

Appendix A

Notice of Preparation and Responses to the NOP



Planning Division

214 South C Street
Oxnard, CA. 93030
(805) 385-7858
(805) 385-7417 Fax



**NOTICE OF PREPARATION
OF AN ENVIRONMENTAL IMPACT REPORT
FOR THE TEAL CLUB SPECIFIC PLAN PROJECT**

The Oxnard Planning Division will be the Lead Agency and will prepare an environmental impact report (EIR) for the proposed Teal Club Specific Plan Project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit requirements or other approval for the project. You are receiving this notice in accordance with CEQA Guidelines and Section 3.6(c) of City Council Resolution No. 9133.

The project description, location, and the potential environmental effects are discussed below. An Initial Study has not been prepared, as all of the items on the City's environmental checklist will be studied in the EIR.

The Notice of Preparation/Initial Study comment period begins on **May 18, 2012** and ends on **July 2, 2012**. Due to the time limits mandated by State Law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. Please send your comments as soon as possible. Send your response to Brian Foote, AICP, Associate Planner, at the address above or by email (Brian.Foote@ci.oxnard.ca.us), or call (805) 385-7858 for further information. We will need the name for a contact person in your agency.

Project Title: Teal Club Specific Plan

Project Location: The project area is located within an unincorporated area of Ventura County adjacent to the City of Oxnard, and within the City of Oxnard's Sphere of Influence and City Urban Restriction Boundary (CURB) lines. The proposed Teal Club Specific Plan Area comprises approximately 174.3 acres in seven contiguous assessor's parcels generally bounded by Doris Avenue on the north, Patterson Road on the west, Teal Club Road on the south and Ventura Road on the east. The project area as a whole also includes nine parcels totaling 11.42 acres on the south side of Teal Club Road, north and west of Little Farms Road and bisected by Mallard Way, thus totaling approximately 186 acres (the 174.3-acre Specific Plan parcels plus the 11.42-acre additional annexation parcels).

Project Applicant: Development Planning Services Inc., 211 Village Commons Blvd., Suite 15, Camarillo, CA 93012. The contact is Dennis Hardgrave, Project Manager, (805) 484-8303, designated agent for property owner Borchard Teal Club Ranch.

Project Description: The proposed project would involve annexation of the approximately 186-acre project area to the City of Oxnard, and adoption of a specific plan including a range of land uses for the 174.3-acre Teal Club Specific Plan Area. The current Ventura County General Plan land use and zoning

designations for the project area are Agricultural and Agricultural Exclusive. The proposed Teal Club Specific Plan designates residential, retail commercial, business/research park, parks and public facilities uses, and is therefore potentially consistent with the Oxnard 2030 General Plan Map. A central focus of this development will be in the provision of balanced community with jobs, school, recreation, shopping, and affordable and market-rate housing. The 2030 General Plan land use map designates the project site for an Urban Village, thereby encouraging neo-traditional town planning with a focus on sustainability and transit-oriented development.

The proposed Specific Plan would allow for the following primary land uses, which would be constructed in two phases:

- Up to 990 residential units in a variety of densities and product types on approximately 91 acres
- Up to 132,000 square feet of business park development on approximately 10 acres
- Up to 60,000 square feet of retail commercial uses on approximately 6 acres
- Approximately 8 acres for a school site
- Potential development of an approximately 14,000 square-foot Y.M.C.A. facility
- Approximately 21 acres of community park space and 4 acres of pocket parks and greenbelts
- A City fire station on approximately one acre

The conceptual Specific Plan land use and phasing maps are attached to this Notice of Preparation. The proposed project will require review by other agencies including the Ventura County Airport Land Use Commission, California Division of Aeronautics, California Department of Education, and the Ventura County Local Agency Formation Commission.

The eight parcels south of Teal Club Road are designated for Airport Compatible land uses by the Oxnard 2030 General Plan land use map. Upon annexation, these nine parcels are proposed to be in the Light Manufacturing (M-1) zoning district. The potential development analyzed in the EIR will also consider potential buildout of these parcels under the proposed M-1 zoning.

Topics Identified for Study in this EIR. The City has determined that an environmental impact report will be prepared evaluating the following potentially significant impacts:

- | | |
|--|------------------------------------|
| • <i>Aesthetics</i> | • <i>Hydrology/Water Quality</i> |
| • <i>Agriculture and Forest Resources</i> | • <i>Land Use/Planning</i> |
| • <i>Air Quality</i> | • <i>Noise</i> |
| • <i>Biological Resources</i> | • <i>Population/Housing</i> |
| • <i>Geology/Soils</i> | • <i>Public Services</i> |
| • <i>Greenhouse Gas Emissions</i> | • <i>Transportation/Traffic</i> |
| • <i>Hazards & Hazardous Materials</i> | • <i>Utilities/Service Systems</i> |

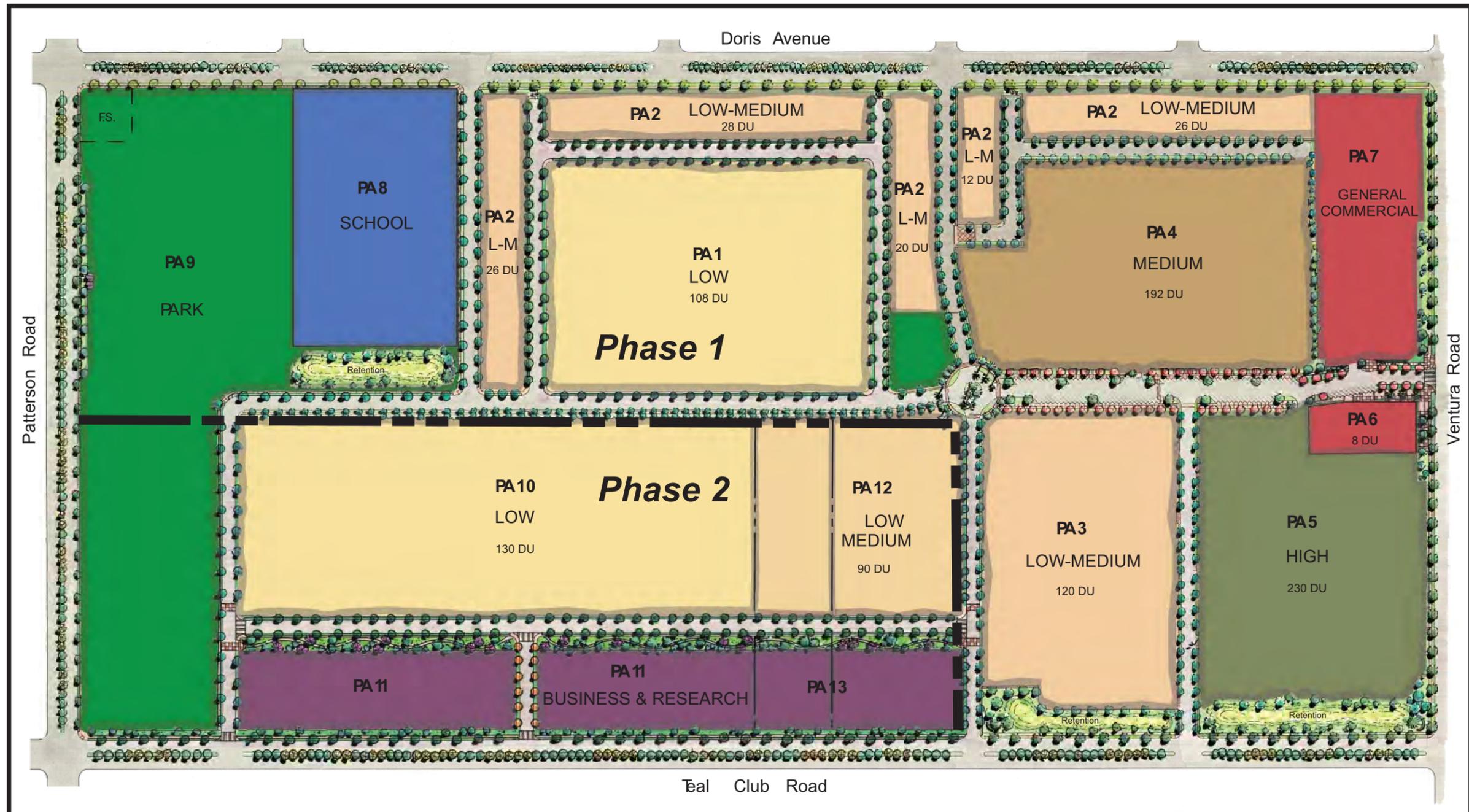
Based on the City's preliminary evaluation of the project, impacts related to Cultural Resources, Mineral Resources and Recreation are anticipated to be less than significant; these topics will therefore be addressed in an Effects Found Not to be Significant section contained in the EIR.

Scoping Meeting. The City of Oxnard, in its role as Lead Agency, will hold a public scoping meeting to provide an opportunity for the public and representatives of public agencies to address the scope

of the EIR. The Scoping Meeting for the Environmental Impact Report for the project is scheduled for June 4, 2012, beginning at 6:00 p.m., in the City of Oxnard Community Room, located at 300 West Third Street, First Floor (exterior doors at the southwest corner of Third Street & South B Street).

Susan L. Martin, AICP
Planning Manager

cc: Applicant
EIR Distribution List



	Low 3 -7 DU/AC		Park
	Low Medium 8 -12 DU/AC		School
	Medium 13 -18 DU/AC		General Commercial
	High 19 -30 DU/AC		Business and Research Park
		PA_	Planning Area Designation

Teal Club Specific Plan

Planning Area / Phasing Map

City of Oxnard, California

Development Planning Services, Inc. April 2011

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40

1120 N STREET

P. O. BOX 942873

SACRAMENTO, CA 94273-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY 711

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MAY 29 2012

PLANNING DIVISION
CITY OF OXNARD

May 22, 2012

Mr. Brian Foote
City of Oxnard Planning Division
214 South C Street
Oxnard, CA 93030

Dear Mr. Foote:

Re: Notice of Preparation for the Teal Club Specific Plan; SCH# 2005081112

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the document referenced above with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations, safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports.

The proposed specific plan includes a variety of residential uses, a business park and retail, a fire station, school site, and community park space on 186 acres located adjacent to and just north of Oxnard Airport. A YMCA facility is also part of the plan. Oxnard Airport is an active airport with over 150 based-aircraft and approximately 55,000 annual operations. The project site will be subject to aircraft overflights as well as airport-related noise and safety impacts.

CEQA, Public Resources Code Section 21096, requires the California Airport Land Use Planning Handbook (Handbook) be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook is a resource that should be applied to all public use airports and is available on-line at:
<http://www.dot.ca.gov/hq/planning/aeronaut/documents/AirportLandUsePlanningHandbook.pdf>

Due to its proximity to the airport, the project site will be subject to aircraft overflights and subsequent aircraft-related noise impacts. Since communities vary greatly in size and character from urban to rural, the level of noise deemed acceptable in one community is not necessarily the same for another community. Portions of the project site are located within the 60 decibel (dB) Community Noise Equivalent Level (CNEL) contour for the Oxnard Airport as shown in the Ventura County Airport Land Use Compatibility Plan (ALUCP). A thorough airport-related noise analysis must be included in the Draft Environmental Impact Report.

Public Utilities Code, Section 21659 prohibits structural hazards on or near airports. In accordance with Federal Aviation Regulation (FAR) Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

Mr. Brian Foote
May 22, 2012
Page 2

The location and type of trees, and their mature height, is also a potentially significant concern. Trees should be selected carefully so they do not become a hazard to aircraft around the airport. Selection of a species of tree that does not grow taller than the buildings is strongly recommended, so the maturing trees do not become penetrations to the FAR Part 77 imaginary surfaces and potential hazards to aircraft operating to/from the airport. For further information, please refer to the FAA website at <http://www.faa.gov>.

Business and Professions Code Section 11010 and Civil Code Sections 1102.6, 1103.4, and 1353 address buyer notification requirements for lands around airports and are available on-line at <http://www.leginfo.ca.gov/calaw.html>. Any person who intends to offer land for sale or lease within an airport influence area is required to disclose that fact to the person buying the property.

Education Code Section 17215 requires a school site investigation by the Division prior to acquisition of land for a proposed school site located within two miles of an airport runway. Our recommendations are submitted to the State Department of Education for use in determining acceptability of the site. This should be a consideration prior to designating residential uses in the vicinity of an airport. The Division's school site evaluation criteria is available on-line at: <http://www.dot.ca.gov/hq/planning/aeronaut/evaluations.html>

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures. The potential severity of an off-airport aircraft accident is highly dependent upon the nature of the land use at the accident site. Airport-related noise, safety and land use concerns should be thoroughly addressed in the Draft Environmental Impact Report.

The proposal should be submitted to the Ventura County Airport Land Use Commission (ALUC) for a consistency determination. It should also be coordinated with Oxnard Airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Oxnard Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our

Mr. Brian Foote
May 22, 2012
Page 3

Caltrans District 7 Office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-6223.

Sincerely,



PHILIP CRIMMIS
Aviation Environmental Specialist

c: State Clearinghouse, Oxnard Airport, Ventura County ALUC

Cabrillo Neighborhood Council

www.cabrilloneighborhood.net
Chairman: R. Stephen Cripps
(805) 824-4704
E-mail: chair@cabrilloneighborhood.net

June 4, 2012

City of Oxnard
Planning Division
214 South C Street
Oxnard, CA 93030

Re: Environmental Impact Report for The Teal Club Specific Plan Project

The information listed below represents the primary concerns and the related environmental impact on the Cabrillo Neighborhood of the above referenced project, as outlined in your Notice of Preparation of an Environmental Impact Report for the Teal Club Specific Plan Project. This information has been prepared by the Executive Board of the Cabrillo Neighborhood Council and is being presented on behalf of all residents living within the Cabrillo Neighborhood.

It is our opinion that the approval of the Proposed Teal Club Specific Plan as submitted will have a tremendous negative impact on the Cabrillo Neighborhood, and the information presented below should be given serious consideration in the preparation of the Environmental Impact Report for this project.

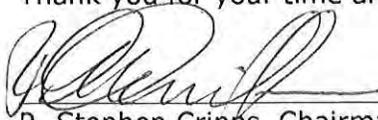
The following is a list of potentially significant impacts related to aesthetics, air quality, land use, noise and traffic that would have a negative impact on the Cabrillo Neighborhood and should be considered in the preparation of the environmental impact report:

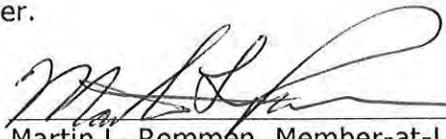
1. The development of 990 residential units, 132,000 square feet of business park development, 60,000 square feet of retail commercial use, a new school site and the potential development of a Y.M.C.A. will result in a dramatic increase in traffic volume on Doris Avenue, Patterson Road, Teal Club Drive and the interior streets within the Cabrillo Neighborhood. This will yield:
 - a. Increase in noise pollution.
 - b. Increase in air pollution.
 - c. Increase in traffic flow within Cabrillo (particularly during commute and school "drop-off" hours) causing potential safety hazards to pedestrians and children walking to and from school.
 - d. Additional erosion to roadways within Cabrillo which can result in damage to vehicles and increased costs to the City of Oxnard for road maintenance and renewal.
2. In order to support the design of this project, we believe it will be necessary to widen Doris Avenue to four traffic lanes. We anticipate the installation of two traffic signals. One at the corner of Patterson Road and Doris Avenue and one at one of the entrances to the project on Doris Avenue.
 - a. When these traffic lights are combined with the existing commute traffic, the additional commute traffic created by the project and school "drop-off" traffic, a situation will be created where drivers incur increased wait time due to red lights. This additional idle time for the vehicles will create

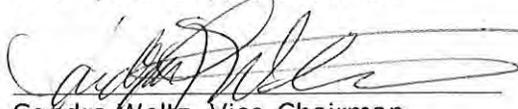
- a greater use of gasoline, greater greenhouse gas emissions, an increase in air pollution and a significant decrease in our air quality.
- b. The appearance of the traffic signals and congested traffic will have a significant negative impact on the visual aesthetics of this portion of our neighborhood.
3. The project area comprises approximately 186 acres of what is currently agricultural property. The watershed for this property will be lost. The rain that currently falls onto this property will no longer be added to the watershed. Instead, the rain will drain directly into the sewers or directly into the ocean. In many communities, it has been shown that this is a major source of coastal water pollution that has long-term and far reaching affects on the local marine life.
 4. It does not appear that the success rate for new residential housing developments in the City of Oxnard is supportive of a new development in the Teal Club area. This can be seen in the Seabridge, Wagon Wheel and River Park Developments. Construction has either ceased or has never begun, long after the property development was approved by the city. If this trend continues, the development of 990 residential units could result in an abandoned project, leaving either undeveloped or partially developed units. The end result would be an unsightly area, a wasteful use of prime agricultural land and a very poor land use/planning decision.
 5. The proposed project includes approximately 60,000 square feet of retail and commercial space, using 6 acres of land. At the present time there is vacant retail space in the Gold Coast Center (at the corner of 2nd street and Ventura Road) and the Fremont Center (at the corner of Doris Avenue and Ventura Road). These centers are directly opposite the proposed development and there have been vacancies in these centers for over a year. The development of additional retail space in this area would only have a negative impact on the owners of the currently unoccupied property and may result in the newly constructed property sitting empty and unused. Again, we feel that this would be a poor land use of the Teal Club property.

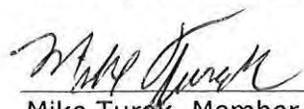
We have addressed the environmental impacts that we consider to be the most significant and those that we believe will have the greatest negative impact on our neighborhood. We presume that the Planning Division will evaluate the other items noted in the "Topics Identified for Study in this EIR" in your notice with the same vigor and interest as if the items affected you personally. Overall, we feel that the Teal Club Specific Plan and the proposed project identified in your notice will result in poor land usage and create such negative environmental impacts on the surrounding areas, that the EIR should propose that this Plan be rejected.

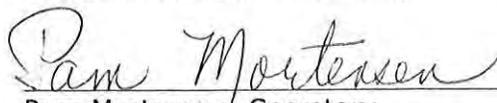
Thank you for your time and consideration in this matter.

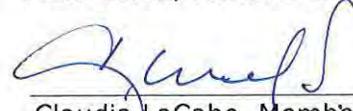

 R. Stephen Cripps, Chairman

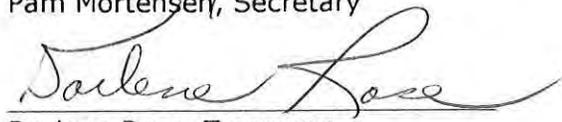

 Martin L. Remmen, Member-at-Large


 Sandra Weltz, Vice-Chairman


 Mike Turek, Member-at-Large


 Pam Mortensen, Secretary


 Claudia LaCabe, Member-at-Large

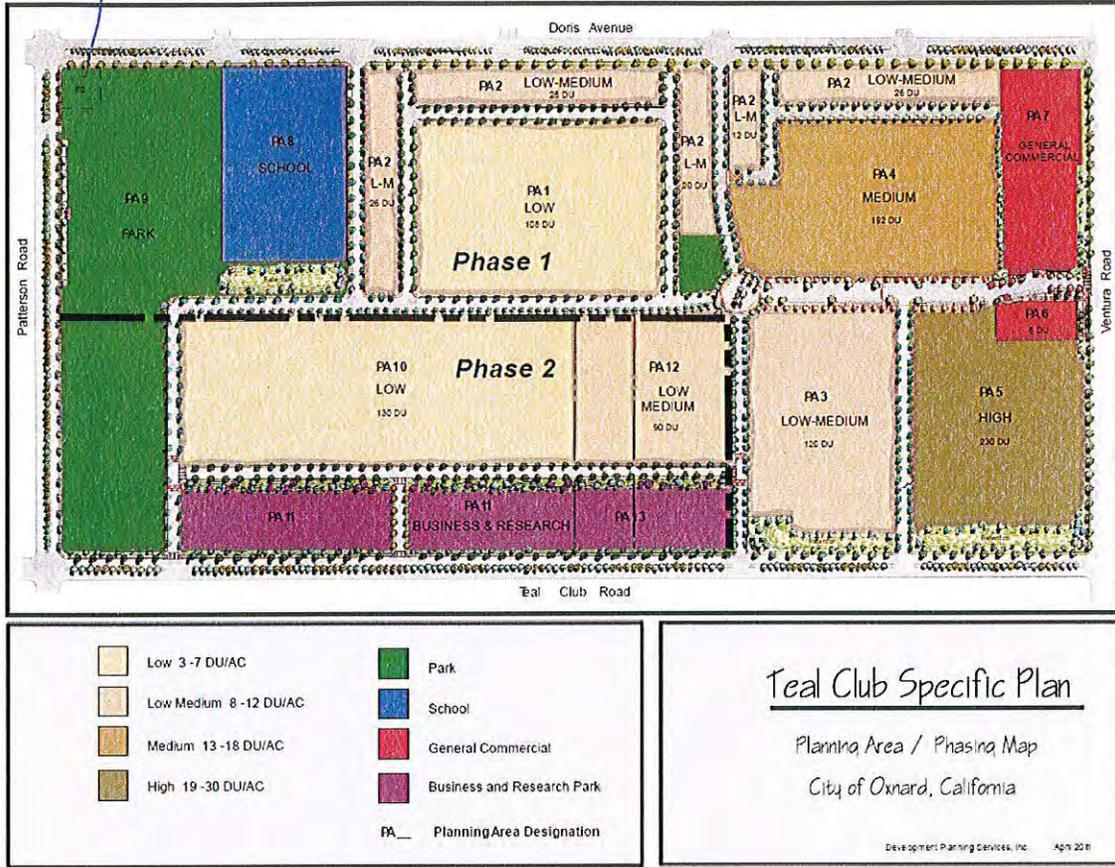

 Darlene Rose, Treasurer

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JUN 04 2012
PLANNING DIVISION
CITY OF OXNARD



Fire Station



Please provide your comments on the scope of the environmental review below:

- ① FIRESTATION IS REDUNDANT & UNNECESSARY
- ② NEED TO KNOW WHO DEVELOPERS WILL BE IN ORDER TO OBTAIN RECORDS OF SUCCESS/FAILURE RESULTS IN OTHER DEVELOPMENTS.
- ③ DEVELOPMENTAL HISTORY RECORDING: * PROPERTY VALUES, CRIME RATIONOS (BEFORE & AFTER) TRAFFIC IMPACT, TAX RAMIFICATIONS, MOCE -
- ④ FLOOD ISSUES!
- ⑤ HONEST EXAMINATION OF POTENTIAL FOR LOW INCOME HOUSING.

Please continue on the back of this sheet or attach additional sheets if necessary

Please also provide your name and address if you would like to receive additional information on this project as the City's review progresses.

Name: MICHAEL SHAW

Address: 2200 IVANHOE AVE
OXNARD CA 93030

RECEIVED

JUN 04 2012

PLANNING DIVISION
CITY OF OXNARD

From: "Todd McNamee" <Todd.McNamee@ventura.org>
To: <kathleen.mallory@ci.oxnard.ca.us>, "Matthew Winegar"
<matt.winegar@ci.oxnard.ca.us>
Date: 2/21/2008 4:04:38 PM
Subject: Comments Regarding Teal Club Specific Plan

Dear Kathleen and Matt,

I will not be attending tonight's study session on the Teal Club Specific Plan, but wish to have the following comments included in the record. The attached letter addressed the DEIR back in July 2007.

The site lies within the traffic pattern zone for the Oxnard Airport and will be subject to overflight by fixed wing and helicopter traffic. The housing element is conditionally compatible when viewed against the Airport Comprehensive Land Use Plan (copies of pertinent tables attached).

Conditions include structural coverage of site not to exceed 25%.

The developer be required to grant the County of Ventura an avigation easement over the parcel.

Fair disclosure of an airport influence area be provided to home buyers.

Insulation of homes to mitigate noise from the overflying aircraft.

We strongly oppose the inclusion of a school at this site as it is incompatible per the ACLUP.

Thank you for the opportunity to comment.

Todd McNamee
Director of Airports
County of Ventura
805-388-4200

CC: "Chris hastert" <Chris.hastert@ventura.org>, "Erin Powers"
<Erin.Powers@ventura.org>, "Jorge Rubio" <Jorge.Rubio@ventura.org>



July 16, 2007

Ms. Kathleen Mallory
Planning and Environmental Services
City of Oxnard
305 West Third St.
Oxnard, CA 93030

**Re: Notice of Preparation of a Draft Environmental Impact Report
For the Teal Club Specific Plan Project**

Dear Ms. Mallory:

The Department of Airports has reviewed the above referenced document and offers the following comments and concerns. As you are aware, the project site is located underneath the traffic pattern zone and in close proximity to the Oxnard Airport. Therefore, the draft EIR should address all airport-related concerns as follows:

1. An analysis of risk/hazards presented by fixed wing and helicopter operations.

The site lies within and beneath the airport traffic pattern zone. Fixed wing operations occur over the site, and there are also helicopter operations over the site through special letter of agreement between an on-airport helicopter operator and the Oxnard federal control tower. The potential exposure to risk from these operations should be identified, as well as the site's proposed development in relation to any aircraft hazard/protected zones.

2. Analysis of noise exposure.

The site is subject to aircraft noise by normal aircraft operations including over-flights, departure noise, and other operations on the airport. Noise exposure should be examined, and there should be identification of *any* mitigation measures that might be available to lessen noise impacts.

3. Land Use Compatibility.

The document should include an analysis of the proposed development within the guidelines of the Airport Comprehensive Land Use Plan to identify any incompatible uses and development restrictions.

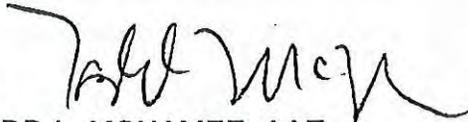
4. Inclusion of Elementary School.

The Notice of Preparation references the consideration of an elementary school at a site within the project. Risk/hazards and noise compatibility issues related to a school site in this location should be addressed. The Ventura County Airport Land Use Commission, the Ventura County Aviation Advisory Commission and the Oxnard Airport Authority are all on record as strongly objecting to the placement of a school at this site.

In addition, the Draft EIR should provide mitigation measures that address these concerns, such as the provision of aviation easements, full disclosure to home buyers, sound attenuation features, etc.

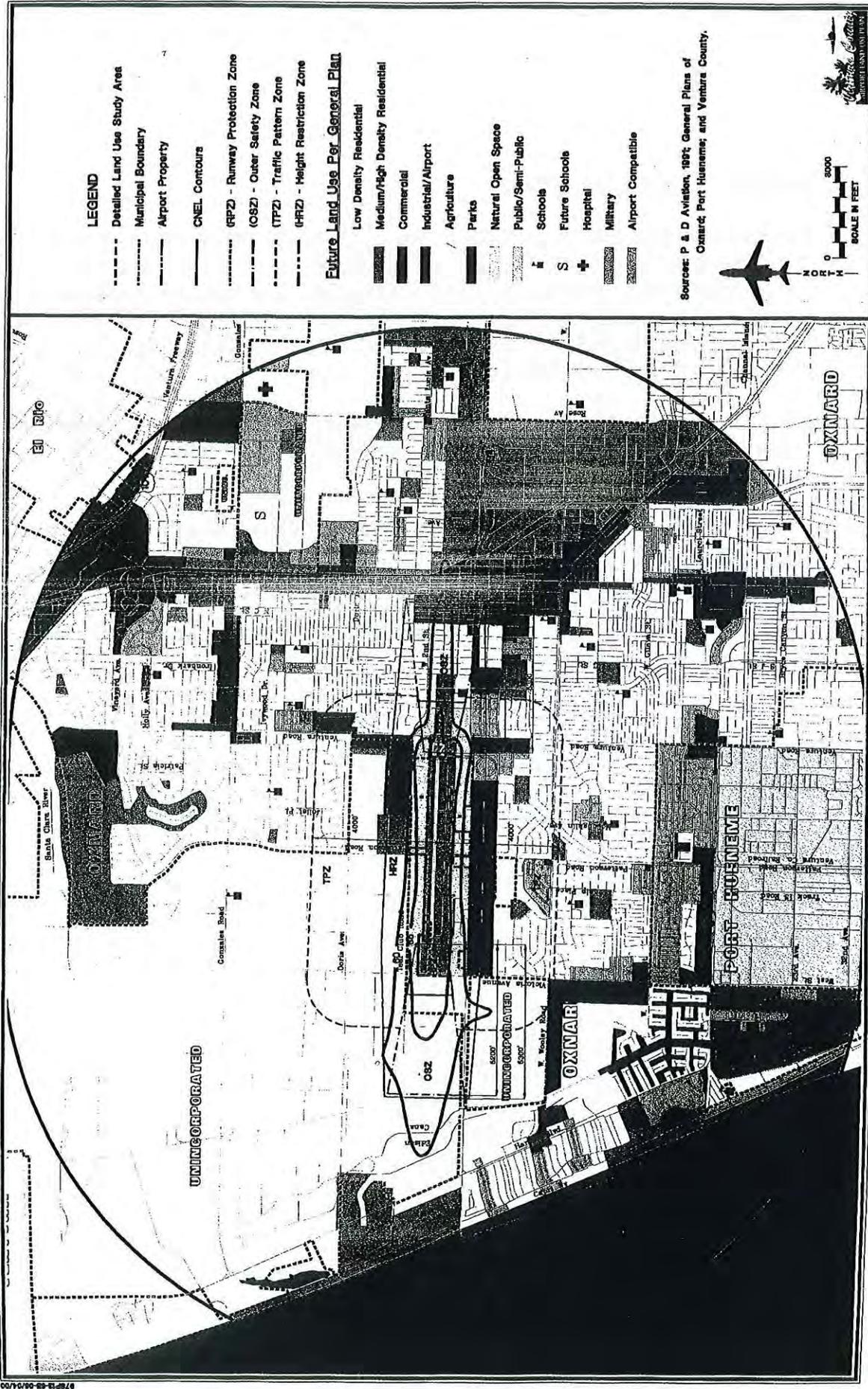
Thank you for the opportunity to comment, and please contact me at 388-4200 if you have any questions.

Sincerely,



TODD L. MCNAMEE, AAE
Director of Airports

- c Oxnard Airport Authority
Aviation Advisory Commission
Chuck Anthony, Ventura County Planning Department
Kerry Forsythe, Ventura County Transportation Commission



LEGEND

- - - - - Detailed Land Use Study Area
- - - - - Municipal Boundary
- - - - - Airport Property
- CHNL Contours
- - - - - (RPZ) - Runway Protection Zone
- - - - - (OSZ) - Outer Safety Zone
- - - - - (TPZ) - Traffic Pattern Zone
- - - - - (HRZ) - Height Restriction Zone

Future Land Use Per General Plan

- Low Density Residential
- Medium/High Density Residential
- Commercial
- Industrial/Airport
- Agriculture
- Parks
- Natural Open Space
- Public/Semi-Public
- Schools
- Future Schools
- Hospital
- Military
- Airport Compatible

Sources: P & D Aviation, 1987; General Plans of Oxnard, Port Buena Vista, and Ventura County.



TABLE 6B (Continued)
Adopted Land Use Compatibility Standards in
Safety Zones for Civilian Airports

NOTES

A = Acceptable land use.

C = Land use is conditionally acceptable upon meeting required criteria (see footnotes below).

U = Unacceptable land use.

- [a] Maximum structural coverage must be no more than 25 percent. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts.
- [b] The placing of structures or buildings in the Runway Protection Zone is unacceptable. Above ground utility lines and parking are allowed only if approved by the Federal Aviation Administration (FAA) as not constituting a hazard to air navigation.
- [c] Maximum structural coverage must not exceed 50 percent. "Structural coverage" is defined as the percent of building footprint area to total land area, including streets and greenbelts. Where development is proposed immediately adjacent to the airport property, structures should be located as far as practical from the runway.
- [d] Clubhouse is unacceptable in this zone.
- [e] An aviation easement is recommended and a fair disclosure agreement and covenant shall be recorded by the owner and developer of the property.

The adopted safety standards at NAS Point Mugu are shown in **Table 6C**. The standards in the CZ, the APZ-1, and the APZ-2 are the same as in the current CLUP. The standards in the TPZ zone are the same as in the civilian

Extended TPZ zone. As was done in the civilian table, the land use classification system has been changed to add transportation, communication, and utilities to the industrial category.

TABLE 6B
Adopted Land Use Compatibility Standards in
Safety Zones for Civilian Airports

Land Use	Runway Protection Zone	Outer Safety Zone	Traffic Pattern Zone	Extended Traffic Pattern Zone
Residential				
Single Family	U	U	C [a, e]	A [e]
Multi-Family	U	U	C [a, e]	A [e]
Mobile Home Parks	U	U	C [a, e]	A [e]
Public/Institutional				
Hospitals/Convalescent Homes	U	U	U	A [e]
Schools	U	U	U	A [e]
Churches/Synagogues	U	U	U	A [e]
Auditoriums/Theaters	U	U	U	A [e]
Commercial				
Hotels and Motels	U	U	C [c, e]	A [e]
Offices and Business/Professional Services	U	C [a, e]	C [c, e]	A
Wholesale	U	C [a, e]	C [c, e]	A
Retail	U	C [a, e]	C [c, e]	A
Industrial, Transportation, Communication, and Utilities				
Manufacturing - General/Heavy	U	C [a, e]	C [c, e]	A
Light Industrial	U	C [a, e]	C [c, e]	A
Research and Development	U	C [a, e]	C [c, e]	A
Business Parks/Corporate Offices	U	C [a, e]	C [c, e]	A
Transportation Terminals	U	U	A	A
Communication/Utilities	C [b]	A	A	A
Automobile Parking	C [b]	A	A	A
Recreation/Open Space				
Outdoor Sports Arenas	U	U	U	A
Outdoor Amphitheaters	U	U	U	A
Parks	U	C [a]	A	A
Outdoor Amusement	U	C [a, e]	A	A
Resorts and Camps	U	C [a, e]	A [e]	A [e]
Golf Courses and Water Recreation	C [d]	A	A	A
Agriculture	A	A	A	A

2. Consistency of project travel modeling with other regional and local modeling forecasts and with travel data. Caltrans may use indices to verify the results and any differences or inconsistencies must be thoroughly explained.
3. Analysis of ADT, AM and PM peak-hour volumes for both the existing and future conditions in the affected area. Utilization of transit lines and vehicles, and of all facilities, should be realistically estimated. Future conditions should include build-out of all projects and any plan-horizon years. If a model is being used to generate traffic, a Select Zone Analysis should be included.
4. Inclusion of all appropriate traffic volumes. Analysis should include existing traffic, traffic generated by the project, cumulative traffic generated from all specific approved developments in the area, and traffic growth other than from the project and developments.
5. Discussion of mitigation measures appropriate to alleviate anticipated traffic impacts. These mitigation discussions should include, but not be limited to, the following:
 - Description of Transportation Infrastructure Improvements
 - Financial Costs, Funding Sources and Financing
 - Sequence and Scheduling Considerations
 - Implementation Responsibilities, Controls, and Monitoring

Any mitigation involving transit or Transportation Demand Management (TDM) should be justified and the results conservatively estimated. Improvements involving dedication of land or physical construction may be favorably considered.

6. Caltrans may accept fair share contributions toward pre-established or future improvements on the State Highway System. Please use the following ratio when estimating project equitable share responsibility: additional traffic volume due to project implementation is divided by the total increase in the traffic volume (see Appendix "B" of the Guide).

Please note that for purposes of determining project share of costs, the number of trips from the project on each traveling segment or element is estimated in the context of forecasted traffic volumes, which include build-out of all approved and not yet approved projects and other sources of growth. Analytical methods such as select-zone travel forecast modeling might be used.

Please be reminded that as the responsible agency under CEQA, Caltrans has authority to determine the required freeway analysis for this project and is responsible for obtaining measures that will off-set project vehicle trip generation that worsens State Highway facilities. CEQA allows Caltrans to develop criteria for evaluating impacts on the facilities that it manages. In addition, the County CMP standards states that Caltrans should be consulted for the analysis of State facilities. State Routes mentioned in item #1 should be analyzed, preferably using methods suggested in Caltrans Traffic Impact Study Guide. To help determine the appropriate scope, we request that a select zone model run is performed. Caltrans welcomes the opportunity to provide consultation regarding the preferred scope and methods of analysis.

Mr. Brian Foote

June 6, 2012

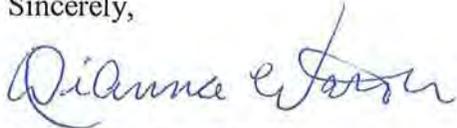
Page 3 of 3

Caltrans looks forward to reviewing the traffic study and expect to receive a copy from the State Clearinghouse when the DEIR is completed. To expedite the review process or receive early feedback from Caltrans staff, please feel free to send a copy of the DEIR directly to the District 7 office.

As discussed in a telephone conversation on May 29, 2012 between Alan Lin, Project Coordinator, and City Engineer, Mr. Jason Samonte, Caltrans would like to extend an invitation to meet with the City and the traffic consultant early in the process to discuss potential traffic impacts to the State facilities and possible mitigation measures prior to the preparation of the EIR.

If you have any questions, please feel free to contact me at (213) 897-9140 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 120546AL.

Sincerely,

A handwritten signature in blue ink that reads "Dianna Watson". The signature is written in a cursive, flowing style.

DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

county of ventura

June 19, 2012

Brian Foote, Associate Planner
Planning Division
City of Oxnard
214 South C Street
Oxnard, CA 93030

E-mail: brian.foote@ci.oxnard.ca.us

Subject: Comments on the Teal Club Specific Plan

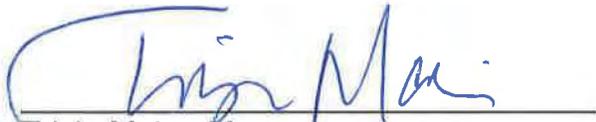
Dear Mr. Foote:

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document. Additional comments may have been sent directly to you by other County agencies.

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Laura Hocking, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Laura Hocking at (805) 654-2443.

Sincerely,



Tricia Maier, Manager
Planning Programs Section

Attachments

County RMA Reference Number 12-016





June 4, 2012

Brian Foote
City of Oxnard Planning Division
214 South C Street
Oxnard, CA 93030

Re: Notice of Preparation of an Environmental Impact Report for the Teal Club Specific Plan Project

Dear Mr. Foote,

Thank you for the opportunity to provide comment as you work to prepare an Environmental Impact Report (EIR) for the above referenced project. Our Department has commented on several occasions on the Teal Club Specific Plan going back to 2002. Comments for the above referenced Notice of Preparation (NOP) are as follows:

Hazards & Hazardous Materials

The site lies directly below the landing pattern for aircraft approaching the Oxnard Airport from the northwest. This accounts for approximately one third of the landings at the airport. It is recommended that an Aircraft Hazard Analysis be conducted for this site due to its location relative to the Oxnard Airport.

Further, the Ventura County Comprehensive Airport Land Use Plan (ACLUP) provides conditions for developments within the traffic pattern zone (TPZ) of the airport.

- Structural coverage of residential development be limited to 25%.
- Structural coverage of commercial/retail development be limited to 50%.
- An aviation easement be granted the County of Ventura.
- School sites are considered an unacceptable land use within the TPZ.

Hydrology/Water Quality

The site is located just north of the Oxnard Airport and the natural flow of water is from the northeast to the southwest. Please study any potential impacts of this water flow pertaining to the Oxnard Airport.

Land Use/Planning

The site lies within the sphere of influence of the Oxnard Airport and within the TPZ. The (ACLUP) provides conditions for developments within the traffic pattern zone (TPZ) of the airport.

- Structural coverage of residential development be limited to 25%.
- Structural coverage of commercial/retail development be limited to 50%.
- An avigation easement be granted the County of Ventura.
- School sites are considered an unacceptable land use within the TPZ.

Noise

As already mentioned, the site is located very close to the Oxnard Airport and within the traffic pattern zone. While it does lie outside of the 65 CNEL contour of the airport, the site will experience a great deal of overflight. The single event noise levels should be studied as may cause a concern for future residents.

Transportation/Traffic

The site lies is bordered by Teal Club Road which has two way traffic, single lanes each way, with ditches on either side of the road. Please study the impact on this road and any proposed changes to accommodate the additional traffic and address safety issues.

Utilities/Service Systems

As previously mentioned, the site lies along Teal Club Road. The City waterline does not run for the length of Teal Club Road. Please study the impact of any planned improvements that may provide City water to the west of the existing City water system.

Due to scheduling conflicts, staff is not available to attend the meeting this evening, and please accept this letter as my comments. Thank you again for the opportunity to comment on this NOP. I can be reached at 805-388-4200 should you have any other questions.

Sincerely,



TODD L. McNAMEE, AAE
Director of Airports

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Laura Hocking, Planning

DATE: June 11, 2012

FROM: Alicia Stratton

SUBJECT: Request for Review of Notice of Preparation for a Draft Environmental Impact Report for the Teal Club Specific Plan Project, City of Oxnard (Reference No. 12-016, formerly 07-047)

Air Pollution Control District staff has reviewed the subject project, which is a proposal for a specific plan for 175 acres of land that will include a range of single-family and multi-family residential uses (1,150 residential dwelling units total). The specific plan will also include a fire station, an elementary school with an adjoining park, a park/retention basin and provision for retail space. The project location is bounded by Doris Avenue on the north, Patterson Road on the west, Teal Club Road on the south and Ventura Road on the east.

District staff recommends that the air quality section of the draft environmental impact report be prepared in accordance with the 2003 *Ventura County Air Quality Assessment Guidelines* (2003 Guidelines). A copy of the 2003 Guidelines can be accessed from the downloadable materials section of the APCD website at www.vcapcd.org.

Specifically, the air quality assessment should consider reactive organic compound and nitrogen oxide emissions from all project-related motor vehicles and construction equipment. Additionally, the air quality assessment should consider potential impacts from fugitive dust, including PM10, that will be generated by construction and site preparation activities. Further, project consistency with the Air Quality Management Plan should be analyzed.

If project-related air quality impacts are deemed significant, appropriate mitigation measures should be identified and included in the environmental impact report.

If you have any questions, please call me at (805) 645-1426.

June 13, 2012

Brian Foote
City of Oxnard
Planning Division
214 South C Street
Oxnard, CA 93030

RECEIVED
JUN 15 2012
PLANNING DIVISION
CITY OF OXNARD

TEAL CLUB SPECIFIC PLAN PROJECT

Environmental Health Division (EHD) staff reviewed the information submitted for the subject document and comments that EHD records indicate there are Leaking Underground Fuel Tank (LUFT) cases located in or adjacent to portions of the proposed project. The cases are identified in EHD records as: #87067 F.A. Borchard & Sons at 1618 Doris Avenue, #95076 Proodos Properties Inc. at 2200 Teal Club Road, and #87033 Ven Oaks Plumbing at 131 Mallard Way. Although the sites were closed as LUFT cases, further review of the cases may be necessary to determine if the site meets the requirements for residential use. Please contact Erin O'Connell at 805/662-6511 for more information on the LUFT cases.

If you have any questions regarding this correspondence please contact me at 805/654-2811.



Melinda Talent
Landuse Section
Environmental Health Division

c: Erin O'Connell



MEMORANDUM Planning Division

County of Ventura • Resource Management Agency • Planning Division
800 South Victoria Avenue • Ventura, CA 93009
Ph 805-654-2488 • Fax 805-654-2509 • www.ventura.org/rma/planning

DATE: June 18, 2012

TO: Laura Hocking, RMA Planning Technician

FROM: Kari Finley, Senior Planner

SUBJECT: RMA Ref. # 12-016 NOP for Teal Club Specific Plan, City of Oxnard

Laura – Our comments are included in this memo. Please forward to the appropriate City staff. Thank you.

Project Description

The proposed project would involve annexation of the approximately 186-acre project area to the City of Oxnard, and adoption of a specific plan including a range of land uses for the 174.3-acre Teal Club Specific Plan Area. The current Ventura County General Plan land use and zoning designations for the project area are Agricultural and Agricultural Exclusive.

The proposed Teal Club Specific Plan designates residential, retail commercial, business/research park, parks and public facilities uses, and is therefore potentially consistent with the Oxnard 2030 General Plan Map. A central focus of this development will be in the provision of balanced community with jobs, school, recreation, shopping, and affordable and market-rate housing. The 2030 General Plan land use map designates the project site for an Urban Village, thereby encouraging neo-traditional town planning with a focus on sustainability and transit-oriented development.

The proposed Specific Plan would allow for the following primary land uses, which would be constructed in two phases:

- Up to 990 residential units in a variety of densities and product types on approximately 91 acres
- Up to 132,000 square feet of business park development on approximately 10 acres
- Up to 60,000 square feet of retail commercial uses on approximately 6 acres
- Approximately 8 acres for a school site
- Potential development of an approximately 14,000 square-foot Y.M.C.A. facility
- Approximately 21 acres of community park space and 4 acres of pocket parks and greenbelts
- A City fire station on approximately one acre

Topics Identified for Study in this EIR

The City has determined that an environmental impact report will be prepared evaluating the following potentially significant impacts:

- *Aesthetics*
- *Agriculture and Forest Resources*
- *Air Quality*
- *Biological Resources*
- *Geology/Soils*
- *Greenhouse Gas Emissions*
- *Hazards & Hazardous Materials*
- *Hydrology/Water Quality*
- *Land Use/Planning*
- *Noise*
- *Population/Housing*
- *Public Services*
- *Transportation/Traffic*
- *Utilities/Service Systems*

Based on the City's preliminary evaluation of the project, impacts related to Cultural Resources, Mineral Resources and Recreation are anticipated to be less than significant; these topics will therefore be addressed in an Effects Found Not to be Significant section contained in the EIR.

County Planning Division Comments to City of Oxnard

Thank you for providing the opportunity to comment on the City's Notice of Preparation of a Draft EIR for the subject project. The County's Planning Division concurs that a comprehensive environmental impact report should be prepared. More specifically, the County Planning Division requests that analysis of the potential impacts of the proposed Specific Plan as they relate to following issues be included in the Draft EIR:

- Conversion of land that is currently in agricultural production to urban uses;
- Safety and noise impacts due to locating residential development and a school adjacent to the airport;
- Inefficient land use (more than 50% of residential development is planned as low-density). Eventually, Oxnard will be forced to absorb more agricultural land as it expands and this Specific Plan provides an opportunity to encourage more high density residential development.
- Poorly located park with respect to residential use (next to agricultural, away from medium to high-density residential).

Please include us in the distribution for review of the Draft EIR when it becomes available.



**COUNTY OF VENTURA
RESOURCE MANAGEMENT AGENCY
PLANNING DIVISION**

M E M O R A N D U M

DATE: June 19, 2012

TO: Laura Hocking, County Planning Division

FROM: Nicole Doner, Cultural Heritage Board staff

SUBJECT: Notice of Preparation for a Draft EIR for the Teal Club Specific Plan Project (Reference No. 12-016, formerly 07-047)

The Cultural Heritage Board (CHB) staff recommends that a Historic Resources Survey of the subject property be performed as part of the Draft EIR to determine whether a previously unrecognized significant historical resource exists. The survey should identify and document all buildings, structures, and objects at least fifty years of age within the survey boundaries and determined their significance at the National and State Register level and at the local level. If the site is determined historically significant, an Architectural Historian should develop a full mitigation plan for the CHB's review prior to any future development or map proposals.

If you have any questions, please give me a call at 805-654-5042 or contact me at nicole.doner@ventura.org.

C: Brian Foote, City of Oxnard Planning Department



**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division
MEMORANDUM**

DATE: June 12, 2012

TO: RMA – Planning Division
Attention: Laura Hocking

FROM: Behnam Emami, Engineering Manager II

Ben

**SUBJECT: REVIEW OF DOCUMENT 12-016 (07-047) Notice of Preparation (NOP) of Environmental Impact Report (EIR)
Teal Club Specific Plan Project**
Notice that City of Oxnard plans to prepare EIR for development of 174.3-acre area bounded by Patterson Road, Doris Avenue, Ventura Road, and Teal Club Road and 11.42-acre area south of Teal Club Road (city).
Lead Agency: **City of Oxnard**

Pursuant to your request, the Public Works Agency - Transportation Department has reviewed the NOP of an EIR for the Teal Club Specific Plan Project.

The proposed project involves (1) the annexation of approximately 186 acres of land currently designated Agriculture in the County General Plan (GP) and zoned Agriculture Exclusive and (2) the adoption of the Teal Club Specific Plan consistent with the Oxnard 2030 GP. An Initial Study and EIR are required. The project area is located between Patterson Road, Doris Avenue, Ventura Road, and Teal Club Road (174.3 acres) with a small area south of Teal Club Road and north of the Oxnard Airport (11.42 acres). The two-phase development would include the following land uses: 990 residential units (91 acres); 132,000 SF business park (10 acres); 60,000 SF retail/commercial space (10 acres); school (6 acres); 14,000 SF YMCA; community park (21 acres); smaller parks and open spaces (4 acres total); and fire station (1 acre). The smaller 11.42-acre area would be zoned for airport compatible land uses such as Light Manufacturing.

We offer the following comments which are similar to those provided in Response Memorandums dated July 13, 2007, and September 8, 2005, for RMA Project No.'s 07-047 and 05-058, respectively, for the Teal Club Specific Plan:

1. The Traffic Study for the EIR should address the site-specific and cumulative traffic impacts the project may have on the County Regional Road Network and local public roads at full build-out. Of particular interest are County roads and intersections generally west of and within three miles from the proposed project including the intersection of Gonzales Road and Harbor Boulevard.
2. The cumulative impact of this project, when considered with the cumulative impact of all other approved (or anticipated) projects in the County, will be potentially significant. To

address the cumulative adverse impacts of traffic on the County's Regional Road Network, the appropriate Traffic Impact Mitigation Fees (TIMF) should be paid to the County as the development occurs. With payment of the TIMF, the level of service and safety of the existing roads would remain consistent with the County's GP.

3. LAFCO guidelines under Section 3.2.1 state that cities shall annex entire roadway sections and complete intersections adjacent to the territory proposed to be annexed. The EIR should require conditions for annexing County roadways adjacent to this development, namely: Doris Avenue north of the development and Patterson Road west of the development. Teal Club Road south of the development and Ventura Road east of the development are in the city's jurisdiction.
4. Please send us the Draft EIR when it becomes available for our review and comment.

Our review is limited to the impacts this project may have on the County's Regional Road Network.

Please contact me at 654-2087 if you have questions.

F:\transport\LanDev\Non_County\12-016 OXN (07-047).doc



VENTURA COUNTY WATERSHED PROTECTION DISTRICT
PLANNING AND REGULATORY DIVISION
800 South Victoria Avenue, Ventura, California 93009
Tom Wolfington, Permit Manager – (805) 654-2061

M E M O R A N D U M

DATE: June 14, 2012

TO: Laura Hocking, RMA/ Planning Technician

FROM: Tom Wolfington, P.E., Permit Manager *TW*

SUBJECT: RMA 12-016, Teal Club Specific Plan
Notice of Preparation of an Environmental Impact Report & Initial Study
Unincorporated Ventura County and within the City of Oxnard's Sphere
of Influence & City Urban Restriction Boundary
South of Doris Avenue, West of Ventura Road, North of Club Teal
Road, and East of Patterson Road
West Fifth Street Drain Watershed: Zone 2

Pursuant to your request, this office has reviewed the Notice of Preparation of the Environmental Impact Report (EIR) and the Initial Study for the Teal Club Specific Plan project.

PROJECT DESCRIPTION

The project consists of the establishment of a Specific Plan for 186-acres as a whole within the unincorporated Ventura County and within the City of Oxnard's Sphere of Influence and City Urban Restriction Boundary. The proposed project would involve the annexation of the 186 acre project area to the City of Oxnard followed by the adoption of the Teal Club Specific Plan. The proposed Teal Club Specific Plan Area comprises 174.3 acres on seven contiguous parcels located north of Teal Club Road. The project as a whole also includes an additional nine parcels totaling 11.42 acres on the south side of Teal Club Road. A variety of land uses are being proposed including up to 900 residential units on 91 acres; up to 132,000sf of business park on 10 acres; up to 60,000sf of retail commercial uses on 6 acres; an 8 acre school site; 14,000 sf YMCA facility; 25 acres of parkland; and a City fire station on one acre.

WATERSHED PROTECTION DISTRICT PROJECT COMMENTS:

The City of Oxnard's Notice of Preparation of an Environmental Impact Report for the Teal Club Specific Plan project did not include a land use and phasing map of the proposed Light Manufacturing (M-1) airport-compatible land uses intended by the City's 2030 General Plan, upon annexation, specifically for the nine parcels (11.42 acres) located south of Teal Road. These lands have been included in the Project Description and as such, should be addressed accordingly in the EIR.

According to the USGS map, the Teal Club Specific Plan Area drains southwesterly towards the corner of Teal Club Road and Patterson Road and then to the West Fifth Street Drain which is approximately 1,000 feet southwesterly from the proposed Plan Area boundary. The City of Oxnard Master Plan of Drainage (October 2003) shows a similar pattern. The West Fifth Street Drain is a Ventura County Watershed Protection District jurisdictional red line channel and may potentially be impacted for capacity as a result of development within the Plan Area. As such, the "Hydrology and Water Quality" impact section of the Environmental Impact Report should address how any increase in stormwater quantity due to an increase in impervious area will be mitigated. The District criteria for mitigating any increase in impervious area is that the peak flow after development shall not exceed the peak flow under existing conditions for any frequency of event.

Although the proposed Teal Club Specific Plan planning area and phasing map prepared by Development Planning Services Inc., dated April 2012, did not indicate a direct drainage connection to the West Fifth Street Drain, the EIR should include a statement that any activity in, on, over, under, or across any Ventura County Watershed Protection District jurisdictional red line channel will require a permit from the District.

END OF TEXT

There is one house estimated to be built in 1938. The EIR should include an evaluation of the house as a potential historic resource.

Nicole

Nicole Doner, Senior Planner
800 South Victoria Avenue, L#1740
Ventura, CA 93009
805-654-5042
nicole.doner@ventura.org

There is one house estimated to be built in 1938. The EIR should include an evaluation of the house as a potential historic resource.

Nicole

Nicole Doner, Senior Planner
800 South Victoria Avenue, L#1740
Ventura, CA 93009
805-654-5042
nicole.doner@ventura.org

As a City of Oxnard resident for the past 71 years and 22 Years at the Summerfield/ Cabrillo neighborhood. I oppose any type of development at this site. The Planning Division needs to address all the vacant housing available in the City. Improve the Infrastructure Streets, Parks, Youth Recreation and Senior Services. Doris Avenue between Ventura Road to Patterson Road is a DISASTER as is Patterson Road between Doris Avenue and Gonzales Road. It looks like the City is waiting for Developer \$\$\$\$ on this project to repair the mentioned streets. What about the interior streets of this project? Will they be narrow as other developments (River Park/ Via Carmel) ? Will this be a gated Community with a park without public facilities Benches, Tables, BBQ, Restrooms and Playgrounds. Firehouse needs at least 1.75 acres to be functional. In closing most City Employees and Residents can not Fathom the QUALITY OF LIFE We as YOUNG CHILDREN, Men and Women in the City Of Oxnard ENJOYED. What Quality? Downtown is a Joke!!!

Sincerely,

Anthony M. Gonzales
2640 Norite Place
Oxnard, Ca 93030
805-988-4462
mgonzalesime@aol.com

We are residents of Lions Gate tract and have multiple reasons to oppose the specific plan:

The number of residential units included - The Riverpark development was slated for 2800 +/- residential units - it has to date never been completed and is almost a ghost town - having ONE commercial unit filled. The wagon wheel project that calls for Multiple dense residential units has taken years just to raze some of the existing buildings and hasn't even started rebuilding.

There is Oxnard high school and a grade school on Gonzales Road almost across the street from each other. We were told that the schools would have no adverse effect on the traffic on Doris Ave and Patterson Rd. - come visit about 7:30 AM on a weekday. Sometimes you almost need a traffic signal to get out of our tract. Adding another school will DEFINITELY create traffic concerns - as should the airport, as small planes fly over our tract to approach the airport. Not that many years ago, a plane clipped the top of a residence on Ivanhoe Ave.

Fremont Shopping Center is across Ventura Rd and opposite there is a small commercial center on Doris. This has created problems with traffic going in and out affecting the Ventura Rd./ Doris Ave. intersection. Fremont Shopping Center is not 100 percent occupied and it has been so for several years. Permitting more commercial shopping means MORE traffic and the traffic flow - which at 2PM is backed up all the way from Ventura Rd. to Fifth St.

Doris Ave. is presently paved THROUGH THE FIELDS! Not enough foresight to pave Doris from Patterson Rd. to Ventura Rd. It is at best somewhat better than a cowpath. This was used as a detour for a period of time during Riverpark construction and there has been no city concern for the street since.

These are a few of our objections to the plan as presented to us. Thank you for allowing our input.

Laurel Kurihara
2110 Ivanhoe Ave.

Lois Montijo
2121 Ivanhoe Ave.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net

**RECEIVED**

May 21, 2012

MAY 29 2012

Mr. Brian Foote, AICP, Associate Planner
City of Oxnard Planning Division
214 South "C" Street
Oxnard, CA 93030

PLANNING DIVISION
CITY OF OXNARD

Re: SCH#2005081112; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the "Teal Club Specific Plan EIR Project," located in the City of Oxnard; Ventura County, California.

Dear Mr. Foote:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is subject to California Government Code Section 65352.3, *et seq.* (SB 18)

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC did conduct a Sacred Lands File (SLF) search within the 'area of potential effect (APE) and Native American cultural resources were not identified.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you

make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes (and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

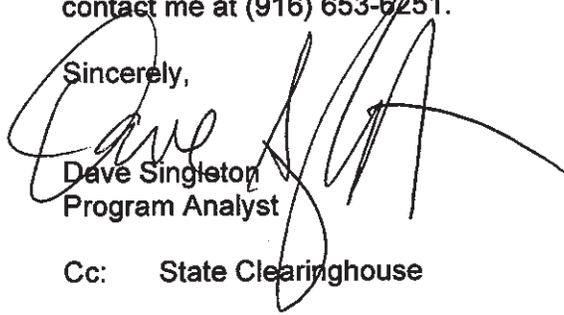
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton", is written over the typed name and extends upwards into the "Sincerely," line.

Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

/

Native American Contacts
Ventura County
May 21, 2012

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks, CA 91362
folkes@msn.com
805 492-7255
(805) 558-1154 - cell

Chumash
Tataviam
Ferrnandefio

San Luis Obispo County Chumash Council
Chief Mark Steven Vigil
1030 Ritchie Road
Grover Beach CA 93433
(805) 481-2461
(805) 474-4729 - Fax

Chumash

Santa Ynez Band of Mission Indians
Vincent Armenta, Chairperson
P.O. Box 517
Santa Ynez , CA 93460
varmenta@santaynezchumash.
(805) 688-7997
(805) 686-9578 Fax

Chumash

Owl Clan
Qun-tan Shup
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Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed 2005081112; cEQA Notice of Preparation 9NOP); draft Environmental Impact Report (DEIR) for the Teal Club Specific Plan Project; located in the City of Oxnard; Ventura County, California.

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