

VENTURA ROAD ELECTRONIC BILLBOARD

Response to Comments on Public Review Draft
Initial Study/Mitigated Negative Declaration
State Clearinghouse Number 2022060700

Prepared for
City of Oxnard
Community Development Department

October 2022



VENTURA ROAD 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

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 Ventura Road 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

Comment Letters

The Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) for the Ventura Road Electronic Billboard was circulated for public review for 30 days (June 30, 2022 through July 29, 2022). The City of Oxnard received five comment letters from public agencies during the public review period, as listed in the table below. Each comment letter has been assigned an alphabetical designation (A through E). 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 Department of Fish and Wildlife	July 29, 2022
B	California Highway Patrol	July 27, 2022
C	County of Ventura Resource Management Agency, Planning Division	July 29, 2022
D	County of Ventura Resource Management Agency, Watershed Protection District	July 29, 2022
E	Ventura County Air Pollution Control District	July 26, 2022

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CHAPTER 3

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~~.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 29, 2022

Mr. Joe Pearson
City of Oxnard
214 South C St.
Oxnard, CA 93030
Joe.Pearson@Oxnard.org

Subject: Venture Road Electronic Billboard, Mitigated Negative Declaration, SCH No. 2022060700; City of Oxnard, Ventura County

Dear Mr. Pearson:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Oxnard's (City) Mitigated Negative Declaration (MND) for the Ventura Road Electronic Billboard (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

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 City of Oxnard has proposed to erect an electronic billboard on a 1,000 square foot site adjacent to the State-Rout 101. The Billboard will extend 40 feet underground, 65.5 feet above the ground, and be illuminated on both sides. Light-emitting diodes (LEDs) will be used and will include components to block light from emitting towards the sky. Construction would occur over four days over a two-week period.

Location: The Project is located within bank and levee of the Santa Clara River, upstream of State-Rout 101 in the City of Oxnard. Surrounding land use includes office, commercial, and natural (Santa Clara River).

Comments and Recommendations

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.

Specific Comments

Comment #1: Impacts to Aquatic and Riparian Resources, Lake and Streambed Alteration Agreement (LSA)

Issue: The Project may result in direct or indirect impacts to Santa Clara River and associated riparian and wetland vegetation.

Specific Impacts: Within the MND it states, "[t]he Project site is located on the southeast side of the Santa Clara River southbank levee along Ventura Road..." CDFW is concerned that project activities within and surrounding Santa Paula River may result in changes to the stream and/or the associated sensitive riparian vegetation communities which are subject to Fish and Game Code.

Why impacts would occur: Project implementation includes grading, excavating, material staging, grubbing, and vegetation clearing which may result in direct mortality and loss of sensitive vegetation communities and special status wildlife.

Moreover, S3 ranked willow riparian forest and woodland and red willow riparian woodland are present within close proximity to the Project site. Riparian habitats provide important food, nesting habitat, cover, and migration corridors for wildlife. Only 5 to 10% of California's original riparian habitat exists today and much of the remaining habitat is in a degraded condition. Increased sediment deposition can bury seedlings and saplings of riparian trees, resulting in increased mortality of new recruits (Kui and Stella 2016). Construction equipment, vehicles, import of fill material, disposal piles, and staging areas can introduce and spread non-native,

A-1
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A-2

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invasive plants. Invasive plant seeds, rhizomes, or stolons can be transported along streams and spread upstream and downstream. Impacts to sensitive vegetation communities 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 sensitive plant 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 special status species or sensitive vegetation community.

Evidence Impact Would Be Significant: Debris, soil, silt, sawdust, rubbish, raw cement/concrete, or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous or deleterious to aquatic life, wildlife, or riparian habitat resulting from Project related activities may enter the stream.

Mitigation Measure #1: The Project applicant (or “entity”) should provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW’s web site at <https://www.wildlife.ca.gov/conservation/lisa>.

If necessary, CDFW’s issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.

Mitigation Measure #2: Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

Mitigation Measure #3: If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.

Comment #2: Potential Impacts to California Species of Special Concern due to Project Design

Issue: CDFW is concerned that Project-related activities may result in significant impacts to the following Species of Special Concern (SSC):

A-2
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A-3

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- Birds: Yellow warbler (*Setophaga petechia*) and;
- Reptiles: Coast horned lizard (*Phrynosoma blainvillii*), and western pond turtle (*Emys marmorata*)

Specific impact: Project construction and related activities, directly or through indirect effects, may result in direct injury or mortality of SSC. The MND acknowledged the potential for these species to occur in and around the Project site.

A-3
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Why impact would occur: Project implementation includes staging and using heavy equipment within and adjacent to the active river channel. These activities include increased ambient noise and vibration, night lighting, and other activities. These effects may result in direct mortality, population declines, or local extirpation of SSC fish, reptile, and mammal species.

Lights on elevated structures have been found to attract bird species causing them to veer off migration routes or cause avian collisions that result in mortality (Gehring 2009). Likewise, increased ambient lighting levels can increase predation risks and disorientation. This would disrupt normal behaviors of birds in adjacent feeding, breeding, and roosting habitat (Longcore and Rich 2004). The light emitted from the billboard may impact species which utilize the coastal sage scrub directly below the structure along the Santa Clara River.

A-4

Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise has also been shown to reduce the density of nesting birds (Francis 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011). Substantial noise may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber 2009). For reference, normal conversation is approximately 60 dB, and natural ambient noise levels (e.g., forest habitat) are generally measured at less than 50dB.

A-5

Evidence impact would be significant: Project construction and activities, directly or through habitat modification, may result in direct mortality, reduced reproductive capacity, population declines, or local extirpation of SSC. CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

A-6

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's [Scientific Collection Permits](#) webpage for information. A LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.

A-7

CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & Game Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is

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required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).

A-7
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Mitigation Measure #2: CDFW recommends including shields for the bottom of the billboard to further mitigate illumination of sensitive habitats directly below the structure. Within the MND it states, "Louvers will be located above each row of lights to prevent light from projecting upward into the sky." It is recommended that a component which will further shield light from the ground be included within the Project design. Additionally, the Project plans on using LEDs to light the billboard. CDFW suggests the Applicant avoids blue-light emitting and ultraviolet LEDs. Studies have found that LEDs emitting these spectrums of light attract a greater number of species (Longcore 2016). Birds have also been found to be especially attracted to solid full spectrum white lights and solid red lights (Gehring 2009).

A-8

Mitigation Measure #3: CDFW recommends monitoring noise generated by the Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent river habitat. The MND should set acceptable noise thresholds that would be part of a daily monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect.

Mitigation Measure #4: Construction equipment should use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. Stationary noise sources (e.g., generators, pumps) at staging areas within 1,400 feet of sensitive receptors should be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets should have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Unnecessary construction vehicle use and idling time should be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off.

A-9

Mitigation Measure #5: The City should retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the species mentioned above. The qualified biologist should conduct focused surveys for SSC and suitable habitat within the appropriate season to detect presence, and again no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing (including ruderal areas), open ditches or pits, or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.

Mitigation Measure #6: Wildlife should be protected, allowed to move away on its own (non-invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC should be captured only by a qualified biologist with

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proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be submitted to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal.

Mitigation Measure #7: The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.

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Mitigation Measure #8: If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment #3: Special Status Species Survey Protocols

Issue: The MND only offers protocol surveys for nesting birds and least Bell's vireo (*Vireo bellii pusillus*) though there are multiple special status species with the potential to occur on or near the Project site.

Specific impacts: Project activities may also impact other special status species in and around the Project site.

Why impacts would occur: A lack of protocol surveys will likely result in avoidable impacts to a variety of sensitive species. Protocol surveys are necessary to sensitive listed species and supporting habitat necessary for their survival. Within the MND the Applicant suggested protocol surveys only for nesting birds and least Bell's vireo. CDFW recommends standardized protocol surveys be conducted for other special status species which may be present and impacted by Project activities.

A-10

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or 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 absent appropriate mitigation.

Recommended Potentially Feasible Mitigation Measure(s) For Coast Horned Lizard (*Phrynosoma blainvillii*):

Mitigation Measure #1: To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. 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

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areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

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 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 District coordinate with CDFW and/or the U.S. Fish and Wildlife Service (USFWS) prior to any ground disturbing activities within potentially occupied habitat.

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Recommended Potentially Feasible Mitigation Measure(s) For Raptors:

Mitigation Measure #1: To protect nesting birds of prey that may occur on site, CDFW recommends that construction activities be avoided 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.

A-11

Mitigation Measure #2: 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 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 CDFW cannot authorize the take of any fully protected species as defined by state law.

A-12

Comment #4: Impacts to Rare Plants including White Rabbit-Tobacco (*Pseudognaphalium leucocephalum*)

Issue: It is unclear if the Project will impact rare plants including California Rare Plant Ranked (CRPR) 2B.2 white rabbit-tobacco that is known to occur on site.

Specific impacts: Project activities may directly impact white rabbit-tobacco during project construction if it occurs within the Project site.

A-13

Why impacts would occur: Within the MND it states, "Dominant vegetation around the Project site and surrounding property includes...sporadic cover of native mulefat (*Baccharis salicifolia*) saplings and rabbit tobacco (*Pseudognaphalium sp.*).” Likewise, a review of the California Natural Diversity Database (CNDDB) revealed white rabbit-tobacco has potential to occur in the area. Project implementation includes grading, vegetation clearing, soil compaction, utilities construction, site staging, and the movement of work equipment and vehicles. These and other

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activities that may result in direct mortality, population declines, or local extirpation of vegetation communities.

Evidence impact would be significant: 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 special status plant species 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. Likewise, plants that have a California Native Plant Society (CNPS) CRPR of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks page for additional rank definitions.

Mitigation Measure #1: If rare or sensitive plants including white rabbit-tobacco are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts. 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 #2: If rare or sensitive plants including white rabbit-tobacco are found 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.

1. CDFW recommends the MND be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to 10:1 depending on the population and occurrence status of the species (i.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.
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

A-13
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success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.

Comment #5: Impacts to Non-Game Mammals and Wildlife

Issue: Riparian and riverine areas often act as movement corridors for wildlife. As such, CDFW is concerned 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.

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).

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.

A-13
(Cont)

A-14

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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.

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.

A-14
(Cont)

Additional Recommendations

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.

A-15

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 & Game Code, § 711.4; Pub. Resources Code, § 21089).

A-16

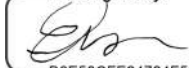
Conclusion

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

A-17

Sincerely,

DocuSigned by:



B6E58CFE24724F5
 Erinn Wilson-Olgin

Environmental Program Manager I

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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
<p>MM-BIO-1-LSA</p> <p>The Project applicant (or "entity") should provide written notification to CDFW pursuant to section 1600 <i>et seq.</i> of the Fish and Game Code. Based on this notification and other information, CDFW shall determine whether a Lake and Streambed Alteration (LSA) Agreement is required prior to conducting the proposed activities. A notification package for a LSA may be obtained by accessing CDFW's web site at https://www.wildlife.ca.gov/conservation/lisa.</p> <p>If necessary, CDFW's issuance of an LSA Agreement for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for the Project. To minimize additional requirements by CDFW pursuant to section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document should fully identify the potential impacts to streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA Agreement.</p>	<p>Prior to Project construction and activities</p>	<p>City of Oxnard/ Applicant</p>

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MM-BIO-2- LSA	Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity. If impacts to riparian habitat, such as arroyo willow thicket, mulefat thicket, and cattail marshes cannot be avoided, CDFW suggests mitigation should be achieved entirely on site if possible. CDFW recommends that impacts be mitigated at no less than 3:1. CDFW recommends that an on-site Habitat Mitigation and Monitoring Plan (HMMP) be developed. An HMMP should provide specific, detailed, and enforceable measures.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-3- LSA	Pursuant to the California Code of Regulations, title 14, section 650, the City/qualified biologist must obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. Please visit CDFW's <u>Scientific Collection Permits</u> webpage for information (CDFW 2020d). A LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-4- Scientific Collection Permit	CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & G. Code, §§ 1002, 1002.5, 1003). Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650).	Prior to Project construction and activities	City of Oxnard/ Applicant

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MM-BIO-5- Impacts due to Lighting	<p>CDFW recommends including shields for the bottom of the billboard to further mitigate illumination of the sensitive habitats directly below the structure. Within the MND it states, "Louvers will be located above each row of lights to prevent light from projecting upward into the sky." It is recommended that a component that will further shield light from the ground be included within the Project design. Additionally, the Project plans on using LEDs to light the billboard. CDFW suggests the Applicant avoids blue-light emitting and ultraviolet LEDs. Studies have found that LEDs emitting these spectrums of light attract a greater number of species (Longcore 2016). Birds have also been found to be especially attracted to solid full spectrum white lights and solid red lights (Gehring 2009).</p>	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-6- Impacts due to Noise	<p>CDFW recommends monitoring noise generated by the Project operations during construction and post-construction operations to ensure noise from the Project does not affect wildlife in the adjacent river habitat. The MND should set acceptable noise thresholds that would be part of a daily monitoring and reporting program to ensure impact to adjacent habitat is below a threshold that would have an adverse effect.</p>	Prior to/ During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-7- Impacts due to Noise	<p>Construction equipment should use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer. Stationary noise sources (e.g., generators, pumps) at staging areas within 1,400 feet of sensitive receptors should be shielded at the source by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets should have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts. Unnecessary construction vehicle use and idling time should be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off.</p>	During Project construction and activities	City of Oxnard/ Applicant

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MM-BIO-8-SSC	<p>The City should retain a qualified biologist(s) with experience surveying for or is familiar with the life history of each of the species mentioned above. The qualified biologist should conduct focused surveys for SSC and suitable habitat within the appropriate season to detect presence, and again no more than one month from the start of any ground-disturbing activities or vegetation removal where there may be impacts to SSC. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing (including ruderal areas), open ditches or pits, or modification of natural habitat. Positive detections of SSC and suitable habitat at the detection location should be mapped and photographed and reported to the California Natural Diversity Database. The qualified biologist should provide a summary report of SSC surveys to the City prior to implementing any Project-related ground-disturbing activities and vegetation removal. Depending on the survey results, a qualified biologist should develop species-specific mitigation measures for implementation during the Project.</p>	Prior to/ During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-9-Relocation	<p>Wildlife should be protected, allowed to move away on its own (non- invasive, passive relocation), or relocated to adjacent appropriate habitat on site or to suitable habitat adjacent to the project area. SSC should be captured only by a qualified biologist with proper handling permits. The qualified biologist should prepare a species-specific list (or plan) of proper handling and relocation protocols and a map of suitable and safe relocation areas. A relocation plan should be submitted to the City prior to implementing any Project-related ground- disturbing activities and vegetation removal.</p>	Prior to/ During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-10-Awareness Training	<p>The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only</p>	Prior to/ During Project construction and activities	City of Oxnard/ Applicant

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	resume once a qualified biologist has determined that it is safe to do so.		
MM-BIO-11-Reporting	If any SSC are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented. A formal report should be sent to CDFW and the City within three calendar days of the incident or finding. Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.	During Project construction and activities	City of Oxnard/ Applicant
MM-BIO-12-Impacts to Coast Horned Lizard	To disclose impacts to special-status reptiles within the MND, CDFW recommends focused surveys for species likely to occur within a Project(s) area. 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 Oxnard/ Applicant
MM-BIO-13-Impacts to Coast Horned Lizard	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 District coordinate with CDFW	Prior to Project construction and activities	City of Oxnard/ Applicant

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	and/or the USFWS prior to any ground disturbing activities within potentially occupied habitat.		
MM-BIO-14- Impacts to Raptors	To protect nesting birds of prey that may occur on-site, CDFW recommends 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 <i>Falconiformes</i> and <i>Strigiformes</i> (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 Oxnard/ Applicant
MM-BIO-15- Impacts to Raptors	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 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 CDFW cannot authorize the take of any fully protected species as defined by state law.	Prior to Project construction and activities	City of Oxnard/ Applicant
MM-BIO-16- Impacts to White Rabbit- Tobacco	If rare or sensitive plants including white rabbit-tobacco are found on or near the footprint of the Project, the MND should provide species-specific measures to fully avoid impacts. 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	Prior to/ During/ After Project construction and activities	City of Oxnard/ Applicant

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	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.		
MM-BIO-17- Impacts to Special-status Plants	<p>If rare or sensitive plants including white rabbit-tobacco are found 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.</p> <ol style="list-style-type: none"> 1. CDFW recommends the MND be conditioned to provide a minimum mitigation ratio above 1:1 for sensitive plant species. CDFW recommends a replacement ratio of 3:1 to 10:1 depending on the population and occurrence status of the species (i.e., generally 5:1 for CRPR 3 and 4 species; 7:1 for CRPR 2; and 10:1 for CRPR 1). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat. 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) 	Prior to/ During Project construction and activities	City of Oxnard/ Applicant

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	<p>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.</p> <p>Please note that CDFW generally does not support the use of salvaging, translocation, or transplantation as the primary mitigation strategy for unavoidable impacts to rare, threatened, or endangered plant species.</p>		
<p>MM-BIO-18- Impacts to Non- Game Mammals and Wildlife</p>	<p>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.</p>	<p>Prior to Project construction and activities</p>	<p>City of Oxnard/ Applicant</p>
<p>MM-BIO-19- Impacts to Non- Game Mammals and Wildlife</p>	<p>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.</p> <p>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.</p>	<p>Prior to Project construction and activities</p>	<p>City of Oxnard/ Applicant</p>

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 City of Oxnard
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MM-BIO-20- 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 Oxnard/ Applicant
REC-1- 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 Oxnard/ Applicant

Comment Letter A: California Department of Fish and Wildlife – July 29, 2022

Comment A-1

This comment states that California Department of Fish and Wildlife (CDFW) reviewed the Public Review Draft IS/MND, and that CDFW's role is California's Trustee Agency for fish and wildlife resources and a Responsible Agency for lake and streambed alteration in accordance with Fish and Game Code Section 1600. The comment also describes the CDFW role as a Responsible Agency for potential "take" of any species protected under the California Endangered Species Act (CESA). In addition, this comment provides a summary of the Project description. Furthermore, this comment provides a reference to the specific comments provided in Comments A-2 through A-17.

Response to Comment A-1

The City of Oxnard thanks CDFW for its review of the Public Review Draft Initial Study/Mitigated Negative Declaration (Public Review Draft IS/MND) and its recommendations. This comment does not provide specific comments on the contents of the environmental analysis provided in the Public Review Draft IS/MND. The comment indicates under what circumstances CDFW would be considered a responsible agency for which a permit may be required under the State Fish and Game Code.

The description of the Project location is not accurate. The comment states that the Project is located within the bank and levee of the Santa Clara River. This description is incorrect. The Project location is within the current right-of-way of Ventura Road and east of the existing Santa Clara River Basin levee. The base of the proposed electronic billboard would not be located on the basin side of the existing levee.

The 1,000 square foot Project site includes ornamental landscaping, and no special-status species were observed on the Project site that would require a Section 2081 "take" permit of the Fish and Game Code. In addition, since the Project is located outside of the existing Santa Clara River Basin, a lake and streambed alteration agreement in accordance with Fish and Game Code Section 1600 would not be required.

Comment A-2

This comment raises a concern that Project activities may result in changes to the stream and/or associated sensitive riparian vegetation communities which are subject to the Fish and Game Code. Specifically, the comment states grading, excavation, material staging, grubbing and vegetation clearing may result in direct mortality and loss of sensitive vegetation communities and special status wildlife. In addition, the comment includes recommended mitigation measures.

Response to Comment A-2

Appendix E of the Public Review Draft IS/MND includes a map of the existing biological resources on the Project site as well as in the vicinity of the Project site. As illustrated, the Project

site contains ornamental landscaping, and there is currently a barrier (i.e., levee) that is located between the Project site and the Santa Clara River Basin. The removal of ornamental landscaping would not constitute the loss of sensitive vegetation communities. In addition, there were no special status wildlife species observed or expected to be located within the ornamental landscaping on the Project site. Therefore, the construction activities would not result in the direct mortality or loss of sensitive vegetation communities and special-status wildlife species.

Comment A-3

This comment raises a concern that construction and related activities such as staging and using heavy equipment could result in direct injury or mortality of fish, reptile and mammal species of special concern (SSC). The comment also states that construction activities would increase ambient noise and vibration, night lighting and other activities.

Response to Comment A-3

The comment is correct regarding construction activities increasing noise, vibration, and lighting in the Project vicinity. Construction activities are not expected to result in any direct impacts on sensitive plant or wildlife species on the Project site because the ornamental landscaping that is proposed to be removed does not support sensitive plant or sensitive wildlife species. Therefore, no direct impacts to the coast horned lizard would occur. As identified in Section 3.4 of the Public Review Draft IS/MND, construction activities that are expected to occur over a two-week period could result in impacts to special-status avian species such as the least Bell's vireo and yellow warbler. However, Mitigation Measure BIO-1 is recommended to ensure construction activities occur outside the nesting season (i.e., January 1st to September 15th as revised in Chapter 4, Errata of this Response to Comments Document) for the birds in the region. If construction activities occur within the nesting season, a pre-construction survey is required for active nests and if no sign of nesting activity is observed, construction could proceed. Mitigation Measure BIO-2 is recommended to avoid impacts to nesting least Bell's vireo whose existing suitable habitat is located approximately 220 feet northwest of the Project site.

Also provided in Section 3.4 of the Public Review Draft IS/MND was a discussion of general effects of light on migrating birds. Response 3.4 d) states that "it is known that migrating birds are attracted to artificial light sources... Direct effects of migrating birds becoming attracted to artificial light sources include collisions with lighting, communication and power structures, buildings, or even the ground." As discussed in the Public Review Draft IS/MND, areas surrounding the Project site and Santa Clara River riparian area are highly developed and urbanized with commercial and residential development, all of which contribute to increased nighttime illuminance. In addition, U.S. 101 crosses over the Santa Clara River Basin immediately adjacent to and southwest of Project site and is lined on either side with street lighting. Based on a lighting study conducted for the Project, a maximum illuminance value from the proposed electronic billboard of less than 0.2 foot-candles (fc) would occur at the edge of the willow riparian woodland habitat. Although it is understood that increased ambient lighting can affect wildlife behavior, no quantitative increase in illuminance above ambient light is agreed

upon as a threshold for significant impacts to wildlife. Based on information from the International Commission on Illuminance (CIE), impacts on natural areas would occur with an illuminance of 0.2 fc or greater. Because the Project would result in an illuminance of less than 0.2 fc, the Project would result in a less than significant lighting impact.

Comment A-4

The comment asserts that lights on elevated structures have been found to attract bird species causing them to veer off migration routes or cause collisions. In addition, the comment asserts that birds in adjacent habitat such as the coastal sage scrub could be impacted from light emitted from the proposed billboard.

Response to Comment A-4

As discussed above in Response to Comment A-3, the increase in lighting onto the adjacent sensitive willow riparian woodland habitat would be limited to less than 0.2 fc which would result in a less than significant impact due to the existing illumination in the Project vicinity.

As discussed in Section 3.4 and illustrated in Appendix E of the Public Review Draft IS/MND, coastal sage scrub is located on the basin side of the existing levee. The coastal sage scrub habitat is located between the levee and an access road within the Santa Clara River Basin. The area of the coastal sage scrub habitat is approximately 60 feet wide and approximately 500 feet in length. During project operation, the proposed billboard would result in a range of illuminance onto an approximately 150 linear foot by 60-foot wide portion of the coastal sage scrub of 0.2-fc to approximately 0.9 fc. No sensitive avian species are associated with the coastal sage scrub habitat, and this habitat currently is exposed to existing lighting systems associated with the U.S. 101 freeway lights that line the U.S. 101 bridge over the Santa Clara River Basin. In addition, there are existing street lights located along Ventura Road that provide illumination of this area that is directly adjacent to the existing levee.

Comment A-5

This comment identifies that noise can disrupt wildlife species behavior such as nesting birds.

Response to Comment A-5

As discussed in Section 3.4 a) of the Public Review Draft IS/MND, the Project construction activities that are expected to extend over an approximately two-week time-frame could increase noise levels for nesting bird species in the Project vicinity. Mitigation Measures BIO-1 and BIO-2 are identified to reduce the potential noise impact to nesting birds to less than significant.

Comment A-6

This comment asserts that Project construction activities may directly or through habitat modification, result in direct mortality, reduced reproductive capacity, population declines or local extirpation of special status species. The comment also asserts that Project activities could result in a take of a special-status species.

Response to Comment A-6

As identified in Response to Comment A-2, the Project site contains ornamental landscaping, and there is currently a barrier (i.e., levee) that is located between the Project site and the Santa Clara River Basin. The removal of ornamental landscaping would not constitute the loss of sensitive vegetation communities. In addition, there were no special-status wildlife species observed or expected to be located within the ornamental landscaping on the Project site. Therefore, the construction activities would not result in the direct mortality or loss of sensitive vegetation communities and special-status wildlife or result in a take of a special-status species.

Comment A-7

This comment states that appropriate handling permits are required to capture, temporarily possess, and relocate wildlife to avoid harm or mortality from Project construction activities.

Response to Comment A-7

As stated in Response to Comment A-2, the Project site contains ornamental landscaping. Project construction activities would not result in the direct mortality or loss of sensitive vegetation communities and special-status wildlife or result in a take of a special-status species.

Comment A-8

This comment includes a recommendation to include shields for the bottom of the proposed electronic billboard to further reduce the illumination of habitats immediately adjacent to the Project site. This comment also suggest that the design of the proposed electronic billboard avoid the use of blue-light emitting and ultraviolet light-emitting diodes (LEDs).

Response to Comment A-8

As discussed in Section 1.7 of the Public Review Draft IS/MND, louvers will be located above each row of lights to prevent light from projecting upward into the sky. The recommendation of using louvers to reduce the illumination of the ground surface is not feasible because the use of louvers below each row of LED lighting would eliminate the ability of motorists to read the electronic billboard due to the viewing angle of the motorists. As discussed in Section 3.1 d) of the Public Review Draft IS/MND, light impacts on the existing willow riparian habitat area within the Santa Clara River Basin would not increase illumination by more than 0.2 fc. Therefore, the implementation of the proposed electronic billboard would result in less than significant lighting impacts on the adjacent habitat. The proposed electronic billboard includes the use of each color of LED including blue-light; however, the electronic billboard does not use ultraviolet LEDs.

Comment A-9

This comment recommends the inclusion of six mitigation measures.

Mitigation measure #3 recommends the monitoring of noise generated during Project construction activities as well as post-construction activities.

Mitigation measure #4 recommends that construction equipment should use noise reduction features. This measure also states that stationary noise sources such as generators and pumps used during construction be shielded and that vehicle use and idling time be minimized.

Mitigation measure #5 recommends that a qualified biologist is retained during vegetation removal to conduct focused surveys for species of special concern and suitable habitat.

Mitigation measure #6 recommends moving wildlife species so that there would not be a direct impact during construction activities.

Mitigation measure #7 recommends the preparation of a worker environmental awareness training for construction personnel.

Mitigation measure #8 recommends construction activities to stop if species of special concern (special-status species) are harmed during relocation or are injured or die.

Response to Comment A-9

Following are responses to each of the recommended mitigation measures.

Recommended mitigation measure #3 - Mitigation Measure BIO-1 in Section 3.4 a) of the Public Review Draft IS/MND includes conducting construction activities outside of the nesting season. The measure also includes requirements if construction activities occur during the nesting season. These requirements include a pre-construction nesting bird survey and creation of a buffer to ensure that no direct or indirect impacts to an active nest or nesting activities occur.

Recommended mitigation measure #4 - As discussed in Section 3.12 f) of the Public Review Draft IS/MND, the implementation of Mitigation Measures BIO-1 and BIO-2 would reduce potential noise impacts to nesting birds to less than significant. In addition, construction activities would not include the use of generators or pumps that could require shielding.

Recommended mitigation measure #5 – As discussed in Mitigation Measure BIO-1, a biological monitor will be required if construction activities occur during the nesting season. However, because the Project site includes only ornamental landscaping, no special-status species would be directly impacted from vegetation removal. Therefore, no natural habitat would be removed.

Recommended mitigation measure #6 – As stated previously in Response to Comment A-1, the Project site includes ornamental landscaping, and no special-status species were observed on the Project site. Therefore, no special-status species are present in the onsite ornamental landscaping and would not require relocation.

Recommended mitigation measure #7 – Because the Project site only includes ornamental landscaping, a worker environmental awareness training would not be required because the ornamental landscaping does not provide habitat for special-status species.

Recommended mitigation measure #8 – Because no special-status species are located on the Project site, special-status species would not be harmed during onsite construction activities.

Comment A-10

The comment asserts that protocol surveys for special-status species need to be conducted because ground clearing and construction activities could lead to direct mortality of listed species or species of special concern (special status species) including the coast horned lizard. In addition, this comment also infers that the Project site includes occupied habitat for listed species or species of special concern and recommends measures (mitigation measure #1 and #2) to reduce impacts.

Response to Comment A-10

Because the Project site only includes ornamental landscaping, the Project site's vegetation does not provide habitat for the coast horned lizard or any species of special concern. In addition, the habitat for the coast horned lizard is within the Santa Clara River Basin which is physically separated from the Project site by the existing levee on the east side of the River Basin. As a result, the recommended measures (mitigation measures #1 and #2) are not appropriate for the proposed removal of ornamental landscaping.

Comment A-11

This comment recommends that Mitigation Measure BIO-1 be modified to avoid nesting birds, including raptors, from January 1st through September 15th and if nests are observed that nests are protected by a minimum 500-foot radius during construction.

Response to Comment A-11

Although Mitigation Measure BIO-1 provides adequate mitigation to reduce potential impacts to active nests, the measure on page 27 is modified as follows:

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.

Comment A-12

The comment states that State fully protected species such as the coast horned lizard may not be taken or possessed any time.

Response to Comment A-12

The City of Oxnard understands that a State fully protected species may not be taken or possessed any time. As discussed in Response to Comment A-1, the Project site only includes ornamental landscaping which does not provide suitable habitat for State fully protected species.

Comment A-13

The comment asserts that Project activities may directly impact rare plants and recommends mitigation measures.

Response to Comment A-13

As discussed in Response to Comment A-1, the Project site only contains ornamental landscaping. No rare plants exist on the Project site, and therefore, no mitigation measures related to rare plants are required.

Comment A-14

The comment asserts that Project activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. The comment also recommended mitigation measures to reduce impact on wildlife movement.

Response to Comment A-14

As stated in Response to Comment A-1, the Project site includes ornamental landscaping. The Project site is located within the existing right-of-way of Ventura Road and is physically separated from the Santa Clara River Basin by an existing levee. The construction activities associated with the Project would not directly impact wildlife and birds moving through or seeking temporary refuge on site during the approximately two weeks of construction. The recommended mitigation measures related to wildlife movement are not required.

Comment A-15

This comment references mitigation measures recommended within the above comments and is provided in the form of a Mitigation Monitoring and Reporting Program provided as Attachment A to this comment letter.

Response to Comment A-15

The recommended mitigation measures have been discussed above. As identified in Response to Comment A-11, Mitigation Measures BIO-1 has been modified to address commenter's comments to further reduce less than significant impacts to nests. Chapter 5 of this Response to Comments Document includes a Mitigation Monitoring and Reporting Program as required by CEQA.

Comment A-16

This comment references the filing fee that is required to be paid when the Notice of Determination is filed.

Response to Comment A-16

The City of Oxnard acknowledges that submittal of the California Department of Fish and Wildlife fee along with the filing of the Notice of Determination is required for this Project.

Comment A-17

This comment expresses appreciation for the opportunity to comment on the Project and assist the City in identifying potential impacts to biological resources. The comment also requests an opportunity to review and comment on responses provided by the City.

Response to Comment A-17

The City of Oxnard acknowledges the appreciation. The City has reviewed each of the biological issues that were raised as well as the recommended mitigation measures. As identified above in Response to Comment A-11, the City has modified the bird nest mitigation (Mitigation Measure BIO-1) to further reduce less than significant impacts. The City of Oxnard intends to provide responses to those agencies and organizations that provided comments on the Public Review Draft IS/MND. In addition, when responses are provided, the City of Oxnard will identify the date, time and location of the public hearing that will be held by the City for the Project.



Comment Letter B

Pearson II, Joe <joe.pearson@oxnard.org>

Environmental Impact Report (SCH # 2022060700)

1 message

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

Wed, Jul 27, 2022 at 12:40 PM

To: "Joe.Pearson@Oxnard.org" <Joe.Pearson@oxnard.org>

Cc: CHP-701_AA_Desk <701_AA_Desk@chp.ca.gov>, CHP-EIR <EIR@chp.ca.gov>, "state.clearinghouse@opr.ca.gov" <state.clearinghouse@opr.ca.gov>

The California Highway Patrol's (CHP) Ventura Area office received an Environmental Impact Report (SCH # 2022060700) 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 # 2022060701 and SCH # 2022060706), 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.

B-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 B: California Highway Patrol – July 27, 2022

Comment B-1

The comment asserts that the proposed Ventura Road Electronic Billboard along with the Riverpark Boulevard 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 B-1

The implementation of the proposed electronic billboard along Ventura Road as well as additional electronic billboards including the Riverpark Boulevard Electronic Billboard and electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance would not result in a substantial amount of traffic. The proposed Ventura Road 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 the cumulative electronic billboards would not increase daily 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 resulting from development of additional residential, commercial and other urban uses 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.



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

Figure 1. Unincorporated Residential Zones (circled in green) that need to be evaluated for direct, indirect and cumulative impacts due to the proposed ordinance and billboard projects.

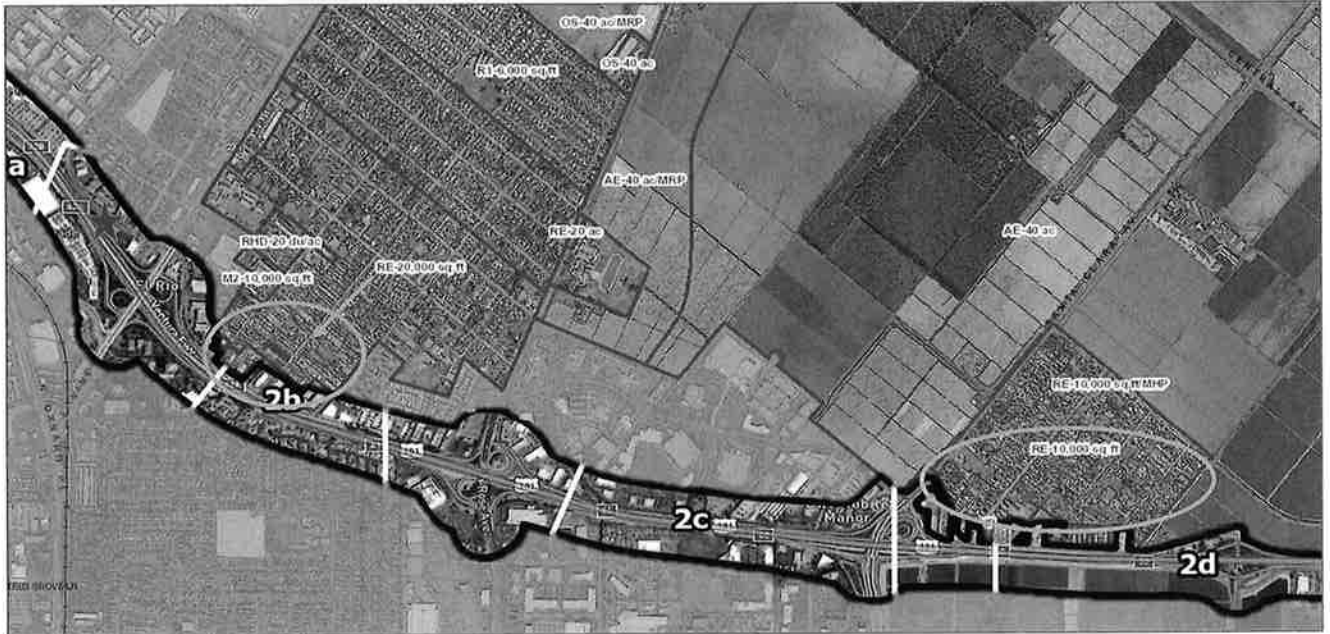
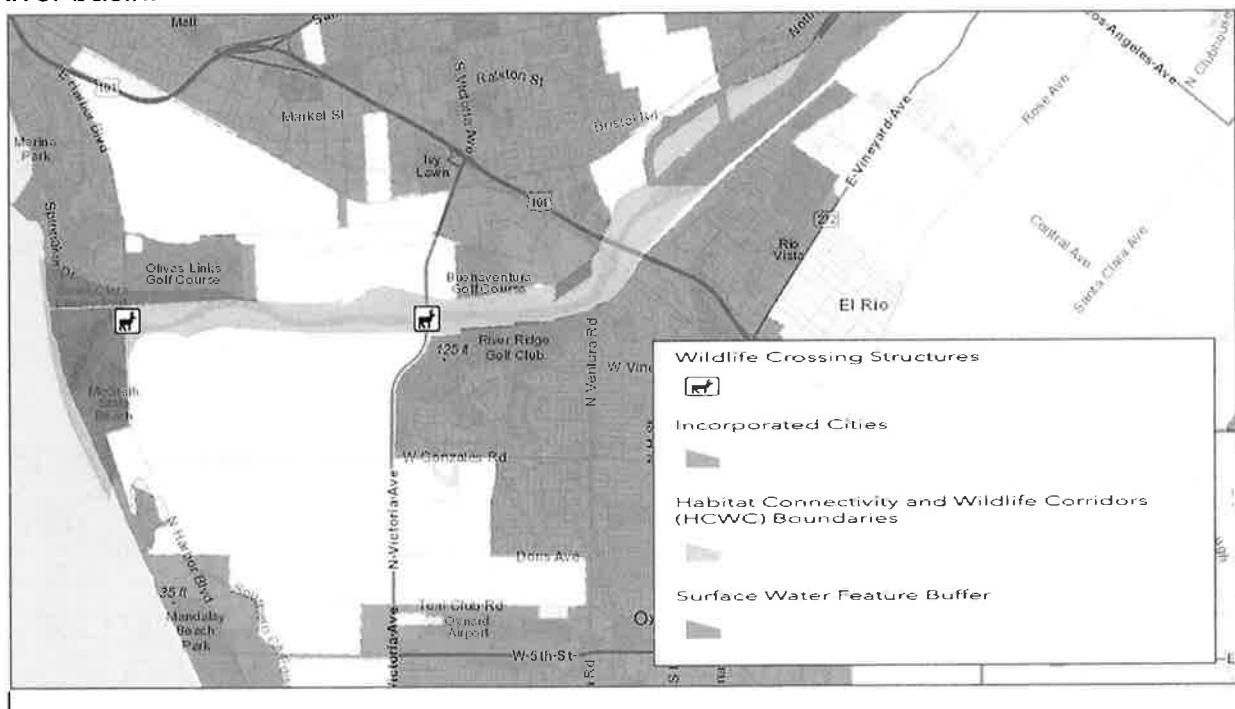


Figure 2. Map showing Habitat Connectivity and Wildlife Corridors in the Santa Clara River basin.



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 proposed Ventura Road Electronic Billboard, potential additional electronic billboards implemented under the proposed Freeway Adjacent Digital Display Billboards Ordinance and Riverpark Boulevard Electronic Billboard. The comment specifically states that the proposed Ventura Road Electronic Billboard would be located near a wildlife habitat corridor that lies in the Santa Clara Riverbed and may have direct and cumulative impacts on sensitive habitat in the County's jurisdiction.

Response to Comment C-1

The potential Ventura Road Electronic Billboard Project impacts to biological resources associated with construction and operational activities are discussed in Section 3.4 of the Public Review Draft IS/MND. As discussed, the proposed construction activities would be located outside of the existing Santa Clara River Basin and physically separated from the Basin by the existing levee that borders the eastern edge of the Basin. The Project site is located within the existing right-of-way of Ventura Road. The Project site currently contains ornamental landscaping. The analysis identifies potential impacts to birds during the nesting season and includes mitigation measures to reduce the potential impacts to less than significant (see Response to Comment A-11 for a modification to the nesting season identified in Mitigation Measure BIO-1). An operational lighting study was conducted and modifications to the design of the electronic billboard have been incorporated into the Project so that the maximum illuminance from the electronic billboard at the edge of the willow riparian habitat would be less than 0.2 foot candles. Based on recommendations from the International Commission on Illumination (CIE). The CIE identifies impacts on natural areas as an illuminance of 0.2 foot-candle (fc) or greater. Therefore, due to the absence of a current local illumination standard impact on natural areas, a significant light impact on adjacent natural areas and associated species would occur if light level increases are 0.2 fc or greater. Because the increase in light level would be less than 0.2 fc, the Project would result in a less than significant lighting impact on the existing sensitive willow riparian habitat area or associated species.

The cumulative impact of implementing the proposed electronic billboard within the existing Ventura Road right-of-way, the proposed electronic billboard along Riverpark Boulevard, and the adoption of an ordinance to allow additional electronic billboards along U.S. 101 but separated by at least 2,000 feet in distance is discussed in Section 3.18 b) of the Public Review Draft IS/MND. As discussed, the proposed Project 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, BIO-2, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related 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. As stated in Response to Comment C-1, 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 Ventura Road Electronic Billboard Project is not located in the vicinity of the El Rio/Del Norte and Nyeland Acres communities, and therefore, the implementation of the Project would not result in impacts to these communities. The Project site is located near the Santa Clara River Basin which includes biological resources and is an unincorporated area of the County. As discussed in Response to Comment C-1, potential significant impacts associated with the implementation of the Ventura Road Electronic Billboard Project could occur 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, BIO-2, CR-1, and CR-2, the potential impacts associated with the Project would be reduced to less than significant. Given that the potential related billboard projects (i.e., Riverpark 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.

This comment's recommended amendments to the Billboards Ordinance are not pertinent to the proposed Ventura Road 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 Ventura Road 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 Ventura Road 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 Ventura Road 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 Ventura Road Electronic Billboard Project would not

impact these communities because the Project site is located more than one mile from the El Rio/Del Norte community and more than 3 miles from the Nyeland Acres 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 Ventura Road Electronic Billboard Project would not impact El Rio/Del Norte community because the Project site is located approximately one mile from this unincorporated community.

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 Ventura Road 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 <joe.pearson@oxnard.org>

FW: Ventura County Agency Comments for Proposed Billboard Ordinance & Projects

1 message

Ciuffetelli, Anthony <Anthony.Ciuffetelli@ventura.org>
To: "joe.pearson@oxnard.org" <joe.pearson@oxnard.org>

Fri, Jul 29, 2022 at 3:47 PM

Good Afternoon,

Attached to this e-mail are the following comments regarding the proposed ordinance and projects:

- VC Air Pollution Control District (Ordinance & projects)
- VC Watershed Protection District (Ventura rd project)

Please feel free to contact me with any questions regarding this submission. Responses to these comments should be sent directly to the commenter with a copy to me. Additional comments are expected from the VC Planning Division and will be sent directly from staff.

Regards,

-Tony C.

Anthony Ciuffetelli

Ventura County Planning Division

Planning Programs

(805)654-2443



4 attachments



RMA 22-018_APCD.pdf
152K



RMA 22-019_APCD.pdf
149K



RMA 22-020_APCD.pdf
149K



RMA 22-020_WPD.pdf
316K

Hello Anthony,

Watershed has the following conditions. Please let us know if you have any questions.

Encroachment Permit

Purpose: To comply with the *Ventura County Watershed Protection District (County) Ordinance*, and mitigate potential impacts such as obstructing, impairing, diverting, impeding, or altering the characteristics of the flow of water to jurisdictional channels by designing and constructing appropriate surface drainage and flood control facilities to protect life and property from damage or destruction from flood and storm waters. Facilities requiring permits may include, but are not limited to, channel improvements, and lateral storm drain connections. Permits are also required for any activities in, on, over, under, or across a jurisdictional red-line channel or within District Right of Way.

Requirement: The Permittee shall obtain an Encroachment Permit. The permit application shall include the following:

- a. Construction plans prepared, signed, and stamped by a California licensed civil engineer including but not limited to, a site plan depicting general drainage trends, existing and proposed topography with elevations, proposed improvements in both plan and profile, and construction details that meet the standards of the County and the WP.
- b. Site specific hydrology for existing and proposed conditions that conforms to the Watershed Protection District's Hydrology Manual.
- c. Hydraulics using a methodology and/or computer model applicable to the proposed improvements and acceptable to the Watershed Protection District. The final model shall confirm there are no adverse impacts to Stroube Drain and Santa Clara River including no loss of storage volume and no increase in water surface elevation for the 1-percent chance flood peak discharge on adjacent parcels.
- d. Any other information or studies required by the Permit Section to administer the requirements of watershed Ordinance WP-2.

D-1

Documentation: A WP Permit application package shall be prepared and signed by the Permittee or a duly authorized agent and submitted to and logged by the WP Permit Section.

Timing: The applicant shall obtain an encroachment permit prior to obtaining a building permit or grading permit or prior to project start date if no grading or building permits are required.

Monitoring and Reporting: Prior to permit closure, WP staff shall inspect the improvements to assure that construction was completed, in accordance with the approved plans and the Permit.

Thank you,

Dawn Husted

Management Assistant II

Watershed Protection – Planning & Permits



800 S. Victoria Ave. / #1610

Ventura, CA 93009

P: 805.662-6882

[VCPWA Online](#) | [Facebook](#) | [Twitter](#)

Comment Letter D: County of Ventura Resources Management Agency, Watershed Protection District – July 29, 2022

Comment D-1

This comment states that permits are required for activities in, on, over, under, or across a jurisdictional red-line channel or within District right-of-way.

Response to Comment D-1

Because the Project is located on a site that is within the City of Oxnard and within the Ventura Road right-of-way as well as physically separated from the Santa Clara River Basin by the existing levee, the Project would not encroach upon jurisdictional channels or within District right-of-way. Therefore, a permit from the Watershed Protection District is not required for the Project.



**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

A handwritten signature in black ink, appearing to read 'NC', with a horizontal line extending to the right.

SUBJECT: Draft Mitigated Negative Declaration for the Ventura Road Electronic Billboard
(RMA 22-020)

Air Pollution Control District (APCD) staff have reviewed the subject mitigated negative declaration (MND) of the Ventura Road 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 project is located on the north side of the U.S. 101 and immediately west of Ventura Road. 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 17. 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.

Comment Letter E: Ventura County Air Pollution Control District – July 26, 2022

Comment E-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 E-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 17 is revised as follows:

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

The second paragraph on page 17 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.

CHAPTER 4

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 17, 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 17, 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
AES-1: 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	
AES-2: 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"> 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. 	Ongoing	Applicant	Community Development Department	
BIO-1: 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>BIO-2: To avoid impacts to nesting least Bell's vireo, construction activities within 500 feet of suitable nesting habitat shall be timed to avoid the season when nests may be active for this species (March 15 to September 15). If avoidance of work activities within this time period is not feasible, a focused nest survey for least Bell's vireo shall be conducted within suitable nesting habitat the season prior to initiation of work activities, to determine their presence or absence within 500 feet of proposed work limits. In accordance with the USFWS survey protocol, eight focused surveys spaced a minimum of 10 days apart shall be conducted during the period of April 10 to July 31. The results shall be submitted in a report to the USFWS.</p> <p>If the focused protocol nest surveys do not indicate the presence of least Bell's vireo, no further mitigation is required. A negative finding is considered valid until the following breeding season. Additional surveys shall be required each year that work is conducted in least Bell's vireo breeding habitat during the breeding season. If focused surveys indicate the presence of least Bell's vireo, a formal Endangered Species Act consultation with the USFWS shall occur prior to disturbance of this species or its habitat.</p>	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>If occupied habitat and/or nesting individuals are determined to be present based on the focused survey, and work cannot be avoided during the nesting season, a preconstruction clearance survey shall be performed by a qualified City-approved biologist within 7 days prior to work activities to determine the approximate location of nesting territories within 500 feet of work areas. Surveys shall be conducted by a biologist approved by the USFWS and CDFW for conducting least Bell's vireo nest surveys, or by a biologist with least Bell's vireo survey experience, so long as the nest is not approached and/or disturbed. If a nest is detected or active breeding is determined, work shall halt within 500 feet of the nesting territory, and the area shall be monitored on a weekly basis until a City-approved qualified biologist determines the nest is no longer active and the young have fledged.</p>				
<p>CUL-1: 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 archaeological data recovery excavations to address treatment of the resource along with subsequent laboratory processing and analysis.</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
CUL-2: 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	