

APPENDIX K – MITIGATION MONITORING AND REPORTING PROGRAM



MITIGATION MONITORING AND REPORTING PROGRAM

EVERETT STREET TERRACES PROJECT MOORPARK, CALIFORNIA

Prepared for:

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MITIGATION MONITORING AND REPORTING PROGRAM

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

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

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

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

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

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

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

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