	0.016	0.307	0.079	0.015	0.094	900
Build & Set Structure	0.059	1.227	0.570	0.005	0.222	0.011	0.233	0.060	0.010	0.070	625
Build & Set Displays	0.059	1.227	0.570	0.005	0.222	0.011	0.233	0.060	0.010	0.070	625
total on-road	**0.259**	**6.113**	**2.519**	**0.027**	**1.010**	**0.053**	**1.063**	**0.274**	**0.051**	**0.325**	**3034.5**
Total Construction	**ROG**	**NOX**	**CO**	**SO2**	**Fugitive PM10**	**Exhaust PM10**	**Total PM10**	**Fugitive PM2.5**	**Exhaust PM2.5**	**Total PM2.5**	**CO2e**
Drill Footing	0.471	5.5	6.1	0.018	0.5	0.2	0.7	0.1	0.2	0.3	1913.6
Column Set	0.659	8.1	5.6	0.019	0.292	0.278	0.569	0.079	0.262	0.342	1939
Build & Set Structure	0.741	7.8	6.0	0.017	0.222	0.304	0.526	0.060	0.289	0.349	1728
Build & Set Displays	0.468	6.0	3.6	0.013	0.222	0.195	0.417	0.060	0.180	0.240	1352
Project Total (lbs)	**2.339**	**27.418**	**21.244**	**0.067**	**1.217**	**0.949**	**2.166**	**0.296**	**0.890**	**1.186**	**6933**

Oxnard Billboard MND - Ventura County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.7410	8.0601	6.1432	0.0186	0.8054	0.3038	0.9781	0.1321	0.2886	0.3486	0.0000	1,893.7113	1,893.7113	0.3821	0.1273	1,939.1974
Maximum	**0.7410**	**8.0601**	**6.1432**	**0.0186**	**0.8054**	**0.3038**	**0.9781**	**0.1321**	**0.2886**	**0.3486**	**0.0000**	**1,893.7113**	**1,893.7113**	**0.3821**	**0.1273**	**1,939.1974**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.7410	8.0601	6.1432	0.0186	0.4820	0.3038	0.6546	0.0971	0.2886	0.3486	0.0000	1,893.7113	1,893.7113	0.3821	0.1273	1,939.1974
Maximum	**0.7410**	**8.0601**	**6.1432**	**0.0186**	**0.4820**	**0.3038**	**0.6546**	**0.0971**	**0.2886**	**0.3486**	**0.0000**	**1,893.7113**	**1,893.7113**	**0.3821**	**0.1273**	**1,939.1974**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**40.16**	**0.00**	**33.07**	**26.44**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5303	0.0000	0.5303	0.0573	0.0000	0.0573			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444		1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.5303**	**0.1569**	**0.6872**	**0.0573**	**0.1444**	**0.2016**		**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0247	0.0160	0.2221	5.8000e-004	0.0657	3.8000e-004	0.0661	0.0174	3.5000e-004	0.0178		58.5551	58.5551	1.8600e-003	1.6200e-003	59.0832
Total	**0.0673**	**1.8271**	**0.6612**	**7.7100e-003**	**0.2752**	**0.0157**	**0.2909**	**0.0748**	**0.0150**	**0.0898**		**846.1050**	**846.1050**	**0.0522**	**0.1269**	**885.2284**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2068	0.0000	0.2068	0.0223	0.0000	0.0223			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444	0.0000	1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.2068**	**0.1569**	**0.3637**	**0.0223**	**0.1444**	**0.1667**	**0.0000**	**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0247	0.0160	0.2221	5.8000e-004	0.0657	3.8000e-004	0.0661	0.0174	3.5000e-004	0.0178		58.5551	58.5551	1.8600e-003	1.6200e-003	59.0832
Total	**0.0673**	**1.8271**	**0.6612**	**7.7100e-003**	**0.2752**	**0.0157**	**0.2909**	**0.0748**	**0.0150**	**0.0898**		**846.1050**	**846.1050**	**0.0522**	**0.1269**	**885.2284**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472		1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**		**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0735**	**1.8311**	**0.7167**	**7.8500e-003**	**0.2916**	**0.0158**	**0.3074**	**0.0792**	**0.0151**	**0.0943**		**860.7438**	**860.7438**	**0.0526**	**0.1273**	**899.9992**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472	0.0000	1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**	**0.0000**	**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0425	1.8111	0.4391	7.1300e-003	0.2095	0.0153	0.2248	0.0574	0.0147	0.0721		787.5499	787.5499	0.0503	0.1253	826.1453
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0735**	**1.8311**	**0.7167**	**7.8500e-003**	**0.2916**	**0.0158**	**0.3074**	**0.0792**	**0.0151**	**0.0943**		**860.7438**	**860.7438**	**0.0526**	**0.1273**	**899.9992**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784		1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**		**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694		721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**		**721.4502**	**721.4502**	**0.2333**		**727.2835**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694	0.0000	721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**	**0.0000**	**721.4502**	**721.4502**	**0.2333**		**727.2835**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0284	1.2074	0.2928	4.7500e-003	0.1397	0.0102	0.1499	0.0383	9.7800e-003	0.0480		525.0333	525.0333	0.0335	0.0835	550.7635
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0309	0.0200	0.2776	7.2000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		73.1939	73.1939	2.3300e-003	2.0200e-003	73.8540
Total	**0.0593**	**1.2274**	**0.5704**	**5.4700e-003**	**0.2218**	**0.0107**	**0.2325**	**0.0600**	**0.0102**	**0.0703**		**598.2272**	**598.2272**	**0.0359**	**0.0856**	**624.6175**

Oxnard Billboard MND - Ventura County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.6818	6.6225	5.7539	0.0114	0.6124	0.2931	0.7698	0.0790	0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.3325	2.2500e-003	1,103.1584
Maximum	**0.6818**	**6.6225**	**5.7539**	**0.0114**	**0.6124**	**0.2931**	**0.7698**	**0.0790**	**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.3325**	**2.2500e-003**	**1,103.1584**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.6818	6.6225	5.7539	0.0114	0.2890	0.2931	0.4463	0.0441	0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.3325	2.2500e-003	1,103.1584
Maximum	**0.6818**	**6.6225**	**5.7539**	**0.0114**	**0.2890**	**0.2931**	**0.4463**	**0.0441**	**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.3325**	**2.2500e-003**	**1,103.1584**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**52.82**	**0.00**	**42.02**	**44.18**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	10.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	0.00	0.00	0.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.5303	0.0000	0.5303	0.0573	0.0000	0.0573			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444		1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.5303**	**0.1569**	**0.6872**	**0.0573**	**0.1444**	**0.2016**		**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0333	0.0234	0.2719	6.9000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		70.0187	70.0187	2.5300e-003	2.2500e-003	70.7514
Total	**0.0333**	**0.0234**	**0.2719**	**6.9000e-004**	**0.0822**	**4.7000e-004**	**0.0826**	**0.0218**	**4.3000e-004**	**0.0222**		**70.0187**	**70.0187**	**2.5300e-003**	**2.2500e-003**	**70.7514**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.2068	0.0000	0.2068	0.0223	0.0000	0.0223			0.0000			0.0000
Off-Road	0.4041	3.7090	5.4820	0.0105		0.1569	0.1569		0.1444	0.1444	0.0000	1,020.1529	1,020.1529	0.3299		1,028.4013
Total	**0.4041**	**3.7090**	**5.4820**	**0.0105**	**0.2068**	**0.1569**	**0.3637**	**0.0223**	**0.1444**	**0.1667**	**0.0000**	**1,020.1529**	**1,020.1529**	**0.3299**		**1,028.4013**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0333	0.0234	0.2719	6.9000e-004	0.0822	4.7000e-004	0.0826	0.0218	4.3000e-004	0.0222		70.0187	70.0187	2.5300e-003	2.2500e-003	70.7514
Total	**0.0333**	**0.0234**	**0.2719**	**6.9000e-004**	**0.0822**	**4.7000e-004**	**0.0826**	**0.0218**	**4.3000e-004**	**0.0222**		**70.0187**	**70.0187**	**2.5300e-003**	**2.2500e-003**	**70.7514**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472		1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**		**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.5850	6.2290	4.8523	0.0107		0.2620	0.2620		0.2472	0.2472	0.0000	1,032.9675	1,032.9675	0.2492		1,039.1982
Total	**0.5850**	**6.2290**	**4.8523**	**0.0107**		**0.2620**	**0.2620**		**0.2472**	**0.2472**	**0.0000**	**1,032.9675**	**1,032.9675**	**0.2492**		**1,039.1982**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784		1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**		**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.6818	6.6225	5.4044	0.0114		0.2931	0.2931		0.2784	0.2784	0.0000	1,096.7143	1,096.7143	0.2578		1,103.1584
Total	**0.6818**	**6.6225**	**5.4044**	**0.0114**		**0.2931**	**0.2931**		**0.2784**	**0.2784**	**0.0000**	**1,096.7143**	**1,096.7143**	**0.2578**		**1,103.1584**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694		721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**		**721.4502**	**721.4502**	**0.2333**		**727.2835**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.4091	4.7446	2.9863	7.4500e-003		0.1841	0.1841		0.1694	0.1694	0.0000	721.4502	721.4502	0.2333		727.2835
Total	**0.4091**	**4.7446**	**2.9863**	**7.4500e-003**		**0.1841**	**0.1841**		**0.1694**	**0.1694**	**0.0000**	**721.4502**	**721.4502**	**0.2333**		**727.2835**

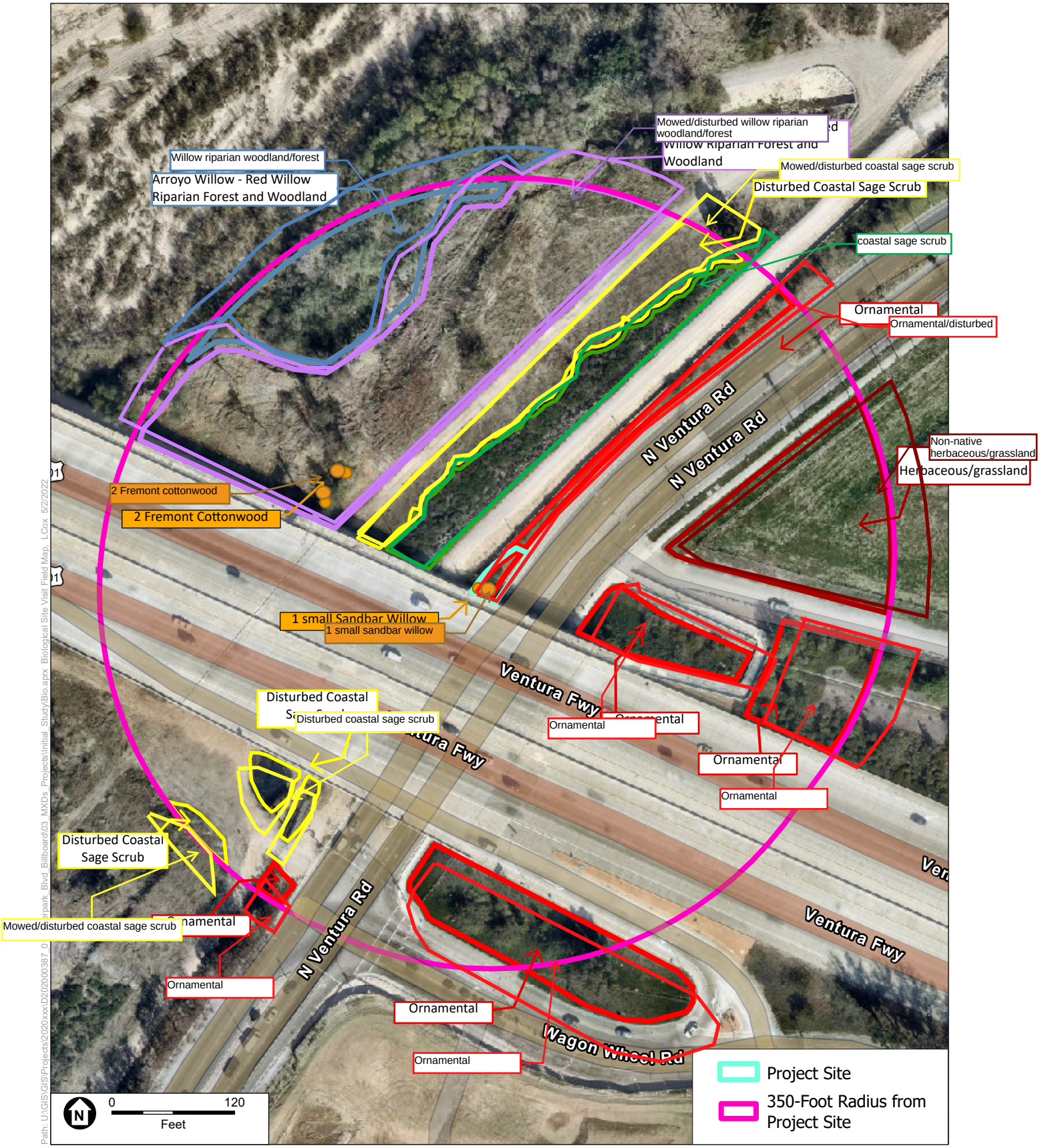
Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

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Appendix E
Biological Site Visit Field Map

ESA



SOURCE: Nearmap, 2022; ESA, 2022.

Ventura Road Electronic Billboard Project

Biological Site Visit Field Map

ESA

Appendix F

Greenhouse Gas Assumptions and Modeling

ESA

Ventura Road Electronic **Billboard MND**
Greenhouse Gas Assumptions and Modeling

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Construction Impacts

On-road + Off-Road Construction Impacts	MT/yr			
	CO2	CH4	N2O	CO2e
total Construction	3.07	0.0006	0.0002	3.14
ammortized (30-yrs)	0.10	0.000019	6.33E-06	0.10

Operational Impacts

	Energy Intensity Factor (lb/MW-hr)			
	CO2	CH4	N2O	CO2e
	390.98	0.03	0.004	393.00

Billboard Electricity Use	MT/yr			
kw-hr/yr	CO2	CH4	N2O	CO2e
54000	9.5767	0.0008	0.0001	9.6261

Total GHG Contribution	MT/yr			
	CO2	**CH4**	**N2O**	**CO2e**
Operational Energy	9.58	8.10E-04	1.00E-04	9.63
Amortized Construction	0.10	1.90E-05	6.33E-06	0.10
	9.68	**8.29E-04**	**1.06E-04**	**9.73**

Oxnard Billboard MND - Ventura County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	7.6000e-004	4.7000e-004	1.2400e-003	1.6000e-004	4.4000e-004	6.1000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**7.6000e-004**	**4.7000e-004**	**1.2400e-003**	**1.6000e-004**	**4.4000e-004**	**6.1000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	6.0000e-004	4.7000e-004	1.0700e-003	1.5000e-004	4.4000e-004	5.9000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**6.0000e-004**	**4.7000e-004**	**1.0700e-003**	**1.5000e-004**	**4.4000e-004**	**5.9000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**21.05**	**0.00**	**13.71**	**6.25**	**0.00**	**3.28**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	6-6-2022	9-5-2022	0.0054	0.0054
		Highest	0.0054	0.0054

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.7000e-004	0.0000	2.7000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**2.7000e-004**	**8.0000e-005**	**3.5000e-004**	**3.0000e-005**	**7.0000e-005**	**1.0000e-004**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0000e-004	0.0000	1.0000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**1.0000e-004**	**8.0000e-005**	**1.8000e-004**	**1.0000e-005**	**7.0000e-005**	**8.0000e-005**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Commercial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Commercial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Commercial	0.537638	0.058030	0.174616	0.137192	0.028458	0.007596	0.011602	0.006026	0.000704	0.000394	0.029425	0.000660	0.0076

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Appendix G

Energy Assumptions and Modeling

ESA

Ventura Road Electronic Billboard MND
Energy Assumptions and Data

Location: Oxnard, Ventura County CA
CEC Forecasting Climate Zone: 8
Utility: SCE

Construction Schedule

Phase	Start Date	Completion Date	Work Days	Notes	Total Haul Trucks - round trip
Drill Footing / Haul & Disposal Dirt	6/6/2022	6/7/2022	1	1 flat-bed truck 5 super 10 dump	6
Column Set / Concrete Pour	6/6/2022	6/7/2022	1	4 concrete mixing trucks 90 ton crane hireach crane truck	6
Set Top Column / Build & Set Structure	6/8/2022	6/8/2022	1	2 48ft flatbed trailer 275 ton crane hireach crane truck	4
Build & Set Digital Displays	6/9/2022	6/9/2022	1	2 48ft flatbed trailer 90 ton crane hireach crane truck	4

Construction Trips

Phase	# Workers/Day [1]	# Worker Trips/Day (one-way)[2]	# Vendor Trips/Day (one-way)	# Haul Truck Trips Total
Drill Footing / Haul & Disposal Dirt	4	8	0	12
Column Set / Concrete Pour	5	10	0	12
Set Top Column / Build & Set Structure	5	10	0	8
Build & Set Digital Displays	5	10	0	8

Construction By SubPhase

Phase	Equipment Type	#	Engine hp	Hrs/day
Drill Footing / Haul & Disposal Dirt				
	Excavators	1	188	8
	Skid Steer Loaders	1	405	8
	Off-Highway Truck	1	75	2
Column Set / Concrete Pour				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Concrete Mixer*	1	80	4
	Concrete Pump	1	84	4
Set Top Column / Build & Set Structure				
	Aerial Lift	1	63	8
	Crane	1	231	8
	Air Compressor	1	78	8
Build & Set Digital Displays				
	Aerial Lift	1	63	8
	Crane	2	231	8

All Equipment specified as part of typical construction equipment phasing for projects

CalEEmod default horsepower and load defaults typical of construction equipment with exception noted below.

*Concrete Mixer included to include Hydraulic pump for truck mounted mixer utilizing Power Take-Off mode of concrete trucks during unloading/delivery (1 hr per truck)

Oxnard Buildboard Ordinance MND
Construction Energy Analysis

Off-Road Equipment

Equipment ≤ 100 hp		
pounds diesel fuel/hp-hr (lb/hp-hr):[1]	0.408	lb/hp-hr
diesel density (lb/gal):[1]	7.11	lb/gal
diesel gallons/hp-hr:	0.0574	gal/hp-hr
Total <100	1,388	hp-hr
Total diesel gallons:	80	gal
Equipment > 100 hp		
pounds diesel fuel/hp-hr (lb/hp-hr):[1]	0.367	lb/hp-hr
diesel density (lb/gal):[1]	7.11	lb/gal
diesel gallons/hp-hr:	0.0516	gal/hp-hr
Total >100	2,394	hp-hr
Total diesel gallons:	124	gal
Total diesel gallons (off-road equipment):	**203**	**gal**

1. OFFROAD2017 Emission Factor Documentation

Construction Phase	Equipment	Number	Hours/Day	HP	Load	Days	Total hp-hr
Drill Footing	Excavators	1	8	158	0.38	1	480
Drill Footing	Off-Highway Trucks	1	2	402	0.38	1	306
Drill Footing	Skid Steer Loaders	1	8	65	0.37	1	192
Column Set	Aerial Lifts	1	8	63	0.31	1	156
Column Set	Cement and Mortar Mixers	1	4	80	0.56	1	179
Column Set	Cranes	1	8	231	0.29	1	536
Column Set	Pumps	1	4	84	0.74	1	249
Build & Set Structure	Aerial Lifts	1	8	63	0.31	1	156
Build & Set Structure	Air Compressors	1	8	78	0.48	1	300
Build & Set Structure	Cranes	1	8	231	0.29	1	536
Build & Set Digital Displays	Aerial Lifts	1	8	63	0.31	1	156
Build & Set Digital Displays	Cranes	1	8	231	0.29	1	536
						Total >100	2,394
						Total <100	1,388

Oxnard Buildboard Ordinance MND
Construction Energy Analysis

Off-Road Equipment

Construction Phase & Trip Type	Vehicle Class	Vehicle Fuel	Trip Number	Trip Length (mi)	Total VMT	Phase Emissions CO2(MT)	Fuel Equivalency (MT CO2/gal)	Fuel Consumption Gallons
Drill Footing								
Worker	HHDT	Diesel	12	20	240	0.357	10.181E-03	35.10
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	8	10.8	86.4	0.026	8.887E-03	2.88
Column Set								
Worker	HHDT	Diesel	12	20	240	0.357	10.181E-03	35.10
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
Build & Set Structure								
Worker	HHDT	Diesel	8	20	160	0.238	10.181E-03	23.40
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
Build & Set Digital Displays								
Worker	HHDT	Diesel	8	20	160	0.238	10.181E-03	23.40
Vendor	HHDT	Diesel	0	7.3	0	0.000	10.180E-03	0.00
Haul	LDA_Mix	Gasoline	10	10.8	108	0.032	8.887E-03	3.60
							Diesel	**117.0**
							Gasoline	**13.7**

Calculated CalEEMod CO2e emisions include EMFAC estimate emissions from start and idle modes as well as running mode fuel consumption based on fuel equivalencies to determine total fuel consumption including these modes.

Fuel Equivalency Factors (US EPA, IPCC)
https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references
IPCC (2006). 2006 IPCC Guidelines for National Greenhouse Gas Inventories. Volume 2 (Energy). Intergovernmental Panel on Climate Change, Geneva, Switzerland
Gasoline = 8.887 × 10-3 metric tons CO2/gallon of gasoline
Diesel =10.180 x 10-3 metric tons CO2/gallon of diesel

Oxnard Billboard MND - Ventura County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied

Oxnard Billboard MND

Ventura County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Commercial	1.00	User Defined Unit	0.25	1.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.6	**Precipitation Freq (Days)**	31
Climate Zone	8			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	390.98	**CH4 Intensity (lb/MWhr)**	0.033	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Oxnard Blllboard Ordinance - MND - Typical Installation

Land Use - Default Lot size of 11,000 sq ft (Range: 1,000 - 15,000)
Sq Ft = 1 is a unity rate for 1 Billboard for Operational Energy
Construction Phase - From Buildboard Installation Schedule
1 Day for each phase. (5-7 days between Column Set and Build)
Off-road Equipment - Typical Construction Eqpt

Off-road Equipment - From Installation Schedule

Off-road Equipment - Truck Mounted Cement Mixer 80 HP for typical 10 CY Concrete Mixing Truck - uses Power Take-off from Truck Engine
-runs continuously during Unloading (1 hr per truck)
Off-road Equipment - Off-Highway Trucks included to include On-site Maneuvering and Idle time for Dump Trucks; Crawler Tractor included (but set to 0) to activate fugitive dust calcs
Trips and VMT - Haul Trips for Column Set based on Pieces of Eqpt (4) using CalEEMod methodology = 4x1.25 = 5
Build & Set Structures and Displays also assume 5 workers per day
Grading - Fugitive dust emissions

Vehicle Emission Factors -

Vehicle Emission Factors -

Vehicle Emission Factors -

Consumer Products - No Consumer Products used as part of Operations

Area Coating - No Coatings

Landscape Equipment - No Landscape Operations

Energy Use - 54,000 kw-hr per year Avg Billboard Energy Usage

Table Name	Column Name	Default Value	New Value
tblAreaCoating	Area_Nonresidential_Exterior	1	0
tblAreaCoating	Area_Nonresidential_Interior	2	0
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	100.00	1.00
tblConstructionPhase	NumDays	2.00	1.00
tblConsumerProducts	ROG_EF	2.14E-05	0
tblEnergyUse	T24E	0.00	54,000.00
tblGrading	AcresOfGrading	0.00	0.50
tblLandscapeEquipment	NumberSummerDays	180	0
tblLandUse	LandUseSquareFeet	0.00	1.00
tblLandUse	LotAcreage	0.00	0.25
tblOffRoadEquipment	HorsePower	9.00	80.00
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblOffRoadEquipment	UsageHours	4.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	12.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	HaulingTripNumber	0.00	8.00
tblTripsAndVMT	WorkerTripNumber	10.00	8.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00
tblTripsAndVMT	WorkerTripNumber	0.00	10.00

tblTripsAndVMT	WorkerTripNumber	0.00	10.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	7.6000e-004	4.7000e-004	1.2400e-003	1.6000e-004	4.4000e-004	6.1000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**7.6000e-004**	**4.7000e-004**	**1.2400e-003**	**1.6000e-004**	**4.4000e-004**	**6.1000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	1.1700e-003	0.0138	0.0106	3.0000e-005	6.0000e-004	4.7000e-004	1.0700e-003	1.5000e-004	4.4000e-004	5.9000e-004	0.0000	3.0685	3.0685	5.7000e-004	1.9000e-004	3.1402
Maximum	**1.1700e-003**	**0.0138**	**0.0106**	**3.0000e-005**	**6.0000e-004**	**4.7000e-004**	**1.0700e-003**	**1.5000e-004**	**4.4000e-004**	**5.9000e-004**	**0.0000**	**3.0685**	**3.0685**	**5.7000e-004**	**1.9000e-004**	**3.1402**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**21.05**	**0.00**	**13.71**	**6.25**	**0.00**	**3.28**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	6-6-2022	9-5-2022	0.0054	0.0054
		Highest	0.0054	0.0054

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**9.5767**	**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Drill Footing	Grading	6/1/2022	6/1/2022	5	1	Drill Footing / Haul & Disposal Dirt
2	Column Set	Building Construction	6/2/2022	6/2/2022	5	1	Column Set/Concrete Pour
3	Build & Set Structure	Building Construction	6/7/2022	6/7/2022	5	1	Set Top Column / Build & Set Structure
4	Build & Set Digital Displays	Building Construction	6/8/2022	6/8/2022	5	1	Build & Set Digital Displays

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0.5

Acres of Paving: 0

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating –

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Drill Footing	Excavators	1	8.00	158	0.38
Drill Footing	Off-Highway Trucks	1	2.00	402	0.38
Drill Footing	Skid Steer Loaders	1	8.00	65	0.37
Column Set	Aerial Lifts	1	8.00	63	0.31
Column Set	Cement and Mortar Mixers	1	4.00	80	0.56
Column Set	Cranes	1	8.00	231	0.29
Column Set	Pumps	1	4.00	84	0.74
Build & Set Structure	Aerial Lifts	1	8.00	63	0.31
Build & Set Structure	Air Compressors	1	8.00	78	0.48
Build & Set Structure	Cranes	1	8.00	231	0.29
Build & Set Digital Displays	Aerial Lifts	1	8.00	63	0.31
Build & Set Digital Displays	Cranes	1	8.00	231	0.29
Drill Footing	Crawler Tractors	1	0.00	212	0.43

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Drill Footing	4	8.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Column Set	4	10.00	0.00	12.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Structure	3	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Build & Set Digital Displays	2	10.00	0.00	8.00	10.80	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Drill Footing - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					2.7000e-004	0.0000	2.7000e-004	3.0000e-005	0.0000	3.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**2.7000e-004**	**8.0000e-005**	**3.5000e-004**	**3.0000e-005**	**7.0000e-005**	**1.0000e-004**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					1.0000e-004	0.0000	1.0000e-004	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	2.0000e-004	1.8500e-003	2.7400e-003	1.0000e-005		8.0000e-005	8.0000e-005		7.0000e-005	7.0000e-005	0.0000	0.4627	0.4627	1.5000e-004	0.0000	0.4665
Total	**2.0000e-004**	**1.8500e-003**	**2.7400e-003**	**1.0000e-005**	**1.0000e-004**	**8.0000e-005**	**1.8000e-004**	**1.0000e-005**	**7.0000e-005**	**8.0000e-005**	**0.0000**	**0.4627**	**0.4627**	**1.5000e-004**	**0.0000**	**0.4665**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.0000e-005	1.0000e-005	1.1000e-004	0.0000	3.0000e-005	0.0000	3.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0256	0.0256	0.0000	0.0000	0.0259
Total	**3.0000e-005**	**9.5000e-004**	**3.3000e-004**	**0.0000**	**1.3000e-004**	**1.0000e-005**	**1.4000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3829**	**0.3829**	**2.0000e-005**	**6.0000e-005**	**0.4006**

3.3 Column Set - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.9000e-004	3.1100e-003	2.4300e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.2000e-004	1.2000e-004	0.0000	0.4686	0.4686	1.1000e-004	0.0000	0.4714
Total	**2.9000e-004**	**3.1100e-003**	**2.4300e-003**	**1.0000e-005**		**1.3000e-004**	**1.3000e-004**		**1.2000e-004**	**1.2000e-004**	**0.0000**	**0.4686**	**0.4686**	**1.1000e-004**	**0.0000**	**0.4714**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	2.0000e-005	9.4000e-004	2.2000e-004	0.0000	1.0000e-004	1.0000e-005	1.1000e-004	3.0000e-005	1.0000e-005	4.0000e-005	0.0000	0.3573	0.3573	2.0000e-005	6.0000e-005	0.3748
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**4.0000e-005**	**9.5000e-004**	**3.5000e-004**	**0.0000**	**1.4000e-004**	**1.0000e-005**	**1.5000e-004**	**4.0000e-005**	**1.0000e-005**	**5.0000e-005**	**0.0000**	**0.3893**	**0.3893**	**2.0000e-005**	**6.0000e-005**	**0.4071**

3.4 Build & Set Structure - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	3.4000e-004	3.3100e-003	2.7000e-003	1.0000e-005		1.5000e-004	1.5000e-004		1.4000e-004	1.4000e-004	0.0000	0.4975	0.4975	1.2000e-004	0.0000	0.5004
Total	**3.4000e-004**	**3.3100e-003**	**2.7000e-003**	**1.0000e-005**		**1.5000e-004**	**1.5000e-004**		**1.4000e-004**	**1.4000e-004**	**0.0000**	**0.4975**	**0.4975**	**1.2000e-004**	**0.0000**	**0.5004**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

3.5 Build & Set Digital Displays - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	2.0000e-004	2.3700e-003	1.4900e-003	0.0000		9.0000e-005	9.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.3272	0.3272	1.1000e-004	0.0000	0.3299
Total	**2.0000e-004**	**2.3700e-003**	**1.4900e-003**	**0.0000**		**9.0000e-005**	**9.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.3272**	**0.3272**	**1.1000e-004**	**0.0000**	**0.3299**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	1.0000e-005	6.3000e-004	1.5000e-004	0.0000	7.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	0.0000	2.0000e-005	0.0000	0.2382	0.2382	2.0000e-005	4.0000e-005	0.2499
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	2.0000e-005	1.0000e-005	1.3000e-004	0.0000	4.0000e-005	0.0000	4.0000e-005	1.0000e-005	0.0000	1.0000e-005	0.0000	0.0320	0.0320	0.0000	0.0000	0.0323
Total	**3.0000e-005**	**6.4000e-004**	**2.8000e-004**	**0.0000**	**1.1000e-004**	**1.0000e-005**	**1.1000e-004**	**3.0000e-005**	**0.0000**	**3.0000e-005**	**0.0000**	**0.2702**	**0.2702**	**2.0000e-005**	**4.0000e-005**	**0.2822**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Commercial	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Commercial	9.50	7.30	7.30	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
User Defined Commercial	0.537638	0.058030	0.174616	0.137192	0.028458	0.007596	0.011602	0.006026	0.000704	0.000394	0.029425	0.000660	0.0076

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	9.5767	9.5767	8.1000e-004	1.0000e-004	9.6261
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
User Defined Commercial	54000	9.5767	8.1000e-004	1.0000e-004	9.6261
Total		**9.5767**	**8.1000e-004**	**1.0000e-004**	**9.6261**

6.0 Area Detail

6.1 Mitigation Measures Area

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.0000					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
User Defined Commercial	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
User Defined Commercial	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION 22-02 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRONIC BILLBOARD AND ASSOCIATED SITE IMPROVEMENTS, A DEVELOPMENT AGREEMENT, AND SPECIFIC PLAN AMENDMENT FOR A PROJECT ON AN APPROXIMATELY 0.25-ACRE UNDEVELOPED SITE LOCATED BETWEEN THE U.S. 101 AND RIVERPARK BOULEVARD APPROXIMATELY 850 FEET NORTH OF VINEYARD AVENUE IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: 132-0-311-075). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-07 (Special Use Permit), 20-670-06 (Development Agreement), and 20-630-02 (Specific Plan Amendment) to allow for the installation and operation of an electronic billboard on an approximately 0.25-acre undeveloped site located between the U.S. 101 and Riverpark Boulevard approximately 850 feet north of Vineyard Avenue in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 60 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The Special Use Permit will also include minor landscape improvements within the adjacent Caltrans right of way. These will include the removal of the existing eucalyptus trees and the planting of alternatives, subject to Caltrans approval. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan. ("Project"); and

WHEREAS, the City is the lead agency for purposes of the project pursuant to Public Resources Code section 21067; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act ("CEQA"); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, Pursuant to provisions of the California Environmental Quality Act and CEQA Guidelines, Section 15063, and following an Initial Study and environmental

assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, the Planning Division has prepared a Mitigated Negative Declaration with mitigation measures and monitoring program in accordance with the provisions of CEQA, including, without limitation CEQA Guidelines Sections 15070, 15071, 15072, and 15073, which have been incorporated as conditions; and

WHEREAS, a Notice of Intent to Adopt an Initial Study and Draft Mitigated Negative Declaration (IS-MND) for the Project was published and posted on June 30, 2022, at the State Office of Planning and Research (OPR) website and at the Ventura County Recorder's Office pursuant to CEQA Guidelines Sections 15072 and 15073; and

WHEREAS, the public comment period on the DEIR ran for thirty (30) days commencing on June 30, 2022 and ending on July 29, 2022; and

WHEREAS, after the close of the comment period on the IS/MND, the IS/MND was modified as set forth in Chapter 4 of the Response to Comment document; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City has prepared Final IS/MND 22-02 containing all comments received on the Draft IS/MND 22-02, written responses to all substantive comments, and necessary changes to the text of the Draft IS/MND 22-02; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-02 and made a recommendation to City Council; and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-02; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of the Final IS/MND 22-02; and

WHEREAS, the comments of the Councilmembers, agencies, interested groups, and members of the public have received adequate responses; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Final IS/MND has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21189).

SECTION 3. The Final IS/MND was presented to the City Council, which, at a hearing before the public, reviewed and considered the information contained in the

Mitigated Negative Declaration/Initial Study prior to making a recommendation to the City Council regarding the Project and its associated development entitlements.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council Staff Report and all attachments thereto, the City Council finds pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-02 prepared for the Project. The Final IS/MND 22-02 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-02 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

SECTION 5. The City Council hereby adopts the Final IS/MND 22-02, set forth attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole, the City Council finds that all potentially significant environmental effects of the Project its associated development entitlement actions have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened as set forth in the IS-MND. Based upon the foregoing, the City Council finds and determines that the Project and its associated actions will not have a significant effect upon the environment.

SECTION 6. The City Council hereby adopts the mitigation measures set forth in the Final IS/MND 22-02 and its accompanying Mitigation, Monitoring, and Reporting Program ("MMRP"), pursuant to Public Resources Code Section 21081.6, which is a program design to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Mitigated Negative Declaration/Initial Study and said mitigation measures are described in the MMRP included therein and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby adopts an Final IS/MND 22-02, attached to the staff report and incorporated by reference.

PASSED AND ADOPTED this 21st day of March, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

_____ _____

Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL ADOPTING A MITIGATED NEGATIVE DECLARATION 22-03 TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRONIC BILLBOARD AND ASSOCIATED SITE IMPROVEMENTS, A DEVELOPMENT AGREEMENT, AND STREET VACATION ON AN APPROXIMATELY 1,000-SQUARE FOOT UNDEVELOPED SITE LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: N/A). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard ("Project"); and

WHEREAS, the City is the lead agency for purposes of the project pursuant to Public Resources Code section 21067; and

WHEREAS, the City determined that the Project and its associated actions are subject to the environmental review requirements of the California Environmental Quality Act ("CEQA"); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, Pursuant to provisions of the California Environmental Quality Act and CEQA Guidelines, Section 15063, and following an Initial Study and environmental assessment of possible adverse impacts, the project will not have a significant effect on the environment because of the inclusion of certain mitigation measures for which lessened potential adverse impacts to a level of less than significant. Therefore, the Planning Division has prepared a Mitigated Negative Declaration with mitigation measures and monitoring program in accordance with the provisions of CEQA, including, without

limitation CEQA Guidelines Sections 15070, 15071, 15072, and 15073, which have been incorporated as conditions; and

WHEREAS, a Notice of Intent to Adopt an Initial Study and Draft Mitigated Negative Declaration (IS-MND) for the Project was published and posted on June 30, 2022, at the State Office of Planning and Research (OPR) website and at the Ventura County Recorder's Office pursuant to CEQA Guidelines Sections 15072 and 15073; and

WHEREAS, the public comment period on the DEIR ran for thirty (30) days commencing on June 30, 2022 and ending on July 29, 2022; and

WHEREAS, after the close of the comment period on the IS/MND, the IS/MND was modified as set forth in Chapter 4 of the Response to Comment document; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the City has prepared Final IS/MND 22-03 containing all comments received on the Draft IS/MND 22-03, written responses to all substantive comments, and necessary changes to the text of the Draft IS/MND 22-03; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-03 and made a recommendation to City Council; and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the Final IS/MND 22-03; and

WHEREAS, the City Council finds after due study and deliberation that the public interest and general welfare require the adoption of the Final IS/MND 22-03; and

WHEREAS, the comments of the Councilmembers, agencies, interested groups, and members of the public have received adequate responses; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The Final IS/MND has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21189).

SECTION 3. The Final IS/MND was presented to the City Council, which, at a hearing before the public, reviewed and considered the information contained in the Mitigated Negative Declaration/Initial Study prior to making a recommendation to the City Council regarding the Project and its associated development entitlements.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council Staff Report and all attachments

thereto, the City Council finds pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-03 prepared for the Project. The Final IS/MND 22-03 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-03 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

SECTION 5. The City Council hereby adopts the Final IS/MND 22-03, set forth attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole, the City Council finds that all potentially significant environmental effects of the Project its associated development entitlement actions have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened as set forth in the IS-MND. Based upon the foregoing, the City Council finds and determines that the Project and its associated actions will not have a significant effect upon the environment.

SECTION 6. The City Council hereby adopts the mitigation measures set forth in the Final IS/MND 22-03 and its accompanying Mitigation, Monitoring, and Reporting Program ("MMRP"), pursuant to Public Resources Code Section 21081.6, which is a program design to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Mitigated Negative Declaration/Initial Study and said mitigation measures are described in the MMRP included therein and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oxnard hereby adopts an Final IS/MND 22-03, attached to the staff report and incorporated by reference.

PASSED AND ADOPTED this 21st day of March, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

_____ _____

Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-630-02 (SPECIFIC PLAN AMENDMENT NO. 8 TO THE RIVERPARK SPECIFIC PLAN) TO AMEND THE TEXT WITHIN THE RIVERPARK SPECIFIC PLAN. FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on September 10, 200,2 the City Council approved the entitlements for the RiverPark Specific Plan to guide future development on the 702-acre project site; and

WHEREAS, the City Council approved the first amendment request (PZ 02-630-05) on October 22, 2002, which amended the Specific Plan to include regulations for temporary uses; and

WHEREAS, the City Council approved the second amendment request (PZ 03-630-03) on July 27, 2004, allowing a minor change in the land use designation on a small parcel from Open Space to Commercial; and

WHEREAS, the City Council approved the third amendment request (PZ 09-630-09) on April 14, 2009, allowing a freeway-oriented pylon sign subject to approval of a Design Development Review permit (DDR) by the Development Services Director; and

WHEREAS, the City Council approved the fourth amendment (PZ 10-630-02) on June 14, 2011, and allows three freeway oriented monument signs subject to approval of a DDR, and an electronic digital display panel for the pylon sign, subject to subsequent approval of a Special Use Permit; and

WHEREAS, the City Council approved the fifth amendment (PZ 09-630-03) on June 5, 2012, which increased the maximum number of dwelling units from 2,805 to 3,043 units, and reduced the maximum amount of commercial development from 2,485,000 to 2,098,000 square feet; and

WHEREAS, the City Council approved the sixth amendment (PZ 18-630-01) on February 19, 2019, to amend the text of the RiverPark Specific Plan to allow two (2) monument signs in Planning Districts B and C in the specific plan area, subject to subsequent approval of a Development Design Review Permit; and

WHEREAS, the City Council approved the seventh amendment (PZ 20-630-01) on March 15, 2022, which allowed for the option to develop up to 1,025 additional residential units under the RiverPark Specific Plan, in exchange for a reduction of up to approximately 562,457 square feet of non-residential development potential in accordance with specified development scenarios; and

WHEREAS, the Planning Commission of the City of Oxnard has considered the proposed map and text amendment to Pages 3.7, 3.22, 5.9, and 5.23 of the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan (herein referred to as the **"Project"**); and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("**Planning Commission**") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for Specific Plan Amendment No. 8 (PZ 20-630-02) in accordance with Chapter 16-575 of the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information and deliberated the merits of the Project. The Planning Commission voted to deny the Project and not allow Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan, subject to the preparation of a written resolutions of denial to be considered at the Planning Commission meeting on February 2, 2023; and

WHEREAS, the Planning Commission found, after due study, deliberation and a duly noticed public hearing on February 2, 2023, and received and reviewed written and oral comments, presented by staff and the Applicant with a series of questions, and that the project, as amended, meets the criteria set out in Chapter 16-575 of the Oxnard City Code; and

WHEREAS, the Planning Commission adopted Resolution 2022-07 recommending that the City Council deny Planning & Zoning Permit No. 20-630-02 (Specific Plan Amendment); and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the request to approve Planning and Zoning Permit No. 20-630-02 (Specific Plan Amendment), both as originally proposed by the Applicant and as recommended by the Planning Commission, in accordance with the OCC; and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include (BIO-1) conducting a pre-construction survey for active bird nests, and (CUL-1 and CUL-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than

significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-02 prepared for the Project. The Final IS/MND 22-02 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-02 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, the City Council, after due study, deliberation and public hearing that the following circumstances exist:

1. As outlined in Section 6(b) and Attachment F of the Planning Commission Staff report, the proposed Specific Plan Text Amendment is in conformance with the 2030 General Plan and other adopted policies of the City of Oxnard;

2. As outlined in Section 6(c) of the Planning Commission Staff report, the proposed Specific Plan Text Amendment is a logical refinement and internally consistent with the adopted RiverPark Specific Plan; and

3. As determined in the Final IS/MND 22-02, the proposed Development Agreement will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare;

4. As outlined in Section 6(c - e) of the Planning Commission Staff report, the proposed RiverPark Specific Plan Amendment conforms to adopted City standards and constitutes good City planning.

WHEREAS, the Applicant agrees that at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this ordinance or any actions or proceedings, acts or determinations taken, done or made before the approval of this ordinance that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard does hereby ordain as follows:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds that the Riverpark Specific Plan Amendment is internally consistent with all other provisions of the City of Oxnard 2030 General Plan.

SECTION 3. The City Council finds that the Riverpark Specific Plan Amendment will not

be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. The City Council finds that the project site associated with the RiverPark Specific Plan Amendment is physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 5. The City Council determines that the proposed RiverPark Specific Plan Amendment is the best use for the subject project site.

SECTION 6. The City Council determines that the RiverPark Specific Plan Amendment is in the best interests and welfare of the City and its residents.

SECTION 7. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance; and

SECTION 8. In recommending adoption of this ordinance for the Specific Plan Amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act because Final MND No. 22-02 was considered by the Planning Commission at the public hearing for the Development Agreement. The Final MND No. 22-02 was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code §§ 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. With implementation of the MND No. 22-02 mitigation measures, there is no substantial evidence that the proposed project will have a significant effect upon the environment.

SECTION 8. The RiverPark Specific Plan shall remain in full force and effect and shall apply to the property affected by this ordinance.

SECTION 10. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

SECTION 11. The City Clerk shall certify as to the adoption of this ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. 3009 was first read on March 15, 2022, and finally adopted on April 5, 2022 to become effective thirty days thereafter.

PASSED AND ADOPTED this 5th day of April, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____ _____

Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

EXHIBIT A

SPECIFIC PLAN AMENDMENT TEXT Changes

PROPOSED AMENDMENTS TO CITY OF OXNARD
RIVERPARK SPECIFIC PLAN

KEY:	Blue Underlined = Proposed Additions ~~Red Strikethrough~~ = Proposed Deletions

3 COMMERCIAL MASTER PLAN

SECTION 3.5 BUILDING TYPE STANDARDS

Section 3.5.2 Standards for Each Building Type

- Type 1-C-A: Large Multistory Anchor
- Type 1-C-B: Large Pad Retail
- Type 1-C-C: Multistory Mini Anchor
- Type 1-C-D: Inline Retail
- Type 1-C-E: Inline Retail With Upper Story Office/Housing
- Type 1-C-F: Pad Restaurant/Retail
- Type 1-C-G: Drive Thru Commercial
- Type 2-C-A: Food and Wine Multistory
- Type 2-C-B: Food and Wine Demo Factory/Outlet Store
- Type 2-C-C: Food and Wine Pavilion/Office Building
- Type 3-C: Office Building
- Type 4-C: Hotel With Retail
- Type 5-C: Stand Alone Kiosk
- Type 6-C: Outparcel Commercial
- Type 7-C: Freeway Adjacent Digital Display Billboards

[. . .]

TYPE 7-C: Freeway Adjacent Digital Display Billboards

The following standards apply to lots for Freeway Adjacent Digital Display Billboards. If the lot contains other building types, the lot must comply with the minimum lot dimension standards required for that building type pursuant to this section, unless otherwise modified. Additional standards pertaining to Freeway Electronic Billboards can be found in Section 5.9 (Signage Standards) and the Oxnard City Code.

LOT DIMENSIONS

Lot Area	Min: 1,000 SF	Max: 15,000 SF
Lot Width	Min: 10’	Max: 300’

Lot Depth	Min: 40’	Max: 100’

SIZE AND SPACING

Billboard Face Display	For allowable face size refer to the Oxnard City Code
Sign Height	For allowable sign height refer to the Oxnard City Code
Setbacks	Min: 0’ (Freeway Adjacent Digital Display Billboards only)
Spacing	For minimum spacing requirements refer to the Oxnard City Code

5 LANDSCAPE MASTER PLAN

5.5 EDGES AND BUFFERS STANDARDS

5.5.2 Design Concept for Edges and Buffers

5.5.2.1 The Ventura Freeway Frontage

Landscaping of RiverPark’s frontage with the Ventura freeway at Planning Districts D, B and E shall be provided in a landscaped buffer zone. Landscaping in this area shall meet the requirements at two distinct scales: the scale of the freeway, and that of slower moving vehicles and pedestrians within RiverPark. Landscaping perceptible from the Ventura freeway will consist of a single row of 30-foot tall Mexican Fan Palms (at 30 feet O.C.) along the freeway frontage. These palms will clearly differentiate and identify RiverPark not only from the freeway but from the southern approach from Oxnard. For slower-moving vehicles and pedestrians, the zone will also be planted with an appropriate mix of native and indigenous grasses, perennials, shrubs, and trees. See Exhibit 5.AA for a typical cross-section. Properties developed with a Freeway Adjacent Digital Display Billboard in Planning Districts D, B and E shall be exempt from the requirements of this subsection.

5.9 SIGNAGE STANDARDS

[. . .]

5.9.3.11 Freeway Adjacent Digital Display Billboards

Freeway Adjacent Digital Display Billboards, as defined in the Oxnard City Code (OCC) shall be allowed in Planning Districts A and E, subject solely to the applicable regulations and procedures of OCC Chapter 9 Article IX. Advertising Signs.

ORDINANCE NO. _____

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING A DEVELOPMENT AGREEMENT AND LEASE OF PROPERTY (PLANNING AND ZONING PERMIT NO. 20-670-05) WITH OUTFRONT FOSTER INTERSTATE, LCC REGARDING PROPERTY LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: N/A). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard; and

WHEREAS, the Planning Commission of the City of Oxnard ("Planning Commission") considered an application for Planning and Zoning Permit No. 20-670-05 ("Project"), a Development Agreement and Lease of Property between the CITY OF OXNARD, a municipal corporation of the State of California (the "City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI") (collectively referred to "Applicant" or "Developer" in the record of proceedings); and

WHEREAS, the Development Agreement and Lease of Property (DA) shall allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard. The agreement also outlines the required public benefits to be provided by the future development, including fiscal benefits to the City. The proposed DA is included in Exhibit A to this Ordinance and incorporated herein by this reference; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider an application for a Development Agreement and Lease of Property (PZ 20-670-05) in accordance with Chapter 16-575 of the Oxnard City Code; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023

WHEREAS, the Planning Commission adopted Resolution 2023-10 recommending that the City Council deny Planning & Zoning Permit No. 20-670-05 (Development Agreement); and

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider both the request to approve Planning and Zoning Permit No. 20-670-05 (Development Agreement), both as originally negotiated with the Applicant and as recommended by the Planning Commission in accordance with the OCC; and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City of Oxnard as the Lead Agency, prepared a Mitigated Negative Declaration (MND) in accordance with CEQA and the CEQA Guidelines. The MND identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The MND found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the MND would reduce potential significant impacts. These measures include: (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting focused protocol nest survey for least Bell's vireo, and (CR-1 and CR-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the MND includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The City Council has independently reviewed and analyzed the Final IS/MND 22-03 prepared for the Project. The Final IS/MND 22-03 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-03 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, the City Council considered Final IS/MND 22-03 prior to making recommendations on the Project; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing, that the proposed Development Agreement and Lease of Property is consistent with the 2030 General Plan; and

WHEREAS, the pursuit of the Development Agreement and Lease of Property is a

reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by public benefits for the residents of the City of Oxnard; and

WHEREAS, the City Council finds, after due study, deliberation and public hearing that the following circumstances exist:

1. As outlined in Section 6(b) and Attachment F of the Planning Commission Staff report, the proposed Development Agreement and Lease of Property is in conformance with the 2030 General Plan and other adopted policies of the City of Oxnard;

2. As determined in the Final IS/MND 22-03, the proposed Development Agreement of Lease of Property will not adversely affect or be materially detrimental to adjacent land uses, buildings or structures or to the public health, safety or general welfare;

3. As outlined in Section 6(c - e) of the Planning Commission Staff report, the proposed Development Agreement and Lease of Property in association with the related projects conforms to adopted City standards and constitutes good City planning.

WHEREAS, the Applicant agrees that at its own expense, to indemnify and defend the City of Oxnard and its agents, officers and employees from and against any claims, actions or proceedings to attack, set aside, void or annul the approval of this ordinance or any actions or proceedings, acts or determinations taken, done or made before the approval of this ordinance that were part of the approval process.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

SECTION 1. The Recitals above are true and correct and incorporated into the operative provisions of this Ordinance by this reference.

SECTION 2. The City Council finds that the Development Agreement and Lease of Property is internally consistent with all other provisions of the City of Oxnard 2030 General Plan.

SECTION 3. The City Council finds that the Development Agreement and Lease of Property will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. The City Council finds that the project site associated with the Development Agreement and Lease of Property is physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 5. The City Council determines that the development that would be authorized

for the project site by the proposed Development Agreement and Lease of Property is the best use for the subject project site.

SECTION 6. The City Council determines that the Development Agreement and Lease of Property is in the best interests and welfare of the City and its residents.

SECTION 7. In recommending adoption of this ordinance for the Development Agreement and Lease of Property, the City Council finds and determines the project is in compliance with the California Environmental Quality Act because Final MND No. 22-03 was considered by the Planning Commission at the public hearing for the Development Agreement and Lease of Property. The Final MND No. 22-03 was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code §§ 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. With implementation of the MND No. 22-03 mitigation measures, there is no substantial evidence that the proposed project will have a significant effect upon the environment.

SECTION 8. Based on the findings set forth herein, the City Council approves Planning and Zoning Permit No. 20-670-05 (Development Agreement No. A-8516), Exhibit A, hereto attached.

SECTION 9. Planning and Zoning Permit No. 20-670-05 (Development Agreement No. A-8516) is approved pursuant to Exhibit A.

SECTION 10. Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the Assessor of Ventura County within thirty (30) days from the adoption of this ordinance; and

SECTION 11. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

SECTION 12. The City Clerk shall certify as to the adoption of this Ordinance and shall cause the summary thereof to be published within fifteen (15) days of the adoption and shall post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on March 21, 2023, and finally adopted on _____ to become effective thirty days thereafter.

PASSED and ADOPTED this 21st day of March, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Rose Chaparro, City Clerk

_____
John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

DEVELOPMENT AGREEMENT

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

City of Oxnard
305 West Third Street
Oxnard, California 93030
Attention: City Clerk

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY

THIS DEVELOPMENT AGREEMENT AND LEASE OF REAL PROPERTY ("Agreement") is made in Ventura County, California as of _____ ____, 2023 by and between the CITY OF OXNARD, a municipal corporation of the State of California ("City") and OUTFRONT FOSTER INTERSTATE LLC, a Delaware limited liability company ("OFI"). The City or OFI may be referred to individually as a "Party" and collectively as the "Parties."

RECITALS

A. The City and OFI entered into that certain Exclusive Negotiation Agreement ("ENA") on June 19, 2019 regarding the lease of certain City property for freeway oriented digital billboards ("ENA Property"), which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference.

B. The City and OFI have entered into a First Amendment to the ENA dated November 13, 2019, a Second Amendment to the ENA, dated May 28, 2020, a Third Amendment to the ENA dated November 17, 2020, a Fourth Amendment to the ENA dated June 17, 2021, a Fifth Amendment to the ENA dated December 14, 2021, a Sixth Amendment to the ENA dated June 7, 2022 and a Seventh Amendment to the ENA dated December 6, 2022. As of the date of this Agreement, the ENA is still in full force and effect and OFI retains exclusive rights relating to the Property. Based upon the ENA, OFI has a legal or equitable interest in the ENA Property during the term of the ENA.

C. City is authorized, pursuant to Government Code sections 65864 through 65869.5 (the "Development Agreement Statute") and City Council Resolution No. 10,488, to enter into binding development agreements with persons or entities with legal or equitable interests in real property located within the City in order to vest certain rights in the person or entity with the legal or equitable interest in such property.

D. City and OFI each mutually desire to enter into this Agreement to permit and ensure that a portion of the ENA Property, which consists of that certain real property in the City of Oxnard, County of Ventura more particularly described in **Exhibit B** attached hereto and incorporated herein by this reference ("Property"), is developed with a double-sided freeway oriented digital billboard (hereafter, the "Project"), and that such billboard is developed strictly

in accordance with the provisions of this Agreement, the Project Approvals (defined below), and associated entitlements.

E. The City has determined that it is in the best interests of City, and for the common benefit of the citizens residing in City, to enter into this Agreement with OFI for the construction, operation, maintenance, and repair of the Billboard (as that term is defined below) on the Property, subject to (i) OFI obtaining specific entitlements and approvals from Caltrans and the City, including a Specific Plan amendment and a Special Use Permit; and (ii) OFI agreeing to fully comply with all of the provisions of this Agreement, including the payment of specific financial considerations that are in the public interests.

F. To comply with the California Environmental Quality Act ("CEQA"), on _____, 2023, at a duly noticed public hearing, the Oxnard Planning Commission ("Planning Commission") certified the _____ (SCH # _____), as described more fully in Resolution _____, adopted a Mitigation, Monitoring, and Reporting Plan, and made the required CEQA findings.

G. On _____, 2023, at a duly noticed public hearing, the Planning Commission approved a Special Use Permit for the Project, contingent on City Council approval of this Agreement. At the same public hearing, the Planning Commission recommended that the City Council approve this Agreement by ordinance.

H. On _____, 2023, the Oxnard City Council ("City Council"), having received the Planning Commission's recommendation, held a duly noticed public hearing and introduced the ordinance to approve this Agreement. On _____, 2023 the City Council adopted Ordinance _____ approving the Agreement.

I. The Planning Commission of the City (the "Planning Commission") and City Council have each given notice of their intention to consider this Agreement, have each conducted the required public hearings thereon, and have each found that the provisions of this Agreement are consistent with the City of Oxnard General Plan for development within the City, City zoning ordinances, and the Specific Plan. The City Council has also specifically considered the impacts and benefits of the Project upon the welfare of the residents of the City and the surrounding region. The City Council has determined that this Agreement is beneficial to the residents of the City and is consistent with the present public health, safety and welfare needs of the residents of the City and the surrounding region.

NOW, THEREFORE, in consideration of the foregoing Recitals which are hereby incorporated into the operative provisions of this Agreement by this reference and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the City and OFI agree as follows:

AGREEMENT

1. **Definitions**. For purposes of this Agreement, unless a different meaning is clearly required, the following terms will have the following meanings and be capitalized throughout this Agreement:

1.1 "Annual Net Revenue" means all income actually received by OFI in connection with the sale of advertising space on the Billboard (net of any commissions paid by OFI to advertising agencies, not to exceed 16-2/3%). For the purposes hereof, any income described in this definition will not include the value of any in kind usage of the Billboard by the City.

1.2 "Applicable Rules" means the rules, regulations and official policies of the City which were in force as of the Effective Date (as defined below), including, but not limited to, the General Plan, the Specific Plan (as defined below) and entitlements for the Project including, but not limited to, the Special Use Permit.

1.3 "Billboard" shall mean that double-sided freeway-oriented digital billboard contemplated to be developed on the Property pursuant to the Applicable Rules. OFI shall be responsible for the construction, operation, maintenance, and repair of the Billboard, subject to the terms and conditions of this Agreement.

1.4 "Caltrans Permits" means all permits and approvals, if any, that OFI must obtain from Caltrans and subsequently assign to the City to construct, operate, maintain, and repair the Billboard in accordance with this Agreement.

1.5 "City Council" shall mean the City Council of the City.

1.6 "City Manager" shall mean the City Manager of the City.

1.7 "Effective Date" means the date on which the ordinance approving this Agreement, as required by Government Code section 65867.5, becomes effective.

1.8 "General Plan" means the City of Oxnard 2030 General Plan adopted in October of 2011 and updated in December of 2016.

1.9 "Hazardous Materials" means any and all pollutants, wastes, flammables, explosives, radioactive materials, hazardous or toxic materials, hazardous or toxic wastes, hazardous or toxic substances, carcinogenic materials or contaminants and all other materials governed, monitored, or regulated by any Federal, State or local Law or regulation, including the Comprehensive Environmental Response, Compensation and Liability Act, the Hazardous Substances Account Act, and/or the Resources Conservation and Recovery Act, together with asbestos, asbestos-containing materials, hydrocarbons, polychlorinated biphenyl ("PCB") or PCB-containing materials, petroleum, gasoline, petroleum products, crude oil or any fraction, product or by product thereof.

1.10 "Hazardous Materials Laws" means all laws, codes, rules, orders, ordinances, directives, regulations, permits, or other requirements of federal, state, county, municipal or governmental authorities having jurisdiction, now in force or which may hereafter be in force concerning the management, use, generation, storage, transportation, presence, discharge or disposal of Hazardous Materials.

1.11 "MAG" or "Minimum Annual Guarantee" has the definition given such term in Section 7.1(a).

1.12 "Off-site Outdoor Advertising Sign" means a general outdoor advertising sign that directs attention to a business, profession, commodity, service or entertainment which is conducted, sold or offered at a location other than on the same lot or parcel upon which the sign is located.

1.13 "Operational" refers to the time when the Billboard is fully capable, legally and functionally, of displaying advertising on the digital display.

1.14 "Operational Date" is the date when the Billboard is Operational.

1.15 "Periodic Review" shall have the meaning assigned to such term in Section 36.

1.16 "Planning Commission" shall mean the Planning Commission of the City.

1.17 "Rent" means the MAG described in Section 7.1 and, as applicable, Percentage Rent described in Section 7.2.

1.18 "Project Approvals" shall mean and refer to the Special Use Permit approved on _____.

2. **Initial Term**. The "Initial Term" of this Agreement will begin on the Operational Date and will expire on the thirtieth (30th) year anniversary thereof. The Parties acknowledge that Government Code section 65868.5 requires the City to record this Agreement with the Ventura County Recorder's Office no later than ten (10) days after the Parties enter into this Agreement and that the burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties hereto, subject to the assignment provisions in Section 37.5 below.

3. **Tolling for Third Party Lawsuit**. If any third party files a lawsuit to challenge this Agreement, the City's CEQA determination made in connection with its consideration of this Agreement and/or the Project Approvals (each, a "Third-Party Lawsuit"), OFI may request that the Initial Term be tolled during the pendency of the Third-Party Lawsuit by providing a written notice ("Tolling Notice") to City within thirty (30) days after the commencement of the Third-Party Lawsuit, and said request shall be granted by City. The tolling of the Initial Term shall automatically begin upon City's receipt of the Tolling Notice, and it shall end on the earliest of the following to occur: (A) the date on which a court issues a final judgment in the Third-Party Lawsuit and the expiration of all appeal period(s) following that judgment; (B) the date the Third-Party Lawsuit is dismissed; or (C) three (3) years from the date of issuance of the Tolling Notice.

4. **Tolling for Initiative or Referendum**. If the subject of an initiative or referendum petition would overturn, set aside, or substantially modify this Agreement, the other Project Approvals, or otherwise substantially impair the development of the Project, the Initial Term of this Agreement shall be tolled under this Section 4. The Term shall be automatically tolled beginning on the date that the initiative or referendum petition is submitted to the Ventura County elections official for signature verification, and ending on the date the last of the following occurs: (A) the date the County elections official determines the petition does not

include a sufficient number of signatures; (B) the date the measure is voted on by the Council; or (C) the date of the election on the measure, if placed on the ballot. Notwithstanding any language in Sections 3 and 4 to the contrary, the total length of extension of the Initial Term shall not exceed three (3) years from the date the initiative or referendum petition is submitted to the Ventura County elections official for signature verification.

5. **Implementation and Development of the Project**.

5.1 Permitted Uses. OFI agrees that Property shall only be developed in accordance with this Agreement and the Project Approvals.

5.2 Subsequent Action and Approval. The City agrees not to unreasonably withhold, condition or delay any action or approval by the City which may be required by the Project subsequent to the execution of this Agreement.

6. **Vested Right to Develop the Project**. Subject to Section 9 below and the Applicable Rules, the City hereby grants to OFI the vested right to develop the Project on the Property in accordance with this Agreement and the Project Approvals. Other than the Project Approvals and this Development Agreement, development of the Project as described in this Agreement shall require no further discretionary approvals by the City. City and OFI intend to cause all development rights which may be required to develop the Project in accordance with the Project Approvals to be deemed vested in OFI for the Initial Term to the greatest extent permitted by law.

7. **Rent**.

7.1 Rent. Rent, as set forth in this provision, shall commence on the Operational Date.

(a) Minimum Annual Guarantee (MAG). Each year, OFI shall pay City the Minimum Annual Guarantee (the "MAG") in the initial amount of $150,000 per year, starting on the Operational Date, in accordance with the terms set forth in this Section.

Term	Rent
Years 1-30	$150,000

(b) Manner of Payment. An annual prorated share of the MAG is due and payable on a calendar quarter basis, commencing within forty-five (45) days of the Operational Date and within ten (10) days following the beginning of each calendar quarter occurring thereafter without notice, demand, offset or deduction. OFI shall remit the MAG to City at the address designated by City in writing to OFI for the payment of Rent. For any portion of the Initial Term that is less than a full calendar quarter, the MAG shall be prorated based on

the number of days occurring during such calendar quarter and actual number of days in such calendar quarter.

(i) Late Charge. If OFI fails to pay any installment of MAG within ten (10) calendar days after the same is due and payable, such unpaid amount will be subject to a late payment charge equal to five percent (5%) of the unpaid amount in each instance; provided, however, OFI shall not be assessed with the foregoing late payment charge with respect to the first (1st) late payment in any consecutive twelve (12) month period unless and until OFI fails to make such payment to City within three (3) business days after written notice from City that it failed to receive such amounts within the time period set forth above. Following the first (1st) late payment in any calendar year, no notice by City shall be required for purposes of collecting a late payment charge. The late payment charge has been agreed upon by City and OFI, after negotiation, as a reasonable estimate of the additional administrative costs and detriment that City will incur as a result of any such failure by OFI, the actual costs thereof being extremely difficult—if not impossible—to determine. The late payment charge constitutes liquidated damages to compensate City for its damages resulting from such failure to pay, and OFI shall promptly pay such charge to City together with any unpaid interest

(ii) Default Interest. If any MAG is not paid within ten (10) calendar days following the due date, such unpaid amount will bear simple interest at the rate of 10% per year or the maximum permitted by law, whichever is lower ("Default Rate") from the due date until paid. However, interest will not be payable on late charges incurred by OFI, nor on any amounts on which late charges are paid by OFI to the extent this interest would cause the total interest to be in excess of that which an individual is lawfully permitted to charge. Payment of interest will not excuse or cure any default by OFI.

(iii) Application of Payments. All payments received by City from OFI will be applied to the oldest obligation owed by OFI to City. No designation by OFI, either in a separate writing, on a check or money order, or otherwise will modify this Article 5 or have any force or effect.

7.2 Additional Consideration

(a) Percentage Rent. To the extent that the MAG for the 12-month period commencing on the Operational Date or anniversary of the Operational Date ("Agreement Year") during the Initial Term is less than 30% of the Annual Net Revenue for that Agreement Year (the difference being referred to herein as "Percentage Rent"), OFI shall pay to City, in addition to the MAG, within thirty (30) days after the end of the relevant Agreement Year, and to the extent applicable, the Percentage Rent.

(i) Reports. OFI shall furnish to City an annual statement of Annual Net Revenue within thirty (30) days after the end of each Agreement Year. Such statement shall be in a form acceptable to City. Each statement shall be signed and certified to be correct by a duly authorized officer of OFI. OFI shall keep and make available at its local office at _____ complete and materially accurate books of account, records, cash receipts and other pertinent data, in accordance with good accounting practices and in a form approved by City, showing the Annual Net Revenue, including without limitation,

materially accurate records of every sale and other transaction made for any advertising display on the Billboard and any commissions paid by OFI pursuant to this Agreement. Such books of account, records, cash receipts and other pertinent data shall be kept for a period of no less than four (4) years after the end of each Agreement Year. The receipt by City of any statement, or any payment of Percentage Rent for any period, will not bind City as to the correctness of the statement or payment.

(ii) Inspection and Audit. City, at its sole option, will be entitled, at any time and from time to time during the Initial Term and during normal business hours and with prior written notice to OFI, to inspect, examine, copy and audit OFI's books, records and cash receipts as related to Annual Net Revenue. OFI shall cooperate fully with City and City's agents in making the examination. City, at its option, will also be entitled once during each Agreement Year and once after the termination of this Agreement, to cause an independent audit of such records to be performed by a certified public accountant designated by City, provided such accountant is not paid on a contingency fee basis. The audit will be conducted during usual business hours at OFI's office located at _____, unless another location is mutually agreed upon. If the audit shows that there is a deficiency in the payment of any Percentage Rent, then OFI shall promptly upon notice pay the deficiency to City which payment will not require any penalty or other late fee. City will pay the costs of the audit unless the audit shows that OFI understated Annual Net Revenue by more than three percent (3%) in which case OFI will pay all reasonable out-of-pocket costs paid to third party consultants and incurred by City in connection with the audit.

(b) City Usage. To the extent that commercial advertising time on the Billboard is unsold and available, City shall have the right to use 12.5% out of the total inventory of 16 spots (8 spots per face) or 2 total spots for the Billboard (such usage "City Usage"). Content displayed on the Billboard in connection with City Usage shall be displayed (subject to the terms of this Agreement) during the operation of the Billboard in increments, at the times of day and otherwise in the same manner as the commercial advertising displayed by OFI on the Billboard. Subject to the terms of this Agreement, City may use such time to promote any purpose that City, in its sole discretion determines best serves the needs of the City and residents, including but not limited to advertising City events and programs. City will submit "camera ready" artwork to OFI, at no cost to OFI, for display purposes. City agrees that for any City Usage City will provide OFI with prior written notice of its desire for City Usage, City will provide OFI with the copy or text of such messages not less than ten (10) business days prior to the date such messages are to appear on the Billboard, and City Usage shall be limited to messages for the civic and public purposes described in this Section and will not be used directly or indirectly for any types of messaging or advertising which OFI would otherwise be able to sell to third parties in the ordinary course of OFI's business. City represents and warrants that all advertising materials and content supplied by City to OFI for display in connection with City Usage, (i) are owned or duly licensed by City and do not infringe or misappropriate the rights of any other person or entity, (ii) comply with all applicable federal, state, and local laws, rules and regulations and any industry codes or rules by which the parties may be bound and do not contain any obscene, libelous, slanderous or otherwise defamatory materials or refer in an offensive manner to the gender, race or ethnicity of any individual or group; (iii) are not false; and (iv) do not infringe upon any copyright, trademark or other intellectual property or privacy right of any third party. City hereby agrees to indemnify, defend and save harmless OFI against

any and all claims, liabilities, losses, damages, fees and expenses arising out of or in connection with the City Usage, including but not limited to any claim for defamation, or infringement of any copyright, trademark, or other intellectual property or privacy right and reasonable attorneys' fees and expenses incurred in defending any such claims.

(c) Emergency Notifications. Without any offset in the City Usage described above and at no cost to the City and as further consideration for the use and occupancy of Property, Outfront shall make the Billboard available to Caltrans and the California Highway Patrol for purposes of "Amber Alerts" and for emergency or disaster notifications by local, state or federal agencies.

(d) Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members. For the Initial Term of this Agreement, Oxnard Auto Dealers and members of the Oxnard Chamber of Commerce shall receive a ten percent (10%) discount from the rates to advertise on the Billboard.

8. **Advertising**. The Billboard is not intended to provide a general public forum for purposes of communication, but rather to make use of property held by the City in a proprietary capacity in order to generate revenue. Except for any advertising or messages displayed on the Billboard at the request of the City (subject to the terms of this Agreement), all advertising to be displayed on the Billboard shall be strictly "commercial advertising." As used in this Agreement, "commercial advertising" means advertising for a commercial or industrial business, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose. In addition to the general limitation on Billboard advertising to strictly commercial advertising, OFI may not display any message that: is inherently false, misleading, or libelous (i.e., speech that is incapable of being presented in a manner that is not misleading); promotes the sale or use of firearms or tobacco products, whether directly or indirectly; promotes adult entertainment, products, conventions, events, or websites; contains "obscene matter," as that term is defined in local, California or federal law, including but not limited to any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency or any other matter or thing of an obscene, indecent or immoral character; contains any "political advertising," which means advertising that promotes or opposes any candidate for public office or promotes or opposes a ballot measure, referendum, bond issue, or any federal, state or local legislation, regulation, or other discretionary action; contains language that presents a clear-and-present danger of causing riot, disorder, or other imminent threat to public safety, peace, or order. OFI shall, within 48 hours after written demand from City, at OFI's risk and expense, remove any advertising material or message that does not comply with the advertising criteria set forth in this Section, and which is not being disputed by OFI. If OFI fails to promptly cause the removal of such advertising, City may (but is not required to), without further process of law, cause the removal of the advertising. OFI shall reimburse City's costs of such actions upon demand and will bear the risk of any damage to the Billboard resulting from such actions. City may exercise such remedies without prejudice to any other remedies it may be entitled to exercise under this Agreement, at law or in equity. OFI agrees to ensure that businesses or organizations located within the City or residents of the City will be able to purchase advertising on the Billboard in such manner and at such rates as offered to businesses, organizations or persons located or

residing outside of the City and that it will not permit any exclusivity contracts or arrangements with advertisers that would violate this covenant.

9. **Subsequent Applicable Rules**. Rules, regulations and official policies of the City, including but not limited to the General Plan, the Specific Plan, zoning and other development regulations adopted after the Effective Date of this Agreement ("Subsequent Applicable Rules") shall not be applicable to or binding upon the Project unless they are otherwise expressly allowed by this Agreement or are consented to in writing by OFI. The City shall not require OFI to obtain any approvals or permits for the development of the Project other than those permits or approvals which are required by the Applicable Rules. This Agreement will bind the City to the terms and obligations specified in this Agreement.

10. **No Conflicting Enactments**. The City shall not enact rules, regulation, ordinances or other measures which limit or control the development of any part of the Project which is inconsistent or in conflict with this Agreement.

11. **Moratorium or Initiative Measures**. OFI and the City intend that no moratorium or other limitation (whether relating to the rate, timing or sequence of the development of the Project and whether enacted by initiative or otherwise) affecting building permits or other entitlements shall apply to the Project to the extent such moratorium or other limitation is inconsistent with or conflicts with this Agreement.

12. **Legal Challenges**. City agrees to cooperate with OFI in all reasonable manners in order to keep this Agreement in full force and effect. Notwithstanding the preceding sentence, in the event of any legal action instituted by a third party or other government entity or official challenging the validity of this Agreement, the City and OFI agree to cooperate in defending such action, with OFI to indemnify the City pursuant to this Agreement. In the event of any litigation challenging the effectiveness of this Agreement or any portion thereof, this Agreement shall remain in full force and effect while such litigation, including any appellate review, is pending, unless a court of competent jurisdiction orders otherwise.

13. **Events of Default; Early Termination**.

13.1 Defaults by OFI. OFI will be in default under this Agreement ("Default") upon occurrence of any of the following:

(a) OFI is at any time late in the payment of Rent or any other monetary sum called for by this Agreement and fails to make payment within thirty (30) days following a written notice to cure from City to OFI; or

(b) OFI fails to keep and perform any of its other covenants or agreements contained in this Agreement and such failure continues for more than thirty (30) days after a written notice to cure from City to OFI specifying, the obligation which OFI has failed to perform. Where it will reasonably take OFI more than thirty (30) days, as calculated from receipt of written notice from the City to cure the default and come into compliance with applicable covenants or agreements, the 30-day period shall be extended for a reasonable time to allow OFI to come in to compliance and OFI shall be in Default under this Agreement if it has

failed to commence such cure within such 30-day period and has failed to diligently pursue completion of such cure; or

(c) After receipt of a written notice to cure from the City, OFI fails to cure within thirty (30) days and abandons and ceases to use the Property OFI; or

(d) The Billboard is not Operational by the one (1) year anniversary of the later of: (i) OFI's receipt of approval from Caltrans for the Caltrans Permits, and (ii) OFI's receipt of all other approvals, permits and entitlements and associated CEQA review from the City and any other relevant responsible agencies for construction and other work related to the Billboard. The one (1) year anniversary shall, however, be tolled in the event of the filing of third party lawsuits, initiatives, or referenda, as specified in Sections 3 and 4.

13.2 City's Remedies for Default by OFI. Upon the occurrence and during the continuance of any Default identified in Section 13.1, in addition to any and all other rights or remedies of City hereunder, City will have the sole option to exercise the following rights and remedies:

(a) City may terminate this Agreement if OFI is in default and fails to cure as provided in Section 13.1(a)-(c), or is in default as provided in Section 13.1(d), including any applicable tolling period.

(b) Except as provided in subdivision (c) below, in the event of a default by OFI, City shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate City for OFI's specific obligations to the City pursuant to this Agreement.

(c) In the event that a third party lawsuit, referendum, or initiative has been filed that triggers the tolling provisions in Sections 3 and 4 and such lawsuit, referendum, or initiative has not been resolved, dismissed, terminated, or otherwise completed within the three (3) year tolling period, the City's sole remedy for OFI's failure to make the Billboard Operational as provided in Section 13.1(d), shall be to terminate this Agreement.

13.3 City Remedies Cumulative. Each right and remedy of City provided for herein will be cumulative and will not preclude City from exercising any other rights or remedies provided for in this Agreement. No payment by OFI of a lesser amount than the Rent nor any endorsement on any check or letter accompanying any check or payment of Rent will be deemed an accord and satisfaction of full payment of Rent; and City may accept such payment without prejudice to City's right to recover the balance of such Rent or to pursue other remedies.

13.4 Default by City. City will not be in default under this Agreement unless City fails to perform obligations required of City within thirty (30) days after written notice is delivered by OFI to City specifying the obligation which City has failed to perform; provided, however, that if the nature of City's obligation is such that more than thirty (30) days are required for performance, then City will not be in default if City commences performance within such 30-day period and thereafter diligently prosecutes the same to completion. All obligations of City hereunder will be construed as covenants, not conditions.

13.5 OFI's Remedies for Default by City. Upon the occurrence and during the continuance of any Default by City identified in Section 13.4, OFI will have the sole option to exercise the following rights and remedies:

(a) OFI may terminate this Agreement if City is in default and fails to cure as provided in Section 13.4.

(b) In the event of a default by City, OFI shall have the right to: (i) bring any proceeding in the nature of specific performance, injunctive relief, declaratory relief, or mandamus and/or; (ii) bring any action to compensate OFI for City's specific obligations to OFI pursuant to this Agreement.

13.6 OFI Remedies Cumulative. Each right and remedy of OFI provided herein will be cumulative and will not preclude OFI from exercising any other rights or remedies provided for in this Agreement.

13.7 OFI's Early Termination Rights. OFI may terminate this Agreement effective 30 days after OFI gives the City written notice of termination, if any of the following circumstances occur:

(a) The view of the Billboard's display area from the portion of U.S. 101 adjacent to the Property is materially obstructed, and OFI did not cause the obstruction.

(b) OFI cannot safely use the Property to renovate, operate, maintain, repair, or improve the Billboard because of a non-remediable condition, and OFI did not cause the condition.

(c) There is a material diversion of traffic from, or a material reduction or change in the directional flow of traffic on, the portion of U.S. 101 adjacent to the Property, and the diversion or disruption continues uninterrupted for at least six (6) consecutive months.

(d) Through no fault of its own, OFI cannot obtain or maintain the governmental permits required to construct, operate, maintain, and repair the Billboard, including the Caltrans Permits and City permits, or there is a legal challenge to such permits and approvals, including, but not limited to, any challenges under CEQA, and OFI elects, in its sole discretion, not to oppose such challenges, OFI may withdraw its applications for approval and terminate this Agreement.

(e) Use of the Billboard for its intended purpose is prevented or limited by law, or OFI is required by any court or other governmental entity, for reasons other than eminent domain, to remove the Billboard from the Property.

(f) The City is in default of this Agreement, and said default is not timely cured.

13.8 Consequential and Punitive Damages. Anything in this Agreement to the contrary notwithstanding, neither City nor OFI shall be liable to each other under or in connection with this Agreement for any consequential or punitive damages and each party

waives, to the full extent permitted by applicable laws, any claim for consequential or punitive damages, and any claim for loss of business or profits.

14. **Insurance**.

14.1 Types of Policies. During the Initial Term and, if OFI is removing the Billboard, during OFI's removal of the Billboard, at no cost to City except as otherwise contemplated by this Agreement, OFI shall procure and maintain the forms and amounts of insurance covering OFI's possession and use of the Property set forth below ("OFI's Insurance"). OFI's Insurance shall be primary to and not contributing with any other insurance, self-insurance or joint self-insurance maintained by City, and shall name the City as an additional insured.

14.2 Commercial General Liability Insurance. A policy of commercial general liability insurance (occurrence form) having a limit of Two Million Dollars ($2,000,000) per occurrence and Four Million Dollars ($4,000,000) annual aggregate, providing coverage for blanket contractual liability (including OFI's indemnification obligations under this Agreement), products and completed operations liability, broad form property damage, and bodily injury (including wrongful death) and advertising injury coverage.

14.3 Workers' Compensation and Employer's Liability Insurance. Workers' compensation insurance, if required by law, which complies with all applicable state statutes and regulatory requirements, and employer's liability insurance coverage in statutory amounts. OFI shall also require any contractor utilized to perform any services or work at the Property pursuant to this Agreement to maintain such workers' compensation insurance and provide proof of such insurance prior to commencing any services or work at the Property.

14.4 Other Insurance. Any other form or forms of insurance as City may reasonably require from time to time, in form, amounts and for insurance risks against which a prudent OFI would protect itself, but only to the extent such risks and amounts are available in the insurance market at commercially reasonable costs.

15. **City's Right to Enter and Inspect the Property**. City and its authorized representatives will have the right to enter upon and inspect the Property at reasonable times (and on no less than forty-eight (48) hours' notice) to determine OFI's compliance with this Agreement.

16. **Notification of Incidents**. OFI shall endeavor to notify City within forty-eight (48) hours after OFI has actual knowledge of the occurrence of any accident or event on or about the Billboard, the Property, any portion thereof, or any improvements thereon and which OFI actually determines could give rise to a claim against City, City's insurance, OFI, or OFI's Insurance, except that OFI will not be so obligated with respect to any accident or event which could give rise to a claim under OFI's workers' compensation insurance. OFI's notice shall be accompanied by a copy of any report(s) relating to such accident or event.

17. **Nonexclusive Easements**. The City reserves the right for itself and others in the future to establish nonexclusive utility easements (including easements for construction, maintenance, repair, replacement and reconstruction) over, under, through or on the Property in

locations that will not interfere with OFI's use of the Property as contemplated by this Agreement. Under no circumstances shall the City permit the construction of any improvement on the Property, or adjacent City-owned properties, that will obstruct views of the Billboard from US 101. OFI will not be required to maintain or repair the utility easements unless OFI has caused the need to repair.

18. **Expiration of Agreement; Holding Over**. This Agreement will expire at the end of the Initial Term. If OFI holds over on the Property after the expiration of the Initial Term with the consent of City, such holding over will be construed to be only a tenancy from month to month, subject to all the covenants, conditions and obligations contained in this Agreement that applied at the expiration of the Initial Term . If OFI does hold over on the Property after the Initial Term, then OFI agrees to pay City as monthly rental an amount which is equal to 1/12th of the annual Rent paid by OFI to City during the last year of the Initial Term.

19. **Condition of Property**. The Property and all improvements thereon, are being leased to OFI in its current, existing, "AS IS" condition. City makes no representations or warranties of any kind, express or implied, written or oral, about any of the following: the physical condition of the Property; the suitability of the Property for OFI's anticipated use; any limitations on OFI's use of the Property; the costs of conducting OFI's business on the Property; or the condition of the soils or ground waters of the Property. By taking possession of the Property, OFI accepts the Property "AS IS" and acknowledges that the Property are satisfactory for OFI's purposes. OFI has ascertained the condition of the Property through its own independent investigation and has relied solely on that independent investigation when entering into this Agreement.

20. **Permitted Uses**. Subject to any City Usage, OFI has the exclusive right to display an Off-site Outdoor Advertising Sign on the Property consistent with **Exhibit C**. City will not authorize any other Off-site Outdoor Advertising Signs on the Property. OFI's right to construct an Off-site Outdoor Advertising Sign on the Property includes the right to the following uses: constructing, operating, maintaining, and repairing, the Billboard, and any utilities installed in connection with the Billboard; installing and maintaining utility wires, poles, cables, conduits, and pipes over or under the Property from the nearest accessible public right-of-way that support the permitted operations of the Billboard; and all rights of ingress and egress over the Property that OFI needs to access the Billboard. Subject to the City's sole and absolute discretion as property owner, as well as the regulator through any generally applicable permit process, OFI may sublease the Property for telecommunications facilities on the Billboard with the written approval of the City and with any such revenue considered part of Annual Net Revenues. Such telecommunications facilities shall be "stealth;" not affect the aesthetic or structural integrity of the Billboard in the City's discretion.

21. **Prohibited Uses**. Hazardous Substances. Neither OFI nor any of OFI's representatives or agents may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials anywhere in, on, under or about the Property, the Billboard, or any improvements thereon. Notwithstanding the foregoing, OFI may use, handle, store, transport, treat, generate, release or dispose of any Hazardous Materials in such limited amounts as are customarily used to construct, operate, maintain, or repair the Billboard in accordance with this Agreement, and so long as OFI is at all times in full compliance with all applicable

environmental laws. OFI shall cause any and all Hazardous Materials brought onto, used, generated, handled, treated, stored, released or discharged by OFI or its authorized representatives on or under the Billboard, the Property, or any improvements thereon to be removed therefrom and transported for disposal in accordance with applicable laws, including Hazardous Materials Laws. City will have the right to enter the Property, or any improvements thereon, from time to time to conduct tests, inspections and surveys concerning Hazardous Materials and to monitor OFI's compliance with its obligations concerning Hazardous Materials and Hazardous Materials Laws (the City agrees that all such testing, inspections, surveys and monitoring will be at the City's expense unless the results of such testing, inspections, surveys or monitoring demonstrate that, with respect to OFI's use, handling, storage, transportation, treatment, generation, release or disposal of Hazardous Materials in, on, under or about the Property, the Billboard, or any improvements thereon, OFI has violated its obligations contained in this Section. OFI shall promptly notify City in writing upon its actual knowledge of: (a) any release or discharge of any Hazardous Material by OFI or its authorized representatives; (b) any voluntary clean-up or removal action instituted or proposed by OFI, (c) any enforcement, clean-up, removal or other governmental or regulatory action instituted or threatened against OFI, or (d) any claim made or threatened by any person against OFI, the Billboard, the Property, or any improvements thereon relating to Hazardous Materials or Hazardous Materials Laws. OFI shall also supply to City as promptly as possible, and in any event within five (5) business days after OFI receives or sends same, copies of all claims, reports, complaints, notices, warnings or asserted violations relating in any way to the Billboard, the Property, any portion thereof, or any improvements thereon or OFI's use thereof and concerning Hazardous Materials or Hazardous Materials Laws. In the event OFI institutes a cleanup or removal action, OFI shall provide copies of all work plans and subsequent reports submitted to the governmental agency with jurisdiction to City in a timely manner.

22. **Unlawful Activities**. OFI may not use or permit the Property to be used in any way that violates this Agreement or any valid and applicable statute, ordinance, regulation, rule, or order of any federal, state, or local governmental entity (including City). OFI may not maintain or commit, or permit the maintenance or commission of, any public or private nuisance as defined by any law applicable to the Property. OFI hereby waives any rights to compensation it may have if a court finds that the Billboard constitutes a public or private nuisance under any valid and applicable federal, state, or local law and for that reason orders OFI to remove or modify the Billboard.

23. **Encumbrances**. OFI may not encumber the Property or any part of the Property or the Billboard or any part of the Billboard, for any purpose, without City's prior written consent, which City may withhold for any reason. OFI shall keep the Property and the Billboard free of all liens and other encumbrances other than those, if any, to which City consents.

24. **Construction and Operation of Billboard**. Subject to any required permits and approvals, OFI shall construct, operate, maintain and repair the Billboard on the Property in accordance with the provisions of this Agreement. Upon completion of the Billboard, OFI shall provide City with a complete set of as-built drawings.

25. **Permitting Costs**. OFI will bear the costs associated with obtaining the Caltrans Permits and costs related to all other permitting and entitlements which are required for the

construction and operation of the Billboard, including obtaining any Project Approvals (as defined in Section 1.18), for the construction, operation, maintenance, and repair of the Billboard and the Property and any environmental review of the Property.

26. **Plans and Specifications**. At no cost to City, OFI shall prepare complete plans and specifications for the construction of the Billboard consistent with **Exhibit C** to this Agreement, working closely with City to develop plans and specifications that are mutually acceptable (the "Plans"). OFI shall submit the Plans to City for final approval, which City will not unreasonably withhold, condition or delay. The Billboard shall be designed to comply with all applicable state, county, and City codes and regulations.

27. **Caltrans Permits**. OFI is responsible for ensuring that the Billboard complies with all requirements of California's Outdoor Advertising Act and Regulations if Caltrans determines that the Property fall within the scope of such law. As soon as practicable after the Effective Date, OFI shall apply for the Caltrans Permits, or, if necessary, engage in discussions with Caltrans to negotiate a Billboard Relocation Agreement that is mutually agreeable to both OFI and Caltrans which will permit OFI to seek all Caltrans Permits required in connection with the construction and operation of the Billboard contemplated by this Agreement. OFI agrees that upon request by the City, OFI will provide updates and any reasonably requested documentation relating to the negotiations with Caltrans for the Caltrans Permits and any status on the issuance of the Caltrans Permits. During the Initial Term, OFI shall perform all obligations under the Caltrans Permits at no cost to City. OFI shall have twelve (12) months from the Effective Date to obtain the Caltrans Permits, which period shall be subject to the three (3) year tolling period provided in Sections 3 and 4 in the event of a third party lawsuit, initiative, or referendum. If OFI has not received the Caltrans Permits at the end of such twelve (12) month period in addition to any tolling period as provided in Sections 3 and 4, and provided that OFI has diligently pursued the Caltrans Permits, City must provide OFI an extension of an additional six (6) months to obtain the Caltrans Permits. If, following such additional six (6) month extension period, OFI is still unable to obtain the Caltrans Permits, either the City or OFI can agree to another extension of time or terminate this Agreement.

28. **[Reserved]**

29. **Construction**. OFI shall begin design process and permitting process for the Billboard as soon as practicable after the Effective Date and shall diligently pursue construction to completion without unnecessary interruption so that the Billboard is Operational by the date established in Section 13.1(d). OFI will be excused, however, for any delays in beginning or completing construction that are caused by a Force Majeure Event, as defined in Section 33. OFI shall use reasonable diligence to avoid such delays and to resume work as promptly as possible after such a delay.

30. **Prevailing Wages**. The parties agree that any "construction, alteration, demolition, installation, or repair work" ("Improvement Work") shall comply with applicable prevailing wage policies as set forth in California Labor Code section 1720 et seq., any applicable federal law and applicable regulations thereto ("Prevailing Wage Laws"). OFI shall defend, indemnify and hold harmless City and its officers, officials, employees, volunteers and

agents from any claims arising out of or in any way connected to OFI's obligations regarding compliance with Prevailing Wage Laws.

31. **Maintenance**. OFI shall be responsible for all the on-going repair, maintenance, installation, and operation costs of the Billboard, and related improvements on the Property at no cost to the City. OFI shall also be responsible for the prompt removal of any graffiti from the Billboard within forty-eight (48) hours of receiving notice of the graffiti.

32. **Damage or Destruction to the Billboard**. This Agreement will continue in full effect if the Billboard is substantially damaged or destroyed in whole or part by any cause whether or not covered by the fire-and-casualty insurance OFI maintains, subject to the following:

32.1 The Rent thereafter due under this Agreement will abate from the date of the casualty until the repair or replacement of the Billboard is completed.

32.2 The City and OFI will mutually agree upon the repair or replacement of the Billboard, which such repair or replacement will use any proceeds of insurance maintained by the City or otherwise at the expense of the City. In connection with any election to repair the casualty, OFI and the City will promptly apply for, and diligently pursue the issuance of, any permits or approvals needed to repair or replace the Billboard. Within thirty (30) days after obtaining the necessary permits and approvals, the party which will perform such repair or replacement will begin work to repair or replace the Billboard and diligently pursue the completion thereof.

32.3 In the event of any damage or destruction which is covered by insurance, the City will promptly make proof of loss and proceed promptly to collect, or cause to be collected, all valid claims which the City may have against insurers or others based upon any such damage or destruction. Except as otherwise provided above, amounts received on account of any losses pursuant to insurance policies shall be used and expended for the purpose of fully repairing or reconstructing the portions of the Billboard which has been destroyed or damaged.

32.4 Notwithstanding anything herein to the contrary, if (a) the cost to repair or replace the damage or destruction of the Billboard exceeds 50% of its fair-market value immediately before it is damaged or destroyed; and (b) the damage or destruction occurs during the last five (5) years of the Initial Term, then the City may terminate this Agreement upon written notice to OFI without penalty.

33. **Force Majeure** As used in this Agreement "Force Majeure Events" and "Pandemic Events" have the following meaning:

33.1 "Force Majeure Events" mean, collectively: (1) governmental preemption or governmental shutdowns of business in connection with a national emergency, (2) work stoppages or other delays due to pandemics or other unforeseen circumstances, (3) conditions that prevent or delay construction and which are affected by war, pandemic, civil unrest or other international, national, state or municipal emergency or other cause, (4) act of

God, (5) Pandemic Events (as hereinafter defined) or (6) any other cause, similar or dissimilar, beyond the reasonable control of either party; and

33.2 "Pandemic Events" shall mean (1) governmental shutdowns of business in Ventura County in connection with the occurrence of a pandemic or other public health emergency, or (2) the issuance of "shelter-in-place" orders affecting Ventura County by one or more governmental authorities due to the occurrence of a pandemic or other public health emergency.

34. **Utilities**. At no cost to City, OFI shall provide and pay for all utility connections, utility equipment, and utility service required to construct, operate, maintain, repair, improve, or reposition the Billboard throughout the Initial Term (provided that City will pay for all such costs and expenses in connection with the construction and operation of the City's Telecommunication Facilities, if applicable). OFI shall coordinate with City and the applicable utility companies for utility tie-ins and electrical power sources that OFI may need to construct and operate the Billboard.

35. **Removal of Billboard**. OFI shall be responsible for the removal of the Billboard, and other improvements from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), at the expiration of the Initial Term of this Agreement, unless the City waives OFI's removal obligation in writing. In the event this Agreement is otherwise terminated or cancelled prior to the expiration of the Initial Term, OFI shall remove the Billboard and other improvements installed by OFI from the Property and restore the Property to its condition immediately prior to the date that City delivered control of the Property to OFI (reasonable wear and tear, damage or destruction by the acts of God beyond the control of OFI, and damage caused by parties other than OFI (and its employees and contractors) excepted), unless the City waives OFI's removal obligation in writing. Notwithstanding the above, OFI shall not be required to remove those portions of the Billboard and other improvements made by OFI on the Property that are more than eighteen (18) inches below grade. OFI shall cause the removal as required under this Section within thirty (30) days from the end of the Initial Term or from the date of early termination, whichever the case may be. If OFI does not timely remove the Billboard and other improvements as required by this Section, City may, but shall not be required to, remove or cause the removal of the Billboard and other improvements on the Property at OFI's expense. OFI shall reimburse City within thirty (30) days of receipt of an itemized accounting of the cost for such removal and the restoration of the Property to its state immediately prior to the installation of the Billboard. City and OFI acknowledge and agree that OFI and its assigns shall be the exclusive owner and operator of the Billboard, and that all equipment comprising the Billboard shall remain the personal property of OFI and its assigns and shall not become fixtures of the Property. City shall have no right, title or interest in the Billboard or any component of the Billboard, notwithstanding the manner in which the Billboard is or may be physically attached, mounted or adhered to the Property.

36. **Taxes**. OFI shall pay without abatement, deduction, or offset any income taxes or possessory interest taxes levied on or assessed against the Billboard located on the Property, OFI's equipment, fixtures, and personal property located on or in the Property, which are directly

attributable to this Agreement or OFI's use of the Property, whether belonging, owned, or chargeable against the City. OFI shall make all such payments directly to the charging authority prior to delinquency and before any fine, interest, or penalty becomes due or is imposed for OFI's non-payment. Following prior request by City, OFI shall provide City with proof of payment of such tax.

37. **Compliance Review**.

37.1 Periodic Review. Pursuant to Government Code section 65865.1, the City Manager shall, not less than once in every twelve (12) months, review the Project and this Agreement to ascertain whether or not OFI is in full compliance with the terms of this Agreement (the "Periodic Review").

37.2 Review Procedure. During a Periodic Review, OFI shall provide information reasonably requested by the City Manager that the Project is being developed in good faith compliance with the terms of this Agreement. Upon completion of a Periodic Review, the City Manager shall submit a report to the City Council setting forth the City Manager's findings. If, as a result of a Periodic Review, the City Council finds and determines on the basis of substantial evidence that OFI has not complied in good faith with the terms or conditions of this Agreement, the City shall issue a written "Notice of Noncompliance" to OFI specifying the grounds therefore and all facts demonstrating such noncompliance. OFI's failure to cure the alleged non-compliance within ninety (90) days after receipt of the notice, or, if such noncompliance is not capable of being cured within ninety (90) days, OFI's failure to initiate all actions required to cure such noncompliance within ninety (90) days after receipt of the notice, shall constitute a default under this Agreement on the part of OFI and shall constitute grounds for the termination of this Agreement by the City as provided for below.

37.3 Termination or Modification for Non-Compliance. Pursuant to Government Code Section 65865.1, if the City Council finds and determines, on the basis of substantial evidence, that OFI has not complied in good faith with the terms or conditions of this Agreement, the City Council may modify or terminate this Agreement. Any action by the City with respect to the termination or modification of this Agreement shall comply with the notice and public hearing requirements of Government Code section 65865.1 in addition to any other notice required by law. Additionally, the City shall give OFI written notice of its intention to terminate or modify this Agreement and shall grant OFI a reasonable opportunity to be heard on the matter and to oppose such termination or modification by the City.

37.4 Modification. Amendment or Cancellation by Mutual Consent. Pursuant to Government Code section 65868, this Agreement may be amended or canceled, in whole or in part, by mutual written consent of the City and OFI or their successors in interest. Public notice of the parties' intention to amend or cancel any portion of this Agreement shall be given in the manner provided by Government Code section 65867. Any amendment to the Agreement shall be subject to the provisions of Government Code section 65867.5.

37.5 Inurement and Assignment. This Agreement shall inure to the benefit of and bind the successors and assigns of the City and OFI and may be assigned by either the City or OFI to any party or parties pursuant to the requirements of this Section. The specific rights

and obligations of this Agreement shall be deemed covenants running with the land that concern and affect the Property. Prior to OFI's assignment of any rights, duties or obligations under this Agreement, OFI shall present such information to the City as will reasonably demonstrate to the City's satisfaction that the proposed assignee (the "**Assignee**") has the financial ability and experience to fulfill those specific rights, duties and obligations under the Agreement that the Assignee will assume. The City shall have the right to approve the proposed Assignee, provided that the City's approval may not be unreasonably withheld. Because this Agreement is a statutory Development Agreement, if City staff determine that they can recommend approval of the proposed Assignee, a public hearing before the Planning Commission and City Council will be necessary to approve the proposed amendment to this Agreement. If the City does not approve the Assignee, the City shall deliver notice to OFI of the reasons for the City's disapproval of the Assignee. Once such approved assignment or succession has occurred and the Assignee has agreed to accept the applicable obligations under this Agreement, OFI shall be released from its obligations under this Agreement assumed by the Assignee with respect to the Property, or portion thereof, so transferred. Notwithstanding anything herein to the contrary, OFI shall not be required to obtain the City's written consent prior to effecting a transfer of all or a portion of OFI's interests to OFI member agencies Foster Interstate, LLC and Outfront Media, LLC.

38. **Monetary Damages**. OFI and the City acknowledge that neither the City nor OFI would have entered into this Agreement if either were liable for monetary damages under or with respect to this Agreement or the application thereof. Both the City and OFI agree and recognize that, as a practical matter, it may not be possible to determine an amount of monetary damages which would adequately compensate OFI for its investment of time and financial resources in planning to arrive at the kind, location, intensity of use, and improvements for the Project, nor to calculate the consideration the City would require to enter into this Agreement to justify such exposure. Therefore, the City and OFI agree that neither shall be liable for monetary damages under or with respect to this Agreement or the application thereof and the City and OFI covenant not to sue for or claim any monetary damages for the breach of any provision of this Agreement. This foregoing waiver shall not be deemed to apply to any fees, payments, reimbursements or other monetary amounts specifically required to be paid by OFI to the City pursuant to this Agreement.

39. **Specific Performance**. OFI has invested significant time and resources and performed extensive planning and processing of the Project in agreeing to the terms of this Agreement and will be investing even more significant time and resources in implementing the Project in reliance upon the terms of this Agreement and it is not possible to determine the amount of monetary damages that would adequately compensate OFI for such efforts. Damages would not be an adequate remedy if City fails to carry out its obligations under this Agreement, and that OFI shall have the right to seek and obtain specific performance as a remedy for any breach of this Agreement. The City's remedy to terminate or amend this Agreement in the event of OFI's uncured breach shall be sufficient in most circumstances.

40. **Administration of Agreement and Resolution of Disputes**. OFI shall at all times have the right to appeal to the City Council any decision or determination made by any employee, agent or other representative of the City concerning the Project or the interpretation and administration of this Agreement. All City Council decisions or determinations regarding

the Project or the administration of this Agreement shall also be subject to judicial review pursuant to Code of Civil Procedure section 1094.5, provided that, pursuant to Code of Civil Procedure section 1094.6, any such action must be filed in a court of competent jurisdiction not later than ninety (90) days after the date on which the City Council's decision becomes final.

41. **Recordation of this Agreement**. Pursuant to Government Code section 65868.5, the City Clerk shall record a copy of this Agreement in the Official Records of Ventura County within ten (10) days after the mutual execution of this Agreement.

42. **Constructive Notice and Acceptance**. Every person or entity who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is, and shall be, conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

43. **No Third-Party Beneficiaries**. This Agreement is made and entered into for the sole protection and benefit of the City, OFI and their respective successors and assigns. No other person or entity shall have any right of action based upon any provision of this Agreement.

44. **Miscellaneous**.

44.1 Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the person giving such notice) (i) hand delivered by messenger or courier service, (ii) by overnight delivery (including Federal Express), or (iii) by United States mail (postage prepaid), registered or certified, return receipt requested, addressed to the addresses set forth below. Each notice shall be deemed delivered (1) on the date delivered if by personal delivery, (2) on the date of delivery by the overnight delivery service if by overnight delivery, or (3) seventy-two (72) hours after deposit in the United States mail (postage prepaid) if by registered or certified mail. By giving to the other parties at least fifteen (15) days' written notice, the parties to this Agreement and their respective successors and assigns shall have the right from time to time and at any time during the term of this Agreement to change their respective addresses and each shall have the right to specify as its address any other address.

If to City: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Manager

with a copy to: City of Oxnard
214 South C Street
Oxnard, California 93030
Attention: Community Development Director
Tel. No.: (805) 385 7877
Fax No.: (805) 385 7854

with a copy to: City of Oxnard
300 West Third Street
Oxnard, California 93030
Attention: City Attorney

If to OFI: Outfront Foster Interstate LLC
1111 Broadway, Suite 1515
Oakland, CA 94607
Attn: John B. Foster, President
Fax: (415) 832-7080

with a copy to: Outfront Media LLC
405 Lexington Avenue, 17th Floor
New York, NY 10174
Attn: General Counsel

with a copy to: Miller Starr Regalia
1331 North California Boulevard, Fifth Floor
Walnut Creek, CA 94596
Attn: Anthony Leones
Tel: (925) 941-3261
Fax: (925) 933-4126
Email: tony.leones@msrlegal.com

with a copy to: Wendel Rosen LLP
1111 Broadway, 24th Floor
Oakland, CA 94607
Attn: Matt Dambrov
Tel: (510) 834-6600
Fax: (510) 834-1928
Email: mdambrov@wendel.com

44.2 Severability. If any part of this Agreement is declared invalid for any reason, such invalidity shall not affect the validity of the remainder of the Agreement. The other parts of this Agreement shall remain in effect as if this Agreement had been executed without the invalid part. The City and OFI intend and desire that the remaining parts of this Agreement continue to be effective without any part or parts that have been declared invalid.

44.3 Entire Agreement; Conflicts. This Agreement represents the entire agreement between the City and OFI with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the City and OFI with respect to the matters contained in this Agreement. Should any or all of the provisions of this Agreement be found to be in conflict with any other provision or provisions found in the Applicable Rules or the Subsequent Applicable Rules, then the provisions of this Agreement shall govern and prevail.

44.4 Further Assurances. The City and OFI agree to perform, from time to time, such further acts and to execute and deliver such further instruments reasonably necessary to effect the intents and purposes of this Agreement, provided that the intended obligations of the City and OFI are not thereby modified.

44.5 Negation of Agency. The City and OFI acknowledge that, in entering into and performing under this Agreement, each is acting as an independent entity and not as an agent of the other in any respect. Nothing contained herein or in any document executed in connection herewith shall be construed as making the City and OFI joint venturers, partners or employer/employee.

44.6 Attorneys' Fees. In the event of any claim, dispute or controversy arising out of or relating to this Agreement, including an action for declaratory relief, the prevailing party in such action or proceeding shall be entitled to recover its court costs and reasonable out of pocket expenses not limited to taxable costs, including, but not limited to telephone calls, photocopies, expert witness, travel, and reasonable attorneys' fees and costs to be fixed by the court. Such recovery shall include, but not limited to, court costs, out of pocket expenses and attorneys' fees on appeal, if any. The court shall determine who is the "prevailing party," whether or not the dispute or controversy proceeds to final judgment. If the City or OFI is reasonably required to incur such out of pocket expenses and attorneys' fees as a result of any claim arising out of or concerning this Agreement or any right or obligation derived hereunder, then the prevailing party shall be entitled to recover such reasonable out of pocket expenses and attorneys' fees whether or not an action is filed.

44.7 Waiver. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought.

44.8 Estoppel Certificates. Within thirty (30) days following the receipt by City of a written request by OFI, the City shall execute and deliver to the requesting OFI a statement (an "estoppel certificate") certifying that (i) either this Agreement is unmodified and in full force and effect or there have been specified (date and nature) modifications to the Agreement, but it remains in full force and effect as modified; and (ii) either there are no known current uncured defaults under this Agreement or that the City alleges that specified (date and nature) defaults exist. The estoppel certificate shall also provide any other reasonable information requested. The failure to timely deliver a requested estoppel certificate shall constitute a conclusive presumption that this Agreement is in full force and effect without modification, except as may be represented by the requesting OFI, and that there are no uncured defaults in the performance of the requesting OFI, except as may be represented by the requesting OFI. The requesting OFI shall pay to City all reasonable administrative costs incurred by City in connection with the issuance of estoppel certificates under this Section prior to City's issuance of such certificates. Any such certificate may be and is intended to be relied upon by any person, including, but not limited to, the other Party, potential purchasers or lessees of all or any part of the Property, lenders or potential lenders.

44.9 Section Headings. The section headings contained in this Agreement are for convenience and identification only and shall not be deemed to limit or define the contents to which they relate.

44.10 Relationship of the Parties; Not Third-Party Beneficiaries. This Agreement does not create any relationship or association between City and OFI other than that of landlord and tenant, and it is expressly understood and agreed that City does not in any way nor for any purpose become a partner of OFI or a joint venturer with OFI in the conduct of OFI's business or otherwise; nor does this Agreement create between City and OFI the relationship of principal and agent. The parties do not intend to create any third-party beneficiaries to the Agreement.

44.11 Time of Essence. Time is of the essence of this Agreement, and all performances required hereunder shall be completed within the time periods specified. Any failure of performance shall be deemed as a material breach of this Agreement.

44.12 Counterparts. This Agreement and any modifications hereto may be executed in any number of counterparts with the same force and effect as if executed in the form of a single document.

45. **Indemnification**.

45.1 Definitions. For the purposes of this Section, the following definitions will apply:

(a) "Person" is to be interpreted broadly and includes OFI and OFI's directors, officers, employees, contractors, and agents; and City and City's elected officials, officers, employees, contractors, and agents.

(b) "Liabilities" means all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that arise directly or indirectly from OFI's possession or use of the Property.

(c) "Occurrence" means (A) the death of, or injury to, any person; and (B) damage to, or destruction of, any real property, personal property (including intellectual property), or the environment (broadly interpreted to include the air, soil, soil vapor, surface water, groundwater, flora, and fauna on or about the Property).

45.2 General Indemnity. Except to the extent claims are caused by the negligence or willful misconduct of the City and its employees, agents and contractors, and not waived by OFI, OFI shall indemnify, protect, defend, and hold harmless City and its elected officials, officers, employees, volunteers, lenders, agents, and representatives and each of their successors and assigns from and against any and all third party claims, judgments, causes of action, damages, penalties, costs, liabilities, and expenses, including all reasonable out-of-pocket costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon, arising at any time during or after the Initial Term as a result (directly or indirectly) of or in connection with (a) any OFI default under this Agreement (including in the performance or non-performance of any obligation on OFI's part to be

performed under the terms of this Agreement); (b) OFI's performance of the design and construction of the Billboard; (c) OFI's or OFI's representatives or agents use of the Property, the Billboard, any portion thereof, or any improvements thereon, the conduct of OFI's business or any activity, work or thing done, permitted or suffered by OFI or its representatives or agents in or about the Property or any portion thereof, or any improvements thereon, except that with regard to the presence of Hazardous Materials, the Property or any improvements thereon, OFI will not be responsible for conditions that existed prior to the date that City delivers exclusive control of the Property to OFI and, whether prior to the Effective Date or not, were not caused by OFI or its authorized representatives; and (d) any negligent or willful act, error or omission of OFI or its representatives or agents in or about the Billboard, any portion thereof, or any improvements thereon (collectively, "Indemnification"). OFI shall provide such Indemnification by and through counsel reasonably approved by City. Without limiting the foregoing, OFI's obligation under this Section includes Liabilities arising from any of the following:

(a) Any Occurrence that is caused by, or related in any way to, a verbal or nonverbal display on the Billboard.

(b) OFI's failure to perform any provision of this Agreement due to no fault of City, to comply with any requirement of law applicable to OFI, or to fulfill any requirement imposed by any governmental entity (including City when acting as a government) on OFI or on OFI's use of the Property.

(c) Any claim that OFI's policies with respect to the allocation of advertising time violate any person's or persons' First Amendment rights.

(d) Any Occurrence caused or allegedly caused by (i) any condition of the Property created by OFI or by any Person on the Property with OFI's permission; or (ii) some act or omission on the Property by OFI or by any Person on the Property with OFI's permission.

OFI agrees that its obligation under this Section includes the reasonable costs of attorney fees incurred by City's City Attorney's Office to monitor and consult with OFI regarding the defense of any such Liabilities, including providing direction with regard to strategy, preparation of pleadings, settlement discussions, and attendance at court hearings, mediations, or other litigation related appearances. City will use its best efforts to avoid duplicative attorney work or appearances in order to keep litigation costs to a reasonable minimum. OFI further acknowledges and agrees that settlement of any Liabilities requires the consent of City. City agrees that its consent will not be unreasonably withheld provided that OFI is financially able (based on demonstrated assets) to fulfill its obligation to indemnify City for the costs of any such settlement as required under this Agreement

45.3 Hazardous Materials. Except to the extent caused by City's negligence or willful misconduct, caused by a third party or with regard to the presence of Hazardous Materials on the Property as of the date City delivers exclusive control of the Property to OFI, OFI shall indemnify, defend and hold City harmless from any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses (including attorneys' fees and expenses and consultant fees and expenses) caused or alleged to have been caused by OFI's use,

storage, handling, treatment, generation, discharge or release of Hazardous Materials in violation of OFI's obligations under this Agreement, whether such claims, causes of action or liabilities are first asserted during the Initial Term or thereafter, and including claims made against City with respect to bodily injury, death or property damage sustained by third parties caused or alleged to have been caused by OFI's use, storage, handling, treatment, generation, discharge or release of Hazardous Materials. For the purposes of clarification, the indemnity contained in this Section will be the sole indemnity OFI provides to the City with respect to Hazardous Materials and (b) OFI will not be responsible for nor indemnifies the City for any claims, causes of action, liabilities, losses, damages, injunctions, suits, fines, penalties, costs or expenses with respect to Hazardous Materials which do not directly result from OFI's use, storage, handling, treatment, generation, discharge or of Hazardous Materials in violation of OFI's obligations under this Agreement.

45.4 Survival. Each party's obligations under this Agreement will survive expiration or termination of this Agreement for a period of three (3) years following termination.

45.5 Reference of California Law. Unless expressly stated to the contrary, all references to statutes herein are to the California codes.

45.6 Interpretation of Agreement. The language in all parts of this Agreement shall in all cases be construed simply, as a whole and in accordance with its fair meaning and not strictly for or against any party. City and OFI acknowledge and agree that this Agreement has been prepared jointly by City and OFI and has been the subject of arm's length and careful negotiation over a considerable period of time, that each party has been given the opportunity to independently review this Agreement with legal counsel, and that each party has the requisite experience and sophistication to understand, interpret, and agree to the particular language of the provisions hereof. Accordingly, in the event of an ambiguity in or dispute regarding the interpretation of this Agreement, this Agreement shall not be interpreted or construed against the party preparing it, and instead other rules of interpretation and construction shall be utilized.

45.7 Institution of Legal Actions. In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default, or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the Superior Court of the County of Ventura, State of California or in the United States District Court for the Central District of California.

45.8 No Relocation Benefits. It is agreed that nothing contained in this Agreement shall give OFI any right to occupy the Property at any time after the expiration of the term of this Agreement or its termination. OFI agrees that, upon the expiration of termination of this Agreement, OFI's use of the Property for the location of a Billboard or this Agreement shall not entitle OFI to any relocation benefits from the City pursuant to any federal, state or local law and waives any such claim against the City.

IN WITNESS WHEREOF, the City and OFI hereto have each executed this Agreement as of the date first written above.

CITY: CITY OF OXNARD, a California municipal corporation

By: _____
Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen Fischer, City Attorney

OUTFRONT FOSTER INTERSTATE LLC

By Its Members:

FOSTER INTERSTATE LLC

By: _____

Print Name: John B. Foster

Title: Manager

OUTFRONT MEDIA, LLC

By: _____

Print Name: _____

Title: _____

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO ENA

City-owned property and right-of-way on the north side of U.S. Highway 101 between Santa Clara River and Rose Avenue.

EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "B"

DESCRIPTION

A VARIABLE WIDTH LEASE AREA FOR ALL THAT PORTION OF LAND IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, BEING A PORTION OF PROPERTY AS DESCRIBED IN THE RELINQUISHMENT TO THE COUNTY OF VENTURA, AS RECORDED IN BOOK 1518, AT PAGES 81 THROUGH 84 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDS, AND PER THE EFFECT OF ORDINANCE NO. 746, ANNEXATION 61-11, ADOPTED FEBRUARY 20, 1962, PURPORTEDLY TO BECOME EFFECTIVE MARCH 22, 1962, PURPORTING TO ANNEX THE SUBJECT LAND INTO THE CITY OF OXNARD, STATE OF CALIFORNIA, PURSUANT TO THE TERMS COVENANTS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, THE LEASE AREA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY TERMINUS OF A TANGENT LINE BEARING NORTH 82°02'39" EAST, HAVING A DISTANCE OF 245.42 FEET, ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 780.00 FEET, AS SHOWN ON TRACT NO. 4434, RECORDED IN MAP BOOK 114, PAGES 62 THROUGH 66, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE LEAVING SAID TANGENT LINE, SOUTH 59°48'46" WEST, A DISTANCE OF 851.86 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,054.96 FEET AND A RADIAL LINE BEARING NORTH 52°46'55" WEST, SAID BEGINNING OF CURVE BEING THE **POINT OF BEGINNING**; THENCE, SOUTHWESTERLY ALONG SAID CURVATURE,

1. THROUGH A CENTRAL ANGLE OF 03°04'15", AN ARC DISTANCE OF 56.54 FEET; THENCE,
2. NORTH 66°28'23" WEST, A DISTANCE OF 25.28 FEET, TO THE NORTHWESTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81 OF OFFICIAL RECORDS OF SAID COUNTY RECORDER, BEING A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 140.00 FEET AND A RADIAL LINE TO SAID CURVATURE BEARING NORTH 57°26'00" WEST; THENCE NORTHEASTERLY ALONG SAID CURVATURE,
3. THROUGH A CENTRAL ANGLE OF 24°31'24", AN ARC DISTANCE OF 59.92 FEET, TO THE INTERSECTION WITH A LINE BEARING NORTH 65°58'23" WEST FROM THE POINT OF BEGINNING; THENCE, ALONG SAID LINE,
4. SOUTH 65°58'23" EAST, A DISTANCE OF 15.59 FEET, TO THE POINT OF BEGINNING.

ALL AS SHOWN ON EXHIBIT "B", AND BY REFERENCE HEREIN, MADE A PART HEREOF.

Chris Nelson

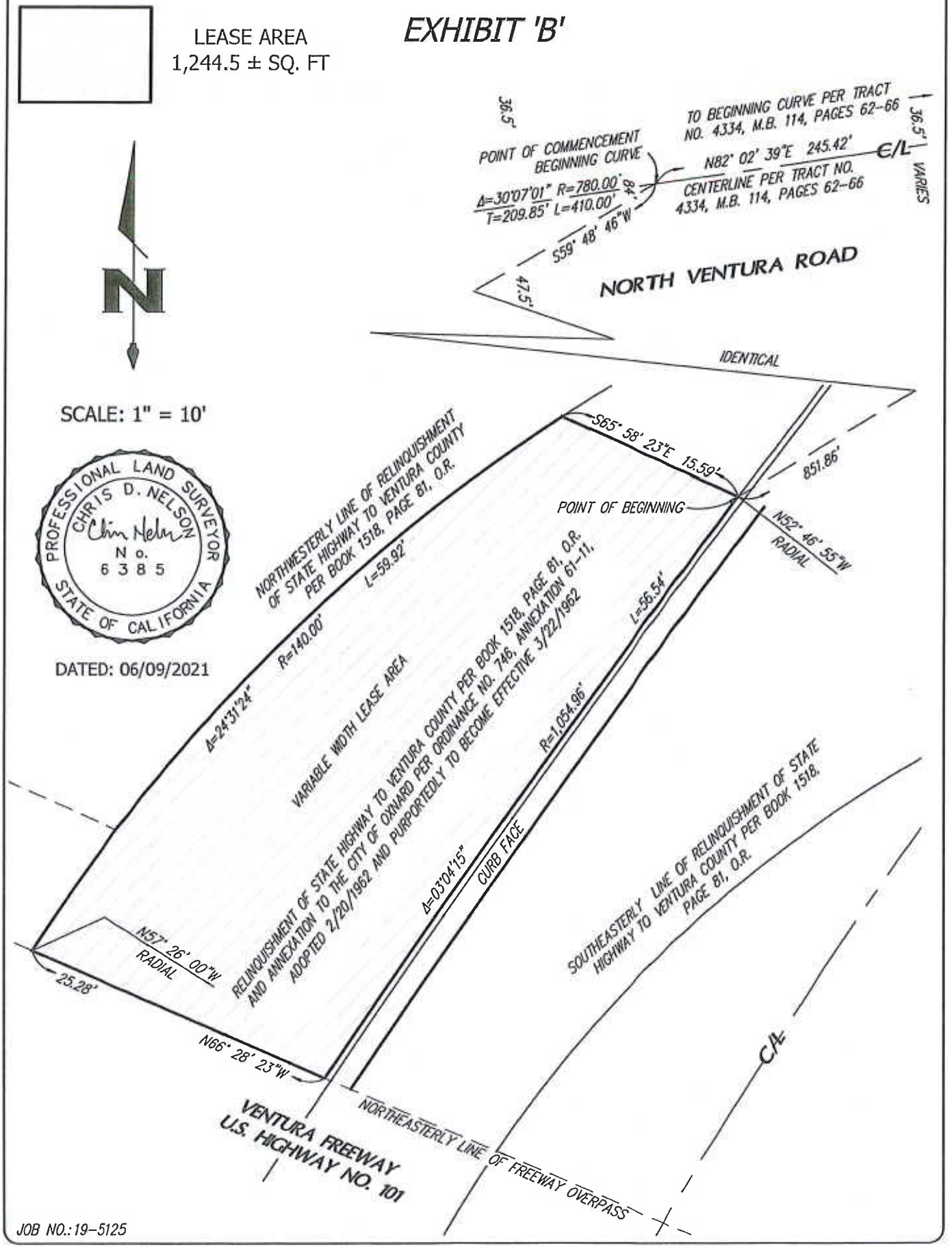
CHRIS NELSON, PLS 6385
DATED: JUNE 14, 2021



JN 19-5125

EXHIBIT 'B'

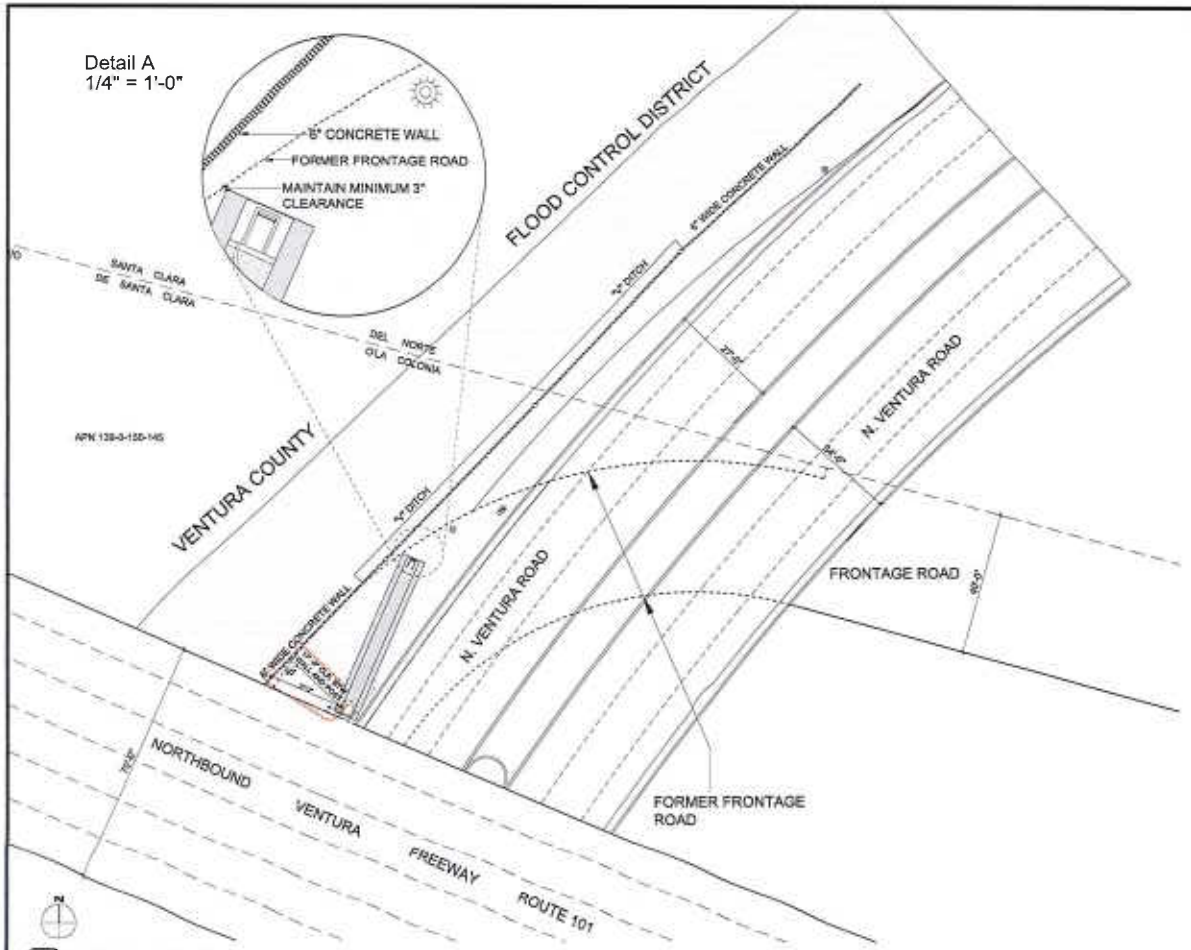
LEASE AREA
1,244.5 ± SQ. FT



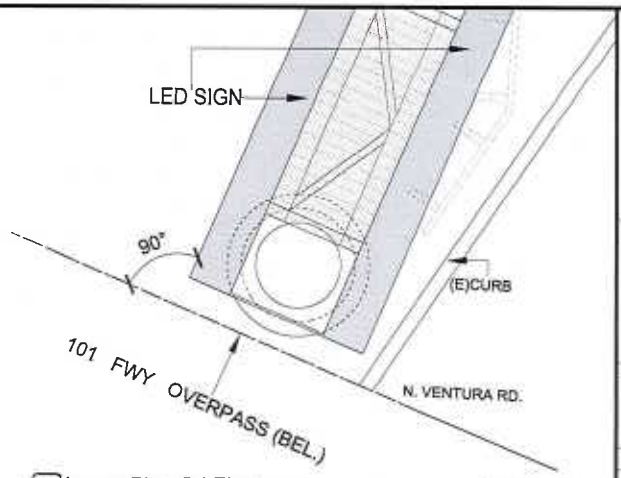
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EXHIBIT "C"

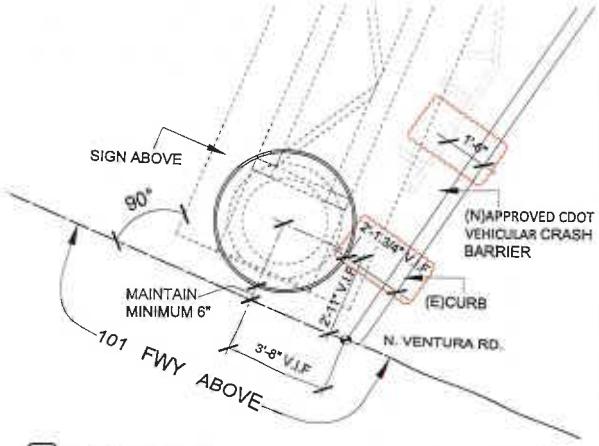
BILLBOARD



3 Bird's Eye Site Plan 1/16" = 1'-0"



2 Layout Plan @ LED Panels 1/2" = 1'-0"



1 Site Plan @Grade 1/2" = 1'-0"

LEGEND

- GROUND
- LIGHT POLE
- TRAFFIC SIGNAL BOX

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES, COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ENHANCEMENTS WHEREIN THE SPECIFIED DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ENHANCEMENTS. THE LAWS OR ENHANCEMENTS SHALL GOVERN. CONTRACTOR TO NOTIFY ARCHITECT OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE CONTRACTOR SHALL USE DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WITH SUB-CONTRACTORS TO ENSURE THOSE WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE OR PURPOSE BEYOND THAT FOR WHICH THOSE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACT ON BILL PROVIDE A SCHEDULE SHOWING THE LINKS TO COMPLETE ALL WORK AND ARE USING A CPM, FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER A SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR CORRECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS TO THE CITY OF OXNARD FOR AUTHORIZED AND OBTAIN ALL REQUIRED BUILDING PERMITS.
12. CONTRACTOR TO SUBMIT ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, FIXTURES, DOWER PLATES, ETC. TO ARCHITECT FOR REVIEW BY ARCHITECT AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS AND WORK IN THE CITY'S PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING DIVISION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT SPECIFICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2016 CBC, CHAPTER 21 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:

15. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY. WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
16. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET, BEYOND THAT HORIZONTAL BENCHES OF 3 FEET WIDE WILL BE REQUIRED. TEMPORARY SLOPES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL). IN SOME AREAS DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED AT SOIL RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE SHORING DRAWING, CALCULATIONS, ETC AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE SHOR.
18. SHORING PLANS SHALL BE WET-STAMPED AND SIGNED BY THE ENGINEER-OF-RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE: SHORING LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (AS DEFINED HEREIN) OF THE SLOPE FROM THE BASE OF THE EXCAVATION; AND / OR DRIVEWAY SURCHARGE LOADS.
19. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.DIR.CA.GOV/DOSH/PUBLICATIONS.HTML#GROUNDUP * CONSTRUCTION SAFETY ORDERS / CHAPTER 4, SUBCHAPTER 4, ARTICLE 6 , SECTION 1541.1.
20. A GRADING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN REVIEW WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL REQUIRED CIVIL INTERCEPTORS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.

ib+a architecture
177 Post Street, Suite 920
San Francisco, CA 94108
tel: (415) 512-9660
fax: (415) 512-9663
www.ibadesign.com

PROJECT NAME
OXNARD SIGNAGE PROJECT
APN: 139-0-150-145
Oxnard, California

CLIENT
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

SHEET DESCRIPTION
SITE PLAN

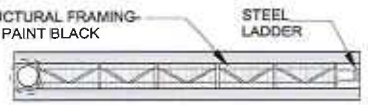
DATE 8/6/2020
SCALE 1/16" = 1'-0"
DRAWN BY
CHECKED BY
JOB NO. 1819

A-1.0

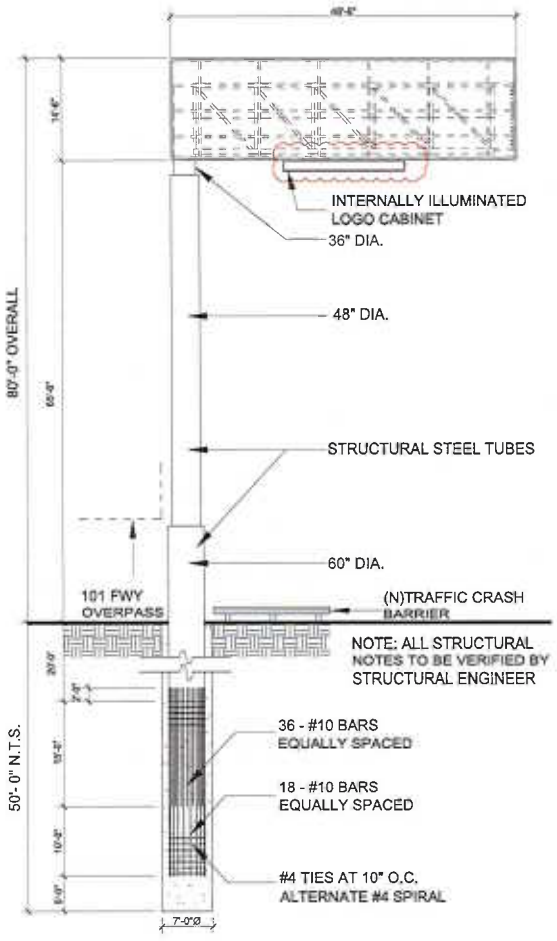
SHEET NO.

All drawings and written material appearing herein constitute the original and unpublished work of the designers and the same may not be duplicated, used, or disclosed without the written consent of the designers.

1819

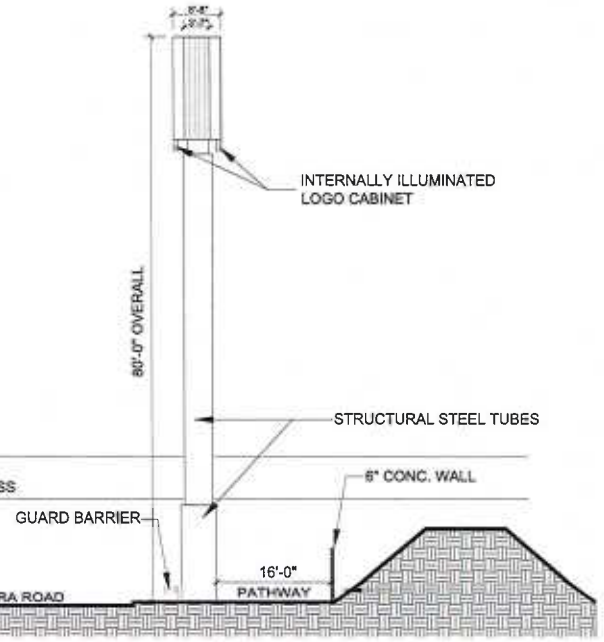


2 Plan View



1 Overall Elevation

(See A-3.0 For Color Scheme)



3 CROSS SECTION VIEW

(See A-3.0 For Color Scheme)

ib+a
architecture
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OXNARD
SIGNAGE
PROJECT
APN: 139-0-150-145
Oxnard,
California

OUTFRONT
FOSTER
INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

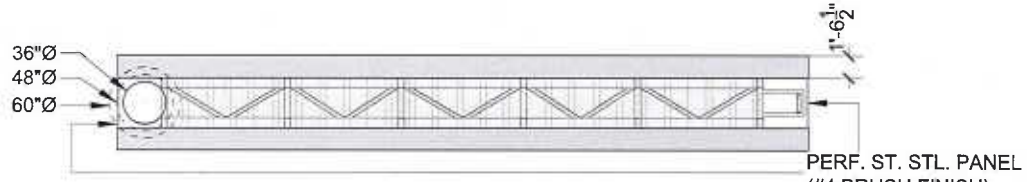
SIGN
ELEVATIONS
AND PLAN

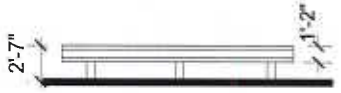
DATE 8/6/2020

JOB NO. 1814

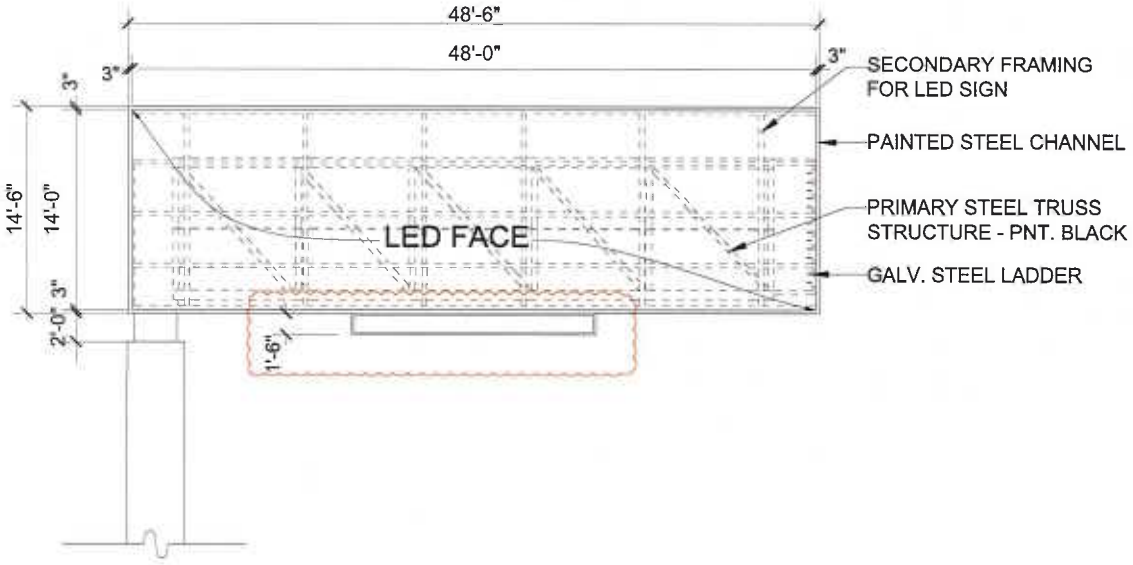
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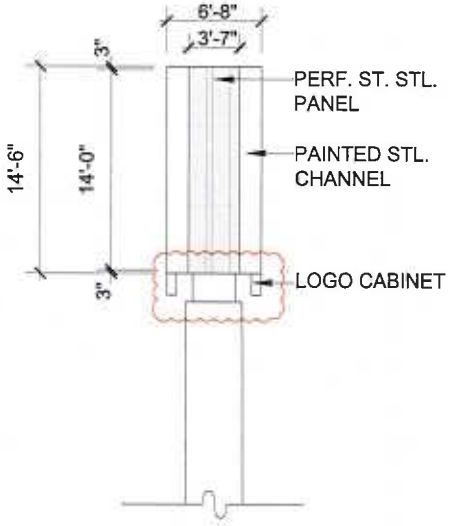




2 GUARD BARRIER FRONT VIEW SCALE - 1/4" : 1'-0"



1 Face Elevation SCALE - 1/4" : 1'-0"



3 End Elevation SCALE - 1/4" : 1'-0"

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OXNARD
SIGNAGE
PROJECT
APN 138-0-150-145
Oxnard,
California

OUTFRONT
FOSTER
INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

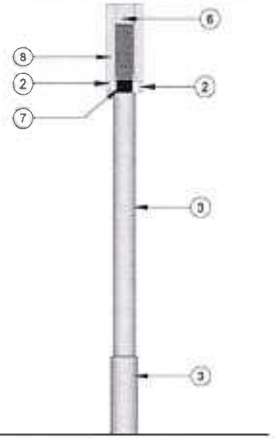
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8/6/2020

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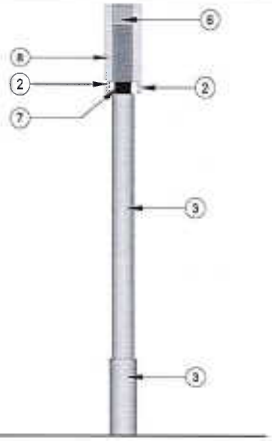
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5 Elevation C SCALE - 3/32" : 1'0"



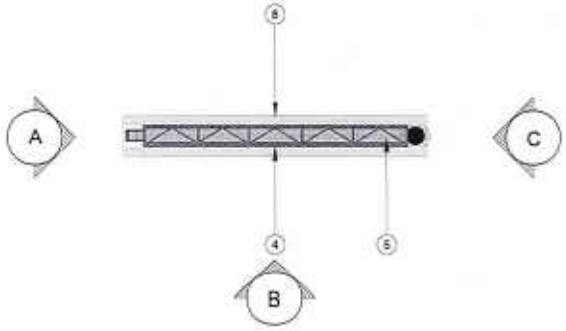
4 Elevation B SCALE - 3/32" : 1'0"



3 Elevation A SCALE - 3/32" : 1'0"



2 Perspective View 2 NTS



6 Plan View SCALE - 1/8" : 1'0"



7 Logo Cabinet Close-up



1 Perspective View 1 NTS

LEGEND

1. LED SIGN FACE
2. INTERNALLY ILLUMINATED ANODIZED ALUMINUM LOGO CABINET
3. STEEL TUBE PAINTED GRAY (MATTHEW PAINT TO MATCH PANTONE PMS#TBD) - SATIN
4. STEEL TRUSS PAINTED BLACK (MATTHEW PAINT - IMPRINT BLACK IS BACK - SATIN)
5. ALUMINUM GRATING PLATFORM (NATURAL ANODIZED)
6. PERFORATED STAINLESS STEEL CLOSER PANEL- AS SHOWN
7. STEEL TUBE PAINTED BLACK (MATTHEW PAINT - IMPRINT BLACK IS BACK - SATIN)
8. PAINTED STEEL CHANNEL (MATTHEW PAINT TO MATCH PANTONE PMS#TBD) - SATIN

SHEET NOTES

1. ALL WORK SHALL CONFORM WITH APPLICABLE BUILDING CODES. COMPLETE WITH ALL STATE AND CITY AMENDMENTS AND ORDINANCES IN EFFECT. IN THE EVENT DRAWINGS DO NOT EXCEED THE REQUIREMENTS OF THE LAWS OR ORDINANCES, THE LAWS OR ORDINANCES SHALL GOVERN. CONTRACTOR TO NOTIFY AND RFI/ET OF ALL CONFLICTS.
2. DO NOT SCALE DRAWINGS. THE DIMENSIONS SHALL GOVERN DIMENSIONS SHOWN ON THE DRAWINGS AND ACTUAL FIELD MEASUREMENTS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION AND COORDINATION WITH SUB-CONTRACTORS TO ENSURE THESE WORK IS IN COMPLIANCE WITH DRAWINGS AND SPECIFICATIONS.
4. THE WORK, INFORMATION, DESIGNS, CONCEPTS AND IDEAS SHOWN ON THESE DRAWINGS ARE SITE AND PROJECT SPECIFIC, AND ARE INTENDED TO BE USED FOR THIS ONE PROJECT ONLY. NO WARRANTY IS EXPRESSED OR IMPLIED FOR ANY USE ON PURPOSE BEYOND THAT FOR WHICH THESE DRAWINGS WERE CREATED AND INTENDED.
5. CONTRACTOR SHALL SECURE AND PAY FOR ALL BUILDING PERMITS PRIOR TO BEGINNING CONSTRUCTION.
6. CONTRACTOR SHALL PROVIDE A SCHEDULE SHOWING TIME LINES TO COMPLETE ALL WORK AND INCLUDING A DATE FOR FINAL COMPLETION.
7. UPON COMPLETION OF THE WORK CONTRACTOR SHALL PROVIDE TO OWNER 4 SET OF REPRODUCIBLE "AS-BUILT" DRAWINGS.
8. CONTRACTOR SHALL ENSURE ADEQUATE FIRE AND SAFETY PRECAUTIONS ARE MAINTAINED ON SITE AT ALL TIMES. ALL FIRES AND ACCIDENTS SHALL BE IMMEDIATELY REPORTED TO OWNER, BUILDING MANAGEMENT, AND ARCHITECT AND SHALL BE DISCUSSED AT PROJECT MEETING.
9. UPON SUBSTANTIAL COMPLETION OF WORK, CONTRACTOR ALONG WITH ARCHITECT AND OWNER SHALL PREPARE A PUNCH LIST TO INCLUDE ALL INCOMPLETE AND/OR DEFECTIVE WORK AND SCHEDULE TO COMPLETE SAID WORK.
10. CONTRACTOR TO PROVIDE ENGINEERING DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION AND CONSTRUCTION OF NEW AND RETROFIT OF EXISTING POWER, SIGNAL, LIGHTING, ALARM, AND LIFE SAFETY SYSTEMS.
11. CONTRACTOR TO SUBMIT SHORING/BRACING DRAWINGS TO THE CITY OF OXNARD HOLIDAY AUTHORITIES AND OBTAIN ALL REQUIRED SIGNED PERMITS.
12. CONTRACTOR TO SUBMIT SHORING BRACE DRAWINGS, CALCULATIONS, TITLE 24 ENERGY DOCUMENTATION, AND CUT SHEETS OF ALL EQUIPMENT, LIGHTING, SWITCHES, DOWN PLACES, ETC. TO ARCHITECT FOR REVIEW AND APPROVAL AND OWNER.
13. CONTRACTOR SHALL COORDINATE ALL WORK REQUIREMENTS OF DESIGN-BUILD SUBCONTRACTORS.
14. CONSTRUCTION HOURS ARE WORK IN THE CITY PUBLIC RIGHT-OF-WAY ARE LIMITED. SEE LOCAL JURISDICTION REQUIREMENTS.

ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING DESIGN BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER, AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK. AT THE TIME OF BUILDING PERMIT APPLICATION, WHEN APPLICABLE, PLANS AND ENGINEERING WILL BE SUBMITTED FOR SHORING AS REQUIRED BY 2019 CBC, CHAPTER 31 REGARDING THE PROTECTION OF ADJACENT PROPERTY AND AS REQUIRED BY OSHA. THE FOLLOWING WILL BE ADDRESSED:

16. WALLS OF EXCAVATIONS SHALL BE PROPERLY SHORED PRIOR TO CONSTRUCTION ACTIVITY, WHERE TEMPORARY SHORING IS NEEDED A COMPETENT CONTRACTOR SHALL BE CONSULTED FOR RECOMMENDATIONS AND DESIGN OF THE SHORING SCHEME FOR THE EXCAVATION. THE RECOMMENDED DESIGN AND TYPE OF SHORING SHALL BE APPROVED BY THE ENGINEER OF RECORD OR SOILS ENGINEER PRIOR TO USAGE.
18. ALL APPROPRIATE GUIDELINES OF OSHA SHALL BE INCORPORATED INTO THE SHORING DESIGN AND IMPLEMENTED BY THE CONTRACTOR. WHERE SPACE PERMITS, TEMPORARY CONSTRUCTION SLOPES MAY BE UTILIZED IN LIEU OF SHORING. MAXIMUM ALLOWABLE VERTICAL CUT FOR THE SUBJECT PROJECT WILL BE FIVE (5) FEET. BEYOND THAT HORIZONTAL BENCHES OF 4 FEET WIDE WILL BE REQUIRED. TEMPORARY SHORES SHALL NOT EXCEED 1 TO 1 (HORIZONTAL TO VERTICAL) IN SOILS HAVING DUE TO HIGH MOISTURE CONTENT / WATER TABLE, FLATTER SLOPES MAY BE REQUIRED IF SO RECOMMENDED BY THE SOILS ENGINEER IN THE FIELD.
17. IF SHORING IS REQUIRED, THE PLANS WILL SPECIFY THE LICENSED DESIGN PROFESSIONAL THAT HAS SOLE RESPONSIBILITY TO DESIGN AND PROVIDE ADEQUATE BRACING, SHORING, FORMWORK, ETC. AS REQUIRED FOR THE PROTECTION OF LIFE AND PROPERTY DURING CONSTRUCTION OF THE WORK.
19. SHORING PLANS SHALL BE WET STAMPED AND SIGNED BY THE ENGINEER OF RECORD AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO CONSTRUCTION. IF APPLICABLE, INCLUDE BLOCKAGE LOADS FROM ADJACENT STRUCTURES THAT ARE WITHIN THE ZONE OF INFLUENCE (45 DEGREE WEDGE UP THE SLOPE FROM THE BASE OF THE EXCAVATION) AND / OR SURCHARGE LOADS.
20. AN OSHA PERMIT WILL BE OBTAINED IF NEEDED PER CAL / OSHA REQUIREMENTS. SEE THE CAL / OSHA HANDBOOK AT: HTTP://WWW.DIR.CA.GOV/DOSH/DOSHREGS.HTM#UNDERGROUND FOR "CONSTRUCTION SAFETY ORDERS", CHAPTER 4, SUBCHAPTER 4, ARTICLE 6, SECTION 1541.1.
25. A SHORING PERMIT WILL BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS IF REQUIRED.
21. PLANS SUBMITTED FOR BUILDING CODE PLAN CHECK WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING DETAILS FOR THE LOCATION OF ALL PIPELINES ON, INTERSECTING AND CITY REQUIRED BACKWATER PREVENTION DEVICES.

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PROJECT NAME:
OXNARD SIGNAGE PROJECT
APN 139-0-150-145
Oxnard, California

CLIENT:
OUTFRONT FOSTER INTERSTATE

FOR SITE PERMIT ONLY

REV DATE ISSUE

SHEET DESCRIPTION:
COLORED ELEVATIONS

DATE: 8/6/2020
SCALE:
DRAWN BY:
APPROVED BY:
JOB NO: 1814

A-3.0

SHEET NO:

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2 View From Northbound On U.S.101



1 View From Southbound On U.S.101

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OXNARD SIGNAGE PROJECT
APN 139-0-150-145
Oxnard, California

OUTFRONT FOSTER INTERSTATE

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REV DATE ISSUE

RENDERINGS

DATE 8/6/2020
SCALE
DRAWN BY
CHECKED BY
JOB NO. 1823

A-4.0
SHEET NO.

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 20-500-06 (SPECIAL USE PERMIT) TO ALLOW FOR THE INSTALLATION AND OPERATION OF AN FREEWAY ORIENTED ELECTRONIC BILLBOARD, LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD AND OVERTURNING THE PLANNING COMMISSION DENIAL (APN: N/A). FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee" and/or "Developer") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard ("Project"); and

WHEREAS, the City of Oxnard as the Lead Agency, has prepared Final IS/MND 22-03 in accordance with the requirements of the California Environmental Quality Act (CEQA, Public resources Code § 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines; and

WHEREAS, The Final IS/MND 22-03 identified and discussed potential impacts, mitigation measures, monitoring requirements, and residual impacts for identified subject areas. The Final IS/MND 22-03 found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the Final IS/MND 22-03 would reduce potential significant impacts. These measures include: (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting focused protocol nest survey for least Bell's vireo, and (CR-1 and CR-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the

potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the Final IS/MND 22-03 includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests; and

WHEREAS, pursuant to CEQA Guidelines §15074, the Final MND reflects the City's independent judgment and analysis. The Planning Commission has independently reviewed and analyzed the Final IS/MND 22-03 prepared for the Project. The Final IS/MND 22-03 is an accurate and complete statement of the potential environmental impacts of the project. The Final IS/MND 22-03 was prepared under the direction of the City of Oxnard Planning Division and reflects its independent judgment and analysis of the environmental impacts.

WHEREAS, in accordance with the California Environmental Quality Act, the Planning Commission considered the proposed Final IS/MND 22-03 before making its recommendation, on the basis of the whole record before it finds, there is no substantial evidence that the project will have a significant effect on the environment, and recommends that the City Council adopt the Final IS/MND 22-03; and

WHEREAS, the Planning Commission is concurrently recommending the City Council approve a Development Agreement request that allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development (PZ 20-670-05), and a Street Vacation which would vacate the existing right-of-way to the City of Oxnard (PZ 21-660-03); and

Whereas, the Development Advisory Committee (DAC) reviewed the plans on November 18, 2020 and provided conditions of approval for the project; and

WHEREAS, the project applicant mailed notices to all property owners within the RiverPark neighborhood and presented the project at the December 20, 2021 Community Workshop; and

WHEREAS, on January 19, 2023, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, in accordance with Sections 16-536 and 16-651 of the Oxnard City Code (OCC) and considered the Final IS/MND 22-03 pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, Sections 16-536 and 16-651 of the OCC authorize the Planning Commission to approve a Special Use Permit; and

WHEREAS, on January 19, 2023, the Planning Commission also reviewed all of the

information provided in the staff reports and considered the testimony given at the public hearings, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on January 19, 2023, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on February 2, 2023.

WHEREAS, on February 2, 2023, the Planning Commission voted 6-0-1, to adopt Resolution No. 2023-12 to deny the project; and

WHEREAS, on February 16, 2023, the City filed a timely request for review of the decision of the Planning Commission's denial of Planning and Zoning Permit No. 20-500-06 (Special Use Permit) within 18 days after the Planning Commission action pursuant to Sections 16-544 and 16-545 of the Oxnard City Code ("OCC"), to allow for the City Council to review the whole of the Project; and

WHEREAS, on March 21, 2023, the City Council conducted a duly noticed public hearing to consider the City's Request for Review of the Planning Commission's decision to Deny Planning and Zoning Permit No. 20-500-06 (Special Use Permit) in accordance with Oxnard City Code Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project meets the criteria set out in Sections 16-536 and 16-651 of the OCC; and

WHEREAS, the Commission considered Final IS/MND 22-03 prior to making recommendations on the Project; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the Planning Commission finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons set forth in the Planning Commission Staff Report; and

WHEREAS, the Planning Commission finds after due study and deliberation that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD APPROVES PLANNING AND ZONING PERMIT NO. 20-500-06 (SPECIAL USE PERMIT), SUBJECT TO THE FOLLOWING FINDINGS AND CONDITIONS:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds that the Special Use Permit is internally consistent with all other provisions of the City of Oxnard 2030 General Plan if the City Council approves a Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, Specific Plan Amendment (PZ 20-630-02) to allow Freeway Adjacent Digital Display Billboards pursuant to the Oxnard City Code, Development Agreement (PZ 20-670-05) to allow for the use of City Property, and a Street Vacation (21-660-03) to vacate the right of way.

SECTION 3. The City Council finds that the Special Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

SECTION 4. Based on the entire record before the City Council and all written and oral evidence presented, including the Special Use Permit Planning Commission and City Council Staff Reports and all attachments thereto, the City Council finds:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

   The Project site has 2030 General Plan land use designations of Commercial Regional (CR) and a zoning designation of RiverPark Specific Plan (RPSP). The proposed project includes the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. As discussed in detail in the Planning Commission Staff Report (Sections 6 b, c, Attachment D, and Attachment E) the Project, as designed and conditioned, meets all applicable development standards. Therefore, the proposed project is in compliance with the 2030 General Plan and other adopted policies of the City of Oxnard and meets this Finding.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   As described in the Staff Report, pursuant to the 2030 General Plan land use designation of Commercial Regional (CR) and a zoning designation of RiverPark Specific Plan (RPSP), the proposed use of the project site for a freeway oriented electronic billboard is, is an allowed use, subject to a Special Use Permit (OCC §16-609) (subject to approval of PZ 20-580-06). The surrounding uses are primarily characterized by urban

development, with the exception of the adjacent Santa Clara River, as it is located within one of the the City's Urban Village area. The surrounding development includes commercial, mid to high rise office space, and high density residential. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Also, the environmental impacts were analyzed under Final IS/MND 22-03.The Final IS/MND 22-03 found that the implementation of the proposed Project would result in potentially significant impacts associated with biological resources, cultural resources, and noise on wildlife species. Mitigation measures have been required to reduce each potentially significant impact to less than significant. The mitigation measures that have been required within the Final IS/MND 22-03 would reduce potential significant impacts. These measures include: (BIO-1 and BIO-2) conducting a pre-construction survey for active bird nests and conducting focused protocol nest survey for least Bell's vireo, and (CR-1 and CR-2) monitoring and collecting, if necessary, any discovered archaeological and paleontological resources. After the implementation of the required mitigation measures, the potential significant impacts would be reduced to less than significant. No remaining significant impacts would occur. With respect to Aesthetics, although less than significant lighting impacts would occur, the Final IS/MND 22-03 includes mitigation measures that are recommended to further reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests. Therefore, the proposed use and improvements, as conditioned, will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. **The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).**

   As described in the Staff Report, the project as designed and conditioned meets the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). Pursuant to the Zoning Code, the Project has been designed to be consistent with the applicable development standards. As detailed in the Staff report, the project site is approximately 1,000 square feet which is adequate to accommodate the Billboard and the future multi-purpose path, should it move forward in the future. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards.

4. **The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

   As described in the Staff Report, the project site is directly adjacent to North Ventura Road right of way. The sign will be controlled remotely and will therefore require no

onsite employee, therefore no parking is required. The operation of the Billboard will not generate any regular traffic, aside for the occasional maintenance. Therefore, the existing roadway will continue to be adequate. As described in theIS/MND, the project will have less than significant impacts to the City roadway network and roadway improvements are not required as a result of the project. Therefore, the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

   The project only includes the construction of an electronic billboard. As discussed in the MND, the project will have a minimal impact on City utilities, as the project will only require electrical service. Furthermore, the Project was reviewed by the Development Advisory Committee for adequate utilities and services. The project is not anticipated to result in any significant impacts to utilities and public services. Therefore, the site for the proposed use will be provided with adequate sewage, water, fire protection and storm drainage facilities.

6. **Complies with the requirements of Section 16-609 and Chapter 16 of the Oxnard City Code.**

   As described in the Staff Report, the project as designed and conditioned meets the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). Pursuant to the Zoning Code, the Project has been designed to be consistent with the applicable development standards.

7. **Will not create a significant traffic or other public safety hazard.**

   As described in the Staff Report, and as described above in Finding Section 1(4), the Project will not generate regular traffic, as there are no onsite employees. In accordance with Oxnard City Code and the project conditions, the Project must comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and this Article IX, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard. Conditions have also been added to regulate the display cycle, including limitations on the frequency of the image transitions, restrict the use of videos, flashing, blinking or any other means not providing constant illumination. The brightness has also been conditioned to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. Lastly, the Final IS/MND 22-03 includes mitigation measures that are recommended to further

reduce less than significant light impacts. These measures include: (AES-1 and AES-2) allowing for remote shut off in the event of malfunction and conducting illumination level verification tests. Therefore, the proposed use, as conditioned and compliance with the federal, state, and local regulation, will not create a significant traffic or other public safety hazard.

8. Will be of appropriate size, scale, and design for the area in which it will be located.

As described in the Staff Report, the project as designed and conditioned meets the development standards for Freeway Oriented Electronic Billboards as described above in Finding Section 1(1). The project is directly adjacent to U.S. Highway 101, within an urban area as designated by the City's Urban Village designation, which includes a variety of urban uses including the high density residential, commercial, and mid to high rise office uses. Also, in compliance with the height standards the Projects maximum height directly corresponds with the height of the adjacent freeway to ensure the scale of the sign is appropriate as viewed from the freeway. Additionally, the Project was analyzed under Final IS/MND 22-03, and it was determined that with the appropriate mitigation all project impacts would be less than significant. These mitigations have been included in the project conditions. Therefore, the proposed use, as designed and conditioned, will be of appropriate size, scale, and design for the area in which it will be located.

9. Will be of high quality in appearance, design, and construction, and will be subject to conditions, as appropriate, governing its design and operation.

The pole would extend approximately 65.5 feet above ground. The portion of the pole above ground would be painted primarily gray except for the upper 10.5 feet that would be painted black, and mostly covered by the sign face. The pole design has been kept simple with the gray color, to minimize the visual impact of the pole itself, and allow it to blend into the background. The top of the billboard would be approximately 80 feet in height above the ground and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The Project is also conditioned to maintain the pole and sign in good condition. A graffiti plan is required to ensure timely removal of any graffiti. The project is also conditioned to maintain the pole in a uniform color. Therefore, the proposed use, as designed and conditioned, will be of high quality in appearance, design, and construction.

SECTION 5. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that after implementation of standard conditions and mitigation measures identified in the Final IS/MND 22-03, all potentially significant impacts associated with the proposed project would be reduced to less than significant levels.

SECTION 6. This Resolution shall not become effective unless and until the City of Oxnard City Council adopts the Final IS/MND 22-03 and approves the associated Ordinance

Amendment (PZ No. 20-580-06), Specific Plan Amendment (PZ No. 20-630-02), Development Agreement (PZ 20-670-05), and a Street Vacation (21-660-03). If the City Council fails to approve any of these permits, then this Resolution shall become null and void and be of no further force and effect.

SECTION 7. Based on the findings set forth herein, the City Council hereby approves Planning and Zoning Permit No. 20-500-06 (Special Use Permit), subject to the attached conditions of approval.

SECTION 8. The decision of the City Council shall be final.

SECTION 9. The City Clerk shall certify the adoption of this Resolution.

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated January 19, 2023 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a major modification to the plans

is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A major modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, *G-6*)

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

7. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

8. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

9. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, *G-12*)

10. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

11. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

12. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*)

FIRE DEPARTMENT STANDARD CONDITIONS

13. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)

14. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)

15. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD*, F-16*)

FIRE DEPARTMENT SPECIAL CONDITIONS

16. Contractor shall ensure adequate fire and safety precautions are maintained on site at all times as prescribed in Chapter 33 of the California Fire Code.

17. All fires shall be immediately reported to the Oxnard Fire Department.

PLANNING DIVISION STANDARD CONDITIONS

18. Any application for a minor modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

19. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project. (PL, *PL-3*)

20. Before the City issues building permits, Developer shall provide to the Planning Division Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

21. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (B/DS, *PL-11*)

22. Developer shall provide for dust control at all times during project property preparation and construction activities. (B/DS, *PL-13*)

23. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

24. Developer shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. *(*PL*, PL-50)*

25. Construction activities shall be limited to the hours of 7 am to 7pm, Monday through Saturday. No construction shall occur after hours, on Sundays, or national holidays without permission from the City.

PLANNING DIVISION SPECIAL CONDITIONS

26. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or Applicant has to protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved. (PL)

27. Applicant shall submit a check made out to the City of Oxnard in the amount to be determined for payment of outstanding discretionary permit and environmental processing fees associated with the development project. Funds shall be deposited prior to issuance of a grading permit. Additional funds to be paid when hours or contract planner hours exceeds deposited amounts (PL).

28. Developer shall comply with the mitigation measures identified in the Mitigated Negative Declaration Nos. 22-01 and 22-03 for the project. (PL)

29. Developer shall ensure that all construction equipment is maintained and tuned to recommended manufacture’s specifications. (PL)

30. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (PL)

31. During construction, Developer shall control dust by the following activities:

    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

    b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or

roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, *PL-12*)

32. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (PL)

33. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations). (PL)

34. Developer shall remove any and all graffiti from any part of the sign structure within 48 hours of graffiti appearance. The surface of such affected areas shall be exactly matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. If the paint cannot be matched exactly, the entire structure shall be repainted. (PL)

35. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval the Planning Division Manager. Such plan shall include such elements as washable paint and sealers on the structure and the procedures and contact for removal of graffiti within 48 hours of appearance. (PL)

36. This permit is granted subject to the approval of Development Agreement (PZ 20-670-05) for the project property. (PL)

37. This permit is granted subject to the approval of Street Vacation (PZ 21-660-03) for the project property. (PL)

38. This permit is granted subject to the approval of Ordinance Amendment (PZ 20-580-06). (PL)

39. This permit is granted subject to the approval of Specific Plan Amendment (PZ 20-630-02). (PL)

40. All freeway adjacent digital display billboards shall either be double faced or include covered backs or facings. All interior equipment shall be screened from public view.

41. The Freeway Adjacent Digital Display Billboard shall not exceed 0.3 foot-candles over ambient levels at a distance of 250 feet in any direction. Illuminance can be measured by using a foot-candle meter held at a height of approximately five feet and aimed toward a sign consistent with the sign-to-viewer distance. The Freeway Adjacent Digital Display Billboard shall comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5.

42. Developer shall comply with all applicable federal, state, and local laws, including the Highway Beautification Act of 1965 (23 United States Code Section 131), the Outdoor Advertising Act (California Business and Professions Code Section 5200 et seq.), and the Oxnard City Code, when constructing, operating, improving, maintaining, repairing, and removing the Freeway Adjacent Digital Display Billboard.

43. The Freeway Adjacent Digital Display Billboard shall show a series of still images, each displayed for at least eight (8) seconds. The still images shall not move or present the appearance of motion and may not use flashing or blinking lights or any other means not providing constant illumination. Transition or blank screen time between one still image and the next may not exceed one (1) second.

44. The billboard shall include an operating mechanism that allows for the billboard display to be turned off or turned to all black remotely in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash.

45. Plans submitted by Developer with building permit applications shall show on the structure elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction.

46. This permit shall automatically become null and void 36 months from the effective date of the Development Agreement (PZ No. 20-570-06) (30 days after the second reading of the Development Agreement is adopted), unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements.

47. Developer shall deposit $5,000 for mitigation monitoring and reporting associated with the development project (PZ No. 20-500-06). Such funds shall be deposited prior to building permit submission. Additional deposits shall be made to cover staff time required to monitor implementation of project conditions until the final inspection is granted for the development.

Mitigated Negative Declaration 22-01 and 22-03 Mitigation Measures

Developer shall comply with the mitigation measures identified in Final Mitigated Negative Declarations (MNDs) 22-01 and 22-03, associated with the Ordinance Amendment (PZ No. 20-580-06) and Special Use Permit (20-500-06), Development Agreement (20-670-05), and Street Vacation (21-660-03), respectively.

Aesthetics

48. Prior to permit issuance, developers shall demonstrate that light trespass illuminance of 0.5 fc or greater for urban areas and 0.2 fc or greater for natural areas shall not be exceeded. (AES-1)

49. Each proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash. (AES-2)

50. Within 14 days of each electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), Developer shall submit to the satisfaction of the Community Development Director the following information:

    - A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas. (AES-3)

Air Quality

51. Developer shall demonstrate that construction and operational activities associated with each electronic billboard would not exceed the VCAPCD thresholds of significance that include a maximum daily ROG (VOC) or NOx emissions above 25 pounds per day (lbs/day). (AQ-1)

Biological Resources

52. Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a preconstruction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

    If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City Approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist. (Bio-1)

53. To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS.

    If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat.

    If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.

Cultural Resources

54. Prior to ground disturbance, the Applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of archaeological data recovery

excavations to address treatment of the resource along with subsequent laboratory processing and analysis. (CUL-1)

55. Prior to ground disturbance, the Applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment. (CUL-2)

56. A qualified archaeologist and Native American Monitor shall be present during construction-related ground disturbance activities in order to identify any unanticipated discovery of tribal cultural resources. The qualified archaeologist and Native American monitor may be different individuals or the same individual if the City determines that individual qualifies as both a qualified archaeologist and Native American monitor. All archaeological resources unearthed by construction activities shall be evaluated by the qualified archaeologist and Native American Monitor. If the resources are determined to be human remains, the coroner shall be notified, and if the human remains are Native American in origin, the coroner shall notify the NAHC as mandated by state law, who will then appoint a most likely descendent, who shall then coordinate with the landowner regarding treatment and curation of these resources. Typically, the most likely descendent will request reburial or preservation for educational purposes. If a resource is determined by the qualified archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to PRC Section 21083.2(g), the qualified archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be donated to a local school or historical society in the area for educational purposes. (CUL-3)

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

57. Developer shall pay plan check and processing Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

58. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

59. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

60. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

61. Developer shall be responsible for all project-related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

62. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

63. Developer shall prepare and submit a complete survey topographic map showing all existing underground utilities and easements within 50-feet of the project area. (DS)

64. During plan check, a geotechnical engineering analysis from the project soils engineer evaluating the effects of the proposed sign footings on the existing underground utilities and levee shall be submitted to the City Engineer for review and approval. (DS)

65. Developer shall acquire approval and permits from the responsible agency for any underground utilities that need to be relocated. (DS)

66. Developer shall demonstrate to the satisfaction of the City Engineer that the placement of the sign within 6-inches to 12-inches of the property does not create any violations of the California Building Code in effect upon submittal of the building permit application. (DS)

67. Prior to building permit issuance, Developer shall demonstrate that the design of the billboard and all of its components in proximity to the state highway facilities does not violate any of the California Department of Transportation (Caltrans) requirements and standards. Developer shall coordinate and acquire the necessary permit imposed by Caltrans to construct the billboard sign. (DS)

68. Landscaping and land disturbance outside of the project area are not permitted without written approval by the affected property owner(s). (DS)

69. Prior to building permit issuance, Developer shall coordinate with Ventura County to ensure that the construction of the foundation for the billboard will not adversely affect the levee. (DS)

70. All flood-prone facilities constructed as part of the billboard shall be elevated above the flood 100-year base flood elevation. The billboard foundation shall be assumed to be submerged to the 100-year base flood elevation as part of the design parameters. (DS)

71. Construction of the billboard on public right-of-way is not permitted. The public right-of- way and public use for street purposes shall be vacated from the project site. Developer shall pay all fees associated with the hearing, right-of-way vacation document preparation, and review by the City. Prior to building permit issuance, Developer shall demonstrate that the underlying property is in fee ownership and free of restrictions. (DS)

72. The edge of the foundation of the sign shall be set back 18-inches or greater, as directed by the City Traffic Engineer, from the face of the curb with sufficient room for the crash barrier guardrail to be installed. The final design is subject to the review and approval of the City Traffic Engineer. (DS/TR)

73. The design of the billboard foundation shall not interfere with the Santa Clara River Trail Master Plan. (DS/TR)

74. Developer shall reconstruct all public facilities damaged by the project construction activities to the satisfaction of the City Engineer. (DS)

75. An erosion control plan shall be prepared as part of this project. (DS)

76. A letter shall be submitted to the City Engineer by the Developer confirming the entire project area is out of the floodway and a “no-rise” certification is not required. (DS)

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Oxnard on this 21st day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

ATTEST:

_____
John Zaragoza, Mayor

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO._____

A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF OXNARD DECLARING AN INTENTION TO VACATE A APPROXIMATELY 1,000-SQUARE FEET OF UNDEVELOPED RIGHT OF WAY LOCATED ON THE NORTH SIDE OF THE U.S. 101 AND IMMEDIATELY WEST OF VENTURA ROAD IN THE NORTHERN PORTION OF THE CITY OF OXNARD. (APN: N/A) IS IN CONFORMANCE WITH THE OXNARD 2030 GENERAL PLAN PURSUANT TO SECTION 65402 OF THE GOVERNMENT CODE AND RECOMMENDING CITY COUNCIL ORDER THE VACATION. FILED BY LARS SKUGSTAD, 1111 BROADWAY, SUITE 1515, OAKLAND, CA 94607 (THE "APPLICANT") ON BEHALF OF THE CITY OF OXNARD (THE "PROPERTY OWNER").

WHEREAS, on October 15, 2020, Lars Skugstad (the "Applicant" and/or "Permittee" and/or "Developer") submitted a request to approve Planning and Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), and 21-660-03 (Street Vacation) to allow for the installation and operation of an electronic billboard on an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard. The Special Use Permit allows for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products. The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width. The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width. The proposed Development Agreement will allow for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development. The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard ("Project"); and

WHEREAS, The Property, includes a approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard, as shown in Exhibit 1 of this resolution, and incorporated by reference; and

WHEREAS, The City of Oxnard is the owner of record of the right of way easement; and

WHEREAS, The 2030 General Plan in a comprehensive, long term plan that guides land use and physical development of land within the City of Oxnard and provides policy direction regarding land uses that are intended to serve the community; and

WHEREAS, Whenever a public agency proposes to acquire, dispose, vacate or abandon any real property, California Government Code Section 65402 requires a report on conformity with the General Plan; and

WHEREAS, The subject property is designated Commercial Regional (CR) by the City's 2030 General Plan and is zoned RiverPark Specific Plan (RPSP); and

WHEREAS, January 19, 2023, the City of Oxnard Planning Commission considered a Special Use Permit (PZ 20-500-06) for the Ventura Road Electronic Billboard Project, including a California Environmental Quality Act (CEQA) review for the physical development, and made findings of General Plan Consistency for the project at that time; and

WHEREAS, The vacation of this easement, as documented in the staff report, would be consistent General Plan policies regarding the use of the sites and would not adversely impact General Plan policies related to the provision of adequate utilities, with the roadway dedication; and

WHEREAS, The proposed Project, include the right-of-way vacation, as documented in the staff report, would be consistent General Plan policies regarding the use of the site and would not adversely impact General Plan policies related to the provision of with the roadway dedication; and

WHEREAS, The vacation of this easement and the ultimate use of the parcel for a Electronic Billboard is consistent with the land use designation on the subject site, subject to City Council's approval of Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, Specific Plan Amendment (PZ 20-630-02) to allow Freeway Adjacent Digital Display Billboards pursuant to the Oxnard City Code, Development Agreement (PZ 20-670-05) to allow for the use of City Property, and a Street Vacation (21-660-03) to vacate the right of way. Future use of the parcel will be required to comply with all City codes and regulations; and

WHEREAS, the Planning Commission of the Oxnard reviewed the vacation request at its regular meeting of January 19, 2023 in accordance with Government Code section 65402. However, due recommended changes the the proposed Ordinance Amendment (PZ 20-580-06), the Planning Commission, could not find the vacation in conformance with the 2030 General Plan. However, in the motion the Commission stated that should the City Council not accept the proposed changes they would be in support of the Project, including the Vacation. Therefore, should the City Council approve Ordinance Amendment (PZ 20-580-06) as originally proposed, the Planning Commission would determine that the vacation is consistent with the goals and policies of the City's adopted General Plan and recommend that the City Council consider and approve the easement vacation request.

WHEREAS, on March 21, 2023, the City Council of the City of Oxnard reviewed the easement vacation request in accordance with the general vacation procedures contained in the Streets and Highways Code Section 8320 and adopted a resolution to declare its intention to vacate the subject easement. The City Council set the request for a public hearing on Tuesday, April 18, 2023 at 6:00 p.m. at the City Council Chambers of the City of Oxnard located at 305 West Third Street in Oxnard, California.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that after implementation of standard conditions and mitigation measures identified in the Final IS/MND 22-03, all potentially significant impacts associated with the proposed project would be reduced to less than significant levels.

SECTION 2. That it is the intention of the City Council of the City of Oxnard to vacate an approximately 1,000-square foot undeveloped site located on the north side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard, and that the City Council hereby directs the City Clerk to schedule a public hearing in accordance with the vacation procedures contained in California Streets and Highway Code Section 8300 et seq to be held on Tuesday, April 18, 2023, at 6:00 p.m. at the at the City Council Chambers of the City of Oxnard located at 305 West Third Street in Oxnard, California. At this hearing, all interested parties may introduce evidence and testimony pertaining to the proposed street vacation.

SECTION 3. The map attached hereto as Exhibit "A" shows the approximate area to be vacated and shall be on file in the office of the City Clerk located at 300 West Third Street, Fourth Floor, Oxnard, California 93030.

SECTION 4. The City Clerk shall schedule and notice a public hearing in compliance with Streets and Highway Code sections 8320, 8322 and 8323, at which time all persons interested in or objecting to the proposed vacation may be heard and present evidence.

SECTION 5. The City Clerk's office is directed to publish and post notice of this proposed vacation in accordance with sections 8322 and 8323 of the California Streets and Highways Code.

SECTION 6. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Oxnard on this 21st day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

_____
John Zaragoza, Mayor

ATTEST: _____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

EXHIBIT A

PROPERTY AREA EXHIBIT

EXHIBIT "A"

DESCRIPTION

A VARIABLE WIDTH LEASE AREA FOR ALL THAT PORTION OF LAND IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, BEING A PORTION OF PROPERTY AS DESCRIBED IN THE RELINQUISHMENT TO THE COUNTY OF VENTURA, AS RECORDED IN BOOK 1518, AT PAGES 81 THROUGH 84 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDS, AND PER THE EFFECT OF ORDINANCE NO. 746, ANNEXATION 61-11, ADOPTED FEBRUARY 20, 1962, PURPORTEDLY TO BECOME EFFECTIVE MARCH 22, 1962, PURPORTING TO ANNEX THE SUBJECT LAND INTO THE CITY OF OXNARD, STATE OF CALIFORNIA, PURSUANT TO THE TERMS COVENANTS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, THE LEASE AREA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WESTERLY TERMINUS OF A TANGENT LINE BEARING NORTH 82°02'39" EAST, HAVING A DISTANCE OF 245.42 FEET, ALSO BEING THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 780.00 FEET, AS SHOWN ON TRACT NO. 4434, RECORDED IN MAP BOOK 114, PAGES 62 THROUGH 66, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE LEAVING SAID TANGENT LINE, SOUTH 59°48'46" WEST, A DISTANCE OF 851.86 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1,054.96 FEET AND A RADIAL LINE BEARING NORTH 52°46'55" WEST, SAID BEGINNING OF CURVE BEING THE **POINT OF BEGINNING**; THENCE, SOUTHWESTERLY ALONG SAID CURVATURE,

1. THROUGH A CENTRAL ANGLE OF 03°04'15", AN ARC DISTANCE OF 56.54 FEET; THENCE,
2. NORTH 66°28'23" WEST, A DISTANCE OF 25.28 FEET, TO THE NORTHWESTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81 OF OFFICIAL RECORDS OF SAID COUNTY RECORDER, BEING A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 140.00 FEET AND A RADIAL LINE TO SAID CURVATURE BEARING NORTH 57°26'00" WEST; THENCE NORTHEASTERLY ALONG SAID CURVATURE,
3. THROUGH A CENTRAL ANGLE OF 24°31'24", AN ARC DISTANCE OF 59.92 FEET, TO THE INTERSECTION WITH A LINE BEARING NORTH 65°58'23" WEST FROM THE POINT OF BEGINNING; THENCE, ALONG SAID LINE,
4. SOUTH 65°58'23" EAST, A DISTANCE OF 15.59 FEET, TO THE POINT OF BEGINNING.

ALL AS SHOWN ON EXHIBIT "B", AND BY REFERENCE HEREIN, MADE A PART HEREOF.

Chris Nelson

CHRIS NELSON, PLS 6385
DATED: JUNE 14, 2021



JN 19-5125

EXHIBIT 'B'

LEASE AREA
1,244.5 ± SQ. FT



SCALE: 1" = 10'

PROFESSIONAL LAND SURVEYOR
CHRIS D. NELSON
No. 6385
STATE OF CALIFORNIA

DATED: 06/09/2021

36.5'
POINT OF COMMENCEMENT
BEGINNING CURVE
Δ=30°07'01" R=780.00'
T=209.85' L=410.00'
S59° 48' 46"W
TO BEGINNING CURVE PER TRACT NO. 4334, M.B. 114, PAGES 62-66
N82° 02' 39"E 245.42'
CENTERLINE PER TRACT NO. 4334, M.B. 114, PAGES 62-66
℄/L
36.5' VARIES
47.5'
NORTH VENTURA ROAD
IDENTICAL
S65° 58' 23"E 15.59'
851.86'
POINT OF BEGINNING
N52° 46' 55"W RADIAL
NORTHWESTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81, O.R.
L=59.92'
R=140.00'
Δ=24°31'24"
VARIABLE WIDTH LEASE AREA
RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81, O.R. AND ANNEXATION TO THE CITY OF OXNARD PER ORDINANCE NO. 746, ANNEXATION 61-11, ADOPTED 2/20/1962 AND PURPORTEDLY TO BECOME EFFECTIVE 3/22/1962
L=56.54'
R=1,054.96'
Δ=03°04'15"
CURB FACE
SOUTHEASTERLY LINE OF RELINQUISHMENT OF STATE HIGHWAY TO VENTURA COUNTY PER BOOK 1518, PAGE 81, O.R.
N57° 26' 00"W RADIAL
25.28'
N66° 28' 23"W
VENTURA FREEWAY
U.S. HIGHWAY NO. 101
NORTHEASTERLY LINE OF FREEWAY OVERPASS
℄

JOB NO.:19-5125

Ventura Road Electronic Billboard Project

Planning & Zoning Permit Nos. 20-500-06 (Special Use Permit), 20-670-05 (Development Agreement), 20-630-02 (Specific Plan Amendment), and 21-660-03 (Street Vacation)

Joe Pearson II, Planning Manager
Maureen Tamuri, Interim Community Development Director

City Council
March 21, 2023

CITY OF OXNARD CALIFORNIA 1849

Executive Summary

- On February 2, 2023, the Commission denied a Special Use Permit and recommended City Council denial of three related permits, for a Electric Billboard, which will be described in this presentation.
- Based on the denial of the Special Use Permit, the Commission could not find the street vacation in conformance with the 2030 General Plan.
- However, in their motion, the Commission stated that should the City Council approve the Freeway Adjacent Digital Display Billboards Ordinance as originally proposed by City Staff, which would allow for this billboard they would be in support of this proposed Project. This would include finding it consistent with the 2030 General Plan.

Project Description

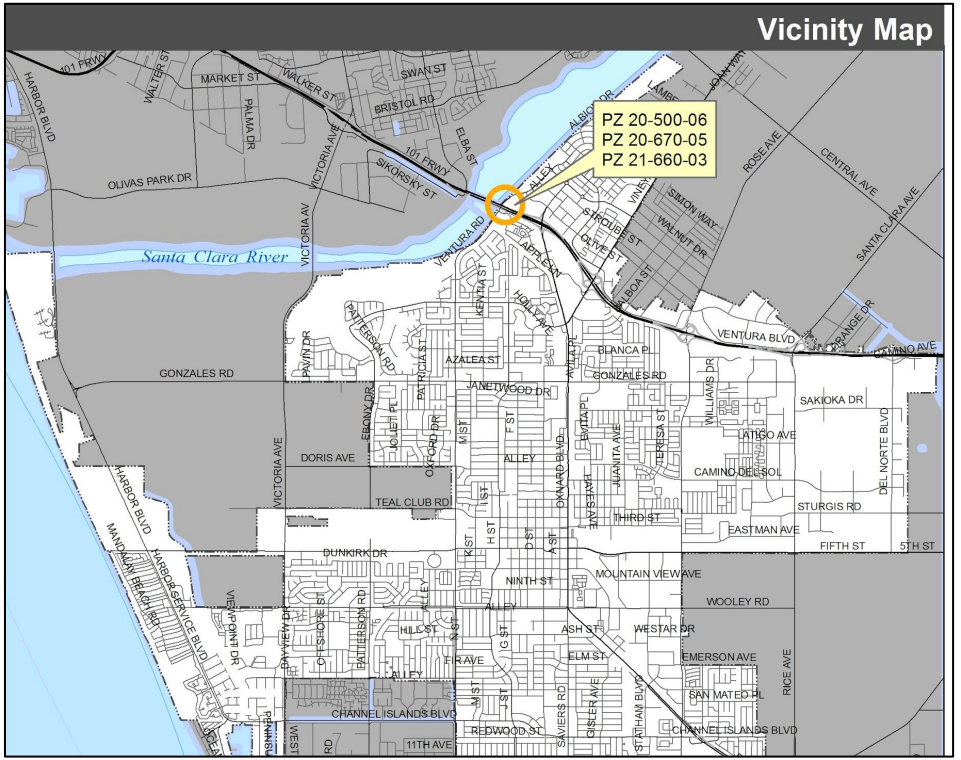
- A request for the following actions:
  - PZ 20-500-06 (Special Use Permit)
    - Allow for the development of an electronic billboard that would include a digital display of advertisements of various businesses, activities, services or products.
    - The top of the billboard would be approximately 80 feet in height above the ground, and the dimensions of the electronic billboard sign would be 14.5 feet in height and 48.5 feet in width.
    - The electronic billboard would have a two-sided light-emitting diode (LED) digital display that would have dimensions of 14 feet in height and 48 feet in width.

Project Description (Cont.)

- A request for the following actions:
  - PZ 20-670-05 (Development Agreement)
    - Allow for for the use of City property for the purpose of a Freeway Adjacent Digital Display Billboard and outline the required public benefits to be provided by the future development.
  - PZ 20-630-02 (Specific Plan Amendment)
    - The proposed Specific Plan Amendment would amend the RiverPark Specific Plan to allow for Freeway Adjacent Digital Display Billboards within the RiverPark Specific Plan.
  - PZ 21-660-03 (Street Vacation)
    - The proposed Street Vacation would vacate the existing right-of-way to the City of Oxnard

Project Location

Subject Site: North side of the U.S. 101 and immediately west of Ventura Road in the northern portion of the City of Oxnard.



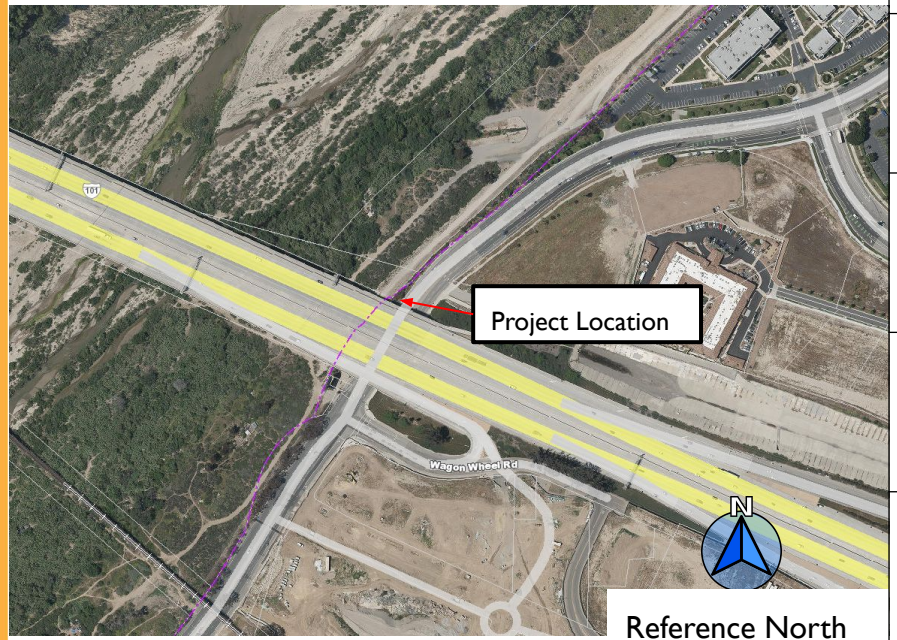
Project Location





Project Location

Aerial-View



LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial Regional	The RiverPark Specific Plan (Commercial: Office)	Vacant
North	Commercial Regional	The RiverPark Specific Plan (Commercial: Office)	Light Industrial Development
South	Highway 101/Easement	Highway 101/The Village Specific Plan	Highway 101/Residential
East	Commercial Regional	The RiverPark Specific Plan (Residential:Very High or Commercial Regional)	Vacant (Approved Fore Apartments Project (PZ 19-200-16))
West	County Unincorporated	County Unincorporated	Santa Clara River

Background - Exclusive Negotiation Agreements (ENA)

- On June 18, 2019, the City Council approved and authorized the Mayor to execute an Exclusive Negotiation Agreement (ENAs) with Outfront Foster Interstate, LLC for potential digital billboard sites.

- Under the terms of the ENA, Outfront Foster was given the exclusive right to negotiate with the City for an initial six-month period, and two additional six-month terms if the projects were being diligently pursued by Outfront Foster.

- The ENA is currently on the 7th Amendment which runs through June 6, 2023.

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Background - Code Amendment

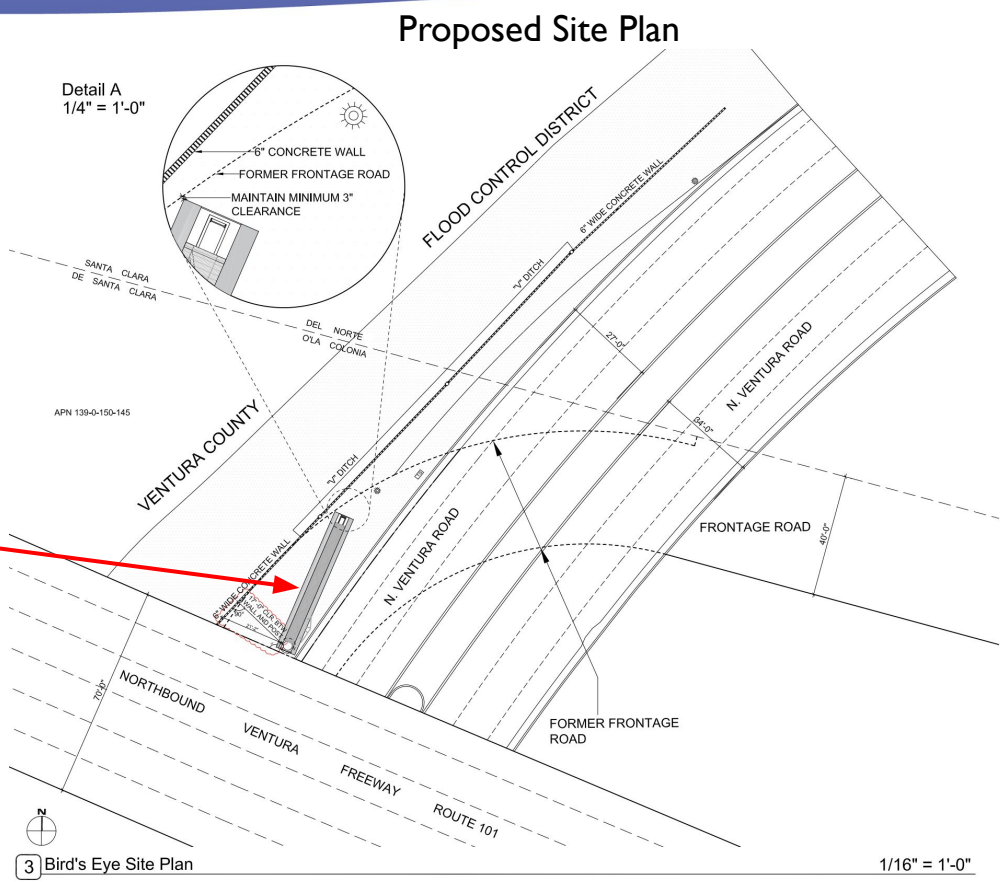
- Concurrent with the process of this Project the City is processing amendments to Article IX. Advertising Signs of the Oxnard City Code to permit Freeway Adjacent Digital Display Billboards on parcels designated as commercial, industrial, or public facilities within 400 feet of the U.S. 101 right-of-way within the City of Oxnard and a amendment to the RiverPark Specific Plan to allow the sign in accordance with the Oxnard City Code.
- Each Freeway Adjacent Digital Display Billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet with a maximum of four (4) allowed in the City.

Background – RiverPark Specific Plan

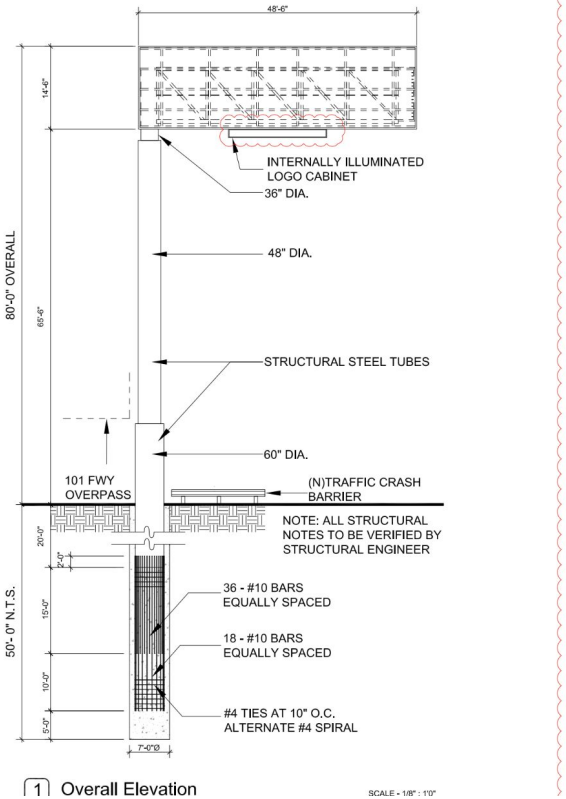
- The RPSP was adopted by the City Council on September 10, 2002, together with the General Plan Amendment, Zone Change, Annexation, Development Agreement, and EIR certification related to the RPSP approval.
- The original RPSP allowed for the phased development of 2,805 dwelling units and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development that was approved under the Oxnard Town Center Specific Plan, prior to the adoption of the RPSP).
- Seven prior amendments to the specific plan have been approved.

Proposed Site Plan

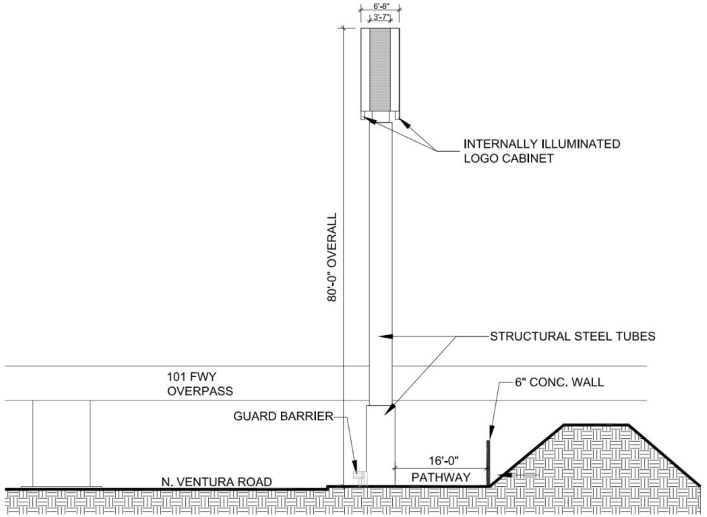
Proposed Sign



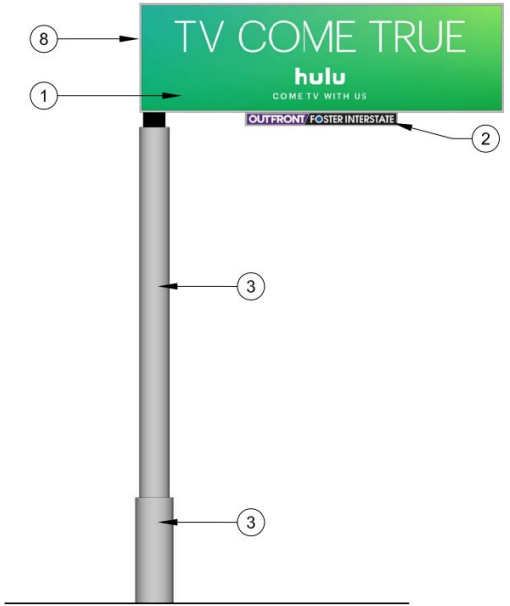
Proposed Sign Elevations



1 Overall Elevation SCALE - 1/8" : 1'0"



3 CROSS SECTION VIEW SCALE - 1/8" : 1'0"

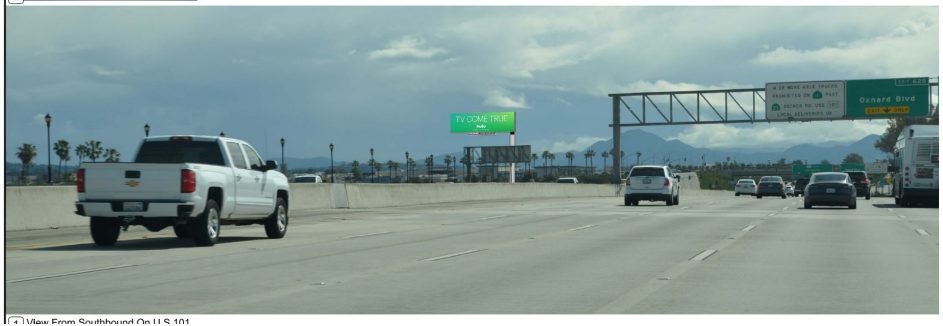


4 Elevation B SCALE - 3/32" : 1'0"

Proposed Sign Renderings



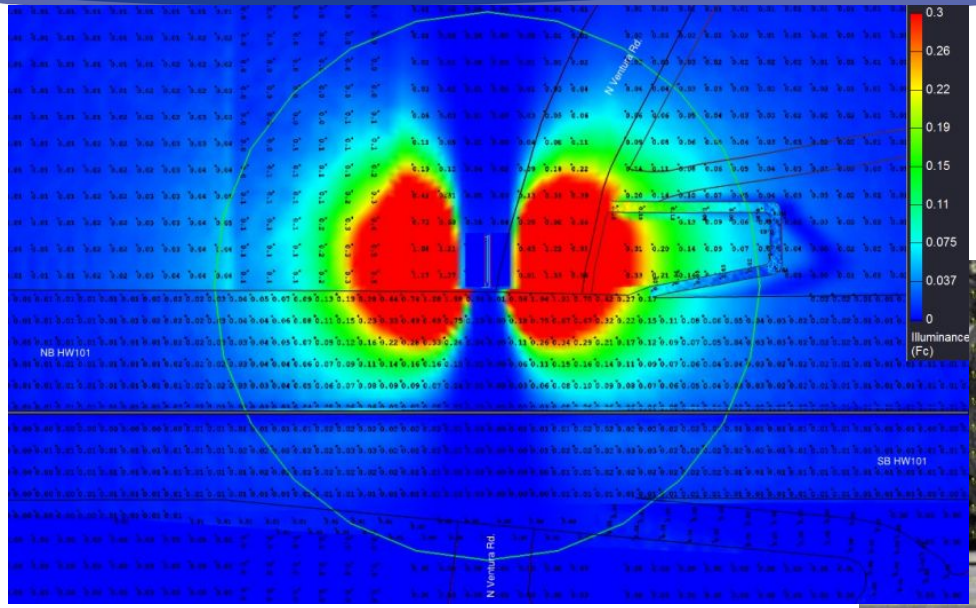
2 View From Northbound On U.S.101



1 View From Southbound On U.S.101



Site Specific Lighting Study





1862

Development Agreement

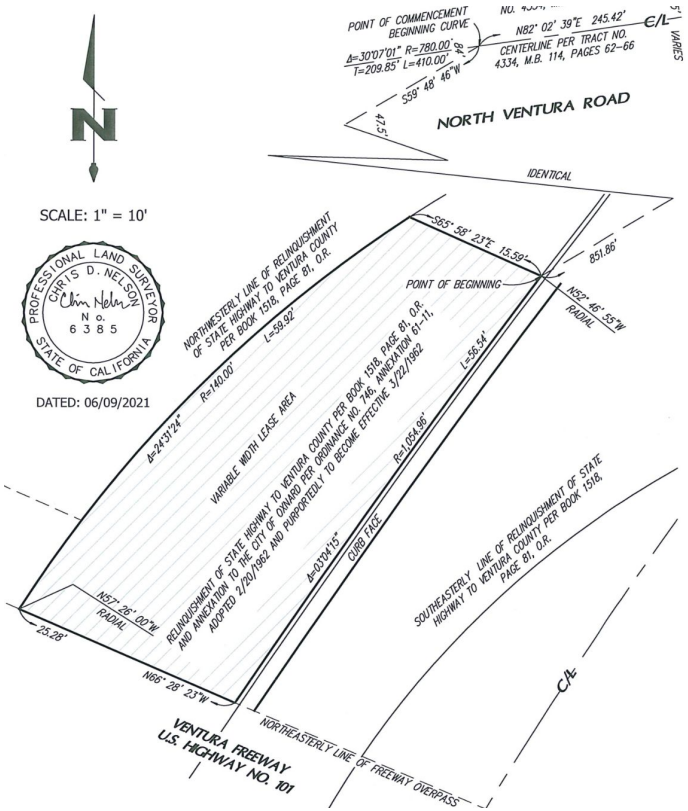
- 30 Year Term
- Monetary Payment
- City Usage of the Billboard
- Emergency Notifications
- Discount for Oxnard Auto Dealers and Oxnard Chamber of Commerce Members
- Prohibitions
- Allow for the use of City Property through a lease agreement

1863

RiverPark Specific Plan Amendment

- Add "Type 7-C: Freeway Adjacent Digital Display Billboards" building type.
- Provide development standards for Type 7-C: Freeway Adjacent Digital Display Billboards.
- Adjust landscaping requirements to remove freeway planting requirement where Billboards are proposed.
- Refer to OCC for specific standards.

Right-of-Way Vacation



Applicable General Plan Policies

- Many policies are directly or indirectly applicable to the proposed project. Some of the key policies are:
  - Community Development Policy 3.1& 4.1 - Land Use Conflicts
  - Community Development Policy 9.1, 9.3, & 9.4 - Neighborhood Identity Gateway Enhancement/View Corridor Preservation
  - Environmental Resource Policies 6.1, 6.2, and 6.5 - Views in New Development/Scenic Resources, Lighting and Glare
  - Community Development Policy 8.5 - Impact Mitigation

Zoning Code Compliance

- As noted above the City is concurrently processing an Ordinance Amendment (PZ 20-580-06) to allow for Freeway Adjacent Digital Display Billboards, as currently being proposed. The proposed ordinance amendment includes development standards which will be applicable to all Freeway Adjacent Digital Display Billboards developed within the City.
- The proposed project has been designed to be consistent with the proposed ordinance, as further detailed in the Staff Report.

Environmental Review

- An environmental consultant, under the supervision of Planning Division staff, prepared IS/MND which evaluated potential environmental impacts of the proposed Project. The IS/MND was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA).

- City prepared a Mitigated Negative Declaration (MND):
  a. MND review period for 30 days (30 days required)
  b. City received five comment letters
  c. Comments and responses included in MND
  d. Changes made to Draft MND for Final MND based on comments

- Final IS/MND includes a Mitigation Monitoring and Reporting Program:
  a. Details process to implement required mitigation measures
  b. After implementation of standard conditions and mitigation measures, all potentially significant impacts reduced to less than significant levels

Environmental Review

- Final IS/MND identified the following:
  - Class 2 impacts (potentially significant by mitigable, mitigation required)
    - Biological Resources
    - Cultural and Tribal Cultural Resources
  - All other impact area were identified as Class 3 (less than significant)
    - Aesthetics included two recommended mitigations were incorporated

- Staff determined that there is no substantial evidence that the Project will have a significant effect on the environment.

January 19, 2023 Planning Commission

- The Planning Commission considered the Project and following Commission deliberation, a motion of Intent to Deny the Project as they could not make all of the Findings required to support the Project.
- As it relates to the Special Use Permit, the Planning Commission found they could not make required Findings
  - 1 (adopted policies)
  - 6 (development standards)
- As part of this motion the Commission, included a statement that if the the City Council did not incorporate their recommendations on the Zone Text Amendment PZ 20-580-06, that they would be in support of the proposed Project, as it was further from existing residential.
- The Planning Commission continued the hearing to February 2, 2023, to ratify the action by approving a Resolutions of Denial.

February 2, 2023 Planning Commission

- The Planning Commission held the continued public hearing
- On February 2, 2023, the Commission voted 6-0 (with one commissioner absent), to adopt a resolution denying the Special Use Permit and recommending denial of the Development Agreement and Street Vacation to the City Council.
- As the final decision maker for the Specific Plan Amendment and the Development Agreement is the City Council, City Staff filed a request for review of the Planning Commissions denial of the Special Use Permit to ensure that the City Council had the opportunity to review the whole of the project.

1871

Planning Commission Concerns

The primary Planning Commission concerns and reasons for the denial were related to:

- The Project was inconsistent with the recommended amendments to the Freeway Adjacent Digital Display Billboards Ordinance.
- Visual Impacts on View Corridors.

Visual Impacts on View Corridors

- While the proposed billboard would be visible, it is consistent with the nature of the U.S. Highway 101 corridor, which is generally characterized by urban or high density development, such as:
  - Mid to high rise developments in both RiverPark and Wagon Wheel, which include urban developments up to 100 feet in height, as well as other commercial developments including car dealerships, hotels, restaurants, etc.
  - Large scale signage such as the existing Auto Center (70 feet), Collection (60 feet), and Esplanade signs (75 feet). The proposed Project which would be 65 feet tall to the top of sign as viewed from the freeway.
  - Numerous larger illuminated freeway signs, including electronic ones, along the corridor.

Public Notice

- Notice of Community Workshop: December 20, 2021
  - Public notice signs were posted onsite.
  - Notifications were mailed to the RiverPark Neighborhood.
- CEQA Notice was published in the newspaper.
- Planning Commission Meeting held January 19, 2023 and February 2, 2023
- Notice of City Council hearing was provided:
  - Newspaper,
  - On-site posting; and
  - Mailed to property owners within 300 feet.

City Council Options

1. **Applicants' Original Request/Staff's Recommended Action** – Allowing the development of a Freeway Adjacent Digital Display Billboard, consistent with the staff recommended Ordinance.
2. **Planning Commission Recommended Action -** Denying the development of a Freeway Adjacent Digital Display Billboard.

1875

CITY OF
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CALIFORNIA

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. N.1

DATE: March 21, 2023

TO: City Council

FROM: Maureen Tamuri, Interim Community Development Director, (805) 385-7882, maureen.tamuri@oxnard.org

SUBJECT: City of Oxnard 2022 General Plan Annual Progress Report. (10 minutes)

RECOMMENDATION

That the Oxnard City Council receive and file the City of Oxnard 2022 General Plan and Housing Element Annual Progress Report.

(This item did not originate in Committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/ClkZH57-gGM

BACKGROUND

Government Code section 65400(a)(2) mandates the preparation and filing of an annual report on the status of a city's or county's General Plan with its legislative body. The General Plan Annual Progress Report and Housing Element Annual Progress Report (Attachment 1), must then be submitted to the Governor's Office of Planning and Research OPR), and the State Department of Housing and Community Development (HCD) by April 1st of each year.

This City Council staff report consists of two separate reports, the General Plan Annual Progress Report (Attachment 1) and the Housing Element Annual Progress Report (Attachment 1, Exhibit 1):

1. The General Plan Annual Progress Report is a text based report without any standard form or format dictated by OPR or HCD.
2. The Housing Element Annual Progress Report (Attachment 1, Exhibit 1) is prepared using standardized spreadsheet-based forms provided by HCD. Staff does not have the ability to change the format or readability of this document. As the Housing Element is one of the required elements of the Oxnard General Plan, the General Plan Annual Progress Report includes a summary of the data included within the Housing Element Annual Progress Report.

The 2022 Annual Progress Report, which looks at the progress towards the goals, policies and programs of the 2021-2029 6th-Cycle Amended Housing Element, must be presented to the City Council for its review and acceptance, as a consent or discussion item on a regular meeting agenda. In accordance with these requirements, this report is being presented to the City Council and the public to provide information regarding the implementation of the General Plan within the City of Oxnard.

DISCUSSION

The City of Oxnard 2022 General Plan Annual Progress Report and Housing Element Annual Progress Report provide an

overview of the City's General Plan and Zoning Ordinance Amendments that are currently in process or were completed in 2022, as well as an inventory of the 2030 General Plan Amendment history.

During 2022, there were three adopted General Plan Amendments. Prior to that, the last revision to the General Plan was on October 4, 2021. Table 1 of Attachment 1 presents a summary of all adopted General Plan Amendments since the adoption of the 2030 General Plan. The General Plan as amended through 2022 complies with the General Plan Guidelines.

The General Plan Annual Progress Report also highlights some of the key long range and major development activity in 2022.

In addition, as required by State law, the General Plan Annual Progress Report includes a discussion regarding the City's progress in meeting its share of the regional housing needs and effort to promote housing development. A summary of housing development activity by affordability category is provided in the General Plan Annual Progress Report Table 4 of Attachment 1. In summary, in 2022 the City permitted the following units in these income categories:

- Very Low Income (50% of Area Median Income - AMI) - 101 units
- Low Income (80% AMI) - 78 units
- Moderate Income (120% AMI) - 3 units
- Above Moderate Income (+120% AMI) - 88 units
- Total Units in 2022 - 270 units

A detailed compilation of housing development activity is included in the Housing Element Annual Progress Report (Attachment 1, Exhibit 1).

Please click the following link to view the required Measure M pre-recorded presentation video:

STRATEGIC PRIORITIES

This agenda item is State mandated and is a routine operational item and does not relate to the four strategic plans adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no fiscal impact associated with this staff report.

COMMITTEE OUTCOME

This item did not originate in Committee as it is a routine operational item. Pursuant to State law this item is to be presented to the public and City Council annually, as an informational item for discussion only. No deliberation or decisions are necessary, and therefore committee review is not warranted.

Prepared by: Kathleen Mallory, Planning & Sustainability Manager, Joe Pearson II, AICP, Planning & Environmental Services Manager

ATTACHMENTS

1. Draft 2022 City of Oxnard General Plan Annual Progress Report
2. Attachment 1, Exhibit 1
3. Presentation

City of Oxnard
2022 General Plan Annual Progress Report

Prepared by:

Community Development Department – Planning Division

214 S. C Street

Oxnard, CA 93030

Submitted to the City of Oxnard - City Council, March 21, 2023

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Introduction

Government Code Section 65400 requires the City to annually prepare a report regarding the status of the City's 2030 General Plan (General Plan) and progress in its implementation (General Plan Progress Report) and provide the General Plan Progress Report to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). The General Plan Progress Report provides for the annual review of the General Plan to assess the level of implementation and effectiveness of the General Plan as a guide for orderly growth and development, preservation and conservation of open space land and natural resources, and the efficient expenditure of public funds. This General Plan Progress Report summarizes the General Plan implementation progress for 2022. The General Plan Progress Report also provides information regarding the City's progress in meeting its share of regional housing needs.

Pursuant to State law, this report must be submitted to the City Council, the State Office of Planning and Research (OPR) and HCD by April 1st of each year. The Annual Progress Report includes the following elements:

1. Overview of General Plan background and status, including a summary of recently completed and active General Plan Amendments;
2. A summary of recently completed and active Zoning Text Ordinance amendments, and Active Long Range Projects;
3. A summary of 2022 Active Development Projects of Interest; and
4. A review of the City's progress in meeting the regional housing need allocation objectives.

Overview of General Plan Background and Amendments

The General Plan is the City's official policy that sets out a vision to guide future development in the City. Local governments are required to keep their General Plans current and internally consistent, and City actions must be consistent with this plan. Although General Plans must be kept current, there is no specific requirement that a local government update its General Plan on a particular timeline, with the exception of the Housing Element, which is formerly required to be updated every eight years. As detailed below, the City's Adopted Amended 2021-2029 Housing Element was approved on October 4, 2022. The Oxnard General Plan was adopted in October 2011. Specifically, Chapter 9 "Implementation" of the General Plan lays out the implementation goals and policies of the General Plan. As outlined in the table many of the goals and policies will remain ongoing until 2030. Additionally, specific to housing, Chapter G of the Housing Element outlines the goals, policies, and programs that will guide the City's efforts in meeting the Regional Housing Needs Assessment (RHNA) and related current and future housing needs. The 2022 Annual Report will look at the progress towards the goals, policies and programs of the Adopted Amended 2021-2029 Housing Element. Each Housing Element program and its implementation status are summarized in Exhibit 1 (HCD Table D).

General Plan Amendments in 2022

During 2022, there were three General Plan Amendments: the processing of the Portofino Place Development Project; an amendment to the Safety and Hazards Element to implement the Multi-Jurisdictional Plan; and Adoption of the Amended 2021-2029 Housing Element. Prior to that, the last revision to the General Plan was on October 5, 2021. Table 1 presents a summary of all adopted General Plan amendments since the adoption of the 2030 General Plan. The General Plan as amended through 2022 complies with the General Plan Guidelines. The foregoing information is provided consistent with the requirements of Government Code Section 65400(a)(2)(C).

Portofino Place Project (Planning and Zoning Permit No. 20-620-02), Located on the Southeast and Southwest Corners of Fifth Street and Portofino Place: This amendment was for a new residential project that included a General Plan Amendment to change the land use designation from Business Research Park (BRP) to Residential Medium (RM). The 90-unit residential project is located on the two vacant lots (7.61-acre site) located along the south side of Fifth Street at the intersection of Portofino Place (south of Airport). The project also requires a Zone Change, Special Use Permit, and a Subdivision. This project was reviewed by the Planning Commission on November 18, 2021, who recommended the City Council approve the General Plan Amendment, Zone Change and Subdivision. This amendment was approved by the City Council on April 19, 2022.

General Plan, Safety and Hazards Element Amendment (Planning and Zoning Permit No. 22-620-01): The Safety & Hazards Element, which was adopted by the City Council in September 2011, is a State-mandated General Plan Element that is required to be reviewed and updated as necessary to address the risks of natural and human-made hazards like drought, earthquakes, floods, sea level rise, tsunamis, and wildfires. The update to the Safety & Hazards Element incorporates information from the Multi-Jurisdictional Hazard Mitigation Plan, which was approved and adopted by the City Council on September 20, 2022; this is herein referred to as our Local Hazard Mitigation Plan (LHMP). The amendment included minor technical updates to the Safety & Hazards Element of the 2030 General Plan to address the new statutory requirements in accordance with provisions of California Assembly Bill 2140, California Government Code §65302.6, and the Disaster Mitigation Act of 2000 (DMA 2000).

General Plan, Housing Element Update (Planning and Zoning Permit No. 20-620-03): The Housing Element is a statutory element of the General Plan that requires that the City adequately plan to meet existing and projected housing needs of all economic segments of the community. Unlike other elements of the General Plan, the City must update the Housing Element on a mandated schedule, or “cycle,” to ensure that the City is making incremental progress toward its housing goals and policies.

The City of Oxnard City Council adopted Resolution 15,490 approving the 2021-2029 6th Cycle Housing Element on October 5, 2021. The Council also approved in 2021 Zoning Map Amendments to change the zoning designation on 106 parcels to be consistent with Supplement 1 of the Housing Element and five (5) Zoning Text Ordinances Amendments to facilitate construction of housing units as stipulated in the Housing Element. The adopted Ordinance Amendments removed regulatory hurdles for projects, such as the Dansk II Apartments Project (Planning and Zoning Permit No. 20-620-01), located at 2300 Pleasant Valley Road mentioned in last year’s Annual Progress Report, from processing their own project specific General Plan Amendments and Zone Changes.

The 2021-2029 Housing Element was amended to address comments from HCD, and on October 4, 2022, the City Council adopted Resolution 15,635 Approving the Amended 2021-2029 Housing Element which was subsequently certified by the Department of Housing and Community Development (HCD) on October 25, 2022.

Pending General Plan Amendments in 2023

Teal Club Specific Plan Project (Planning and Zoning Permit No. 15-620-03), Located in area bounded by Doris Avenue on the north, Patterson Road on the west, Teal Club Road on the south, and Ventura Road on the east: This proposed Specific Plan includes a request for 990 residential units of varying density, single-family, townhomes, condominium, and apartment units; 24 acres, community park; 8 acres public/semi public use; 4 acres of mixed use, retail, commercial; 10 acres of Business/Research Park. This project also includes the adoption of a Teal Club Specific Plan (TCSP) and Pre-Zoning that would allow for the annexation of a 174.6-acre collection of seven agricultural parcels (known locally as "Teal Club") to the City. Additional parcels south of Teal Club Road would also be annexed into the City, and include a mix of vacant land and residential development with ancillary vehicle storage and shop uses. The City prepared and released a Draft Environmental Impact Report (EIR) for the TCSP. A 60-day public comment period was provided from December 17, 2021, to 5:00 p.m. on February 15, 2022. City staff is currently finalizing the response to comments received and preparing the project for public hearings in 2023.

Maulhardt/Stiles NECSP Sub-Neighborhood Plan (Planning and Zoning Permit No. 21-620-04), Located at the Northeastern Corner of Rose Ave and Camino Del Sol (APN: 214-0-020-615; & 625): The project proposes to create a Sub-Neighborhood Plan under the Northeast Community Specific Plan that would create the framework for a future development of approximately 500-950 residential units and approximately 40,000 square feet commercial development on the 56 acres project site. The proposed Tentative Tract Map proposes to create 14 master lots. The project will also provide for 11.05 acres of improved park areas, including a 5.4 acre expansion of East Village Park.

Table 1

General Plan Amendments (As of December 31, 2022)

Adoption Date	City Case No.	General Plan Amendment Project Name	GPA Adopting Reso. No.
10/11/2011	10-620-01	Adoption of 2030 General Plan	14,118
6/12/2012	10-620-02	GPA for 2006-2014 Housing Element	14,236
7/9/2013	13-620-01	GPA/Amend Housing Element AAHOP	14,424
9/9/2014	14-620-01	Change of Land Use Designation from Industrial Business and Research Park to Commercial	14,684

		General	
12/9/2014	14-620-02	Repeal Las Cortas Specific Plan	14,708
1/26/2016	15-620-02	Change of Land Use Designation from Industrial Light to Industrial Limited	14,890
6/7/2016	16-620-01	Update Sustainability, Infrastructure, and Hazards Goals and Policies	14,925
12/13/2016	16-620-03	Creation of Urban Village Process	14,981
12/13/2016	16-620-02	Creation of new Community Development Goals to address the SB 244 provisions for the Nyeland Acres Community	14,983
12/13/2016	15-620-04	Adoption of 2013-2021 Housing Element	14,982
10/10/2017	17-620-02	Mid Cycle 2013-2021 Housing Element Update	15,060
12/12/2017	17-620-03	Designation of Annexed School Property as SCH	15,074
1/30/2018	17-620-04	Costco Fuel Station	15,086
7/16/2019	18-620-01	Adoption of Downtown Code (replace the existing “Central Business District” land use designation with two new designations, “Downtown” and “Downtown Edge” and update references to these land use designations within the general plan.)	15,252
2/4/2020	17-620-01	Rio Urbana Housing Project (approved Subject to LAFCO)	15,299/15,315
10/5/2021	21-620-02 and 21-620-03	2021-2029 Housing Element and text and map changes to the General Plan Land Use Element	15,490
4/19/2022	20-620-02	Change of Land Use Designation from Industrial Business and Research Park to Residential Medium	15,564
10/4/2022	21-620-03	Adopt Amended 2021-2029	15,635

		Housing Element	
12/7/2022	22-620-01	Amendment to Safety Element of General Plan	15, 653

A summary of recently completed and active Zoning Text Amendments, and Active Long Range Projects

Ordinance Amendments

Inclusionary Housing Ordinance Update (Planning & Zoning Permit No. 23-580-01): In early 2022, staff launched a community outreach program seeking input on potential changes to the City's existing Inclusionary Housing Ordinance. In 2022, the City held three public workshops with residents, affordable housing advocates, and developers, and spoke at outreach meetings with Housing Farm Workers (HFW!), Inter-Neighborhood Council Organization (INCO), the West Ventura County Business Alliance (WVCBA), and the Ventura County Coastal Association of Realtors (VCCAR). The City also hosted a webpage at https://www.oxnard.org/city-department/housing/inclusionary-housing-update/ that provided background and information on the Inclusionary Housing Ordinance update, news on upcoming workshops and hearings, and both clean and legislative versions of the Draft Inclusionary Housing Ordinance. Notifications regarding key workshops, meetings, and the draft ordinance were sent via email to affordable housing advocates, developers, community partners, and other stakeholders on the City's Inclusionary Housing interested parties list. On November 22, 2022 a City Council appointed Committee known as the Community Services, Public Safety, Housing & Development Committee ("Committee") provided direction regarding key policy questions on the Inclusionary Housing Ordinance. Based on community input and Committee direction on updates to the City's existing Inclusionary Housing Ordinance, staff prepared a draft Inclusionary Housing Ordinance and published the draft for public review in January 2023. The Inclusionary Housing Ordinance Update is scheduled to be reviewed by the Planning Commission and City Council in the Spring 2023.

Long Range Projects of Interest

Local Coastal Plan (LCP) Update

With the Adopted Amended 2021-2029 Housing Element, and progress being made with the Climate Action and Adaptation Plan (CAAP) (see below), the City will reinitiate work on the City's Local Coastal Plan update and then an update to the City's 2030 General Plan.

The LCP update project is a planning and outreach process that will revise the City's existing LCP to bring it into conformance with current policy directives and approaches to address climate change adaptation strategies, such as those for sea level rise. The City staff has begun putting together a Request for Proposal document to reinitiate this work effort.

City of Oxnard Climate Action and Adaptation (CAAP) Plan

On October 18, 2022, the City Council approved the City's first CAAP. A CAAP is a plan for reducing Greenhouse Gases (GHGs) that contribute to global climate change, and for adapting to the anticipated effects of climate change.

The CAAP had two primary objectives:

1. To reduce GHG emissions through the implementation of reduction measures to meet or exceed reduction targets mandated by the State of California via Senate Bill 32 (SB 32), which calls for a statewide reduction of GHG emissions to 40 percent below 1990 levels by 2030; and
2. To enhance the community's resilience to a changing climate by addressing the vulnerabilities and risks that are expected to occur as a result of those impacts.

The CAAP was developed to align with California's statewide target mandated by SB 32, which requires the State of California to reduce GHG emissions 40 percent below 1990 levels by 2030. The CAAP was also developed to comply with the 2030 General Plan, Sustainable Communities Chapter, Goal 1: Supporting and Participating in Global Warming and Climate Change Adaptation analysis and programs.

Throughout the past two years, there was community outreach and engagement through a community wide survey, meetings and workshops with targeted groups with interest and connection to the environment, social and community activism, education and health care, utility agencies, and business and agriculture ("Stakeholder Groups").

City staff developed a CAAP monitoring plan that identified implementation milestones, which will among other things inform the preparation of the City's Capital Improvement Program (CIP) and identify performance metrics that can be used to track progress towards GHG reduction goals.

Summary of 2022 Active Developments of Interest

In addition to the continued progress of the larger developments in the City, such as the Wagon Wheel project, and many smaller developments, there was a significant increase in the amount of proposed and approved development in the Downtown and Sakioka Farms areas in 2022. Also, throughout the City there was a significant increase in the demand for Accessory Dwelling Units. As each of these are identified in the General Plan, a brief summary of the progress made in each area in 2022 has been provided below.

Downtown Projects

On July 30, 2019, the City Council adopted Ordinance No. 2963, which amended the Oxnard City Code Chapter 16, Division 10 and instituted a new "Downtown Code," and associated Zone Changes. The Downtown Code allows for a maximum development of 2,284 residential units and 3,025,370 square-feet of commercial space. The development allowed within the Downtown Code was evaluated in the 2030 General Plan Addendum No. 5, and it was determined to not result in any new significant impacts to the environment. As a result of the implementation of this new code there has been a

substantial increase of interest in development in the downtown area. In 2020, the City received or approved nine applications for primarily residential mixed use developments proposing a total of 497 units. Two additional applications were received in 2022, proposing 55 residential units and 985 square feet of non-residential space. One application was approved in 2022 that will allow for 88 residential units, and 1,768 square feet of non-residential space. In 2022, the first two projects, Central Terrace (87 units) and Navigation Center (56 units plus shelter), were issued building permits and are currently under construction. Several other previously approved projects, totaling 246 units, are currently in building plan check and are expected to start construction in 2023. It is anticipated that development interest in downtown will continue to increase through 2023.

Sakioka Farm Specific Plan

On June 16, 2020, City Council to approved a Development Agreement between the City of Oxnard, Sakioka Farms and AMS Craig, LLC; and a Tentative Tract Map, which subdivided the 430 acre area within the Sakioka Farms Business Park Specific Plan into 129 lots with new roads and sidewalks, stormwater management, landscape, and associated utilities. As a result of these approvals, two major developments were approved in the Sakioka development area in 2020. The first development was the approval of a 1,527,505 square foot, plus two storage mezzanines, multi-story e-commerce storage and distribution center. The second was a 576,000 square foot cold storage building and fruit processing facility. These projects began operation in 2022. As development continues, in 2021 the City received a development proposal to construct four industrial buildings totalling 778,720 square feet and related site improvements on four separate lots totalling 40.87 acre site. These projects totalling over 2.8 million square feet of development, further the goals of the General Plan that aim to promote economic development through job creation and cold storage projects.

RiverPark Specific Plan Amendment (RPSP)

In September 2002, the City Council approved the entitlement permits for the RPSP to guide future development on the 702-acre project site. The original RPSP allowed for the phased development of 2,805 dwelling units and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development, prior to the adoption of the RPSP). The original RPSP was developed following the design principles of the New Urbanism and Smart Growth movements, which emphasized the importance of mixed land uses in close proximity, communities scaled for pedestrian walkability; limiting the need for automobile usage; higher density development, and the importance of physical design. Several subsequent approvals and amendments have taken place since the 2002 approval. In 2020, the applicant team submitted a request for a amendment to the RPSP, that would allow for the development of up to 1,025 additional residential units under the RPSP, in exchange for a reduction of up to approximately 562,457 square feet of non-residential development potential in accordance with specified development scenarios. The Project was approved by the City Council on March 15, 2022. The first project resulting from this approval was the 333-unit Fore Apartments at RiverPark project, which was approved by the Planning Commission on July 21, 2022. This Project is currently in plan check and it is expected to start construction in 2023.

Accessory Dwelling Units

Permitting activity for accessory dwelling units (ADU) has increased significantly. State law revisions in 2017 and 2019 led to revisions to the development standards for these units in 2019 and 2020. The Ordinance Amendments, in compliance with State law, made it easier to obtain permits for ADUs by reducing fees and parking requirements, allowing for multiple ADUs on each lot, and creating an expedited process for converting existing permitted space (e.g., in a garage or detached accessory structure) into an accessory dwelling unit. The number of ADUs permitted in 2020 was more than double the number of permits issued in 2019. In 2022, 327 ADUs received planning permit approvals, 335 were submitted for construction plan review, 75 were issued a building permit, and 88 units were constructed and occupied. While the number of ADUs constructed and occupied remains low, as the substantial number of ADU granted planning entitlements trickles down, it is anticipated that the number of ADUs coming online will increase significantly in the coming years.

Table 2

Annual ADU Statistics

Year	Planning Applications Received	Entitlements Granted	Building Permit Applications Received	Building Permits Issued	Final Inspection/CO
2013	0	0	0	0	0
2014	1	0	0	0	0
2015	0	1	0	0	0
2016	0	0	1	0	0
2017	17	2	3	0	0
2018	44	25	20	4	1
2019	50	55	30	13	3
2020	129	123	111	27	9
2021	176	157	106	63	14
2022	327	338	335	75	61
Total	**744**	**701**	**606**	**182**	**88**

A Review Of The City's Progress In Meeting The Regional Housing Need Allocation (RHNA) Objectives

State law requires all regional councils of government to determine the existing and projected housing need for its region. The City of Oxnard (City) is in the region covered by the Southern California Association of Governments (SCAG). For each Housing Element planning cycle, SCAG is required to determine the share of the regional housing that needs to be allocated to each city and unincorporated county areas within the SCAG region. This is called the Regional Housing Need Assessment (RHNA) allocation. The City of Oxnard's Amended Housing Element was adopted by the Oxnard City Council on

October 4, 2022 and certified by the State of California, Department of Housing and Community Development (HCD) on October 25, 2022.

The City prepares an Annual Progress Report that documents achievements in meeting the objectives of the City's Housing Element. This Annual Progress Report provides HCD with an update on building activity during the Housing Element cycle and progress made to implement approved Housing Element programs. This year's Annual Progress Report includes housing data for the 2021 calendar year, up to October 15, 2021, the final year in the current eight-year Housing Element cycle. It also includes the status of adopted Housing Element programs. The Annual Progress Report is submitted using a template provided by HCD. These forms are provided in Exhibit 1 (HCD Tables A, A2, B, and D).

Planning and Building Permit Activity in 2022

As shown in Table 3 below, planning entitlements were granted for a total of 1075 residential units in 2022. Accessory dwelling units made up 338 of these units, with the remaining units resulting from multifamily developments, a single family subdivision, and a single family development in the coastal area.

Building permits were issued for a total of 270 residential units in 2022. Of these units, 143 were units located within the downtown area. The remainder were located throughout the City and included multifamily units, Single Family Dwellings, and Accessory Dwelling Units. A Certificate of Occupancy was granted for a total of 160 dwelling units in 2022.

Table 3
Planning and Building Permit Activity in 2022

	Planning Entitlements	Building Permits	Certificates of Occupancy
Single Family Dwellings	37	52	11
Multi Family/Apartments	700	143	88
Accessory Dwelling Units	338	75	61
Total	1075	270	160

Methodology and Reporting Requirement for Determining Affordability

To categorize the affordability of housing units that were issued building permits, both median household income and the cost of the new housing units are taken into account. According to the U.S. Department of Housing and Urban Development (HUD), the annual median family income for a family of four in Ventura County in 2022 was $115,400. Affordable housing is generally defined as housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities. Based on this, the maximum monthly affordable housing payment for a family of four making median income would be $2,885.

City of Oxnard's Progress in Meeting Housing Need

A summary of development activity by affordability category is provided in Table 4 below, as compared against the assigned RHNA targets for the 2013-2021 Housing Element cycle. A total of 8,549 dwelling units were allocated to the City of Oxnard for 2021 to 2029. In 2022, 270 units were issued building permits. Approximately, sixty-seven (67) percent of the units issued building permits in 2021 met the criteria for placement in the lower-income and moderate income household categories while the remaining dwelling units (33%) were categorized as dwellings affordable to above moderate households.

Table 4
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Income Level	RHNA Allocation by Income Level	2021 (Partial)	2022	2023	2024	2025	2026	2027	2028	2029	Total Units to Date (all years)	Total Remaining RHNA by Income Level	Percent Completed
Very Low	1,840	4	101								105	1,735	5.71%
Low	1,071	7	78								85	986	7.94%
Moderate	1,538	15	3								18	1,520	1.17%
Above Moderate	4,100	58	88								146	3,954	3.56%
Total RHNA	8,549												
Total Units		84	270								354	8,195	4.14%

Conclusion

This General Plan Annual Progress Report has been prepared in compliance with Government Code Section 65400. The Report is to be provided to the Oxnard City Council at a public meeting on March 21, 2023, and it will be submitted to the Office of Planning and Research and the Department of Housing and Community Development by April 1, 2023.

Exhibits

1. 2022 City of Oxnard Housing Element Annual Report/HCD Excel Table

Please Start Here

General Information	
Jurisidiction Name	Oxnard
Reporting Calendar Year	2022
Contact Information	
First Name	Maureen
Last Name	Tamuri
Title	Interim Community Development Director
Email	maureen.tamuri@oxnard.org
Phone	8053857882
Mailing Address	
Street Address	214 South C Street
City	Oxnard
Zipcode	93030

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

Click here to download APR Instructions

1_23_23

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

Optional: Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: https://apr.hcd.ca.gov/APR/login.do

Submittal Instructions

Please save your file as Jurisdictionname2022 (no spaces). Example: the city of San Luis Obispo would save their file as SanLuisObispo2022

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. **Online Annual Progress Reporting System - Please see the link to the online system to the left.** This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. **Email -** If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Law Applications		Application Status	Notes
1					2	3	4	5							6	7	8	9	10		11	12
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Ddi the housing development application seek incentives or concessions pursuant to Government Code section 65915?	Were incentives or concessions reqested pursuant to Government Code section 65915 approved?	Please indicate the status of the application.	Notes+
Summary Row: Start Data Entry Below								0	67	0	190	0	46	31	334	334	0					
	203-0-032-240	1126 SOUTH K ST		21-131-176	ADU	R	1/4/2022							1	1	1		No	No	N/A	Approved	
	203-0-231-075	1352 W HEMLOCK ST		21-131-172	ADU	R	1/3/2022		1						1	1		No	No	N/A	Approved	
	2030-315-045	710 W CEDAR ST		21-131-171	ADU	R	2/3/2022		1						1	1		No	No	N/A	Approved	
	203-0-315-045	626 W ELM ST		21-131-170	ADU	R	2/3/2022							1	1	1		No	No	N/A	Approved	
	200-0-292-070	417 & 419 N G ST		21-131-166	ADU	R	1/4/2022							1	1	1		No	No	N/A	Approved	
	203-0-243-115	2026 S K ST		21-131-164	ADU	R	2/10/2022				1				1	1		No	No	N/A	Approved	
	205-0-315-185	961 W CHANNEL ISLANDS BLVD		21-131-163	ADU	R	1/31/2022							1	1	1		No	No	N/A	Approved	
	205-0-313-125	2400 S L ST		21-131-162	ADU	R	1/18/2022		1						1	1		No	No	N/A	Approved	
	200-0-186-175	718 N H ST.		21-131-125	ADU	R	1/14/2022							1	1	1		No	No	N/A	Approved	
	200-0-092-235	1050 Camelot WY		21-131-150	ADU	R	2/22/2022				1				1	1		No	No	N/A	Approved	
	200-0-244-220	238 DOUGLASS		21-131-139	ADU	R	1/13/2022				1				1	1		No	No	N/A	Approved	
	219-0-402-105	845 TRINIDAD WAY		21-131-124	ADU	R	3/2/2022		1						1	1		No	No	N/A	Approved	
	202-0-045-020	434 MAGNOLIA AVE		21-131-45	ADU	R	2/28/2022				1				1	1		No	No	N/A	Approved	
	203-0-192-065	1400 W GUAVA ST		21-131-161	ADU	R	2/25/2022							1	1	1		No	No	N/A	Approved	
	205-0-131-125	4521 Saviers RD		22-131-1	ADU	R	2/3/2022				1				1	1		No	No	N/A	Approved	
	205-0-131-125	4521 Saviers RD		22-131-2	ADU	R	2/3/2022				1				1	1		No	No	N/A	Approved	
	215-0-261-315	245 Libre St, Unit A		22-131-3	ADU	R	1/3/2022		1						1	1		No	No	N/A	Approved	
	219-0-024-090	191 Hughes DR		22-131-4	ADU	R	3/9/2022				1				1	1		No	No	N/A	Approved	
	201-0-023-300	560 North Garfield AVE		22-131-5	ADU	R	1/18/2022				1				1	1		No	No	N/A	Approved	
	200-0-282-100	301 N J ST		22-131-6	ADU	R	3/9/2022				1				1	1		No	No	N/A	Approved	
	200-0-391-065	1310 North H ST		22-131-7	ADU	R	1/20/2022				2				2	2		No	No	N/A	Approved	
	203-0-062-300	436 Wolff ST		22-131-8	ADU	R	1/20/2022				1				1	1		No	No	N/A	Approved	
	216-0-141-015	2010 San Jacinto ST		22-131-9	ADU	R	1/20/2022				1				1	1		No	No	N/A	Approved	
	189-0-042-055	1740 West Hemlock ST		22-131-10	ADU	R	1/28/2022				1				1	1		No	No	N/A	Approved	
	220-0-105-035	1810 Mcarthur PL		22-131-11	ADU	R	1/28/2022				1				1	1		No	No	N/A	Approved	
	185-0-154-065	2042 Mistral PL		22-131-12	ADU	R	1/31/2022				1				1	1		No	No	N/A	Approved	
	220-0-154-145	1945 Macarthur PL		22-131-13	ADU	R	2/3/2022				1				1	1		No	No	N/A	Approved	
	220-0-105-185	1861 Napoleon AVE		22-131-14	ADU	R	2/7/2022		1						1	1		No	No	N/A	Approved	
	219-0-434-105	744 Columbia DR		22-131-15	ADU	R	2/7/2022		1						1	1		No	No	N/A	Approved	
	220-0-101-095	1841 Mac Arthur PL		22-131-16	ADU	R	2/9/2022		1						1	1		No	No	N/A	Approved	
	205-0-052-045	1010 Bluebell St		22-131-17	ADU	R	2/14/2022				1				1	1		No	No	N/A	Approved	
	139-0-094-055	1320 Bluebell St		22-131-18	ADU	R	2/14/2022				1				1	1		No	No	N/A	Approved	
	183-0-316-105	1704 Ontario ST		22-131-19	ADU	R	2/16/2022				1				1	1		No	No	N/A	Approved	
	183-0-316-105	1704 Ontario ST		22-131-20	ADU	R	2/16/2022				1				1	1		No	No	N/A	Approved	
	221-0-193-305	1001 Monet PL		22-131-21	ADU	R	2/16/2022				1				1	1		No	No	N/A	Approved	
	221-0-193-305	1001 Monet PL		22-131-22	ADU	R	2/16/2022				1				1	1		No	No	N/A	Approved	
	220-0-073-115	243 Dupont ST		22-131-23	ADU	R	2/16/2022				1				1	1		No	No	N/A	Approved	
	183-0-383-065	1700 Elsinore CR		22-131-24	ADU	R	2/17/2022				1				1	1		No	No	N/A	Approved	
	183-0-383-065	1700 Elsinore CR		22-131-25	ADU	R	2/17/2022				1				1	1		No	No	N/A	Approved	
	219-0-044-105	244 Mc Millan AVE		22-131-26	ADU	R	2/17/2022				1				1	1		No	No	N/A	Approved	
	224-0-083-115	1806 Berkshire ST		22-131-27	ADU	R	2/17/2022		1						1	1		No	No	N/A	Approved	
	200-0-061-175	1630 North M ST		22-131-28	ADU	R	2/17/2022				1				1	1		No	No	N/A	Approved	
	200-0-061-175	1630 North M ST		22-131-29	ADU	R	2/17/2022		1						1	1		No	No	N/A	Approved	
	200-0-301-220	545 Carty DR		22-131-30	ADU	R	6/2/2022							1	1	1		No	No	N/A	Approved	
	204-0-151-140	464 East Juniper ST		22-131-31	ADU	R	2/23/2022		1						1	1		No	No	N/A	Approved	
	204-0-082-320	254 E. Date ST		22-131-32	ADU	R	2/25/2022		1						1	1		No	No	N/A	Approved	
	202-0-123-020	535 G Street		22-131-33	ADU	R	3/1/2022							1	1	1		No	No	N/A	Approved	
	216-0-094-175	112 Featherstone St		22-131-34	ADU	R	3/3/2022		1						1	1		No	No	N/A	Approved	
	203-0-292-040	152 West Iris ST		22-131-35	ADU	R	3/7/2022				1				1	1		No	No	N/A	Approved	
	215-0-163-135	1012 Torero Drive		22-131-36	ADU	R	3/7/2022		1						1	1		No	No	N/A	Approved	
	132-0-041-140	2677 Colonia AVE		22-131-37	ADU	R	3/8/2022		1						1	1		No	No	N/A	Approved	
	187-0-194-205	3031 Keel Way		22-131-38	ADU	R	3/8/2022				1				1	1		No	No	N/A	Approved	
	139-0-139-075	1221 Bluebell St		22-131-39	ADU	R	3/9/2022				1				1	1		No	No	N/A	Approved	
	139-0-139-075	1221 Bluebell st		22-131-40	ADU	R	3/9/2022		1						1	1		No	No	N/A	Approved	
	203-0-211-030	1720 Valley Park DR		22-131-41	ADU	R	3/9/2022				1				1	1		No	No	N/A	Approved	
	219-0-085-045	3285 Sycamore St		22-131-42	ADU	R	3/9/2022				1				1	1		No	No	N/A	Approved	
	203-0-101-255	830 Cedar ST		22-131-43	ADU	R	3/11/2022		1						1	1		No	No	N/A	Approved	
	219-0-343-065	350 La Canada Ave		22-131-44	ADU	R	3/14/2022				1				1	1		No	No	N/A	Approved	

	215-0-103-033	725 Rosalinda Dr		22-131-45	ADU	R	3/22/2022					1		1	1		No	No	N/A	Approved
	219-0-103-033	3651 La Costa PL		22-131-46	ADU	R	4/20/2022						1	1	1		No	No	N/A	Approved
	203-0-21--030	1721 Valley Park DR		22-131-47	ADU	R	3/28/2022			1				1	1		No	No	N/A	Approved
	205-0-384-075	4721 S. F ST		22-131-48	ADU	R	3/28/2022	1						1	1		No	No	N/A	Approved
	205-0-292-015	1450 W. Kamala ST		22-131-49	ADU	R	3/29/2022			1				1	1		No	No	N/A	Approved
	225-0-035-035	3021 Mendocino PL		22-131-50	ADU	R	3/29/2022			1				1	1		No	No	N/A	Approved
	203-0-012-270	1104 S. Ventura RD		22-131-51	ADU	R	3/30/2022			1				1	1		No	No	N/A	Approved
	203-0-012-270	1104 S. Ventura RD		22-131-52	ADU	R	3/30/2022			1				1	1		No	No	N/A	Approved
	216-0-174-065	1844 Gaucho Way		22-131-53	ADU	R	3/30/2022			1				1	1		No	No	N/A	Approved
	219-0-365-095	610 Del Sur		22-131-54	ADU	R	11/4/2022	1						1	1		No	No	N/A	Approved
	205-0-457-075	610 Sonoma WY		22-131-55	ADU	R	5/31/2022	1						1	1		No	No	N/A	Approved
	205-0-253-035	4045 South C ST		22-131-56	ADU	R	4/4/2022	1						1	1		No	No	N/A	Approved
	204-0-152-230	405 E. Laurel St		22-131-57	ADU	R	4/4/2022			1				1	1		No	No	N/A	Approved
	203-0-011-225	1142 South N ST		22-131-58	ADU	R	4/13/2022			1				1	1		No	No	N/A	Approved
	201-0-193-125	644 E. Maple ST		22-131-59	ADU	R	4/13/2022	1						1	1		No	No	N/A	Approved
	201-0-193-125	644 E. Maple ST		22-131-60	ADU	R	4/13/2022	1						1	1		No	No	N/A	Approved
	200-0-303-090	402 Doris AVE		22-131-61	ADU	R	4/14/2022			1				1	1		No	No	N/A	Approved
	202-0-045-120	435 W. First St		22-131-62	ADU	R	4/14/2022			1				1	1		No	No	N/A	Approved
	202-0-045-120	435 W. First St		22-131-63	ADU	R	4/14/2022	1						1	1		No	No	N/A	Approved
	203-0-050-180	1146 south G ST		22-131-64	ADU	R	4/14/2022			1				1	1		No	No	N/A	Approved
	205-0-041-135	3148 Jackson ST		22-131-65	ADU	R	4/18/2022			1				1	1		No	No	N/A	Approved
	205-0-234-075	864 Palomar WY		22-131-66	ADU	R	4/18/2022			1				1	1		No	No	N/A	Approved
	205-0-234-075	864 Palomar WY		22-131-67	ADU	R	4/18/2022			1				1	1		No	No	N/A	Approved
	200-0-163-215	1235 Roderick AVE		22-131-68	ADU	R	4/18/2022			1				1	1		No	No	N/A	Approved
	200-0-262-255	524 North N St		22-131-69	ADU	R	4/18/2022			1				1	1		No	No	N/A	Approved
	205-0-041-135	3148 Jackson ST		22-131-70	ADU	R	4/19/2022			1				1	1		No	No	N/A	Approved
	205-0-274-085	3965 South A ST		22-131-72	ADU	R	4/20/2022			1				1	1		No	No	N/A	Approved
	205-0-274-085	3965 South A ST		22-131-73	ADU	R	4/20/2022					1		1	1		No	No	N/A	Approved
	200-0-045-075	1340 Ivywood DR		22-131-74	ADU	R	4/21/2022			1				1	1		No	No	N/A	Approved
	200-0-282-030	1114 W. Beverly DR		22-131-75	ADU	R	5/2/2022			1				1	1		No	No	N/A	Approved
	200-0-244-110	319 Doris AVE		22-131-76	ADU	R	5/2/2022			1				1	1		No	No	N/A	Approved
	219-0-046-035	2219 Cloyne ST		22-131-77	ADU	R	5/3/2022			1				1	1		No	No	N/A	Approved
	202-0-151-220	842 South F ST		22-131-78	ADU	R	5/3/2022			1				1	1		No	No	N/A	Approved
	203-0-302-075	1912 South E ST		22-131-79	ADU	R	5/3/2022			1				1	1		No	No	N/A	Approved
	225-0-042-035	3301 Merced PL		22-131-80	ADU	R	5/3/2022					1		1	1		No	No	N/A	Approved
	203-0-261-075	2024 South J ST		22-131-81	ADU	R	5/4/2022			1				1	1		No	No	N/A	Approved
	205-0-065-035	3023 South E ST		22-131-82	ADU	R	5/5/2022			1				1	1		No	No	N/A	Approved
	200-0-162-035	1221 Deveonshire DR		22-131-83	ADU	R	5/5/2022			1				1	1		No	No	N/A	Approved
	203-0-274-080	1919 South D ST		22-131-84	ADU	R	5/5/2022			1				1	1		No	No	N/A	Approved
	187-0-141-165	3050 Luff CT		22-131-85	ADU	R	5/6/2022			1				1	1		No	No	N/A	Approved
	183-0-391-045	1441 Ambrose AVE		22-131-86	ADU	R	5/6/2022			1				1	1		No	No	N/A	Approved
	201-0-121-170	600 Cooper RD		22-131-87	ADU	R	5/6/2022			1				1	1		No	No	N/A	Approved
	183-0-391-045	1211 Kelp ST		22-131-88	ADU	R	5/6/2022			1				1	1		No	No	N/A	Approved
	203-0314-035	700 West fir AVE		22-131-89	ADU	R	5/9/2022			1				1	1		No	No	N/A	Approved
	203-0-312-055	614 W. Hemlock St		22-131-90	ADU	R	5/9/2022			1				1	1		No	No	N/A	Approved
	187-0-153-405	1531 Offshore ST		22-131-91	ADU	R	5/18/2022			1				1	1		No	No	N/A	Approved
	187-0-153-405	1531 Offshore ST		22-131-92	ADU	R	5/18/2022			1				1	1		No	No	N/A	Approved
	221-0-071-045	1101 Yale ST		22-131-93	ADU	R	5/18/2022			1				1	1		No	No	N/A	Approved
	221-0-073-055	4311 Hamilton AVE		22-131-94	ADU	R	5/18/2022			1				1	1		No	No	N/A	Approved
	221-0-073-055	4311 Hamilton AVE		22-131-95	ADU	R	5/18/2022			1				1	1		No	No	N/A	Approved
	200-0-092-185	1000 Camelot Way		22-131-96	ADU	R	5/18/2022	1						1	1		No	No	N/A	Approved
	219-0-034-135	135 James AVE		22-131-97	ADU	R	5/18/2022			1				1	1		No	No	N/A	Approved
	219-0-034-135	135 James AVE		22-131-98	ADU	R	5/18/2022	1						1	1		No	No	N/A	Approved
	219-0-283-015	524 E. Channel Islands Bl		22-131-99	ADU	R	5/19/2022	1						1	1		No	No	N/A	Approved
	204-0-193-085	604 Maple St		22-131-100	ADU	R	5/20/2022						1	1	1		No	No	N/A	Approved
	204-0-193-085	604 Maple ST		22-131-101	ADU	R	5/20/2022			1				1	1		No	No	N/A	Approved
	205-0-202-085	3400 S. D ST		22-131-102	ADU	R	5/20/2022					1		1	1		No	No	N/A	Approved
	204-0-092-360	325 E. Elm St		22-131-103	ADU	R	5/23/2022	1						1	1		No	No	N/A	Approved
	204-0-232-085	604 Olive St		22-131-104	ADU	R	5/24/2022	1						1	1		No	No	N/A	Approved
	202-0-021-270	104 S. I ST		22-131-105	ADU	R	6/3/2022	1						1	1		No	No	N/A	Approved
	205-0-131-105	4501 South Saviers RD		22-131-106	ADU	R	6/6/2022			1				1	1		No	No	N/A	Approved
	216-0-131-035	2011 San Luis St		22-131-107	ADU	R	6/6/2022			1				1	1		No	No	N/A	Approved
	201-0-062-080	315 North Bonita AVE		22-131-108	ADU	R	6/6/2022			1				1	1		No	No	N/A	Approved
	203-0-211-160	342 West Elm St		22-131-109	ADU	R	6/6/2022					1		1	1		No	No	N/A	Approved
	205-0-141-075	124 West Dollie St		22-131-111	ADU	R	6/7/2022			1				1	1		No	No	N/A	Approved
	205-0-141-075	124 West Dollie St		22-131-112	ADU	R	6/7/2022			1				1	1		No	No	N/A	Approved
	200-0-243-090	321 Douglas AVE		22-131-113	ADU	R	6/8/2022			1				1	1		No	No	N/A	Approved
	203-0231-125	1306 Hemlock ST		22-131-114	ADU	R	6/13/2022					1		1	1		No	No	N/A	Approved
	203-0-050-180	1146 South G ST		22-131-115	ADU	R	6/15/2022			1				1	1		No	No	N/A	Approved
	224-0-020-025	4840 South Rose Ave		22-131-116	ADU	R	6/16/2022						1	1	1		No	No	N/A	Approved
	204-0-163-150	655 E. Kamala ST		22-131-117	ADU	R	6/22/2022					1		1	1		No	No	N/A	Approved
	183-0-343-095	1515 Ukiah St		22-131-118	ADU	R	6/23/2022			1				1	1		No	No	N/A	Approved
	200-0-045-135	1311 Hunswood WY		22-131-119	ADU	R	6/23/2022			1				1	1		No	No	N/A	Approved
	205-0-103-075	200 W. Yucca ST		22-131-120	ADU	R	6/23/2022	1						1	1		No	No	N/A	Approved
	219-0-082-115	3341 Paula St		22-131-121	ADU	R	7/5/2022			1				1	1		No	No	N/A	Approved
	219-0-082-115	3341 Paula St		22-131-122	ADU	R	7/5/2022					1		1	1		No	No	N/A	Approved
	222-0-121-045	4821 Refsing PL		22-131-123	ADU	R	7/5/2022					1		1	1		No	No	N/A	Approved
	221-0-141-015	4401 Dallas Drive		22-131-124	ADU	R	7/7/2022					1		1	1		No	No	N/A	Approved
	132-0-075-115	250 Iowa PL		22-131-125	ADU	R	7/11/2022			1				1	1		No	No	N/A	Approved
	183-0-172-095	894 Saratoga St		22-131-126	ADU	R	7/13/2022			1				1	1		No	No	N/A	Approved
	205-0-101-165	135 Homer St		22-131-127	ADU	R	7/18/2022			1				1	1		No	No	N/A	Approved
	203-0-212-010	1805 valley Park Dr		22-131-128	ADU	R	7/18/2022			1				1	1		No	No	N/A	Approved
	200-0-242-090	321 Roderick AVE		22-131-129	ADU	R	7/18/2022	1						1	1		No	No	N/A	Approved
	201-0-031-320	527 North Mckinley AVE		22-131-130	ADU	R	7/21/2022						1	1	1		No	No	N/A	Approved
	205-0062-015	405 W. Spruce		22-131-131	ADU	R	7/27/2022					1		1	1		No	No	N/A	Approved

	2050-191-125	1205 W. Olive St		22-131-132	ADU	R	7/28/2022					1		1	1		No	No	N/A	Approved
	2050-191-125	1205 W. Olive St		22-131-133	ADU	R	7/28/2022			1				1	1		No	No	N/A	Approved
	205-0-011-065	2321 South J ST		22-131-134	ADU	R	7/29/2022			1				1	1		No	No	N/A	Approved
	200-0-234-140	441 Doris AVE		22-131-135	ADU	R	7/29/2022					1		1	1		No	No	N/A	Approved
	200-0-234-140	441 Doris AVE		22-131-136	ADU	R	7/29/2022					1		1	1		No	No	N/A	Approved
	219-0-014-180	111 E. Robert Ave		22-131-137	ADU	R	7/29/2022			1				1	1		No	No	N/A	Approved
	200-0-183-125	920 Norh H ST		22-131-138	ADU	R	8/8/2022					1		1	1		No	No	N/A	Approved
	203-0-273-130	414 West Iris ST		22-131-139	ADU	R	8/9/2022	1						1	1		No	No	N/A	Approved
	181-0-182-025	1904 Kensington Ln		22-131-140	ADU	R	8/9/2022					1		1	1		No	No	N/A	Approved
	224-0-042-055	2010 Peoria LN		22-131-141	ADU	R	8/10/2022			1				1	1		No	No	N/A	Approved
	216-0-144-035	125 Kohala ST		22-131-142	ADU	R	8/11/2022			1				1	1		No	No	N/A	Approved
	222-0-241-165	834 Yale PL		22-131-143	ADU	R	8/12/2022	1						1	1		No	No	N/A	Approved
	221-0-052-325	1010 Evanston Pl		22-131-144	ADU	R	8/12/2022	1						1	1		No	No	N/A	Approved
	225-0-045-175	3530 Sutter Dr		22-131-145	ADU	R	8/12/2022			1				1	1		No	No	N/A	Approved
	222-0-262-095	4451 Clover Dr		22-131-146	ADU	R	8/15/2022			1				1	1		No	No	N/A	Approved
	222-0-262-095	4451 Clover Dr		22-131-147	ADU	R	8/15/2022			1				1	1		No	No	N/A	Approved
	201-0-064-310	401 Juanita AVE		22-131-148	ADU	R	8/17/2022			1				1	1		No	No	N/A	Approved
	201-0-112-230	154 North Harrison AVE		22-131-149	ADU	R	8/17/2022			1				1	1		No	No	N/A	Approved
	205-0-206-075	3430 South B ST		22-131-150	ADU	R	8/18/2022					1		1	1		No	No	N/A	Approved
	222-0-041-230	400 E. Pleasant Valley RD		22-131-153	ADU	R	8/24/2022					1		1	1		No	No	N/A	Approved
	222-0-041-220	410 E. Pleasant Valley RD		22-131-154	ADU	R	8/24/2022					1		1	1		No	No	N/A	Approved
	222-0-041-260	430 E. Pleasant Valley RD		22-131-155	ADU	R	8/24/2022					1		1	1		No	No	N/A	Approved
	222-0-041-250	440 E. Pleasant Valley RD		22-131-156	ADU	R	8/24/2022					1		1	1		No	No	N/A	Approved
	204-0-133-105	23299 Montrose St		22-131-157	ADU	R	9/22/2022						1	1	1		No	No	N/A	Approved
	200-0-333-145	22 Carriage Square		22-131-158	ADU	R	8/30/2022			1				1	1		No	No	N/A	Approved
	205-0-192-035	2625 S. N ST		22-131-160	ADU	R	8/30/2022			1				1	1		No	No	N/A	Approved
	203-0-062-280	1212 S. D ST		22-131-161	ADU	R	9/1/2022					1		1	1		No	No	N/A	Approved
	200-0-265-070	1344 Palm DR		22-131-162	ADU	R	9/1/2022			1				1	1		No	No	N/A	Approved
	142-0-093-125	270 Lafayette		22-131-163	ADU	R	9/1/2022			1				1	1		No	No	N/A	Approved
	205-0-134-225	4700 C ST		22-131-165	ADU	R	9/23/2022	1						1	1		No	No	N/A	Approved
	203-0-144-035	1323 W. Fir AVE		22-131-166	ADU	R	9/7/2022			1				1	1		No	No	N/A	Approved
	181-0-093-034	1710 Diego Way		22-131-167	ADU	R	9/7/2022						1	1	1		No	No	N/A	Approved
	141-0-015-215	621 Erica PL		22-131-168	ADU	R	9/1/2022			1				1	1		No	No	N/A	Approved
	186-0-412-025	1321 South Ventura RD		22-131-169	ADU	R	9/8/2022						1	1	1		No	No	N/A	Approved
	187-0-123-155	1840 Lookout DR		22-131-170	ADU	R	9/8/2022			1				1	1		No	No	N/A	Approved
	201-0-324-075	1624 E. 2nd ST		22-131-171	ADU	R	9/9/2022			1				1	1		No	No	N/A	Approved
	201-0-324-075	1624 E. 2nd St		22-131-172	ADU	R	9/9/2022			1				1	1		No	No	N/A	Approved
	222-0-192-115	321 W. Clara ST		22-131-173	ADU	R	9/9/2022			1				1	1		No	No	N/A	Approved
	205-0-273-085	3945 S. B ST		22-131-174	ADU	R	9/9/2022	1						1	1		No	No	N/A	Approved
	219-0-343-205	401 De Anza WAy		22-131-175	ADU	R	9/9/2022			1				1	1		No	No	N/A	Approved
	203-0-144-165	1418 W. Elm St		22-131-176	ADU	R	9/9/2022	1						1	1		No	No	N/A	Approved
	142-0-143-085	2141 Mono St		22-131-177	ADU	R	9/12/2022			1				1	1		No	No	N/A	Approved
	203-0-032-065	1270 S. K ST		22-131-178	ADU	R	9/13/2022			1				1	1		No	No	N/A	Approved
	205-0-093-035	3531 S. B ST		22-131-179	ADU	R	9/13/2022			1				1	1		No	No	N/A	Approved
	221-0-202-115	1220 Jason PL		22-131-180	ADU	R	9/13/2022			1				1	1		No	No	N/A	Approved
	179-0-283-095	3409 Glen Abbey LN		22-131-181	ADU	R	9/13/2022					1		1	1		No	No	N/A	Approved
	201-0-114-120	148 S. Hayes AVE		22-131-182	ADU	R	9/15/2022			1				1	1		No	No	N/A	Approved
	201-0-114-020	111 S. Grant AVE		22-131-183	ADU	R	9/19/2022					1		1	1		No	No	N/A	Approved
	203-0-315-055	151 Bellafonte Ct		22-131-184	ADU	R	9/19/2022					1		1	1		No	No	N/A	Approved
	205-0-292-225	2231 South M ST		22-131-185	ADU	R	9/20/2022					1		1	1		No	No	N/A	Approved
	201-0-061-010	429 North McKinley AVE		22-131-186	ADU	R	9/21/2022			1				1	1		No	No	N/A	Approved
	183-0-316-13	1715 S Ventura Rd		22-131-187	ADU	R	10/20/2022					1		1	1		No	No	N/A	Approved
	219-0-343-215	351 De Anza Way		22-131-188	ADU	R	9/22/2022	1						1	1		No	No	N/A	Approved
	205-0235-075	3421 South J St		22-131-189	ADU	R	9/29/2022			1				1	1		No	No	N/A	Approved
	222-0-082-045	526 Cuesta Del Mar		22-131-190	ADU	R	9/23/2022					1		1	1		No	No	N/A	Approved
	205-0-253-155	449 Bard RD		22-131-191	ADU	R	9/28/2022	1						1	1		No	No	N/A	Approved
	216-0-135-095	140 N. Julian St		22-131-192	ADU	R	9/28/2022			1				1	1		No	No	N/A	Approved
	203-0-150-27	1171 W. Fir AVE		22-131-193	ADU	R	9/28/2022			1				1	1		No	No	N/A	Approved
	204-0-133-180	2224 San Marino St		22-131-194	ADU	R	9/29/2022			1				1	1		No	No	N/A	Approved
	204-0-133-180	2224 San Marino ST		22-131-195	ADU	R	9/29/2022					1		1	1		No	No	N/A	Approved
	201-0-324-075	1624 E. 2nd ST		22-131-196	ADU	R	9/29/2022			1				1	1		No	No	N/A	Approved
	201-0-324-075	1624 E. 2nd ST		22-131-197	ADU	R	9/29/2022			1				1	1		No	No	N/A	Approved
	205-0-273-125	3940 S. C ST		22-131-198	ADU	R	9/29/2022			1				1	1		No	No	N/A	Approved
	139-0-311-265	1411 Kumquat Pl		22-131-199	ADU	R	10/3/2022			1				1	1		No	No	N/A	Approved
	204-0-071-240	111 Ash St		22-131-200	ADU	R	10/4/2022			1				1	1		No	No	N/A	Approved
	204-0-071-240	111 Ash ST		22-131-201	ADU	R	10/4/2022			1				1	1		No	No	N/A	Approved
	219-0-073-075	3173 Clinton ST		22-131-202	ADU	R	10/5/2022	1						1	1		No	No	N/A	Approved
	203-0-131-070	304 W. Birch ST		22-131-203	ADU	R	10/5/2022			1				1	1		No	No	N/A	Approved
	203-0-131-070	304 W. Birch ST		22-131-204	ADU	R	10/5/2022			1				1	1		No	No	N/A	Approved
	221-0-026-255	4730/4732 Terrace AVE		22-131-205	ADU	R	10/6/2022			1				1	1		No	No	N/A	Approved
	200-0-333-095	8 Carriage Square		22-131-206	ADU	R	10/6/2022			1				1	1		No	No	N/A	Approved
	215-0-104-115	557 Princessa DR		22-131-207	ADU	R	10/6/2022			1				1	1		No	No	N/A	Approved
	187-0-133-385	3121 Net CT		22-131-208	ADU	R	10/10/2022			1				1	1		No	No	N/A	Approved
	225-0-092-115	3140 Nevada AVE		22-131-209	ADU	R	10/6/2022					1		1	1		No	No	N/A	Approved
	203-0-092-040	1433 S. J ST		22-131-210	ADU	R	10/6/2022			1				1	1		No	No	N/A	Approved
	203-0-092-040	1433 S. J ST		22-131-211	ADU	R	10/6/2022			1				1	1		No	No	N/A	Approved
	201-0-151-050	147 Lupita St		22-131-212	ADU	R	10/6/2022			1				1	1		No	No	N/A	Approved
	203-0-111-190	1434 South F ST		22-131-215	ADU	R	10/7/2022			1				1	1		No	No	N/A	Approved
	139-0-133-015	2054 Jasmine ST		22-131-216	ADU	R	10/7/2022	1						1	1		No	No	N/A	Approved
	139-0-133-015	2054 Jasmine ST		22-131-217	ADU	R	10/7/2022			1				1	1		No	No	N/A	Approved
	201-0-151-090	154 S. Juanita AVE		22-131-218	ADU	R	10/7/2022			1				1	1		No	No	N/A	Approved
	201-0-151-090	154 S. Juanita AVE		22-131-219	ADU	R	10/7/2022			1				1	1		No	No	N/A	Approved
	203-0-043-110	1274 S. H St		22-131-220	ADU	R	10/11/2022			1				1	1		No	No	N/A	Approved
	202-0-134-120	636 S E ST		22-131-221	ADU	R	12/6/2022			1				1	1		No	No	N/A	Approved

	200-0-082-115	1244 Camelot WY		22-131-222	ADU	R	10/11/2022			1			1	1		No	No	N/A	Approved	
	202-0-264-555	1004 Jurymast DR		22-131-223	ADU	R	10/17/2022			1			1	1		No	No	N/A	Approved	
	202-0-264-555	1004 Jurymast DR		22-131-224	ADU	R	10/17/2022			1			1	1		No	No	N/A	Approved	
	220-0-043-155	2720 Tulare PL		22-131-225	ADU	R	10/20/2022			1			1	1		No	No	N/A	Approved	
	189-0-041-045	2000 W Hemlock St		22-131-226	ADU	R	10/20/2022	1					1	1		No	No	N/A	Approved	
	221-0-181-215	3821 Boston Rd		22-131-227	ADU	R	10/20/2022	1					1	1		No	No	N/A	Approved	
	181-0-191-175	1019 N. Ventura RD		22-131-228	ADU	R	10/20/2022			1			1	1		No	No	N/A	Approved	
	204-0-051-010	1644 California ST		22-131-229	ADU	R	10/25/2022			1			1	1		No	No	N/A	Approved	
	204-0-051-010	1644 California ST		22-131-230	ADU	R	10/25/2022			1			1	1		No	No	N/A	Approved	
	204-0-051-010	1644 California ST		22-131-231	ADU	R	10/25/2022			1			1	1		No	No	N/A	Approved	
	204-0-051-010	1644 California ST		22-131-232	ADU	R	10/25/2022			1			1	1		No	No	N/A	Approved	
	204-0-051-010	1644 California ST		22-131-233	ADU	R	10/25/2022			1			1	1		No	No	N/A	Approved	
	204-0-051-010	1644 California ST		22-131-234	ADU	R	10/25/2022			1			1	1		No	No	N/A	Approved	
	200-0-142-185	443 Eastwood DR		22-131-235	ADU	R	10/24/2022	1					1	1		No	No	N/A	Approved	
	202-0-022-060	145 N I St		22-131-236	ADU	R	10/25/2022			1			1	1		No	No	N/A	Approved	
	202-0-022-061	145 N I St		22-131-237	ADU	R	10/26/2022					1	1	1		No	No	N/A	Approved	
	132-0-311-175	1330 Los Prietos Ct		22-131-238	ADU	R	10/27/2022	1					1	1		No	No	N/A	Approved	
	142-0-080-355	341 Occidental CT		22-131-239	ADU	R	10/26/2022	1					1	1		No	No	N/A	Approved	
	203-0-022-180	1174 So. M ST		22-131-240	ADU	R	10/27/2022			1			1	1		No	No	N/A	Approved	
	203-0-022-180	1174 So. M ST		22-131-241	ADU	R	10/27/2022			1			1	1		No	No	N/A	Approved	
	185-0-103-015	1050 Novato DR		22-131-242	ADU	R	10/27/2022	1					1	1		No	No	N/A	Approved	
	205-0-463-365	931 Redwood St		22-131-243	ADU	R	11/2/2022			1			1	1		No	No	N/A	Approved	
	221-0-182-285	1631 Kipling CT		22-131-244	ADU	R	11/4/2022			1			1	1		No	No	N/A	Approved	
	187-0-027-075	3530 Keel AVE		22-131-245	ADU	R	11/9/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-246	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-247	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-248	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-249	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-250	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-251	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-252	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-253	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-340	5300 S. J ST		22-131-254	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-260	5200 S. J ST		22-131-255	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-260	5200 S. J ST		22-131-256	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-260	5200 S. J ST		22-131-257	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	222-0-170-260	5200 S. J ST		22-131-258	ADU	R	11/8/2022					1	1	1		No	No	N/A	Approved	
	205-0-033-245	3004 Lassen St		22-131-259	ADU	R	11/8/2022			1			1	1		No	No	N/A	Approved	
	205-0-162-055	3139 S N St		22-131-260	ADU	R	11/14/2022			1			1	1		No	No	N/A	Approved	
	203-0-062-130	521 Hill St		22-131-261	ADU	R	11/14/2022			1			1	1		No	No	N/A	Approved	
	203-0-062-130	521 Hill St		22-131-262	ADU	R	11/14/2022	1					1	1		No	No	N/A	Approved	
	205-0-456-015	4904 S. F ST		22-131-263	ADU	R	11/14/2022			1			1	1		No	No	N/A	Approved	
	203-0-192-065	1400 W Guava St		22-131-264	ADU	R	11/14/2022			1			1	1		No	No	N/A	Approved	
	200-0-233-03	458 Roderick Ave		22-131-265	ADU	R	11/15/2022			1			1	1		No	No	N/A	Approved	
	202-0-045-100	417-421 W. First St		22-131-266	ADU	R	11/15/2022					1	1	1		No	No	N/A	Approved	
	202-0-266-285	1334 Seaport Way		22-131-267	ADU	R	11/15/2022	1					1	1		No	No	N/A	Approved	
	222-0-160-165	320 Johnson Way		22-131-268	ADU	R	11/15/2022			1			1	1		No	No	N/A	Approved	
	222-0-160-165	320 Johnson Way		22-131-269	ADU	R	11/15/2022					1	1	1		No	No	N/A	Approved	
	216-0-174-275	1825 Ferrara Way		22-131-270	ADU	R	11/14/2022	1					1	1		No	No	N/A	Approved	
	205-0-101-185	103 Bottlebrush CT		22-131-271	ADU	R	12/1/2022			1			1	1		No	No	N/A	Approved	
	203-0-111-290	1328 S. F ST		22-131-272	ADU	R	11/18/2022			1			1	1		No	No	N/A	Approved	
	203-0-111-290	1328 S. F ST		22-131-273	ADU	R	11/18/2022					1	1	1		No	No	N/A	Approved	
	179-0-087-025	2120 Pamela St		22-131-274	ADU	R	11/20/2022			1			1	1		No	No	N/A	Approved	
	205-0-045-205	3942 Kern St		22-131-275	ADU	R	11/20/2022			1			1	1		No	No	N/A	Approved	
	205-0-045-205	3042 Kern ST		22-131-276	ADU	R	11/18/2022			1			1	1		No	No	N/A	Approved	
	203-0-032-100	1238 S. K ST		22-131-277	ADU	R	11/18/2022	1					1	1		No	No	N/A	Approved	
	224-0-033-085	4500 Phoenix DR		22-131-278	ADU	R	12/1/2022	1					1	1		No	No	N/A	Approved	
	205-0-043-185	3100 S. K ST		22-131-279	ADU	R	11/22/2022	1					1	1		No	No	N/A	Approved	
	222-0-243-065	4401 Nimitz Way		22-131-280	ADU	R	11/29/2022	1					1	1		No	No	N/A	Approved	
	204-0-151-160	473 E Kamala St		22-131-281	ADU	R	11/29/2022	1					1	1		No	No	N/A	Approved	
	204-0-233-245	2624 Acacia St		22-131-282	ADU	R	11/29/2022	1					1	1		No	No	N/A	Approved	
	204-0-233-245	2624 Acacia St		22-131-283	ADU	R	11/29/2022	1					1	1		No	No	N/A	Approved	
	204-0-072-340	111 E Birch St		22-131-284	ADU	R	11/29/2022			1			1	1		No	No	N/A	Approved	
	202-0-030-280	104 N G St		22-131-285	ADU	R	11/29/2022			1			1	1		No	No	N/A	Approved	
	202-0-061-020	223 S G St		22-131-286	ADU	R	11/29/2022			1			1	1		No	No	N/A	Approved	
	203-0-211-160	342 W Elm St		22-131-287	ADU	R	12/1/2022					1	1	1		No	No	N/A	Approved	
	203-0-315-105	633 W. Fir Avenue		22-131-288	ADU	R	12/1/2022			1			1	1		No	No	N/A	Approved	
	203-0-315-105	633 W. Fir Avenue		22-131-289	ADU	R	12/1/2022					1	1	1		No	No	N/A	Approved	
	203-0-201-275	1215 W. Guava St		22-131-290	ADU	R	12/2/2022	1					1	1		No	No	N/A	Approved	
	142-0-092-055	228 Vanderbilt Dr		22-131-291	ADU	R	12/5/2022			1			1	1		No	No	N/A	Approved	
	202-0-134-120	636 S. E ST		22-131-292	ADU	R	12/6/2022					1	1	1		No	No	N/A	Approved	
	202-0-134-120	1131 W. Doris AVE		22-131-293	ADU	R	12/7/2022			1			1	1		No	No	N/A	Approved	
	220-0-042-105	2721 Tulare Pl		22-131-294	ADU	R	12/7/2022			1			1	1		No	No	N/A	Approved	
	139-0-354-135	1211 Holly St		22-131-295	ADU	R	12/7/2022					1	1	1		No	No	N/A	Approved	
	202-0-045-080	401 W First St		22-131-296	ADU	R	12/7/2022			1			1	1		No	No	N/A	Approved	
	185-0-205-285	2922 Naples Drive		22-131-297	ADU	R	12/8/2022			1			1	1		No	No	N/A	Approved	
	203-0-133-130	129 N I St		22-131-298	ADU	R	12/12/2022					1	1	1		No	No	N/A	Approved	
	201-0-154-020	213 Marquita St		22-131-299	ADU	R	12/13/2022					1	1	1		No	No	N/A	Approved	
	200-0-281-050	341 N K St		22-131-300	ADU	R	12/13/2022					1	1	1		No	No	N/A	Approved	
	200-0-323-160	322-324 Palm Dr		22-131-301	ADU	R	12/13/2022					1	1	1		No	No	N/A	Approved	
	205-0-313-095	2430 S L St		22-131-302	ADU	R	12/13/2022	1					1	1		No	No	N/A	Approved	
	205-0-171-035	3023 Napa St		22-131-303	ADU	R	12/14/2022			1			1	1		No	No	N/A	Approved	
	203-0-202-145	1122 W Guava St		22-131-304	ADU	R	12/16/2022					1	1	1		No	No	N/A	Approved	
	202-0-074-070	351 S F St		22-131-305	ADU	R	12/16/2022	1					1	1		No	No	N/A	Approved	
	140-0-021-295	2040 N H St		22-131-306	ADU	R	12/16/2022	1					1	1		No	No	N/A	Approved	
	200-0-311-140	440 W Beverly Dr		22-131-307	ADU	R	12/16/2022					1	1	1		No	No	N/A	Approved	

	216-0-087-035	321 N Driskill St		22-131-308	ADU	R	12/16/2022		1					1	1		No	No	N/A	Approved	
	200-0-311-140	440 W Beverly Dr		22-131-309	ADU	R	12/16/2022				1			1	1		No	No	N/A	Approved	
	139-0-242-105	2148 Ironbark Dr		22-131-310	ADU	R	12/16/2022		1					1	1		No	No	N/A	Approved	
	204-0-191-040	534 Kamala St		22-131-311	ADU	R	12/16/2022					1		1	1		No	No	N/A	Approved	
	222-0-041-140	351 Howell Rd		22-131-312	ADU	R	12/16/2022				1			1	1		No	No	N/A	Approved	
	205-0-141-245	300 Rosa St		22-131-313	ADU	R	12/19/2022				1			1	1		No	No	N/A	Approved	
	205-0-141-245	300 Rosa St		22-131-314	ADU	R	12/19/2022				1			1	1		No	No	N/A	Approved	
	181-0-093-075	1610 Diego Way		22-131-315	ADU	R	12/20/2022				1			1	1		No	No	N/A	Approved	
	205-0-374-055	4431 S. F St		22-131-316	ADU	R	12/20/2022				1			1	1		No	No	N/A	Approved	
	202-0-163-110	1025 S G St		22-131-317	ADU	R	12/20/2022					1		1	1		No	No	N/A	Approved	
	215-0-033-100	167 Thomas Ave		22-131-318	ADU	R	12/21/2022				1			1	1		No	No	N/A	Approved	
	204-0-071-040	301 E. Ash St		22-131-319	ADU	R	12/27/2022				1			1	1		No	No	N/A	Approved	
	202-0-142-160	711 S. B St #110		22-131-320	ADU	R	12/28/2022					1		1	1		No	No	N/A	Approved	
	204--0-071-080	301 E. Ash St		22-131-321	ADU	R	12/28/2022				1			1	1		No	No	N/A	Approved	
	203-0-102-265	1344 G St		22-131-332	ADU	R	12/28/2022				1			1	1		No	No	N/A	Approved	
	219-0-02-522	2107 Hughes		22-131-323	ADU	R	12/28/2022				1			1	1		No	No	N/A	Approved	
	185-0-202-035	2918 Dunkirk Dr		22-131-324	ADU	R	12/29/2022		1					1	1		No	No	N/A	Approved	
	132-0-052-060	2724 Colonia Ave		22-131-325	ADU	R	12/29/2022		1					1	1		No	No	N/A	Approved	
	132-0-052-060	2724 Colonia Ave		22-131-326	ADU	R	12/29/2022		1					1	1		No	No	N/A	Approved	
	202-0-045-020	434 W. Magnolia Ave		22-131-327	ADU	R	12/29/2022					1		1	1		No	No	N/A	Approved	

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	(10/15/2021 - 10/15/2029)

ANNUAL ELEMENT PROGRESS REPORT
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Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA, SFD, 2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements	Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units issued Building Permits	Very Low-Income Deed Restricted	Very Low-Income Non-Deed Restricted	Low- Income Deed Restricted	Low- Income Non-Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non-Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units issued Certificates of Occupancy or other forms of readiness	How many of the units were Extremely Low Income?*	Was Project APPROVED using SC 65913.4(b)? (SB 35 Streamlining) Y/N	Infill Units? Y/N*	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)*	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)	Notes*
Summary Row: Start Data Entry Below							139	87	256	190	17	46	360		1075	89	12	52	29	0	3	88			270	0	6	0	14	0	2	138		160	8	2					109	4					
	200-0-100-040, 060	1500-1700 San Gorgonio	Las Cortes Phase 2	20-200-01	5+	R			108				1	1/19/2022	109										0											CDLAC	Other		1000	109	Demolished	R					
	2010-0-031-320	527 North Mckinley	Kevser Residence	21-200-05	SFD	O							1	1/31/2022	1										0																					
	2010-0-031-320	528 North Mckinley	Kevser Residence	21-131-03	ADU	R							1	1/31/2022	1										0																					
	2000-0-301-200	545 Carly Drive		21-200-10	SFD	O							1	3/15/2022	1										0																					
															0										0																					
	2000-0-301-220	545 Carly Drive		21-131-108	ADU	R							1	3/15/2022	1										0																					
	139-0-610-305	Oxnard Blvd		21-200-03	SFA	O							33	5/24/2022	33										0																					
	201-0-213-080, 090, 100	536-538 Meta Street		21-200-01	5+	R	87						1	6/27/2022	88										0											Y		DB		55				0.0%		Development Standards Modification		Yes	
	152-0-051-540	2721 Colonia		19-200-08	SFD	O							1	8/14/2022	1										0											N										
	152-0-051-540	2721 Colonia		22-131-152	ADU	R							1	9/14/2022	1										0											N										
	152-0-051-530	2711 Colonia		19-200-09	SFD	O							1	8/14/2022	1										0											N										
	152-0-051-530	2711 Colonia		22-131-159	ADU	R							1	9/14/2022	1										0											N										
152-0-100-065, 152-0-100-085	2780/2750 North Ventura Road			19-200-16	5+	R	16		17		17		283	7/21/2022	333										0											N		INC		55								
196-0-021-085	911 Dunes			21-400-02	2 to 4	R							2	11/3/2022	2										0											N										
	213-0-090-285	2001 Outlet Center Drive		21-600-10	5+	R	36		131				1	5/5/2022	168										0											Y		DB		55				80.0%	4	Development Standards Modification		Yes	
	203-0-032-240	1126 SCUTICK ST		21-131-176	ADU	R							1	1/4/2022	1										0											N										
	203-0-231-075	1352 W HEMLOCK ST		21-131-172	ADU	R		1						1/3/2022	1										0											N			Applicant provided estimated rental price								
	2030-310-045	710 W CEDAR ST		21-131-171	ADU	R		1						2/3/2022	1										0											N			Applicant provided estimated rental price								
	203-0-315-045	626 W ELM ST		21-131-170	ADU	R							1	2/3/2022	1										0											N										
	200-0-292-070	417 & 419 N G ST		21-131-166	ADU	R							1	1/4/2022	1										0											N										
	203-0-240-115	2026 E K ST		21-131-164	ADU	R				1				2/10/2022	1										0											N			Applicant provided estimated rental price								
	205-0-315-185	961 W CHANNEL ISLANDS BLVD		21-131-163	ADU	R							1	1/31/2022	1										0											N										
	205-0-313-125	2400 S L ST		21-131-162	ADU	R		1						1/18/2022	1										0											N			Applicant provided estimated rental price								
	200-0-186-175	718 N H ST		21-131-120	ADU	R							1	1/14/2022	1										0											N										
	200-0-060-235	1050 Camelot WY		21-131-150	ADU	R				1				2/22/2022	1										0											N			Applicant provided estimated rental price								
	200-0-244-220	238 DOUGLASS		21-131-139	ADU	R				1				1/13/2022	1										0											N			Applicant provided estimated rental price								
	219-0-402-105	845 TRINIDAD WAY		21-131-124	ADU	R		1						3/2/2022	1										0											N			Applicant provided estimated rental price								
	202-0-045-020	434 MAGNOLIA AVE		21-131-45	ADU	R				1				2/28/2022	1										0											N			Applicant provided estimated rental price								
	203-0-192-065	1400 W GUAVA ST		21-131-161	ADU	R							1	2/25/2022	1										0											N										
	205-0-131-125	4521 Saviers RD		22-131-1	ADU	R				1				2/3/2022	1										0											N			Applicant provided estimated rental price								
	205-0-131-125	4521 Saviers RD		22-131-2	ADU	R				1				2/3/2022	1										0											N			Applicant provided estimated rental price								
	215-0-261-315	245 Libre St, Unit A		22-131-3	ADU	R		1						1/3/2022	1										0											N			Applicant provided estimated rental price								
	219-0-024-090	191 Hughes DR		22-131-4	ADU	R				1				3/9/2022	1										0											N			Applicant provided estimated rental price								
	201-0-023-300	560 North Garfield AVE		22-131-5	ADU	R				1				1/18/2022	1										0											N			Applicant provided estimated rental price								
	200-0-282-100	301 N J ST		22-131-6	ADU	R				1				3/9/2022	1										0											N			Applicant provided estimated rental price								
	200-0-391-065	1310 North H ST		22-131-7	ADU	R				2				1/20/2022	2										0											N			Applicant provided estimated rental price								
	203-0-082-300	436 Wolff ST		22-131-8	ADU	R				1				1/20/2022	1										0											N			Applicant provided estimated rental price								
	216-0-141-015	2010 San Jacinto ST		22-131-9	ADU	R				1				1/20/2022	1										0											N			Applicant provided estimated rental price								
	189-0-042-055	1740 West Hemlock ST		22-131-10	ADU	R				1				1/28/2022	1										0											N			Applicant provided estimated rental price								
	220-0-105-035	1810 Mcarthur PL		22-131-11	ADU	R				1				1/28/2022	1										0											N			Applicant provided estimated rental price								
	185-0-154-065	2042 Mistral PL		22-131-12	ADU	R				1				1/31/2022	1										0											N			Applicant provided estimated rental price								
	220-0-154-145	1945 Macarthur PL		22-131-13	ADU	R				1				2/3/2022	1										0											N			Applicant provided estimated rental price								
	220-0-105-185	1861 Napoleon AVE		22-131-14	ADU	R		1						2/7/2022	1										0											N			Applicant provided estimated rental price								
	219-0-434-105	744 Columbia DR		22-131-15	ADU	R		1						2/7/2022	1										0											N			Applicant provided estimated rental price								
	220-0-101-095	1841 Mac Arthur PL		22-131-16	ADU	R		1						2/9/2022	1										0											N			Applicant provided estimated rental price								
	205-0-052-045	1010 Bluebell St		22-131-17	ADU	R				1				2/14/2022	1										0											N			Applicant provided estimated rental price								
	139-0-094-055	1320 Bluebell St		22-131-18	ADU	R				1				2/14/2022	1										0											N			Applicant provided estimated rental price								
	183-0-316-105	1704 Ontario ST		22-131-19	ADU	R				1				2/16/2022	1										0											N			Applicant provided estimated rental price								
	183-0-316-105	1704 Ontario ST		22-131-20	ADU	R				1				2/16/2022	1										0											N			Applicant provided estimated rental price								
	221-0-193-305	1001 Monet PL		22-131-21	ADU	R				1				2/16/2022	1										0											N			Applicant provided estimated rental price								
	221-0-193-305	1001 Monet PL		22-131-22	ADU	R				1				2/16/2022	1										0											N			Applicant provided estimated rental price								
	220-0-073-115	243 Dupont ST		22-131-23	ADU	R				1				2/16/2022	1										0											N			Applicant provided estimated rental price								
	183-0-383-065	1700 Elsinore CR		22-131-24	ADU	R				1				2/17/2022	1										0											N			Applicant provided estimated rental price								
	183-0-383-065	1700 Elsinore CR		22-131-25	ADU	R				1				2/17/2022	1										0											N			Applicant provided estimated rental price								
	219-0-044-105	244 Mc Millan AVE		22-131-26	ADU	R				1				2/17/2022	1										0											N			Applicant provided estimated rental price								
	224-0-085-115	1806 Berkshire ST		22-131-27	ADU	R		1						2/17/2022	1										0											N			Applicant provided estimated rental price								
	200-0-061-175	1630 North M ST		22-131-28	ADU	R				1				2/17/2022	1										0											N			Applicant provided estimated rental price								
	200-0-061-175	1630 North M ST		22-131-29	ADU	R		1						2/17/2022	1										0											N			Applicant provided estimated rental price								
	200-0-301-220	545 Carly DR		22-131-30	ADU	R							1	6/2/2022	1										0											N										
	204-0-151-140	404 East Juniper ST		22-131-31	ADU	R		1						2/23/2022	1										0											N			Applicant provided estimated rental price								
	204-0-060-320	254 E. Dale ST		22-131-32	ADU	R		1						2/25/2022	1										0											N			Applicant provided estimated rental price								
	202-0-123-020	535 G Street		22-131-33	ADU	R							1	3/1/2022	1										0											N										
	216-0-094-175	112 Featherstone Dr		22-131-34	ADU	R		1						3/3/2022	1										0											N			Applicant provided estimated rental price								
	203-0-292-040	152 West Iris ST		22-131-35	ADU	R				1				3/7/2022	1										0											N			Applicant provided estimated rental price								
	215-0-163-135	1012 Tonero Drive		22-131-36	ADU	R		1						3/7/2022	1										0											N			Applicant provided estimated rental price								
	132-0-041-140	2677 Colonia AVE		22-131-37	ADU	R		1						3/8/2022	1										0											N			Applicant provided estimated rental price								
	187-0-194-205	3031 Keel Way		22-131-38	ADU	R				1				3/8/2022	1										0											N			Applicant provided estimated rental price								
	139-0-139-075	1221 Bluebell St		22-131-39	ADU	R				1				3/9/2022	1										0											N			Applicant provided estimated rental price								
	139-0-139-075	1221 Bluebell st		22-131-40	ADU	R		1						3/9/2022	1										0											N			Applicant provided estimated rental price								
	203-0-211-030	1720 Valley Park DR		22-131-41	ADU	R				1				3/9/2022	1										0											N			Applicant provided estimated rental price								
	219-0-085-045	3285 Sycamore St		22-131-42	ADU	R				1				3/9/2022	1										0											N			Applicant provided estimated rental price								
	203-0-101-255	830 Cedar ST		22-131-43	ADU	R		1						3/11/2022	1										0											N			Applicant provided estimated rental price								
	219-0-343-065	350 La Canada Ave		22-131-44	ADU	R				1				3/14/2022	1										0											N			Applicant provided estimated rental price								
	215-0-103-033	725 Rosalinda Dr		22-131-45	ADU	R						1		3/22/2022	1										0											N			Applicant provided estimated rental price								
	219-0-155-033	3601 La Costa PL		22-131-46	ADU	R							1	4/20/2022	1										0											N			Applicant provided estimated rental price								
	203-0-21-030	1721 Valley Park DR		22-131-47	ADU	R				1				3/28/2022	1										0											N			Applicant provided estimated rental price								
	205-0-384-075	4721 S. F ST		22-131-48	ADU	R		1						3/28/2022	1										0											N			Applicant provided estimated rental price								
	205-0-292-015	1450 W. Kamala ST		22-131-49	ADU	R				1				3/29/2022	1										0											N			Applicant provided estimated rental price								
	225-0-036-035	5021 Mendocino PL		22-131-50	ADU	R				1				3/29/2022	1										0											N			Applicant provided estimated rental price								
	203-0-012-270	1104 S. Ventura RD		22-131-51	ADU	R				1				3/30/2022	1										0											N			Applicant provided estimated rental price								
	203-0-012-270	1104 S. Ventura RD		22-131-52	ADU	R				1				3/30/2022	1										0											N			Applicant provided estimated rental price								
	216-0-174-065	1844 Gaucho Way		22-131-53	ADU	R				1				3/30/2022	1										0											N			Applicant provided estimated rental price								
	219-0-385-095	610 Del Sur		22-131-54	ADU	R		1						11/4/2022	1										0											N			Applicant provided estimated rental price								
	205-0-457-075	610 Sonoma WY		22-131-55	ADU	R		1						5/31/2022	1										0											N			Applicant provided estimated rental price								
	205-0-253-035	4045 South C ST		22-131-56	ADU	R		1						4/4/2022	1										0											N			Applicant provided estimated rental price								
	204-0-152-290	405 E. Laurel St		22-131-57	ADU	R				1				4/4/2022	1										0											N			Applicant provided estimated rental price								
	203-0-011-225	1142 South N ST		22-131-58	ADU	R				1				4/13/2022	1										0											N			Applicant provided estimated rental price								
	201-0-193-125	644 E. Maple ST		22-131-59	ADU	R		1						4/13/2022	1										0											N			Applicant provided estimated rental price								
	201-0-193-125	644 E. Maple ST		22-131-60	ADU	R		1						4/13/2022	1										0											N			Applicant provided estimated rental price								
	200-0-303-090	402 Doris AVE		22-131-61	ADU	R				1				4/14/2022	1										0											N			Applicant provided estimated rental price								
	202-0-045-120	435 W. First St		22-131-62	ADU	R				1				4/14/2022	1										0											N			Applicant provided estimated rental price								
	202-0-045-120	435 W. First St		22-131-63	ADU	R		1						4/14/2022	1										0											N			Applicant provided estimated rental price								
	203-0-050-180	1146 south G ST		22-131-64	ADU	R				1				4/14/2022	1										0											N			Applicant provided estimated rental price								
	205-0-041-135	3148 Jackson ST		22-131-65	ADU	R				1				4/18/2022	1										0											N			Applicant provided estimated rental price								
	205-0-234-075	864 Palomar WY		22-131-66	ADU	R				1				4/18/2022	1										0											N			Applicant provided estimated rental price								
	205-0-234-075	864 Palomar WY		22-131-67	ADU	R				1				4/18/2022	1										0											N			Applicant provided estimated rental price								
	200-0-163-215	1235 Roderick AVE		22-131-68	ADU	R				1				4/18/2022	1										0											N			Applicant provided estimated rental price								
	200-0-262-255	524 North N St		22-131-69	ADU	R				1				4/18/2022	1										0											N			Applicant provided estimated rental price								
	205-0-041-135	3148 Jackson ST		22-131-70	ADU	R				1				4/19/2022	1										0											N			Applicant provided estimated rental price								
	205-0-274-085	3965 South A ST		22-131-72	ADU	R				1				4/20/2022	1										0											N			Applicant provided estimated rental price								
	205-0-274-085	3965 South A ST		22-131-73	ADU	R						1		4/20/2022	1										0											N			Applicant provided estimated rental price								
	200-0-045-075	1340 Ivywood DR		22-131-74	ADU	R				1				4/21/2022	1										0											N			Applicant provided estimated rental price								
	200-0-282-030	1114 W. Beverly DR		22-131-75	ADU	R				1				5/2/2022	1										0											N			Applicant provided estimated rental price								
	200-0-244-110	319 Doris AVE		22-131-76	ADU	R				1				5/2/2022	1										0											N			Applicant provided estimated rental price								
	219-0-046-035	2219 Cloyne ST		22-131-77	ADU	R				1				5/3/2022	1										0											N			Applicant provided estimated rental price								
	202-0-151-220	842 South F ST		22-131-78	ADU	R				1				5/3/2022	1										0											N			Applicant provided estimated rental price								
	203-0-302-075	1912 South E ST		22-131-79	ADU	R				1				5/3/2022	1										0											N			Applicant provided estimated rental price								
	225-0-042-035	3301 Merced PL		22-131-80	ADU	R						1		5/3/2022	1										0											N			Applicant provided estimated rental price								
	203-0-261-075	2024 South J ST		22-131-81	ADU	R				1				5/4/2022	1										0											N			Applicant provided estimated rental price								
	205-0-065-035	3023 South E ST		22-131-82	ADU	R				1				5/5/2022	1										0											N			Applicant provided estimated rental price								
	200-0-162-035	1221 Devonshire DR		22-131-83	ADU	R				1				5/5/2022	1										0											N			Applicant provided estimated rental price								
	203-0-274-080	1919 South D ST		22-131-84	ADU	R				1				5/5/2022	1										0											N			Applicant provided estimated rental price								

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

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Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

| | | |

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

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Housing Element Implementation

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Cells in grey contain auto-calculation formulas

| | | |

Jurisdiction	Oxnard		
Reporting Year	2022	(Jan. 1 - Dec. 31)	
Planning Period	6th Cycle	10/15/2021 - 10/15/2029	

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Cells in grey contain auto-calculation formulas

| | | |

Jurisdiction	Oxnard
Reporting Year	2022 (Jan. 1 - Dec. 31)
Planning Period	6th Cycle 10/15/2021 - 10/15/2029

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Housing Element Implementation

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Cells in grey contain auto-calculation formulas

| | | |

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

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This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.

Please contact HCD if your data is different than the material supplied here

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

		1		2									3	4
Income Level		**RHNA Allocation by Income Level**	**Projection Period - 06/30/2021-10/14/2021**	**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**Total Units to Date (all years)**	**Total Remaining RHNA by Income Level**
Very Low	Deed Restricted	1,840	-	-	89	-	-	-	-	-	-	-	105	1,735
	Non-Deed Restricted		2	2	12	-	-	-	-	-	-	-		
Low	Deed Restricted	1,071	-	-	52	-	-	-	-	-	-	-	85	986
	Non-Deed Restricted		4	3	26	-	-	-	-	-	-	-		
Moderate	Deed Restricted	1,538	-	-	-	-	-	-	-	-	-	-	18	1,520
	Non-Deed Restricted		9	6	3	-	-	-	-	-	-	-		
Above Moderate		4,100	43	15	88	-	-	-	-	-	-	-	146	3,954
Total RHNA		**8,549**												
Total Units			**58**	**26**	**270**	**-**	**-**	**-**	**-**	**-**	**-**	**-**	**354**	**8,195**

Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).

	5										6	7
	Extremely low-Income Need		**2021**	**2022**	**2023**	**2024**	**2025**	**2026**	**2027**	**2028**	**2029**	**Total Units to Date**	**Total Units Remaining**
Extremely Low-Income Units*	920		-	-	-	-	-	-	-	-	-	-	920

*Extremely low-income houisng need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table C

Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law

Project Identifier				Date of Rezone	RHNA Shortfall by Household Income Category				Rezone Type	Sites Description							
1				2	3				4	5	6	7	8		9	10	11
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start Data Entry Below																	

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	**Objective**	**Timeframe in H.E**	**Status of Program Implementation**
Program 1: Code Compliance Program	**Ensure compliance with City codes, with a focus on substandard housing, which includes garage conversions and unpermitted additions. 300 cases per month.**	**Ongoing**	**Program 1 is an ongoing program with no specific objective for calendar year 2022.** **In 2022, the Code Compliance Division had a staff of seven field officers and one manager who carried an average of over 300 cases per month. Code Compliance officers work with neighborhood advisory groups and respond to complaints to identify violations, and then direct owners to appropriate City departments to achieve compliance. The types of cases related to residential properties are as follows: substandard housing, property maintenance, zoning violations, weed abatement, inoperable vehicles, and encroachments.** **The Housing Department serves as a liaison for Code Compliance in mobile home parks under HCD jurisdiction.** **Community Development also implements this program through the permit review process for additions and/or new development. On every discretionary permit, standard a condition of approval require maintenance of property and removal of graffiti within a minimum of five calendar days.** **Code Compliance inspectors meet regularly with Community Development building inspector field staff and the City Attorney's Office to coordinate and prioritize the Code Compliance workload. Most cases referred involve home improvements completed without permits (replacement windows, water heaters, etc.), substandard housing including conversion of garages or internal subdivisions to create illegal living quarters that violate Building, Housing, Health and Safety, and Zoning Codes.**
Program 2: Citywide Homeowner Repair Program	**Provide loans to rehabilitate 3 very lowand 3 low-income homes annually, as funding allows.**	**Seek funding annually**	**In program year 2022, the Citywide Homeowner Repair Program was not implemented. However, the City intends to use CDBG funds to implement the residential rehabilitation program in Fiscal Year 2023-2024**

Program 3: **No Net Loss Monitoring**	**Maintain sufficient sites to meet the RHNA throughout the planning period**	**Assess whether sufficient sites remain annually and continue to maintain sufficient sites at all income categories throughout the planning period.**	**Program 3 is an ongoing program with annual assessment of sufficient Housing Element site to meet the City's RHNA obligations.** **On October 4, 2022, the City adopted its 2021-2029 6th-Cycle Housing Element (Resolution 15,635) which was subsequently certified by the Department of Housing and Community Development (HCD) on October 25, 2022.** **As of the end of 2022, there is remaining land to meet the remaining capacity needs for 2,891 extremely low to low income units. Approximately 800 units have been entitled in 2022 on eight Housing Element sites (Sites 1, 10, 11, 12, 14, 15, 18 and 38) at densities projected in Supplement 1 the City of Oxnard's certified 2021-2029 Housing Element. As of January 2023 over 650 lower income units are presently in the plancheck process or under construction.** **The City continues, to review Accessory Dwelling Units (ADU) permitting activity as an alternative source of lower income units to satisfy the remaining capacity need for extremely low to low income units. A total of 327 ADU applications were filed in 2022, and 330 received planning entitlements. Additionally, 67 ADUs received building permits in 2022. Based on the ADU permits filed and continued strong public interest, the Planning Manager expects to be able to ministerially approve at least 100 affordable ADUs per year in the years to come. Based on surveys and information provided by a sample of ADU applicants, most of the ADU are being offered for rents that qualify as very low to lower income units. As a result, these units can be counted towards the remaining RHNA lower income unit need. With the Program 3 lower income need being met by the Housing Element sites and ADUs the program goal has been completed.**
Program 4: Urban Village Program	**Implement the 2030 General Plan Urban Village Program. Accomodate at least 372 lower income units in Urban Village areas identified in Supplement 1 to increase access to higher opportunity areas, prioritizing construction of affordable units**	**At the time projects subject to the Urban Village Program are approved.**	**Program 4 is an ongoing program with no specific objective for calendar year 2022.** **During 2022, the City approved the Riverpark Specific Plan Amendment, which includes 1,025 units, of which 118 are affordable to lower income households. Planning continued to evaluate the Teal Club Specific Plan (88.4 acres) and the Northeast Community Specific Plan Specific Plan amendment (Maulhardt 44.2 acres) to ensure consistency with General Plan Urban Village policies. The Urban Village policies are intended to provide and promote a pedestrian orientation to reduce trips and vehicle miles traveled in order to reduce greenhouse gas emissions. Development of the Urban Villages affirmatively furthers fair housing by increasing access to housing in moderate and higher resource areas by reducing constraints on development of affordable residential units and expanding where they can be built. Within these areas, as stipulated in the 2030 General Plan Land Use Element a minimum of 15 percent of the Urban Village housing would be affordable to lower and moderate income households.**

Program 5: Parcel Assemblage or Lot Consolidation Program	Support State legislation that enables site assembly through creation of a taxincrement supported program or district	Implement as feasible during the planning period if State legislation and/or programs enable a tax-increment or similar program that leads to funding for site assembly.	Program 5 is an ongoing program with no specific objective for calendar year 2022. During 2022, the City adopted its 2021-2029 6th-Cycle Amended Housing Element (Resolution 15,635) which was subsequently certified by HCD on October 25, 2022. Program 5 was updated in the City's 2021-2029 Housing element to include waive of parcel assemblage/lot consolidation fees for targeted Housing Element sites with contiguous parcels less than 0.5 acres. At this time no developers have requested this waiver. No further progress in this program was achieved as no state-level program was initiated. Community Development will continue to monitor enabling legislation and seek funding.
Program 6: Zoning Code Amendments	Revise Zoning Code to comply with recently adopted state law.	End of Fiscal Year 2022-2023 for Chapter 16 amendments; Chapter 17 (Coastal Zoning) amendments once the City updates its Local Coastal Plan in Fiscal Year 2027-2028.	Program 6 is a program with implementation during fiscal year 2022-2023. The City is in the process of updating Chapter 16 Zoning Code of the Oxnard City Code (OCC) and the Downtown Plan pursuant to programs in the City of Oxnard 2021-2029 Housing Element. These include code updates to OCC requirements on ADUs, farmworker housing, supportive housing, emergency shelters, low-barrier navigation centers, SROs, residential care facilities, reasonable accommodation, and evaluation for any potential barriers to affordable housing. Consistent with Program 6, the Zoning Code updates are scheduled to be complete in 2023. In October 2021 the City adopted five ordinances for zoning code amendments to implement the City of Oxnard 2021-2029 Housing Element. These amendments included updates to the Commercial (C-2) and Business and Research Park (BRP) zones to allow residential at the default density, creation of new Affordable Housing additive zones and regulations (AHP and AHD) that allow 30 dwelling units per acre, and creation of a new ministerial Site Plan Review (SPR) processes and objective development standards for by-right projects. Following these zoning code amendments, the City approved two apartment projects totally 341 dwelling units affordable to very low and low income households on BRP AHD zoned parcels. A 234-unit apartment complex has also been proposed on an adjacent BRP zoned parcel. A 142-unit apartment project is currently being reviewed under SPR process for development on a C2 AHP zoned parcel. In July of 2020, the City updated ADU regulations to be consistent with additional state Accessory Dwelling Unit (ADU) legislation that was adopted in 2019 and became effective January 1, 2020. Throughout 2022, Planning successfully used the locally adopted City ADU regulations to ministerially process all ADU applications.
Program 7: Housing Permitting Process Review	Review and streamline permitting process, ADUs, and manufactured housing.	Annually and as project applications are submitted.	Program 7 is an ongoing program with annual assessment of the permitting process for unnecessary and/or duplicative regulations and ways to streamline the process. In 2022, 12 projects were entitled for a total of over 1,320 units. Accessory Dwelling Units have continued to be processed ministerially. There were no projects involving manufactured housing in 2022. A total of 330 ADUs were entitled in 2022. The City is in the process of updating the City permitting regulations or procedures involving manufactured housing and ADUs, which is scheduled for completion 2023 under Program 6.

Program 8: SOAR Affordable Housing Exemption Study	**Develop guidelines for the possible use of the affordable housing exemption in the SOAR ordinance.**	**During the planning period, if needed.**	**Program 8 is ongoing in terms of the continuous evaluation of the need for a SOAR affordable housing exemption throughout the housing cycle.** **As documented in the 2021-2029 6-Cycle Housing Element, SOAR has not been an impediment to development of affordable housing. Affordable housing is being developed and Housing Element sites are available without need to use the 20-acre per year Oxnard SOAR affordable housing exemption. This program will likely not be needed through the end of this RHNA planning period.**
Program 9: Farmworker Housing Program	**Review and pursue farmworker housing opportunities. Complete amendments to the OCC to comply with state law regarding Employee (farmworker) Housing.**	**Prepare brochure by Fiscal Year 2022-2023; Amend Zoning Code to fully comply with Employee Housing Act by Fiscal Year 2023-2024; continue to participate with House Farmworkers stakeholders and their projects and meet with the group at least twice per year**	**Program 9 is an ongoing program with implementation during fiscal year 2022-2023.** **As documented in the City's certified 2021-2029 6th-Cycle Housing Element, several farmworker developments have been completed in the City utilizing a variety of local, federal, and state funding sources. The 150-unit Cypress Place at Garden City was entitled in 2021, was in the process of securing funding and is currently under plancheck. The 42-unit Etting Road farmworker housing project was modified in 2021 to include 58 units and is presently under plancheck. The Garden City Labor Camp with 77 beds, managers unit, kitchen and dining room is currently under construction. The City has not develop an informational brochure yet. Planning staff attended the HouseFarmWorkers monthly meeting on two occasions.** **As discussed under Program 6, the City is in the process of updating Chapter 16 Zoning Code of the Oxnard City Code (OCC), including update to allow farmworker employee housing in all zoning districts where single-family occupancy is allowed. Consistent with Program 6, the Zoning Code updates are scheduled to be complete in 2023.** **Planning Division staff continue to work with farmworker stakeholders and the nonprofit community to discuss possible options for locating suitable and available sites for farmworker housing.**
Program 10: Inclusionary Housing Program	**Produce eighteen lower income units per year on average on-site. in-lieu fees lead to an average of two lower income units per year.**	**Update and codify inclusionary regulations by 2023; Monitor annually and ongoing**	**In 2021 City staff began discussions for updating the Inclusionary Ordiance and began community outreach in 2022 to get community feedback on proposed changes to the City's existing inclusionary Housing Ordinance. The Inclusionary Housing Ordinance update is scheduled to be reviewed by the Planning Commisison in March 2023 and City Council in April 203. In 2022, the Casa De Carmen Permenant Supporitive Housing (PSH) Project, inclusive of 55 affordable PSH rental units and one manager's unit, began construction, the development will include 6 inclusionary housing units targeting households with annual incomes at 30% AMI. The Central Terrace Project, an 87 unit affordable rental housing development, inclusive of one manager's unit, also began construciton in 2022. The project recieved $1,250,000 in Affordable Housing in-lieu funds from the City in the form of a gap-financing loan and will include 9 inclusionary units targeting households with incomes at 30%, 50% and 60% AMI.**

Program 11: Homeownership Assistance Citywide	**Assist a total of four households annually. At least half of the households originating from low resource areas and/or areas designated as racially or ethnically concentrated areas of poverty in Oxnard.**	**Develop and disseminate marketing materials for by June 2023, update on an annual basis; Ongoing**	**During 2022, the Housing Department provided homeownership assistance funded by CALHOME and BEGIN. However, no loans were issued. High home prices and high interest rates as well as low inventory are a likely factor.**
Program 12: Mortgage Credit Certificate (MCC)	**Continue working with the Ventura County Consortium to distribute funding and work toward Oxnard residents using at least six Mortgage Credit Certificates per year. Work with the Ventura County Consortium to request that they outreach to at least twenty-four households in the areas designated as low resource and/or RE/CAPs through marketing efforts, so at least half of applicants are from low resource areas and/or areas designated as racially or ethnically concentrated areas of poverty in Oxnard.**	**Develop and disseminate marketing materials by June 2023, update on an annual basis; Ongoing and as firsttime homebuyers' applications are pursued**	**CDLAC is no longer funding the program threrefore, no MCCs were issued in 2022. Ventirua County will apply for funding of this program should the program receive funding again.**
Program 13: Financial and Regulatory Assistance	**Continuing to provide financial and regulatory assistance.**	**Continue to pursue funding annually**	**In 2021 the Central Terrace Apartments, an 87 unit affordable rental development, applied for Affordable Housing and Sustainable Communities (AHSC) funding and was awarded AHSC funding in 2022 as well as all other funding necessary to develop the project. As part of that funding the City will also receive additional pass-through grant funding for the development of the City's Fourth Street Mobility Improvement Project, one of the City's Capital Improvement Program (CIP) projects, and build other Downtown Oxnard transporation amenities as part of the City's Downtown Oxnard Transit Amenities project. Construction on this project ibegan in summer 2022. The City of Oxnard applied for its 2020 PLHA allocation in 2021 and was awarded $1,800,557 in 2022 as part of that applicaiton.**

Program 14: Shelter Development Program	**Continue to work to provide shelter and services to address the homeless need.**	**Amend Chapter 17 (Coastal Zoning Code) to fully address SB 2 requirements for transitional and supportive housing after updating the City's Local Coastal Plan by the end of Fiscal Year 2027-2028. The City will comply with SB 2 requirements for transitional and supportive housing outside of the Coastal zone by the end of Fiscal Year 2023-24**	**In 2021 the City executed a Disposition and Development Agreement with Community Development Partners (CDP) and the Housing Trust Fund Ventura County (HTF) for development of the Navigation Center at Casa De Carmen formally known as the Homeless Solutions Centerand the 2nd and B Project, to be located on a City owned property at 241 W. 2nd Street in Downtown Oxnard. In 2022 the City-owned property was donated to the HTF and the project began construction. The Casa De Carmen and the Navigation Center at Case De Carment will include a 110-bed emergency homeless shelter, office space for leasing and supprotive servicves providers, and 56 supprotive housing units (inclusive of 1 unrestricted manager's unit).**
Program 15: Homeless Assistance	**Continue to implement programs providing services, and emergency shelter to homeless persons.**	**Ongoing through planning period.**	**In 2022, Oxnard Navigation Center (ONC) operated by Mercy House, provided shelter and services to homeless residents. For the first six months of the year, the shelter operated out of two locations at a reduced capacity of 80 (full capacity is 110) in order to provide safer conditions for preventing the spread of COVID-19. In July, the site was consolidated into one location, and Public Health determined that we could maintain our capacity of 80 out of the single site. The ONC provides beds, showers, laundry, meals and other essential services. The ONC also provides case management to create and work through an individualized housing plan with each client.** **Street outreach services continued throughout the calendar year through the Salvation Army Street Outreach team and through the Ventura County Health Care Agency encampment response project. The street outreach teams engage with people who are literally homeless to provide practical assistance, housing navigation, employment assistance, health navigation and crisis intervention.** **Gabriel's House/ The Kingdom Center operates a transitional living shelter for homeless women and children in a city-owned facility on South Rose Ave.** **The 'One Stop' is a drop in service run by the Ventura County Health Care Agency. This service provides health care, behavioral health services, case management, and practical assistance to homeless people. In 2022, the One Stop operated at the Salvation Army office in Oxnard.** **The City had two rapid re-housing programs in 2022 that assists people to quickly transition from homelessness to housing through practical assistance that may include housing identification, landlord negotiation, and assistance with short term costs. The Forward Home program by United Way of Ventura County**

Program 16: At-Risk Household Assistance	Continue to monitor the 431 assisted units, and if any become at risk, work with property owners to develop a strategy to maintain any at-risk as affordable.	Ongoing communication with owners, service providers, and eligible potential purchasers; work with owners of deed-restricted units on an ongoing basis, in particular at the time of change of ownership.	Per AB 1521, the City continues to monitor the list of all dwellings in Oxnard that are subsidized by government funding or low-income housing developed through local regulations or incentives. Should the property owners indicate the desire to convert properties City will provide technical assitance to aid properties owners in extending the property's term of affordability, and if possible, based on available funding, consider providing financial assistance to ensure long-term affordability. Pursuant to state law, owners of deed-restricted affordable projects, including those through local inclusionary zoning requirements, granted a density bonus or other incentives, are required to provide notice to all prospective tenants, existing tenants, and the City within three years of the scheduled expiration of rental restrictions for any projects losing the restrictions after January 1, 2021. Owners shall also refer tenants of at-risk units to educational resources regarding tenant rights and conversion procedures and information regarding Section 8 rent subsidies and any other affordable housing opportunities in the City.
Program 17: Fostering Self-Sufficiency	Support non-profit organizations to assist an average of 276 households annually, with Oxnard residents comprising a minimum of 80 percent of those assisted, with a program goal of 100 percent.	Annually and ongoing.	Program 17 is an ongoing program with an annual objective of assisting 276 households. During 2022, 26 Public Housing and 44 Section 8 low-income families participated in the Family Self-Sufficiency program. The FSS program focuses on assisting families in reaching milestones such as: improving their credit, enrolling in higher education, improving budgeting skills, and remaining off welfare assistance.The Oxnard Housing Authority (OHA) partnered with the Ventura County Credit Union and the Housing Authority of the City of San Buenaventura to offer money management workshops (virtually). The OHA is also working on a Memorandum of Understanding with the Oxnard Adult School to offer English as a Second Language (ESL) Classes and Digital Literacy courses for program participants. In FY 2022, the OHA launched its scholarship program and awarded 3 scholarships to youth who are pursuing a higher education and live in Public Housing or their household is part of the Section 8 program. College preparation workshops are also offered in partnership with Oxnard College and California State University Channel Islands.
Program 18: Section 8 Assistance Program	Continue to participate in the Section 8 Assistance program. Increase voucher utilization by 95% seek to raise the payment standard as needed to align with private rental markets. Expand landlord outreach.	Ongoing. Increase voucher utilization; raise payment standards; expand landlord outreach. Provide annual training to landlords starting in June 2023.	The Oxnard Housing Authority (OHA) continues to participate in the Section 8 program, an average of 1,586 vouchers were in use in 2022. In addition, the OHA was awarded 46 new vouchers under the Emergency Housing Voucher program which have all been issued to eligible families. The payment standards (maximum rent for units under the program) was increased 110% of the fair market rents published by the Department of Housing and Urban Development. The expansion of landlord engagement efforts is underway.

Program 19: Affirmatively Furthering Fair Housing	Continue to implement and advertise the program in cooperation with the Housing Rights Center to achieve the objectives of AB 686 and comply with state fair housing law. Quantified objectives for specific actions are included in the action description.	Fair housing services are ongoing; Create plan by Fiscal Year 2022-2023 and implement on an ongoing basis. Timeframes for individual actions are included in the action description.	The City of Oxnard remains under contract with The Housing Rights Center for administration of the Fair Housing Program
Program 20: Energy Conservation	Increase public awareness and information on energy conservation opportunities and assistance programs for new and existing residential units, and comply with state energy conservation requirements.	Advertise programs and implement project-related standards as feasible when development applications are received.	Program 20 is an ongoing program with no specific objective for 2022. In 2022 the City of Oxnard approved a Climate Action and Adaptation Plan (CAAP). The CAAP builds on the City's successes of implementing the City's 2030 General Plan and recommits to furthering the City's sustainability goals and policies. A primary goal of the CAAP is to improve climate and resilience citywide with particular attention to disadvantaged community areas. The City continues to post and distribute information on currently available weatherization and energy conservation programs to residents and property owners through annual mailings in City utility billings and distributed program information to community organizations and at municipal offices; Community Development continued to enforce state requirements, including Title 24 of the California Code of Regulations, for energy conservation in new residential projects and encouraged residential developers to employ additional energy conservation measures for the siting of buildings, landscaping, and solar access; and Community Development continued to encourage development of affordable housing units that utilize passive or active energy saving features (e.g. solar panels, efficient appliances, and efficient building materials).
Program 21: Reasonable Accommodation	Continue to implement reasonable accommodation ordinance for disabled persons.	Review requests for reasonable accommodation as they are received.	Program 21 is an ongoing program. In 2022 there were no changes to this program. Community Development continued to process requests for reasonable accommodation which are reviewed on a staff level, and approved two Reasonable Accommodation permits. As discussed under Program 6, the City is in the process of updating Chapter 16 Zoning Code of the Oxnard City Code (OCC), including update to reasonable accommodation findings to remove subjective considerations in compliance with the Fair Housing Act. Consistent with Program 6, the Zoning Code updates are scheduled to be complete in 2023.

Program 22: Special Needs Groups	**Work to identify funding and assist in addressing the housing needs of special needs groups.**	**Identify funding opportunities annually and/or as funding becomes available.**	**Program 22 is an ongoing program.** **The Oxnard Housing Authority (OHA) adopted a homeless set aside program which allows a total of 15 housing choice vouchers (very-low income) to be set aside each OHA fiscal year for applicants who meet the definition of homelessness. As of 2022, following a revamping of efforts to increase utilization, a total of 104 applicants were issued a homeless set aside voucher.** **As discussed under Program 6, the City is in the process of updating Chapter 16 Zoning Code of the Oxnard City Code (OCC), including update to allow single-room occupancy (SRO) in at least one zoning district to facilitate housing options for extremely low income households. Consistent with Program 6, the Zoning Code updates are scheduled to be complete in 2023.**
Program 23: Mobile Home Park Conservation Ordinance	**Clarify the mobile home park condominium conversion process based on recent case law.**	**Annually.**	**In 2022, the actions identified have not occurred.** **A review of recent case law pertaining to conversions of mobile home parks to condominium ownership to determine if there is a need to modify the mobile home conversion code and/or administrative procedures for mobile home park conversions has not been completed by the City Attorney's office.**
Program 24: Annexation Areas	**Allow additional capacity to meet the City's RHNA.**	**Annexation of Rio Urbana in Fiscal Year 2021-2022.**	**The Rio Urbana satisfies a portion of the City's RHNA allocation, including 17 lower income units, 3 moderate and 147 above moderate units. The project was approved by the City of Oxnard in 2020, and Annexation was approved by the County of Ventura, Local Agency Formation Commission (LAFCO) in December 2021. Therefore this portion of the program has been fulfilled.**
Program 25: Large Households	**Assist in the development of larger units to accommodate large households**	**As project applications are submitted**	**In 2022, the Housing Department continued its review of a HOME gap-financing application from the People's Self-Help Housing (PSHH) for the development of Phase 1 of the Cypress Place project, which will include 90 affordale rental units, inclusive of one, two, and three-bedroom units. In 2023, the City will be recommending that City Council authorize the issuance of $1,600,000 in HOME funds, and $1,500,000 in CDBG funds in the form of loans for the development of the project and to complete required off-site improvements. The three bedroom units will assist in housing larager households. If approved by Council the project is estiamted to begin constuction in spring of 2023. The project will target households with annual incomes between 30% and 80% AMI. The City will continue to encourage developments to add additional bedrooms. However, developers have reported that there is a strong demand for smaller units for newly formed households of roommates, young couples with no children, and 'empty-nesters.'**

Program 26: Extremely Low-Income Households	**Comply with AB 2634. to accommodate at least 600 extremely low-income units (which represents 2/3rd of the City's Extremely Low Income RHNA) in areas designated as moderate or higher resource.**	**Beginning in Fiscal Year 2022-2023, as part of the City's Annual Housing Element workshop, meet with developers to Look for opportunities to develop or facilitate extremely low-income units. provide assistance to support development on a project-by-project basis throughout the planning period and on an annual basis.**	**In 2022, the Casa De Carmen Permenant Supporitive Housing (PSH) Project, inclusive of 55 affordable PSH rental units and one manager's unit, began construction, the development will target formally homelesss households with annual incomes at 30% AMI. The Central Terrace Project, an 87 unit affordable rental housing development, inclusive of one manager's unit, also began construciton in 2022. The project recieved $1,250,000 in Affordable Housing in-lieu funds from the City in the form of a gap-financing loan and will be targeting households with incomes at 30%, 50% and 60% AMI.**
Program 27: Review of Parking Standards	**Continue to review alternative parking requirements in all zoning districts.**	**Amend parking requirements by Fiscal Year 2023-2024 and monitor and report every two years.**	**Program 27 is an ongoing program with a reporting requirement every two years.** **In 2020, the City approved an ADU zone text amendment that included clarification of parking requirements consistent with State law. As discussed under Program 6, the City is in the process of updating Chapter 16 Zoning Code of the Oxnard City Code (OCC), including further update to ADU requirements to recognize current State law that no replacement parking spaces are required if using the garage for an ADU. Pursuant to the Fair Housing Act, the City is also clarify parking requirements for the facilities for elderly, such as independent living, assisted living, memory care as residential uses rather than health care facilities. Consistent with Program 6, the Zoning Code updates are scheduled to be complete in 2023.** **Multifamily projects are generally reducing guest parking, utilizing tandem paring, and using more surface parking as the projects qualify for Density Bonus parking standards by complying with the City's Inclusionary Housing Ordinance. The City will continue to allow reduced parking requirements for senior and affordable housing projects with approval of a parking study as well as shared parking when uses with different peaking characteristics (such as offices and apartments) are combined in a single structure.** **The City will also monitor the impacts of these parking studies and report every two years on any constraints identified in their annual Housing Element report to HCD (beginning in the 2023 APR). Planning developed the new Downtown Code approved in 2019 with reduced parking requirements for residential uses in the downtown and reductions for studio and one-bedroom apartments, as a result of a review city parking requirements. The City has not establish a fixed parking requirements for congregate living facilities, community care facilities and small residential care facilities for disabled person yet, nor explore the feasibility of an ordinance that would prohibit the long-term storage of cars in designated parking spaces in multifamily complexes, thereby ensuring that the spaces may remain available for tenant use.**

Program 28: Large Site Program	**Assist with large site development**	**As project applications are submitted.**	**Program 28 is an ongoing program with no specific objective for 2022.** **In April 2020 the City of Oxnard approved the Rio Urbana project for annexation and development of 167 mixed-income units a 10.24 acre parcel. Ventura County LAFCO approved the annexation of the Rio Urbana project site in December 2021. The City's 2021-2029 Housing Element identifies three additional sites that qualify as Large Sites under this program, including a 13.94 acre parcel near Pleasant Valley Road and Oxnard Boulevard, the 44.21 acre Northeast Community/East Village Specific Plan site, and the 88.4 acre Teal Club Specific Plan site. The City will continue to facilitate mixed-income housing in future new growth areas of the city through development agreements and other mechanisms.**
Program 29: City Owned Sites and Developer Assistance	**Promote development of affordable housing projects on City-owned sites and assist potential developers with projects. Accommodate 193 units affordable to lower income households on city-owned properties in low resource areas.**	**Beginning in FY 2022/-2023, as part of the City's Annual Housing Element workshop, outreach to the community on uses for surplus land, Promote awareness of availability of City-owned sites and assist applicants on an ongoing basis; disseminate information on technical assistance annually.**	**In 2021 the City executed a Disposition and Development Agreement with Community Development Partners (CDP) and the Housing Trust Fund Ventura County (HTF) for development of the Navigation Center at Casa De Carmen formally known as the Homeless Solutions Center and the 2nd and B Project, to be located on a City owned property at 241 W. 2nd Street in Downtown Oxnard. In 2022 the City-owned property was donated to the HTF and the project began construction. The Casa De Carmen and the Navigation Center at Case De Carment will include a 110 emergency homeless shelter, office space for leasing and supprotive servicves providers, and 56 supprotive housing units (inclusive of 1 unrestricted manager's unit).**
Program 30: Downtown Infrastructure and Financing Study	**Ensure sufficient infrastructure for housing in Downtown.**	**Complete in Fiscal Year 2023-2024**	**Program 30 does not include specific objectives for 2022.** **In 2019 the City of Oxnard approved a Downtown Development Code that was projected to result in approximately 2,300 more housing units in the downtown area. The City is conducting a utility capacity study to analyze the capacity and infrastructure upgrade needs for water/wastewater, stormwater, recycled water, refuse, and as needed a parking analysis/inventory to support the new housing units. The study is planned to be complete in Fiscal Year 2023-2024.**
Program 31: Oxnard Boulevard Corridor, High Quality Transit Corridor Sites Selection and Analysis	**Identifying parcels suitable and feasible for housing development opportunities within the Oxnard Boulevard Corridor and develop an implemention and financing approach to fund street improvements within the Corridor.**	**Complete in Fiscal Year 2023-2024**	**Program 31 does not include specific objectives for 2022.** **In 2016 the City completed a $250,000 study on transforming a 7.2 mile Oxnard Boulevard corridor into complete streets suitable for transit that would serve new medium- and high-density transit-oriented mixed-use and affordable housing development. Program 31 adds Saviers Road to the study area and identifies parcels suitable and feasible for multi-family housing development opportunities. Gold Coast Transit is planning to expand service in Oxnard's High Quality Transit Corridor along Oxnard Boulevard sometime in the future. The study results and a report is planned to be complete in Fiscal Year 2023-2024.**

Program 32: **Senate Bill 35 Procedure or Policy**	**and developing an implementation and financing approach that would both fund the street improvements and identify multifamily housing opportunity sites.**	**Complete in Fiscal Year 2022-2023**	**Program 32 is a program with implementation during fiscal year 2022-2023.** **In October 2021 the City adopted five ordinances for zoning code amendments to implement the City of Oxnard 2021-2029 Housing Element. These amendments included a new ministerial Site Plan Review (SPR) processes for by-right projects. As discussed under Program 6, the City is in the process of updating Chapter 16 Zoning Code of the Oxnard City Code (OCC), including objective development standards for multi-family development. Consistent with Program 6, the Zoning Code updates are scheduled to be complete in 2023.**
Program 33: **Allow Housing in the Business Research Park (BRP) Zone**	**Evaluate opportunities for housing in select BRP zoned locations and amend the zoning code to allow housing.** **Conduct outreach to property owners and community starting in 2023.**	**Fiscal Year 2023-2024**	**Program 33 does not have specific objectives for 2022.** **In October 2021 the City adopted five ordinances for zoning code amendments to implement the City of Oxnard 2021-2029 Housing Element. These amendments included creation of new Affordable Housing additive zones and regulations (AHP and AHD) and an update to Business and Research Park (BRP) zone to allow residential development at a density of 30 dwelling units per acre in parcels zoned with the AHP or AHD additive zone. These zoning amendments accommodated approval of two projects with a total of 341 units affordable lower income households on two BRP AHD zoned parcels.** **Program 33 also looks at the establishment of a BRP overlay zone that would provide property owners within the BRP zone with additional options for development of residential units with development standards specific to land use compatibility within the BRP zone. In 2021, in conjunction with preparation of the City's 2021-2029 Housing Element, staff received letters of support for a BRP overlay zone from four property owners of BRP zoned sites located south of Hwy. 101 and east of Rice Avenue. Opportunities for a BRP overlay zone will be evaluated in Fiscal Year 2023-2024.**
Program 34: **Pre-Approved Accessory Dwelling Units (ADUs)**	**Support approval and development of ADUs.** **Utilizing pre-approved ADU plans will reduce overall development costs and streamline approvals.** **Accommodate at least 320 ADUs to increase housing choices and mobility to higher resource areas.**	**By Fiscal Year 2023-2024**	**Program 34 does not have specific objectives for 2022.** **The Ventura County Association of Governments (VCOG) is preparing ADU plans that can be pre-approved to streamline the ADU building permit approval process and lower development costs for ADUs. City Building Official will evaluate the plan provisions and determine how and if they can be utilized in the permitting of affordable housing in the City. Provided the VCOG plans are available to the City, the City Building Official will review the VCOG ADU plans by Fiscal Year 2024-2025.**
Program 35: **ADU Monitoring Program**	**Support approval and development of ADUs.**	**Assess ADU approval progress at the time of Annual Report submittal and Implement No Net Loss in Program 3 if ADU numbers are not tracking with projections in Chapter F of the Housing Element.**	**Program 35 is an ongoing program.** **The City monitors the number and affordability of ADUs as part of the City's Housing Element Annual Report. The City has had great success with its ADU program and has greatly exceeded HCD recommended ADU assumption guidelines ("ADU Safe harbor justification"). A total of 327 ADU applications were filed in 2022, and 330 received planning entitlements. Additionally, 67 ADUs received building permits in 2022. The City's adopted 2021-2029 Housing Element projected 283 ADUs to be constructed in the 8-year planning period. Based on ADU entitlement and construction trends, the City will meet this figure before 2029. The City will continue to promote the City's successful ADU program, through the City's website, which contains options to build ADUs and ADU resources.**

Program 36: ADU Promotion Program	**Support approval and development of ADUs.**	**Maintain ADU webpage on an ongoing basis, place examples of ADUs on webpage, develop list of resources, and coordinate with ADU development and financing community by Fiscal Year 2023-2024.**	**Program 36 is an ongoing program with no specific objective for 2022. The City will continue to encourage and publicize the accessory dwelling program on the City's website to increase public awareness and promote the construction of ADUs. The ADU webpage provides answers to frequently asked questions (FAQs), steps to walk someone through the application process, a matrix to help a potential applicant decide which type of ADU to develop, and application worksheets for each of the seven types of ADUs allowed in the City. https://www.oxnard.org/city-department/community-development/adu-info/**
Program 37: Loss of Affordable Units	**Maintain the number of existing affordable units.**	**Ongoing, the replacement requirement will be implemented immediately and applied as applications on identified sites are received and processed.**	**Program 37 is an ongoing program. In accordance with Government Code Section 65583.2(g), the City also will continue to require replacement housing units subject to the requirements of Government Code Section 65915 (c)(3) on sites identified in the Housing Element site inventory when any new development (residential, mixed-use, or non-residential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years. No development in 2022 has been subject to this requirement.**
Program 38: Institutional Land Use Housing Opportunity Program	**Evaluate opportunities for housing on institutional properties and amend the zoning code to allow housing.**	**Amend zoning by Fiscal Year 2024/2025**	**Program 38 does not have specific objectives for 2022. The City will evaluate a program to allow institutional properties (properties owned by organizations having a social, educational, or religious purpose such as a school, church, hospital, club or lodge) to build housing affordable to lower income households and/or homeless shelters on their property as part of their mission/community outreach and in conjunction with their existing development or use on their property. The program is planned to be complete in Fiscal Year 2024-2025.**
Program 39: Special Needs Housing – Farmworker Housing Study	**Achieve a greater understanding of farmworker needs and tailor or develop programs to meet those needs.**	**Completion by Fiscal Year 2024-2025**	**Program 39 does not have specific objectives for 2022. The City will (1) work with the County of Ventura, advocacy groups, and agricultural organizations to plan, seek funding through grants or other sources for the implementation of a Ventura County's countywide survey of farmworkers, employers, and housing providers to further define housing conditions, needs and barriers to farmworker housing; and (2) utilize the survey results to develop targeted programs and strategies to address the identified housing needs of farmworkers and to support agricultural businesses with a stable and healthy workforce. The program is planned to be complete in Fiscal Year 2024-2025.**
Program 40: Collaboration with the Housing Trust Fund Ventura County	**Support development of affordable housing units.**	**Ongoing, beginning in Fiscal Year 2022-2023**	**The City's Housing Department Director is a member of the Housing Trust Fund Ventura County Board and continues to seek out opportunities for the City to collaborate with the Housing Trust Fund Ventura County for the development of affordable housing. In 2022 the City donatated a City owned property located at 241 W Second Street to the Housing Trust Fund Ventura County for the development of the Case De Carment project which will include 56 affordable rental units, inclusive of one unrestricted Manager's unit, a 110 bed emergency overnight shelter, and office space for supportive services providers and leasing. The project went into construction in 2022.**

Program 41: Annual Housing Element Workshop	**Check in regularly with the community on housing needs and programs.**	**Hold workshop during the first quarter of the year annually starting in Fiscal Year 2021-2022**	**Program 41 is ongoing. The City's Housing Element was completed and approved in October 2022. Therefore this program will not be implemented until 2023. As part of the process of preparing this report, the City will hold an annual Housing Element workshop to update the community on progress towards implementing the Housing Element. Outreach includes community based organizations with the intention of reaching all segments of the population.**
Program 42: ADU Construction Cost Assistance and Accelerator Program	**Maintain affordability of ADUs**	**Establish program by the end of Fiscal Year 2022-2023**	**Housing Department Staff began preparing preliminary draft policies for the ADU Pilot program in 2022. However, due to a loss in staffing the drafting of program policies has slowed down in 2023, therefore the program is not expected to established until after FY 22-23.**

General Comments			

Jurisdiction	Oxnard	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table E

Commercial Development Bonus Approved pursuant to GC Section 65915.7

Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

Jurisdiction	Oxnard	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F

Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA+ Listed for Informational Purposes Only				Units that Count Towards RHNA + Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1+. For detailed reporting requirements, see the chcklist here:
	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Oxnard	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F2
Above Moderate Income Units Converted to Moderate Income Pursuant to Government Code section 65400.2

For up to 25 percent of a jurisdiction's moderate-income regional housing need allocation, the planning agency may include the number of units in an existing multifamily building that were converted to deed-restricted rental housing for moderate-income households by the imposition of affordability covenants and restrictions for the unit. Before adding information to this table, please ensure housing developments meet the requirements described in Government Code 65400.2(b).

Project Identifier					Unit Types		Affordability by Household Incomes After Conversion							Units credited toward Above Moderate RHNA		Notes
1					2	3	4							5		6
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (2 to 4,5+)	Tenure R=Renter	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total Moderate Income Units Converted from Above Moderate	Date Converted	Notes
Summary Row: Start Data Entry Below																

Jurisdiction	Oxnard	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Table G
Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of

Project Identifier						
1				2	3	4
APN	**Street Address**	**Project Name+**	**Local Jurisdiction Tracking ID+**	**Realistic Capacity Identified in the Housing Element**	**Entity to whom the site transferred**	**Intended Use for Site**
Summary Row: Start Data Entry Below						

Jurisdiction	Oxnard	
Reporting Period	2022	(Jan. 1 - Dec. 31)

NOTE: This table is meant to contain an invenory of ALL surplus/excess lands the reporting jurisdiction owns

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

For Ventura County jurisdictions, please format the APN's as follows:999-9-999-999

Table H
Locally Owned Surplus Sites

Parcel Identifier				Designation	Size	Notes
1	2	3	4	5	6	7
APN	**Street Address/Intersection**	**Existing Use**	**Number of Units**	**Surplus Designation**	**Parcel Size (in acres)**	**Notes**
Summary Row: Start Data Entry Below						
201021138, 201016013, 201021104,201021136, 201021122, 201021123, 201021114, 201021113, 201021111, 201016012, 201016011, 201016010, 201016009, 201016008, 201016007, 201021130, 201021115, 201021112	Bounded by E. Fourth St to the North, Fifth St. to the South, Oxnard Blvd to the West, and Meta St. to the East. Other parcels include 400 South Oxnard Boulevard, 127 Enterprise Street, 135 Enterprise Street, 147 Enterprise Street, 151 Enterprise Street, 157 Enterprise Street, 136 Enterprise Street, 135 East Fifth Street, 159 East Fifth Street	Other	0	Surplus Land	2.01	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.
202010121,202010123, 202010137,202010135, 202010133,202010131, 202010129, 202010127, 202010125	Bounded by W. Fourth St to the North, Plaza Park to the South, S. C St. to the West, and S. B St. to the East.	Other	0	Surplus Land	0.47	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.

202010120, 202010122, 202010143, 202010136, 202010140, 202010141	425 South B Street only parcel with an assigned address. All reamaining parcels have no assigned address and are bounded by by W. Fourth St to the North, Plaza Park to the South, S. C St. to the West, and S. B St. to the East, other parcel includes	Other	0	Surplus Land	0.43	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.
202010524, 202010522, 202010520, 202010518	Bounded by Fifth St. to the North, W. Sixth St. to the South, S. B St. to the West, and S. A St. to the East	Other	0	Surplus Land	0.8	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.
202010523, 202010521, 202010519, 202010517, 202010512	538 South B Street is the only parcel with assigned address. All other parcels have no assigned addresses and are bounded by Fifth St. to the North, W. Sixth St. to the South, S. B St. to the West, and S. A St. to the East, other parcel includes	Other	0	Surplus Land	0.15	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.
202010321, 202010311, 202010322	318 West Fifth St.is the only parcel with assigned address. All other parcels have o assigned address and are bounded by Fifth St. to the North, W. Sixth St. to the South, S. C St. to the West, and S. B St. to the East	Other	0	Surplus Land	0.13	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.
202010313	321 West Sixth Street	Other	0	Surplus Land	0.06	City issued notice of availability for these properties in May 2022
202010302, 202010318	Bounded by Fifth St. to the North, W. Sixth St. to the South, S. C St. to the West, and S. B St. to the East	Other	0	Surplus Land	0.18	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.
202010320, 202010314	Bounded by Fifth St. to the North, W. Sixth St. to the South, S. C St. to the West, and S. B St. to the East	Other	0	Surplus Land	0.19	City issued notice of availability for these properties in May 2022 and requested that all offers be made for all of the parcels listed here together.
202010440	Located on A Street between W. Fourth St. and W Fifth St.	Other	0	Surplus Land	0.18	City issued notice of availability for these properties in May 2022
202008519	418 West Fourth Street	Other	0	Surplus Land	0.18	City issued notice of availability for these properties in May 2022
132003301	Located on River Park Blvd., nearest cross street is E. Vineyard Ave.	Other	0	Surplus Land	1.4	City issued notice of availability for these properties in May 2022
2020054075, 2020054080	241 W Second Street	Vacant	0	Exempt Surplus Land	0.48	HCD issued the City a letter dated May 26, 2022 stating that HCD concluded that the property qualifies as excempt surplus land.

Jurisdiction	Oxnard	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

NOTE: SB 9 PROJECTS ONLY. This table only needs to be completed if there were lot splits applied for pursuant to Government Code 66411.7 OR units constructed pursuant to 65852.21.
Units entitled/permitted/constructed must also be reported in Table A2. Applications for these units must be reported in Table A.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: + indicates an optional field

Cells in grey contain auto-calculation formulas

Table I

Units Constructed Pursuant to Government Code 65852.21 and Applications for Lot Splits Pursuant to Government Code 66411.7 (SB9)

Project Identifier				Project Type	Date	Unit Constructed			
1				2	3	4			
APN	**Street Address**	**Project Name+**	**Local Jurisdiction Tracking ID+**	**Activity**	**Date**	**Very Low Income**	**Low Income**	**Moderate Income**	**Above Moderate Income**
Summary Row: Start Data Entry Below									

Jurisdiction	Oxnard	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Not
Cells in g

Table J

Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915

Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved						
1				2	3	4						
APN	**Street Address**	**Project Name+**	**Local Jurisdiction Tracking ID+**	**Unit Category** (SH - Student Housing)	**Date**	**Very Low- Income Deed Restricted**	**Very Low- Income Non Deed Restricted**	**Low- Income Deed Restricted**	**Low- Income Non Deed Restricted**	**Moderate- Income Deed Restricted**	**Moderate- Income Non Deed Restricted**	**Above Moderate-Income**
Summary Row: Start Data Entry Below												

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	10/15/2021 - 10/15/2029

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	89
	Non-Deed Restricted	12
Low	Deed Restricted	52
	Non-Deed Restricted	26
Moderate	Deed Restricted	0
	Non-Deed Restricted	3
Above Moderate		88
Total Units		**270**

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	33	49	25
SFD	4	3	11
2 to 4	2	0	39
5+	698	143	24
ADU	338	75	61
MH	0	0	0
Total	**1075**	**270**	**160**

Housing Applications Summary	
Total Housing Applications Submitted:	333
Number of Proposed Units in All Applications Received:	334
Total Housing Units Approved:	334
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Oxnard	
Reporting Year	2022	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Local Early Action Planning (LEAP) Reporting
(CCR Title 25 §6202)

Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.

Total Award Amount	$ -	*Total award amount is auto-populated based on amounts entered in rows 15-26.*

Task	$ Amount Awarded	$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	139
	Non-Deed Restricted	67
Low	Deed Restricted	256
	Non-Deed Restricted	190
Moderate	Deed Restricted	17
	Non-Deed Restricted	46
Above Moderate		360
Total Units		**1075**

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	89
	Non-Deed Restricted	12
Low	Deed Restricted	52
	Non-Deed Restricted	26
Moderate	Deed Restricted	0
	Non-Deed Restricted	3
Above Moderate		88
Total Units		**270**

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	6
Low	Deed Restricted	0
	Non-Deed Restricted	14
Moderate	Deed Restricted	0
	Non-Deed Restricted	2
Above Moderate		138
Total Units		**160**

City of Oxnard
2022 General Plan and Housing Element Annual Progress Report

Kathleen Mallory, AICP, Planning & Sustainability Manager
Joe Pearson II, AICP, Planning & Environmental Services Manager
Community Development Department

City Council
March 21, 2023

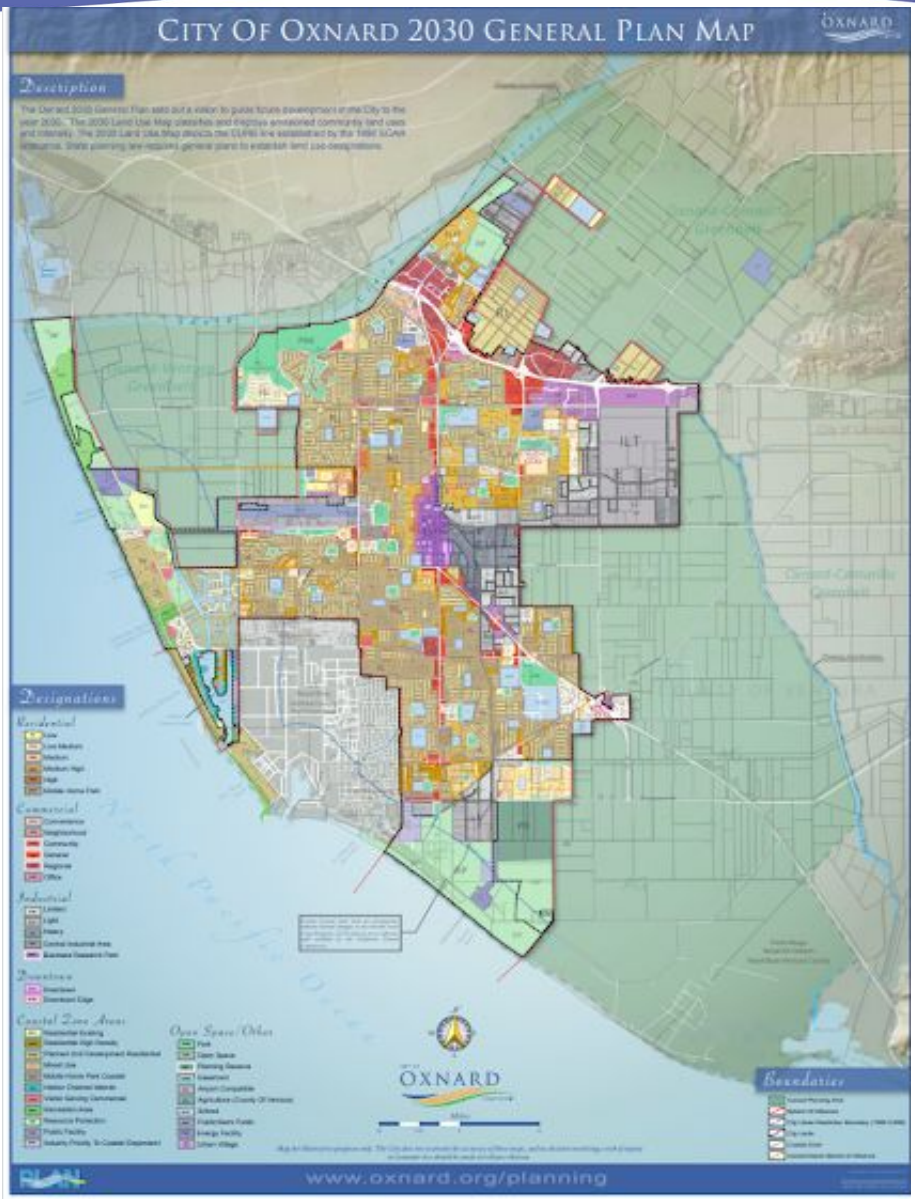
CITY OF OXNARD CALIFORNIA

General Plan and Housing Element Annual Progress Report

- Annual Progress reports are required each year pursuant to state law
- Submitted to Governor's Office of Planning and Research, and the State Department of Housing and Community Development
- Must be submitted by April 1st of each year.
- Purpose of Annual Reports
    - Provide Status update for General Plan
    - Describe implementation progress
    - Document progress on Regional Housing Needs Allocation (RHNA)

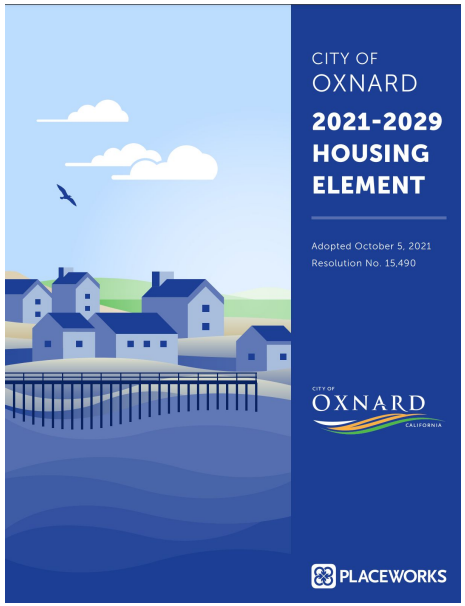
City of Oxnard 2030 General Plan

- State law requires the preparation and adoption a comprehensive and long-range general plan for its physical development
- The General Plan provides a city with a consistent framework for land use and other decision-making
- All City actions affecting physical development or the use of land must implement and be found consistent with the General Plan



2030 General Plan Status

- During 2022, there were three General Plan Amendments:
  - Development permit amendment Portofino Place;
  - Amendment to the Safety and Hazards Element to implement the Multi-Jurisdictional Plan; and
  - Approval of the Amended Adopted 2021-2029 Housing Element.



General Plan Amendments in 2022

- **Portofino Place Project (Planning and Zoning Permit No. 20-620-02)**
  - 90-unit residential project is located on the two vacant lots (7.61-acre site) located along the south side of Fifth Street at the intersection of Portofino Place.
  - Amendment was approved by City Council on April 19, 2022.

General Plan Amendments in 2022

- **General Plan, Safety and Hazards Element Amendment (Planning and Zoning Permit No. 22-620-01):**
  - Safety & Hazards Element - State-mandated General Plan Element to address the risks of natural and human-made hazards like drought, earthquakes, floods, sea level rise, tsunamis, and wildfires.
  - Update to the Safety & Hazards Element incorporated information from the Multi-Jurisdictional Hazard Mitigation Plan adopted by the City Council September 20, 2022.
  - Amendment included minor technical updates to the Safety & Hazards Element of the 2030 General Plan to address new statutory requirements.

General Plan Amendments in 2022

- **General Plan, Housing Element Update (Planning and Zoning Permit No. 20-620-03):**
  - Housing Element is a statutory element of the General Plan that requires that the City adequately plan to meet existing and projected housing needs of all economic segments of the community.
  - October 4, 2022 - City Council approved the Amended Adopted 2021-2029 Housing Element which addressed comments from the State of California, Department of Housing and Community Development (HCD).
  - Document certified by HCD on October 25, 2022.

Pending General Plan Amendments in 2023

- **Teal Club Specific Plan Project (Planning and Zoning Permit No. 15-620-03), Located in area bounded by Doris Avenue on the north, Patterson Road on the west, Teal Club Road on the south, and Ventura Road on the east:**
  - Proposed Specific Plan includes a request for 990 residential units of varying density, 24 acres, community park; 8 acres public/semi public use; 4 acres of mixed use, retail, commercial; 10 acres of Business/Research Park.
  - Adoption of a Teal Club Specific Plan (TCSP) and Pre-Zoning would allow for the annexation of a 174.6-acre collection of seven agricultural parcels (known locally as “Teal Club”) to the City.
  - Draft Environmental Impact Report (EIR) for the TCSP was provided from December 17, 2021, to 5:00 p.m. on February 15, 2022 for public comment.
  - City staff is finalizing the response to comments received and preparing the project for public hearings in 2023.

Pending General Plan Amendments in 2023

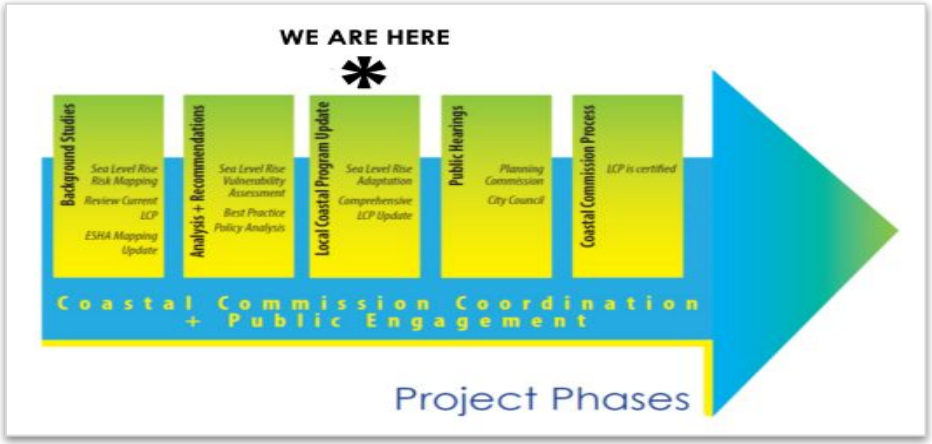
- **Maulhardt/Stiles NECSP Sub-Neighborhood Plan (Planning and Zoning Permit No. 21-620-04), Located at the Northeastern Corner of Rose Ave and Camino Del Sol (APN: 214-0-020-615; & 625):**
  - Project proposes to create a Sub-Neighborhood Plan under the Northeast Community Specific Plan that would create the framework for a future development of approximately 500-950 residential units and approximately 40,000 square feet commercial development on the 56 acres project site.
  - Proposed Tentative Tract Map proposes to create 14 master lots.
  - Project will also provide for 11.05 acres of improved park areas, including a 5.4 acre expansion of East Village Park.

Active Long Range Projects

- **Inclusionary Housing Ordinance Update (PZ No. 23-580-01):**
  - In early 2022, staff launched community outreach program seeking input on potential changes to the City's existing Inclusionary Housing Ordinance.
  - The City held three public workshops with residents, affordable housing advocates, and developers, and spoke at outreach meetings.
  - November 22, 2022 - the Community Services, Public Safety, Housing & Development Committee provided direction regarding key policy questions on the Inclusionary Housing Ordinance.
  - Staff prepared a draft Inclusionary Housing Ordinance and published the draft for public review in January 2023.
  - Inclusionary Housing Ordinance Update is scheduled to be reviewed by the Planning Commission and the City Council in Spring 2023.

Active Long Range Projects

General Plan/Local Coastal Plan Update







Climate Action & Adaptation Plan Update

CAAP

CLIMATE ACTION AND ADAPTATION PLAN

PLAN DE ACCIÓN Y ADAPTACIÓN CLIMÁTICA

CITY OF OXNARD CALIFORNIA



Downtown Projects (Under Construction)



Central Terrace Project

- 217-235 East Sixth Street
- 5-story building
- 87 units
- 100% Affordable
- 2,375 SF of common/commercial space



Navigation Center/2nd and B Project

- 241 W 2nd Street
- 5-story podium building
- Proposed 56 units; 100 % Affordable
- 13,078 SF homeless shelter

Downtown Projects (Plan Check)



Sandpiper Project

- 155 S.A Street
- 5-story building
- 56 units (6 affordable)
- 3,545 square-feet of Commercial

Urban Lofts Project

- 136 South B Street
- 5-story building
- 20 units (2 affordable)
- 357 square-feet of Commercial



Downtown Projects (Plan Check)

C Street Apartments Project

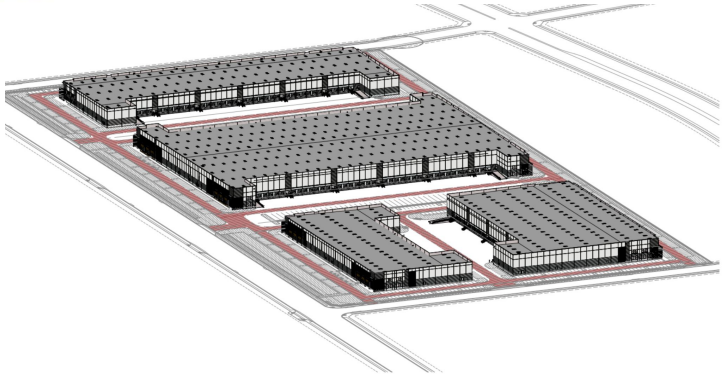
- 761 South C Street
- 5-story podium building
- Proposed 175 units; 18 affordable
- 1,145 sf retail space



Sakioka Farm Specific Plan

101 Logistics Center Area (Pending)

Four industrial buildings totalling 778,720 square feet and related site improvements on four separate lots.





Arctic Cold Storage (Operational)

- 576,000 square feet
- Cold storage building and fruit processing facility



Amazon (Operational)

- 1,527,505 square feet
- Multi-story e-commerce storage and distribution center

RiverPark Specific Plan Amendment (RPSP)

- The original RPSP allowed for the phased development of 2,805 dwelling units and 2,485,000 square feet of commercial development (including approximately 221,000 square feet of existing office development, prior to the adoption of the RPSP).
- In 2020, the applicant team submitted a request for a amendment to the RPSP, that would allow for the development of up to 1,025 additional residential units under the RPSP, in exchange for a reduction of up to approximately 562,457 square feet of non-residential development potential in accordance with specified development scenarios.
- The Project was approved by the City Council on March 15, 2022.
- The first project resulting from this approval was the 333-unit Fore Apartments at RiverPark project, which was approved by the Planning Commission on July 21, 2022.
- This Project is currently in plan check and it is expected to start construction in 2023.

Accessory Dwelling Units

Annual ADU Statistics

Year	Planning Applications Received	Entitlements Granted	Building Permit Applications Received	Building Permits Issued	Final Inspection/CO
2013	0	0	0	0	0
2014	1	0	0	0	0
2015	0	1	0	0	0
2016	0	0	1	0	0
2017	17	2	3	0	0
2018	44	25	20	4	1
2019	50	55	30	13	3
2020	129	123	111	27	9
2021	176	157	106	63	14
2022	327	338	335	75	61
Total	**744**	**701**	**606**	**182**	**88**

Housing Development Activity in 2022

Planning and Building Permit Activity in 2022

	Planning Entitlements	Building Permits	Certificates of Occupancy
Single Family Dwellings	37	52	11
Multi Family/Apartments	700	143	88
Accessory Dwelling Units	338	75	61
Total	**1075**	**270**	**160**

Regional Housing Needs Allocation Progress

Income Level	RHNA Allocation by Income Level	2021 (Partial)	2022	2023	2024	2025	2026	2027	2028	2029	Total Units to Date (all years)	Total Remaining RHNA by Income Level	Percent Completed
Very Low	1,840	4	101								105	1,735	5.71%
Low	1,071	7	78								85	986	7.94%
Moderate	1,538	15	3								18	1,520	1.17%
Above Moderate	4,100	58	88								146	3,954	3.56%
Total RHNA	8,549												
Total Units		84	270								354	8,195	4.14%

Affordable Units Constructed

- **Total Units in 2022 - 270 units**
  - ➢ Very Low Income - 101 units
  - ➢ Low Income - 78 units
  - ➢ Moderate Income- 3 units
  - ➢ Above Moderate Income - 88 units

Recommendation

That the Oxnard City Council receive and file the City of Oxnard 2022 General Plan and Housing Element Annual Progress Report.

CITY OF
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CALIFORNIA

End of Presentation

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. N.2

DATE: March 21, 2023

TO: City Council

FROM: Denise Olson, Interim Chief Financial Officer, (805) 200-5400, denise.olson@oxnard.org

SUBJECT: FY 2022-23 Budget Mid-Year Review. (20 minutes)

RECOMMENDATION

That the City Council:

1. Receive an update on the FY 2022-23 revenue and expenditure projections for major funds,
2. Recommend the City Council approve a budget appropriation request in the amount of $430,000 to General Fund (101) for the Fire Department and $533,218 to Golf Course Fund (651) for a total appropriation of $963,218; and
3. Adopt a resolution approving amendments to the Position Control Resolution.

(This item did not originate in a committee.)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/svk09kCnV1U

BACKGROUND

The purpose of this report is to provide a financial update for FY 2022-23. Numerical values included in the narrative below may not add due to rounding. Projections for revenue and expenditures for major funds are based on five months of actuals and seven months of estimates.

General Fund (101)

Revenues: Fiscal Year (FY) 2022-23 General Fund revenues are projected at $213.4 million, up $5.1 million from the revised budget of $208.4 million. The increase primarily results from two main factors: a $6.4 million increase in the projection for sales tax revenues offset by a $1.1 million decrease in estimated property and deed transfer tax revenues due to lower projected volumes of real estate transactions.

The General Fund sales tax revenue projections, which include the 1% Bradley Burns sales tax and 1.5% Measure E sales and use tax increased from $95.7 million to $102.1 million, a $6.4 million higher amount based on strong sales tax quarters in the second half of 2022.

Expenditures: FY 2022-23 General Fund expenditures are now projected at $221.8 million, $5.5 million dollars below the revised budget estimate of $227.2 million. The decrease in estimated expenditures primarily results from anticipated net personnel savings due to unfilled positions. The city-wide vacancy rate is currently at 13.8%, and multiple departments exceed a 20% vacancy rate. Departments with a vacancy rate over 20% include the City Manager's Office, Community Development, Cultural and Community Services and Finance. At the high end is the Information Technology department, with a vacancy rate of 55.8%. The City has been challenged in filling multiple positions, including planners, engineers, and accountants.

Fund Balance: The FY 2022-23 General Fund Adopted Budget assumed a starting fund balance at July 1, 2022, of $40.9 million. The actual fund balance proved to be higher at $67.4 million, primarily due to higher than anticipated FY 2021-22 sales tax revenue, unspent capital appropriations and multi-year projects that are carried out in future years, personnel savings due to unfilled positions, and other operational savings.

The City's mid-year projections for General Fund revenues ($213.4 million) and expenditures ($221.8 million) would result in a FY 2022-23 net operating deficit of $8.3 million. The planned and budgeted deficit spending is primarily a result of the third of four payments to the City's Utilities Enterprise Funds for the Infrastructure Use Fees (IUF), which is a cumulative $10.0 million for FY 2022-23. Subtracting the projected net operating deficit of $8.3 million from the starting fund balance of $67.4 million yields a projected ending balance at June 30, 2023, of $59.1 million. Of the $59.1 million projected ending fund balance, $9.5 million is committed to reimbursing the City's Utilities Enterprise Funds for the Infrastructure Use Fees (IUF) in FY2023-24.

For additional details, refer to the General Fund table in the attached Power Point presentation (slide 3).

Measure O (Half-Cent Sales Tax) Fund (104)

Revenues: FY 2022-23 Measure O Fund revenues are now projected at $21.9 million, up $1.8 million from the revised budget of $20.1 million. The increase is a result of higher projected transactions and use tax revenue due to strong economic activity which is forecasted to level off, as well as additional tax-generating entities.

Expenditures: FY 2022-23 Measure O Fund expenditures are now projected at $18.7 million, about $4.6 million (19.9%) lower than the revised budget of $23.4 million. The $4.6 million mainly represents funding for one-time projects that will be carried over to FY2023-24. The Measure O operating activities are estimated to be spent in line with the budget.

Fund Balance: The FY 2022-23 Measure O Fund Adopted Budget assumed a starting fund balance at July 1, 2022, of $9.7 million. The actual fund balance proved to be higher at $15.8 million, primarily due to higher than anticipated sales tax and unspent capital appropriations and multi-year projects carried out to future years.

Updated projections for Measure O Fund revenues ($21.9 million), expenditures ($18.7 million) and subtracting the anticipated $4.6 million carried out for future years, would result in a projected available ending fund balance at June 30, 2023, of $14.4 million.

For additional detail, refer to the Measure O Fund table in the attached PowerPoint presentation (slide 4).

Water Funds (601 & related)

Revenues: FY 2022-23 Water Fund revenues are now projected at $64.9 million, down $4.6 million from the revised budget of $69.5 million. The decrease is primarily a result of a $3 million projected decline in fees and charges due to lower revenue due to ongoing conservation measures and a $1.35 million decline in Water Infrastructure Finance and Innovation (WIFIA) loan funding due to project delays.

Expenditures: FY 2022-23 Water Fund expenditures are now projected at $72.5 million, lower by $49.1 million (40.3%) compared to the revised budget total of $121.6 million. The decrease in estimated expenditures primarily results from a $44.2 million delay in capital expenditures, $4.9 million in operational savings, which includes $1.3 million from vacancy savings, and $3.6 million from supplies, professional services, and water purchases.

Fund Balance: The FY 2022-23 Adopted Budget assumed a starting fund balance for the Water Fund at July 1, 2022, of $23.4 million. The actual fund balance proved to be higher, $67.6 million, primarily due to unspent capital appropriations and multi-year projects carried over to future years.

The FY 2022-23 projections explained above for Water Fund revenues ($64.9 million) and expenditures ($72.5 million) would result in net annual activity of a negative $7.7 million. Subtracting the projected negative net operating activity of $7.7 million from the starting fund balance of $67.6 million and subtracting $41.7 million projected carryover of multi-year commitments yields a projected ending fund balance at June 30, 2023, of $18.2 million.

For additional detail, refer to the Water Funds table in the attached PowerPoint presentation (slide 5).

Wastewater Funds (611 & related)

Revenues: FY 2022-23 Wastewater Fund revenues are now projected at $53.8 million, down by $13.4 million from the revised budget of $67.2 million. Of the $13.4 million decrease, $11.1 million is related to a delay in receiving proceeds for capital projects budgeted for the current fiscal year, which will now occur in future fiscal years, and $2.2 million is a projected decline in fees and charges due to lower revenue as a result of ongoing conservation measures.

Expenditures: FY 2022-23 Wastewater Fund expenditures are now projected at $51.9 million, lower by $89.5 million (63.3%) from the revised budget total of $141.4 million. The decrease in estimated expenditures is primarily resulting from delaying capital expenditures budgeted for $85.5 million for the current fiscal year, the spending for which will now occur in future fiscal years, and $4 million in operational savings, which includes $2 million from vacancy savings, and $2 million from professional services, supplies and chemicals.

Fund Balance: The FY 2022-23 Adopted Budget assumed a starting fund balance for the Wastewater Fund at July 1, 2022, of $63.1 million. The actual fund balance proved to be higher, at $77 million, due primarily to unspent capital appropriations. The beginning available fund balance of $77 million excludes unspent capital appropriations and carryover for the State Revolving Fund (SRF) Loan which will be drawn-down based on future spending on those capital projects.

The FY 2022-23 projections explained above for Wastewater Fund revenues ($53.8 million) and expenditures ($51.9 million) would result in net annual activity of $1.9 million. Adding the projected net annual activity during FY 2022-23 of $1.9 million to the starting fund balance at July 1, 2022, of $77 million and then subtracting the $25.1 million of projected carryover (again this excludes SRF) yields a projected ending fund balance at June 30, 2023 of $53.8 million.

For additional detail, refer to the Wastewater Funds table in the attached PowerPoint presentation (slide 6).

Environmental Resources Funds (631 & related)

Revenues: FY 2022-23 Environmental Resources Fund revenues are projected at $48.6 million, down $1.3 million from the revised budget of $49.8 million. The difference of $1.3 million is due to lower than anticipated residential collection and commercial collection fee revenue primarily resulting from unrealized projected growth in each category.

Expenditures: FY 2022-23 Environmental Resources Fund expenditures are projected at $59.6 million, down $10.4 million (14.8%) from the revised budget total of $70 million. The decrease in estimated expenditures is primarily related to capital expenditures budgeted for the current fiscal year, the spending for which will now occur in future fiscal years. This decrease is slightly offset by a net $1.4 million anticipated increase in personnel costs due to higher projected overtime of $2.4 million offset by $1 million in vacancy savings.

Fund Balance: The FY 2022-23 Adopted Budget assumed a starting fund balance for the Environmental Resources Fund at July 1, 2022, of $17.2 million. The actual fund balance proved to be higher, at $29.9 million, primarily due to unspent capital appropriations and multi-year projects that are carried over to future years.

The FY 2022-23 projections explained above for Environmental Resources Fund revenues ($48.6 million) and expenditures ($59.6 million) would result in net annual activity during FY 2022-23 of a negative $11.1 million. Subtracting the projected net FY 2022-23 operating deficit of $11.1 million from the starting fund balance at July 1, 2022, of $29.9 million and subtracting the $11.9 million projected unspent capital appropriations to be carried over into FY 2023-24 yields a projected ending available fund balance at June 30, 2023, of $6.9 million.

For additional detail, refer to the Environmental Resources Funds table in the attached PowerPoint presentation (slide 7).

Golf Course Fund (651)

Staff is requesting to decrease the budgeted revenues by $178,993 and an additional budget appropriation of $533,218 to fund the Golf Enterprise operations through June 30, 2023. Based on these projections, the golf operation is still expected

to end FY 2022-23 with a profit of just under $1 million.

Revenues: The projected decrease in revenues is largely attributed to the decrease in golf rounds as a result of unusual inclement weather such as the recent wind and rain events. Based on the first six months of performance for FY 2022-23, revenues are projected to be $178,993 less than the budgeted $6.1 million.

Expenditures: Cost of Sales (COS) in the amount of $374,250 was inadvertently not included in the FY 2022-23 Proposed Budget. Additionally, the golf course is tracking higher sales with an increase in supply costs for a projected increase of $27,890 to the Cost of Sales. Therefore, the requested adjustment to the Cost of Sales expense is $402,140 ($374,250 original budget Cost of Sales plus $27,890 Cosf of Sales increase).

Additionally, there are projected increase in expenditures including: unforeseen expenses for capital replacements and unexpected capital repairs that were not anticipated for this fiscal year, such as moisture sensors, ovens, a refrigerator, air conditioning units, and range equipment in the amount of $102,178, an increase in equipment leases for air quality compliance in the amount of $93,482, higher natural gas costs of $65,908 due to unforeseen and significant rate increases, and an insurance increase of $76,956. These increases are partially offset by projected reductions in expenses that include water usage savings of $187,405 resulting from drought reductions.

The combination of the projected Cost of Sales of $402,140 and the projected net additional expenses of $131,078 equal the total projected expenditure request of $533,218. The detailed Golf Course Operations budget is attached.

Recommended $533,218 appropriation for the Golf Course Fund (651)

The Public Works Department is requesting a $533,218 appropriation from the available fund balance for the additional and unforeseen expenditures described in the section above.

Recommended $430,000 appropriation for the General Fund (101)

The Fire Department is requesting a $430,000 appropriation from the available fund balance for the following:

Supplies $100,000: $20,000 for deferred hose purchase and $75,000 for 15 sets of replacement turnouts that were deemed unrepairable due to a combination of physical, thermal and solar damage.

Services $88,000: $59,000 Emergency Operation Center (EOC) training to senior leadership, elected officials and staff on roles and responsibilities in a major disaster and $29,000 for Ongoing Diversity, Equity & Inclusion training initiatives.

Station Maintenance/Facilities Costs $80,000 including $60,000 for costs associated with maintaining our overhead doors has sky-rocketed with a new vendor and inflation, and $20,000 for a replacement extractor that is used to clean firefighting turnouts to remove carcinogens.

Lease payments $162,000: Second of three lease payments towards the purchase of EMS equipment. This amount was inadvertently omitted from the 2022-23 proposed budget.

Position Control Resolution

Staff requests the following edits to the Position Control Resolution, which lists the City's positions. The net result of the changes is to add one full time position to the Housing Department.

1. In Community Development reclassify one Construction Inspector, Senior to an Inspections Field Supervisor
2. In Community Development reclassify one Inspections/Code Compliance Administrator to a Senior Engineer
3. In Housing, add one Administrative Services Analyst

4. In Public Works Maintenance Services reclassify one Public Safety Investigative Specialist to a Maintenance Specialist, Senior

5. In Public Works Maintenance Services reclassify eight Maintenance Technician, Seniors to Maintenance Specialists

6. In the Finance Department, reclassify one Administrative Services Analyst Senior to an Administrative Services Administrative Supervisor.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

The financial impact of each recommended action is spelled out in the "Discussion" section that describes that action.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Victor Zambrano, Budget Manager

ATTACHMENTS

1. Amended Position Resolution Mid Year 2022-23
2. River Ridge Golf Course Operating Budget AGC FY 2022-23 Budget
3. FY22-23 Budget Mid-Year Review Presentation 3.21.23

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING RESOLUTION NO. 15,593 AUTHORIZING FULL-TIME EQUIVALENT POSITIONS PURSUANT TO CHAPTER 4 OF THE CITY PERSONNEL RULES AND REGULATIONS

WHEREAS. Chapter 4, Section 4.7 of the City of Oxnard Personnel Rules and Regulations provides that the City Manager from time to time may revise the number of positions in each classification as necessary to perform the work of the classification, provided that the total expense to be incurred for such work shall be limited to the amount appropriated by the City Council for the classification: and

WHEREAS, the City Council has reviewed the revisions and finds that they are desirable and in the interest of maintaining an efficient municipal organization.

NOW, THEREFORE. the City Council of the City of Oxnard resolves to amend Resolution No. 15,593 with the following changes to the adopted FY 22/23 position allocations as specified, subject to approval of a budget appropriation for the revised allocation:

Department	**Title**	**Adopted 22/23**	**Proposed Change**	**New Allocation**
Community Development	Bldg/Construction Inspector, Senior	4	-1	3
	Inspections Field Supervisor	0	1	1
	Inspections/Code Compliance Administrator	3	-1	2
	Senior Engineer	0	1	1
Housing	Administrative Services Analyst	3	1	4
Public Works:				
Maintenance Services	Public Safety Investigative Specialist	1	-1	0
	Maintenance Specialist, Senior	6	1	7
	Maintenance Technician, Senior	20	-8	12
	Maintenance Specialist	0	8	8
Finance	Administrative Services Analyst, Senior	1	-1	0
	Administrative Services Administrator/Supervisor	0	1	1
GRAND TOTAL		38	1	39

PASSED AND ADOPTED this 21st day of March 2023, by the following vote:

YES:

NOES:

ABSENT:

ABSTAIN:

John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney

City of Oxnard - AGC FY 2022-23 Budget			
	Summary for 2022 - 2023		
REVENUE	**Projected**	**Budgeted**	**Act/Proj vs. Plan**
Green Fees	2,928,584	3,100,000	(171,416)
Cart Rental	1,057,261	1,100,000	(42,739)
Driving Range	674,141	675,000	(859)
Instruction	11,940	12,000	(60)
Merchandise	215,445	174,000	41,445
Food	520,713	507,000	13,713
Beverage	358,334	372,000	(13,666)
Other	130,339	135,750	(5,411)
Total Revenue	**5,896,757**	**6,075,750**	**(178,993)**
Cost of Sales			
Merchandise	138,746	116,700	22,046
Food	168,302	153,150	15,152
Beverage	95,092	104,400	(9,308)
Total Cost of Sales	**402,140**	**374,250**	**27,890**
Gross Profit	**5,494,617**	**5,701,500**	**(206,883)**
EXPENSES			
Payroll			
Golf	180,767	172,080	8,687
Carts & Range	251,515	228,215	23,300
Course Maintenance	935,340	900,750	34,590
Food & Beverage	391,248	458,271	(67,023)
General & Administrative	276,108	273,225	2,883
Facilities	44,049	48,090	(4,041)
Total Payroll	**2,079,027**	**2,080,631**	**(1,604)**
Other Operating Expenses			
Golf	27,658	16,400	11,258
Carts & Range	107,455	89,500	17,955
Course Maintenance	456,037	380,715	75,322
Food & Beverage	112,760	78,100	34,660
General & Administrative	555,071	586,970	(31,899)
Facilities	82,656	55,800	26,856
Total Other Operating Exp	**1,341,637**	**1,207,485**	**134,152**
Utilities			
Water	311,595	499,000	(187,405)
Power & Natural Gas	261,908	196,000	65,908
Telephone	10,381	8,800	1,581
Other	23,310	27,895	(4,585)
Total Utilities	**607,194**	**731,695**	**(124,501)**
Leases & Rentals			
Cart Leases	359,069	187,200	171,869
Equipment Leases	0	88,200	(88,200)
Rentals	18,213	8,400	9,813
Total Leases & Rentals	**377,282**	**283,800**	**93,482**
Total Controllable Operating Exp	**4,405,140**	**4,303,611**	**101,529**
Controllable EBITDAR	**1,089,477**	**1,397,889**	(308,412)
Non-Controllable Oper Exp			
Property Tax	7,793	9,000	(1,207)
Insurance	123,156	46,200	76,956
Total Non-Controllable Oper Exp	**130,949**	**55,200**	**75,749**
Total Operating Expenses	**4,536,089**	**4,358,811**	**177,278**
EBITDAR	**958,528**	**1,342,689**	**(384,161)**
EBITDA	**958,528**	**1,342,689**	**(384,161)**
Cost of Sales (COS)	**402,140**	**374,250**	**27,890**
Total Op Expenses PLUS COS	**4,938,229**	**4,733,061**	**205,168**

FY2022-23 MID-YEAR BUDGET REVIEW

City Council

March 21, 2023

Denise Olson, Interim Chief Financial Officer

CITY OF OXNARD CALIFORNIA

1968

The City Council:

1. Receive an update on the latest FY 2022-23 revenue and expenditure projections for major funds;

2. Approve a budget appropriation request in the amount of $430,000 to General Fund (101) for the Fire Department and $533,218 to Golf Course Fund (651) for an overall total appropriation of $963,218; and

3. Adopt a resolution approving amendments to the position control resolution

GENERAL FUND 101 (IN MILLIONS)

	FY22-23 Revised Budget (Nov. 2022)	FY22-23 Year-End Estimates	$ Change	% Change
Beginning Total General Fund Balance, July 1, 2022	**$67.4**	**$67.4**		
Revenues:				
Property Tax & Transfer Tax	67.7	66.6	-1.1	-1.7%
Sales Tax - Measure E	55.1	58.4	3.4	6.1%
Sales Tax	40.6	43.6	3.0	7.5%
Franchise Tax	4.2	4.4	0.3	6.1%
Business License Tax	6.7	6.7	0.0	0.0%
Transient Occupancy Tax	5.6	5.6	0.0	0.0%
Other Non-Tax Revenues	28.5	28.0	-0.4	-1.6%
Total Revenues	**208.4**	**213.4**	**5.1**	**2.4%**
Expenditures by Category:				
Police	71.1	70.8	-0.3	-0.4%
Fire	32.7	32.7	0.0	0.0%
Cultural & Community Services	13.7	11.9	-1.8	-13.3%
Public Works	24.2	23.3	-0.9	-3.7%
Administrative Departments	36.5	34.0	-2.4	-6.7%
Non-Departmental & Transfers	49.0	49.0	0.0	0.0%
Total Expenditures	**227.2**	**221.8**	**-5.5**	**-2.4%**
Net Annual Activity Surplus/(Deficit)	**-18.9**	**-8.3**		
Projected Ending Total General Fund Balance, June 30, 2023	**$48.5**	**$59.1**		
Fund Balance as % of Expenditures	**21.4%**	**26.6%**		
Target Reserve Level	12%	12%		

Totals may not add due to rounding.

MEASURE O FUND 104 (IN MILLIONS)

	FY22-23 Revised Budget (Nov. 2022)	FY22-23 Year-End Estimates	$ Change	% Change
Beginning Available Fund Balance, July 1, 2022	**$15.8**	**$15.8**		
Revenues:				
Half Cent Sales Tax	$18.2	$20.	$1.8	9.7%
General Fund Loan Payment	$1.9	$1.9	$.	0.0%
Interest Income	$.04	$.04	$.	0.0%
Total Revenues	**$20.1**	**$21.9**	**$1.8**	**8.8%**
Expenditures by Category:				
Other Community Improvements	$4.4	$2.8	-$1.6	-35.9%
Parks & Open Spaces	$4.6	$4.1	-$.4	-9.3%
Public Safety & Gang Prevention	$9.9	$7.9	-$2.	-20.2%
Traffic & Road Improvements	$4.5	$3.8	-$.6	-14.1%
Total Expenditures	**$23.4**	**$18.7**	**-$4.6**	**-19.9%**
Net Annual Activity	-$3.2	$3.2		
Carryover (One-Time Projects) to FY23-24		$4.6		
Projected Ending Available Fund Balance, June 30, 2023	**$12.6**	**$14.4**		

Totals may not add due to rounding.

WATER FUNDS (IN MILLIONS)

	FY22-23 Revised Budget (Nov. 2022)	FY22-23 Year-End Estimates	$ Change	% Change
Beginning Available Fund Balance, July 1, 2022	**$67.6**	$67.6		
Revenues:				
09-FEES/CHARGES	60.9	57.6	-3.3	-5.4%
10-FINES/FORFEITURES	.4	.5	.1	35.2%
13-INTEREST	2.4	2.3	-.1	-2.3%
15-TRANSFERS IN	.2	.2	.	0.0%
INFRASTRUCTURE USE FEE PAYMENT	4.3	4.3	.	0.0%
PROCEEDS - SALES OF BONDS / LOAN	1.4	.	-1.35	-100.0%
16-OTHER REVENUE	.04	.03	-.02	-35.7%
Total Revenues	**69.5**	64.9	**-4.6**	**-6.6%**
Expenditures by Type:				
1-PERSONNEL	10.5	9.2	-1.3	-12.5%
2-OTHER O&M EXPENSE	38.9	35.3	-3.6	-9.2%
3-DEBT SERVICE	14.4	14.4	.	0.0%
4-CAPITAL OUTLAY / CIP	53.3	9.1	-44.2	-82.9%
6-INTERNAL FIXED CHARGES	4.4	4.4	.	0.0%
Total Expenditures	**121.6**	72.5	**-49.1**	**-40.3%**
Net Annual Activity	-52.1	-7.7		
** Projected CIP Carryover to FY23-24		41.7		
Projected Ending Available Fund Balance, June 30, 2023	**$15.5**	$18.2		

Totals may not add due to rounding.

WASTEWATER FUNDS (IN MILLIONS)

	FY22-23 Revised Budget (Nov. 2022)	FY22-23 Year-End Estimates	$ Change	% Change
Beginning Available Fund Balance, July 1, 2022	**$77.0**	$77.0		
Revenues:				
FEES/CHARGES	47.5	45.3	-2.2	-4.7%
FINES/FORFEITURES	.3	.2	-.1	-30.1%
INTEREST	.4	.4	.	0.0%
INFRASTRUCTURE USE FEE PAYMENT	3.	3.	.	
PROCEEDS - SALES OF BONDS / LOAN	16.	4.9	-11.1	
OTHER REVENUE	.	.03	.03	
Total Revenues	**67.2**	53.8	**-13.4**	**-20.0%**
Expenditures by Type:				
PERSONNEL	12.	9.9	-2.1	-17.5%
OTHER O&M EXPENSE	14.9	12.9	-2.	-13.5%
DEBT SERVICE	9.4	9.4	.	0.0%
CAPITAL OUTLAY / CIP	102.	16.5	-85.5	-83.8%
TRANSFERS OUT	.03	.03	.	0.0%
INTERNAL FIXED CHARGES	3.1	3.1	.1	2.1%
Total Expenditures	**141.4**	51.9	**-89.5**	**-63.3%**
Net Annual Activity	-74.1 *	1.9		
Projected CIP Carryover to FY23-24		25.1		
Projected Ending Available Fund Balance, June 30, 2023		53.8		

Totals may not add due to rounding.

** Calculated Deficit on a Revised Budget basis is due to SRF Loan, which is fully appropriated at $65.3M in expenditures; actual net activity will include 100% revenue offset based on actual expenditures*

ENVIRONMENTAL RESOURCES FUNDS (IN MILLIONS)

	FY22-23 Revised Budget (Nov. 2022)	FY22-23 Year-End Estimates	$ Change	% Change
Beginning Available Fund Balance, July 1, 2022	**$29.9**	**$29.9**		
Revenues:				
INTERGOVERNMENTAL	.1	.1	.	0.0%
FEES/CHARGES	46.6	45.2	-1.4	-3.1%
FINES/FORFEITURES	.2	.3	.1	61.3%
INTEREST	.2	.2	.	0.0%
INFRASTRUCTURE USE FEE PAYMENT	2.8	2.8	.	0.0%
OTHER REVENUE	.003	.1	.1	2142.0%
Total Revenues	**49.8**	**48.6**	**-1.3**	**-2.5%**
Expenditures by Type:				
PERSONNEL	22.9	24.3	1.4	6.0%
OTHER O&M EXPENSE	21.3	21.4	.1	0.6%
DEBT SERVICE	2.1	2.1	.	0.0%
CAPITAL OUTLAY / CIP	14.8	3.	-11.8	-79.6%
TRANSFERS OUT	.1	.1	.	0.0%
INTERNAL FIXED CHARGES	8.8	8.7	-.1	-0.9%
Total Expenditures	**70.**	**59.6**	**-10.4**	**-14.8%**
Net Annual Activity	-20.2	-11.1		
Projected CIP Carryover to FY23-24		11.9		
Projected Ending Available Fund Balance, June 30, 2023	**$9.7**	**$6.9**		

Totals may not add due to rounding.

The City Council:

1. Receive an update on the latest FY 2022-23 revenue and expenditure projections for major funds;

2. Approve a budget appropriation request in the amount of $430,000 to General Fund (101) for the Fire Department and $533,218 to Golf Course Fund (651) for an overall total appropriation of $963,218; and

3. Adopt a resolution approving amendments to the position control resolution

CITY OF OXNARD CALIFORNIA

QUESTIONS

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORT AGENDA
AGENDA ITEM NO. N.3

DATE: March 21, 2023

TO: City Council

FROM: Alexander Hamilton, Fire Chief, (805) 385-7700, alexander.hamilton@oxnard.org

SUBJECT: Authorization to Submit a Grant Application to Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) Grant not to exceed $350,000 for the Purchase and Installation of Smoke and Carbon Monoxide Detectors.

RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee recommend the City Council adopt a resolution authorizing:

1. The submission of a grant application to the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) not to exceed $350,000 for the purchase and installation of smoke and carbon monoxide detectors with a 5% local match;
2. The City Manager or designee to execute the grant agreements if grant funds are awarded to the City;
3. The Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2023-2024 for the use of grant funds and perform all other required financial actions; and
4. The Fire Chief or designee to submit non-financial reports.

This item came before Community Services, Public Safety, Housing and Development Committee on 28 February 2023. The report inaccurately stated that there was no matching requirement for this grant. The Fire Prevention and Safety Grant has a 5% match.

BACKGROUND

The Fire Prevention and Safety (FP&S) Grant Program (hereafter referred to as the FP&S Program) is one of three grant programs that constitute the Department of Homeland Security (DHS), Federal Emergency Management Agency's (FEMA's) focus on enhancing the safety of the public and firefighters with respect to fire and fire-related hazards. The FP&S Program accomplishes this by providing financial assistance directly to eligible fire departments, national, regional, state, local, tribal and non-profit organizations such as academic (e.g., universities), public health, occupational health, and injury prevention institutions for fire prevention programs and supporting firefighter health and safety research and development.

The Oxnard City Fire Department has been awarded three FP&S grants for smoke detector and carbon monoxide detector installation in the past. The funding allowed the distribution and installation of 5,000 carbon monoxide detectors and 5,000 smoke detectors in 2014, 2,500 smoke detectors in 2015 and 5,000 combination smoke/carbon monoxide detectors in 2022.

DISCUSSION

According to a report published by the National Fire Protection Agency in 2019, three out of five home fire deaths resulted from homes without smoke detectors or with smoke alarms that were not working. Additionally, the risk of dying in a home fire is cut in half with working smoke detectors.To protect the members of the Oxnard community, the Fire Department will submit an application to FEMA for FP&S funding that will allow the purchase of and cost for staff to install, 5,000 dual purpose smoke and carbon monoxide detectors. The detectors to be installed will be tamper-proof with a ten-year life span.

The funding request includes funds for personnel costs related to the installation of the smoke detectors in residence. The funds requested will purchase 5,000 dual purpose smoke/carbon monoxide detectors and 15 strobe light smoke/carbon monoxide detectors for the deaf and hearing impaired.The grant solicitation has not been posted but the department anticipates the application window opening before the end of March 2023. The request for funding will not exceed $350,000 and has a 5% match.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is a matching funds requirement of 5% for this grant, if awarded. Expenditures are anticipated to begin in FY 2023-2024. The grant funding and local match will be included in the recommended Fiscal Year 2023-2024 budget, with local sources mainly from the General Fund (grant term is projected to end September 30, 2025).

Prepared by: Alexander Hamilton, Fire Chief

ATTACHMENTS

1. FP&S FY22 Presentation
2. Resolution 2021 FP&S Application

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING SUBMITTAL OF FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT APPLICATION

WHEREAS, City Council Resolution No.12,053 sets out the procedure by which City staff may submit grant applications, following approval by resolution of the City Council; and

WHEREAS, the Oxnard Fire Department has requested that City Council approve the submission of a grant application to the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) not to exceed $350,000 for the purchase and installation of smoke and carbon monoxide detectors.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for Fire Department enhancement. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Chief Financial Officer or designee is authorized to submit financial reports and grant claims, approve special budget appropriations during FY 2023-2024 for the use of the grant funds and perform all other required financial actions; and the Fire Chief or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED this 21st day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
John C. Zaragoza
Mayor

ATTEST:

_____
Rose Chaparro
City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer
City Attorney

Fire Prevention and Safety (FP&S) FY 2022 Grant

Alexander Hamilton, Fire Chief

CITY OF OXNARD CALIFORNIA

That City Council adopt a resolution:

1. The submission of a grant application to the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety (FP&S) not to exceed $350,000 for the purchase and installation of smoke and carbon monoxide detectors with a 5% local match;
2. The City Manager or designee to execute the grant agreements if grant funds are awarded to the City;
3. The Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2023-2024 for the use of grant funds and perform all other required financial actions; and
4. The Fire Chief or designee to submit non-financial reports.

Federal Emergency Management Agency (FEMA)

Fire Prevention and Safety (FP&S)

Submission Deadline:

Likely end of March, 2023

Performance Period:

Likely July, 2023 - July 2024

Purpose:

Reduce fire deaths and injuries through the installation of long life, tamper-proof smoke detectors

Previous Fire Prevention Grant Accomplishments

- In 2014 - the department installed 5,000 smoke detectors and 5,000 carbon monoxide detectors
- In 2015 - the department installed 2,500 combination smoke/carbon monoxide detectors
- In 2022 - the department, in partnership with City Corp and the American Red Cross, we installed 5,000 combination smoke/carbon monoxide detectors



Grant Request for Installation of Smoke Detectors

- Planning on requesting 5000 long-life, tamper-proof smoke detectors
- Personnel costs to cover the cost of installation of the detectors
- Local match of 5%



CITY OF OXNARD CALIFORNIA

QUESTIONS?

1985

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. N.4

DATE: March 21, 2023

TO: City Council

FROM: Shiri Klima, Deputy City Manager, (805) 385-7487, shiri.klima@oxnard.org

SUBJECT: Risk to the ERP Project related to Aaron Starr Lawsuit preventing City from Obtaining Council-Approved Bonds; Fifth Amendment to Project Management Contract; and Annual Report. (10 minutes)

RECOMMENDATION

That the City Council:

1. Approve using up to $2,500,000 from Fiscal Year 2022-23 General Fund to cash fund the portion of all FY 2022-23 Enterprise Resource Planning (ERP) project expenditures in excess of the initial bond proceeds received in prior fiscal years (with additional FY 2023-24 General Fund as listed in budget to cash fund the FY 2023-24 ERP project expenditures if litigation remains pending that prevents City from issuing bonds); and
2. Approve and authorize the Mayor to execute a Fifth Amendment to the Professional Services Agreement with Kreative Core Technologies Corp (9431-21-FN) in the amount of $2,120,000 for a new not to exceed contract amount of $4,720,000 and to extend the term from December 31, 2023, to December 31, 2024, for Project Management Services related to the Human Capital Management (HCM), Energov, Enterprise Asset Management (EAM), and Utility Billing phases of the City's multi-year Enterprise Resource Planning (ERP) implementation; and
3. Receive and file the ERP system annual report.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/ZxsNqas93ec

BACKGROUND

The City used CentralSquare (formerly Superion, formerly SunGard) HTE/NaviLine as its main Enterprise Resource Planning (ERP) software since 1992. This software supported all financial reporting including payroll, purchasing, utility billing and business licensing functions; while it served the organization well for many years, thirty years later, it is slow and outdated. Other than job postings and performance reviews for certain job classes (which were moved to other software), the City's human resources functions, including timesheets, were all manual and paper-based. The City's permitting and land management functions are mostly manual and paper-based. Functions within the Community Development Department include building, planning entitlement, and encroachment permitting activities and are highly manual and paper-based. Between maintaining legacy processes, functional gaps in the software, and inadequate data extraction and reporting tools, City staff over the years have developed more than 150 standalone shadow systems (mostly Microsoft Excel spreadsheets and Access databases) to store, manipulate, and analyze data.

In October 2019, the City Council decided to engage Tyler Technologies for its integrated ERP solution to replace existing software and manual processes. Tyler offers modern technology to give our staff the tools necessary to conduct business, analyze data, and serve our residents better.

The total estimated cost of this project was initially set in 2019 at $14.9 million, consisting of the Tyler contract for $9.1

million (including contingency) and additional implementation costs of $5.8 million, including project management services, business process design costs, and organizational change management consulting services. Bonds were issued for $6.9 million in 2019 as part of a plan to finance the first major phases in one series of bonds and return to the market to finance the final phases at a later date. The project commenced in October 2019.

At its October 18, 2022, meeting, the City Council approved staff's recommendation to issue new bonds, including funding required to complete the ERP Project and street improvements. The plan for bonds included pairing the software with the larger streets and alleyways improvements to reduce issuance costs and benefit from economies of scale. The bonds included a 15-year repayment period related to the ERP system (estimated useful life) and a 30-year repayment period for street work. The Council approved $9 million not-to-exceed par amount for the ERP portion and $36 million for the street improvements. Those bonds now cannot be issued due to the latest lawsuit filed by Aaron Starr, and the project cannot proceed without some source of immediate funding.

DISCUSSION

Project Financing - Risk to Project

In December, following Council's approval of the bonds, the City received notification of yet another lawsuit by Aaron Starr and his political corporation, challenging the bond issuance approved by Council in October. Although the financing is a supplement to the outstanding 2019 bonds and is based on 30+ years of case law, this lawsuit has the effect of preventing the City from accessing the capital markets to finance the remainder of the ERP project. The lawsuit puts at risk many other major city operations spanning critical capital improvement and infrastructure projects, not just the completion of the final phases of the ERP.

Given the timing of this legal challenge, current project costs exceed the proceeds of the initial bond issuance, meaning that the City is now faced with a decision on how to proceed with the ERP project. Any additional and significant delays in payments will result in additional costs to the City in software fees as well as implementation and project management expenses. The City may cash fund the project at this point, and **when new bonds are issued, the proceeds can reimburse the City**. Of course, this option includes an inherent risk that, in the unlikely event that the litigation prevents the City from using bond proceeds to fund the ERP implementation, the General Fund would not be reimbursed for the cost of that project. Using the General Fund for this project would also reduce the availability of those funds for other City initiatives and key projects until the funding is reimbursed. The alternative is to delay the project until resolution of the lawsuit. This means most of the City's inefficiencies continue.

In order to continue with the ERP project and stay on track to deliver the much needed system improvements, staff recommends that the project continue and be funded from the General Fund with a reimbursement from future bond proceeds should the City prevail in its legal defense. The time frame for final resolution of the litigation is unknown, and the amount of General Funds required depends upon how long the bond issuance is delayed. An important point to note is that in accordance with the software agreement approved by Council in 2019, the City is contractually obliged to pay approximately $1 million in software fees to Tyler, for rights to use the system. This annual cost could not be avoided should the project be halted for any reason.

Total Cost of Project

The project has expensed $7.2 million to date, $0.3 million more than the initial proceeds received in 2019 of $6.9 million. Staff anticipates the project will consume a further $2.2 million by end of FY 2022-23, and approximately $3.0 million in FY 2023-24. While there is still some uncertainty over the full costs of the project pending the result of the discovery phase of the remaining modules, staff anticipates that the initial estimate of $14.9 million may be slightly lower than the full and final cost of the project. As we unravel our current antiquated system and learn the new system, current estimates of the cost to implement all phases of the ERP project are $16.4 million, an increase of $1.5 million from original estimates four years ago. However, we will better know the total cost of the project in 12 to 18 months as we complete the discovery phases of the final three modules. Please note that the cost of operating and maintaining any software (including the ERP) after implementation is charged to the operating budgets across the City on an ongoing basis, not to the project. So, the total cost of the project listed above does not include the annual software fees paid to Tyler for the rights to use the software, nor does it include the annual cost of having City staff or consultants maintain the system after implementation.

Project Management & External IT Support Services

Kreative Core Technologies Corp. (Kreative) has been successfully providing project management and IT support services for the ERP project over the last eighteen months. Kreative was instrumental in helping deliver the Core Financials phase of the project on time and under budget; it is now a key player in implementing Human Capital Management (HCM). In September 2021, the City entered into a contract with Kreative that has since been amended four times. Its current value is $2,600,000.

Staff recommends that Kreative continue to provide services for the remaining phases of the Project. Thus, staff recommends that Council approve a fifth amendment to the Kreative agreement with the City, adding $1,820,000 for a new "not-to-exceed" amount of $4,720,000, and extend the contract term for one further year, ending December 31, 2024. This amendment provides Kreative the time to implement and stabilize HCM as well as conduct discovery for three remaining phases -- EnerGov (planning, permitting, code compliance and business licensing), Enterprise Asset Management (Public Works) and Utility Billing. IT support services for all phases are anticipated to continue under this agreement while the City seeks to recruit and train internal support staff, and Kreative Core is also taking over organizational change management services. The amendment is currently being drafted; if the Committee recommends that this report proceed to the City Council, the amendment will be attached to the staff report at that time.

Given the nature of ERP projects, and the frontloaded discovery of three major phases to be completed as part of this fifth amendment, staff anticipates returning to the Council in Fiscal Year 2023-24 to recommend additional project management, IT support and organizational change management services required to ensure effective implementation and stabilization of the final phases.

Annual Update

1. Core Financials Complete; Budgeting Software Coming Soon

In the last annual report, it was listed that implementation of Executime (an electronic time tracking system) was completed in the fall of 2020 and implementation of Bluebeam (an online electronic mapping and design sharing system for plan check) was completed in the summer of 2021. The Core Financials implementation phase was completed and launched on October 1, 2022. This is the largest and most complex phase of the ERP, which included Purchasing (requisitions, purchase orders, contracts), Accounts Payable (receiving invoices and issuing payments), Accounts Receivable (billing for City fees and charges and processing payments), Project Management (accounting for capital improvements within the City's limit, and grant accounting), recording all financial transactions that result in monthly issuance of reports (balance sheet, cash flow, statement of government activities), and financial planning with its integrated budget projection and control tools. The new ERP provides real-time project reporting and budgetary controls for all capital projects and grant funded activity. This system is being built more securely than what Oxnard had in place for so many years, and more than three hundred City staff attended many training sessions in advance of this change.

A new chart of accounts within Munis consolidates and changes the number of accounts necessary to operate the City, meaning the prospective chart of accounts in some City funds and programmatic areas looks very different compared to the legacy chart of accounts. For this reason, the City's financial information prior to July 1, 2022, can continue to be accessed through the existing OpenGov portal that is reporting data from the legacy ERP system (HTE). For any information pertaining to July 1, 2022, onward, financial information can be accessed through a new OpenGov portal that is reporting Munis data. These two portals will be clearly labeled on the City's website. Stakeholders should expect to be able to see the same level of information under either portal, and a full list of contracts over $200,000 and checks issued will continue to be made available to all.

A new request for proposals will be released in the coming years for budget creation software that best meets the needs of the City. During the implementation of Core Financials, it became apparent that the existing budget modules within Tyler Munis do not contain the functionality required for the City to complete its budget processes effectively. In order to implement new budgeting software, it is vital that the City first completes the Human Capital Management (HCM) phase so that staff salaries and benefits can be incorporated into the new system.

2. Human Capital Management and Advanced Scheduling in the Works

Human Capital Management (HCM) is a large phase encompassing all the functions and processes from recruitment through payment and termination of all 1,700+ employees, recording and processing all benefit payments, employment taxes, retirement plan contributions, and implementing various bargaining unit memorandum of understanding (MOU) agreements in relation to employee pay and benefits. The HCM phase includes integration with leading industry learning and recruitment tools, enhancing the way the City can identify, nurture and retain talent for the benefit of the organization and its residents and customers. The HCM phase is currently underway with configuration and functional testing. This module is expected to Go Live this September.

During the period of Core Financials being live and HCM in development, the City will continue to use its legacy system, HTE, to perform all payroll calculations, payments and benefit calculations, taking that information and translating it into the appropriate Munis accounting codes such that all activity will be reportable and managed against the adopted and revised budgets that are held in Munis. Testing will continue to ensure accuracy of non-public safety payroll in Munis, with the first such payroll anticipated to be completed in Munis in October 2023.

Additionally, the Police and Fire Departments have a need for advanced scheduling unique to public safety. Each of these departments has located software specific to its scheduling and used by a significant number of California law enforcement and firefighting agencies. However, due to delays on the contractors' side, we are currently considering when the advanced scheduling software should be implemented, as the concurrent implementation with HCM as originally planned is no longer possible.

3. Discovery Beginning on Energov (Planning, Permitting), Enterprise Asset Management (Public Works) and Utility Billing

The City is currently entering into the discovery (or pre-implementation) phase of each of the last three modules: Energov, Enterprise Asset Management, and Utility Billing. The goal is to gather information on the current processes, identify gaps and opportunities, and create the vision and roadmap for the future. Energov discovery has already begun with fact finding in the Business Licensing Division; this discovery is scheduled to be completed this calendar year, with implementation beginning immediately thereafter. The discovery phase of Enterprise Asset Management will begin this March with implementation scheduled for a year thereafter. The discovery phase of Utility Billing will begin this July with implementation scheduled to begin in January 2025. This schedule may shift as we learn more about the new system's capabilities as compared with our needs.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to reinforce, stabilize, improve, and strengthen the organizational foundation of the City in order to build a modern, high-functioning City government that effectively and efficiently supports the operating departments in providing high-quality services and programs for our residents and businesses.

FINANCIAL IMPACT

The ERP Project was budgeted at $14.9 million for all five phases. To date $7.2 million has been spent in the delivery of Executime, Bluebeam, and Core Financials, and with significant progress on HCM too. There are sufficient appropriations within the Capital Outlay Fund (301) in the FY 2022-23 budget to cover the current year anticipated expenses; however, it was anticipated that new bond proceeds would fund these appropriations. Should Council decide to fund the ERP using General Fund dollars, then it would require approximately $2.2 million in FY23, and another $3.0 million by the end of FY 2023-24.

The proposed fifth amendment to the consulting services agreement with Kreative Core for Core Financials and HCM project management services has a not-to-exceed amount of $4,720,000 spanning approximately 18 months. The total cost will be funded through the existing project budget. The IT department continues to have a large number of vacancies and thus considerable staff savings that help to offset some but not all of the anticipated contracted costs.

Future budgets will include the appropriations necessary to cover anticipated costs of completing the project phases planned for those fiscal years, and it is still staff's recommendation to issue new bonds for the remaining anticipated project costs in due course.

COMMITTEE OUTCOME

The Finance and Governance Committee approved 3-0 on February 28, 2023, that the City Council receive and file this report.

Prepared by: Mark Sewell, Assistant Chief Financial Officer

ATTACHMENTS

1. Kreative Core Tech Original Contract
2. Kreative Core Tech Amendment 1
3. Kreative Core Tech Amendment 2
4. Kreative Core Tech Amendment 3
5. Exhibit A to Amendment 3
6. Kreative Core Tech Amendment 4
7. Kreative Core Tech Amendment 5
8. 2023_03_21 ERP Risk Due To Lawsuit Presentation

AGREEMENT FOR PROFESSIONAL SERVICES
COVER PAGE

(1) Agreement Start Date: September 13, 2021

(2) Consultant: Kreative Core Technologies INC., a Texas Corporation, EIN 82-5240300

(3) Services: Provide Current State Assessment of the City of Oxnard's Planning for Enterprise Resource Planning (ERP) Implementation, and Identify Scope of Work for the Successful Implementation, Stabilization and Adoption of the ERP On Time and to Current Budget.

(4) Schedule of Services: The services must be completed within [21] calendar days of the Agreement Start Date listed above. See Scope of Services Exhibit, which is attached hereto and incorporated herein.

(5) Agreement Ending Date: October 4, 2021

(6) Total Agreement Amount: Not to Exceed $21,000 for all Services

(7) City's Project Manager: Mark Sewell, Assistant Financial Officer

(8) Consultant's Project Manager: Andy Bhatnagar

(9) Insurance Coverage: INS-A

(10) Addresses for Notice:

FOR CONSULTANT:

Kreative Core Technologies
14762 Kemps Landing,
Frisco, TX 75035

Attn: , Andy Bhatnagar

FOR CITY:

Finance Department
City Hall
300 W Third St.
Oxnard, CA, 93030

Attn: , Mark Sewell, ACFO

(11) Contact Emails:

CONSULTANT'S PROJECT MANAGER:

Andy Bhatnagar

abhatnagar@xylemcore.com

CITY'S PROJECT MANAGER:

Mark Sewell

Mark Sewell@Oxnard.org

The Agreement for Professional Services is attached hereto and incorporated herein by this reference. The following exhibits are also attached hereto and incorporated herein by this reference into the Agreement:

- ☐ Scope of Services Exhibit
- ☐ Rates and Costs Exhibit
- ☐ Insurance Exhibit (INS-)

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT FOR PROFESSIONAL SERVICES ("Agreement") is entered into in Ventura County, California, on the date that is written as "(1) Agreement Start Date" on the Cover Page, which is attached hereto and incorporated herein by this reference. This Agreement is entered by and between the City of Oxnard ("City") and the person or entity listed as "(2) Consultant" on the Cover Page, subject to the following terms and conditions:

1. Scope of Services. Consultant shall provide to City the services listed as "(3) Services" on the Cover Page (the "Services"). Consultant shall provide the Services during the term of this Agreement, as set forth below, according to the schedule written as "(4) Schedule of Services" on the Cover Page, and as further explained in the Scope of Services Exhibit, which is attached hereto and incorporated herein by this reference. In the event of any conflict between the terms of this Agreement and any incorporated document(s), the terms of this Agreement shall control.

2. Standard of Performance. Consultant shall undertake and complete the Services to conclusion using the standard of care, skill and diligence normally provided by a professional person in the performance of similar consulting services.

3. Correction of Errors. Consultant shall correct, at its expense, all errors which may be disclosed during review of the Services. Should Consultant fail to make such correction in a reasonably timely manner, such correction shall be made by City, and the cost thereof shall be paid by Consultant.

4. Term. This Agreement shall begin on the date that is written as "(1) Agreement Start Date" on the Cover Page and shall end on the date that is written as "(5) Agreement Ending Date" on the Cover Page. Time is of the essence in this Agreement.

5. Compensation. For the Services performed during the term of this Agreement, City shall pay Consultant an amount not to exceed the amount that is listed as "(6) Total Agreement Amount" on the Cover Page, at the rates listed in Rates and Costs Exhibit, attached hereto and incorporated herein by this reference. The rates in Rates and Costs Exhibit shall be in effect through the end of this Agreement. Except as otherwise expressly provided in this Agreement, City shall not be responsible for expenses incurred by Consultant in performing the Services.

6. Invoices. Consultant shall submit a payment request to City by the end of each calendar month listing the Services provided, costs of those Services, and total amount due for the month. Each invoice must also list the current balance on the Agreement, including that invoice, as well as the months remaining on the term of the Agreement. Invoices may be emailed to: invoices@oxnard.org.

7. Acceptance of Payment. Consultant's acceptance of final payment made pursuant to this Agreement shall constitute a release of City from all claims and liabilities for compensation to Consultant for anything completed, finished or relating to the Services. City's payment shall not constitute nor be deemed a release of the responsibility and liability of Consultant for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Consultant and its employees, agents and subcontractors. Consultant shall provide City with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. If any sales tax is due for the Services performed by Consultant or materials or products provided to City by Consultant, Consultant shall pay the sales tax. City shall not reimburse Consultant for sales taxes paid by Consultant.

8. Non-Appropriation of Funds. Payments to be made to Consultant by City for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the conclusion of the last fiscal year in which City appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

9. Coordination of Services. The Services shall be coordinated with the person in the position listed in "(7) City's Project Manager" on the Cover Page, subject to the direction of the City Manager and Department Director. Consultant hereby designates the person in the position listed in "(8) Consultant's Project Manager" on the Cover Page as the person responsible for the Services who shall coordinate with City's Project Manager in making binding decisions in line with this Agreement on behalf of Consultant.

10. Personnel. Consultant represents that it has, or shall secure at its own expense, all personnel required to perform the Services. Any person who performs engineering services pursuant to this Agreement shall be licensed as a Civil Engineer by the State of California and in good standing. Consultant shall make reasonable efforts to maintain the continuity of Consultant's staff who are assigned to perform the Services. Consultant may associate with or employ associates or subcontractors in the performance of the Services, but at all times shall Vendor be responsible for its associates and subcontractors' labor, advice or materials provided in furtherance of providing the Services. Should any of Consultant's employees, assigns or subcontractors not conduct him- or herself appropriately, as determined by the City's Project Manager, in the process of providing the Services or any portion thereof, the City's Project Manager may notify the Consultant's Project Manager, who shall immediately handle the problem, as determined appropriate by him or her, such that the problem does not persist.

11. Additional Work. City may request additional specified work under this Agreement. The City's Project Manager must authorize all such work in writing before commencement. Consultant shall perform such work, and City shall pay for such additional work, in accordance with Rates and Costs Exhibit. Should the work not fall under any such listed rate or cost, Consultant shall submit a quote for all additional work, which the City's Project Manager must approve in writing by before any such work may commence. The City shall compensate Consultant for any work that does not fall under a rate or cost listed in the Rates and Costs Exhibit, and for which Consultant did not obtain the City's Project Manager's written approval before work commenced, as determined by the City's Project Manager in his or her sole discretion.

12. Audit. City shall have the option of inspecting, auditing and/or reproducing all records and other written materials used by Consultant in preparing its billings to City as a condition precedent to any payment to Consultant. Consultant will promptly furnish all documents requested by City. Additionally, if this Agreement is in excess of $10,000, the State Auditor may examine and audit Consultant for a period of 3 years after final payment under the Agreement. Regardless of whether a State audit is permitted, Consultant shall maintain and preserve all such records for a period of at least 3 years after final payment under the Agreement. Consultant shall include a copy of this Section 12 in all contracts with its subcontractors, and Consultant shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or City.

13. Termination. City may terminate this Agreement at any time, with or without cause and without penalty, upon 15 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice. Consultant may terminate this Agreement at any time, with or without cause and without penalty, upon 30 days prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 10 calendar days from the date of delivery or mailing of such notice and only if all assignments accepted by Consultant have been completed before the date of termination. In the event of termination of this Agreement by either party due to no fault or failure of performance by Consultant, City shall pay Consultant compensation for all Services satisfactorily completed in accordance with all of the terms and provisions of this Agreement, as determined by the City, before the effective date of termination; provided, in no event shall the Consultant receive an amount exceeding that which would have been paid to Consultant for the full performance of the Services.

14. Hold Harmless, Defense and Indemnity.

If Consultant provides any architectural, landscape architectural, engineering or land surveying ("design professional") services, to the maximum extent permitted by law, Consultant shall hold harmless, defend, and indemnify City, its legislative and advisory bodies, and the City's officials, directors, officers, employees, and agents (collectively, "Indemnitees") from and against any and all claims, demands, causes of action, damages, injuries, liabilities, losses, penalties, fines, judgments, costs or expenses, including reimbursement of attorneys' fees, court costs and costs of alternative dispute resolution, including but not limited to those relating to death or injury to any

person and injury to any property (collectively, "Claims"), to the extent that the Claims arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of Consultant or of any of its officers, employees, subcontractors or agents in the performance of the Agreement or in the failure to comply with any of the obligations contained in this Agreement. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, to the extent required herein immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

If Consultant provides no design professional services, to the maximum extent permitted by law, Consultant shall hold harmless, defend and indemnify the Indemnitees from and against any and all Claims, which arise out of, pertain to, or relate to the performance of this Agreement, or the failure to comply with any of the obligations contained in this Agreement, by Consultant or of any of its officials, directors, officers, employees, subcontractors, or agents. Consultant's obligation to defend is a separate and distinct obligation from Consultant's duty to indemnify and applies through final judgment, including exhaustion of any appeals. Consultant shall be obligated to defend Indemnitees in all legal, equitable, administrative, or special proceedings, with counsel approved by the City Attorney, immediately upon tender to Consultant of the Claim in any form or at any stage of an action or proceeding. The defense obligation includes the obligation to provide independent defense counsel if Consultant asserts that the liability is caused in whole or in part by the negligence or willful misconduct of any of the Indemnitees.

a. The review, acceptance or approval of Consultant's work or work product by any of the Indemnitees shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This Section 14 shall survive completion of the Services or termination of this Agreement. The provisions of this Section 14 shall not be restricted by and does not affect the provisions of this Agreement relating to insurance.

15. Insurance. Consultant shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within the insurance document stated in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit, which is attached hereto and incorporated herein by this reference, unless the City's Risk Manager waives, in writing, the requirement that Consultant obtain and maintain such insurance coverages. Consultant shall, before performance of any Services, file with the City's Risk Manager evidence of insurance coverage as specified in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit. Maintenance of insurance coverages by Consultant is a material element of this Agreement. Consultant's failure to maintain or renew insurance coverages or to provide renewal evidence, and any lapse in insurance coverage, may be considered a material breach of this Agreement.

16. Documents and Materials.

a. All final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data, photographs, specifications, information, images, video files, media, or other deliverables prepared, created, drawn, calculated, photographed or developed by Consultant pursuant to this Agreement ("Documents and Materials") shall be the City's property without restriction or limitation upon its use, duplication or dissemination. All Documents and Materials shall be considered "works made for hire," and all Documents and Materials and any and all intellectual property rights arising from their creation, including, but not limited to, all copyrights and other proprietary rights, shall be and remain the property of the City without restriction or limitation upon their use, duplication or dissemination by the City. Consultant shall not obtain or attempt to obtain copyright protection as to any Documents and Materials. Consultant hereby assigns to the City all ownership and any and all intellectual property rights to the Documents and Materials that are not otherwise vested in the City pursuant to this Section 16.

b. Consultant shall deliver all Documents and Materials to City's Project Manager upon completion of the Services or termination of this Agreement without additional cost or expense to the City. Additionally, anytime at City's request, City shall be entitled to possession of, and Consultant shall furnish to City's Project Manager within 10 calendar days, any or all of the Documents and Materials without additional cost or expense to the City. In both situations, if Consultant prepares Documents and Materials on a computer, Consultant shall provide City with said

Documents and Materials both in a printed format and in an electronic format that is acceptable to the City. Consultant may retain copies of these Documents and Materials but must request permission from the City before use, duplication or dissemination of these Documents and Materials for any purpose other than for the Services provided to the City pursuant to this Agreement.

c. Any substantive modification of the Documents and Materials by City staff or any use of the completed Documents and Materials for other City projects, or any use of incomplete Documents and Materials, without the written consent of Consultant, shall be at City's sole risk and without liability or legal exposure to Consultant.

d. Consultant warrants and represents that it has secured all necessary licenses, consents or approvals to use any instrumentality, thing or component as to which any intellectual property right exists, including computer software, used in the rendering of the Services and the production of all Documents and Materials, and that the City has full legal title to and the right to use, duplicate or disseminate the Documents and Materials. Consultant shall defend, indemnify and hold Indemnitees harmless from any loss, claim or liability in any way related to a claim that City's use of any of the Documents and Materials is violating federal, state or local laws, any contractual provisions, or any laws relating to trade names, licenses, franchises, copyrights, patents or other means of protecting intellectual property rights and/or interests in products or inventions. Consultant shall bear all costs arising from the use of patented, copyrighted, trade secret or trademarked documents, materials, equipment, devices or processes in connection with its provision of the services and Documents and Materials. In the event the use of any of the Documents and Materials by the City is held to constitute an infringement and the use of any of the same is enjoined, Consultant, at its own expense, shall: secure for City the right to continue using the Documents and Materials by suspension of any injunction, or by procuring a license or licenses for City; or modify the Documents and Materials so that they become non-infringing while remaining in compliance with the requirements of this Agreement.

e. This Section 16 shall survive the termination of this Agreement.

17. Confidentiality of Information.

a. For the purposes of this Agreement, "Confidential Information" means all information, in whatever form transmitted, relating to the past, present or future business affairs of the City, including without limitation, (i) technical information, including patent, copyright, trade secret, and other proprietary information, techniques, sketches, drawings, models, inventions, processes, apparatus, equipment, algorithms, software programs, software source documents, and formulas; or (ii) non-technical information, including without limitation finances, financial and accounting data and information, suppliers, customers, customer lists, purchasing data and any other information belonging to the City or to a third party whose information is in the City's possession or control under obligations of confidentiality, and which is disclosed to Consultant or is developed by Consultant in whole or in part at the City's expense.

b. All Documents and Materials shall be considered Confidential Information and shall not be reproduced, transmitted, disclosed or used by the Consultant without the written consent of the City, except as may be necessary for Consultant to fulfill its obligations to the City.

c. Notwithstanding the above, these limitations shall not apply to information that (i) is already known to Consultant at the time of that information's disclosure or becomes publicly known through no wrongful act or omission of Consultant, (ii) is communicated to a third party with the express written consent of City and is not subject to restrictions on further use or disclosure, (iii) is independently developed by Consultant and has no relation to this Agreement, or (iv) is required by law, court order, court-issued subpoena or other legal process to be disclosed; provided, however, that before making such disclosure, Consultant shall immediately provide City with written notice and a reasonable opportunity for City to object to the disclosure or to take action to maintain the confidentiality of the information, unless such prior disclosure is legally impermissible.

d. Consultant shall use reasonable care to protect the Confidential Information. In the event of a breach or threatened breach of this Agreement, City shall be entitled to obtain an injunction prohibiting any such breach, the costs of which shall be paid by Consultant. Any relief granted shall be in addition to and not in lieu of any other legal or equitable relief, including money damages. The parties acknowledge that Confidential Information is valuable and

unique and that disclosure of the Confidential Information in breach of this Agreement may result in irreparable injury to the City.

e. Other than an obligation upon the City to deal in good faith, the City makes no warranties and shall bear no liability or responsibility for errors or omissions in any Confidential Information disclosed under this Agreement or for any business decisions made by Consultant in reliance on any Confidential Information disclosed under this Agreement.

f. This Section 17 shall survive the termination of this Agreement.

18. Independent Contractor. Consultant is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of Consultant or any of its employees, except as stated in this Agreement. Consultant has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting Consultant, and it is free to dispose of all portions of its time which it is not obligated to devote to City in such a manner and to such persons, firms, or corporations as Consultant wishes except as expressly provided in this Agreement. This Agreement shall not be interpreted to prevent or preclude Consultant from rendering any services for Consultant's own account or to any other person or entity as Consultant in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services Consultant shall perform for the City. Except as City's Project Manager specifies in writing, Consultant and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. Consultant and its employees are not employees of City. Consultant and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. Consultant shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Consultant's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable. City shall have the right to offset against the amount of any compensation due to Consultant under this Agreement any amount due to City from Consultant as a result of its failure to promptly pay to City any reimbursement or indemnification arising under this Section 18.

19. Nondiscriminatory Employment. Consultant shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. Consultant understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, Consultant shall be responsible for such subcontractor's compliance with this Section 19.

20. Consultant's Representations. Consultant represents, covenants and guarantees that: a) Consultant is licensed, qualified, and capable of furnishing the labor, materials, and expertise necessary to perform the Services in accordance with the terms and conditions set forth in this Agreement; b) there are no obligations, commitments, or impediments of any kind that will limit or prevent Consultant's full performance under this Agreement; c) to the extent required by the standard of practice, Consultant has investigated and considered the scope of Services performed, has carefully considered how the Services should be performed, and understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement.

21. Compliance with Laws. In performing the Services under this Agreement, Consultant shall comply with all applicable laws, ordinances and regulations. Before providing any Services under this Agreement, Consultant

shall, at its own expense, obtain and maintain all required certificates, licenses and permits, including a City business tax certificate.

22 Conflict of Interest. If, in performing the Services set forth in this Agreement, Consultant makes, or participates in, a "governmental decision" as described in Title 2, Section 18701(a)(2) of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Consultant shall be subject to City's conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Consultant's personnel providing the Services set forth in this Agreement. Furthermore, Consultant shall not to accept any employment or representation during the term of this Agreement or within 12 months after completion of the Services which is or may likely make Consultant "financially interested," as provided in California Government Code Sections 1090 and 87100, in any decisions made by City on any matter in connection with which Consultant has been retained pursuant to this Agreement.

23. Fictitious Name. If Consultant has a fictitious name, Consultant shall submit to City a new Fictitious Business Name Statement approved by any California county before Consultant's prior Fictitious Business Name Statement expires if such expiration may occur during the term of this Agreement, including any term amendment.

24. Non-Assignability. This Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's personnel's unique competence, experience and specialized personal knowledge. Consultant shall not assign or transfer any interest in this Agreement or any part thereof, whether by assignment or novation, without City's prior written consent, which may be withheld for any reason or for no reason at all. Any purported assignment without written consent shall be null, void, and of no effect, and Consultant shall hold harmless, defend and indemnify Indemnitees from and against all Claims arising from or relating to any unauthorized assignment.

25. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Consultant.

26 Applicable Law, Venue. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. Venue for any such action relating to the Agreement shall be in the Ventura County Superior Court.

27. Titles. The titles used in this Agreement are for convenience only and shall in no way define, limit or describe the scope or intent of this Agreement or any part of it.

28. Force Majeure. Neither City nor Consultant shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include but are not be limited to acts of God, riots, acts of war, epidemics, fire, earthquakes, or other disasters.

29. Authority. Any person executing this Agreement on behalf of Consultant warrants and represents that s/he has the authority to execute this Agreement on behalf of Consultant and to bind it to the performance of these obligations.

30. Binding Agreement. The parties do not intend this Agreement to be binding upon them and shall not be held liable to its terms until it is fully executed by all required signers.

31. Integration, Amendment. This Agreement, including any other documents incorporated herein by specific reference, constitutes the entire and integrated agreement of City and Consultant regarding the subject matter described herein. This Agreement supersedes all prior oral or written communications, negotiations, representations, agreements and promises. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing, signed by both parties, that expressly refers to this Agreement.

32. Construction. In the event of any asserted ambiguity in or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or who drafted the Agreement in whole or in part.

33. No Waiver. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by City of any payment to Consultant constitute or be construed as a waiver by City of any breach of covenant, or any default that may then exist on the part of Consultant, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default.

34. Attorneys' Fees. The prevailing party shall be entitled to recover reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney's Office) and expenses, including investigation fees and expert witness fees, in addition to any other relief to which that party may be entitled, in any legal action or other proceeding, including an action for declaratory relief, for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement.

35. Notice. Except as otherwise required by law, a notice or communication authorized or required by this Agreement shall be in writing and shall be deemed received—on (a) the day of delivery if delivered by hand or overnight courier service during City's regular business hours or (b) the third business day following deposit in the United States mail, postage prepaid—to the addresses listed as "(10) Addresses for Notice" on the Cover Page or at such other address as one party may notify the other in writing.

36. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement. A signed copy of this Agreement transmitted by email to Project Managers' emails listed in "(11) Contact Emails" on the Cover Page or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

37. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

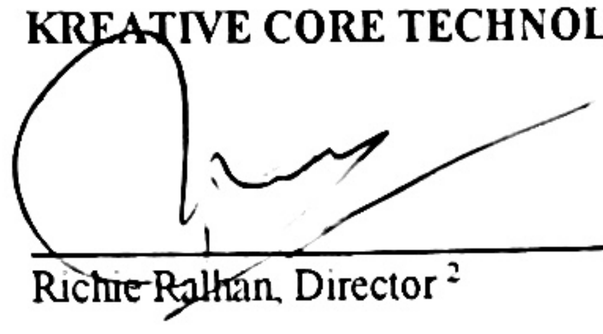
[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date that is written as "(1) Agreement Start Date" on the Cover Page.

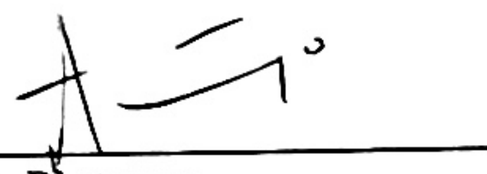
CITY OF OXNARD

_____ _____
☐ John C. Zaragoza, Mayor[1] Date
☐ Alexander Nguyen, City Manager
☐ Patricia Garcia, Buyer

KREATIVE CORE TECHNOLOGIES



Richie Ralhan, Director [2] 9/8/21
Date



Andy Bhatnagar . 9/8/21
Date

ATTEST:

N/A _____
Rose Chaparro, City Date
Clerk (only if Mayor signs)

APPROVED AS TO FORM:

_____ _____
Stephen M. Fischer, City Date
Attorney (always required)

[1] The City Council must authorize and the Mayor must sign any agreement over $200,000 annually. The City Manager may authorize and sign any agreement over $100,000 but up to $200,000 annually. The Purchasing Manager may authorize and sign any agreement up to $100,000 annually. A Buyer may authorize and sign any agreement up to $25,000 annually.

[2] The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC; or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

SCOPE OF SERVICES EXHIBIT

A. Remote Work to be Completed
   i. Review the documentation that are available for the project
   ii. Review the Current project plan
   iii. Review the Current Scope of Work
   iv. Review and analyze the current state
   v. Meet with Tyler Project Management Team

B. Onsite Work to be Completed
   i. Meet and greet Oxnard team members
   ii. Review the Project Organizational structure
   iii. Interview stakeholders
   iv. Meet with IT to review the IT goal and strategy around ERP
   v. Create Draft Resource plan (SME / Others) and project manager involvement requirements to include estimate of ongoing resources required. Bhatnagar
   vi. Review the above with City's Assistant Chief Financial Officer.
   vii. Conclude and Complete Recommended Resource plan (SME / Others) and project manager involvement requirements.

C. Conclude the Assessment (Offsite)
   i. Present Recommended Project to City ERP Steering Team and Take Feedback
   ii. Make Final Revisions and Submit Final, Costed and Phased Project Management Plan in the Form of a Written Report.

Onsite work shall be coordinated with City Project Manager at least 3 business days prior to arrival at the City of Oxnard to ensure availabilty of City staff and maximize effectiveness of time.

Consultant shall adhere to all Federal, State and Local mandates regarding COVID-19 protocals, including and not limited to wearing a mask as directed while present at City Hall or other City locations.

Draft and Final Project Management Plans shall provide sufficient detail and supporting analysis to justify recommedations and include best practice project management techniques and tools to effectively communicate rationale for why and how recommendations have been generated.

RATES AND COSTS EXHIBIT

Consultant shall provide weekly accounting and tasks and timings to City Project Manager using an excel spreadsheet. This reporting shall be provided on the Monday morning following the prior week's tasks.

Consultant shall provide one invoice once all services have been completed and full written report has been submitted to City.

City requires Andy Bhatnagar to act as primary consultant for this project and shall require its written and explicit approval of any subsitutions during the term of this agreement.

Consultant shall be compensated at an hourly rate of $175.00 or part thereof, with a not to exceed limit of $21,000.

Consultant shall track time at lowest of ¼ hour increments.

Reasonable travel expenses will be reimbursed not to exceed $4,000 and subject to support with receipts. Airline tickets shall be reimbursed at economy class only, and car and hotels shall be reimbursed at reasonable local rates as supported by appropriate receipts.

INSURANCE EXHIBIT

FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This First Amendment ("First Amendment") to the Professional Services Agreement ("Agreement") is made and entered into in the County of Ventura, State of California, this fifth day of October, 2021, by and between the City of Oxnard, a municipal corporation ("City"), and Kreative Core Technologies Corp – CA Secretary of State Number C4806472, ("Consultant"). This First Amendment amends the Agreement entered into on September 13th, 2021, by City and Consultant.

City and Consultant agree as follows:

1. The date in Section 5 of the Cover Page of the Agreement is hereby amended to "September 30, 2022."

2. The Total Agreement Amount in Section 6 of the Cover Page of the Agreement is hereby amended to "Not to Exceed $200,000 (Two Hundred Thousand) for all Services."

3. The following is attached hereto and incorporated herein by this reference into the Agreement: [Enter name of newly attached exhibit] Exhibit.

4. The reference to the Scope of Work Exhibit everywhere it is listed both on the Cover Page and in the Agreement is hereby amended to the Scope of Work as of October 5, 2021 Exhibit. The Scope of Work Exhibit is hereby disincorporated; instead, the Scope of Work as of October 5, 2021 Exhibit is attached hereto and incorporated herein by this reference.

5. The reference to the Rates and Costs Exhibit everywhere it is listed both on the Cover Page and in the Agreement is hereby amended to add also the Rates and Costs as of October 5, 2021 Exhibit. The Rates and Costs as of October 5, 2021, Exhibit is attached hereto and incorporated herein by this reference.

6. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

☐ John C. Zaragoza, Mayor[1] Date
☐ Alexander Nguyen, City Manager
☐ Daniel Willhite, Purchasing Manager
☐ Patricia Garcia, Buyer

ATTEST:

Rose Chaparro, City Clerk Date
(only if Mayor signs)

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney (always required) Date

KREATIVE CORE TECHNOLOGIES CORP

Richie Ralhan, CEO[2] Date

Andy Bhatnagar, Date

[1] The City Council must authorize and the Mayor must sign the amendment if the original contract and all amendments collectively total over $200,000 annually. The City Manager may authorize and sign the amendment if the original contract and all amendments collectively total over $100,000 but up to $200,000 annually. The Purchasing Manager may authorize and sign the amendment if the original contract and all amendments collectively total up to $100,000 annually. A Buyer may authorize and sign the amendment if the original contract and all amendments collectively total up to $25,000 annually.

[2] The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

SCOPE OF WORK AS OF OCTOBER 5, 2021 EXHIBIT

A. Provide Project Leadership and Management using commonly shared best practices to ensure the City successfully launches Tyler products including but not limited to Core Financials and HCM

B. Provide Business Analysis services to ensure the City configures its systems and processes in an efficient and organized manner.

C. Provide project management services to the City IT team to ensure all conversions, interfaces and imports associated with Munis implementation are successful.

D. In partnership with City Leadership, manage project risks and ensure all tasks are completed on time and within project budget.

E. In partnership with City Leadership, manage vendor relationships where appropriate including but not limited to Tyler, to ensure project goals are met.

F. Maintain regular reporting, summarizing project progress, decisions made, decisions pending, issues and forecasts to ensure completion on time and to scope.

G. Communicate effectively to stakeholders in all levels of the Oxnard organization using various appropriate communication methods and strategies enhancing ownership and adoption of new processes and procedures.

H. Work with City Organization Change Management (OCM) teams, providing insight and best practices to develop training and learning opportunities while testing the system configuration.

I. Ensure adequate time is allocated for product testing, including User acceptance Testing and reporting functions to enable the City to yield immediate and positive returns on its significant investment.

J. Ensure attendance in meetings, including on-site presence on as needed basis, until June 2022, whereby more onsite attendance may be required as part of preparation for go live in July 2022, and stabilization immediately following launch.

K. Provide bi-weekly reporting of project progress in support of invoices for services rendered. This shall include time sheets and activities for all Kreative Core Technologies employees.

L. Ensure all the Kreative Core Technologies' Project Managers have the PMP from PMI Institute or similar certification or experience.

M. Kreative Core Technologies will provide incremental / progressive status report for Tyler Munis Core Financials and HCM phase on a biweekly basis. Biweekly status reports will also be utilized for invoicing on a biweekly basis.

N. Kreative Core Technologies (KCT) will provide IT support on as needed basis, subject to the availability of the KCT technical resources.

O. City reserves the right to meet Project Managers for Finance and HCM phases and agree to their participation in the project.

P. Best efforts from both parties will be made to ensure continuity of project management staff for the duration of each phase.

Q. KCT will provide the Project Management resources within 30 days from the contract approval date. Until additional PM resources are onboarded, Andy Bhatnagar may support the project on a full-time basis.

R. Onsite work shall be coordinated with City Project Manager at least 3 business days prior to arrival at the City of Oxnard to ensure availability of City staff and maximize effectiveness of time.

S. Consultant shall adhere to all federal, State and local mandates as well as City regulations (promulgated by the HR Department) regarding COVID-19 protocols including and not limited to wearing a mask as directed while present at City Hall or other City locations.

T. City requires Andy Bhatnagar to act as primary consultant for this project and shall require City's written preapproval of any substitutions thereto during the term of this Agreement.

RATES AND COSTS AS OF OCTOBER 5, 2021 EXHIBIT

Consultant shall provide weekly accounting and tasks and timings to City Project Manager using an Excel spreadsheet. This reporting shall be provided on the Monday morning following the prior week's tasks.

Consultant shall provide one invoice once all services have been completed and full written report has been submitted to City.

Standard Resources:

Snr Project Manager:	Andy Bhatnagar:	$175.00 per hour, Est 25 hours/week
Project Manager - Finance	TBC:	$125.00 per hour, Est 40 hours/week
Project Manager - HCM	TBC:	$125.00 per hour, Est 40 hours/ week

***Written City Approval will be required if additional hours are required for the successful implementation.*

IT On-Call Support (requiring written preapproval by City Chief Information Officer or designee):

Technical Specialist for conversion	$200 per hour
Technical Specialist for Integrations (API)	$225 hour
Technical Specialist for flat file Integrations	$195 per hour

Reasonable travel expenses will be reimbursed not to exceed $4,000 per trip and subject to support with receipts. Airline tickets shall be reimbursed at economy class only, and car and hotels shall be reimbursed at reasonable local rates as supported by appropriate receipts.

Agreement No. 9431-21-FN

SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Second Amendment ("Second Amendment") to the Professional Services Agreement ("Agreement") is made and entered into in the County of Ventura, State of California, this eighteenth day of January, 2022, by and between the City of Oxnard, a municipal corporation ("City"), and Kreative Core Technologies Corp – CA Secretary of State Number C4806472, ("Consultant"). This Second Amendment amends the Agreement, administratively entered into on September 13, 2021, by City and Consultant. The Agreement previously has been amended by a First Amendment, administratively entered into on October 4, 2021.

City and Consultant agree as follows:

1. The date in Section 5 of the Cover Page of the Agreement is hereby amended to "February 1, 2023."

2. The Total Agreement Amount in Section 6 of the Cover Page of the Agreement is hereby amended to "Not to Exceed $900,000 (Nine Hundred Thousand Dollars) for all Services."

3. The reference to the Scope of Work as of October 5, 2021 Exhibit everywhere it is listed both on the Cover Page and in the Agreement is hereby amended to the Scope of Work as of January 18, 2022 Exhibit. The Scope of Work as of October 5, 2021 Exhibit is hereby disincorporated; instead, the Scope of Work as of January 18, 2022 Exhibit is attached hereto and incorporated herein by this reference.

4. The reference to the Rates and Costs Exhibit and to the Rates and Costs as of October 5, 2021 Exhibit everywhere these are listed both on the Cover Page and in the Agreement are hereby amended to the Rates and Costs as of January 18, 2022 Exhibit. The Rates and Costs Exhibit and the Rates and Costs as of October 5, 2021 Exhibit are hereby disincorporated; instead, the Rates and Costs as of January 18, 2022 Exhibit is attached hereto and incorporated herein by this reference.

5. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

_____ ____
☐ John C. Zaragoza, Mayor Date
☐ Alexander Nguyen, City Manager
☐ Daniel Willhite, Purchasing Manager
☐ Patricia Garcia, Buyer

ATTEST:

_____ _____
Rose Chaparro, City Clerk Date
(only if Mayor signs)

APPROVED AS TO FORM:

_____ _____
Stephen M. Fischer, City Attorney (always required) Date

KREATIVE CORE TECHNOLOGIES CORP

_____ _____
Richie Ralhan, CEO,CFO,Secretary Date

_____ _____
Andy Bhatnagar, Vice President Date

SCOPE OF WORK AS OF JANUARY 18, 2022 EXHIBIT

A. Provide Project Leadership and Management using commonly shared best practices to ensure the City successfully launches Tyler products including but not limited to Core Financials and Human Capital Management (HCM).

B. Provide Business Analysis services to ensure the City configures its systems and processes in an efficient and organized manner.

C. Provide project management services to the City IT team to ensure all conversions, interfaces and imports associated with Munis implementation are successful.

D. In partnership with City Leadership, manage project risks and ensure all tasks are completed on time and within project budget.

E. In partnership with City Leadership, manage vendor relationships where appropriate including but not limited to Tyler, to ensure project goals are met.

F. Maintain regular reporting, summarizing project progress, decisions made, decisions pending, issues and forecasts to ensure completion on time and to scope.

G. Communicate effectively to stakeholders in all levels of the Oxnard organization using various appropriate communication methods and strategies enhancing ownership and adoption of new processes and procedures.

H. Work with City Organization Change Management (OCM) teams, providing insight and best practices to develop training and learning opportunities while testing the system configuration.

I. Ensure adequate time is allocated for product testing, including User Acceptance Testing (UAT) and reporting functions.

J. Ensure attendance in meetings, including on-site presence on as needed basis, whereby more onsite attendance may be required as part of preparation for go live for the Core Financials and HCM phases in July 2022 and January 2023, respectively, including stabilization immediately following launch.

K. Provide bi-weekly reporting of project progress in support of invoices for services rendered. This shall include time sheets and activities for all Consultant's employees.

L. Ensure all Consultant's Project Managers have the PMP from PMI Institute or similar certification or experience.

M. Consultant will provide incremental / progressive status report for Core Financials, HCM, and other phases as mutually agreed on a biweekly basis. Biweekly status reports will also be utilized for invoicing on a biweekly basis.

N. Consultant will provide IT support on as needed basis, subject to the availability of the Consultant's technical resources.

O. City reserves the right to meet Project Managers for Core Financials and HCM phases and agree to their participation in the project.

P. Best efforts from both parties will be made to ensure continuity of project management staff for the duration of each phase.

Q. Onsite work shall be coordinated with City Project Manager at least 3 business days prior to arrival at the City of Oxnard to ensure availability of City staff and maximize effectiveness of time.

R. Consultant shall adhere to all federal, State and local mandates as well as City regulations (promulgated by the HR Department) regarding COVID-19 protocols including and not limited to wearing a mask as directed while present at City Hall or other City locations.

S. City requires Andy Bhatnagar to act as primary consultant for this project and shall require City's written preapproval of any substitutions thereto during the term of this Agreement.

RATES AND COSTS AS OF JANUARY 18, 2022 EXHIBIT

Consultant shall provide one invoice every two weeks per phase with all labor and materials supported with approved timecards. Consultant shall track time at lowest of ¼ hour increments.

Standard Resources:

Snr Project Manager:	Andy Bhatnagar:	$175.00 per hour, Est 25 hours/week
Project Manager - Core Financials	TBC:	$125.00 per hour, Est 40 hours/week
Project Manager - HCM	TBC:	$125.00 per hour, Est 40 hours/ week

***Written City Approval will be required if additional hours are required for the successful implementation.*

IT On-Call Support (requiring written pre-approval by City Chief Information Officer or designee):

Technical Specialist for conversion	$200 per hour
Technical Specialist for Integrations (API)	$225 per hour
Technical Specialist for flat file Integrations	$195 per hour

Reasonable travel expenses will be reimbursed not to exceed $4,000 per trip and subject to support with receipts. Airline tickets shall be reimbursed at economy class only, and car and hotels shall be reimbursed at reasonable local rates as supported by appropriate receipts.

Forecast Costs (this is for approximation purposes only):

Project Assessment – Completed October 2021	$ 23,082
Core Financials /HCM Phases collectively	$ 800,000
IT Support / Contingency / Travel	$ 76,918
Total Contract Value (Not to Exceed)	**$ 900,000**

Agreement No. 9431-21-FN

THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Third Amendment ("Third Amendment") to the Professional Services Agreement ("Agreement") is made and entered into in the County of Ventura, State of California, this twenty-eighth day of July, 2022, by and between the City of Oxnard, a municipal corporation ("City"), and Kreative Core Technologies Corp – CA Secretary of State Number C4806472, ("Consultant"). This Third Amendment amends the Agreement, administratively entered into on September 13, 2021, by City and Consultant. The Agreement previously has been amended by a First Amendment, administratively entered into on October 4, 2021, subsequently amended, by Council action, for a second time on January 18, 2022..

City and Consultant agree as follows:

1. The date in Section 5 of the Cover Page of the Agreement is hereby amended to "December 31, 2023."

2. The Total Agreement Amount in Section 6 of the Cover Page of the Agreement is hereby amended to "Not to Exceed $2,600,000 (Two Million, Six Hundred Thousand Dollars) for all Services."

3. The reference to the Scope of Work as of January 18, 2022 Exhibit everywhere it is listed both on the Cover Page and in the Agreement is hereby amended to the Scope of Work as of July 28, 2022 Exhibit. The Scope of Work as of January 18, 2022 Exhibit is hereby disincorporated; instead, the Scope of Work as of July 28, 2022 Exhibit is attached hereto and incorporated herein by this reference.

4. The reference to the Rates and Costs Exhibit and to the Rates and Costs as of January 18, 2022 Exhibit everywhere these are listed both on the Cover Page and in the Agreement are hereby amended to the Rates and Costs as of July 28, 2022 Exhibit. The Rates and Costs Exhibit and the Rates and Costs as of January 18, 2022 Exhibit are hereby disincorporated; instead, the Rates and Costs as of July 28, 2022 Exhibit is attached hereto and incorporated herein by this reference.

5. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

_____ _____
☐ John C. Zaragoza, Mayor Date
☐ Alexander Nguyen, City Manager
☐ Jennifer Yates, Purchasing Manager
☐ Patricia Garcia, Buyer

ATTEST:

_____ _____
Rose Chaparro, City Clerk Date
(only if Mayor signs)

APPROVED AS TO FORM:

_____ _____
Stephen M. Fischer, City Attorney (always required) Date

KREATIVE CORE TECHNOLOGIES CORP

_____ _____
Richie Ralhan, Chair, VP, Secretary Date

_____ _____
Andy Bhatnagar, President and Assistant Secretary Date

SCOPE OF WORK AS OF JULY 28, 2022 EXHIBIT

A. Provide Project Leadership and Management using commonly shared best practices to ensure the City successfully launches Tyler products including but not limited to Core Financials Human Capital Management (HCM), EnerGov and Enterprise Asset Management (EAM).

B. Provide Project Leadership and Management using commonly shared best practices to ensure the City successfully implements Public Safety Time and Attendance software integrated with the City's other ERP modules.

C. Provide Business Systems Analysis services to ensure the City configures its systems and processes in an efficient and organized manner.

D. Provide project management services to the City IT team to ensure all discovery, conversions, interfaces and imports associated with Munis implementation are successful.

E. In partnership with City Leadership, manage project risks and ensure all tasks are completed on time and within project budget.

F. In partnership with City Leadership, manage vendor relationships where appropriate including but not limited to Tyler, to ensure project goals are met.

G. Maintain regular reporting, summarizing project progress, decisions made, decisions pending, issues and forecasts to ensure completion on time and to scope.

H. Communicate effectively to stakeholders in all levels of the Oxnard organization using various appropriate communication methods and strategies enhancing ownership and adoption of new processes and procedures.

I. Work with City Organization Change Management (OCM) teams, providing insight and best practices to develop training and learning opportunities while testing the system configuration.

J. Ensure adequate time is allocated for product testing, including User Acceptance Testing (UAT) and reporting functions.

K. Ensure attendance in meetings, including on-site presence on as needed basis, whereby more onsite attendance may be required as part of preparation for go live for the Core Financials and HCM/Time and Attendance phases in October 2022 and April 2023, respectively, including stabilization immediately following launch.

L. Provide bi-weekly reporting of project progress in support of invoices for services rendered. This shall include time sheets and activities for all Consultant's employees.

M. Ensure all Consultant's Project Managers have the PMP from PMI Institute or similar

certification or experience.

N. Consultant will provide incremental / progressive status report for Core Financials, HCM, and other phases as mutually agreed on a biweekly basis. Biweekly status reports will also be utilized for invoicing on a biweekly basis.

O. Consultant will provide IT support on as needed basis, in line with Exhibit A subject to the availability of the Consultant's technical resources.

P. City reserves the right to meet and conduct selection interviews for Kreative Core provided Project Managers and IT support resources. This applies to All phases and City must agree to a proposed resource's participation in the project.

Q. Best efforts from both parties will be made to ensure continuity of project management staff for the duration of each phase.

R. Onsite work shall be coordinated with City Project Manager(s) at least 3 business days prior to arrival at the City of Oxnard to ensure availability of City staff and maximize effectiveness of time.

S. Consultant shall adhere to all federal, State and local mandates as well as City regulations (promulgated by the HR Department) regarding COVID-19 protocols including and not limited to wearing a mask as directed while present at City Hall or other City locations.

T. City requires Andy Bhatnagar to act as primary consultant for this project and shall require City's written preapproval of any substitutions thereto during the term of this Agreement.

U. Consultant shall perform discovery of Time and Attendance (Telestaff, InTime, and integration of these two programs with Executime and Munis), implementation of InTime and Telestaff; and integration between Intime and Munis as well as between Telestaff and Munis. The scope will include frequent Executime, Munis, InTime and Telestaff vendor relationship management work, including but not limited to coordinating, remediating, facilitating vendor work product and associated issues.

RATES AND COSTS AS OF JULY 28, 2022 EXHIBIT

Consultant shall provide one invoice every two weeks per phase with all labor and materials supported with approved timecards. Consultant shall track time at lowest of ¼ hour increments.

Standard Resources:

Project Management

Snr Project Manager Andy Bhatnagar:	$175.00 per hour
Project Manager - Core Financials	$125.00 per hour
Project Manager - HCM	$125.00 per hour
Project Manager - EnerGov	$160.00 per hour
Project Manager - EAM	$160.00 per hour
Project Manager - Time and Attendance	$160.00 per hour

IT On-Call Support

Reports Developer	$150.00 per hour
Business Systems Analyst - HCM	$150.00 per hour
Senior Business Systems Analyst - Core Fin	$165.00 per hour
Systems Administrator	$125.00 per hour

Reasonable travel expenses will be reimbursed not to exceed $4,000 per trip, per person, and subject to per approval by City Project Manager(s). All expenses shall be supported with receipts and airline tickets shall be reimbursed at economy class only, and car and hotels shall be reimbursed at reasonable local rates as supported by appropriate receipts.

Forecast Costs (this is for approximation purposes only):

Second Amendment:

Project Assessment – Completed October 2021	$ 23,082
Core Financials /HCM Phases collectively	$ 800,000
IT Support / Contingency / Travel	$ 76,918
Total Contract Value (Not to Exceed)	**$ 900,000***

Third Amendment

Snr. Project Management - All Phases	$ 109,375
Project Management:	
Core Financials	$ 110,000
HCM	$ 110,000
Energov	$ 153,600
EAM	$ 25,600
Time and Attendance	$ 219,400
Travel and Misc	$ 53,650
IT Support Services	$ 734,700
IT Support Services Contingency	$ 183,675
*Second Amendment (From Above)	$ 900,000
Total Contract Value (Not to Exceed)	**$ 2,600,000**
Additional Contract Value:	*$ 1,700,000*
(Difference between Third and Second Amendments)	

EXHIBIT ‘A’

Statement of Work for IT Resources for City of Oxnard
Tyler Munis Implementation
May 2022

Oxnard Kreative IT Resourcing Proposal v5 Final.docx



Kreative Core Technologies

Statement of Work for IT Resources for City of Oxnard

Tyler Munis ERP Implementation

May 2022

Andy.bhatnagar@kreativecoretech.com

469-777-1824

OUR UNDERSTANDING & APPROACH

The City of Oxnard is seeking information and technology (IT) services for the City's Tyler Munis ERP multi-year, multi-department project. The City requested the following IT resources for the implementation and subsequent post-implementation support of the FOX ERP project.

This statement of work (SOW) is effective from May 15, 2022 through Jan 31, 2023 (approximately 37 weeks duration) for a total not-to-exceed value of $734,700. The SOW may optionally be extended, in minimum two-week increments. Extensions must be authorized in writing by the City of Oxnard's ERP implementation project's executive sponsor. An extension is required prior to Kreative Core's exceeding the currently authorized not-to-exceed value of the SOW.

Kreative Core Technologies agrees to not increase billable hourly rates for the duration of this SOW including all authorized extension periods and subsequent amendments.

Reports Developer – Full Time

As a part of the ERP Implementation, City requires a Reports Developer who can develop custom reports utilizing the Tyler Provided SQL server reporting services (SSRS) and Microsoft SQL Server Management Studio (SSMS). This resource will:

- Gather the business requirements from City departments
- Document and maintain the requirements in a consumable format
- Design, develop and test the reports
- Design, document and develop instructions, specifications, and supplemental report related deliverables; e.g. training guides
- Work directly with City of Oxnard to understand the individual reporting needs of the business
- Create and present reports to team members and stakeholders to support recommendations
- Participate in managing users, groups, folders and publishing reports using central management console.
- Configure and manage database maintenance plans for update statistics, database integrity check, and backup operations.
- Create various SQL server objects; e.g. stored procedures, functions, and customer views as per the logic to be implement.
- Ensure source control is maintained following the City of Oxnard's guidelines. Maintain reporting integrity between ERP database environments via adherence to formal migration path.
- Ensure proper change management /control processes are followed as established by City of Oxnard. All the changes that are to be deployed in to production environment must follow the City IT change control process.

This includes participation in the Change Advisory Board (CAB) approval process required prior to any production release.

- Ensure all the development work is stored in the city's centralized, secure and controlled source repository on a daily basis. Versioning is to be tracked to differentiate between current production and previous production versions for potential rollback.

Investment Summary for Reports Developer

	22-May	22-Jun	22-Jul	22-Aug	22-Sep	22-Oct	22-Nov	22-Dec	Jan-23
Workdays	11	22	21	23	22	21	22	22	22
Hours Each Month	88	176	168	184	176	168	176	176	176
SQL Developer (Full Time)	100%	100%	100%	100%	100%	100%	100%	100%	100%
Cost for SQL Developer Only	$13,200.00	$26,400.00	$25,200.00	$27,600.00	$26,400.00	$25,200.00	$26,400.00	$26,400.00	$26,400.00

FTE=1.0	Rpts Dvlpr	Max Bill Hrs	Rate/Hr
May-22	$ 13,200.00	88.0	$ 150.00
Jun-22	$ 26,400.00	176.0	$ 150.00
Jul-22	$ 25,200.00	168.0	$ 150.00
Aug-22	$ 27,600.00	184.0	$ 150.00
Sep-22	$ 26,400.00	176.0	$ 150.00
Oct-22	$ 25,200.00	168.0	$ 150.00
Nov-22	$ 26,400.00	176.0	$ 150.00
Dec-22	$ 26,400.00	176.0	$ 150.00
Jan-23	$ 26,400.00	176.0	$ 150.00
Totals	$ 223,200.00	1488.0	

Business Systems Analyst (Senior) #1, HR/Payroll – Full Time
Business Systems Analyst (Senior) #2, Finance – Part Time 50%

City of Oxnard would like to onboard a business systems analyst, who has a prior experience in implementing and supporting the Tyler Munis ERP Solution. City of Oxnard is seeking 2 resources one of them will be dedicated to the Human Capital Management (HCM aka Human Resources/Payroll) phase of the ERP implementation and other resource (up to 50%) will be focused on the financial phase of the ERP implementation. Analysts may support implementation and post-implementation business-technology scope. Below are some of the key responsibilities this resource will be performing.

- Create requirements and specifications for business solutions
- Conduct business analysis and research to identify key metrics and opportunities for improvement
- Develop processes and procedures to ensure business solutions meet strategic goals
- Ensure business processes are running in accordance with Agile methodologies
- Consult with key stakeholders to determine business objectives and critical success factors
- Collaborate with team members to collect, analyze, and evaluate information from multiple sources
- Present findings and primary solution recommendation, including alternative option(s) pros/cons, to stakeholders. Prepare guesstimates of level of effort and duration for a request's approved solution approach.
- Write and document business requirements, functional requirements, and design specifications
- Work and consult with information technology professionals to design and develop a solution that achieves agreed-upon business outcomes
- Perform testing and develop use cases in partnership with City non-IT departments and IT. Testing may include unit, system, regression, parallel, user acceptance, etc.
- Track and triage department requests for all the application changes
- Monitor and work with non-IT department to prioritize the tickets
- Document risks and benefits, provide recommendations and options to achieve desired outcomes
- Prepare and present written deliverables at various stages of the systems development life cycle; e.g. SWAGs, recommendations, timelines, business requirements documents (BRDs) or user stories, training material, cheat sheets, etc.

Investment Summary for BSA

Kreative Core is recommending a senior part time (20hrs.) analyst (BSA-1 Finance) and a full time (40hrs.) senior analyst (BSA-2, HCM) to work on the project. Below is the recommended capacity.

	22-Jun	22-Jul	22-Aug	22-Sep	22-Oct	22-Nov	22-Dec	Jan-23
Workdays	22	21	23	22	21	22	22	22
Hours Each Month	176	168	184	176	168	176	176	176
BSA -1 (Part Time) (Munis Exp)	50%	50%	50%	50%	50%	50%	50%	50%
Cost for BSA -1 Only	$14,520.00	$13,860.00	$15,180.00	$14,520.00	$13,860.00	$14,520.00	$14,520.00	$14,520.00
	22-Jun	22-Jul	22-Aug	22-Sep	22-Oct	22-Nov	22-Dec	Jan-23

Workdays	22	21	23	22	21	22	22	22
Hours Each Month	176	168	184	176	168	176	176	176
BSA -2 (Full Time) (Munis Exp) (HCM)	100%	100%	100%	100%	100%	100%	100%	100%
Cost for BSA -2 Only	$26,400.00	$25,200.00	$27,600.00	$26,400.00	$25,200.00	$26,400.00	$26,400.00	$26,400.00

FTE =1.0	BSA -HCM	Max Bill Hrs	Rate/Hr
May-22	$ -	0.0	$ -
Jun-22	$ 26,400.00	176.0	$ 150.00
Jul-22	$ 25,200.00	168.0	$ 150.00
Aug-22	$ 27,600.00	184.0	$ 150.00
Sep-22	$ 26,400.00	176.0	$ 150.00
Oct-22	$ 25,200.00	168.0	$ 150.00
Nov-22	$ 26,400.00	176.0	$ 150.00
Dec-22	$ 26,400.00	176.0	$ 150.00
Jan-23	$ 26,400.00	176.0	$ 150.00
Totals	$ 210,000.00	1400.0	

FTE =0.50	BSA -FIN	Max Bill Hrs	Rate/Hr
May-22	$ -	0.0	$ -
Jun-22	$ 14,520.00	88.0	$ 165.00
Jul-22	$ 13,860.00	84.0	$ 165.00
Aug-22	$ 15,180.00	92.0	$ 165.00
Sep-22	$ 14,520.00	88.0	$ 165.00
Oct-22	$ 13,860.00	84.0	$ 165.00
Nov-22	$ 14,520.00	88.0	$ 165.00
Dec-22	$ 14,520.00	88.0	$ 165.00
Jan-23	$ 14,520.00	88.0	$ 165.00
Totals	$ 115,500.00	700.0	

System Administrator

Kreative Core team is recommending a Full-time system Tyler System Administrator for this project. This report will work with IT and Business for the following key functions.

1) Management of the Role Based Access Control for Munis, Tyler Hub, Cloud Admin, TCM, Tyler Cashiering
2) Perform System Admin functions for Munis, Tyler Identity, TCM, Tyler cashiering etc.
3) Manage Tyler Deploy, Engage and administer multi-environment system maintenance plan

4) Manage the system testing and plan for the regular patching, scheduled upgrades, and emergency hot fixes, etc.
5) Create and maintain the City's back-end automated and manually triggered batch jobs and schedules in Munis
6) Adhere to the fundamentals of the adopted security architecture framework
7) Make recommendations for changes based on new business requirements
8) Document the impact from of proposed changes to the configuration and perform assessment to identify & communicate the positive and negative impacts and risk to all impacted parties
9) Document baseline configuration and maintain the changes to the configuration based on the new business requirements,
10) Ensure proper change management /control processes are followed as established by City of Oxnard. All the changes that are to be deployed in to production environment must follow the City IT change control process. This includes participation in the Change Advisory Board (CAB) approval process required prior to any production release.
11) Provide support for any Audit inquiries
12) Perform workflow administration on an ongoing basis.
13) Other application administrative functions as necessary

Investment Summary for System Admin

	22-May	22-Jun	22-Jul	22-Aug	22-Sep	22-Oct	22-Nov	22-Dec	Jan-23
Workdays	11	22	21	23	22	21	22	22	22
Hours Each Month	88	176	168	184	176	168	176	176	176
System Admin (Optional)	100%	100%	100%	100%	100%	100%	100%	100%	100%
Cost for System Admin Only	$11,000.00	$22,000.00	$21,000.00	$23,000.00	$22,000.00	$21,000.00	$22,000.00	$22,000.00	$22,000.00

FTE =1.0	SysAdmin	Max Bill Hrs	Rate/Hr
May-22	$ 11,000.00	88.0	$ 125.00
Jun-22	$ 22,000.00	176.0	$ 125.00
Jul-22	$ 21,000.00	168.0	$ 125.00
Aug-22	$ 23,000.00	184.0	$ 125.00
Sep-22	$ 22,000.00	176.0	$ 125.00
Oct-22	$ 21,000.00	168.0	$ 125.00
Nov-22	$ 22,000.00	176.0	$ 125.00
Dec-22	$ 22,000.00	176.0	$ 125.00
Jan-23	$ 22,000.00	176.0	$ 125.00
Totals	$ 186,000.00	1488.0	

FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Fourth Amendment ("Fourth Amendment") to the Agreement for Professional Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 19 day of December, 2022, by and between the City of Oxnard, a municipal corporation ("City"), and Kreative Core Technologies Corp ("Consultant"). This Fourth Amendment amends the Agreement administratively entered into on September 13, 2021, by City and Consultant. The Agreement previously has been amended by a First Amendment, administratively entered into on October 5, 2021; by a Second Amendment through Council action on January 18, 2022; and by a Third Amendment through further Council action on July 28, 2022.

City and Consultant agree as follows:

1. The reference to the Scope of Work as of July 28, 2022 Exhibit everywhere it is listed both on the Cover Page and in the Agreement is hereby amended to add also the Scope of Work as of January 1, 2023, Exhibit. The Scope of Work as of January 1, 2023, Exhibit is attached hereto and incorporated herein by this reference.

2. The reference to the Rates and Costs as of July 28, 2022 Exhibit everywhere it is listed both on the Cover Page and in the Agreement is hereby amended to add also the Rates and Costs as of January 1, 2023, Exhibit. The Rates and Costs as of January 1, 2023, Exhibit is attached hereto and incorporated herein by this reference.

3. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

Jennifer Yates, Purchasing Agent — Date

ATTEST:

n/a
Rose Chaparro, City Clerk — Date

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney — 12/19/2022 Date

KREATIVE CORE TECHNOLOGIES CORP

Richie Ralhan, Chair, VP & Secretary — 12/19/2022 Date

Andy Bhatnagar, President & Assistant Secretary — 12/19/2022 Date

SCOPE OF WORK AS OF JANUARY 1, 2023, EXHIBIT

Training and Development Tasks

Financials

- eLearning Deliverables (see eLearning Estimate for additional details)
- Approvals eLearning Course
- Purchasing to AP eLearning Course
- General Billing Videos
- P-Card Reconciliation eLearning Course
- Intro to Inquiry and Report Videos
- Projects on the GL eLearning Course
- Grants eLearning Course
- Budget Videos
- Journal Entry Videos
- Documentation and Training Creation for Project Ledger
    - End User Cheat Sheets
    - eLearning Course
- Documentation and Training Creation for Budget Creation
    - End User Cheat Sheets
    - In-Person Course Creation for Internal Trainers

Other Phases

- Develop a schedule to assess training needs
- Consult with other trainers, managers, and leadership
- Conduct employee surveys and interviews
- Track and compile collected data
- Conceptualize training materials based on data and research
- Creation of training plans including overall training strategy, recommended timelines and schedules, and evaluation/assessment creation and analysis
- Create training strategies, initiatives, and materials
- Administration and monitoring of course enrollment/attendance in Neogov, as needed
- Documentation and creation of user guides, manuals, and job aids
- Curriculum and course development for end user training
- Creation of eLearning resources (videos, courses)
- Support training classes and other training activities
- Communicate training needs and online resources
- Contact and utilize outside vendors and resources for instructional technology
- Test and review created materials
- Maintain a database of all training materials
- Instruct employee training and onboarding
- Conduct training through new materials
- Review employee performance and learning
- Coordinate and monitor enrollment, schedules, costs, and equipment

OCM

Financials

- Maintenance for Project FOX website, as needed
- System maintenance banners and communication of downtime to users
- Monitoring, forwarding and responding to the Projectfox@ inbox, as needed
- Drafting of email communication for review and approval for larger changes or noticing to users, as requested

Other Phases

- Creation and maintenance of end-user facing pages on the Project FOX website
- Monitoring, forwarding and responding to the Projectfox@ inbox, as needed
- Development of Communication Strategy.
- Program Branding, Positioning and Key Messages.
- Detailed Communication Activities Planning.
- Development and Delivery of Communication Material.
- Business Readiness Assessment Services.

Other

- Kreative Core will perform an important role throughout the implementation including business analysis and testing the core business processes.

  Business Analysis
  - Lead the integration from business perspective with the Neogov team
  - Work with the team to design, develop and test the integrations
  - Support designing, developing, and testing of the workflows, personal actions and other business processes
  - Document processes as necessary

  Testing
  - Creating detailed, comprehensive, and well-structured test plans and test cases
  - Estimating, prioritizing, planning, and coordinating quality testing activities
  - Liaise with internal teams to identify system requirements
  - Investigate the causes of non-conforming software and train users to implement solutions
  - Develop and apply testing processes for new and existing products to meet client needs
  - Assist business with testing the functional and system requirements
  - Assist with testing parallel testing
- Work collaboratively with business users and provide support
- Work collaboratively with users and support help desk tickets.

eLearning Estimate

Item	Status	Work to be Done	Estimated Hours	Deliverable
Approvals eLearning Course	In Review with City Staff	Edits based on review, test in Neogov UAT, upload/launch final in Neogov Prod	3-5 depending on level of edits	40-minute eLearning course with interactive elements, videos, and a knowledge check, loaded into Neogov
Purchasing-to-AP eLearning Course	In Creation	Course creation, review, edits, test in Neogov UAT, upload/launch final in Neogov Prod	112-120	3.5-4 hour eLearning course with interactive elements, videos, knowledge checks, loaded into Neogov
General Billing Videos	Not Started	Create videos, review, edit, upload to Google Drive and add links to cheat sheets	4	4 standalone screencast videos, uploaded to Google Drive and linked within the cheat sheets
P-Card Reconciliation eLearning Course	Not Started	Storyboard, course creation, review, edits, test in Neogov UAT, upload/launch final in Neogov Prod	16	An eLearning course with interactive elements, videos, and a knowledge check, loaded into Neogov.
Intro to Inquiry and Report Videos	Not Started	Outline, edit or re-record videos depending on approach, review, final edit, upload to Google Drive and add links to cheat sheets	4-6 depending on approach	Standalone screencast videos, uploaded to Google Drive and linked within the cheat sheets
Projects on the GL eLearning Course	Not Started	Storyboard, course creation, review, edits, test in Neogov UAT, upload/launch final in Neogov Prod	8	An eLearning course with interactive elements, videos, and a knowledge check, loaded into Neogov.
Grants eLearning Course	Not Started	Storyboard, meetings with Jun, course creation, review, edits, test in Neogov UAT, upload/launch final in Neogov Prod	14	An eLearning course with two distinct sections (Grant Creation and Grant Maintenance) interactive elements, videos, and a knowledge check, loaded into Neogov.
Budget Videos	Not Started	Additional cheat sheet creation, create videos, review, edit, upload to Google Drive and add links to cheat sheets	3	2 standalone screencast videos, uploaded to Google Drive and linked within the cheat sheets
Journal Entry Videos	Not Started	Additional cheat sheet creation, create videos, review, edit, upload to Google Drive and add links to cheat sheets	5	3 standalone screencast videos, uploaded to Google Drive and linked within the cheat sheets

RATES AND COSTS AS OF JANUARY 1, 2023, EXHIBIT

Standard Resources:

Training and Development/ OCM

Project Manager	$138.00 per hour

FIFTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Fifth Amendment ("Fifth Amendment") to the Professional Services Agreement ("Agreement") is made and entered into in the County of Ventura, State of California, this twenty-first day of March, 2023, by and between the City of Oxnard, a municipal corporation ("City"), and Kreative Core Technologies Corp – CA Secretary of State Number C4806472, ("Consultant"). This Fifth Amendment amends the Agreement, administratively entered into on September 13, 2021, by City and Consultant. The Agreement previously has been amended by a First Amendment, administratively entered into on October 5, 2021, by a Second Amendment through Council action on January 18, 2022, by a Third Amendment through further Council action on July 28, 2022, and by a Fourth Amendment approved administratively on December 19, 2022.

City and Consultant agree as follows:

1. The date in Section 5 of the Cover Page of the Agreement is hereby amended to "December 31, 2024."

2. The Total Agreement Amount in Section 6 of the Cover Page of the Agreement is hereby amended to "Not to Exceed $4,720,000 (Four Million, Seven Hundred and Twenty Thousand Dollars) for all Services."

3. The reference to the Scope of Work as of January 18, 2022 Exhibit everywhere it is listed both on the Cover Page and in the Agreement is hereby amended to the Scope of Work as of March 21, 2023 Exhibit. The Scope of Work as of January 1, 2023 Exhibit is hereby disincorporated; instead, the Scope of Work as of March 21, 2023 Exhibit is attached hereto and incorporated herein by this reference.

4. The reference to the Rates and Costs Exhibit and to the Rates and Costs as of January 1, 2023 Exhibit everywhere these are listed both on the Cover Page and in the Agreement are hereby amended to the Rates and Costs as of March 21, 2023 Exhibit. The Rates and Costs Exhibit and the Rates and Costs as of January 1, 2023 Exhibit are hereby disincorporated; instead, the Rates and Costs as of March 21, 2023 Exhibit is attached hereto and incorporated herein by this reference.

5. As so amended, the Agreement remains in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

_____ _____
☐ John C. Zaragoza, Mayor Date
☐ Alexander Nguyen, City Manager
☐ Jennifer Yates, Purchasing Manager
☐ Patricia Garcia, Buyer

ATTEST:

_____ _____
Rose Chaparro, City Clerk Date
(only if Mayor signs)

APPROVED AS TO FORM:

_____ 3/9/2023
Stephen M. Fischer, City Attorney (always required) Date

KREATIVE CORE TECHNOLOGIES CORP

_____ _____
Richie Ralhan, Chair, VP, Secretary Date

_____ _____
Andy Bhatnagar, President and Assistant Secretary Date

IN WITNESS WHEREOF, the parties hereto have executed the Amendment on the date first written above.

CITY OF OXNARD

_____ _____
☐ John C. Zaragoza, Mayor Date
☐ Alexander Nguyen, City Manager
☐ Jennifer Yates, Purchasing Manager
☐ Patricia Garcia, Buyer

ATTEST:

_____ _____
Rose Chaparro, City Clerk Date
(only if Mayor signs)

APPROVED AS TO FORM:

_____ _____
Stephen M. Fischer, City Date
Attorney (always required)

KREATIVE CORE TECHNOLOGIES CORP

_____ 3/9/23
Richie Ralhan, Chair, VP, Secretary Date

_____ 3/9/23
Andy Bhatnagar, President and Date
Assistant Secretary

SCOPE OF WORK AS OF MARCH 21, 2023 EXHIBIT

A. Provide Project Leadership and Management using commonly shared best practices to ensure the City successfully launches Tyler products including but not limited to Core Financials, Human Capital Management (HCM), EnerGov, Enterprise Asset Management (EAM) and Utility Billing (UB).

B. Provide Project Leadership and Management using commonly shared best practices to ensure the City successfully implements Public Safety Time and Attendance software integrated with the City's other ERP modules.

C. Provide Business Systems Analysis services to ensure the City configures its systems and processes in an efficient and organized manner.

D. Provide project management services to the City IT team to ensure all discovery, conversions, interfaces and imports associated with Munis implementation are successful.

E. In partnership with City Leadership, manage project risks and ensure all tasks are completed on time and within project budget.

F. In partnership with City Leadership, manage vendor relationships where appropriate including but not limited to Tyler, to ensure project goals are met.

G. Maintain regular reporting, summarizing project progress, decisions made, decisions pending, issues and forecasts to ensure completion on time and to scope.

H. Communicate effectively to stakeholders in all levels of the Oxnard organization using various appropriate communication methods and strategies enhancing ownership and adoption of new processes and procedures.

I. Work with City Organization Change Management (OCM) teams, providing insight and best practices to develop training and learning opportunities while testing the system configuration.

J. Ensure adequate time is allocated for product testing, including User Acceptance Testing (UAT) and reporting functions.

K. Ensure attendance in meetings, including on-site presence on as needed basis, whereby more onsite attendance may be required as part of preparation for go live for the HCM phase in October 2023, including stabilization immediately following launch.

L. Provide bi-weekly reporting of project progress in support of invoices for services rendered. This shall include time sheets and activities for all Consultant's employees.

M. Ensure all Consultant's Project Managers have the PMP from PMI Institute or similar

certification or experience.

N. Consultant will provide incremental / progressive status reports for all phases on a biweekly basis. Biweekly status reports will also be utilized for invoicing on a biweekly basis.

O. Consultant will provide IT support on as needed basis, in line with Exhibit A, which shall be attached hereto and incorporated herein by this reference, subject to the availability of the Consultant's technical resources.

P. City reserves the right to meet and conduct selection interviews for Kreative Core provided Project Managers and IT support resources. This applies to all phases. City must agree to a proposed resource's participation in the project.

Q. Best efforts from both parties will be made to ensure continuity of project management staff for the duration of each phase.

R. Onsite work shall be coordinated with City Project Manager(s) at least 3 business days prior to arrival at the City of Oxnard to ensure availability of City staff and maximize effectiveness of time.

S. Consultant shall adhere to all federal, State and local mandates as well as City regulations (promulgated by the HR Department) regarding COVID-19 protocols including and not limited to wearing a mask as directed while present at City Hall or other City locations.

T. City requires Andy Bhatnagar to act as primary consultant for this project and shall require City's written preapproval of any substitutions thereto during the term of this Agreement.

U. Consultant shall perform discovery of Time and Attendance (Telestaff, InTime, and integration of these two programs with Executime and Munis), implementation of InTime and Telestaff; and integration between Intime and Munis as well as between Telestaff and Munis. The scope will include frequent Executime, Munis, InTime and Telestaff vendor relationship management work, including but not limited to coordinating, remediating, facilitating vendor work product and associated issues.

V. Consultant to provide Training, Development and Organizational Change Management resources and plans as part of project to implement ERP modules in accordance with Exhibit B, which shall be attached hereto and incorporated herein by this reference.

W. Consultant shall perform Discovery for the Community Development, focused on Licensing, Permits and Land management, Discovery for Enterprise Asset Maintenance and Discovery For the Utility Billing operations as Defined in Exhibit C, which shall be attached hereto and incorporated herein by this reference.

RATES AND COSTS AS OF MARCH 21, 2023 EXHIBIT

Consultant shall provide one invoice every two weeks per phase with all labor and materials supported with approved timecards. Consultant shall track time at lowest of ¼ hour increments.

Project Management

Snr Project Manager Andy Bhatnagar:	$175.00 per hour
Project Manager - Core Financials	$125.00 per hour
Project Manager - HCM	$125.00 per hour
Project Manager - EnerGov	$160.00 per hour
Project Manager - EAM	$160.00 per hour
Project Manager - Time and Attendance	$160.00 per hour

IT On-Call Support

Reports Developer	$150.00 per hour
Business Systems Analyst - HCM	$150.00 per hour
Senior Business Systems Analyst - Core Fin	$165.00 per hour
Systems Administrator	$125.00 per hour

Training and Development/OCM

Project Manager	$160.00 per hour

Reasonable travel expenses will be reimbursed not to exceed $4,000 per trip, per person, and subject to per approval by City Project Manager(s). All expenses shall be supported with receipts and airline tickets shall be reimbursed at economy class only, and car and hotels shall be reimbursed at reasonable local rates as supported by appropriate receipts.

As of March 1, 2023, $1,601,515 has been consumed contract value. The projected contract expenditures per module going forward (which can be moved from module to module with written approval by both parties) is as written below:

	Spent as of 3/1/23	**Projected**	**Total**
Core Financials	$644,430	$19,125	$663,555
HCM, Time&Att	$448,378	$246,100	$1,078,378
Energov, EAM, UB	$27,535	$630,000	$890,935
IT Support	$481,173	$1,156,400	$1,637,573
Training/OCM	$0	$448,000	$448,000

In any case, the total contract amount shall not exceed $4,720,000.

EXHIBIT A
Statement of Work for IT Resources for City of Oxnard

Kreative Core Technologies agrees to not increase billable hourly rates for the duration of this SOW including all authorized extension periods and subsequent amendments.

Reports Developer – Full Time

As a part of the ERP Implementation, City requires a Reports Developer who can develop custom reports utilizing the Tyler Provided SQL server reporting services (SSRS) and Microsoft SQL Server Management Studio (SSMS). This resource will:

- Gather the business requirements from City departments
- Document and maintain the requirements in a consumable format
- Design, develop and test the reports
- Design, document and develop instructions, specifications, and supplemental report related deliverables; e.g. training guides
- Work directly with City of Oxnard to understand the individual reporting needs of the business
- Create and present reports to team members and stakeholders to support recommendations
- Participate in managing users, groups, folders and publishing reports using the central management console.
- Configure and manage database maintenance plans for update statistics, database integrity check, and backup operations.
- Create various SQL server objects; e.g. stored procedures, functions, and customer views as per the logic to be implemented.
- Ensure source control is maintained following the City of Oxnard's guidelines. Maintain reporting integrity between ERP database environments via adherence to formal migration paths.
- Ensure proper change management /control processes are followed as established by the City of Oxnard. All the changes that are to be deployed in to production environment must follow the City IT change control process. This includes participation in the Change Advisory Board (CAB) approval process required prior to any production release.
- Ensure all the development work is stored in the city's centralized, secure and controlled source repository on a daily basis. Versioning is to be tracked to differentiate between current production and previous production versions for potential rollback.

(continued)

SQL Reports Developer Summary and Forecast by Month

	Subtotal till June 30, 2023	Subtotal till June 30, 2024
Reports Developer HCM	$ 84,000.00	$ 180,000.00
Reports Developer FINANCE	$ 78,000.00	

Resource Hourly Rate $150 / hr

Business Systems Analyst (Senior) #1, HR/Payroll – Full Time
Business Systems Analyst (Senior) #2, Finance – Part Time up to 50%

City of Oxnard would like to onboard a business systems analyst, who has a prior experience in implementing and supporting the Tyler Munis ERP Solution. City of Oxnard is seeking 2 resources; one of them will be dedicated to the Human Capital Management (HCM aka Human Resources/Payroll) phase of the ERP implementation, and other resource will be required to stabilize the financial phase of the ERP implementation. Analysts may support implementation and post-implementation business-technology scope. Below are some of the key responsibilities this resource will be performing:

- Create requirements and specifications for business solutions
- Conduct business analysis and research to identify key metrics and opportunities for improvement
- Develop processes and procedures to ensure business solutions meet strategic goals
- Ensure business processes are running in accordance with Agile methodologies
- Consult with key stakeholders to determine business objectives and critical success factors
- Collaborate with team members to collect, analyze, and evaluate information from multiple sources
- Present findings and primary solution recommendation, including alternative option(s) pros/cons, to stakeholders. Prepare guesstimates of level of effort and duration for a request's approved solution approach.
- Write and document business requirements, functional requirements, and design specifications
- Work and consult with information technology professionals to design and develop a solution that achieves agreed-upon business outcomes
- Perform testing and develop use cases in partnership with City non-IT departments and IT. Testing may include unit, system, regression, parallel, user acceptance, etc.
- Track and triage department requests for all the application changes
- Monitor and work with non-IT department to prioritize the tickets
- Document risks and benefits, provide recommendations and options to achieve desired outcomes
- Prepare and present written deliverables at various stages of the systems development life cycle; e.g. SWAGs, recommendations, timelines, business requirements documents (BRDs) or user stories, training material, cheat sheets, etc.

BSA Resource for Finance Summary

	Subtotal till June 30, 2023	Subtotal till June 30, 2024
Production Support for Finance		
BSA Assistance	$ 16,250.00	$ 33,125.00

Resource Hourly Rate = $165 / hr

BSA Resource for HCM Summary

	Subtotal till June 30, 2023	Subtotal till June 30, 2024
HCM		
BSA HCM	$ 156,000.00	$ 180,000.00

Resource Hourly Rate = $150 / hr

System Administrator

Kreative Core team is recommending a Full-time system Tyler System Administrator for this project. This report will work with IT and Business for the following key functions. 1)

1. Management of the Role Based Access Control for Munis, Tyler Hub, Cloud Admin, TCM, Tyler Cashiering
2. Perform System Admin functions for Munis, Tyler Identity, TCM, Tyler cashiering, etc.
3. Manage Tyler Deploy, Engage and administer multi-environment system maintenance plan
4. Manage the system testing and plan for the regular patching, scheduled upgrades, and emergency hotfixes, etc.
5. Create and maintain the City's back-end automated and manually triggered batch jobs and schedules in Munis
6. Adhere to the fundamentals of the adopted security architecture framework
7. Make recommendations for changes based on new business requirements
8. Document the impact from of proposed changes to the configuration and perform assessment to identify & communicate the positive and negative impacts and risk to all impacted parties
9. Document baseline configuration and maintain the changes to the configuration based on the new business requirements
10. Ensure proper change management /control processes are followed as established by the City of Oxnard. All the changes that are to be deployed into the production environment must follow the City IT change control process. This includes participation in the Change Advisory Board (CAB) approval process required prior to any production release.

11. Provide support for any Audit inquiries
12. Perform workflow administration on an ongoing basis.
13. Other application administrative functions as necessary
14. Manage Help desk Tickets, ensure defined SLAs are met
15. Work in collaboration with business and tyler to mitigate and deploy solutions
16. Provide system administration support during the human capital management implementation, such as configuration of the system, supporting interface development, implementation team technical support etc.

System Administrator Summary

	Subtotal till June 30, 2023	Subtotal till June 30, 2024
HCM		
System Administrator Support	$ 65,000.00	$ 63,750.00
Time and Attendance		
System Administrator Support	$ 25,600.00	$ 12,800.00
Production Support for Finance		
System Administrator Support	$ 65,000.00	$ 107,500.00
Production Support for HCM		
System Administrator Support		$ 89,375.00

Resource Hourly Rate = $125 / hr

EXHIBIT B
Organizational Change Management (OCM), Training, Development, Business Analysis and Testing Scope of Services

1. The following organizational change management (OCM) scope items will be undertaken for each phase of the project.
   A. Sponsorship/Leadership alignment: Focuses on enabling leaders to accept and build ownership for change throughout the organization and provides the "glue" to sustain the change for the life of the project and beyond.
   B. Identifying and enabling stakeholders: A process of identifying impacted groups, people (employees and contractors) and key organizational influencers at the project outset; grouping/ ranking them according to the level of anticipated changes to their daily work; and determining relevant strategies and tactics to engage them based on cultural realities and user preference.
   C. Engagement and communications: A communication approach that focuses on developing and executing a comprehensive plan and activities to engage users at all levels of the organization; keeping them informed through timely multi-media communication and ensuring ongoing dialog for inclusion and feedback. This can include crafting intranet content and/or newsletters for regular distribution.
   D. Participate in weekly status meetings, ERP Steering Committee meetings, and one-on-one department meetings – a multi-level approach that will identify, evaluate, and disseminate functional and policy change through a structured, recurring monthly process.
   E. Shadow User Acceptance Testing sessions and to document Frequently Asked Questions and transform test cases and scripts into training documentation specific to the City.
   F. Knowledge and learning: An educational approach that focuses on defining user roles for the new technology/process change and providing learning and training strategies to share knowledge and sustain the change; to include end user training for all departments. Also, provide advisory support at critical moments in the project and assist (or provide hands-on) creation of step-by-step user training guides to assist with system onboarding.
   G. Success measures: Criteria defined at the project outset to measure users' progress on the change journey and enable effective pre-and post-go-live activities to reinforce the change.
   H. Perform assigned as-needed tasks and activities to support change management efforts throughout the current deployment. This also includes reporting the status of assignments to the City Project Manager on a weekly basis. Also, provide a level of effort report, so that the City can proactively manage the project budget. Although most project meetings may be remote (e.g., weekly status meetings), a plan for onsite time with City staff, especially during user training, may be required.
2. The following training and development items will be undertaken for each phase:
   I. Develop a schedule to assess training needs
   J. Consult with other trainers, managers, and leadership
   K. Conduct employee surveys and interviews
   L. Track and compile collected data

M. Conceptualize training materials based on data and research
N. Creation of training plans including overall training strategy, recommended timelines and schedules, and evaluation/assessment creation and analysis
O. Create training strategies, initiatives, and materials
P. Administration and monitoring of course enrollment/attendance in Neogov, as needed
Q. Documentation and creation of user guides, manuals, and job aids
R. Curriculum and course development for end user training
S. Creation of eLeaming resources (videos, courses)
T. Support training classes and other training activities
U. Communicate training needs and online resources
V. Contact and utilize outside vendors and resources for instructional technology
W. Test and review created materials
X. Maintain a database of all training materials
Y. Instruct employee training and onboarding
Z. Conduct training through new materials
AA. Review employee performance and learning
BB. Coordinate and monitor enrollment, schedules, costs, and equipment
CC. Maintenance for Project FOX website, as needed
DD. System maintenance banners and communication of downtime to users
EE. Monitoring, forwarding and responding to the Projectfox@ inbox, as needed
FF. Drafting of email communication for review and approval for larger changes or noticing to users, as requested
GG. Creation and maintenance of end-user facing pages on the Project FOX website
HH. Monitoring, forwarding and responding to the Projectfox@ inbox, as needed
II. Development of Communication Strategy.
JJ. Program Branding, Positioning and Key Messages.
KK. Detailed Communication Activities Planning.
LL. Development and Delivery of Communication Material.
MM. Business Readiness Assessment Services.

3. The following business analysis scope items will be undertaken for each phase of the project:
NN. Lead the integration from business perspective with the Neogov team
OO. Work with the team to design and test the integrations
PP. Support designing, developing, and testing of the workflows, personal actions and other business processes
QQ. Document processes as necessary

4. The following testing scope items will be undertaken for each phase of the project:
RR. Creating detailed, comprehensive, and well-structured test plans and test cases
SS. Estimating, prioritizing, planning, and coordinating quality testing activities
TT. Liaise with internal teams to identify system requirements
UU. Investigate the causes of non-conforming software and train users to implement solutions
VV. Develop and apply testing processes for new and existing products to meet client needs
WW. Assist business with testing the functional and system requirements
XX. Assist with testing parallel testing
YY. Work collaboratively with business users and provide support
ZZ. Work collaboratively with users and support help desk tickets.

EXHIBIT C

Project Work Items focused on the following areas.

PROJECT PHASE: ENERGOV

§ EnerGov Community development

§ EnerGov e-Reviews

§ EnerGov iG Workforce Apps

§ Tyler GIS

§ Code Enforcement management

§ EnerGov Business development

§ EnerGov Citizen Self -Service portal

§ EnerGov API toolkit

1. Develop Governance and Management Framework
    a. Planning
    b. Organizational Hierarchy

2. Solution Discovery
    a. Requirements Gathering
    b. Fact finding
    c. Identify and assess gaps and opportunities.
    d. Fit Gap Analysis
    e. Planning considerations

3. Vision and Roadmap

    a. Clarify vision for change with associated outcomes and benefits.

    b. Informed longer-term roadmap planning.

Project Deliverables

1. Governance and Management Framework

    a. Organizational Chart

    b. Roles and Responsibilities

    c. RACI - responsible, accountable, communicate and inform – chart of responsibilities

    d. Energov Program Charter

    e. Energov Implementation Plan

2. Solution Discovery

    a. Current state questionnaires

    b. Business Requirement Document

    c. Business Solution Concept (Current State)

    d. Fit Gap Analysis

    e. Technical Solution Concept

    f. Data conversion document

3. Vision and Roadmap

    a. Business Solution (Future State)

4. Current State Analysis report

5. Future State process flows

6. Technical Concept Solution diagram

(continued)

PROJECT PHASE: EAM

I. Discovery Phase: Work Items

1. Project Kick Off
2. Participating departments identified.
    1. Department Stakeholders identified.
    2. Department SMEs and project resources identified.
    3. End Users
3. Current State Questionnaire.
4. System demonstration.
5. Asset Management system needs.
    1. What assets will be tracked.
    2. What data needs to be tracked.
6. Work Order Management system needs.
    1. Requesting and Servicing departments.
        1. Chargeback considerations
    1. What costs will be entered?
    2. Preventative maintenance and inspections.
7. End User job responsibilities related to asset management and work order documentation.
8. Reporting needs
    1. Assets
    2. Work Orders
    3. Requests
9. Citizen Engagement (311)
10. GIS
    1. Which assets resided on the city's GIS.
11. 3rd Party System Integrations
12. Department individual/unique needs.

Deliverables

1. Complete Current State Questionnaire.
2. Provide overview of current system usage.
3. Assess, Design and plan 3rd Party system integrations
4. EAM System demonstration
5. Current State Questionnaire assistance.
6. Business Requirements Document
7. Analysis and solutioning document
8. Discovery Phase project plan

II. Implementation Phase – Work Items

1. Engage Tyler PM and Implementation Consultant (IC).
2. Planning of the project
3. Analysis – Current State/Future State.
4. Complete Code Workbooks
5. EAM System Configuration training.
    1. EAM Setup Center
    2. RBAC and Workflow
    3. GIS configuration
    4. Asset imports or conversions
6. Conversions (if needed)
7. EAM Process training
8. EAM User Acceptance
9. EAM End User training
10. Go Live

Deliverables

1. EAM project charter
2. EAM project plan and traceability of the project plan
3. Current State/Future State Analysis workbooks.
4. Completing code workbooks.
5. Code and asset imports.
6. Conversion data validation.
7. GIS configuration and testing.
8. EAM instructional documentation.
9. Training.
10. Go Live and Post Live support.

(continued)

PROJECT PHASE: UTILITY BILLING

I. Discovery Phase: Work Items

13. Project Kick Off
14. Participating departments identified.
    1. Department Stakeholders identified.
    2. Department SMEs and project resources identified.
    3. End Users
15. Current State Questionnaire.
16. System demonstration.
17. Utility Billing systems assessment.
18. Work Order Management system needs.
    1. Requesting and Servicing departments.
    2. Chargeback considerations
    3. What costs will be entered?
    4. Preventative maintenance and inspections.
18. End User job responsibilities related to asset management and work order documentation.
19. Reporting needs
    1. Assets
    2. Work Orders
    3. Requests
20. Citizen Engagement (311)
21. GIS
    1. Which assets resided on the city's GIS.
22. 3rd Party System Integrations
23. Department individual/unique needs.

Deliverables

1. UB System demonstration
2. Current State Questionnaire.
3. Business Requirements documentation.
4. Analysis and Solution Design documentation
5. Discovery Phase project plan

Risk to ERP Project related to Aaron Starr Lawsuit preventing City from Obtaining Council-Approved Bonds; Fifth Amendment to Project Management Contract; and Annual Report

City Council

March 21, 2023

Mark Sewell, Assistant Chief Financial Officer

CITY OF OXNARD CALIFORNIA

RECOMMENDATION

That City Council:

A. Approve using up to $2,500,000 from Fiscal Year 2022-23 General Fund to cash fund the portion of all FY 2022-23 Enterprise Resource Planning (ERP) project expenditures in excess of the initial bond proceeds received in prior fiscal years (with additional FY 2023-24 General Fund as listed in budget to cash fund the FY 2023-24 ERP project expenditures if litigation remains pending that prevents City from issuing bonds); and

B. Approve and authorize the Mayor to execute a Fifth Amendment to the Professional Services Agreement with Kreative Core Technologies Corp (9431-21-FN) in the amount of $2,120,000 for a new not to exceed contract amount of $4,720,000 and to extend the term from December 31, 2023, to December 31, 2024, for Project Management Services related to the Human Capital Management (HCM), Energov, Enterprise Asset Management (EAM), and Utility Billing phases of the City's multi-year Enterprise Resource Planning (ERP) implementation; and

C. Receive and file the ERP system annual report.

Finance and Governance Committee Voted 3-0 for recommendations A,B and C.

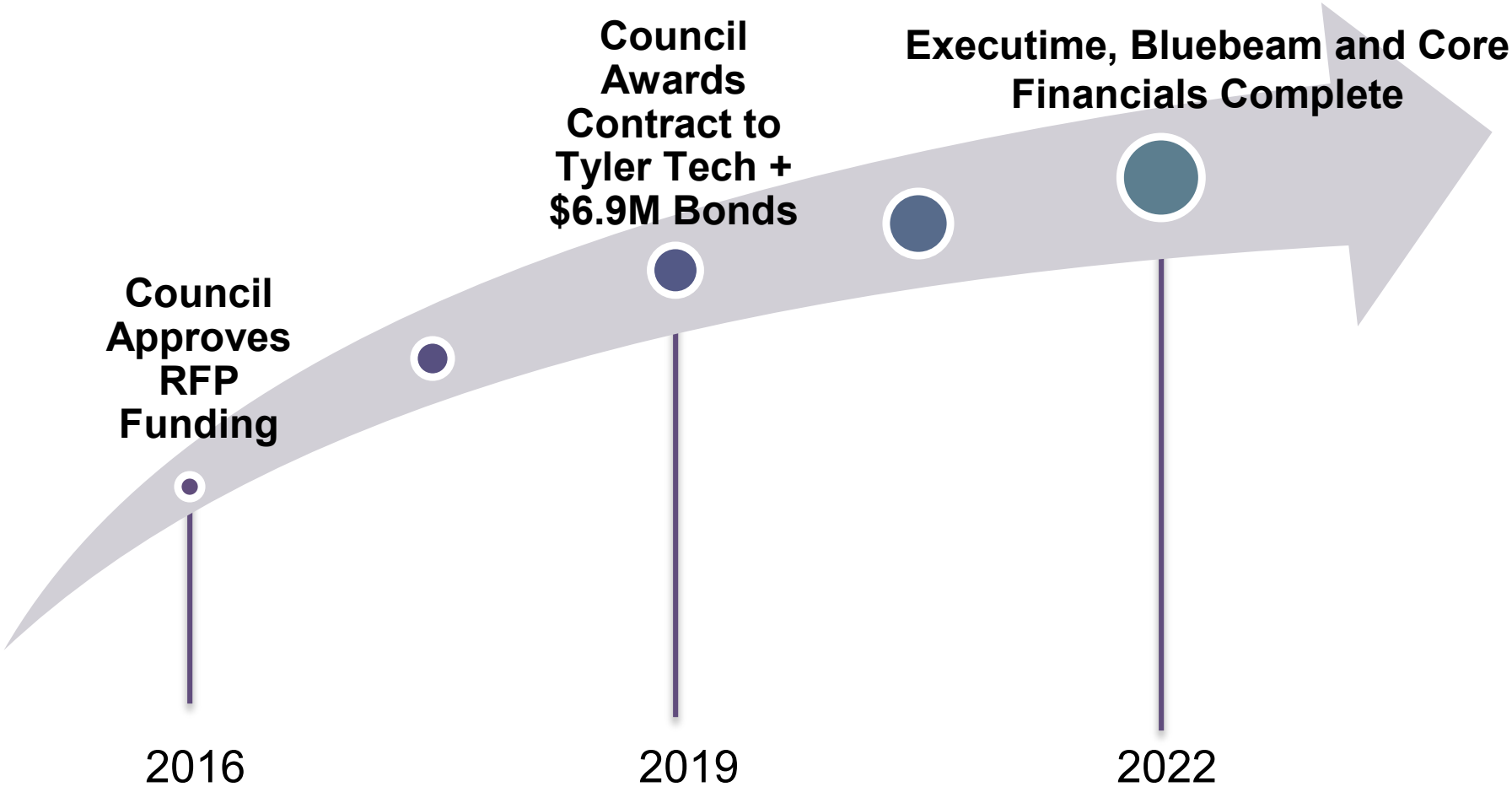
WHAT IS ERP? (ENTERPRISE RESOURCE PLANNING)

There are separate technology systems that provide the foundational framework for nearly all City functions including:

1. Financial Management
2. HR, Timekeeping & Payroll
3. Community Development
4. Assets Maintenance
5. Utility Billing

The ERP integrates these functions so they “speak to each other”

HISTORY


Council Approves RFP Funding
Council Awards Contract to Tyler Tech + $6.9M Bonds
Executime, Bluebeam and Core Financials Complete
2016
2019
2022

OBTAINING BONDS

- In October 2022, Council authorizes obtaining bonds for the ERP and streetwork; ERP portion would be $9M in bonds, $36M would have been for street improvements
- In December 2022, City received notification of yet another lawsuit by Aaron Starr and his political corporation, challenging this bond issuance
- This lawsuit has the effect of preventing the City from accessing the capital markets to finance the remainder of the ERP project until the litigation is resolved
- The lawsuit puts at risk many other City operations, including capital improvement and infrastructure projects

COUNCIL'S ERP PAYMENT OPTIONS:

1. City can cash fund ERP project through the General Fund

Pros	***Cons***
Project continues without delay and harm	*Cash can't be used for other purposes*
When new bonds are issued, proceeds can reimburse the City	*Risk the General Fund will not be reimbursed if City loses litigation*

2. Delay the project until the lawsuit is resolved

Pros	***Cons***
No risk to cash	*Project stops*
Can use cash otherwise	*Most of City's inefficiencies continue*

TOTAL COST OF PROJECT

- The project has expensed $7.2M to date
- Staff anticipates project will consume further $2.2M by end of FY22-23
- Staff anticipates project will consume $3.0M by end of FY23-24 for a total of $12.5M by June 30, 2024.

- In 2019, total project cost was estimated at $14.9M; as we unravel our current antiquated system and learn the new system, staff estimates $16.4M total project cost
- We will know more in 12-18 months

PROJECT MANAGEMENT CONSULTING SERVICES

- Kreative Core Technologies has successfully provided project management, IT support and organizational change management services over last 18 months
- Kreative Core helped implement Core Financials and is now helping deliver Human Capital Management (HCM)
- Current contract plus amendments = $2.6M
- Requires 5th amendment in the amount of $2.12M (Total $4.72M)

	Spent to Date with Kreative	FY22-23 Remaining	FY23-24	Total with Kreative
Core Financials	$644,430	$19,125	-	**$663,555**
HCM, Time & Att.	$448,378	$246,100	$383,900	**$1,078,378**
Energov, EAM, UB	$27,535	$163,000	$700,400	**$890,935**
IT	$481,173	$489,850	$666,550	**$1,637,573**
Training	(in-house)	$108,800	$339,200	**$448,000**
Totals	**$1,601,515**	**$1,026,875**	**$2,090,050**	**$4,718,440**

ANNUAL UPDATE

Phase/Module	Description	Status
ExecuTime	Timekeeping software	Complete
Core Financials	Includes capital assets, general ledger, purchasing, etc.	Complete
Human Capital Management	Simplify HR and payroll processes, integrate all City employee data in one system	In Progress (Go Live in Fall 2023)
EnerGov	Planning, permitting, code com-pliance and business licensing	Starting Discovery
Enterprise Asset Management	Public Works	Starting Discovery
Utility Billing	Utility billing	Starting Discovery

ANY QUESTIONS?

