EVERETT STREET TERRACES PROJECT
FINAL MITIGATED NEGATIVE DECLARATION
MOORPARK, CALIFORNIA

Prepared for:

CITY OF MOORPARK
799 Moorpark Avenue
Moorpark, California 93021

Prepared by:

CHAMBERS GROUP, INC.
600 West Broadway, Suite 250
Glendale, California 91204

July 2022

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SECTION 1.0 – INTRODUCTION

1.1 DRAFT INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

On May 18, 2022, the City of Moorpark distributed the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Everett Street Terraces Project to public agencies and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 30-day public review period for the Draft IS/MND was provided from May 18, 2022 to June 17, 2022. **The Planning Commission will review the Initial Study/Mitigated Negative Declaration for adoption on July 26, 2022, at its regularly scheduled Planning Commission meeting located 799 Moorpark Avenue.**

1.2 AVAILABILITY OF THE NOI AND IS/MND

The NOI and the IS/MND were available for review at the following locations:

- Development and Community Services Building, City Hall, 799 Moorpark Avenue, Moorpark California, 93021
- Moorpark Library, 699 Moorpark Avenue, Moorpark California, 93021
- http://www.moorparkca.gov/568/Environmental-Documents

SECTION 2.0 – PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

2.1 PROJECT BACKGROUND

Newton and Associates (Applicant) proposes the construction of a 3-story, 60-unit residential condominium complex on an approximately 2.44-acre property located at the northern intersection of Everett Street and Walnut Canyon Road (Project, Proposed Project) in the City of Moorpark (City), Ventura County (County), California.

The City is the lead agency for the Proposed Project. This Initial Study has been prepared in accordance with CEQA (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], §15000 et seq.) and has determined that preparation of a Mitigated Negative Declaration would be appropriate under CEQA.

2.2 PROJECT LOCATION AND SITE CHARACTERISTICS

2.2.1 Location

The Project site is located at the northeast corner of Everett Street and Walnut Canyon Road (Assessor's Parcel Number (APN) 512-0-061-310, 512-0-061-320, 512-0-061-050, 512-0-061-060, 512-0-061-210), as shown in Figure 1, below. Walnut Canyon Road becomes Moorpark Avenue as it passes south of Everett Street, and the Project site is bounded by Wicks Road to the north and Walnut Canyon Road to the west. The Project site is approximately 0.6 mile north of Los Angeles Avenue, which becomes California State Route (SR) 118 going east, and approximately one-mile west of State Route 23/Moorpark Freeway. The Project site is approximately 45 miles east of the Pacific Ocean. Existing residences are located north, south, east, and west of the Project site, with one commercial building north of Charles Street (dental office) and a public facility (City Hall) west of Walnut Canyon Road.

2.2.2 General Plan Designation and Zoning

The Project site's General Plan designation is High Density Residential (H), which allows the development of seven dwelling units per acre (DUAC). The Proposed Project will include a General Plan Amendment to change the current land use designation to Very High Density Residential and to update the Downtown Specific Plan to allow higher density of up to 30 DUAC. The surrounding General Plan designations are Rural High Density Residential (RH), Medium Low Density (ML), Medium Density Residential (M), and Very High Density Residential (VH) to the north of the Project; VH, M, Public/Institutional (PUB), Office (O), and M to the south; M designation to the east; and PUB, VH, and Specific Plan SP9 to the west. The Project site is zoned Residential Planned Development (RPD); and surrounding zoning designations are RPD, Rural Exclusive (RE), One-Family Residential (R-1), Commercial Office (CO) and Institutional (I).

2.2.3 Surrounding Land Uses and Project Setting

Table 1 provides the surrounding zoning and land uses immediately adjacent to the Project site.

Table 1: General Plan / Zoning/ Existing Land Use

Direction	General Plan	Zoning / Specific Plan	Existing Land Use
Project Site	High Density Residential (H)	Residential Planned Development (RPD)	Currently Vacant
North	Rural High Density Residential (RH), Medium Low Density (ML), Medium Density Residential (M), and Very High Density Residential (VH)	Rural Exclusive (RE), One-Family Residential (R-1), and RPD	Wicks Road and Single-Family Residences
South	VH, M, Public/Institutional (PUB), Office (O), and M	Institutional (I), Commercial Office (CO), R-1, and RPD	City Hall, Multi-Family Apartments
East	M	R-1	Single-Family Residences
West	Specific Plan (SP9)	RPD, RE, and I	City Hall, Single-Family Residence, and Vacant

The Project site is a sloped piece of land that has an elevation difference of 48 feet from north to south. The Project site currently includes multiple retaining walls along the slopes of the hillside. Although a portion of the site was previous occupied by six single-family homes, these homes were previously removed, and none of the structures remain. In addition, the site contains several mature trees including Peruvian pepper trees, Texas privet trees, and tipu trees, among others.

Vehicular access to the Project site is currently provided via multiple points on Everett Street and Walnut Canyon Road. One driveway is currently provided on the east side of Walnut Canyon Road for emergency access and trash pickup. One driveway is provided on the north side of Everett Street. All existing driveways currently accommodate left-turn and right-turn ingress and egress turning movements. Walnut Canyon Road terminates at the intersection with Everett Street, and Moorpark Avenue continues south past the Everett Street intersection. The Project site is approximately 1,400 feet northwest from the Moorpark Amtrak Station along East High Street.

2.3 PROJECT DESCRIPTION

The Proposed Project requests to develop a 60-unit condominium property on the 2.44-acre vacant property. The proposed units will consist of two- and three-bedroom units, two to three stories in height. The two-bedroom units will range from approximately 1,081 square feet to 1,167 square feet, and the three-bedroom units will range from approximately 1,497 square feet to 1,586 square feet. The onsite

amenities will include an outdoor playground, a changing room, swimming pool and spa, outdoor barbeque grill, outdoor and covered parking, a lobby, an office, and private garages. The Proposed Project will be serviced by Ventura County Water and Sanitation Department, Southern California Edison, Southern California Gas Company, and Time Warner Cable.

The Proposed Project will include General Plan Amendment No. 2005-02 to change the Land Use Designation to Very High and update the Downtown Specific Plan to allow higher RPD of up to 30 DUAC. The Proposed Project also includes Zone Change No. 2005-02, Residential Planned Development No. 2005-02, Tentative Tract Map No. 5739, and Development Agreement No. 2005-02.

2.3.1 Construction

Construction of the Project will occur in a single phase, and is expected to begin in spring 2023 and last until fall 2024. Construction activities of the Proposed Project will be scheduled in compliance with the City's Municipal Code Title 17 for the provisions of operating and permitting the use of tools and equipment during construction, drilling, repair, or alterations.

Construction activities occurring on site will include tree removal, grading, excavation, and recompaction throughout the site. Approximate earthwork quantities will be 13,711 cubic yards of cut and 12,536 cubic yards of fill, with a net of 1,174 cubic yards. Easements will be required from the City, Calleguas Municipal Water District, and Ventura County Waterworks District for the construction of the retaining wall and water lines. In addition to contractor vehicles, heavy equipment will be used on site which will include excavators, backhoe, cranes, bulldozer, graders, compactors, and dump trucks. All equipment will be staged within the Project site.

2.3.2 Operations

The proposed condominiums will be available for purchase beginning Fall of 2024. The swimming pool, spa, playground, and outdoor grill areas are proposed for access by owners and their guests daily. Maintenance within the residential property will be coordinated by the Home Owner's Association (HOA) and will include ongoing landscaping, as well as improvements to public spaces.

Figure 1 - Project Vicinity Map

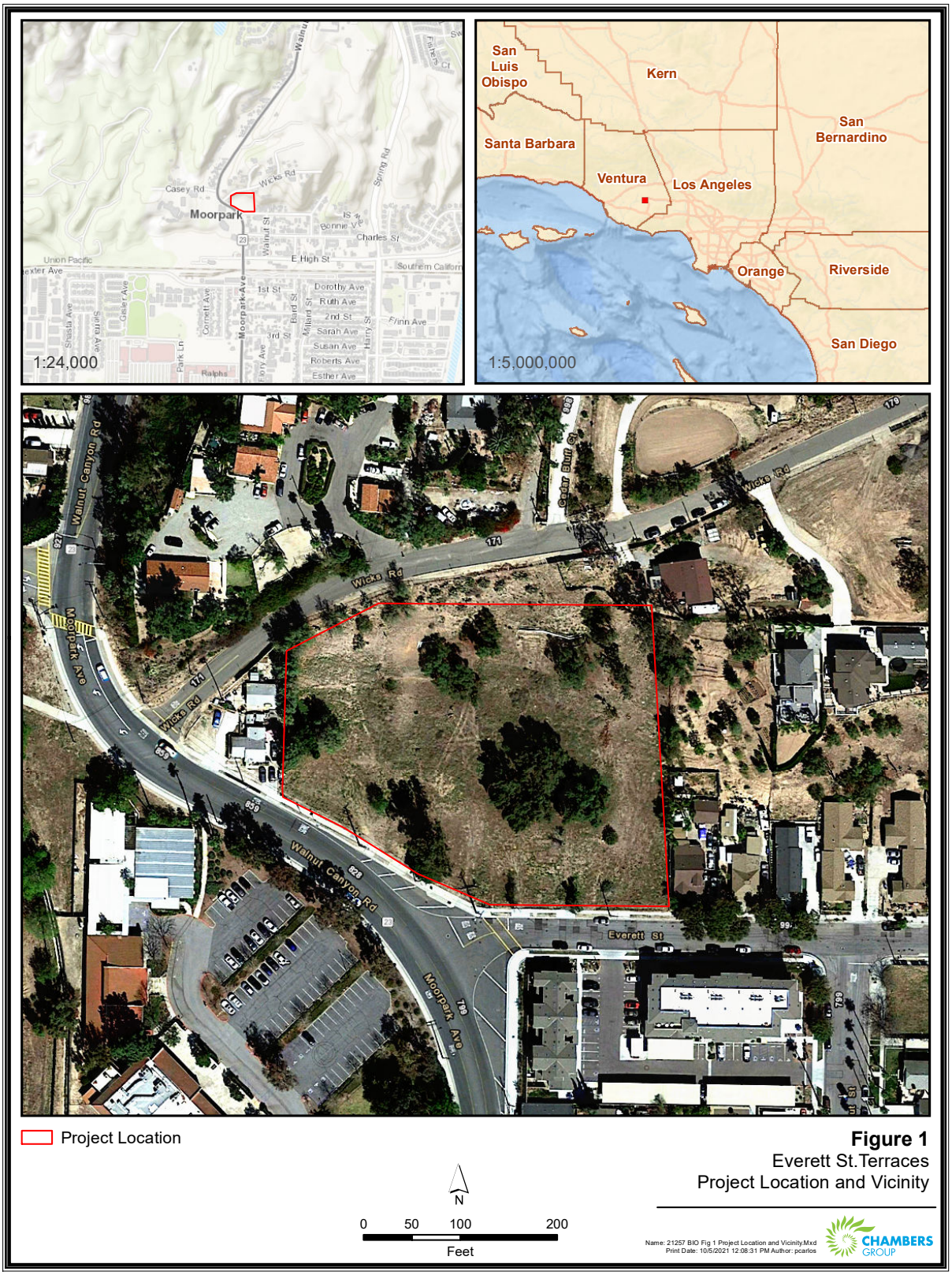


Figure 2A: Project Site Plan – Level 1

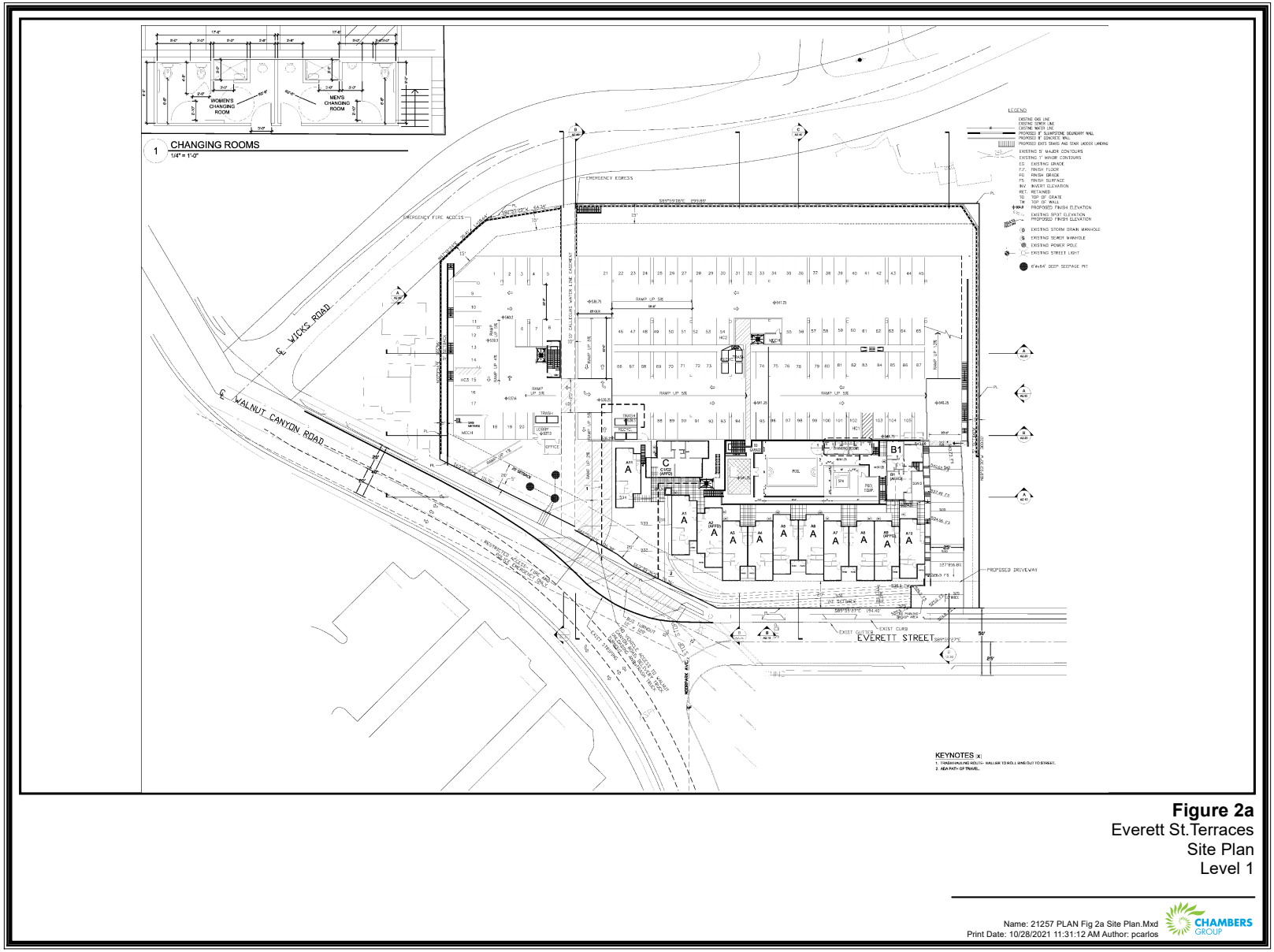


Figure 2B: Project Site Plan – Level 2

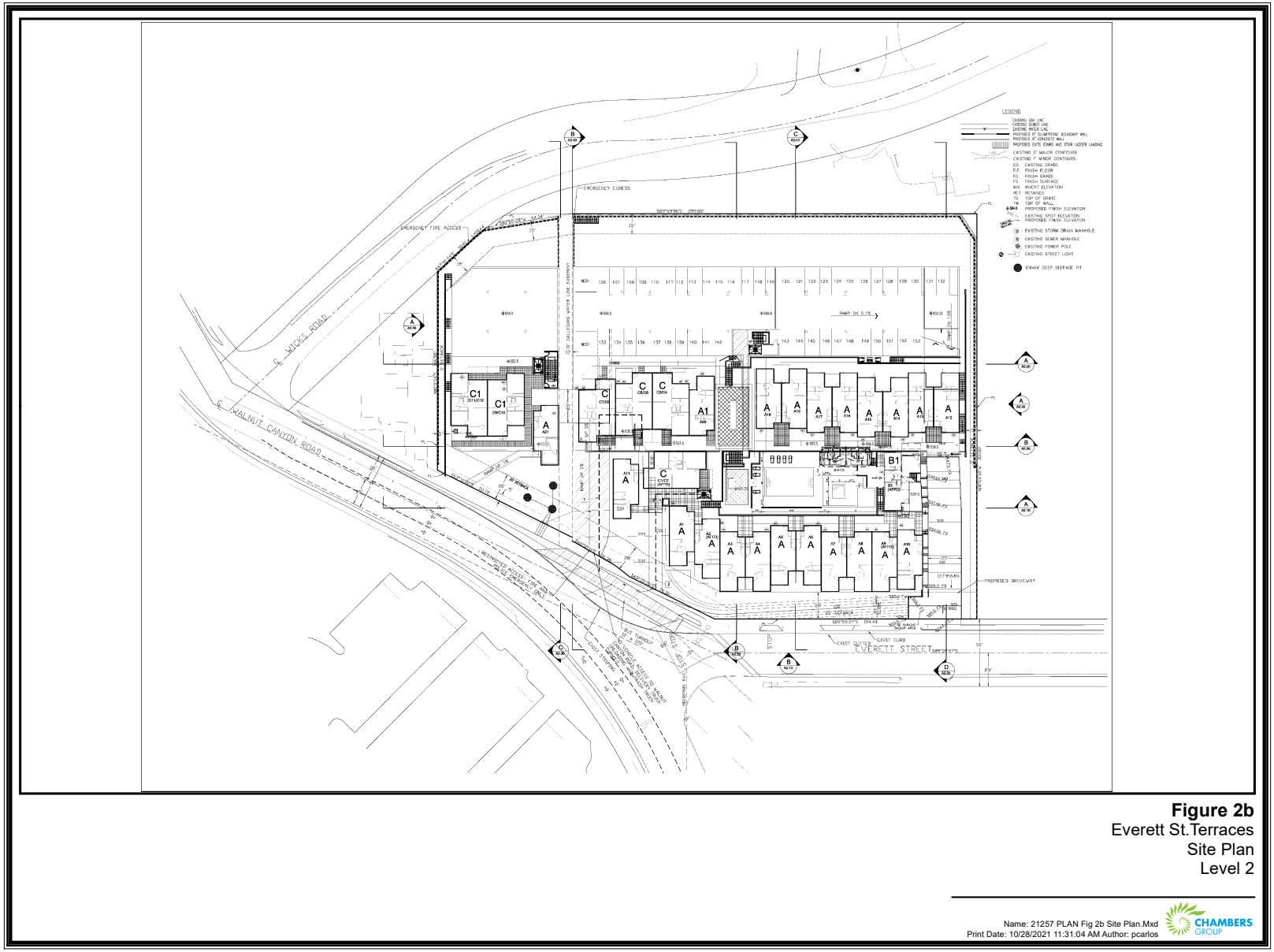


Figure 2C: Project Site Plan – Level 3

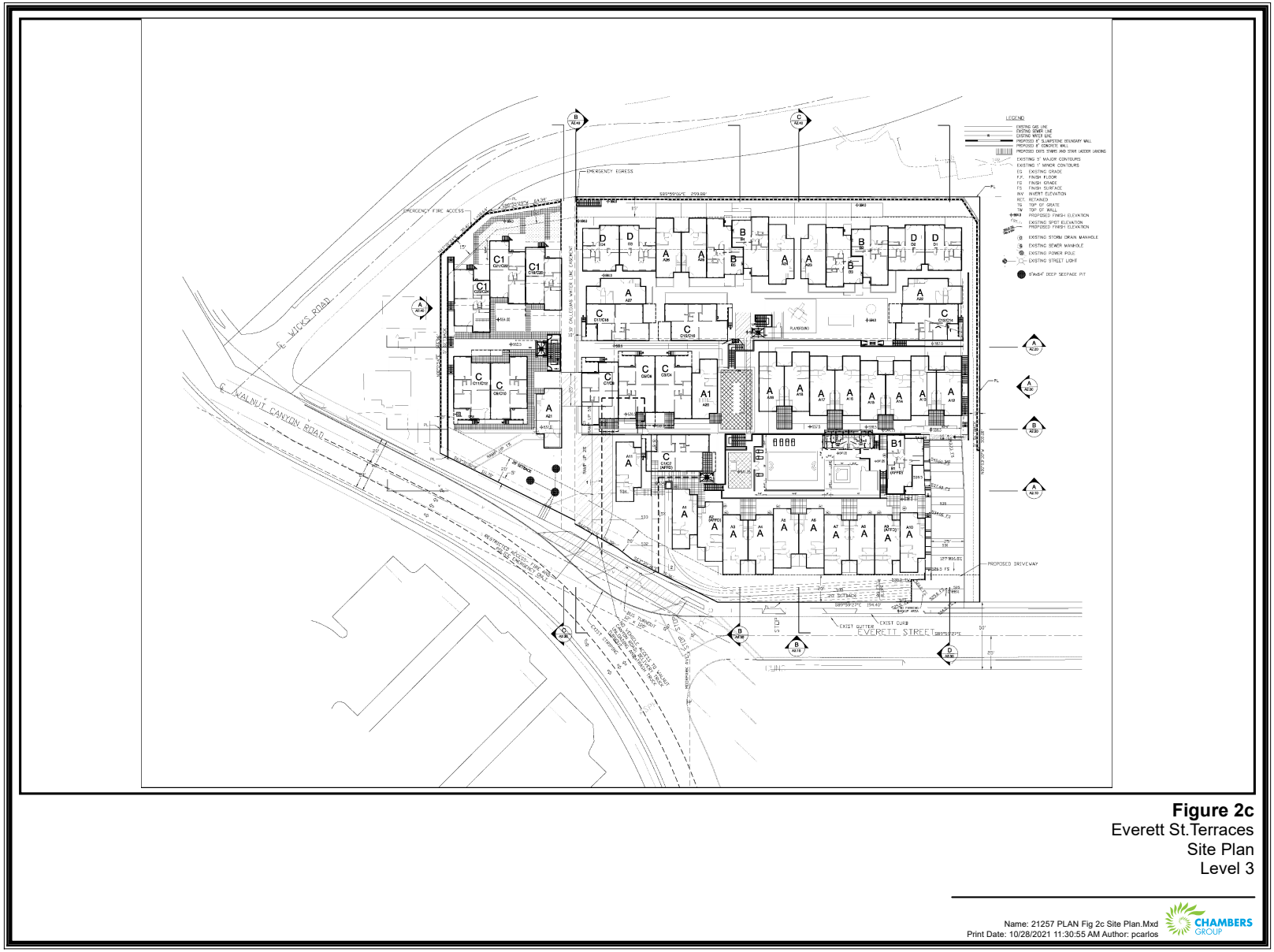
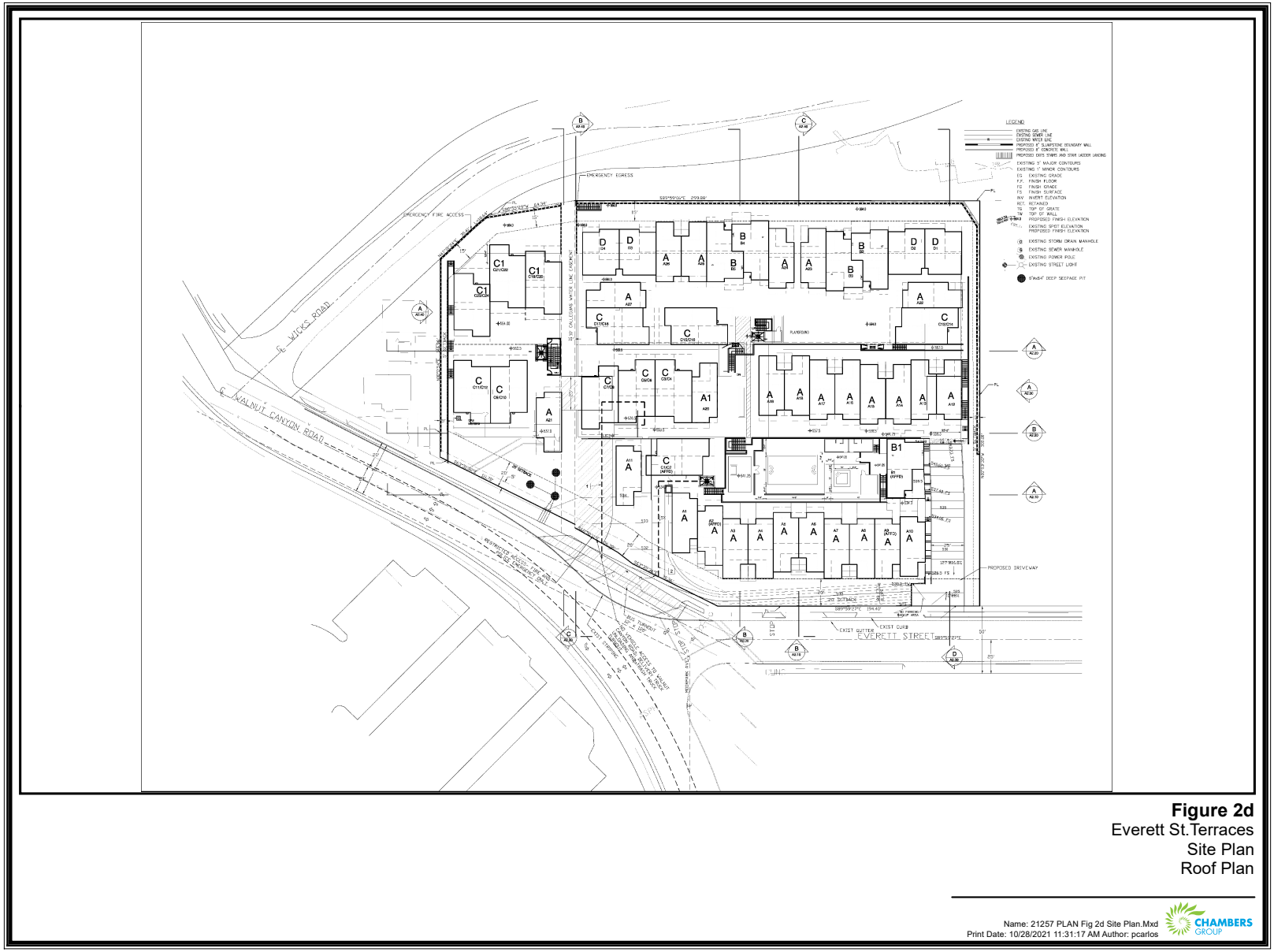


Figure 2D: Project Site Plan – Roof Plan



2.4 Required Permits And Approvals

As required by the California Environmental Quality Act (CEQA) Guidelines, this section provides, to the extent the information is known, a list of permits and other approvals required to implement the Project.

The following approvals and permits may be required for the Project:

- General Plan Amendment No. 2005-02
- Zoning Change No. 2005-02
- Residential Planned Development Permit No. 2005-02
- Tentative Tract Map No. 5739
- Development Agreement No. 2005-02
- City of Moorpark easement
- City grading and building permits
- Calleguas Municipal Water District easement
- Ventura County Waterworks District easement

SECTION 3.0 – FINDINGS

An Initial Study has been prepared to assess the Proposed Project's potential impacts on the environment and the significance of those impacts and was incorporated in the Draft MND. Based on this Initial Study, it has been determined that the Proposed Project would not have any significant impacts on the environment once all proposed mitigation measures have been implemented. This conclusion is supported by the following findings:

- No potential was found for adverse impacts on Agriculture and Forestry Resources and Mineral Resources associated with the Proposed Project.

- Potential adverse impacts resulting from the Proposed Project were found to be less than significant in the following areas: Aesthetics, Air Quality, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Land Use and Planning, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, Wildfire.

- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impact on Biological Resources, Cultural Resources, Geology and Soils and Tribal Cultural Resources to a less than significant level.

SECTION 4.0 – MITIGATION MEASURES

The following mitigation measures and project conditions have been incorporated into the scope of work for the Proposed Project and will be fully implemented by the City of Moorpark to avoid or minimize adverse environmental impacts identified in this MND. These mitigation measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) prepared for this project.

MM BIO-1: If construction is unavoidable during February 1 through September 15, A nesting bird pre-construction surveys will be conducted by a Qualified Biologist and submitted to the City three days prior to demolition and/or vegetation removal activities during nesting bird season (February 15 through August 31) within 250 500 feet of the Project site for passerines, and 500 feet for raptors, and/or listed species, where feasible. Should nesting birds be found, an exclusionary buffer will be established by a Qualified Biologist. The buffer may be up to 500 feet in diameter depending on the species of nesting bird found. This buffer will be clearly marked in the field by construction personnel under guidance of the Qualified Biologist, and construction or clearing will not be conducted within this zone until the Qualified Biologist determines that the young have fledged or the nest is no longer active. Nesting bird habitat within the Project site will be resurveyed during bird breeding season if a lapse in construction activities lasts longer than seven days. The nesting bird surveys will be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.

MM BIO-2: To avoid impacts to biological resources, a qualified biological monitor will be on site prior to ground-disturbing and habitat-disturbing activities to move out of harm's way any special status species or other wildlife of low mobility that would be killed or injured by Project-related construction activities. Salvaged wildlife will be removed and placed onto adjacent and suitable areas out of harm's way. In addition, grubbing and grading will be done to avoid islands of habitat where wildlife may take refuge, and will be done from the center outward, to the extent practicable.

Mitigation Measure CUL-1: Prior to issuance of grading permits, the applicant shall be required to obtain the services of a qualified project archaeologist to remain on-call for the duration of the proposed ground disturbing construction activity. The archeologist selected must be approved in writing by the Community Development Director. Prior to construction commencing, all construction personnel associated with earth moving equipment, drilling, grading, or excavating, shall be provided with basic training. The training shall be completed by the applicant retained project archaeologist and shall include written notification of the restrictions regarding disturbance and/or removal of any portion of archaeological deposits and the procedures to follow should a potential resource be identified during construction activity. The construction contractor, or its designee, shall be responsible for implementation of this measure. A tribal monitor shall be provided an opportunity to attend the pre-construction briefing, if requested. The project archaeologist shall be on-call and available to contact in the event of any unanticipated discovery of archaeological or historical resources during the proposed construction activity. If any archeological or historical resources are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area, a 50-foot buffer area around the discovery shall be cordoned off, and the discovery must be left untouched. The applicant, in consultation with the project archeologist, shall assure the preservation of the resource and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. Additionally, all consulting (local?) Native American Tribal groups that requested notification of any unanticipated discovery of archaeological resources on the Project will be notified appropriately. The applicant retained project archeologist shall provide an assessment regarding the sensitivity of the

discovery and, if avoidance is not feasible, recommend the appropriate treatment and/or recovery procedures for discovery. The applicant shall pay for all costs associated with the investigation and, if required, the treatment and/or recovery of the discovery.

Mitigation Measure CUL-2: At the completion of all ground-disturbing activities, the project archaeologist shall prepare an Archaeological Resources Monitoring Report summarizing all monitoring efforts and observations, as performed, and any and all prehistoric or historic archaeological finds as well as providing follow-up reports of any finds to the South-Central Coastal Information Center (SCCIC), as required.
Mitigation Measure GEO-1: Once specific building types and foundation loads and locations are known for the Project site, the Applicant shall contract a State-registered geologist and a State-registered professional engineer to sample soil in order to prepare Project-specific recommendations regarding building foundations.
Once the severity of these soil characteristics are determined, then appropriate measures contained within the geotechnical report will be incorporated into the design of the project. Feasible techniques to mitigate any defined liquefaction, settlement, and expansive soils could include, but would not be limited to, (1) in-situ densification; (2) vibro replacement; (3) compaction grouting or chemical stabilization; or (4) deep foundations and self-supporting structural slabs, (5) over-excavation and replacement with properly compacted fill, (6) use of caissons, and/or (7) design of foundation systems with appropriate thickness and reinforcing.

Mitigation Measure PALEO-1: Prior to issuance of a Zoning Clearance for a grading permit, the applicant shall be required to obtain the services of a qualified project paleontologist to remain on-call for the duration of the proposed ground disturbing construction activity. The paleontologist selected must be approved in writing by the Community Development Director. Upon approval or request by the Community Development Director, a paleontological mitigation plan (PMP) outlining procedures for paleontological data recovery shall be prepared for the Proposed Project and submitted to the Community Development Director for review and approval. The development and implementation of the PMP shall include consultations with the Applicant's engineering geologist as well as a requirement that the curation of all specimens recovered under any scenario shall be through the Los Angeles County Museum of Natural History (LACMNH). All specimens become the property of the City of Moorpark unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The PMP shall include developing a multilevel ranking system, or Potential Fossil Yield Classification (PFYC), as a tool to demonstrate the potential yield of fossils within a given stratigraphic unit. The PMP shall outline the monitoring and salvage protocols to address paleontological resources encountered during ground disturbing activities. As well as the appropriate recording, collection, and processing protocols to appropriately address any resources discovered. The cost of data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the Community Development Director.

Mitigation Measure PALEO-2: At the completion of all ground-disturbing activities, the project paleontologist shall prepare a final paleontological mitigation report summarizing all monitoring efforts and observations, as performed in line with the PMP, and all paleontological resources encountered, if any. As well as providing follow-up reports of any specific discovery, if necessary.

Mitigation Measure TCR-1: Due to the potential that archeological resources may be present on the Project site, the City of Moorpark shall require a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American artifacts. Construction personnel associated with earth moving equipment, drilling, grading, and

excavating, shall be provided with basic training conducted by a qualified archaeologist, to be retained and compensated by the development team, with the approval of the City of Moorpark. Issues that shall be included in the basic training will be geared toward training the applicable construction crews in the identification of archaeological deposits, further described below. Training will include written notification of the restrictions regarding disturbance and/or removal of any portion of archaeological deposits and the procedures to follow should a resource be identified. The construction contractor, or its designee, shall be responsible for implementation of this measure. A Native American monitor shall be provided an opportunity to attend the pre-construction briefing if requested.

A Native American monitor from a consulting Tribe under AB 52 monitor and a qualified archeologist, to be compensated by the development team, shall be available on an "on-call" basis during ground disturbing construction in native soil to review, identify and evaluate cultural resources that may be inadvertently exposed during construction.

If archaeological remains or tribal cultural resources are uncovered, all construction activities within a 100-foot radius shall be halted immediately until a qualified archaeologist, in consultation with the Native American monitor, shall evaluate whether the resource requires further study. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If any previously undiscovered resources are found during construction the City of Moorpark Community Development Department shall be contacted, and the resource shall be evaluated for significance in terms of CEQA criteria by a qualified archaeologist. Prehistoric archaeological site indicators include but are not limited to: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire-affected stones. Historic period site indicators generally include but are not limited to: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps). If City and the qualified archaeologist determine the resource to be significant under CEQA, they shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. Contingency funding and a time allotment sufficient for recovering an archeological sample or to employ an avoidance measure may be required. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a formal Archaeological Monitoring Plan (AMP) which will include a research design and archaeological data recovery plan for the resource. Development and implementation of the AMP will be determined by the City of Moorpark and treatment of any significant cultural resources shall be undertaken with the approval of the project applicant, and the City. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System [CHRIS]), and provide for the permanent curation of the recovered materials. The City of Moorpark and/or development team shall, in good faith, consult with the Fernandeño Tataviam Band of Mission Indians and consulting Tribes on the disposition and treatment of any recovered materials. A Monitoring Closure Report shall be filed with the City of Moorpark at the conclusion of ground disturbing construction if archaeological resources were encountered and/or recovered. After the find has been appropriately mitigated (as defined by State CEQA Guidelines Section 15126.4(b)), work in the area may resume.

Mitigation Measure TCR-2: If human remains or funerary objects are unearthed during any activities associated with the project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur within a 100-foot buffer of the find until the County coroner has made the

necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC), the Fernandeño Tataviam Band of Mission Indians, and consulting Tribes. The NAHC will then contact the deceased Native American's most likely descendant, who will then serve as consultant on how to proceed with the remains (i.e., avoid, rebury).

SECTION 5.0 – CIRCULATION

On May 18, 2022, the City of Moorpark circulated a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study to responsible agencies, trustee agencies, interest groups, and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 30-day public review period for the Final IS/MND was provided from May 18, 2022 to June 17, 2022. Copies of the Initial Study, Mitigated Negative Declaration and supporting materials were made available for review at the Development and Community Services Building, City Hall, 799 Moorpark Avenue, Moorpark, California, 93021 and Moorpark Library, 699 Moorpark Avenue, Moorpark California, 93021, and online at www.moorparkca.gov/568/Environmental-Documents.

During the 30-day comment period, the following comments were received from the following agencies.

Comment Letter No.	Commenting Agency	Date of Comment
1	Caltrans	June 14, 2022
2	Ventura County Air Pollution Control District	June 15, 2022
3	County of Ventura Resource Management Agency	May 26, 2022
4	Ventura County Public Works, Water Resources Division	May 26, 2022
5	California Department of Fish & Wildlife	June 17, 2022

SECTION 6.0 – RESPONSE TO COMMENTS

CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of negative declarations should be, "on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect; (2) Explain why they believe the effect would occur, and; (3) Explain why they believe the effect would be significant."

CEQA Guidelines Section 15204 (c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." Section 15204 (d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204 (e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with Public Resources Code 21092.5 (b) of the CEQA Guidelines, the lead agency shall notify any public agency which comments on a negative declaration of the public hearing or hearings, if any, on the project for which the negative declaration was prepared. If notice to the commenting public agency is provided pursuant to Section 21092, the notice shall satisfy the requirement of this subdivision.

Comment Letter #1 – Caltrans

Comment Letter #1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 7
100 S. MAIN STREET, MS 16
LOS ANGELES, CA 90012
PHONE (213) 269-1124
FAX (213) 897-1337
TTY 711
www.dot.ca.gov

Making Conservation
a California Way of Life

June 14, 2022

Shanna Farley
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

RE: Everett Street Terraces Project
SCH # 2022050391
Vic. LA-23/PM 13.52
GTS # VEN-2022-00489-MND

Dear Shanna Farley:

Comment 1-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced environmental document. The Project consists of a request to allow the construction of a 60-unit condominium property on the 2.44-acre vacant property.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:

http://opr.ca.gov/ceqa/updates/guidelines/

As a reminder, VMT is the standard transportation analysis metric in CEQA for land use projects after July 1, 2020, which is the statewide implementation date.

Caltrans is aware of challenges that the region faces in identifying viable solutions to alleviating congestion on State and Local facilities. With limited room to expand vehicular capacity, all future developments should incorporate multi-modal and complete streets transportation elements that will actively promote alternatives to car use and better manage existing parking assets. Prioritizing and allocating space to efficient modes of travel such as bicycling and public transit can allow streets to transport more people in a fixed amount of right-of-way.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Comment 1-1 continued

Caltrans supports the implementation of complete streets and pedestrian safety measures such as road diets and other traffic calming measures. Please note the Federal Highway Administration (FHWA) recognizes the road diet treatment as a proven safety countermeasure, and the cost of a road diet can be significantly reduced if implemented in tandem with routine street resurfacing. Overall, the environmental report should ensure all modes are served well by planning and development activities. This includes reducing single occupancy vehicle trips, ensuring safety, reducing vehicle miles traveled, supporting accessibility, and reducing greenhouse gas emissions.

Comment 1-2

The daily VMT per capita for the Project was determined to be 19.58 miles per capita, with the Citywide average daily VMT per capita noted at 20.54. This calculation did not consider the VMT-reducing effects associated with the Project's location within a half-mile walking distance of the Moorpark Metrolink Station, which is considered to be a Major Transit Stop. As noted in the OPR Guidance, "certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less than significant impact on VMT. Therefore, Caltrans concurs that the impacts regarding Project VMT would therefore be less than significant at this time.

Given the above finding of less than significant Project VMT impact, the identification of mitigation measures is not required at this time. However, a post-development VMT analysis with all mitigation measures should be prepared for monitoring purpose and for future project thresholds in the area. Additional mitigation measure should be implemented when the post-development VMT analysis discloses any traffic significant impact.

Comment 1-3

Since the project site is next to SR-23, please be reminded that any work performed within the State Right-of-way will require an Encroachment Permit from Caltrans. Any modifications to State facilities must meet all mandatory design standard and specifications.

Comment 1-4

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan.

Comment 1-5

As a reminder, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

Comment 1-5 continued

If you have any questions, please feel free to contact Mr. Alan Lin the project coordinator at (213) 269-1124 and refer to GTS # VEN-2022-00489-MND.

Sincerely,

Miya Edmonson

MIYA EDMONSON
LDR/CEQA Branch Chief

email: State Clearinghouse

RESPONSE TO COMMENT LETTER 1 – CALTRANS

Response to Comment 1-1:

This comment provides a summary of the Project description and Caltrans policies, including a reminder that VMT is the standard transportation analysis metric in CEQA. These comments are noted.

Response to Comment 1-2:

The comment summarizes the VMT analysis conducted for the Project and concurs that impacts regarding VMT would be less than significant. No further response is required.

Response to Comment 1-3:

The comment notes that any work performed within the State Right-of-Way will require an Encroachment Permit from Caltrans. As noted in Section 1.4 Permits and Agreements, the Project will not be required to obtain a Caltrans Encroachment Permit.

Response to Comment 1-4:

The comment notes that storm water run-off is an issue for Los Angeles and Ventura Counties. The Project should discharge clean run-off water and no storm water run-off is allowed on State highway facilities without stormwater management plans.

Response to Comment 1-5:

The comment provides a reminder that any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. In addition, Caltrans notes that large size truck trips are recommended to be limited to off-peak commute periods. This comment is noted, and the applicant will comply with all Caltrans policies and permits required.

Comment Letter #2 – Ventura County Air Pollution Control District

Comment Letter #2

Ventura County
Air Pollution
Control District

4567 Telephone Rd
Ventura, California 93003

tel 805/303-4005
fax 805/456-7797
www.vcapcd.org

Ali Reza Ghasemi, PE
Air Pollution Control Officer

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Shanna Farley, Principal Planner, City of Moorpark DATE: June 15, 2022

FROM: Nicole Collazo, Air Quality Specialist, Planning Division

SUBJECT: Draft Mitigated Negative Declaration for the Everett Street Terraces Project (RMA 22-012)

Comment 2-1

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Everett Street Terraces project (project). The project proposes to construct a 3-story, 60-unit residential condominium complex. The project is located at the northern intersection of Everett Street and Walnut Canyon Road. The Lead Agency is the City of Moorpark.

GENERAL COMMENTS

Air Quality Section

Comment 2-2

Item 1) Page 20. Table 4. We note that the reactive organic compounds (ROC/VOC) emissions estimated for the architectural coatings phase of the construction may be an overestimation, as the default setting used in CalEEMod Version 2020.4.0 for architectural coatings is 100 g/L ROC maximum. APCD recently amended Rule 74.2, *Architectural Coatings*, in July 2021, to lower the maximum ROC content of flat architectural coatings to 50 g/L. This will not impact the significance determination for regional air quality impacts.

Comment 2-3

Item 2) Page 22. Construction-related TAC Emissions. We recommend an emission reduction measure for off-road construction equipment to be at a minimum Tier 3 EPA rating for diesel engines and revise this section of the MND accordingly along with developing a standard condition of approval to make the measure enforceable.

Comment 2-4

The construction schedule is expected to last well over 6 months (~1.5 years). The exposure of toxics, such as diesel particulate matter and nitrous oxides, from daily use of construction equipment to any sensitive receptors residing nearby the construction site (Moorpark City Library, Walnut Canyon School, Boys and Girls Club, Chaparral Middle School, residences), may have a health impact, with emphasis on infants age 0-2 years of age which have higher breathing rates and are more susceptible to exposure of air pollutants.

Thank you for the opportunity to comment on the project's MND. If you have any questions, you may contact me at nicole@vcapcd.org.

RESPONSE TO COMMENT LETTER 2– Ventura County Air Pollution Control District

Response to Comment 2-1:

This comment provides a summary of the Project description; no further response is required.

Response to Comment 2-2:

The comment notes that the estimated emissions for reactive organic compounds (ROC/VOC) for the architectural coating phase may be an overestimation; however, that his would not impact the significance determination of the regional air quality impacts. The City notes the potential over estimation in emissions; the worst-case scenario is provided and impacts are still less than significant.

Response to Comment 2-3:

The comment recommends an emission reduction measure for off-road construction equipment to be at a minimum Tier 3 EPA rating for diesel engines. This standard condition has been included below in Section 7.0 Revisions to the Draft MND, below.

Response to Comment 2-4:

The comment notes that, due to the construction schedule, sensitive receptors may have a health impact. As noted in Section 4.3, Air Quality, under Construction-Related TAC Emissions, "CCR Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. This regulation limits idling of equipment to no more than five minutes and requires equipment operators to label each piece of equipment and provide annual reports to CARB of their fleet's usage and emissions. This regulation also requires systematic upgrading of the emission Tier level of each fleet; currently, no commercial operator is allowed to purchase Tier 0 or Tier 1 equipment; and by January 2023 no commercial operator is allowed to purchase Tier 2 equipment. In addition to the purchase restrictions, equipment operators need to meet fleet average emissions targets that become more stringent each year between years 2014 and 2023.Therefore, with compliance with CARB and APCD measures, as well as the added Condition of Approval noted in Comment 2-3, impacts to sensitive receptors are considered less than significant.

Comment Letter #3 – County of Ventura Resources Management Agency

Comment Letter #3

COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY
CHARLES R. GENKEL
Environmental Health Director

May 26, 2022

City of Moorpark, Community Development Department
ATTN: Shanna Farley, Principal Planner
799 Moorpark Avenue
Moorpark, CA 93021

The City of Moorpark Everett Street Terraces Project, Environmental Document Review – Draft Mitigated Negative Declaration, (RMA REF # 22-012)

Ventura County Environmental Health Division (Division) staff reviewed the information submitted for the subject project.

The Division provides the following comments:

Comment 3-1

1. The proposed residential development includes construction of a community recreation area with swimming pool and spa. The builder/applicant shall submit plans for the public swimming pool and spa to the Community Services Section of this Division and obtain plan approval prior to beginning any construction of the swimming pool, spa, and auxiliary structures.

Comment 3-2

2. A Permit to Operate from this Division would also be required prior to use inauguration of the swimming pool and spa.

Comment 3-3

Contact the Division's Community Services Section for information on public swimming pool plan review and permitting requirements. Information on public swimming pool construction and operational requirements may be found here:

https://vcrma.org/recreational-health-public-pools-and-spas

If you have any questions, please contact me at (805) 654-2830 or Ashley.Kennedy@ventura.org.

Ashley Kennedy, R.E.H.S.
Land Use Section
Environmental Health Division

SGN:\Admin\TECH SERVICES\FINALED Letters\Land Use\SR0020059 ODR RMA Ref 22-012 Everett Street Terraces Project - 05 26 2022.docx

HALL OF ADMINISTRATION #1730
805-654-2813 • FAX 805-654-2480 • 800 South Victoria Avenue, Ventura, CA 93009 • vcrma.org

RESPONSE TO COMMENT LETTER 3 – County of Ventura Resources Management Agency

Response to Comment 3-1:

The Applicant will submit plans for the swimming pool and spa to the County Services Section of the Ventura County Resources Management Agency, and will obtain plan approval prior to the beginning construction of the swimming pool, spa, and auxiliary structures.

Response to Comment 3-2:

The Applicant will also obtain a Permit to Operate from the Ventura County Resources Management Agency prior to use of the swimming pool and spa.

Response to Comment 3-3:

The comment provides contact information for the Community Services Section and encourages the City and/or Applicant to reach out with any questions on plan review and permitting requirements. The City appreciates this information and will pass this along to the Applicant for reference.

Comment Letter #4 – Ventura County Public Works Watershed Protection

Comment Letter #4

PUBLIC VENTURA COUNTY WORKS

WATERSHED PROTECTION

MEMORANDUM

DATE: May 26, 2022

TO: Anthony Ciuffetelli, Planner, Planning Division

FROM: James Maxwell, Groundwater Specialist, Water Resources Division

SUBJECT: RMA 22-012 – Everett Street Terraces Project

The Ventura County Public Works Agency – Watershed Protection, Water Resources Division, Groundwater Resources Section (GRS) reviewed the *Draft Initial Study Mitigated Negative Declaration for the Everett Street Terraces Project* (Draft) submitted by the City of Moorpark.

Comment 4-1

PROJECT DESCRIPTION

The proposed development (Project) is in the City of Moorpark, at the northern intersection of Everett Street and Walnut Canyon Road, on Assessor's Parcel Numbers (APNs) 512-0-061-310, -320, -050, -060, and -210. The 2.4-acre site currently consists of formerly developed and undeveloped land. The Project is proposing the construction of a 3-story, 60-unit residential condominium complex.

ENVIRONMENTAL IMPACT ANALYSIS

Comment 4-2

The Site overlies the Las Posas Valley Basin, a Department of Water Resources (DWR) designated high priority basin identified as Basin No. 4-019. The Las Posas Valley Basin is hydrogeologically connected to the Oxnard Subbasin and the Pleasant Valley Basin, both critically-overdrafted. The proposed project is located within the Fox Canyon Groundwater Management Agency (FCGMA) boundaries. The FCGMA regulates groundwater extraction allocations for well owners and operators within its boundaries.

County records do not show any groundwater wells located within the Project parcels. Wells discovered during grading and construction activities and not classified as "destroyed" and that will not be used by the Project or considered as "active" status will need to be permitted for destruction per the County per Ventura County Ordinance No. 4468 (Well Ordinance). No new groundwater extraction wells are proposed by the Project.

Comment 4-3

Ventura County Waterworks District No. 1 (VCWWD-1) will provide domestic water service to the Project. The VCWWD-1 water supply consists primarily of imported State Water Project (SWP) water from Calleguas Municipal Water District (CMWD) and groundwater extracted from VCWWD-1 wells in the East Las Posas Management Area. Using the *2020 Urban Water Management Plan for Ventura County Waterworks District No. 1*, the Project's annual residential water consumption was calculated to be

Project Review RMA 22-012
May 26, 2022
Page 2 of 2

Comment 4-3 continued

approximately 41 acre-feet per year (AFY), which is 1.9% of the FCGMA groundwater allocation to VCWWD-1 in 2020. The Draft identifies the Groundwater Sustainability Plan (GSP) for the Las Posas Valley Basin as the 2007 *Update to the Fox Canyon Groundwater Management Agency Groundwater Management Plan*. The Draft should be revised to include and reference the 2019 DWR-accepted *Groundwater Sustainability Plan for the Las Posas Valley Basin*.

Comment 4-4

Wastewater service in VCWWD-1 consists of wastewater flows conveyed to the Moorpark Water Reclamation Facility (MWRF). The MWRF receives an average of 2.0 million gallons per day (mgd) or 2,206-AFY and designed to treat 5 mgd. The MWRF has an available surplus capacity of 3.0 mgd or 3,360-AFY. The Project residential operations would generate approximately 30.8-AFY of wastewater.

The Project would increase the amount of onsite runoff, due to an increase in impervious surface area of 56.3%. Ventura County Guidelines for stormwater management require that the first ¾-inch of stormwater be infiltrated into the soil. Catch basins will be installed and a storm drain system will convey runoff to an underground biofiltration system. The *Hydrology Analysis for Everett Street Condominiums* dated May 2021 and prepared by Homes Enterprises, Inc. was included in Appendix I of the Draft.

ITEMS TO BE ADDRESSED

The following items need to be reviewed, revised and/or updated:

Comment 4-5

1. Provide a Will Serve Letter from VCWWD-1 confirming that the District can provide the required water for the Project, at full build-out.

Comment 4-6

2. Revise the Draft to incorporate and/or reference the 2019 DWR-accepted GSP for the Las Posas Valley Basin.

Comment 4-7

3. Provide an assessment of the annual loss of water recharging the underlying aquifers from the proposed new impervious surfaces. Discuss how the infiltration mitigations reduce losses and/or facilitate percolation of surface water to groundwater.

Comment 4-8

4. If groundwater wells are encountered during grading or construction, the well(s) will need to be permitted with the County for destruction or returned to "active" status, per the County Well Ordinance.

RESPONSE TO COMMENT LETTER 4 – Ventura County Public Works Watershed Protection

Response to Comment 4-1:

This comment notes Ventura County Public Works Agency – Watershed Protection, Water Resources Division, Groundwater Resources Section (GRS) review of the Draft IS/MND for the Project, and provides a summary of the Project description. No further response is required.

Response to Comment 4-2:

The City appreciates the summary of the hydrology provided in the comment. Any groundwater wells discovered during grading and construction activities would not be used by the Project. In addition, no groundwater extraction wells are proposed by the Project.

Response to Comment 4-3:

Please refer to Section 7.0, below, where the Hydrology & Water Quality discussion has been updated to reference the DWR-accepted Groundwater Sustainability Plan for the Las Posas Valley Basin.

Response to Comment 4-4:

This comment summarizes the wastewater that will be generated and the Hydrology Analysis included as Appendix I to the Draft IS/MND, and states the capacity for the Moorpark Water Reclamation Facility. No further response is required.

Response to Comment 4-5:

The Applicant will obtain a Will Serve letter from VCWWD1 prior to permitting of any construction, as a condition of approval.

Response to Comment 4-6:

As noted in Comment 4-3, above, revisions to the Draft MND have been made in Section 7.0.

Response to Comment 4-7:

As noted in Section 4.10 of the Draft MND there should be no annual loss of water recharging. As noted in the discussion, "Once developed, the Project will increase the imperviousness on the site from 20 percent to 76.3 percent (Appendix I). Ventura County Guidelines for stormwater management require that the first 3/4 inch of stormwater be infiltrated back into the soil, if possible and, if not, be cleaned prior to leaving the property. Landscaping of the Project site would help reduce offsite flows and reduce runoff volumes and rates. Additionally, catch basins will be installed throughout the site; and an onsite storm drain system will convey runoff to one of two proposed underground biofiltration systems located on site. The biofilters are designed to outlet via a pipe which will connect the City/County/State storm drain system in Everett Street and Walnut Canyon Road (Appendix I). With implementation of these design features, Project operations would not substantially degrade surface or groundwater quality. Impacts

would be less than significant. Therefore, the Project will not divert groundwater from the aquifer or impact the groundwater basin's integrity.

Response to Comment 4-7:

As noted in Response to Comment 4-2, any groundwater wells discovered during grading and construction activities would not be used by the Project

Comment Letter #5 – California Department of Fish & Wildlife

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Comment Letter #5

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 17, 2022

Ms. Shanna Farley
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021
SFarley@moorparkca.gov

Subject: Everett Street Terraces Project, Mitigated Negative Declaration, SCH No. 2022050391; City of Moorpark, Ventura County

Dear Ms. Farley:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Moorpark's (City) Mitigated Negative Declaration (MND) for the Everett Street Terraces Project (Project). The City, as Lead Agency, prepared a MND pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et. seq.) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

CDFW's Role

Comment 5-1

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). CDFW is also directed to provide biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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Project Description and Summary

Objective: The proposed Project will provide residential housing units at the Everette Street Terraces Development (Project). The Project includes the following activities:

Structures and Amenities
The Project includes the construction of a 60-unit condominium property along 2.44 acres. Units will differ in square footage based on unit type. Amenity structures include an outdoor playground area, lobby, office, private garages, swimming pool, and shared outdoor recreation area.

Exterior Lighting
The MND states that all lighting would be constructed in compliance with the lighting regulations set forth in the City's Zoning Code. This includes using shielded lamps directed away from adjacent properties and streets; not exceeding 7 foot-candles on 95 percent or more of the grid points, light poles not exceeding 25 feet in height, and curbed planters around all light poles.

Comment 5-2

Grading and Construction
Construction activities for the Proposed Project are anticipated to start in spring 2023 and be completed by fall 2024. The construction activities would include site preparation and grading of the project site, building construction, paving, and application of architectural coatings. The Project will also require the removal of 53 trees.

Landscape Improvements
Landscaping pallets were not specified in the MND, CDFW recommends the Project use native drought tolerant plant species. Likewise, CDFW recommends the Project avoids the use of herbicides and insecticides in their landscaping plans.

Location: The Project site is located at the northeast corner of Everett Street and Walnut Canyon Road in the City of Moorpark within Ventura County. Existing residences are located north, south, east, and west of the Project site, with one commercial building north of Charles Street and a public facility west of Walnut Canyon Road. A portion of the site was previously occupied by six single-family homes which were previously removed, and none of the structures remain. In addition, the site contains several mature trees including, but no limited to; Peruvian pepper trees (*Schinus molle*), Texas privet trees (*Ligustrum japonicum*), and tipu trees (*Tipuana tipu*).

Comments and Recommendations

Comment 5-3

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. CDFW recommends the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097). Additional comments or other suggestions may also be included to improve the document.

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Specific Comments

Comment #1: Survey Protocols for Special-Status Wildlife

Issue: Surveys are needed to confirm/deny presence of special-status wildlife.

Specific Impacts: No protocol surveys have been conducted for special-status wildlife. Ground clearing, and construction activities could lead to the direct mortality of a listed species or Species of Special Concern (SSC). The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact if absent of appropriate mitigation.

Why impacts would occur: The proposed Project may impact special status species. Within the MND Appendix B, page 1 it states, "formal biological reconnaissance-level survey was not conducted; however, a biologist has visited the site to verify present conditions…." As such, we recommend including special-status protocol survey language such as avoidance, minimization and/or mitigation measure(s). A lack of protocol surveys will likely lead to impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival. Protocol surveys facilitate CDFW's ability to provide appropriate avoidance, minimization, and mitigation measures.

Comment 5-4

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or species of special concern. The loss of occupied habitat could yield a loss of foraging potential, nesting sites, roosting sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

The following mitigation measures are suggested by CDFW for impacts to special status nesting birds

Mitigation Measure #1: CDFW acknowledges the efforts of the Project in including mitigation measures to protect special status passerine species. To further protect nesting passerine birds that may occur on-site, CDFW recommends that no construction should occur from February 1 through September 15. These dates slightly differ from the nesting ranges provided within BO-1 of the MND. If construction is unavoidable during February 1 through September 15, surveys should be conducted for nesting bird activity within 7 days prior to Project activities. Surveys should be conducted by a qualified biologist to determine presence of active bird nests of special status bird species. Surveys will occur in the construction zone and within 500 feet of the site. This survey buffer also differs from the 250-foot buffer provided for passerine birds within the MND. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.

Comment 5-5

Mitigation Measure #2: If any nests of passerine birds are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist should serve as a construction

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Comment 5-5 continued

monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.

The following mitigation measures are suggested by CDFW for impacts to raptors

Mitigation Measure #1: In addition to the mitigation measures included within the MND in BIO-1, CDFW recommends the following language be included within the environmental document. To protect nesting birds of prey that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction should occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

Comment 5-6

Mitigation Measure #2: CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat.

The following mitigation measures are suggested by CDFW for impacts to special status reptiles:

Mitigation Measure #1: The MND states that the following special status reptiles have potential to occur in and around the Project site: California legless lizard (*Anniella spp*.), California glossy snake (*Arizona elegans occidentalis*), and the coastal whiptail (*Aspidoscelis tigirs stejnegeri*). All of which are SSC. To disclose and mitigate impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species with potential to occur within a Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed recommendations as to avoidance, minimization, and mitigation measures. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Comment 5-7

Mitigation Measure #2: Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be

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Comment 5-7 continued

conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the City coordinate with CDFW and/or the U.S. Fish and Wildlife Service (USFWS) prior to any ground disturbing activities within potentially occupied habitat.

Recommendation #1: CDFW recommends a qualified biologist is on site during all ground disturbing activities to salvage any reptiles or fossorial species.

Comment #2: Impacts to Sensitive Plant Communities and Special-Status Plant Species

Issue: It is unclear if the project will impact sensitive plants and sensitive plant communities.

Specific impact: Due to the lack of protocol surveys it is unclear if special-status plants and/or communities will be impacted. Without protocol surveys the Project may result in a significant impact to special-status plants/communities. Mitigation measures and ratios for ranked sensitive vegetation communities including S4 and S5 should be provided for the proposed Project impacts if present. Development of the area and thinning of vegetation for fuel modification will result in the loss of resources. Rare plants within 1,000 meters from these activities are considered impacted.

Comment 5-8

Why impact would occur: A general survey was done in 2018, but mainly functioned to address the current overall conditions of the site. No botanical surveys were conducted in the area and absence was determined based only on literature and a 5-mile CNDDB review. Presence/absence determinations of rare plants in the Project area, specifically areas that would be impacted due to Project implementation, should be determined based on recent surveys. Likewise, CDFW is unable to determine if the Project may impact sensitive vegetation communities without MCV names identified for the vegetation communities potentially affected by the Project. Thus, CDFW is unable to recommend appropriate avoidance, minimization and/or mitigation measures without proper classification.

Evidence impact would be significant: Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

Impacts to special-status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in a Project(s) continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish & Wildlife Service (USFWS). CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6

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occurrences. The Project may have direct or indirect effects to these sensitive species. Mitigation measures and replacement ratios should be provided for ranked vegetation communities if present.

Take of CESA-listed rare plants may only be permitted through an incidental take permit (ITP) or other authorization issued by pursuant to California Code of Regulations, Title 14, section, 786.9 subdivision (b). CDFW is concerned the loss of CESA-listed rare plants may occur if appropriate avoidance, minimization, and/or mitigation for these species is not adopted.

Recommended Potentially Feasible Mitigation Measure(s)

Comment 5-8 continued

Mitigation Measure #1: CDFW recommends surveying the project footprint and fuel modification area to produce a plant communities map. Vegetation surveys should be conducted following systematic field techniques outlined by CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018). To determine the rarity ranking of vegetation communities on a specific Project site(s), CDFW utilizes vegetation descriptions found in the *Manual of California Vegetation* (MCV). The MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system (found online at http://vegetation.cnps.org/). CDFW recommends the environmental document provide measures to fully mitigate the loss of individual Endangered Species Act (ESA)- and CESA-listed plants and habitat.

1. The MND should provide a detailed map (1:24,000 or larger) showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species).

2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g., percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFWa 2018).

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Comment 5-8 continued

Mitigation Measure #2: If rare or sensitive plants are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts to all ESA- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.

Mitigation Measure #3: If rare or sensitive plants/communities are impacted on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. The Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted.

Mitigation Measure #4: All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan (Plan), to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968). The Plan should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

Mitigation Measure #5: Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer should be compared to the success criteria of the reference site, as well as the alliance criteria in MCV ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

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Comment 5-8 continued

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

Comment #3: Spreading Invasive Pests and Diseases

Issue: CDFW is concerned that the MND does not describe procedures for disposal of removed trees which may be infested with invasive pests and disease.

Specific impacts: The Project proposes to remove an unspecified amount of vegetation. Improper disposal of vegetation may result in the spread of tree insect pests and disease into areas not currently exposed to these stressors. This could result in expediting the loss of oaks and other trees in California which support a high biological diversity including special status species. The environmental document should address the presence or absence of goldspotted oak borer (*Agrilus auroguttatus*), Polyphagus shot-hole borer (*Euwallacea* sp.), and thousand canker fungus (*Geosmithia morbida*) in on-site trees and, if present, describe how any effected trees would be disposed of as part of the Project.

Comment 5-9

Why impacts would occur: The Project may remove tree species that could host insect pests and diseases. Trees will be removed and presumably hauled to off-site locations for disposal thereby potentially exposing off-site oak and other tree species to infestation and disease.

Evidence impact would be significant: The Project may have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, and regulations or by the CDFW or USFWS. The Project may result in a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS that are dependent on habitats susceptible to insect and disease pathogens.

Mitigation Measure #1: CDFW recommends the City/Applicant work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (https://thousandcankers.com/), Polyphagous shot hole borer (https://ucanr.edu/sites/eskalenlab/?file=index.html), and goldspotted oak borer (http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.

Mitigation Measure #2: If invasive pests and/or diseases are detected, the City/Applicant should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A

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Comment 5-9 continued

management plan should be submitted to CDFW for review and included as an appendix in the final environmental document.

Comment #4: Impacts to Non-Game Mammals and Wildlife

Issue: Wildlife may still move through the Project site during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge on the Project site may be directly impacted during Project activities and construction. Any final fence, or other design features, design should allow for wildlife movement.

Specific impacts: Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, the Project may cumulatively restrict wildlife movement opportunity.

Why impacts would occur: Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating in the Project site.

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

Comment 5-10

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project construction and activities.

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. CDFW recommends the City consider permeable fencing as part of its mitigation for Project-related impacts. Wildlife impermeable fencing is fencing that prevents or creates a barrier for the passage of wildlife from one side to the other. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.

It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

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Comment 5-10 continued

Mitigation Measure #3: Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

Additional Recommendations

Comment 5-11

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones allow for the introduction of invasive Argentine ants.

Comment 5-12

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Comment 5-13

Filing Fees

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the County and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying Project approval to be operative, vested, and final (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

Comment 5-14

Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at Angela.Castanon@wildlife.ca.gov.

Sincerely,

DocuSigned by:
B6E58CFE24724F5...

Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

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ec: CDFW
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Cindy Hailey, San Diego – Cindy.Hailey@wildlife.ca.gov
CEQA Program Coordinator, Sacramento – CEQACommentLetters@wildlife.ca.gov
State Clearinghouse, Office of Planning and Research – State.Clearinghouse@opr.ca.gov

References

[CDFW] California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available from: https://nrm.dfg.ca.go

Hinshaw, J.M., Holmstead, G.L., Cypher, B.L., Anderson D.C. 1998. Effects of Simulated Field Disturbance and Topsoil Salvage on Eristrium Hooveri. Accessed from: http://www.jstor.org/stable/41425279

[TCD] Thousand Cankers Disease. 2021. What is Thousand Cankers? Available from: https://thousandcankers.com/

[UCCE] UC California Cooperative Extension. 2022. Eskalen's Lab. Available from: https://ucanr.edu/sites/eskalenlab/?file=index.html

[UCIPM] UC Integrated Pest Management Program. 2021. Goldspotted Oak Borer. Available from: http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
MM-BIO-1-Impacts to Nesting Birds	CDFW acknowledges the efforts of the Project in including mitigation measures to protect special-status passerine species. To further protect nesting passerine birds that may occur on-site, CDFW recommends that no construction should occur from February 1 through September 15. These dates slightly differ from the nesting ranges provided within BO-1 of the MND. If construction is unavoidable during February 1 through September 15, surveys should be conducted for nesting bird activity within 7 days prior to Project activities. Surveys should be conducted by a qualified biologist to determine presence of active bird nests of special status bird species. Surveys will occur in the construction zone and within 500 feet of the site. This survey buffer also differs from the 250-foot buffer provided for passerine birds within the MND. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-2-Impacts to Nesting Birds	If any nests of passerine birds are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 300-foot radius during project construction. If active nests are found, all construction must be postponed or halted until the biologist determined the nest is	Prior to/ During Project construction and activities	City of Moorpark/ Applicant

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	vacated, juveniles have fledged, and no evidence of a second nesting attempt is observed. The biologist should serve as a construction monitor during periods of construction occur near the active nest areas to ensure that no inadvertent impacts occur.		
MM-BIO-3- Impacts to Nesting Birds	In addition to the mitigation measures included within the MND in BIO-1, CDFW recommends the following language be included in the environmental document. To protect nesting birds of prey that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction should occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist should complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests should be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.	Prior to/ During Project construction and activities	City of Moorpark/ Applicant
MM-BIO-4- Impacts to Nesting Birds	CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of Project, due to the presence of suitable habitat.	Prior to Project construction and activities	City of Moorpark/ Applicant

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MM-BIO-5-Impacts to Reptiles	The MND states that the following special status reptiles have potential to occur in and around the Project site: California legless lizard (*Anniella spp.*), California glossy snake (*Arizona elegans occidentalis*), and the coastal whiptail (*Aspidoscelis tigirs stejnegeri*). All of which are SSC. To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species with potential to occur within a Project(s) area. Additional surveys will more reliably determine what species are present so CDFW can make informed recommendations as to avoidance, minimization, and mitigation measures. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-6-Impacts to Reptiles	Prior to any Project activities, a relocation plan (Plan) should be developed by a qualified biologist familiar with the respective reptile in consultation with CDFW. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the City coordinate with CDFW and/or the USFWS prior to any ground disturbing activities within potentially occupied habitat.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-7-Impacts to Special Status	CDFW recommends surveying the project footprint and fuel modification area to produce a plant communities map. Vegetation surveys should be conducted following systematic field techniques outlined by CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive*	Prior to Project construction and activities	City of Moorpark/ Applicant

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Plants and Communities	*Natural Communities* (CDFWa 2018). To determine the rarity ranking of vegetation communities on a specific Project site(s), CDFW utilizes vegetation descriptions found in the MCV. The MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system (found online at http://vegetation.cnps.org/). CDFW recommends the environmental document provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. 1. The MND should provide a detailed map (1:24,000 or larger) showing which plants or populations will be impacted and provide a table that clearly documents the number of plants and acres of supporting habitat impacted, and plant composition (e.g., density, cover, abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, abundance of each species). 2. The MND should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations		

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	(e.g., percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques. Additionally, considerations should be made regarding timing of these field surveys to ensure accuracy in determining what plants exist on site. Adequate information about special status plants and natural communities present in a project area will enable reviewing agencies and the public to effectively assess potential impacts to special status plants or natural communities and will guide the development of minimization and mitigation measures (CDFWa 2018).		
MM-BIO-8- Impacts to Special Status Plants and Communities	If rare or sensitive plants are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts to all ESA- and CESA-listed plants. This may include flagging all plants and/or perimeter of populations; no work buffers around plants and/or populations (e.g., flagged perimeter plus 50 feet); restrictions on ground disturbing activities within protected areas; relocation of staging and other material piling areas away from protected areas; restrictions on herbicide use and/or type of herbicide and/or application method within 100 feet of sensitive plants; and worker education and training.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-9- Impacts to Special Status Plants and Communities	If rare or sensitive plants/communities are impacted on or near the footprint of the Project, CDFW recommends the MND provide measures to fully mitigate the loss of individual ESA- and CESA-listed plants and habitat. The Project proponent should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-10- Impacts to Special Status Plants and Communities	All revegetation/restoration areas that will serve as mitigation should include preparation of a restoration plan (Plan), to be approved by CDFW prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should	Prior/During/ After Project construction and activities	City of Moorpark/ Applicant

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	success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968). The Plan should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.		
MM-BIO-11-Impacts to Special Status Plants and Communities	Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least 5 years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/non-native cover for each vegetation layer) for at least 5 years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each	Prior/During/ After Project construction and activities	City of Moorpark/ Applicant

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	layer should be compared to the success criteria of the reference site, as well as the alliance criteria in MCV ensuring one species or layer does not disproportionally dominate a site but conditions mimic the reference site and meets the alliance membership requirements. CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.		
MM-BIO-12-Pests and Diseases	CDFW recommends the City/Applicant work with the certified arborist to identify all trees and species for removal from the Project site and inspect those trees for contagious tree diseases including but not limited to: thousand canker fungus (https://thousandcankers.com/), Polyphagous shot hole borer (https://ucanr.edu/sites/eskalenlab/?file=index.html), and goldspotted oak borer (http://ipm.ucanr.edu/PMG/PESTNOTES/pn74163.html). A summary report documenting inspection methods, number and species of trees inspected, results, and conclusions, including negative findings, should be submitted to CDFW for review and included as an appendix in final environmental documents. The summary report should also include photographic documentation of entry/exit holes and evidence of pests/disease.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-13-Pests and Diseases	If invasive pests and/or diseases are detected, the City/Applicant should provide an infectious tree disease management plan and describe how it will be implemented to avoid significant impacts under CEQA. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without first being treated using best available management practices relevant for each tree disease observed. A management	Prior to Project construction and activities	City of Moorpark/ Applicant

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	plan should be submitted to CDFW for review and included as an appendix in the final environmental document.		
MM-BIO-14- Impacts to Non-Game Mammals and Wildlife	If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County's Significant Ecological Areas Ordinance Implementation Guide (https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf) offers additional information on permeable fencing as well as design standards. CDFW recommends reviewing those design standards.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-15- Impacts to Non-Game Mammals and Wildlife	To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.	Prior to Project construction and activities	City of Moorpark/ Applicant
MM-BIO-16- Impacts to Non-Game Mammals and Wildlife	Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to Project construction and activities	City of Moorpark/ Applicant

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REC-1- Out of Harm's Way	CDFW recommends a qualified biologist is on site during all ground disturbing activities to salvage any reptiles or fossorial species.	Prior to/ During construction and activities	City of Moorpark/ Applicant
REC-2- Fuel Modification	If the Project includes fuel modification, CDFW recommends that the final environmental include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water allow for the introduction of invasive Argentine ants.	Prior to/ During construction and activities	City of Moorpark/ Applicant
REC-3- Mitigation and Monitoring Reporting Plan	Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan. A final MMRP should reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.	Prior to Project construction and activities	City of Moorpark/ Applicant

RESPONSE TO COMMENT LETTER 5 – California Department of Fish & Wildlife

Response to Comment 5-1:

This comment noted that the California Department of Fish and Wildlife (CDFW) has reviewed the Proposed Project and associated Mitigated Negative Declaration. The commenter accurately notes that they are a Trustee Agency per CEQA Guidelines Section 15386 subdivision (a). The commenter also notes that they are submitting comments as a Responsible Agency; however, per CEQA Guidelines Section 15381, a responsible agency is a public agency with discretionary approval authority over a portion of a CEQA project (e.g., required permits). The commenter also notes that CDFW's regulatory authority is derived from the potential need for a lake and streambed alteration agreement or take permit; however, neither will be required for the Project. As the proposed Project requires no permits, there are no responsible agencies.

Response to Comment 5-2:

The comment summarizes the Proposed Project's activities and location. Under Landscape Improvements, the comment recommends use of native drought tolerant plant species; and recommends avoiding the use of herbicides and insecticides. The landscape plan drafted for the Project does include a plant palette consisting of drought tolerant plans species, which will be located in terraced planters. Due to the nature of the site, and the steep slopes, no open landscaping will be present onsite. The Planning Commission and City Council will consider these comments during their review of the Project.

Response to Comment 5-3:

The comment notes that CDFW is offering comments and recommendations regarding potential impacts to fish, wildlife, and biological resources. The City's responses to the specific recommended mitigation measures are included in the comments below.

Response to Comment 5-4:

The comment provides comments on survey protocols for special status species, since no surveys were conducted for special status wildlife. Although no specific surveys were completed, a general site visit was conducted and the desktop survey was conducted to determine potential for special status wildlife on the Project site. As noted in Appendix B, it was determined that eleven of the special status wildlife species are considered absent due to absence of suitable habitat, and four species have low potential for occurrence at the site due to poor quickly habitat within the site. Due to City brush clearing requirements, the Project site is routinely cleared of weeds prior to fire season. In addition, with the prior development of the site with single family homes, the site is disturbed and contains no native habitat.

Response to Comment 5-5:

The comment provides two suggested mitigation measures related to potential impacts to special status nesting birds. The timing of the nesting bird mitigation measure has been updated to match the language provided in Mitigation Measure #1 under Comment 5-5. The revised language can be found in Section 7.0 Revisions to the Draft Mitigated Negative Declaration, below. In addition, language from Mitigation Measure #2 under Comment 5-5 has been incorporated into MM BIO-1, as seen in Section 7.0, below.

Response to Comment 5-6:

The comment provides two suggested mitigation measures related to potential impacts to raptors. Language from Mitigation Measure #1 in Comment 5-6 has been incorporated into MM BIO-1, as seen in Section 7.0, below. However, Mitigation Measure #2 provided is not a mitigation measure under CEQA, and is Fish and Game Code, therefore, has not been added to the MND.

Response to Comment 5-7:

The comment provides recommendations regarding mitigation measures for potential impacts to special status reptiles. The mitigation notes that suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands. As noted in Appendix B, no sandy or loose soils occur on the site, and no scrub, chaparral, or oak woodlands are present on the site. As noted in Appendix F, the soils found onsite included artificial fill, alluvium with clayed sand and silt, and Saugus Formation bedrock consisting of coarse sandstone. In addition, due to the previous development of houses on the site and the subsequent demolition, most of the site would consist of compacted ground; thus there is very low potential for special status reptiles to be present onsite. Since surveys aren't warranted, a relocation plan would not be required. In addition, Recommendation #1 would not be required; since no suitable habitat is present, having a qualified biologist on site during all ground disturbing activities is not warranted.

Response to Comment 5-8:

The comment provides recommended mitigation for potential impacts to sensitive plant communities and special status plant species, since CDFW feels it is unclear whether the Project will impact sensitive plants and animals. As noted in Appendix B, "of the nine plant species that resulted from the database search, all are considered Absent from the Project site…due to lack of suitable soil conditions or because they grow outside the elevation range." Based on lack of suitable conditions and elevation ranges, there is no potential for any of the sensitive plant species to occur. Therefore, protocol surveys would not be warranted. Based on City requirements, routine weeding and clearing of the site is completed to reduce wildfire impacts. In addition, the Ventura County Fire Department's Fire Hazard Reduction Program outlines requirements for vegetation clearance that have been followed for the Project site.

Response to Comment 5-9:

The comment outlines concerns regarding the spread of invasive pests and diseases, particularly with procedures for disposal of removed trees which may be infested. All trees, branches, shrubs, and any other woody material that are cut and cleared from the Project site would be chipped on-site and then loaded it into covered dump trucks to be hauled to an appropriate landfill for final disposal; therefore, the Project would not result in significant impacts associated with invasive pests and diseases. This clarification has been added to Section 7.0, below. Therefore the Project will not result in impacts regarding invasive pests and diseases.

Response to Comment 5-10:

The comment expresses concerns retarding movement of wildlife through the Project site and suggests that any final fences or design features should allow for wildlife movement. The Project site is not located

within mapped wildlife corridors, and no native trees are present. In addition, the site is surrounded by development on all sides. Therefore, Mitigation Measure #1 under Comment 5-10, would not be warranted.

In order to avoid potential impacts to any special status species or wildlife, Mitigation Measure #2 and Mitigation Measure #3 under Comment 5-10 have been incorporated into MM BIO-2 in Section 7.0, below.

Response to Comment 5-11:

he comment provides recommendations for avoidance and mitigation for activities related to fuel modification. No fuel modification is proposed for this Project, and no further response in necessary.

Response to Comment 5-12:
The comment notes that CDFW has provided their suggested mitigation measures and recommendations in the form of a MMRP; and suggests that their MMRP be included in the Project's final MMRP. The mitigation measures that have been revised or added as a result of the CDFW comment letter are noted in Section 7.0 below, as well as in the attached MMRP. None of the information provided by CDFW reveals that new avoidable significant effects would occur as a result of the Project; therefore, the mitigation measures provided include replacement of mitigation measures with more effective mitigation or are mitigation measures/conditions not necessarily required per CEQA, but are being added in response to CDFW comments. Per CEQA Section 15073.5, the new information "clarifies, amplifies, or makes insignificant modifications to the negative declaration." In addition, "the new project revisions are added in response to written … comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects." Therefore, recirculation of the MND is not required.

Response to Comment 5-13:

The comment notes that the Project would require filing fees. The CDFW filing fees will be paid at the timing of the filing of the NOD.

Response to Comment 5-14:

The comment requests an opportunity to review and comment on any response the City has to the comments. This Final MND that includes responses to comments received during the public review period will be provided to CDFW prior to the City Council Meeting for review.

SECTION 7.0 – REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION

This errata section identifies changes made to the Draft MND to correct or clarify the information contained in the document. Changes made to the Draft MND are identified here in ~~strikeout~~ text to indicate deletions and ***bold italics*** to signify additions.

Section 1.3, Project Description

Construction

Construction of the Project will occur in a single phase, and is expected to begin in spring 2023 and last until fall 2024. Construction activities of the Proposed Project will be scheduled in compliance with the City's Municipal Code Title 17 for the provisions of operating and permitting the use of tools and equipment during construction, drilling, repair, or alterations.

Construction activities occurring on site will include tree removal, grading, excavation, and recompaction throughout the site. ***All trees, branches, shrubs, and any other woody material that are cut and cleared from the Project site would be chipped on-site and then loaded it into covered dump trucks to be hauled to an appropriate landfill for final disposal.*** Approximate earthwork quantities will be 13,711 cubic yards of cut and 12,536 cubic yards of fill, with a net of 1,174 cubic yards. Easements will be required from the City, Calleguas Municipal Water District, and Ventura County Waterworks District for the construction of the retaining wall and water lines. In addition to contractor vehicles, heavy equipment will be used on site which will include excavators, backhoe, cranes, bulldozer, graders, compactors, and dump trucks. All equipment will be staged within the Project site.

Section 4.3 Air Quality, c)

Construction-Related TAC Emissions

Construction of the Proposed Project would generate TAC emissions from the onsite operation of diesel-powered equipment in the form of diesel particulate matter (DPM). Given the relatively limited number of heavy-duty construction equipment, the varying distances to the nearby sensitive receptors that construction equipment would operate, and the short-term construction schedule, the Proposed Project would not result in a long-term (i.e., 70 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. In addition, CCR Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. This regulation limits idling of equipment to no more than five minutes and requires equipment operators to label each piece of equipment and provide annual reports to CARB of their fleet's usage and emissions. This regulation also requires systematic upgrading of the emission Tier level of each fleet; currently, no commercial operator is allowed to purchase Tier 0 or Tier 1 equipment; and by January 2023 no commercial operator is allowed to purchase Tier 2 equipment. In addition to the purchase restrictions, equipment operators need to meet fleet average emissions targets that become more stringent each year between years 2014 and 2023. Therefore, less-than-significant short-term toxic air contaminant impacts would occur during construction of the Proposed Project. ***In addition, Condition of Approval (CA) -1 is included below that will be implemented to further reduce emissions from the Proposed Project.***

CA-1: ***The City will require that the off-road construction equipment used for the Project to be at a minimum Tier 3 EPA rating for diesel engines.***

Section 4.4, Biological Resources, a)

To minimize potential impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA), construction activities should take place outside nesting season (February 1 to August 31) to the greatest extent practicable. If construction activities occur during nesting season, preconstruction surveys and biological monitoring should be conducted if an active nest is found within the work area, as noted in mitigation measure (MM) BIO-1. With implementation of MM BIO-1, impacts to special status species will be less than significant.

MM BIO-1: ***If construction is unavoidable during February 1 through September 15,*** ~~A~~ nesting bird pre-construction survey***s*** will be conducted by a Qualified Biologist and submitted to the City three days prior to demolition and/or vegetation removal activities during nesting bird season ~~(February 15 through August 31)~~ within ~~250~~ ***500*** feet of the Project site for passerines***,*** ~~and 500 feet for~~ raptors***,*** and/or listed species, where feasible. Should nesting birds be found, an exclusionary buffer will be established by a Qualified Biologist. The buffer may be up to 500 feet in diameter depending on the species of nesting bird found. This buffer will be clearly marked in the field by construction personnel under guidance of the Qualified Biologist, and construction or clearing will not be conducted within this zone until the Qualified Biologist determines that the young have fledged or the nest is no longer active. Nesting bird habitat within the Project site will be resurveyed during bird breeding season if a lapse in construction activities lasts longer than seven days. ***The nesting bird surveys will be conducted at appropriate nesting times and concentrate on potential roosting or perch sites.***

In addition, to minimize impacts to special status species and wildlife during ground-disturbing activities, MM BIO-2 has been included:

MM BIO-2: ***To avoid impacts to biological resources, a qualified biological monitor will be on site prior to ground-disturbing and habitat-disturbing activities to move out of harm's way any special status species or other wildlife of low mobility that would be killed or injured by Project-related construction activities. Salvaged wildlife will be removed and placed onto adjacent and suitable areas out of harm's way. In addition, grubbing and grading will be done to avoid islands of habitat where wildlife may take refuge, and will be done from the center outward, to the extent practicable.***

Section 4.10, Hydrology & Water Quality

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. The Project site is located within the Los Angeles Coastal Watershed and is thus subject to the Los Angeles Regional Water Quality Control Board's (LARWQCB's) Basin Plan.

The LARWQCB Basin Plan contains the Region's water quality regulations and programs to implement the regulations (LARWQCB 2014). The Project site is also located within the boundaries of FCGMA's Groundwater Sustainability Plan (GSP) for the Las Posas Valley Basin ~~(FCGMA 2007)~~. ~~The GSP projects future water demands based on historic water availability and demand, as well as buildout of the General Plan.~~ ***The Las Posas Valley Basin Groundwater Sustainability Plan (FCGMA 2022) sets a long-term horizon for groundwater sustainability agencies to achieve their basin's sustainability goals. The sustainability goal for the Basin is "to maintain a sufficient volume of groundwater in storage in each management area so that there is no significant and unreasonable net decline is groundwater elevation or storage over wet and dry climatic cycles."***

SECTION 8.0 – MITIGATED NEGATIVE DECLARATION

This document, along with the Draft Initial Study/Mitigated Negative Declaration; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Everett Street Terraces Project in the City of Moorpark.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the City of Moorpark has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the Proposed Project and finds that these documents reflect the independent judgment of the City. The City of Moorpark, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the MND and MMRP.

Signature	Date
Printed Name	Title

MITIGATION MONITORING AND REPORTING PROGRAM

EVERETT STREET TERRACES PROJECT
MOORPARK, CALIFORNIA

Prepared for:

CITY OF MOORPARK
799 Moorpark Avenue
Moorpark, California 93021

Prepared by:



CHAMBERS GROUP, INC.
600 West Broadway, Suite 250
Glendale, California 91204

July 2022

MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the construction and operation phase of the Everett Street Terraces Project.

The City of Moorpark is the agency responsible for implementation of the mitigation measures identified in the MND. This MMRP provides the City of Moorpark with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the project during which the required mitigation measure must be implemented;
- The phase of the project during which the required mitigation measure must be monitored; and
- The enforcement agency.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor, the date of the monitoring activity, and any related remarks for each mitigation measure.

MITIGATION MONITORING AND REPORTING PROGRAM Everett Street Terraces Project							
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
Biological Resources							
MM-BIO-1: If construction is unavoidable during February 1 through September 15, nesting bird pre-construction surveys will be conducted by a Qualified Biologist and submitted to the City three days prior to demolition and/or vegetation removal activities during nesting bird season (February 15 through August 31) within 250 feet of the Project site for passerines and 500 feet for raptors and/or listed species, where feasible. Should nesting birds be found, an exclusionary buffer will be established by a Qualified Biologist. The buffer may be up to 500 feet in diameter depending on the species of nesting bird found. This buffer will be clearly marked in the field by construction personnel under guidance of the Qualified Biologist, and construction or clearing will not be conducted within this zone until the Qualified Biologist determines that the young have fledged or the nest is no longer active. Nesting bird habitat within the Project site will be resurveyed during bird breeding season if a lapse in construction activities lasts longer than seven days. The nesting bird survey will be conducted at appropriate nesting times and concentrate on potential roosting or perch sites	Prior to construction	Prior to and during construction	City of Moorpark	Less than Significant			
MM-BIO-2: To avoid impacts to biological resources, a qualified biological monitor will be on site prior to ground-disturbing and habitat-disturbing activities to move out of harm's way any special status species or other wildlife of low mobility that would be killed or injured by Project-related construction activities. Salvaged wildlife will be removed and placed onto adjacent and suitable areas out of harms' way. In addition, grubbing will be done to avoid islands of habitat where wildlife may take refuge, and will be done from the center outward, to the extent practicable.	Prior to and during construction	Prior to and during construction	City of Moorpark	Less than Significant			
Cultural Resources							
MM-CUL-1: Prior to issuance of grading permits, the applicant shall be required to obtain the services of a qualified project archaeologist to remain on-call for the duration of the proposed ground disturbing construction activity. The archeologist selected must be approved in writing by the Community Development Director. Prior to construction commencing, all construction personnel associated with earth moving equipment, drilling, grading, or excavating, shall be provided with basic training. The training shall be completed by the applicant retained project archaeologist and shall include written notification of the restrictions regarding disturbance and/or removal of any portion of archaeological deposits and the procedures to follow should a potential resource be identified during construction activity. The construction contractor, or its designee, shall be responsible for implementation of this measure. A tribal monitor shall be provided an opportunity to attend the pre-construction briefing, if requested. The project archaeologist shall be on-call and available to contact in the event of any unanticipated discovery of archaeological or historical resources during the proposed construction activity. If any archeological or historical resources are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area, a 50-foot buffer area around the discovery shall be cordoned off, and the discovery must be left untouched. The applicant, in consultation with the project archeologist, shall assure the preservation of the resource and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. Additionally, all consulting (local?) Native American Tribal groups that requested notification of any unanticipated discovery of archaeological resources on the Project will be notified appropriately. The applicant retained project archeologist shall provide an assessment regarding the sensitivity of the discovery and, if avoidance is not feasible, recommend the appropriate treatment and/or recovery procedures for discovery. The applicant shall pay for all costs associated with the investigation and, if required, the treatment and/or recovery of the discovery.	Prior to and during construction	During construction	City of Moorpark	Less than Significant			

MITIGATION MONITORING AND REPORTING PROGRAM Everett Street Terraces Project							
Mitigation Measure	**Implementation Phase**	**Monitoring Phase**	**Enforcement Agency**	**Level of Significance After Mitigation**	**Verification of Compliance**		
					Initial	**Date**	**Remarks**
MM CUL-2 At the completion of all ground-disturbing activities, the project archaeologist shall prepare an Archaeological Resources Monitoring Report summarizing all monitoring efforts and observations, as performed, and any and all prehistoric or historic archaeological finds as well as providing follow-up reports of any finds to the South-Central Coastal Information Center (SCCIC), as required.	Post-construction	N/A	City of Moorpark	Less than Significant			
Geology & Soils							
MM-GEO-1: Once specific building types and foundation loads and locations are known for the Project site, the Applicant shall contract a State-registered geologist and a State-registered professional engineer to sample soil in order to prepare Project-specific recommendations regarding building foundations. Once the severity of these soil characteristics are determined, then appropriate measures contained within the geotechnical report will be incorporated into the design of the project. Feasible techniques to mitigate any defined liquefaction, settlement, and expansive soils could include, but would not be limited to, (1) in-situ densification; (2) vibro replacement; (3) compaction grouting or chemical stabilization; or (4) deep foundations and self-supporting structural slabs, (5) over-excavation and replacement with properly compacted fill, (6) use of caissons, and/or (7) design of foundation systems with appropriate thickness and reinforcing.	Prior to construction	N/A	City of Moorpark	Less than Significant			
MM PALEO-1: Prior to issuance of a Zoning Clearance for a grading permit, the applicant shall be required to obtain the services of a qualified project paleontologist to remain on-call for the duration of the proposed ground disturbing construction activity. The paleontologist selected must be approved in writing by the Community Development Director. Upon approval or request by the Community Development Director, a paleontological mitigation plan (PMP) outlining procedures for paleontological data recovery shall be prepared for the Proposed Project and submitted to the Community Development Director for review and approval. The development and implementation of the PMP shall include consultations with the Applicant's engineering geologist as well as a requirement that the curation of all specimens recovered under any scenario shall be through the Los Angeles County Museum of Natural History (LACMNH). All specimens become the property of the City of Moorpark unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The PMP shall include developing a multilevel ranking system, or Potential Fossil Yield Classification (PFYC), as a tool to demonstrate the potential yield of fossils within a given stratigraphic unit. The PMP shall outline the monitoring and salvage protocols to address paleontological resources encountered during ground disturbing activities. As well as the appropriate recording, collection, and processing protocols to appropriately address any resources discovered. The cost of data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the Community Development Director.	Prior to and during construction	During construction	City of Moorpark	Less than Significant			
MM PALEO-2: At the completion of all ground-disturbing activities, the project paleontologist shall prepare a final paleontological mitigation report summarizing all monitoring efforts and observations, as performed in line with the PMP, and all paleontological resources encountered, if any. As well as providing follow-up reports of any specific discovery, if necessary.	Post-construction	N/A	City of Moorpark	Less than Significant			

MITIGATION MONITORING AND REPORTING PROGRAM Everett Street Terraces Project							
Mitigation Measure	**Implementation Phase**	**Monitoring Phase**	**Enforcement Agency**	**Level of Significance After Mitigation**	**Verification of Compliance**		
					Initial	**Date**	**Remarks**
Tribal Cultural Resources							
MM-TCR-1: Due to the potential that archeological resources may be present on the Project site, the City of Moorpark shall require a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American artifacts. Construction personnel associated with earth moving equipment, drilling, grading, and excavating, shall be provided with basic training conducted by a qualified archaeologist, to be retained and compensated by the development team, with the approval of the City of Moorpark. Issues that shall be included in the basic training will be geared toward training the applicable construction crews in the identification of archaeological deposits, further described below. Training will include written notification of the restrictions regarding disturbance and/or removal of any portion of archaeological deposits and the procedures to follow should a resource be identified. The construction contractor, or its designee, shall be responsible for implementation of this measure. A Native American monitor shall be provided an opportunity to attend the pre-construction briefing if requested. A Native American monitor from a consulting Tribe under AB 52 monitor and a qualified archeologist, to be compensated by the development team, shall be available on an "on-call" basis during ground disturbing construction in native soil to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. If archaeological remains or tribal cultural resources are uncovered, all construction activities within a 100-foot radius shall be halted immediately until a qualified archaeologist, in consultation with the Native American monitor, shall evaluate whether the resource requires further study. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If any previously undiscovered resources are found during construction the City of Moorpark Community Development Department shall be contacted, and the resource shall be evaluated for significance in terms of CEQA criteria by a qualified archaeologist. Prehistoric archaeological site indicators include but are not limited to: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire-affected stones. Historic period site indicators generally include but are not limited to: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps). If City and the qualified archaeologist determine the resource to be significant under CEQA, they shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. Contingency funding and a time allotment sufficient for recovering an archeological sample or to employ an avoidance measure may be required. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a formal Archaeological Monitoring Plan (AMP) which will include a research design and archaeological data recovery plan for the resource. Development and implementation of the AMP will be determined by the City of Moorpark and treatment of any significant cultural resources shall be undertaken with the approval of the project applicant, and the City.	Prior to, during, and post- construction	During construction	City of Moorpark	Less than Significant			

MITIGATION MONITORING AND REPORTING PROGRAM Everett Street Terraces Project							
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
TCR-1 (continued) The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System [CHRIS]), and provide for the permanent curation of the recovered materials. The City of Moorpark and/or development team shall, in good faith, consult with the Fernandeño Tataviam Band of Mission Indians and consulting Tribes on the disposition and treatment of any recovered materials. A Monitoring Closure Report shall be filed with the City of Moorpark at the conclusion of ground disturbing construction if archaeological resources were encountered and/or recovered. After the find has been appropriately mitigated (as defined by State CEQA Guidelines Section 15126.4(b)), work in the area may resume.	Prior to, during, and post- construction	During construction	City of Moorpark	Less than Significant			
TCR-2: If human remains or funerary objects are unearthed during any activities associated with the project, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur within a 100-foot buffer of the find until the County coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC), the Fernandeño Tataviam Band of Mission Indians, and consulting Tribes. The NAHC will then contact the deceased Native American's most likely descendant, who will then serve as consultant on how to proceed with the remains (i.e., avoid, rebury).	During construction	During construction	City of Moorpark	Less than Significant			