

## New storm to pound county



September 17, 2019

**To: Ventura County Board of Supervisors and County Planning Director and Staff,  
Re: Petrochem Site Redevelopment Proposal Planned Development Permit Request  
Planning Director Staff Report for PL16-0118 Planning Director Hearing on Oct. 14, 2019  
For full staff report see: [KB PL16-0118 Staff Report](#)**

This public communication will challenge the adequacy and scope of the evidence/findings that must be made in order to issue a Planned Development Permit (PDP) to the Petrochem site redevelopment proposal. The proposal includes *the following physical changes* to the site to allow for the operation and maintenance of a 20.9 acre transportation services storage yard and vehicle holding lot, and the operation and maintenance of a 6.8 acre contractor service and storage yard which includes large contractor-equipment maintenance:

1. Reusing 5 existing buildings--remodeling each building to bring it up to current State/County code.
2. Removing existing concrete pads and crushing this concrete along with the previously removed concrete that is located in stockpiles around the site. The crushed concrete will be distributed onsite throughout the over 30 acres of the project site to act as base for roads to control erosion and limit dust. (It is not specified in the staff report where this crushed concrete will be used as a base material for roads. It is not specified if this crushed concrete will also be spread under the maintenance yards as well as the contractor equipment and car storage lots.) This process will disturb site soils and contamination.
3. Building a series of bollards spaced 5-feet apart along a 300-foot long segment of the western boundary *adjacent to the river* to keep cars from floating down river in flooding events.

Also, if this Planned Development Permit is approved it will be so without a current EIR to examine the impacts of these significant physical changes to the project site located in the environmentally sensitive Ventura River habitat area/floodplain as well as other *significant* adverse impacts which are addressed in the following public comments. A Mitigated Negative Declaration (MND) is not sufficient to protect the public health, safety and welfare; nor is it sufficient to protect the environmentally sensitive habitat area of the river, its floodplains/wetlands or the public interest in the longterm environmental restoration of the river, its floodplains/wetlands.

**The following is pertinent detailed information from pages 1 to 7 of the 435 page Staff Report:**

**Site History:** The project site is the former location of the Shell Oil Company anhydrous ammonia production facility established in the 1950's and the USA Petrochemical Company oil and gas refinery operation established in the 1970's. *Remnant concrete foundations from these facilities currently exist at various parts of the property.* All onsite activities associated with these two industrial uses ceased in 2008. Since that time, the property has not been in active use. (pg. 2 of 435)

Just west of the southern portion of the project site, two large spherical tanks built around 1950 and previously used to store ammonia gas remain in place. These spheres encompass approximately 20,179 square feet. *They are not apart of the proposed project as they located on a separate 0.5-acre area that is outside of the area that would be subject to the requested permit.* These structures, however, are the subject of a July 2018 Compliance Agreement between the landowner and the County Code Compliance Division that **requires their removal by April 1, 2019**. On August 30, 2018, the Planning Division

issued a ministerial Zone Clearance (Zone Clearance No. ZCIB-1007) and Building Permit (B18-000944) to permit the demolition and removal of these spheres. (pg. 2 of 435)

**Request:** The applicant requests that a Planned Development Permit be granted to authorize the operation and maintenance of a transportation services storage yard and vehicle holding lot, and the operation and maintenance of a contractor service and storage yard. (Case No. PL16-0118).

The proposed transportation services yard would occupy 20.9 acres in the northern part of the subject property. The contractor service and storage yard would occupy 6.8 acres in the southern part of the property. The remaining 10.7 acres of the site would remain undeveloped and not be developed with an industrial use. (Exhibit 4)

**Decision-maker:** The County Planning Director is the decision-maker for the planned development permit. Zoning Designation: The zoning designation in County General Plan for the project site is M3-10,000 sq. ft. (Gen.Industrial, 10,000 sq. ft. min. lot size) (Exhibit 3) (Pg. 1 of 435)

**Specific Project Description:** The requested permit would authorize the operation and maintenance of a "transportation services storage yard / vehicle holding lot" on the northern portion of the project site and the operation and maintenance of a contractor service and storage yard on the southern portion of the project site. The project components are described in detail below.

#### **Transportation Services Storage Yard / Vehicle Holding Lot**

The operation and maintenance of a transportation services storage yard /vehicle holding lot is proposed to occur on approximately 20.9-acre area of the project site. The transportation services storage yard vehicle holding lot is designed to provide for short-term storage of passenger vehicles for future sale prior to delivery to various auto dealerships in Ventura County. The vehicles will be stored on the holding lot between fourteen and ninety days depending on market conditions. Prior to leaving the site, most vehicles will be prepared to be delivered to the dealerships by removing transportation packaging, minimal rinsing within a designated vehicle rinse area to remove dust, dirt, adding floor mats and off-the-shelf parts. The three (3) existing buildings (Building A, B, and C) on this portion of the project site are proposed to be used for storage, administration and tenant uses.

#### **Contractor Service and Storage Yard**

The operation and maintenance of a contractor service and storage yard is proposed to occur on an approximately 6.8-acre area of the project site. There are two (2) existing buildings (Buildings D and E) on the site that will be rehabilitated and used for storage, equipment maintenance, administration and tenant use.

Tenants will include general contractors, *oil field support operations*, and the fishing industry. All of these uses are customary and incidental to a contractor service and storage yard. Potential tenants of the contractor service and storage yard will lease space for the storage of equipment, roll-off bins, building materials, pipe, and commercial fishing equipment. Vehicle parking will be available on the project site for trucking companies and municipalities. Parking, operation, or maintenance of food trucks would not be authorized by the requested permit.

#### **Concrete Pads**

Concrete pads are located throughout the project site and are remnants of the former Shell Oil and USA Petrochemical facilities. A shed west of the spheres and an API Separator were demolished in 2017. Due to these recent demolition activities, small concrete stockpiles remain in locations throughout the project site. The use of a mobile crusher to process the remaining concrete debris into useable road base is proposed. This material will be used on the project site. Minor ground disturbance will occur as a result of this activity.

#### **Grading and Drainage**

Approximately 10.7 acres of the project site is not authorized to be utilized for industrial purposes. This portion of the site surrounds the two (2) spherical storage tanks that are scheduled for demolition and removal. The 0.5-acre site of these tanks is not a part of the permit area. This 10.7-acre area will not be altered, improved, or used as part of the operation of either the Transportation Services Yard or the

Contractor Service and Storage Yard. *The project includes the removal of some of the remaining impervious concrete surfaces.* The waste concrete will be crushed into useable road base, placed in temporary stockpiles, and ultimately spread throughout the site to control erosion and limit dust generation.

**Flood Safety Improvements:**

The Transportation Services Yard portion of the project site *is partially located within the floodplain* of the Ventura River. In order to prevent the vehicles temporarily stored in this area from being floated into the active river channel during flood conditions, a series of bollards spaced 5-feet apart will be installed along a 300-foot long segment of the western boundary of the facility as indicated on the approved site plan.

**B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code S21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, S15000 et seq.), the subject application is a "project" that is subject to environmental review. County staff prepared an Initial Study in accordance with the County's Initial Study Assessment Guidelines. Based on the information contained in the Initial Study, the Planning Director Staff Report for PL16-0118 Planning Director Hearing on September 19, [changed to October 14,] 2019 Page 7 of 19 County prepared a Mitigated Negative Declaration (MND) and made the MND available for public review and comment from December 28, 2018 to January 27, 2019. The method of notification was *direct mailing to property owners within 300 feet of proposed project boundary*, and a legal notice published in the Ventura County Star newspaper. In addition, the MND (Exhibit 6) was circulated to State agencies through the State Clearinghouse.

A MND is a written statement briefly describing the reasons that a proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Report. However, the Initial Study identified potentially significant effects on the environment related to biological resources, but the applicant agreed to mitigations prior the release of the MND. Proposals agreed to by, the applicant before the MND is released for public review would avoid the effects or mitigate the effects to a point where no significant effect on the environment would occur.

**Findings for Adoption of an Mitigated Negative Declaration (MND):**

The CEQA Guidelines [S 15074(b)] state that a MND *shall only* be adopted by a decision-making body if there is no substantial evidence, in light of the whole record, that the proposed project may have a significant adverse effect on the environment and that the MND reflects the Lead Agency's independent judgment and analysis.

**Public Comments on Petrochem Site Proposal Made in the Interest of Public Health, Safety and Welfare:**

First, the following public comments will assert that there is “substantial evidence, when looking at the whole record, that the proposed project will have significant adverse effect on the environment” as well as being *detrimental to the public interest, health, safety, convenience, or welfare* and will further contend that the required evidence and findings for the adoption of an Mitigated Negative Declaration should not have been made. Secondly, the following public comments challenge the evidence/findings presented in this staff report and identified as numbers 1 thru 4 (listed below) and also number 6 (listed later in the comments) that represent the findings that the Planning Director must make to grant the requested Planned Development Permit.

Under the CEQA compliance section above, it states: “The County prepared a Mitigated Negative Declaration (MND) and made the MND available for public review and comment from December 28, 2018 to January 27, 2019. The method of notification was *direct mailing to property owners within 300 feet of proposed project boundary*, and a legal notice published in the Ventura County Star newspaper.” The City of Ventura owns the the Ventura River Parkway Trail bike path and as a property owner within 300 feet of the proposed project it should have received a direct mailing notice. However, although the City holds title to the bike path, *it owns and operates the trail for the public interest.* The Friends of the Ventura (FoVR) is a coalition of numerous local environmental groups, businesses, public agencies, and individuals interested in preserving and protecting the river as well as promoting the Ventura River Parkway. The FoVR coalition has long been active in protecting the

public interest in restoring the river's ecosystems and enhancing the recreational trail. No notice of this MND was received by the FoVR even though the County Planning Staff should have been aware that the group is an active stakeholder for the public's interest in the City's/County's property ownership of the Parkway bike path. Where it may not be legally required for stakeholders for the public interest like the FoVR be notified of such MNDs for projects along the Ventura River Parkway, the FoVR would like to formally request notification from County Planning for any Parkway adjacent projects and/or MNDs for such projects in the future.

Because the MND was made available for public review on 12/28/18 to 1/27/19 the new CEQA amendment updates should have been used as they were available and would be the effective 2019/beyond project law. The following lists some pertinent modifications to the Appendix G Checklist of impact thresholds of significance. These CEQA issues, as well as others, are discussed in these public comments and demonstrate why an EIR is necessary for the project and why the project fails to meet current CEQA standards and why the project does not meet the criteria necessary to issue a Planned Development Permit for the project. The following 2019 updates and other CEQA issues and General Plan compliance issues will be discussed throughout these comments:

#### **AESTHETICS**

In non-urbanized areas, substantially degrade the existing visual character or quality of public views the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? Pg 3.1-24 to 28

#### **AIR QUALITY**

- a.) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- b.) Result in other emissions (such as those leading to create objectionable odors) adversely affecting a substantial number of people? [Such as auto-transporter or heavy construction equipment trucks trips and queuing and idling at the site.] Pg 3.1-30 to 32

#### **BIOLOGICAL RESOURCES**

Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Pg 3.4-77-80

#### **CULTURAL RESOURCES**

Cause a substantial adverse change in the significance of a historical resource pursuant to as defined in §15064.5? pg 3.5-40 to 49 [The Ventura River Parkway Trail which combines the historic Ventura River Trail with the Ojai Valley Trail have the potential to qualify under CEQA as a historical resource and therefore the Trail is protected. The Trail is within 100 feet of the project site.]

#### **HAZARDS AND HAZARDOUS MATERIALS**

Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? 3.8-25 to 26 [Significant impacts could occur related to wildland fires during both the construction and the operation of the proposed project.]

#### **HYROLOGY AND WATER QUALITY**

- a.) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? Pg 3.9-53-76 [There could be substantial potential for impacts to surface water quality occurring both during construction and during normal operations on the project site.]
- b.) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- c.) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surface, in a manner which would:
  - I) result in substantial erosion or siltation on- or off-site?
  - II) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite
  - III) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
  - IV) impede or redirect flood flows?
- d.) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to inundation? Pg 3.9-79 to 85 [Tsunamis run up low lying riverbeds. As water flows down a river bed, so too can a large tsunami flow up a river bed. Also, the Red Mountain Fault Line is located close to this project site, a hazard an EIR might identify. The proposed projects could be impacted by the increase the risk of seiche waves or increase impacts of flooding especially until Matilija Dam is removed.]
- e.) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? [Because of the known contaminants that remain on the for-use and not-for-use project site there are significant impacts that could occur.] Pg 3.9-76 to 79

#### **LAND USE AND LAND USE PLANNING**

- b.) Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? 3.10-26 to 33

#### **NOISE**

- a.) Generation of a substantial temporary or permanent increase in ambient, noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b.) Generation of excessive ground-borne vibration or ground-borne noise levels? 3.13-15 to 31

#### **TRANSPORTATION**

- a.) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
- b.) Would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3 subdivision?
- c.) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Pg. 3.17-12 to 27 [The 100 daily auto-hauler / large-construction-equipment truck trips will increase the hazards and be incompatible for roadway safety for surrounding uses and roadway users.]

Additionally according to the staff report page 16 of 345 under the PLANNED DEVELOPMENT PERMIT FINDINGS AND SUPPORTING EVIDENCE the Planning Director must make certain findings in order to grant the requested permit pursuant to Sections 81 1 1-1.2.1.1 of the Ventura County Non-Coastal Zoning Ordinance (NCZO). The ability of the decision-maker to make these findings is evaluated below. According to the staff report:

1. **The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [S811 1-1.2.1.1.a].** Based on the information and analysis presented in Sections C, D and E of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division B, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.
2. **The proposed development is compatible with the character of surrounding, legally established development [S81 1 1-1.2.1.1.b].** The proposed transportation services yard and contractor service and storage yard contractor service and storage yard would be compatible with the surrounding development. These proposed industrial uses would be set back from residential uses located to the east and set back from sensitive habitat located to the west along the Ventura River. The use of the site for temporary vehicle parking and for contractor storage would not adversely affect the institutional (Brooks Institute) and industrial (RDK contractor service and storage yard) located north of the site. The land to the south of the site is undeveloped. Based on the above discussion, this finding can be made.
3. **The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [S8111-'|.2.1.1.c].** As indicated in Section B of this staff report, no significant and unavoidable environmental effects have been identified that would result from the proposed project. Mitigation measures required to ensure that impacts are less than significant are incorporated into the conditions of approval. The Conditions of Approval (Exhibit 7) establish limits on the hours of operation, lighting, traffic volume, the use of the existing buildings on the site, and the storage and disposition of waste concrete generated by the demolition of the former chemical plant and petroleum refinery. The conditions also include landscape screening requirements (Condition of Approval #19) that reflect the landscape screening plan (Exhibit 5) included in the applicant's proposal. The proposed screening would *minimize public views* of the proposed facilities. With 2 Planning Director Staff Report for PL16-01 18 Planning Director Hearing on September 19, 2019 Page 17 of 19 these measures, no aspect of the proposed facilities has been identified that would be obnoxious or harmful or impair the use of neighboring property. Based on the above discussion, this finding can be made.
4. **The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [S811 1-1.2.1.1.d].** As indicated in Section B of this staff report, no adverse effect of the proposed project on the environment or public health and safety has been identified. The project would not involve any adverse effects on adjacent properties. Based on the above discussion, this finding can be made.

These 4 necessary findings, in fact, cannot be made because according to Ventura County General Plan Resources Policy 1.1.2-1: All General Plan amendments, zone changes and discretionary development shall be evaluated for their *individual* and *cumulative* impacts on resources in compliance with the California Environmental Quality Act (CEQA). Resources as used here include, but are not limited to, natural resources like water (including the Ventura River with its ESHA-qualified environmentally sensitive habitat areas), air, plants and wildlife, and scenic resources as well as other resources like road and safety service infrastructure. The following public comments will specifically challenge the finding that a full EIR study is not needed for this project; *and* specifically challenge the accuracy of the above 4 listed findings as well as finding 6 (embedded in the following observations), all of which are necessary to issue a Planned Development Permit.

The proposed Petrochem-site project described above will create *significant* individual and cumulative impacts that will adversely impact long-term environmental goals. The proposed project *does* involve noise, vibration, light pollution, and scenic resource degradation that is significant and that will interfere with surrounding uses and wildlife, as well as create traffic hazards, adverse impacts to area air quality and to water bodies located on or around the project site, and will additionally generate hazardous wastes because of the project's proposed uses -- particularly, but not limited to, the maintenance of contractor equipment on the site and disturbance of potentially contaminated soil and disturbance of potentially contaminated concrete pads and potentially contaminated concrete stockpiles (including crushing the concrete creating potentially-contaminated dust particulate and contaminated crushed road base that will be spread around the project site which could further contaminate the site). The proposed project will create substantial adverse environmental effects to air and water quality that will directly and/or indirectly impact human beings, the environment, and protected wildlife as well as potential impacts on common and rare plant and animal species that occupy the river and wetland habitat that exists in and around the Ventura River and its floodplains/wetlands. This project's proposed mitigation measures

**do not** reduce these environmental impacts to less than significant levels. Additionally, the proposed project does not meet these PDP criteria because it:

1. is not consistent with the intent and provisions of the County's General Plan;
2. is not *compatible* with the character of surrounding, legally established development (including the Ventura River Parkway Trail);
3. would be obnoxious or harmful, or impair the utility of neighboring property or uses (including the Ventura River Parkway Trail); and
4. does degrade the quality of the area's environment and it will pose a threat to wildlife and human health and will be detrimental to the public interest, health, safety, convenience, or welfare.

The following public comments will enumerate the reasons and evidence behind these 4 assertions as well as challenging finding number 6 that the lots and property lines of the project are legal.

The vehicle holding lot will generate **40** daily large auto-transporter truck trips 7 days a week. The contractor storage/service/maintenance yard will generate **60** daily contractor equipment truck trips 7 days a week. The hours of operation are from 7 am to 7 pm with tenant access available 24 hours a day every day. The impact of **100** large equipment truck trips going on 7 days a week 52 weeks a year will have major impacts on surrounding uses. The heavy use of a project site located in/a round the river/floodplain has the potential for major environmental impacts to area air quality; as well as adverse water quality impacts; and adverse impacts to protected river-area wildlife; and adverse noise, scenic, and environmental impacts to the nationally recognized Ventura River Parkway Trail that is an adjacent project site neighbor. Additionally the residential Bounds neighborhood, the new Patagonia Campus (located at the former Brooks Institute site) will be adversely impacted by the noise and traffic created by the project and these entities as well as the residents and wildlife in the entire Ojai Valley air basin will also be adversely impacted by the air quality degradation (which does not end at project site boundaries/buffers) caused by the traffic-heavy industrial uses of the proposed project.

The estimated 40 auto-mover truck trips a day will not only adversely impact the direct neighboring properties' air quality but also the city of Ventura's air quality as well as the air quality of other communities along the port-to-site traffic routes. The cumulative impacts to Ventura County's *worsening* air quality must be considered. Note that the Ojai Valley air basin is particularly hard hit by air pollutants from the Ventura Avenue Area that are pushed into the basin by the predominantly onshore air flows which accumulate and remain in the mountain-enclosed Ojai Valley basin, causing significant air quality health issues for area residents. In public comments on this project CFROG observed: "For purposes of air quality evaluation, the MND uses the Ventura County air emissions threshold of 25 pounds of ROC/NOx per day. However the project location is within the Ojai Valley airshed/ Planning Area, and is therefore subject to the 5 lb-per-day threshold of significance for ROC/NOx." (Please see submitted CFROG public comments on this projects PDP for further information.)

#### CEQA GREENHOUSE GAS EMISSIONS

GHG 3.7-1: The proposed projects could have a significant impact if they would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

GHG 3.7-2: The proposed projects could have a significant impact if they would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

#### CEQA AIR QUALITY

AQ 3.3-1: The proposed projects could have a significant impact if they would conflict with or obstruct implementation of the applicable air quality plan.

AQ 3.3-2: The proposed projects could have a significant impact if they would violate any air quality standard or contribute substantially to an existing or projected air quality violation.

AQ 3.3-3: The proposed projects could have a significant impact if they would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

AQ 3.3-4: The proposed projects could have a significant impact if they would expose sensitive receptors to substantial pollutant concentrations.

AQ 3.3-5: The proposed projects could have a significant impact if they would create objectionable odors affecting a substantial number of people.

As the many daily auto-mover-truck trips to this North Ventura Avenue area site will be from Port Hueneme, these trips will run through the city of Ventura on the 101 Freeway or on Harbor Blvd (or ?) to Highway 33 adversely *impacting road traffic and infrastructure* along the route as well as area air quality. Once the cars have been trucked to the site for storage/dealer-delivery-preparation there will also be another large-carbon-footprint trip to distribute the cars from this site at the far western edge of the county to auto dealers throughout the

county. There must be alternative sites that are closer to the Port *and* to the different Ventura County auto dealers that would **not** create such a needlessly large carbon-footprint to store, prepare and ultimately distribute the new vehicles. Please look at page 35 of 435 of the staff report which is a site map demonstrating that it would be extremely difficult to find a **less central** and **less appropriate** location for a storage lot to prep vehicles for county auto dealers *than this far western edge of the County along the Ventura River*.

A VC Star 9/25/19 AP article “*EPA targets California over air quality*” reports that the EPA warned the California Air Resources Board that it could lose federal highway funds if it doesn't clean up its air. The EPA described the state's air quality as the worst in the country, with 34 million people living in areas that do not meet National Ambient Air Quality Standards. The article explains the “EPA called on the state to address a backlog in plans aimed at reducing air pollution and to work with the agency to develop workable plans or risk highway funding sanctions and other penalties.” Ventura County should be part of the solution, not the problem. We must consider the needlessly large carbon-footprints/cumulative impacts that an ill-sited project might cause.

On page 6 of 435, the staff report cites the County General Plan requirement that:

“site plans for discretionary development that will generate hazardous wastes *or utilize hazardous materials* shall include details on hazardous waste reduction, recycling and storage but then goes on to *erroneously* say that the proposed project generally does not involve the *use* or generation of hazardous materials. Any hazardous chemicals (such as lubricants or surfactants for washing vehicles) will be stored and used in accordance with State regulations (Exhibit 7, Condition of Approval #22).” *The staff report goes on to erroneously conclude*: “Based on the above discussion, the proposed project is consistent with Hazardous Materials and Waste Policy 2.15.2-2.D.”

The project includes a 6.8-acre *contractor equipment maintenance yard* (which includes “*oil field support operations*”) this means the project *will generally utilize* hazardous waste materials. This site has suffered serious contamination in the past. This contamination has yet to be completely removed (refer to staff report page 226 et al.). This should be a cautionary tale – this site's remaining contaminants should not be made even more **cumulatively significant** by continuing to allow polluting industrial uses because the site is adjacent to a sensitive river habitat and in the river's 100-year flood plain.

#### CEQA HAZARDS AND HAZARDOUS WASTE

HAZ 3.8-1: The proposed projects could result in a significant impact if they would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

HAZ 3.8-2: The proposed projects could result in a significant impact if they would 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.

HAZ 3.8-3: The proposed projects could result in a significant impact if they would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

HAZ 3.8-4: The proposed projects could result in a significant impact if they would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would create a significant hazard to the public or the environment.

#### CEQA HYDROLOGY AND WATER

HYDRO 3.9-1: The proposed projects could have a significant impact if they would violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality.

HYDRO 3.9-3: The proposed projects could have a significant impact if they would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, or increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Also, the proposed projects could have a significant impact if they would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

HYDRO 3.9-5: The proposed projects could result in a significant impact if they would expose people or structures to a significant risk of loss, injury or death inundation by seiche, tsunami, or mudflow. [Including mudflow in the river floodway/floodplains.]

Given the existence of these known and substantial industrial contaminants on the Petrochem project site (contaminants that have accumulated over decades of active use as a petroleum/chemical refinery plant as well as over a decade of the heavy industrial uses infrastructure deteriorating on the site) and knowing a complete “clean-up of the site to background levels” has never been done (but instead only some surface and remedial clean up has been accomplished) some might consider that the property *itself* is still “generating”

hazardous waste. Compounding the *cumulative significance*, is the past and current common practices for stabilizing petroleum-related soil contaminants including capping contaminated soil layers with concrete or other material (like asphalt) or mixing soils with concrete or other binders to trap contaminants in a solid matrix (Riser-Roberts, 1998 *Remediation of petroleum contaminated soils, biological, physical and chemical processes*). Without a current EIR/testing it is difficult to know if this site used such practices, *however*, even if the site's concrete was not purposefully capping contaminated soil layers and/or the concrete was not purposefully mixed with contaminated soil to bind it in a solid matrix, it still must be *acknowledged* that decades of contaminants leaking or spilling onto the concrete pads under equipment, sheds, and tanks and in/around the chemical/oil refinery site would potentially *contaminate the site's concrete* as well as the soil and groundwater under it.

It is therefore necessary to be wary of issuing a Planned Development Permit for a proposal that plans to disturb the site's concrete pads and therefore disturb the contaminated soil underneath the former tank, shed, and other building pads, and additionally plans to crush the pad concrete (and previously removed concrete stockpiles) to use as a base material for roads (and storage lots?) throughout the site -- all without a current EIR to examine the adverse environmental impacts of the project which include the cumulative impacts of the site's ongoing contamination. If the site's concrete has been contaminated -- either purposefully or simply by existing for decades in a petroleum and chemical processing plant site -- then the plan for crushing and using this material throughout the project site should absolutely not be allowed. If this project site is to be reused it should not be for projects that will continue to pollute the site and it should not be redeveloped until this contaminated brownfield is cleaned to a level that it is no longer a danger to: the surrounding environment, and wildlife, employees, truckers, or visitors coming to the site; or the Ventura River Parkway users exercising on the bike trail; or the employees/visitors at the Patagonia (aka Brooks) campus and other existing surrounding businesses; or the Bounds neighborhood residents; or drivers, bicycle riders and/or pedestrians passing on Crooked Palm Road, Hwy 33, and/or the northern sections of Ventura Avenue; or the communities north of the project -- because air and water borne toxic pollution *do not respect buffers or site boundaries*.

Also note that, beyond the many petroleum and chemical plant contaminants that have been identified and not completely removed from this site, that for years there were asbestos contamination warnings signs posted on the fencing around this property. Additionally, consider the known methyl tert-butyl ether or MTBE contaminant under the refinery site found migrating in a ground water plume. The plume was monitored with two test wells registering high levels of MTBE (Stratus Environmental Inc. 2008 Report). Why this is important is that most of the project site is within the FEMA 100-year floodplain -- a circumstance that increases the risk of MTBE *and other contaminants* reaching the river.

According to a recent article by Perry Van Houten in the Ojai Valley news:

In 2008, a report by Stratus Environmental raised health concerns when it identified a plume of methyl tertiary-butyl ether (MTBE) contamination in groundwater beneath the former facility. MTBE is a blending component for gasoline that the Environmental Protection Agency identified as a possible carcinogen. California banned MTBE in 2002.

According to the report, groundwater under the site flows directly toward the Ventura River channels, directly to the west of the site, suggesting that remediation efforts would be needed. Rick Bandelin, who manages the hazardous materials program for the Ventura County Environmental Health Division, told the Ojai Valley News the MTBE was identified following the removal of an underground storage tank in 2005. The contaminated soil was removed and the groundwater was monitored from *2005 to 2010*.

“Based on this information, the residual contamination that *remained* did not pose a risk to human health, to beneficial or potentially beneficial groundwater, or to the environment,” Bandelin said in an email.

A current EIR should be done to establish if the “*contamination that remained*” *does*, in fact, “pose a risk to human health, to beneficial or potentially beneficial groundwater, or to the environment” because the MTBE contaminated groundwater is *just one of many* contaminants that have been identified in/under the soil, concrete and asphalt of the project site (see staff report page 226 et al. The Dudek letter). Note that the testing for the MTBE referred to in the Dudek letter was done in **2005** which was a very *wet year* after several very dry years. Both extremely low or extremely high rainfall years could potentially impact MTBE test results. *According to*

the Dudek letter, **no** testing for MTBE has been preformed since 2005.

Here are some other pertinent excerpts from that Dudek environmental engineering letter:

“Soil near Tanks 3 and 4 were excavated in 2014 following the trenching requested by EPA. This work is documented in the 2014 Dudek Excavation Report Tanks 3 and 4. TPH-impacted soil around Tanks 3 and 4 was excavated in August 2014. A total of 2,200 cubic yards of soil were removed and confirmation sampling indicated the completion of the excavation in this area. *However*, in October and November 2014, Tanks 3 and 4 were removed. Samples collected underneath the former tanks indicated the presence of additional TPH-impacted soil under former Tank 4. The TPH impacts under Tank 4 and near the former western loading rack *remain to date* and will be addressed during upcoming site remediation work as noted below.”

“Upon removal of the tank farm *aboveground storage tanks* (ASTs) in 2014, Dudek sampled the soil under the former ASTs. The sampling is documented in the 2015 Dudek Draft AST Removal Confirmation Soil Sampling Report. 2015 Dudek Draft AST Removed Confirmation Soil Sampling Report One to three soil samples were collected under each former tank in the Tank Farm. The draft report also discusses samples collected under 7 [seven] ASTs removed in 2013. The report noted PCB detections at Tanks 14, F, and G (Tanks F and G were located in the southwestern portion of the Site). The PCB detections at Tanks F and 14 were less than the EPA Regional Screening Level (RSL) for the *commercial/industrial scenario*. The PCB impacts at Tank G are currently being investigated and remediated under EPA oversight. The report also noted heavy-end TPH impacts at Tanks E, F, G, and 4 (all located on the western portion of the Site). Impacts at these tank areas are being addressed as discussed below.”

### **2013 -2015 USEPA Oversight**

No further action was recommended for the site ***excepting the following areas:***,

- ! [The southwestern not-for-use 10.7 & 0.5 acre spherical tank] area is located outside of the *proposed use areas* and, therefore, will have no impact on human health ***within*** the proposed use areas.
- ! Further remediation of heavy-end TPH under the former loading rack on the western portion of the Site is planned.
- ! This area is located underneath a concrete and asphalt-paved area. As there is no potential exposure under the proposed use (there is no direct contact due to site paving and no buildings through which vapor intrusion could be an issue), the remaining impacted soil in this area will have no impact on human health ***within*** the proposed use areas.

### **2015 AST Removal**

“Further remediation of heavy-end TPH under former Tanks E, F, and G is planned, These areas are also being investigated under EPA oversight due to PCB impacts and *should not be disturbed* until the remediation is complete. These areas are also shown on Figure 1 as areas of on-going PCB investigation and remediation (note that former Tanks E and F are located adjacent to each other in the western portion of the Site and are shown as one area on the Figure).”

### **PCB investigations under USEPA Oversight.**

“The USEPA is currently overseeing further PCB remediation at the *Compressor Building, Tank F, Tank G, and Tank 14*. The areas of the Compressor Building, Tank F, and Tank G are highlighted on Figure 1 as areas of on-going PCB investigation and remediation - *these areas should not be disturbed until the remediation is completed*. Note that the Tank E, F and 14 areas, while they have not yet received closure from EPA for unrestricted use, do not have PCB impacts that would impact *human health* under the *commercial/industrial scenario*. Additionally, the USEPA has stated their intent to provide closure approval for the Tank 14 area”.

“Based on this evaluation, three areas of the Site ***should not be disturbed*** until remediation of those areas is complete. These areas are shown as areas of on-going PCB investigation and remediation on Figure 1. ***With the exception of these three areas***, the extensive Site sampling conducted to date does not indicate a potential human health hazard ***within*** the proposed use areas.”

Note the frequency the letter warns that “areas of the site should not be disturbed until remediation of those areas is complete.” Also, the letter explicitly states the site is only being cleaned to a level that “*would impact human health*” under the “*industrial /commercial scenario*” meaning that the contamination on the site is not being cleaned to standards to allow other uses, only an industrial/commercial use, which with the industrial uses outlined in the PDP proposal would likely *continue to contribute* more hazardous waste contaminants to this site.

This Dudek letter also establishes that there are areas of this site ***that testing indicates do have potential human health hazards*** on both the proposed-for-use portions of the site as well as the not-proposed-for-use 10.7-acre portion and the 0.5 acres under the two spherical tanks. *Note: CEQA policies do not allow a project site to be split, like the 0.5 acre sphere-site and the 10.7 not-for-use acres from the remainder of the for-use site to avoid accurate contamination and cumulative impact examination.* Also note that these 0.5 and 10.7 acre portions will remain undeveloped *seemingly* because of the extent of the remaining contamination as well as the high flood risk. However, under the “Grading and Drainage” description of the staff report it appears to also be referring to the 10.7-acre not-for-use portion when stating: “The project includes the removal of some of the remaining impervious concrete surfaces.” Why the concrete removal/crushing/site distribution from the 10.7 acre portion is so important to the environmental health of the river and its habitats/ecosystems as well as public interest, health, safety and welfare is: the unused 10.7-acre portion of the site is closest to, even protruding into, the historic Ventura River channel/floodway and *is located in the 100-year floodplain* as is *most* of the for-use project site. If the site testing indicates that there are potential *human health hazards* that still exist in this not-for-use 10.7 & 0.5 acre portions as well as in the remaining for-use portions to this significant extent, then imagine how damaging these contaminants potentially-contained in the crushed concrete and newly exposed soil could be to the river's fragile ecosystems during high rain events that wash such contaminants into the river -- because aquatic species, birds and other wild animals have smaller bodies that are more susceptible to toxic exposure because they must live in the river habitat 24 hours a day. Imagine all the environmental consequences of this contamination.

#### CEQA LANDUSE

LU 3.10-2: The proposed projects could result in a significant impact if they would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Page 13 of 435 reviewing compliance with city/county N.Ventura Avenue Area Plan the staff report says this:

**A8.** Floodplain Lands adjacent to the Ventura River which have been designated as "Floodplain" are generally not appropriate for urban uses until a Floodplain ordinance is adopted by the city. The areas designated as the 100-Year Floodplain are based on the Flood Insurance Rate maps prepared for the United States Department of Housing and Urban Development's Federal Insurance Administration. The underlying land use designations *outside the floodway* but *within the 100-Year Floodplain* are "Industrial," generally located north of Shell Road or south of Gosnell Bend, and "Oilfield Industrial," generally located north of Gosnell and south of Shell Road.

**County Policy** - New industrial or oilfield industrial development or *an expansion* of existing industrial or oilfield industrial development may occur ***only if it can be shown through additional analysis that such areas will be protected from a 100-year flood.***

**City Policy** - *An expansion* of existing industrial or oilfield industrial urbanization may occur ***only if it can be shown through additional analysis that such areas are currently protected from a 100-year flood.*** Any flood protection measures necessary to protect existing development in the Floodplain shall minimize adverse impacts and changes fo the river channel.

The joint City/County “***North Avenue Area Plan***” is attached to both the city and county's General Plans as it is assumed that at some distant date in the future the North Avenue area will be annexed from the County to the City of Ventura. Given this, and the fact that most of ***this project site is located in the 100-year floodplain and is not protected from such an event*** (which is explicitly stated when the bollard discussion is covered on page 13 of the staff report and is addressed later in these public comments) and given the fact the project proposes ***expanded industrial uses*** including “***oil field support operations***” means that developing this site is ***not*** in compliance with either the County or City policies.

Also consider, on page 14 of 435 the staff report states:

**B6. Industrial Buffering**

*New or expanded industrial development* in either of the industrial designations which is adjacent to residential areas shall provide buffers to adequately protect residential areas from *any intrusion or nuisance factors generated by the industrial development.*

Industrial uses adjacent to the Ventura River (which is an anadromous fish stream), shall be ***compatible with the goal of preserving the natural attributes of the River, and development should not be permitted which would result in its degradation.***

The proposed project is not located adjacent to any residential uses. Thus, a buffer from such uses is not required. *The areas proposed for active use* as part of the project are located from 100 to 400 feet away from the channel of the Ventura River. Thus, no degradation of the riparian habitat or other attributes of the river channel is anticipated to result from project implementation.

First, to contest the above conclusion, the Bounds neighborhood is located just across Hwy 33 from the project site. Intrusion or nuisance factors to this neighborhood generated by this industrial project development will include, but are not limited to: adverse noise, light (including glare), vibration, traffic, and air quality impacts. Even though Hwy 33 is between the Bounds neighborhood and the project site, the fact is that the neighborhood is still in *very close proximity* to the project site and intrusions like *noise, light, traffic and air quality* impacts do *not stop at project buffers or boundaries.* The project would also adversely impact Parkway recreation.

CEQA NOISE 3.13-3: The proposed projects could result in a significant impact if they would create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

NOISE 3.13-4: The proposed projects could result in a significant impact if they would create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

CEQA RECREATION REC 3.16-1: The proposed projects could have a significant impact if they would have a substantial adverse effect on **or** increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Secondly, the staff report conclusion that the areas of the site proposed for *active use* are located 100 to 400 feet away from the channel of the Ventura River is erroneous because in high rain events portions of ***the project site are effectively in and become the channel of the Ventura River.*** This is why we *should* have learned by now not to develop, *or contaminate*, known floodplains. The Planned Development Permit for the proposed site should not be approved because the location in and adjacent to the Ventura River and its active floodplains should not include the kind of uses that present potential harm and degradation to the river and its ecosystems.

Storage and maintenance of large construction equipment in river floodplain could adversely impact the river's water quality if oil, grease, fuel or fuel tanks, or other hazardous waste maintenance materials get washed into the river in high rain events. Additionally, if the contractor equipment arrives back at this river-adjacent site from areas around the county and beyond and gets hosed down (by human effort or natural rain) and it retains foreign materials in its tire treads or tractor tracks, then the potential for non-native species seeds, spores, dirt, living organisms, etc. to be introduced into the Ventura River ecosystems is significant. (Think of the invasive quagga mussels and the biological environmental nightmare they introduce to lakes and rivers.) A 100-400 foot buffer area is not sufficient for a site historically known to have repeated, severe and ***immersive*** flooding by the adjacent Ventura River and the Canada Larga Creek confluence just to the north of the site. This river-adjacent site is too fragile for the proposed project because of the potential adverse impacts to the river ecosystem from hazardous maintenance materials, the accidental transfer of invasive plants or species, and/or the use of potentially contaminated crushed concrete as the base for roads throughout the site as well as other reasons.

The project should not be permitted to go forward because of the many adverse impacts of disturbing the soils, concrete, asphalt and/or other materials on the site thereby exposing the existing area's river habitat, wildlife, residential, business, or recreational Parkway trail users to air or water borne toxic contaminants especially if potentially contaminated materials are allowed to be repurposed and reused on the site. Also, the proposed project should not be allowed in the river floodplain area even if a more thorough clean-up (monitored by the proper agencies) is completed, because of the project's potential to continue to adversely impact the area.

## CEQA BIOLOGICAL RESOURCES

BIO 3.4-1: The project could have a significant impact if they would 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 USFWS.

BIO 3.4-2: The project could have a significant impact if they would 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 Calif. Dept. of Fish and Game or USFWS.

BIO 3.4-3: The project could have a significant impact if they would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

BIO 3.4-4: The project could have a significant impact if they would 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.

BIO 3.4-5: The project could have a significant impact if they would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

BIO 3.4-6: The project could have a significant impact if they would conflict with provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan

## CEQA CULTURAL RESOURCES

CUL 3.5-1: The proposed projects could result in a significant impact if they would cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5.

The Ventura River Parkway qualifies as a CEQA protected cultural historic resource, however, this project is utterly and completely antithetical to the concept of the Ventura River Parkway environmental restoration efforts. The Parkway is a City-owned and (at/above Foster Park) a County-owned public amenity and is a neighboring property to this project site that the staff report *did not fully acknowledge and/or address* the many adverse impacts it would incur due to its adjacency/proximity to the project site. The Ventura River Parkway began as a “Rails to Trails” project that decades ago turned a defunct railroad right-of-way into recreational trails. The County-owned 9-mile Ojai Valley Trail and the City-owned 6-mile Ventura River Trail create the Ventura River Parkway trail. The Ventura River Parkway trail connects with the historical Omer Rains Coastal Trail to create one of the finest multi-use trail networks in the region and impacts to this trail and the ongoing *environmental* river restoration efforts were all but ignored.

The Ventura River Parkway includes many current/future river restoration efforts that have garnered substantial support from Federal, State, and local entities including, but not limited to: the Ojai Valley Land Conservancy; Ventura Land Trust; National Parks Service; State Parks; California Coastal Conservancy; Trust for Public Land; Ventura River Watershed Council; State Senate; Ventura City Council; and the County Board of Supervisors. The Parkway concept is an attempt to correct past environmental mistakes, like allowing oil/chemical companies to operate contaminating industries in or adjacent to the Ventura River and its floodplains. We are now modernly aware that such uses adjacent to sensitive river habitats/floodplains are a recipe for environmental disaster and our General Plan policies reflect this knowledge.

The River Parkway concept is to protect and reconnect people to the natural resource of the river – which historically had served as a gathering place for human communion with nature for recreation and interaction. However, when Hwy 33 was built in 1946, the neighboring communities were cut off from accessing the river. National Parks Service, California Coastal Conservancy, and other local grants have all invested in this public amenity's planning, promotion and expansion. In 2014 the Ventura River Parkway Trail gained national (and State Senate) recognition as an official National Recreation Trail (NRT).

The *long-term environmental goals* of the Parkway include the concept that as we move forward into the future, we will continually work to improve and expand the Parkway, which connects the Omer Rains Coastal Trail to the Los Padres National Forest, so this *public-interest Parkway* might fulfill its potential of being a great community and visitor asset. Permitting the proposed project that degrades area air quality, and potentially produces glare and contaminants that will degrade habitat and water quality, and degrades the area's scenic resources; and produces 7 am -7 pm noise all of which *will adversely impact Parkway users as well as the surrounding river habitat species* is not a move in the right direction to correct past mistakes and environmental abuses that this property's former uses have already perpetrated on the area's local environment.

When weighing the public-interest in the Ventura River Parkway and its restoration/enhancement, decision-makers must understand River Parkways benefit people/wildlife/communities/businesses/tourism because they:

### **Attract Jobs & Investment.**

By protecting scenic and recreational areas for the public to enjoy, river parkways make communities more inviting for businesses, encouraging more job opportunities. Parkway can also increase property values in adjacent communities or stimulate the investment in once blighted areas.

### **Benefit the Local Economy.**

Parks and trails attract visitors who, in turn, support local businesses such as hotels, restaurants, retail and recreational services. In fact a recent study found the 23-mile Sacramento Parkway brought 8 million visitors to the region every year and generated more than \$364 million in annual revenue for the local economy.

### **Protect Floodplains.**

Conserving natural floodplains helps local government avoid the long-term costs of protecting property and infrastructure. Floodplains provide natural flood management, erosion control, groundwater recharge, and natural stormwater filtration saving communities millions of dollars over the years.

### **Protect Habitat and Water Quality.**

River and stream banks are home to hundreds of species, including many threatened or endangered plants and animals. River Parkways also protect biodiversity, restore wildlife corridors and improve water quality.

To get a full measure of the above benefits that our Ventura River Parkway could offer, decision-makers must protect the public-interest and stop permitting incompatible uses adjacent to the river and in its floodplain areas. We must now repair and heal the river and restore the floodplains that past incompatible uses have abused and contaminated. Because it is generally accepted that a commercial business building has a lifespan of approximately 50 years, it follows that if this PDP approves the updates to the 5 existing warehouse/office buildings to current State/ County building codes, it will likely lock-in these types of incompatible uses on this river floodway/ river floodplain/ river adjacent land for the next 50 years.

#### CEQA AESTHETICS

AES 3.1-1: The proposed projects could result in a significant impact if they would have a substantial adverse effect on a scenic vista.

AES 3.1-2: The proposed projects could result in a significant impact if they would substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

AES 3.1-3: The proposed projects could result in a significant impact if they would substantially degrade the existing visual character or quality of the sites and their surroundings.

AES 3.1-4: The proposed projects could result in a significant impact if they would create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area.

Also, because a current EIR was not done, all of the impacts of the project's site disturbance, rehabilitation of the five existing buildings as well as the creation of a 20.9-acre car storage lot and a 6.8- acre contractor equipment/ maintenance yard were not examined. For instance, the adverse impacts of placing what amounts to a 27-acre of parking lot, with all the vehicles' heated metal and glaring glass baking in the relentless southern California sun potentially creating a micro-climate *heat island effect* near the river's sensitive habitat areas and in the river's floodplain and should be examined because the significance of these impacts *alone* could stop the project.

A current EIR would additionally have more thoroughly studied *all* of the adverse impacts of locating such project in such a sensitive river area – including the adverse impacts of allowing *expanded* incompatible industrial uses on the site and not restoring the project site to function as a natural river floodplain as is the intent expressed in the City/County's General Plan floodplain policies; and also the adverse impacts like those the heat and glare of 27-acres of glass and steel would create on the River Parkway area habitat, wildlife and humans; and impacts to General-Plan-identified scenic resources like Hwy 33 and the Ventura River Parkway bike path.

Ventura County has often been a leader in far-sighted long-term environmental planning because its elected officials and residents understand the importance of active conservation and restoration of important natural resources. Recent news reports have underlined how vital preservation and restoration of habitat is – particularly in sensitive areas like those in and around rivers. Recent studies demonstrate that healthy habitats will be key to helping re-establish decimated bird populations. These studies have found an alarming 30 to 40 percent reduction in both rare and common bird populations in North America. This is a bird crisis that has been caused by humans encroaching on, polluting, and destroying vital habitat. To understand how important it is to correct our past mistakes like allowing polluting industries to develop in and around the rivers/floodplains that should be providing important *healthy* wildlife habitats, please see the scientific study information included in these recent

reports offered in the following links:

<https://www.commondreams.org/news/2019/09/19/bird-emergency-study-shows-north-american-bird-population-has-fallen-nearly-one>

<https://www.sciencenews.org/article/3-billion-birds-lost-since-1970-north-america>

<https://news.google.com/search?q=birds&hl=en-US&gl=US&ceid=US%3Aen>

<https://www.npr.org/2019/09/19/762090471/north-america-has-lost-3-billion-birds-scientists-say>

Now consider page 10 of the 435 page PDP staff report:

**Biological Resources Policy**

Discretionary development shall be sited and designed to incorporate all feasible measures to mitigate any significant impacts to biological resources. *If the impacts cannot be reduced to a less than significant level, findings of overriding considerations must be made by the decision-making body.* An Initial Study Biological Assessment (ISBA) Report was prepared for the proposed project site by BioResource Consultants, Inc. in 2016. *This report identified potential adverse effects on special status species (California Red-Legged Frog, nesting birds) and mitigation measures to address these effects.* With imposition of biological mitigation conditions of approval MM1 through MM4 (Exhibit 7, Conditions of Approval, Condition Nos. 41 through 44) potential impacts on biological resources would be reduced to a less than significant level.

Tell this: “the potential adverse impacts on biological resources (including nesting birds) will be reduced to a 'less than significant' level” to the bird lovers and watchers of *the 3 billion bird-population-numbers we have lost in North America since 1970.* EIRs must study the *cumulative impacts* of allowing these type of polluting industrial uses to continue in sensitive river areas/floodplains, and then the people interpreting these reports must *not accept* that the impact to biological resources will be reduced to “less than significant level” and/or “findings of overriding considerations must be made by the decision-making body.” Enough is enough -- it is past time to *stop* making poor environmental decisions. If we do not start acting *now* to correct our past injustices to our natural environment, there will come a time when we will not be able to ask “Will this be good for our grandchildren?” because we will have neglected and undervalued our planet and its natural environment to a point where there will be no repairing the cumulative adverse impacts that human encroachment into sensitive areas has caused. Humans used to use canaries in coal mines to tell the miners when the air is no longer safe to breathe, *what is the loss of 3 BILLION bird population numbers since 1970 trying to tell us?*

On pages 21, 22 and 23 of the 435 page staff report have maps showing the Ventura River Parkway Trail bike path bisecting the project site. The path shown on these 3 maps clearly indicates the original straight railroad right-of-way which should be the original trail path. Was the bike trail temporarily relocated to edge of the Petrochem property for public safety purposes while the surface contamination clean-up and dismantling of the defunct petroleum /chemical processing plant was progressing? Was the bike path intended to be returned to its original railroad right-of-way path after the removal of the asbestos contaminated tanks (which are now gone) and the two spherical tanks (which have passed their April 2019 remove-by-date)? And if the trail is not to be returned to the railroad right-of-way, then by what legal instrument was the right-of-way transferred? The map on page 34 of 435 of the report shows the bike path skirting the property. Can staff explain the discrepancy between the staff report's maps and well as the below description?

On page 50 of 435 of the staff report it states under #5:

**Description of the Environmental Setting:**

The project site is located between the Ventura River, west of site, and State Route 33 (SR-33), east of site on approximately 34.6 acres. The Ventura River Bike Trail is **currently** located west of the project site, adjacent to the Ventura River. ***Two decommissioned ammonia gas storage spheres are located west of the Bike Trail.*** ***An abandoned railroad line, owned by the City of Ventura, bisects the project site*** in a north-south direction, ***east of the existing spheres*** and Ventura River (Attachment 4). All uses associated with the project are proposed to occur east of this abandoned railroad line. Landscape screening has been proposed by the applicant to screen the proposed transportation services storage yard / vehicle holding lot and contractor service and storage yard from public views from the Ventura River Bike Trail (refer to Section 8-6 below for detailed information on the landscape screening plan).

The words made italic/bold in the above description clearly locate the Ventura River Parkway Trail bike path as

bisecting the property adjacent to the project site's for-use areas to the east of the 10.7-acre not-for-use plot and the two existing spheres. This brings into question whether finding # 6 that the Planning Director must make to issue a PDP is correct because the city-owned bike path should be on/returned to the railroad right-of-way.

6. **The proposed development will occur on a legal lot [Sections 8101-3.4 and 8111-1.2.1.11.]** On August 29, 2019, the County Surveyor confirmed that the lots that constitute the project site are legal lots or a combination of legal lots. The lots were confirmed to be legal by the following Legal Lot Determinations: AD05-0053, AD05-0051, AD05-0054, AD05-0052, a legal lot determination certified prior to 1955. The remaining lots are determined to be legal through mergers with other legal lots.

When, why, and how was the path relocated from the original railroad right-of-way to the “current” location on the map on page 34 of this staff report? Was this a temporary realignment for the purposes of the EPA-oversight clean-up? Given this questionable relocation of the bike path, are these project-site lots actually “legal” lots given that the old railroad right-of-way bisecting the project site is owned by the City and was transferred to the City to be held in trust for the public's interest to be used as a recreational bike path trail?

It is also important to note that the western edge of the old refinery site *replaced* the floodplain of the Ventura River with what appears to be a earthen levee “projection” that encroaches and pinches the river into a narrow cross section. This means that the river will flow harder and faster here, at this constricted point, in high rain events which increases the chance of more destructive and costly erosion and flooding downstream. Another reason this is important is because the bike path now appears to be currently temporarily located on this levee-type structure which may be a less safe placement for the trail than the original railroad right-of-way location which bisected the old refinery site. Will this levee, that constricts the river's flow and its floodplain function, need to be corrected when with climate change the periodic future extreme-flooding events grow rather than shrink? Was this apparent levee-like structure that pinches and encroaches on the river's channel certified by the U.S. Army Corps of Engineers both when it was constructed (which was when?) and currently?

On page 13 of 435 the staff report describes bollard construction in the river habitat/floodplain and states:

“The proposed bollards would be 5 feet apart and placed along a 300-foot long segment of the western edge of the proposed transportation services yard. *These bollards would not "protect" the proposed facility site from flood flows* and would serve only to prevent the floating of stored vehicles into the Ventura River channel during extreme flooding events. It is not required for the proposed use to protect the project site from flooding.”

It should be noted that with this request to add bollards along the western edge of the proposed transportation services yard that both the County staff and project applicant ***display awareness of the flooding risks on this project site***. Constructing bollards in the river habitat area/ floodplain could be detrimental to public safety and the river's natural ecosystems because floating cars dammed up against these bollards could constrict river floodplain function. With enough pressure the vehicles might over top the bollards. Adding vehicles to high river flows could adversely impact downstream residential and business properties and also impact river plant and wildlife as well as coastal environmental health. The Ventura River is a “flashy” river and can easily and quickly flood in high rain events. The definition of a 100-year flood is that in any given year there is a one percentage chance of such a flood. The name can be misleading because during the 20<sup>th</sup> century numerous 100-year floods events occurred. Now climate change (which predicts longer drought periods and bigger storms) must also be considered – meaning the 21<sup>st</sup> century may see even more of these 100-year flood events. It also should be noted that the Canada Larga Creek confluence with the Ventura River occurs just north of this project site which has historically compounded the high-rain-event flooding risks.

And in event that the “100-year floodplain” terminology lulls decision-makers into a sense of false security that the flood risk in a drier climate like that of Ventura County does not put development in the floodplain at risk, consider this: “Floods causing injury or property damage in Ventura County have occurred ***on average every five years***, at least since the first report of such an event in 1862. The greatest damage was from the 1969 event that cost thirteen lives and \$60 million in damage to the Ventura and Santa Clara watersheds” (USR Corporation 2004 Flood Mitigation Plan for Ventura County Watershed Protection District). Also, consider the new 9/25/19 *'Special Report on Oceans and the Cryosphere'* from the United Nations climate scientists which states that: “In the U.S., most of the East and West coasts will experience what were once 'hundred-year' floods on an

*annual basis*, even if greenhouse gas emissions are sharply reduced, unless major investments are made to adapt to the coming high waters” (9/26/19 VC Star article: “*Climate panel sees dire future for us*”).

The potential of this former oil/chemical site of having “capped” contamination (either purposefully or due to contaminant leaks) under existing concrete pads demands a current CEQA required EIR review. Disturbing the concrete pads and the contaminated soil underneath these pads should not be done. The pads and the contaminated soil/material under them should be removed from the floodplain under conditions that are fully and continually monitored by the proper agencies. Onsite crushing (a dust-particulate creating activity) of potentially contaminated concrete/other material as well as spreading this crushed material throughout the project site is not acceptable for environmental and human safety reasons particularly on a site ***which is historically known to flood***. This project's crushing and use of potentially contaminated material as a road base and for “dust and erosion control” throughout the 6.8 acre large-contractor-equipment maintenance yard and 20.9 acres of car storage/prep area pose significant threats to the natural resource of the river itself, to its groundwater and surface water quality, to its area's air quality as also to the health of area humans and health of common and protected river-area wildlife.

Additionally, the project *location and related impacts* should be addressed in a current EIR and by decision-makers because joint agencies have been working for decades to remove the silted-up and unsafe Matilija Dam. The coming dam-removal and the currently occurring climate change will both impact the river's flow and behavior and must be considered. There are many reasons that issuing a Planned Development Permit on this site that is known to flood in high volume-rain-events should not be done including the fact that toxic contaminants are known to remain below the surface on this brownfield site. Contamination uncovered by the project's disturbance of soil and planned concrete/asphalt removal and concrete crushing/redistribution throughout the site-- is not in the best interest of the environment or human or wildlife health --not only now but also in the future-- because in the next decade Matilija Dam removal/climate change will potentially change river actions.

It is important to recognize that protecting river floodplains is of paramount importance for the safe conveyance of periodic flood waters. It is vital for decision-makers to understand the scope of the long-term environmental restoration projects that will impact the river, and its water and sediment flows. To quote the *2008 Vision Plan for the Lower Ventura River Parkway* as it highlights *some* of the many *long-term environmental* river-area restoration *goals including*: to preserve and expand space for natural river function; restore and enhance ecosystems; increase habitat connectivity; enhance biodiversity by reducing harmful impacts; minimize incompatible land uses near the river; and improve access to and recreation at the river. Page 154 states:

FEMA flood insurance policies discourage development in the floodway zone and these policies are reflected in the Ventura County floodplain ordinance. Most of the land in this zone is above water most of the time. It is a zone of mostly riparian ecosystems through which braided channels of the river move in changing configurations.

The floodway is a reasonable starting point for preserving and expanding the space that will be available to the river for its flow and function. This plan envisions preservation of both wet and dry portions of the current floodway as no-build, low impact areas where hydrological function is increased, native vegetation and wildlife habitat is emphasized and human activities are limited.

Although large areas of the floodway are dry for much of the year, the entire zone, wet and dry, must remain available for the changing paths of the river and the safe conveyance of occasional floodwater. A parkway that emphasizes passive recreational activities – and only those activities – in this zone furthers the goals of the county's floodplain management ordinance and General Plan while also expanding opportunities for human use and appreciation of the river.

Preservation means limiting development within that zone and designing parkway structures and visitor activities that are compatible with the movement of wild water.

Moving outward from the floodway, this plan seeks opportunities to preserve additional riparian space along the floodway edges – the area defined by FEMA as the floodway fringe. In some cases this can be accomplished through the relocation of existing structures which are in the pathway of a 100-year (one

percent annual chance) flood. Another possibility of expanding the river space is the setting aside of some agricultural edges for a return to riverine and riparian ecosystems, through mechanisms such as conservation easements, conservation subdivision, and fee title acquisition on a “willing seller” basis.

A point made in this *Ventura River Parkway Vision Plan* is in the section explaining the hydrological changes that should be expected with the removal of the Matilija Dam on page 154. The vision plan explains:

Some projected infrastructure changes will occur beyond the proposed parkway corridor. The removal of Matilija Dam, expected to begin during the next decade, is one of the largest and most complex dam removal projects undertaken in the United States, and it will have a significant beneficial impact on the lower river. The dam has not performed any significant water storage for many years, and its removal will not significantly increase the long-term supply of water to the lower river. However, removal will return the sediment flow in the river to something resembling the pre-development regime, and it will supply additional sand to Ventura's depleted beaches. As landscape planning studies continue, the manner in which the return of sediment will occur and its impacts to the river are still uncertain (Greimann 2006). Despite this uncertainty, the project, with its improved sediment regime, presents opportunities for bank restoration, erosion control, and correction of riverbed elevations that will gradually help to correct impairments in the river in the proposed parkway area over the many decades to come. Due to the influence of dam removal, these stream restoration activities along the Lower Ventura River may not be amenable to any comprehensive plan at the present time. Feasibility studies indicate that the gradual adjustment of the Ventura River channel will require approximately 20 years after dam removal, and that there will be large variations in both flow and sediment supply during that period (Greimann 2006).

The relevancy of Matilija Dam removal and other restoration projects along the Ventura River to the health of the Ventura River estuary and Ventura County beaches shows how *interconnected area resources are* and is why, in 2007, the California Coastal Conservancy issued this statement:

“The Ventura River is a critical coastal watershed in southern California and enhancement of habitat, water quality and other natural resources in the watershed is essential to the restoration and enhancement of significant coastal resources in the state, including riparian and watershed resources.”

On page 198-200 of 435 the staff report for the PDP the following information is offered:

#### **Coastal Habitat Regulations**

Ventura County's Coastal Area Plan and the Coastal Zoning Ordinance, which constitute the “Local Coastal Program” (LCP) for the unincorporated portions of Ventura County's coastal zone, ensure that the County's land use plans, zoning ordinances, zoning maps, and implemented actions *meet the requirements of, and implement the provisions and polices of California's 1976 Coastal Act at the local level.*

#### **Environmentally Sensitive Habitats**

The Coastal Act specifically calls for protection of “*environmentally sensitive habitat areas*” or ESHA it defines as: **Any area** in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be disrupted or degraded by human activities and developments” (Section 30107'5).

#### **Section 30240 of the Coastal Act states:**

- (a) “Environmentally sensitive habitat areas **shall** be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.”
- (b) “Development in areas *adjacent to environmentally sensitive habitat areas and parks and recreation areas shall* be sited and designed to prevent impacts which would significantly degrade such areas, and *shall be compatible with the continuance of such habitat areas.*”

There are three important elements to the definition of ESHA. *First, a geographic area can be designated ESHA either because of the presence of individual species of plants or animals or because of the presence of a particular habitat.* Second, in order for an area to be designated as ESHA if species or habitat must be either rare or it must be especially valuable. Finally, the area must be easily disturbed or degraded by human activities.

Protection of ESHAs is of particular concern in the southeastern part of Ventura County, where the coastal zone extends inland 5 miles to include an extensive area of the Santa Monica Mountains. For ESHA identification in this location, the Coastal Commission, the agency charged with the administering the Coastal Act, *has described the habitats that are considered ESHA*. A memo from a Coastal Commission biologist that describes ESHA in the Santa Monica Mountains can be found at [http://www.ventura.org/rma/planning/ceqa/bio\\_resource\\_review.html](http://www.ventura.org/rma/planning/ceqa/bio_resource_review.html).

The County's Local Coastal Program outlines other specific protections to environmentally sensitive habitats in the Coastal zone, such as to wetlands, riparian habitats, dunes, and upland habitats within the Santa Monica Mountains (M overlay Zone). Protections in some cases are different for different segments of the coastal zone. Copies of the Coastal Area Plan and the Coastal Zoning Ordinance can be found at: <http://www.ventura.org/rma/planning/Programs/local.html>

### **Wildlife Migration Regulations**

The Ventura County General Plan specifically includes wildlife migration corridors as an element in the region's significant biological resources. In addition, protecting habitat connectivity is critical to the success of special status species and other biological resource protections. *Potential project impacts to wildlife migration are analyzed by biologists on a case-by-case basis*. The issue involves both a macro-scale analysis – where routes used by large carnivores connecting very large core habitat areas may be impacted – as well as a micro-scale analysis--where a road or stream crossing may impact localized movement by many different animals.

### **Locally Important Species/Communities Regulations**

Locally important species/communities are considered to be significant biological resources in the Ventura County General Plan, thus one of the County's threshold criteria for the evaluation of impacts to biological resources is whether the project impacts locally important species/communities.

#### **CEQA MARINE**

MARINE 3.11-1: The projects could have a significant impact, either directly or through habitat modifications, if they would cause direct disturbance, removal, filling, hydrological interruption, or discharge, on any species, natural community, or habitat, including candidate, sensitive, or special-status species identified in local or regional plans, policies, regulations or conservation plans (including protected wetlands or waters, critical habitat, EFH) or as identified by the CDFW, USFWS, or NMFS.

MARINE 3.11-2: The projects could have a significant impact if they would threaten to eliminate a marine plant or animal wildlife community or cause a fish or marine wildlife population to drop below self-sustaining levels.

MARINE 3.11-3: The projects could have a significant impact if they would interfere substantially with the movement of any native resident or migratory fish or marine wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native marine wildlife nursery sites.

MARINE 3.11-4: The projects could have a significant impact if they would introduce or spread an invasive non-native species.

Given the above information and given the fact Ventura River and its tributaries as well as the entire Ventura River watershed area significantly impacts the coastal environment means the intent of the CEQA rules, California Coastal Act rules, the County's local Coastal Program, and Ventura County's General Plan policies would include the Petrochem project-site's surrounding location under their protections, because it meets the criteria for a *environmentally sensitive habitat area* and because the site is in the 100-year floodplain meaning the site should be protected *even if it falls geographically outside of specified boundaries* like those of the

County's Local Coastal Program designation. Similarly on page 200 of 435 the report states:

The County maintains a list of locally important species, which can be found at: <http://www.ventura.org/rma/planning/Programs/local.html> *This list should not be considered comprehensive. Any species that meet the criteria qualifies as locally important, whether or not it is included on this list.*

Page 72 of 435 under Southern California Steelhead and Aquatic Species the report *erroneously* states:

“...project plans do not involve encroachment into the jurisdictional areas of the river or its floodplain that would result in direct impacts to aquatic habitats.”

It is a fact that the project site is in the river's 100-year floodplain and that the site has historically, periodically flooded in high rain events. The property has had decades of oil and chemical processing uses that have grossly contaminated the site and its soils and potentially the concrete that this project proposes to crush and widely distribute across the project site. It is the height of human hubris to think that the environment and/or protected and common bird/animal/aquatic species as well as human/environmental health will not be *significantly* impacted by this proposed site redevelopment that continues to *compound* the site's environmental degradation.

Additionally, if a PDP is issued for this project it will negate the ongoing long-term environmental efforts to restore the river to a more natural state which may culminate with the removal of the Matilija Dam. When the dam is gone, the river's endangered steelhead trout population will gain access to 17 miles of habitat – whether that habitat is *ideal* or not for the steelhead and other protected biological species will depend on whether County/City planners make the correct choices when faced with issuing project permits like this one.

Finally, on page 58 of the staff report under Ventura water impact discussions it states: “According to the City of Ventura, a six-inch meter has been used to serve the property since 1982. The proposed water demand of 100 cubic feet per month can be provided using the existing infrastructure/service to the site. *No new or increased water use is proposed.* The site's historical allocation (100 cubic feet per month) and the proposed uses are not expected to increase demand over historic consumption. The impacts to groundwater quantity are considered to be less than significant.”

The water use for prepping new cars and for operating an contractor maintenance yard seems here to be *seriously underestimated*. In the City's review (staff report page 58 of 435) it is stated that a 6 inch pipe exists and Ventura Water will serve the project site with water, and that no *new or increased water use* is proposed. The staff report established that the *previous industrial uses closed in 2008* and the site has since been inactive. How can a proposed project with the potential of storing 20.9 acres of new cars needing to be washed for dealership delivery (with these vehicles turning over every 14 to 90 days), and a 6.7-acre contractor equipment storage/ maintenance yard *as well as* over 37,000 square feet of the 5 newly-remodeled/reoccupied office and warehouse buildings ***not use substantially more water than a project site that has been inactive for over a decade?*** It also must be considered that the project's “historical consumption” existed outside of Ventura Water's current stage 3 water-shortage event that is still in effect because of the prolonged local drought conditions. Every Ventura Water ratepayer paying higher shortage rates while conserving water. The truth is that if the drought conditions do not break that Ventura may not currently have the water to serve this project.

In summary:

This project does not meet the CEQA requirements for a Mitigated Negative Declaration and does not meet the findings criteria for the County Planning Director to issue a Planned Development Permit for all of the above cited reasons presented in these public comments. The evidence discussed in these public comments demonstrate the PDP findings 1 to 4 cannot be made because: 1.) it is not consistent with the intent and provisions of the County's (or City's) General Plan; 2.) it is not *compatible* with the character of surrounding, legally established development; 3.) it would be obnoxious or harmful, or impair the utility of neighboring property or uses; and 4.) *it does* degrade the quality of the area's environment and *it will pose a threat to wildlife and human health and will be detrimental to the public interest, health, safety, convenience, or welfare*; additionally, 6.) there are questions surrounding the legal standing of the project site lots and the Parkway Trail's right-of-way.

Among the previously cited problems with this PDP proposal, it should be underlined that the project could be detrimental to the public interest in the long-term environmental goals of the City/County General Plan policies promoting the restoration of the Ventura River, including Matilija Dam removal, and the cleaning-up of the incompatible brownfield uses in and around the Ventura River and its floodplains. In fact, approval of this Planned Development Permit could abet the *cumulative significance* of the site's environmental contamination by, but not limited to, allowing continuing environmental degradation by approving *expanded* industrial uses that include continued hazardous waste use to occur as well as permitting the potential for the site to create an almost 27-acre micro-climate “heat island effect” adjacent to the river and in the river's floodplain therefore posing a significant risk to the fragile and environmentally-sensitive-habitat-area of the river and its floodplains.

Issuing a Planned Development Permit for this project, in this site location, will be detrimental to long-term

environmental goals and public interest if: instead of moving forward to clean-up and improve and enhance the nationally recognized Ventura River Parkway Trail area, to make it an economic driver and shining star spotlighting one of the environmental natural resources that Ventura County has to offer both community residents and visitors alike – we instead follow the old less-forward-thinking patterns by allowing environmental and scenic degradation to occur by permitting *incompatible projects* like the proposed 6.8-acre contractor equipment service/storage yard and a 20.9-acre vehicle storage/prep yard with all of their associated environment-compromising problems to occupy and potentially continue to pollute the air and land adjacent to Ventura River and the Parkway in a flood prone area that qualifies as an environmentally sensitive habitat area which *should be* – according to CEQA and County/City General Plan policies – protected and restored.

There should be no question that the Ventura River is a natural resource that should have its surrounding habitats and floodplain lands restored, protected and celebrated. If we do not start now, then when? While there might be some good potential reuses of this old refinery site once its existing site contamination has been successfully and fully remediated, the concept proposed for this Planned Development Permit application is certainly not one of them. Please deny this Petrochem Site redevelopment proposal Planned Development Permit.

Submitted in the public interest and in the interest of public health, safety and welfare by:  
Diane Underhill for Friends of the Ventura River

As a picture is worth a thousand words, these show a past 100-year flooding events in the Ventura River. The first color photo and headline (on the first page) was printed in the VC Star in either the floods of 2005 (or possibly 1997). The locale of that photo is the flooded RV park in the lower Ventura River close to the river's estuary. The 2 photographs below show a 1938 flood event which was smaller than several events that have occurred in the past 30 years, however, it caused over one million dollars in damage and inundated oil fields along Ventura Avenue. (URS 2004). (Note: This 1938 flood event was also significantly smaller than the 1969 flooding event that cost 13 lives and caused \$60 million of property damage.)

