

STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

The Oxnard Union High School District (District) is the Lead Agency under CEQA for preparation, review and certification of the Final EIR for the project. As the Lead Agency, the District is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination the City is guided by CEQA Guidelines Section 15093 which provides as follows:

- *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, of a proposal of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*
- *When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.*
- *If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.*

In addition, California Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to California Public Resource Code § 21081(b) and CEQA Guidelines § 15093, the Oxnard Union High School District Board of Trustees has balanced the benefits of the

proposed New High School No. 8 project (the “proposed project or project”) against the unavoidable adverse impacts associated with the proposed project, and has adopted all feasible mitigation measures. The Board of Trustees has also examined alternatives to the proposed project, none of which meets both the project objectives and is environmentally preferable to the proposed project. The Limited Expansion of Existing High Schools Alternative A was determined to be environmentally superior to the proposed Project in some issue areas. However, the Limited Expansion of Existing High Schools Alternative A does not fulfill all of the objectives as compared to the proposed Project, has greater environmental impacts in some issue areas, and would still result in significant and unavoidable impacts. Therefore, the Limited Expansion of Existing High Schools Alternative A is not being considered for development.

Significant Unavoidable Adverse Environmental Impacts

Although most potential significant project impacts have been substantially avoided or mitigated, as described in the CEQA Findings and Facts, there remain some project impacts for which complete mitigation is not feasible. For some impacts, mitigation measures were identified and adopted by the Lead Agency, however, even with implementation of the measures, the District finds that the impact cannot be reduced to a level of less than significant. These impacts are described below and were also addressed in the Findings. The Final EIR identified the following unavoidable adverse impacts of the proposed Project:

Aesthetics:

The proposed Project includes roadway improvements to Rose Avenue that would require removing the mature existing windrow trees found on the east side of Rose Avenue. City of Oxnard 2030 General Plan Goals and Policies include protecting and enhancing scenic resources including windrows. Removal of these trees would result in the loss of a significant scenic resource, resulting in a significant impact. Mitigation Measure AES-1 would minimize this impact, however Project impact from windrow tree removal would remain significant and unavoidable with mitigation incorporated.

Agriculture:

The entire Maulhardt Property was identified as either Prime Farmland or Farmland of Statewide Importance. The permanent conversion of Prime Farmland and Farmland of Statewide Importance to non-agricultural use would result in a significant impact. Mitigation Measure AG-1 would minimize this impact, however Project impact from permanent conversion of Prime Farmland or Farmland of Statewide Importance would remain significant and unavoidable with mitigation incorporated.

Public Benefits

In recent years, the District has experienced a significant increase in student population, which has resulted in overcrowding conditions at the District’s schools. To alleviate

overcrowding and to accommodate existing and anticipated future enrollment in the District, the District has determined that it needs to construct new permanent high school facilities.

The Board of Trustees finds that the project's benefits outweigh the project's significant and unavoidable impacts that are not mitigated to less than significant levels. The Board of Trustees finds that each of the following benefits is an overriding consideration, independent of the other benefits, that warrants approval of the Project notwithstanding the Project's significant unavoidable impacts. Provision of the needed educational and recreational facilities would provide the following public benefits:

- Alleviates current overcrowding conditions at high schools within the District;
- Accommodates the existing and anticipated future student enrollment in the District;
- Provides the District's students with state-of-the-art, efficient educational facilities promised under the District's Measures A school facilities bond that will maximize the students' learning potential and relieve overcrowding throughout the District; and
- Provides the District's students and community with additional recreational facilities through the Civic Center Act.

The goals of the District are to provide the highest quality educational experiences for each of its students. The education will help them to become contributing members of society by carefully and deliberately building the knowledge, skill and values they will need to meet the challenges of a changing world. The Board of Trustees has determined that the Project will assist in achieving these goals.

In accordance with CEQA Guidelines Section 15093, the District, in determining whether or not to approve the Project, balanced the economic, social, technological, and other benefits of the project against its unavoidable environmental impacts, and has found that the benefits of the project outweigh the significant adverse environmental effects that are not mitigated to less than significant levels.

Accordingly, the Board of Trustees adopts the Statement of Overriding Considerations, recognizing the unavoidable significant impacts will result from implementation of the Project. Having (a) adopted all feasible mitigation measures to reduce most of the environmental impacts to less than significant; (b) rejected alternatives to the Project; and (c) recognized all unavoidable significant impacts; the Board of Trustees hereby finds that each of the separate benefits of the Project, as stated herein, is determined to be unto itself an overriding consideration, independent of the other benefits, and warrants approval of the New High School No. 8 Project.