

## **Appendix J**

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### *Mitigation Monitoring and Reporting Program*



## **MITIGATION MONITORING AND REPORTING PROGRAM**

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). The mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Environmental Impact Report, specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in the Mitigation Monitoring and Reporting Program (MMRP).

To implement this MMRP, the City of Ventura will designate a Project Mitigation Monitoring and Reporting Coordinator (“Coordinator”). The coordinator will be responsible for ensuring that the mitigation measures incorporated into the project are complied with during project implementation. The coordinator will also distribute copies of the MMRP to those responsible agencies identified in the MMRP, which have partial or full responsibility for implementing certain measures. Failure of a responsible agency to implement a mitigation measure will not in any way prevent the lead agency from implementing the proposed project.

The following table will be used as the coordinator’s checklist to determine compliance with required mitigation measures.



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<b>AESTHETICS</b>								
<b>AES-1 Soundwall Aesthetics.</b> Views of the proposed sound wall abutting SR 126 shall be softened through installation of landscaping such as trees, shrubs and climbing vines, resulting in a variety of textures and colors. Prior to Final Map approval, the Design Review Committee shall review and approve landscaping and irrigation plans. Prior to occupancy of any dwelling unit within the plan area, the sound wall, landscaping and irrigation shall be installed.	Applicant and Design Review Committee	Twice. Once prior to Final Map approval. Once, prior to occupancy.	PCD and Design Review Committee	Applicant	Approval of plans by Design Review Committee and PCD; Field verify installation of soundwall, landscaping, and irrigation			
<b>AIR QUALITY</b>								
<b>AQ-2 (a) Energy Efficiency.</b> The residential and commercial structures proposed for development under the Parklands Specific Plan shall be designed to increase energy efficiency 20% beyond Title 24 requirements to partially offset the operational emissions associated with daily operation of the proposed project following buildout. Proposed energy conservation measures shall be specified in individual building plans and shall be subject to review and approval by the Inspection Services Division.	Applicant and Inspection Services Department	Once, prior to issuance of a building permit	PCD and Inspection Services Division	Applicant	Verify approval of plans by Inspection Services Division			
<b>AQ-2(b) Air Quality Mitigation Fund.</b> The applicant shall contribute toward an air Quality	Applicant	Once, prior to issuance of a building permit	PCD	Applicant	Verification of payment of funding by			

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Mitigation fund to be used to develop regional programs to offset air pollutant emissions associated with implementation of the Parklands Specific Plan. The total amount that would be contributed to this fund shall be calculated based upon the methodology described in Ordinance 93-37. Fees may be adjusted by the City over time if development totals or emission or cost factors change. The fund shall be used to finance City programs to reduce regional air pollutant emissions. Specific mitigation measures that could be undertaken using the fund include, but are not limited to, enhanced public transit service, vanpool programs/subsidies, rideshare assistance programs, clean fuel programs, improved pedestrian and bicycle facilities, and park-and-ride facilities.					applicant.			
<b><i>BIOLOGICAL RESOURCES</i></b>								
<b>BIO-1(a) Pre-Construction Surveys.</b> A qualified biologist shall conduct pre-construction field surveys for arroyo chub, southwestern pond turtle, two-striped garter snake, San Diego mountain kingsnake, California red legged frog. If observed, these species shall be relocated to suitable habitat areas up- or downstream of the plan area.	Applicant	Once prior to issuance of a grading permit	PCD and BD	Applicant	Verification of field survey and results.			
<b>BIO-1(b) Construction Timing.</b> Work within 500 feet of Brown	Applicant	Once, prior to issuance of a	PCD and BD	Applicant	Verify construction			

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Barranca shall be planned to avoid the breeding bird season if feasible, which generally runs from March 1 to August 31, as early as February 1, for raptors. If avoidance of the breeding bird season is infeasible, BIO-1(c) shall be implemented.		grading permit			schedule coincides with requirements.			
<p><b>BIO-1(c) Nesting Bird Surveys.</b>            If avoidance of the breeding bird season is not feasible, beginning 30 days prior to the disturbance of suitable nesting habitat, the project proponent should arrange for weekly bird surveys to detect protected native birds occurring in the habitat that is to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys shall be conducted with emphasis on Cooper's hawk, yellow warbler, yellow-breasted chat, Allen's hummingbird, California horned lark and other riparian-dependent special-status bird species.</p> <p>The surveys shall be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys shall continue on a weekly basis with the last survey being conducted no more than three days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent shall delay all</p>	Applicant	If necessary (see BIO-1 (b)):  Twice. Once, 30 days prior to grading disturbance; once, upon submittal of results.	PCD	Applicant	If necessary. Verify surveys completed and submittal of results.			

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<p>clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31.</p> <p>Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet of raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and the juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest shall be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel shall be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.</p>								
<p><b>BIO-2(a) Invasive Plant Removal.</b> The applicant shall remove invasive or non-native plants from the Brown Barranca Preserve area, including (but not</p>	Applicant	Once, prior to grading	PCD	Applicant	Verification invasive plants removed prior to grading.			

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limited to) castor bean, German ivy, garden blackberry, free tobacco, garden nasturtium, and palm trees.								
<b>BIO-2(b) Wetland Creation.</b> The applicant shall mitigate the removal of riparian vegetation (CDFG defined wetlands) at a minimum ratio of 1:1. The mitigation may be done on-site by increasing the area of the Brown Barranca preserve where feasible to eliminate landscape specimens and incorporate native riparian species between the bikepath/footpath and the preserve such that the total area of the preserve is increased by 0.27 acres or the applicant may mitigate off-site through in-kind mitigation banks within the same watershed subject to review and approval by the Planning Division or their designee.	Applicant and PCD	Twice. Once for plan review; once for field verification.	PCD	Applicant	Verify approval of plans and construction of wetland area.			
<b>BIO-2(c) Barranca and Basin Maintenance Plan.</b> The applicant shall develop and implement a maintenance plan to assure that future maintenance of the detention basin, Brown Barranca and associated slopes for permanent erosion control measures, which will minimize adverse effects to vegetation and promote maturation of wetland vegetation such that a Corps defined wetland, is formed.	Applicant	Twice. Once for plan review; once for field verification.	PCD	Applicant	Verify approval of plans and implementation.			
<b>BIO-3(a) Proper Erosion Control Device Installation.</b>	Applicant	Ongoing during construction.	PCD	Applicant	Verify erosion control devices			

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The applicant shall install erosion control devices in areas that have the potential to drain to Brown Barranca throughout the construction duration and prior to vegetation establishment. These devices should include silt fencing, sandbags, straw wattles, and/or straw bales.					are installed properly during construction.			
<b>BIO-3(b) Split-Rail Fencing.</b> The applicant shall install aesthetic (split-rail) fencing between the proposed footpath and Brown Barranca to reduce disturbance of habitat.	Applicant	Once for field verification	PCD	Applicant	Field verify construction of split-rail fencing.			
<b>BIO-3(c) Biological Resource Signage.</b> The applicant shall provide signage and written materials to all property owners describing biological resources and prohibiting entry into the Brown Barranca Preserve.	Applicant	Once for field verification	PCD	Applicant	Field verify appropriate signage.			
<b>BIO-3(d) Oil/Grease Traps.</b> The applicant shall fit inlets of all storm drains with easily accessible trash excluders approved for use by the City and the Regional Water Quality Control Board. Low Impact Development (LID) principles established in the City's Municipal (MS4) Stormwater Permit shall be used to manage street runoff to meet stormwater quality objectives. Other than litter exclusion, stormwater quality objectives shall not be accomplished in the storm drain inlets. Rather, the objectives	Applicant	Twice. Once during plan review; once for field verification	PCD and BD	Applicant	Verify plans and field verify oil/grease traps installed properly.			

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shall be accomplished through LID practices.								
<b>CULTURAL RESOURCES</b>								
<b>CR-1(a) Temporary Work Suspension if Resources Unearthed.</b> In the event that archaeological or paleontological resources are unearthed during project construction, all earth disturbing work within the vicinity of the find must be temporarily suspended or redirected until an archaeologist or paleontologist as appropriate has evaluated the nature and significance of the find. After the find has been appropriately mitigated, work in the area may resume. A Chumash representative shall monitor any mitigation work associated with Native American cultural material.	Applicant	As needed during grading and upon discovery of an unknown archaeological resource during grading	PCD and NAHC	Applicant	Stop work if unknown archaeological resources are found and measures to mitigate are executed.  Confirm resources are evaluated by a qualified Archaeologist (if necessary)			
<b>CR-1(b) Human Remains Procedures.</b> If human remains are unearthed, State Health and Safety Code Section 7070.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin an disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC).	Applicant	As needed during grading and upon discovery of an archaeological resource.	PCD, County Coroner, NAHC	Applicant	Stop work if unknown archaeological resources are found and measures to mitigate are executed.  Confirm site evaluated by a county coroner and NAHC representative (if necessary).			

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<b>HAZARDS AND HAZARDOUS MATERIALS</b>								
<p><b>HAZ-1 Contaminated Soil.</b>  Two areas of soil contamination necessitate either onsite sequestration, or offsite disposal or some combination of both as described below. These include soils in the following locations.</p> <ol style="list-style-type: none"> <li>1) The upper ½ foot of soil in the northwest quadrant of the plan area (see Figure 4.5-1) due to contamination with TDE, including the upper ½ foot of soils in the western part of the NW storage location (see Figure 4.5-1).</li> <li>2) The upper ½ foot of soils within a 10-foot radius of SS-220 (see Figure 4.5-2) due to contamination with TDE.</li> </ol> <p><b>Onsite Sequestration.</b> The upper ½ foot of soil (or as recommended by the Ventura County Environmental Health Division) shall be removed from both locations, and shall be sequestered on-site in a manner approved by the Ventura County Environmental Health Division. Sequestration necessitates isolation from human and wildlife contact and would require that the soil be buried onsite at depths unlikely to be disrupted, or would require capping by</p>	Applicant and BD	Once, prior to issuance of a grading permit	PCD and BD	Applicant	Verification that needed remediation has been implemented.			

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<p>pavement or asphalt. Areas suitable for capping might include beneath the parking garages, or beneath roadways. Onsite sequestration shall be conducted as directed by Ventura County Environmental Health.</p> <p><b>Offsite Disposal.</b> The upper ½ foot of soil shall be removed from both areas and shall be transported off site and disposed of as hazardous waste at an approved facility in accordance with applicable rules and regulations.</p>								
<p><b>HAZ-2. Asbestos Cement.</b> Prior to any demolition or renovation, the identified asbestos cement piping located in the southern field area in a pile of agricultural debris (see Figure 4.5-1) and any other AC piping discovered during construction shall have the asbestos containing material removed according to proper abatement procedures recommended by the asbestos consultant and as required by the VCAPCD. All abatement activities shall be in compliance with California and Federal OSHA, and with the VCAPCD requirements. Only asbestos trained and certified abatement personnel shall be allowed to perform asbestos abatement. All asbestos containing material</p>	Applicant and BD	Once, prior to issuance of a grading permit	PCD and BD	Applicant	Verification that asbestos containing material has been removed properly.			

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removed from onsite shall be transported by a licensed to handle asbestos-containing materials and disposed of at a licensed receiving facility and under proper manifest.								
<p><b>HAZ-3 Underground Storage Tank.</b> The underground storage tank (see OB-3 on Figure 4.5-2) shall be properly excavated and disposed of according to the guidelines of the Ventura County Fire Department and the Ventura County Environmental Health Division. These guidelines require the following:</p> <ol style="list-style-type: none"> <li>1) Preparation of an application for permanent closure available for download at <a href="http://www.ventura.org/rma/envhealth/programs/cupa/hzustpgm.htm">http://www.ventura.org/rma/envhealth/programs/cupa/hzustpgm.htm</a></li> <li>2) Excavation oversight by a Ventura County Environmental Health Division Inspector</li> <li>3) A permanent closure report submitted to the Ventura County Certified Unified Program Agency (CUPA) with copies of all receipts, manifests, transport documents, sample results, chain of custody, plot plans, and unauthorized release form</li> </ol>	Applicant and BD	Once, prior to issuance of a grading permit	PCD and BD	Applicant	Verification UST has been removed according to identified guidelines.			

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(if necessary).  4) Soil samples must be collected in approved containers for analysis pursuant to Environmental Protection Agency Method 5035 for hydrocarbon samples. Los Angeles Regional Water Quality Control Board								
<b>DRAINAGE AND FLOOD HAZARDS</b>								
<b>HYD-1 Letter of Map Revision.</b> Prior to issuance of building permits, a Letter of Map Revision (LOMR) from FEMA shall be obtained and the final development shall be sited to assure that no structures are placed within the redefined 100-year Flood Zone.	Applicant and BD	Once, prior to issuance of a building permit	PCD and BD	Applicant	Verify FEMA LOMR is obtained			
<b>NOISE</b>								
<b>N-3(a) Sound Wall.</b> Prior to grading permit issuance, the applicant shall incorporate a sound wall along the southeastern boundary of the plan area as indicated on Figure 4.8-2 (Figure 3 of the Barrier Analysis, Rincon Consultants, 2008), or some combination of walls as also indicated on Figures 1 and 2 of the Barrier Analysis (see Appendix G). Construction material, height, and location shall be sufficient, at a minimum, to intercept the freight truck line of sight on SR 126. Adequate wall height and	Applicant and BD	Twice. Once prior to issuance of a grading permit; once for field verification	PCD and BD	Applicant	Verify addition of sound wall addition to plans; field verification soundwall has been constructed			

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placement shall be determined by the Planning Manager in consideration of the following parameters: (1) CMU wall height, material, and location consistent with Caltrans sound walls within the City; (2) proposed building pad elevations in relation to SR 126; and (3) vertical distance between CMU wall height and lowest roof eave and window.								
<b>N-3(b) Lot 132.</b> The residence and garage at this location shall be linked with a solid block wall and oriented, such that the exterior usable space is buffered from noise generated along Wells Road.	Applicant and BD	Twice. Once prior to issuance of a building permit; once for field verification	PCD and BD	Applicant	Verify plan approval; field verification of requirements			
<b>N-3(c) Interior Noise Attenuation.</b> Plans submitted to the Inspection Services Division for purposes of obtaining building permits shall illustrate that residences fronting Telegraph Road, Wells Road, and Blackburn Road/SR 126 shall ultimately be constructed to include the following:  a) Windows facing the street shall be dual pane, laminated with a Sound Transmission Class (STC) rating of at least 40;  b) Windows facing the street on multiple-family structures shall be minimized and non-	Applicant and BD	Twice. Once for building plan review, once for field verification	PCD and BD	Applicant	Review and approval of building plans; field verification of compliance with building plan requirements			

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<p>opening.</p> <p>c) Exterior walls facing the street shall be constructed of staggered wood studs, or equipped with a resilient channel between the studs and wallboard, or any other wall system with an STC rating of at least 50;</p> <p>d) Exterior doors facing the street shall be of a sound insulating design with a STC rating of at least 38; and</p> <p>e) All exterior doors and windows shall be installed with proper weather stripping.</p> <p>f) Roof construction of concrete tile with 15/32-inch plywood, R-30 batt insulation in the attic, and a layer of ½-inch thick gypsum board separating the attic from living areas;</p> <p>g) Northernmost homes shall not have courtyard access doors facing Telegraph Road.</p>								
<p><b>N-3(d) Noise Measurements.</b>            Prior to final building permit inspection of residences facing Telegraph Road, Wells Road and Blackburn Road/SR 126, the applicant shall submit a 24-hour</p>	Applicant, BD, PCD	<p>Once for noise verification prior to occupancy.</p> <p>Once for contingency plan</p>	PCD and BD	Applicant	<p>Verification that measured noise levels are within specified levels</p> <p>Review and</p>			

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<p>CNEL internal noise measurement for those bedrooms closest to Telegraph Road, Wells Road and Blackburn Road/SR 126 to be reviewed and approved by the Planning Manager. Future noise levels shall be projected based upon measured existing levels.</p> <p>In the event that the noise measurement and/or projection identifies noise levels that exceed 45 dBA CNEL, the applicant shall develop a contingency plan for additional measures to reduce noise to 45 dBA CNEL or lower. The contingency plan may include, without limitation, the modification of constructed residences with materials/methods that reduce interior noise to 45 dBA CNEL. Prior to occupancy of affected units, the applicant shall obtain approval of the contingency plan from the Planning Manager.</p>		(if needed)			approval of contingency plan (if needed).			

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