

# RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft  
Initial Study/Mitigated Negative Declaration  
State Clearinghouse Number 2022060706

Prepared for  
City of Oxnard  
Community Development Department

October 2022





# RIVERPARK BOULEVARD ELECTRONIC BILLBOARD

## Response to Comments on Public Review Draft Initial Study/Mitigated Negative Declaration

Prepared for  
City of Oxnard  
Community Development Department  
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October 2022

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# CHAPTER 1

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## Introduction

This Response to Comments document was prepared to respond to comments that were received on the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). The Final Initial Study/Mitigated Negative Declaration (Final IS/MND) consists of the Public Review Draft IS/MND and this Response to Comments document. The Final IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and *CEQA Guidelines* (California Administrative Code Section 15000 et seq.). Documents relating to this Final IS/MND were cited and incorporated. All documents are available for review at the City of Oxnard website: <https://www.oxnard.org/city-department/community-development/planning/environmental-documents/>.

### 1.1 CEQA Requirements

Before the City of Oxnard may approve the project, it must certify that the Final IS/MND: a) has been completed in compliance with CEQA; b) was presented to the Oxnard City Council who reviewed and considered it prior to approving the project; and c) reflects the City's independent judgment and analysis.

*CEQA Guidelines* Section 15074 states that prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. Therefore, the decision making body will be considering the following documents that constitute the Final IS/MND prior to making a decision on the project.

- The Public Review Draft IS/MND
- Response to Comment Document which includes:
  - Comments and recommendations received on the Public Review Draft IS/MND;
  - A list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND;
  - The response of the Lead Agency to substantive environmental points raised in the review and consultation process.

This Response to Comments document for the Riverpark Boulevard Electronic Billboard presents the following chapters:

- Chapter 1: Introduction – this chapter includes an introduction to the Response to Comments and the CEQA process and requirements
- Chapter 2: Comment Letters – this chapter includes a list of persons, organizations, and public agencies commenting on the Public Review Draft IS/MND
- Chapter 3: Response to Comments – this chapter includes the written comments received on the Public Review Draft IS/MND as well as the written responses to each comment
- Chapter 4: Errata – this chapter includes any revisions made to the Public Review Draft IS/MND in response to comments received or initiated by the Lead Agency
- Chapter 5: Mitigation and Monitoring Program (MMRP) – this chapter includes a list of the mitigation measures, identification of the responsible implementation agency, agency responsible for monitoring, timing of implementation, and date of compliance for each mitigation measure

## 1.2 CEQA Process

### Public Participation Process

#### Notice of Intent of the Public Review Draft IS/MND

The Notice of Intent (NOI) of the Public Review Draft IS/MND was posted on June 30, 2022 with the Ventura County Clerk Recorder. The Public Review Draft IS/MND was circulated for a 30-day public review until July 29, 2022. The NOI for the Public Review Draft IS/MND was circulated to state and local agencies and interested parties requesting a copy of the NOI. Copies of the Public Review Draft IS/MND were made available for review at the City of Oxnard Community Development Department located at 214 S. C Street, Oxnard, California, 93030 and at the Oxnard Public Library, 251 South “A” Street. The document was also available at the City of Oxnard website: <https://www.oxnard.org/city-department/community-development/planning/environmental-documents/>.

### Evaluation and Response to Comments

In accordance with Article 6 of the *CEQA Guidelines*, the City of Oxnard, as the Lead Agency, was required to evaluate substantive environmental comments received on the Public Review Draft IS/MND. This Response to Comments document provides written responses to each comment received on the Public Review Draft IS/MND.



## Final IS/MND Approval

As the Lead Agency, the City of Oxnard is required to determine the adequacy of the Final IS/MND (Public Review Draft IS/MND and Response to Comments). The City can adopt the Final IS/MND if they find on the basis of the whole record before it (including the Public Review Draft IS/MND and Response to Comments) that there is no substantial evidence that the project will have a significant effect on the environment and that the Final IS/MND reflects the City's independent judgment and analysis.

## Notice of Determination

Pursuant to Section 15094 of the *CEQA Guidelines*, the City of Oxnard will file a Notice of Determination (NOD) with the Ventura County Clerk Recorder within five working days of project approval.

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## CHAPTER 2

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### Comment Letters

The Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) for the Riverpark Boulevard Electronic Billboard was circulated for public review for 30 days (June 30, 2022 through July 29, 2022). The City of Oxnard received four comment letters from public agencies and an individual during the public review period, as listed in the table below. Each comment letter has been assigned an alphabetical designation (A through D). Each comment within each letter has been assigned a numerical designation so that each comment could be cross-referenced with an individual response. The comments and responses are provided in Chapter 3.

#### COMMENT LETTERS RECEIVED

Comment No.	Commenting Agency	Date of Comment
A	California Highway Patrol	July 27, 2022
B	Ventura County Air Pollution Control District	July 26, 2022
C	County of Ventura Resource Management Agency, Planning Division	July 29, 2022
D	Darron Baida	July 15, 2022

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## CHAPTER 3

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### Responses to Comments

Following are the comment letters and the written responses to each of the comments that were received during the public review period of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND). In some instances, in response to the comment, the City of Oxnard has made additions or deletions to the text of the Public Review Draft IS/MND; additions are included as underlined text and deletions are shown as ~~stricken text~~.



## Comment Letter A

Pearson II, Joe &lt;joe.pearson@oxnard.org&gt;

**RE: Environmental Impact Report (SCH # 2022060706)**

1 message

**Primicerio, Jarod@CHP** <JPrimicerio@chp.ca.gov>

Wed, Jul 27, 2022 at 12:41 PM

To: "Joe.Pearson@Oxnard.org" &lt;Joe.Pearson@oxnard.org&gt;

Cc: CHP-701\_AA\_Desk &lt;701\_AA\_Desk@chp.ca.gov&gt;, CHP-EIR &lt;EIR@chp.ca.gov&gt;, "state.clearinghouse@opr.ca.gov" &lt;state.clearinghouse@opr.ca.gov&gt;

The California Highway Patrol's (CHP) Ventura Area office received an Environmental Impact Report (SCH # 2022060706) for a proposed digital billboard adjacent to the US-101 Freeway, located within the City of Oxnard. The CHP Ventura Area was requested to evaluate the proposal; specifically, in regard to the potential impact it may have on departmental operations, public safety, increased calls to the communications center/dispatch, increased response times, and traffic congestion.

This proposed digital billboard, coupled with the two additional proposed digital billboards (SCH # 2022060700 and SCH # 2022060701), all adjacent to the US-101 Freeway within the City of Oxnard, will likely cause a drastic increase to traffic congestion already severely impacted in the region. There are currently two digital billboards adjacent to the US-101 Freeway within the City of Oxnard, thus adding three additional, there would be a total of five digital billboards within less than a four mile stretch along this portion of the Freeway. The magnitude of the project may place a greater strain on limited public safety resources with an expected increase in vehicular traffic on US-101. A potential delay of emergency response due to extended response times places the public at risk. The potential increase in traffic may cause an increase in motor services, crashes, and injuries to motorists. Consequently, these incidents will cause an increase in calls to the CHP Ventura Communications Center and dispatchers. The proposed area is currently experiencing significant growth with the construction of retail and residential properties. The digital sign(s) will exacerbate the traffic congestion and may create long-term detrimental impact to the residents, visitors, and first responders within the Ventura Area.

A-1

Should you have any questions, please contact Lieutenant Sergio Perez or myself at (805) 662-2640.

Sincerely,

Jarod Primicerio



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## **Comment Letter A: California Highway Patrol – July 27, 2022**

### **Comment A-1**

The comment asserts that the proposed Riverpark Boulevard Electronic Billboard along with the Ventura Road Electronic Billboard and potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance could cause a drastic increase in traffic congestion along U.S. 101 within the City of Oxnard. The comment further states that the increase in traffic volumes and congestion on U.S. 101 would result in a potential delay on emergency response and could result in an increase in motor services, crashes, and injuries.

### **Response to Comment A-1**

The implementation of the proposed electronic billboard along Riverpark Boulevard as well as additional electronic billboards including the Ventura Road Electronic Billboard and electronic billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would not result in a substantial amount of traffic. The proposed Riverpark Electronic Billboard would not generate any employment growth or population growth as discussed in Section 3.13 of the Public Review Draft IS/MND. The implementation of cumulative electronic billboards would not increase operational traffic volumes along U.S. 101. As discussed in Section 3.15 of the Public Review Draft IS/MND, construction activities would generate a nominal number of construction vehicular trips over an approximately two-week construction period.


The concerns raised in this comment do not appear to be a direct result of implementing electronic billboards, but may result from cumulative development throughout the City of Oxnard. Because the Project would not result in an increase in daily or weekly operational traffic volumes, the Project would not contribute to potential cumulative traffic volume increases along U.S. 101 that would contribute to increases in motor services, crashes, and injuries to motorists.

As discussed in Section 3.15 c) in the Public Review Draft IS/MND, the proposed billboard as well as future billboards implemented under the Freeway Adjacent Digital Display Billboards Ordinance would be required to comply with all applicable laws and regulations concerning brightness, including, without limitation, California Building and Professions Code Section 5403(g) and California Vehicle Code Section 21466.5. The billboard proposes to include different images, but each image will be displayed for at least eight seconds and the images would not move or present the appearance of motion and would not flash or blink or any other means that does not provide a constant illumination. These features associated with the proposed electronic billboard would not substantially increase hazards to drivers along U.S. 101, and less than significant impacts would occur. Furthermore, the Project will require an Outdoor Advertising Act Permit from the California Department of Transportation to ensure that the proposed electronic billboard does not represent a danger to motorists traveling along U.S. 101.



**VENTURA COUNTY  
AIR POLLUTION CONTROL DISTRICT**  
Memorandum

TO: Joe Pearson II, Sr. Planner, City of Oxnard      DATE: July 26, 2022

FROM: Nicole Collazo, Air Quality Specialist, Planning Division 

SUBJECT: Draft Mitigated Negative Declaration for the Riverpark Boulevard Electronic Billboard (RMA 22-019)

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Riverpark Boulevard Electronic Billboard project (project). The proposed project includes a request for approval of a Special Use Permit for the installation and operation of an LED electronic billboard. The electronic billboard would include a digital display of advertisements of various businesses, activities, services or products. The Lead Agency is the City of Oxnard. APCD submits the following comments for the project's MND.

**GENERAL COMMENTS**

*Air Quality Section*

1) Item a, Page 18. VCOG is no longer responsible for developing the AQMP. This is language contained in our 2003 Ventura County Air Quality Assessment Guidelines and no longer applies. The AQMP is developed by the APCD using SCAG's population growth forecasts in its air quality modeling and forecasting. We recommend amending this section. We also note that our 2022 AQMP is currently in development and scheduled to be adopted at the end of 2022.

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](mailto:nicole@vcapcd.org).

B-1



## **Comment Letter B: Ventura County Air Pollution Control District – July 26, 2022**

### **Comment B-1**

This comment states that the Ventura Council of Governments (VCOG) no longer responsible for developing the Ventura County Air Quality Management Plan (VCAQMP) but Ventura County APCD is responsible.

### **Response to Comment B-1**

The City of Oxnard thanks the Ventura County Air Pollution Control District in clarifying that the VCOG no longer provides forecasted regional population, housing, and employment for the VCAQMP.

The fourth sentence of the first paragraph on page 18 of the Public Review Draft IS/MND is revised as follows:

~~VCOG and the Ventura Council Association of Governments (VCOG)~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

The second paragraph on page 18 of the Public Review Draft IS/MND is revised as follows:

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.



## Comment Letter C

July 29, 2022

Joe Pearson II, AICP  
Community Development Department, Planning Division  
City of Oxnard  
214 South C Street  
Oxnard, CA 93030

**SUBJECT: Response to Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance, a Notice of Intent to Adopt the Proposed Riverpark Boulevard Electronic Billboard MND and the proposed Notice of Intent to Adopt the Ventura Road Electronic Billboard MND**

Dear Joe Pearson,

Thank you for providing the Ventura County Planning Division with the opportunity to comment regarding the following Mitigated Negative Declarations:

1. City of Oxnard (City) Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the Proposed Freeway Adjacent Digital Display Billboards Ordinance project (proposed ordinance).
2. City of Oxnard NOI to adopt an MND for the Ventura Road Electronic Billboard project
3. City of Oxnard NOI to adopt an MND for the Riverpark Boulevard Electronic Billboard project.

The proposed Freeway Adjacent Billboards ordinance would permit the siting of digital display billboards within 400 feet of the U.S. 101 right-of-way, on the City's property or in its right-of-way, and in non-residential zones. No digital display billboards may be sited less than 100 feet from the property line of any residential zoned parcel. The proposed development standards would limit billboards to a maximum face display area of 14 feet in height and 48 feet in width, require orientation primarily for viewing from the freeway, and the maximum height of the entire structure cannot exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of each display. Each digital display billboard shall be separated from every other Freeway Adjacent Digital Display Billboard by at least 2,000 feet. The permitting path process would be a Special Use Permit. Section 16-530 of the Oxnard Municipal Code describes that a Special Use Permit is authorized by the Planning Commission.

C-1

The County has calculated the distance of the proposed ordinance planning area in relationship with unincorporated area of the County. Calculating the stretch of Highway U.S. 101 from the easternmost portion of the proposed ordinance project area to the westernmost portion, the total length of the project area was estimated at 4.09 miles. Using this estimate, the total of length of unincorporated area in the ordinance planning area totaled approximately 1.3 miles or 30% of the total project planning area distance along the Highway U.S. 101. This calculation represents a significant portion of unincorporated area that may be impacted by the proposed ordinance, particularly along unincorporated areas of El Rio/ Del Norte and Nyeland Acres.

C-1  
(Cont)

The project area for the proposed ordinance is located adjacent to portions of the El Rio/ Del Norte and Nyeland Acres unincorporated communities. There are also two billboards proposed. The Riverpark Boulevard Electronic Billboard project would be located approximately 1,800 feet from an unincorporated zone for residential high-density development (RHD-20 du/ac). The Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed. Based on these circumstances, the proposed projects may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

Since it is difficult to evaluate cumulative impacts due to the three separate MND's for these projects; prior to taking any action on the proposed projects, the City should consolidate its review of potential environmental impacts of the Ordinance MND, Ventura Road and RiverPark project MND's into one environmental analysis and document. Given that these projects are being processed concurrently, and the fact that Ventura Road and RiverPark projects cannot be adopted until the billboard ordinance is adopted, consolidation of the three MND's will enable to the County to understand direct, indirect and cumulative environmental impacts of the ordinance programmatic and billboard projects.

C-2

The revised analysis should evaluate potential environmental impacts for the unincorporated areas adjacent to and in the vicinity of the proposed projects; , particularly residential areas in the El Rio/Del Norte and Nyeland Acres communities. Specific issue area to consider are neighborhood compatibility, scenic resources, and biological resource issues areas discussed below.

### **Impacts to Neighborhood Compatibility**

The MNDs evaluate aesthetic impacts, and the Ordinance MND states that, "because specific electronic billboard projects are not known at this time, project-level environmental impacts cannot be assessed. As each individual electronic billboard project is proposed, a project level environmental evaluation will be required" (MND Chapter 3, Aesthetics and Urban Design). However, there are MNDs for two proposed billboards within the proposed ordinance planning area. As stated above, for adequate CEQA review, these projects should be combined onto one study and the projects should be processed in accordance with the proposed ordinance.

C-3

The proposed ordinance should require projects to be designed to meet development standards that reduce or eliminate potential impacts without deferring to an evaluation for consistency with lighting and other standards until after the billboards are authorized and built. Please consider the following amendments to the draft ordinance to reduce potential impacts:

- Clarify that setback distances to residential zones also apply to unincorporated residential zones.
- Clarify how height is measured and require height to be measured from the adjacent average grade.
- Limit the number of billboards that can be sited within the planning area.
- Clarify how the ordinance will benefit disadvantaged communities.

C-3  
(Cont)

Setbacks: The ordinance should be revised to consider residential zoned unincorporated properties located adjacent to the proposed ordinance planning area where electronic billboards could be sited (see circled areas in Figure 1 below). As drafted, the ordinance could allow billboards to be sited within a few feet of residential zones in the unincorporated area.

It would be helpful if the proposed Ordinance MND, Figures 2, 2b, and 2d accurately delineate unincorporated areas relative to the planning area. As of now, the program location areas do not display the difference between the separate jurisdictional boundaries, specifically the City of Oxnard and unincorporated community planning areas and therefore potential impacts cannot be adequately evaluated. The City should update the program location index images in the proposed ordinance MND to accurately reflect the location of planning area boundaries in relation to unincorporated County boundaries.

C-4

Height: As stated in the proposed Ordinance MND, the “maximum height of any Freeway Adjacent Digital Display Billboard shall not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display” (MND Page 9). The height standards of electronic billboards in the Ordinance MND should be clarified so the public can understand maximum heights of the billboards from the top of the billboard to ground level, as slope and topography changes will site billboards lower or higher in relation to adjacent land uses and cause impacts that were not evaluated in the Ordinance MND. For example, the proposed Riverpark Boulevard Electronic Billboard (MND No.22-03) has a proposed height of 80 feet measured from the top of the billboard to the ground. This height standard used in this specific proposal is more accurate than the method of measurement proposed in the ordinance and could be inconsistent with the ordinance. One method of measurement is needed that evaluates the maximum height as measured from the adjacent grade to the top of the billboard itself. The County requests that you please verify in the Response to Comments that the height in the ordinance for billboards will not exceed 55 feet as measured from the pavement level of the adjacent freeway to the bottom of the digital display for any proposed billboard projects. If this height assumption is inaccurate, please verify the maximum height that any billboard can be pursuant to the ordinance.

C-5

Limit the Number of Billboards: Another potential cumulative impact on unincorporated areas is there are no maximum quantity of allowable digital billboard displays identified in the proposed ordinance. As of now, the Ordinance MND makes no indication for a maximum allowable number throughout the entirety of the planning area. There should be calculations to understand the potential maximum number of digital display billboards, taking into consideration that they must be placed 2,000 feet away from one another. The proposed ordinance should include reference that existing digital display billboards must comply with the all development standards, including setbacks set forth in the Caltrans Outdoor Advertising Act and Regulations.

C-6

Community Benefits: El Rio/ Del Norte and Nyeland Acres communities are identified in the County General Plan as designated disadvantaged communities. The City should take into consideration how the ordinance and billboards would affect these disadvantaged communities and update the Required Findings of Public Benefit section of the proposed Ordinance MND (page 10) to describe how public benefits will be provided to affected disadvantaged communities that could be adversely affected by the proliferation of digital display billboards.

C-7

The City and digital display billboard applicants should also meet with the El Rio/ Del Norte Municipal Advisory Council to further clarify potential public benefits and impacts from the proposed ordinance and XX project and XX project . Furthermore, the El Rio/Del Norte Area Plan includes the following policy that encourages the City to present proposed ordinances and discretionary projects to the Council for review and comment (*italics added for emphasis*):

**Policy, ED-21.1- Public Review Authority**

The El Rio/Del Norte Municipal Advisory Council shall continue to be the Board of Supervisors' recognized public review group for the El Rio/Del Norte area. All County *and city applications for discretionary permits* and all environmental documents for projects which would affect the El Rio/Del Norte area shall be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council as early in the process as possible.

C-8

**Scenic Resources**

To address concerns with light pollution, light trespass illuminance standards were discussed in the proposed Ordinance MND. However, there are still concerns with glare and light pollution, specifically in the evening with respect to the nearby residential communities. The analysis within Chapter 3 of the proposed Ordinance MND did not evaluate potential impacts from public viewing locations such as roadways in the unincorporated area of Ventura County, particularly the El Rio and Nyeland Acres communities. Since there is no numerical limit on the proliferation of billboards under the proposed ordinance, the Ordinance MND should also evaluate cumulative impacts from glare and illuminance from the perspective of public roads and hiking trails in the hillside areas with views of the Oxnard Plain.

C-9

When assessing the distance from Digital Billboard Display's to residential parcels, Los Angeles County's zoning code, Section 22.114.070 prescribes standards for outdoor advertising signs, and states that such signs shall not be permitted within 200 feet of a residential zone located on the same side of the street or highway. The City should adopt the same or greater 200-foot setback requirement from residential zones (including unincorporated residential zones) rather than the proposed 100-foot setback. The City should also include the following standard from Los Angeles County zoning code Section 22.114.050 in the MNDs and conditions of approval for light protection to surrounding premises, with the additional reference added for applicability to unincorporated areas in parenthesis:

- In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

The proposed Ordinance MND states that, "light pollution or obtrusive light is highly subjective. To address concerns with light pollution, recommendations to limit light trespass onto adjacent properties from the International Commission on Illumination (CIE) were reviewed. The CIE identifies a light trespass illuminance of 0.5 fc or greater for light-sensitive urban areas such as residential areas and 0.2 fc or greater for natural areas such as the Santa Clara River Basin" (MND page 19). The Ordinance MND should also include references to compliance with the Caltrans Outdoor Advertising Act and Regulations and ensure compliance with California Vehicle Code Section 21466.5 for enforcing sign brightness and reads as follows:

- No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.
- The brightness reading of an objectionable light source shall be measured with a 11/2-degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed 500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source.

Lastly, Federal Highway Administration guidance on off-premise changeable message signs recommend adjusting brightness in response to changes in light levels so that signs are not unreasonably bright for the safety of the motoring public. Brightness should be adjusted accordingly and if a billboard has the potential to illuminate uses in unincorporated residential zones, an evening time shut off period should be required for mitigation of potential brightness and illumination light spill.

The City should include mitigation measures and comparable brightness standards for the intensity of lighting identified in the City of Ventura's Auto Center Specific Plan Amendments for the Final Initial Study Mitigated Negative Declaration that was approved in 2017 as either mitigation measures in the Ordinance MND or development standards in the Billboard Ordinance. The City of Ventura's Auto Center electronic billboard display is routinely turned off at 10 p.m. to mitigate light emittance and nuisance in the evening time. The following measures from the Auto Center Specific Plan should also be included in the proposed ordinance, and digital display billboard projects should be conditioned as follows:

Mitigation Measure AES-1: Electronic Sign Brightness. The Auto Center Specific Plan shall include the following standards for the Auto Center freeway sign and Auto Center entry sign:

- Lighting levels on the digital sign shall not exceed 0.3 foot candles above ambient light from a distance of 250 feet, as measured according to standards of the Outdoor Advertising Association of America.
- Brightness shall not exceed 800 nits (candela per square meter) from sunset to sunrise. At all other times, brightness will not exceed 7500 nits.
- Illumination shall be directed such that minimal light spill will occur on either side or the top or bottom of the sign face.
- A light sensor shall be installed with the sign to measure ambient light levels and to adjust light intensity to respond to such conditions. The light sensor adjusts the sign's brightness in order to compete with ambient light. The darker the surrounding ambient light, the less bright the sign is.
- The sign shall not display any moving, flashing, scrolling, fading, brightening or animated text or video.
- Signage shall be controlled remotely and include remote maintenance software.
- LED lighting has a directional nature, and the projected viewing angle values for this sign shall be  $\pm 30^\circ$  vertically and  $\pm 60^\circ$  horizontally. Louvers shall be located above each row of lights to prevent light from projecting upward into the sky.

Mitigation Measure AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the freeway sign. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.3 foot-candle requirement is satisfied.

## Biological Resources

The proposed Ordinance MND (page 32) evaluates potential impacts to critical habitat, special status plant species and avian species. The electronic billboards could impact wildlife corridor movement due to electronic light displays that deter and disorient wildlife movement. The Santa Clara River riparian area is identified by the County of Ventura as an important Habitat Connectivity and Wildlife Corridor. Without precise mapping that identifies the extent that billboards could be placed closest to the Santa Clara River basin, and the proposed approach to test billboards for impacts after they are built, there is insufficient information to determine whether there will be direct, indirect, or cumulative impacts to wildlife movement. CEQA requires protecting wildlife corridors/movement areas and the proposed ordinance development standards, environmental impact analyses, and project-specific conditions of approval should include measures to conserve the natural state of the habitat wildlife corridor and ensure species can move throughout the region. The City should consider the following mitigation measure in the Ordinance MND for impacts to biological resources. This mitigation measure should also apply to the Riverpark Boulevard MND and as needed to future digital billboard projects' conditions of approval:

AES-2: City Approval of Brightness. Within 14 days of the freeway sign being operational, annually, and as required by City staff (after maintenance, malfunctions, multiple complaints) the applicant shall submit to the satisfaction of the Community Development Director, the following information:

- A third-party test conducted after installation to verify that the billboard complies with the requirements not to exceed 0.2 foot-candle above ambient light at 250 feet from the face of the freeway sign, as measured from within the Habitat Corridor. If the value exceeds industry standards, additional lighting output reduction shall be required until the 0.2 foot-candle requirement is satisfied.

The Santa Clara River is the longest continuous river system in Southern California and runs over 100 miles in length, originating from the San Gabriel Mountains in Los Angeles County and traverses throughout Ventura County to reach the Pacific Ocean. Extensive patches of high-quality riparian habitat are present along the length of the river and its tributaries. Numerous state and federally listed species have been found in and nearby the undeveloped areas (e.g., least bell's vireo (*Vireo bellii pusillus*), mesa horkelia (*Horkelia cuneata*), California legless lizard (*Anniella pulchra*), Lyon's pentachaeta (*Pentachaeta lyonia*), and coastal California gnatcatcher (*Poliophtila californica californica*). Please see Figure 2 below for a map of the Habitat Connectivity and Wildlife Corridor in the South Coast Ventura County region. The proposed Ordinance MND should be revised to adequately analyze the impacts to the wildlife corridor and include additional mitigation measures as appropriate. Lastly, the following El Rio Area Plan Goals and Policies should be considered for standards in the proposed ordinance, and as a basis for biological mitigation measures to offset environmental impacts:

C-9  
(Cont)



Goal, ED-32: To protect the biological resources of the Santa Clara River and adjoining natural habitat areas including significant stands of Southern Willow within the Santa Clara River bounding the El Rio/Del Norte area.

Goal, ED-33: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

C-9  
(Cont)

Policy, ED-33.1: To encourage revegetation or landscaping in natural habitat areas and the Santa Clara River that incorporates native plant species in order to restore habitat in already disturbed areas.

In closing, thank you again for the opportunity to comment on the three MNDs for the proposed ordinance and digital display billboard projects. The County is hopeful that the City will combine these three MND's into one environmental document and recirculate for public review and comment. This action would facilitate meaningful public disclosure of the potential direct, indirect, and cumulative environmental impacts of the Ordinance MND and associated Ventura Road and RiverPark projects on the unincorporated County. If you have any questions about this letter, please contact Joel Hayes at Joel.Hayes@ventura.org or 805.654.2834.

C-10

Sincerely,



Dave Ward, AICP | Planning Director  
County of Ventura, Planning Division

[illegible]

## **Comment Letter C: County of Ventura Resources Management Agency, Planning Division – July 29, 2022**

### **Comment C-1**

This comment states that the Planning Division reviewed three separate Mitigated Negative Declaration (MNDs) related to the proposed Riverpark Electronic Billboard, potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance and Ventura Road Electronic Billboard. The comment specifically states that the proposed Riverpark Electronic Billboard would be located approximately 1,800 feet from an unincorporated zone for residential high-density development. The comment asserts that the proposed Project may have direct and cumulative impacts on existing development and sensitive habitat in the County's jurisdiction.

### **Response to Comment C-1**

The potential Riverpark Boulevard Electronic Billboard Project would increase impacts to residential areas in the immediate vicinity of the site; however, nominal impacts to residents located approximately 1,800 feet from the Project site would occur due to distance. As discussed in Section 3.18 b) in the Public Review Draft IS/MND, the proposed Riverpark Electronic Billboard could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related electronic billboard projects would need to occur at least 2,000 feet from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

### **Comment C-2**

This comment asserts that evaluating the cumulative impacts of the three projects that are addressed within the three separate Public Review Draft IS/MNDs is difficult and recommends that the City consolidates its review into one environmental document.

### **Response to Comment C-2**

The potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. A discussion of cumulative impacts is provided for each Public Review Draft IS/MND in Section

3.18 b). The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.

### **Comment C-3**

This comment states that an analysis of potential environmental impacts to unincorporated areas such as the El Rio/Del Norte and Nyeland Acres communities and sensitive biological resources adjacent to and in the vicinity of the proposed Project should be evaluated.

The comment also requests amendments to the draft Freeway Adjacent Digital Display Billboards Ordinance.

### **Response to Comment C-3**

The Riverpark Boulevard Electronic Billboard Project is located approximately 1,000 feet from the El Rio/Del Norte community but located approximately two miles from the Nyeland Acres community. As discussed in Chapter 3 of the Public Review Draft IS/MND, the proposed Riverpark Electronic Billboard could result in potential significant impacts related to biological resources, cultural resources, and noise on wildlife species prior to the implementation of mitigation measures. With the implementation of Mitigation Measures BIO-1, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Additional potential impacts on residents and motorists such as views, light, glare, and noise from the implementation of the proposed Riverpark Boulevard Electronic Billboard could occur, but the impacts would be less than significant as discussed in Chapter 3 of the Public Review Draft IS/MND.

Given that the potential related billboard projects (i.e., Ventura Road Electronic Billboard and additional electronic billboards implemented as part of the Freeway Adjacent Digital Display Billboards Ordinance) would need to occur at least 2,000 feet from the Project site and the Project impacts to biological resources, cultural resources, and noise on wildlife species are site specific and would not combine with potential impacts associated with other electronic billboards implemented along U.S. 101, the Project's contribution to cumulative impacts would be considered less than cumulatively considerable and less than significant.

Because the Project site is located approximately 1,000 feet from the El Rio/Del Norte unincorporated community, the request for amendments to the Ordinance is not applicable to the Riverpark Boulevard Electronic Billboard Project. The Project's specific potential impacts are evaluated in the Public Review Draft IS/MND.

### **Comment C-4**

This comment references the proposed Ordinance and requests setbacks.

#### **Response to Comment C-4**

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

#### **Comment C-5**

This comment references the proposed Ordinance and requests more specific information on maximum heights.

#### **Response to Comment C-5**

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

#### **Comment C-6**

This comment references the proposed Ordinance and requests more specific information on limiting the number of billboards.

#### **Response to Comment C-6**

Because this comment references the proposed Ordinance, it does not provide a specific comment on the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND.

#### **Comment C-7**

This comment asserts that the City should take into consideration how the ordinance and proposed billboards would affect disadvantage communities and how public benefits will be provided to affected disadvantage communities.

#### **Response to Comment C-7**

The El Rio/Del Norte and Nyeland Acres communities are within the jurisdiction of the County of Ventura. These communities are outside of the City of Oxnard. Potential impacts associated with the construction and operation of the Riverpark Boulevard Electronic Billboard Project would impact residents that are in close proximity to the Project site; however, less than significant impacts would occur to these residents as well as residents of the El Rio/Del Norte community. The Project would not impact the residents of the Nyeland Acres community because the Project site is located more than 3 miles to this unincorporated community.

#### **Comment C-8**

This comment asserts that all County and City applications for discretionary permits and all environmental documents for Projects should be sent to the Board of Supervisor's Office for transmittal to the El Rio/Del Norte Municipal Advisory Council.

**Response to Comment C-8**

A Notice of Intent to Adopt a Mitigated Negative Declaration was mailed to the County of Ventura for distribution. Potential impacts associated with the construction and operation of the Riverpark Boulevard Electronic Billboard Project would not result in significant impacts to the residents of the El Rio/Del Norte community as discussed in Chapter 3 of the Public Review Draft IS/MND.

**Comment C-9**

This comment addresses evaluations of scenic resources and biological resources provided in the Freeway Adjacent Digital Display Billboards Ordinance Public Review Draft IS/MND.

**Response to Comment C-9**

This comment does not address contents within the Riverpark Boulevard Electronic Billboard Public Review Draft IS/MND. Therefore, no further response is required.

**Comment C-10**

This comment thanks the City for providing an opportunity to comment on the three Public Review Draft IS/MNDs for the proposed Ordinance and the electronic billboard projects. The County reiterated the request to provide the environmental documentation for the IS/MNDs into one environmental document.

**Response to Comment C-10**

As discussed in Response to Comment C-2, the potential effects resulting from the Freeway Adjacent Digital Display Billboards Ordinance is evaluated at a Program-level and as each individual electronic billboard project is proposed, a project-level environmental evaluation will be required. The Riverpark Boulevard and Ventura Road Electronic Billboard Projects are evaluated at a Project-level, and specific impacts and applicable mitigation measures are provided in their respective Public Review Draft IS/MND. The City thanks the County for their input, but will proceed with the separate IS/MNDs for the program and two specific projects.



## Comment Letter D

Pearson II, Joe &lt;joe.pearson@oxnard.org&gt;

**Re: Notice of Intent to Adopt MND - Riverpark Boulevard Electronic Billboard**

1 message

**Darron B** <darronbaida@gmail.com>

Fri, Jul 15, 2022 at 2:41 PM

To: "Pearson II, Joe" &lt;joe.pearson@oxnard.org&gt;

Mr. Pearson,

Were there any additional hearings on the electronic billboards since December 2021? Being on the interest list and not hearing anything since then, I assumed the proposal was abandoned. Was a migratory bird study performed as they may be impacted by the new light pollution?

Are there any ways to stop the ordinance from being changed and these being built? It's an incredibly bad idea for Oxnard that I'm willing to go to bat for. I appreciate any suggestions you have.

Thank you.

Darron Baida

D-1

On Thu, Jun 30, 2022 at 8:37 AM Pearson II, Joe &lt;joe.pearson@oxnard.org&gt; wrote:

Hello,

Please see attached Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Riverpark Boulevard Electronic Billboard Project.

**The public review period begins June 30, 2022, and ends July 29, 2022.** All comments should be provided in writing and received before 5:00 p.m. on July 29, 2022. Inquiries should be directed to Joe Pearson, Principal Planner, at (805) 385-8272 or Joe.Pearson@oxnard.org. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

Best,

**Joe Pearson II, AICP | Principal Planner**  
**Community Development Department**

214 S C Street | Oxnard, CA 93030

O: 805-385-8272

Joe.Pearson@Oxnard.org

www.oxnard.org

Online services are available through our online portal at [www.oxnard.org/planning](http://www.oxnard.org/planning)

- General inquiries should be sent via email to [Planning@oxnard.org](mailto:Planning@oxnard.org).
- For new applications, email us at [planning@oxnard.org](mailto:planning@oxnard.org). Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

The Community Development service counter has reopened to the public from 8:00 a.m. to 4:00 p.m., Monday through Thursday and 9 a.m.-4 p.m. on alternating Fridays.

When visiting the Service Center, please follow masking protocols as established by the County of Ventura. Information regarding mask wearing guidelines can be found here: <https://www.venturacountyrecovers.org/>

## **Comment Letter D: Darron Baida – July 15, 2022**

### **Comment D-1**

This comment asks if there were hearings on the proposed electronic billboard since December 2021. In addition, the comment asserts that the proposed Freeway Adjacent Digital Display Billboards Ordinance is a bad idea.

### **Response to Comment D-1**

No public hearings have occurred on the Riverpark Boulevard Electronic Billboard Project. The public hearing to deliberate the approval of the Project will be noticed to the public in accordance with the City's public hearing notice requirements. The comment regarding the Freeway Adjacent Digital Display Billboards Ordinance is an opinion and not a comment on the contents of the Public Review Draft IS/MND.



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# CHAPTER 4

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## Errata

The following text changes are made to the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and incorporated as part of the Final Initial Study/Mitigated Negative Declaration (Final IS/MND). These changes are minor and do not alter the conclusions of the Public Review Draft IS/MND. Changes to the text are noted with underline (for added text) or ~~strikeout~~ (for deleted text).

### Page 18, fourth sentence of the first paragraph

~~VCAPCD and the Ventura Council Association of Governments (VCOG) are~~ is responsible for preparing the air quality management plan (AQMP), which addresses federal and state Clean Air Act (CAA) requirements.

### Page 18, second paragraph

The proposed Project is located within the Ventura County portion of the SCCAB, which is under the jurisdiction of the VCAPCD for air quality planning and control. As such, VCAPCD's 2016 AQMP is the applicable air quality plan for the proposed Project. Projects that are consistent with the regional population, housing, and employment forecasts identified by the VCAPCD ~~VCOG~~ are deemed consistent with the AQMP growth projections, since the forecast assumptions by VCAPCD ~~VCOG~~ forms the basis of the land use and transportation control portions of the AQMP. Additionally, because VCAPCD's ~~VCOG's~~ regional growth forecasts are based upon, among other things, land uses designated in general plans, a project that is consistent with the land use designated in a general plan would also be consistent with the VCAPCD's ~~VCOG's~~ regional forecast projections, and thus also with the AQMP growth projections.

### Page 27, second and third paragraphs

**Mitigation Measure BIO-1:** Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and ~~December~~ January 31, outside the ~~typical~~ nesting season for birds and raptors in the region. If vegetation removal or installation must occur during the ~~typical~~ nesting season (~~January February 1 – September 15~~ August 31), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a ~~100 to 3~~ 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests

within seven days prior to work activities. Buffer distances can be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.

If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.

## CHAPTER 5

### Mitigation Monitoring and Reporting Program

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
<b>AES-1:</b> The proposed light emitting diode (LED) billboard shall include an operating mechanism (hardware or software controlled) that turns off the display or turns it to all black in the event of a malfunction or failure in any system or subsystem that results in the display wholly or partly appearing to flash..	Prior to construction completion	Project Construction Contractor	Community Development Department	
<b>AES-2:</b> Within 14 days of the proposed electronic billboard being operational, annually, and as required by City staff (i.e., after maintenance, malfunctions, multiple complaints), the Applicant shall submit to the satisfaction of the Community Development Director the following information: <ul style="list-style-type: none"> <li>A third party test conducted after installation to verify that the electronic billboard complies with the requirements not to exceed 0.3 foot-candle above ambient light at 250 feet from the face of the electronic billboard or exceed the 0.5 foot-candle at any residential uses or 0.2 fc at natural areas.</li> </ul>	Ongoing	Applicant	Community Development Department	
<b>BIO-1:</b> Construction activities involving vegetation removal as well as installation of the proposed billboard shall be conducted between September 16 and December 31, outside the nesting season for birds in the region. If vegetation removal or installation must occur during the nesting season (January 1 – September 15), a qualified biologist shall conduct a pre-construction survey for active nests within areas that will be subject to vegetation removal, construction noise, and/or ground disturbances, including a 500-foot buffer around existing trees and landscaped areas, to identify any potential active nests within seven days prior to work activities. Buffer distances can	Survey prior to construction and monitoring during construction	Applicant, Project Construction Contractor, and Project Biologist	Community Development Department	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
<p>be adjusted at the discretion of the biologist based on the location of the nest, species, and surrounding land uses. If no sign of nesting activity is observed, construction may proceed without potential impacts to nesting birds.</p> <p>If an active nest is observed during the pre-construction clearance survey, an adequate buffer determined by the City-approved qualified biologist shall be established around the active nest depending on sensitivity of the species and proximity to construction activity and impact areas. Onsite construction monitoring may also be required to ensure that no direct or indirect impacts occur to the active nest or nesting activities. Construction activities shall be avoided within the buffer, unless otherwise approved by the City-approved monitoring biologist (e.g., vehicles could pass through buffer areas while jackhammering would be restricted). Buffers shall be clearly marked and defined to restrict certain activities where they could result in nest failure, and shall remain in place until nests are no longer active, as determined by the City-approved monitoring biologist.</p>				
<p><b>CUL-1:</b> Prior to ground disturbance, the applicant is required to retain a City-approved archaeologist and Native American Monitor. In the event that historic or archaeological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. A buffer of at least 50 feet shall be established around the find where construction activities shall not be allowed to continue until a qualified archaeologist has examined the newly discovered artifact(s) and has evaluated the area of the find. Work shall be allowed to continue outside the buffer area. All historic and archaeological resources unearthed by construction activities associated with the proposed Program shall be evaluated by a qualified professional archaeologist who meets the U.S. Secretary of Interior's Professional Qualifications and Standards. Should the newly discovered artifacts be determined to be historic, Native American Tribes/Individuals shall be contacted and consulted and Native American construction monitoring shall be initiated. The Applicant and the City shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. The plan may include implementation of</p>	<p>Retain Archaeologist and Native American Monitor prior to ground disturbance and halt or divert activities if resources are found until they are evaluated</p>	<p>Applicant, Project Archaeologist, and Native American Monitor</p>	<p>Community Development Department</p>	

Mitigation Measures	Timing	Responsible for Implementation	Responsible for Enforcement	Date of Compliance
archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.				
<b>CUL-2:</b> Prior to ground disturbance, the applicant is required to retain a paleontologist for monitoring of ground disturbing activities. In the event that paleontological resources are unearthed during ground-disturbing activities, these activities shall be halted or diverted away from the vicinity of the find until it is assessed for scientific significance and collected. Monitoring shall include matrix screening for the presence of microfossils; however, monitoring is largely a visual inspection of sediment.	Retain Paleontologist prior to ground disturbance and halt or divert activities if resources are found until they are evaluated	Applicant and Project Paleontologist	Community Development Department	