

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, ADOPTING FEASIBLE MITIGATION MEASURES, DELETING PREVIOUSLY-ADOPTED MITIGATION MEASURE AES-3, UTILITY UNDERGROUNDING WEST OF AGNUS DRIVE, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE VENTURA COUNTY MEDICAL CENTER EXPANSION PROJECT REPLACEMENT CLINIC

[PUBLIC RESOURCES CODE SECTION 21081;
CEQA GUIDELINES, SECTIONS 15091-15093]

I. Project description and objectives

The project is the Replacement Clinic component of the Ventura County Medical Center (“VCMC”) Expansion Project, for which the Board of Supervisors of the County of Ventura (“County”) certified an Environmental Impact Report in 1994 (“EIR”) and approved an Addendum in 2005. The Replacement Clinic is completed and has been in operation since 2010. The purpose of this resolution is to comply with a writ of mandate issued by the Ventura County Superior Court in Case No. 56-2008-00323043-CU-PT-OXN directing the County to:

“[D]raft and circulate for public review and comment a focused supplemental EIR that analyzes the height and profile-related impacts of the Ventura County Medical Clinic building (‘Clinic’) in its current location and to thereafter comply with the California Environmental Quality Act, except that the County need not study, consider, approve or implement any mitigation measure that reduces the as-built size or height of the Clinic.”

The Final Supplemental Environmental Impact Report (“SEIR”) analyzes the height and profile-related aesthetic impacts of the already constructed, five-story, 75-foot-tall Replacement Clinic building with a 15-foot-tall utility corridor on the building’s roof (“Clinic”), as compared to a five-story, 75-foot-tall Clinic building in the same location without such a utility corridor. The Clinic was constructed on the VCMC campus as part of the VCMC Expansion Project. The SEIR also analyzes the feasibility of a previously-approved mitigation measure, AES-3, Utility Undergrounding, included in the EIR.

As discussed in the 1994 EIR and SEIR, the objectives of the VCMC Expansion Project included relieving overcrowded conditions in campus facilities and providing medical services from coordinated and centralized locations. The Clinic was constructed to consolidate separate clinics dispersed throughout the VCMC campus and provide specialized outpatient care at a central location in the County.

II. Significant effects Identified in SEIR

As discussed in Section 4.2.2, Impact Assessment of Views from Agnus Drive, the SEIR identifies significant effects on views. There is a loss of ocean and island views beyond that which would occur with a 75-foot-tall building, without a utility corridor, from the location illustrated on Figure 6f (intersection of Agnus Drive and Fairmont Drive). (SEIR, Section 4.2.2, Impact Assessment of Views from Agnus Drive.) There is also partial blockage of a narrow view of the ocean from Lynn Drive. (See SEIR, Section 4.2.2, Impact Assessment of Views from Nearby Streets, photosimulation looking west from upper Lynn Drive.)

In addition, due to removal of existing mitigation measure AES-3, Utility Undergrounding, the visual clutter of the overhead utility lines would remain, decreasing aesthetics of westerly views along Agnus Drive. The aesthetic impacts of the Clinic from viewpoints along Agnus Drive would remain significant and unavoidable. (See SEIR, Section 4.2.2, Impact Assessment of Views from Agnus Drive.)

III. Mitigation Measures Identified in the SEIR

These measures do not directly address the impacts to views and visual conditions resulting from the incremental difference between a 75-foot-tall Clinic building without a utility corridor and the 75-foot-tall as-built Clinic building with a 15-foot-tall utility corridor on the building's roof. No mitigation that would alleviate this view impact is available. The suggested measures would, however, enhance the overall visual character of the VCMC campus and views from neighboring corridors and view sheds.

a. 1994 EIR Mitigation Measure AES-3: Utility Undergrounding West of Agnus Drive.

This mitigation measure was included in the 1994 Environmental Impact Report (EIR) certified by the County for the VCMC Expansion Project and intended to address aesthetic impacts associated with the Clinic as a whole. (1994 EIR, Section 5.2-22, 5.2-23.) It was previously approved, but has not been implemented. Comments received on the initial Draft SEIR requested that this mitigation measure be implemented and inquired about its status. This measure requires that the existing Southern California Edison utility lines that are strung along the border of the VCMC campus and adjacent residential properties along the west side of Agnus Drive be reinstalled underground and the utility poles removed.

The cost of implementing this measure is estimated to be \$3,674,000. The utilities must be installed at the front of the properties. Further, the County will have to acquire easements from each property owner, each residence will require disruptive construction and several will require transformers located in their front yards. (See SEIR, Section 4.2.3. See also, Response to Comment 9.16.) Further, since the certification of the 1994 EIR, the planned location of the Clinic was moved approximately 200 feet north and 160 feet west, more toward the center of the campus,

which reduced the general aesthetic impact to the neighboring residences on Agnus Drive. (See 2005 Addendum.)

FINDING: Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible. (See SEIR, Section 4.2.3.)

ACTION: COUNTY HEREBY DELETES and removes this mitigation measure from the mitigation measures adopted and required for the Ventura County Medical Center Expansion Project

b. SEIR Mitigation Measure 1: Additional Landscaping along Foothill Road

This mitigation measure provides for additional landscaping along the south side of Foothill Road, particularly in areas where there are currently patches of empty dirt and pavement and within the VCMC parking lot. In order to avoid blocking views further, vegetation height would be limited to 7 feet, consistent with the height of existing shrubbery near Foothill Road. Due to the barren state of this area, the additional landscaping would improve the general aesthetics of views from Foothill Road and neighboring view sheds.

ACTION: COUNTY HEREBY ADOPTS and binds itself to implement this mitigation measure as described in the SEIR.

c. SEIR Mitigation Measure 2: Modify Color of the Clinic

This mitigation measure provides for altering the dark brown exterior color of the Clinic to match the lighter, more neutral color of the Clinic's central tower and the surrounding buildings. This measure would overall reduce the contrast of the Clinic with its surroundings and decrease the visual impact of the Clinic. (See SEIR, Response to Comment 5.10.)

The only public comment on this mitigation measure suggested painting the central tower a dark brown to match the rest of the Clinic. (See SEIR Comment Letter 5.) The current exterior colors of the Clinic were chosen by a committee including surrounding residents. Whether a lighter-colored Clinic or an entirely dark brown Clinic would improve the overall quality of views is largely subjective, and repainting of the Clinic would cost approximately \$230,000. The Clinic is expected to be repainted as part of its scheduled maintenance within the next 20 years. Prior to repainting the exterior of the Clinic the County Health Care Agency will solicit the opinions of surrounding residents regarding the exterior color of the Clinic.

FINDING: Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

d. SEIR Mitigation Measure 3a: Topping of Eucalyptus Tree Grove North of the Clinic

This mitigation measure provides for topping of the existing eucalyptus tree grove by cutting the trees at the elevation where the Clinic reaches 75 feet, in order to open up some scenic views of the ocean from surrounding neighborhoods. However, this elevation corresponds to approximately the base of the tree grove due to the steep slope of the VCMC campus. Therefore, topping the trees would essentially mean complete removal of the tree grove. This is not desired due to the biological and aesthetic value of the tree grove.

FINDING: Pursuant to CEQA Guidelines §15091(a)(3), specific economic, legal, social, technological, or other considerations make this mitigation measure infeasible.

e. SEIR Mitigation Measure 3b: Thinning of Eucalyptus Tree Grove North of the Clinic

This mitigation measure provides for thinning of the existing eucalyptus tree grove to an appropriate amount as determined by a certified arborist, in order to open up some scenic views of the ocean from the surrounding neighborhoods, without causing the trees to decline in health or become a structural falling hazard.

ACTION: COUNTY HEREBY ADOPTS and binds itself to implement this mitigation measure as described in the SEIR.

f. SEIR Mitigation Measure 4: Removal of Laundry Facility Roof Venting Equipment

This mitigation measure provides for removal of the laundry facility roof venting equipment on a building adjacent to the Clinic. The metal venting equipment is reflective and can be seen from Gale Way due to the contrast of the silver equipment with the dark brown Clinic. The removal of the venting equipment would reduce the aesthetic impact of the Clinic along Gale Way and Agnus Drive.

ACTION: COUNTY HEREBY ADOPTS and binds itself to implement this mitigation measure as described in the SEIR.

IV. Statement of Overriding Considerations

No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies significant effects on the environment that would occur if the project is approved or carried out unless, with respect to significant effects which were subject to a finding that the mitigation measures or alternatives identified in the environmental impact report are infeasible, the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. (Pub. Resources Code, § 21081, subd. (b); see CEQA Guidelines, § 15093.)

The adopted mitigation measures would enhance the visual character of the VCMC campus and improve the quality of views surrounding the campus. However, these measures would not address the obstruction of scenic resources, specifically the view of

the ocean and Channel Islands from the public viewpoint located at the Agnus Drive/Fairmont Drive intersection, as well as the partial blockage of a narrow view of the ocean from Lynn Drive. Thus, the visual impact from public viewpoints would remain significant after implementation of mitigation.

In addition, the Clinic's impact to aesthetics based on the difference in the height and scale between the Clinic building and the surrounding residential neighborhood, which was considered significant and unavoidable in the 1994 EIR and 2005 Addendum, is exacerbated when the 15-foot-tall utility corridor on the Clinic building's roof is considered. This impact would likewise remain significant after implementation of mitigation.

The utility lines west of Agnus Drive add visual clutter to westerly views along Agnus Drive thereby decreasing aesthetics from these viewpoints, especially when combined with the difference in height and scale between the residential neighborhood and the adjacent VCMC campus. The failure to implement the 1994 EIR mitigation measure AES-3, Utility Undergrounding, due to its infeasibility means that aesthetic issue will not be improved. The aesthetic impacts associated with the Clinic as a whole – as built in its current location – will likewise remain significant and unavoidable.

FINDING: Specific overriding benefits of the project, indicated below, outweigh its significant effects on the environment. Each of these benefits serves as an independent basis for overriding the unavoidable adverse effects identified in the SEIR. The Board of Supervisors considers these effects to be acceptable, consistent with CEQA Guidelines section 15093.

The expansion of the VCMC facility, including construction of the Clinic, was intended to relieve and has relieved overcrowded conditions in facilities on the campus that were housed in buildings that, in many cases, were designed for other purposes; was intended to provide and has provided for medical and medical examiner services from coordinated and centralized locations; and was intended to provide and has provided additional parking to better accommodate the previous demand for parking and to compensate for the loss of onsite parking that resulted from new building construction.

The Clinic consolidated separate clinics and buildings dispersed throughout the VCMC campus (and off-campus) into one facility that could provide a variety of service to patients. The dispersed buildings and trailers were old, difficult to maintain, inefficient in layout, separated from one another and the hospital, seismically unsafe, and inefficient in utilities consumption. The Clinic eliminated the need for several lease payments. The Clinic was constructed to provide specialized out-patient care at a central location in the County while, concurrently, the Health Care Agency began to expand the County's provision of primary care by the establishment of satellite clinics throughout the County.

The Clinic was intended to enhance and has enhanced the efficiency and timeliness of care and was intended to foster and has fostered clinical integration with hospital, outpatient and ancillary services. Patients are able to access their physician as well as laboratory, imaging, emergency room, pharmacy and admission services all on one campus. Physicians and specialists are able to provide urgent consultations in both the outpatient clinics and the hospital. Further intended benefits are described in the Board letter dated May 24, 2005 and attachments regarding approval of the changes to the planned Clinic. (See also SEIR, Section 2.4.)

V. ADDITIONAL FINDINGS

- a. Other than the mitigation measures adopted above, for the reasons stated in the responses to comments in the SEIR, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures identified in public comments or such mitigation measures would not avoid or substantially lessen the significant environmental effects identified in the SEIR, or both.
- b. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects identified in the SEIR where feasible and the remaining significant effects are acceptable due to overriding concerns as described in the Statement of Overriding Considerations adopted herein.

The Board of Supervisors hereby adopts the foregoing, makes the above CEQA findings and takes the above actions.

Upon motion of Supervisor _____ seconded by Supervisor _____ and duly carried, the Board of Supervisors hereby adopts this resolution on this ____ day of _____, 2017.

John C. Zaragoza, Chair, Board of Supervisors,
County of Ventura

ATTEST:

MICHAEL POWERS,
Clerk of the Board of Supervisors
County of Ventura, State of California

By: _____
Deputy Clerk of the Board