

APPENDIX J - REVISIONS TO THE DRAFT SECOND SUBSEQUENT MND

REVISIONS TO THE DRAFT SECOND SUBSEQUENT MND

The following revisions are set forth to update the Draft Second Subsequent MND for the Camarillo Costco project in response to the comments received during the public review period, as well as changes directed by City staff. Revisions to the Draft Second Subsequent MND are listed by section. The sections that have not been revised are not listed below. Text revisions are shown as red-colored strike-out of old text and red-colored new text.

The information included in these Draft Second Subsequent MND revisions do not constitute substantial new information that requires recirculation of the Draft Second Subsequent MND or the preparation of an Environmental Impact Report (EIR). Section 15073.5 of the State CEQA Guidelines states:

- (a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.
- (b) A “substantial revision” of the negative declaration shall mean:
 - (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
 - (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.
- (c) Recirculation is not required under the following circumstances:
 - (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
 - (2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.
 - (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
 - (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.
- (d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to

Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.

The changes to the Draft Second Subsequent MND included in these revisions do not constitute a “substantial revision” because a new, avoidable significant effect has not been identified and mitigation measures or project revisions do not need to be added in order to reduce the effect to a less than significant level. The revisions to the Draft Second Subsequent MND update and confirm the evaluation of impacts as presented in the Subsequent MND 2016-1 for the Amara Shopping Center.

EVALUATION OF ENVIRONMENTAL IMPACTS

Biological Resources

Based on the submittal of an updated Biological Resources Assessment to the City after the publication of the Draft Second Subsequent MND, the text for checklist item ‘a’ on page 44 of the Draft Second Subsequent MND is revised to read:

Although threatened and endangered species are protected by specific federal and state statutes, State CEQA Guidelines Section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain criteria. These criteria have been modeled after the definition in the federal Endangered Species Act (FESA) and the section of the California Fish and Game Code dealing with rare or endangered plants and animals, and allows a public agency to undertake a review to determine if a significant effect on a species that has not yet been listed by either the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Wildlife (CDFW) (i.e., species of special concern) would occur. Whether a species is rare, threatened, or endangered can be legally significant because, under State CEQA Guidelines Section 15065, an agency must find an impact to be significant if a project would “substantially reduce the number or restrict the range of an endangered, rare, or threatened species.” Thus, CEQA provides an agency with the ability to protect a species from a project’s potential impacts until the respective government agencies have an opportunity to designate the species as protected, if warranted.

Special-status wildlife species include taxa designated as follows:

- Threatened, endangered, or candidate for listing under the FESA;
- Threatened, endangered, or rare under the California Endangered Species Act (CESA);
- CDFW species of special concern or fully protected species.

Special-status plant species include taxa designated as follows:

- Threatened, endangered, or candidate for listing under the FESA;
- Threatened, endangered, or rare under the CESA;
- Species with CRPRs as described below (CNPS 2022):
 - 1A - Plants presumed extinct in California
 - 1B - Plants considered rare, threatened, or endangered in California and elsewhere.

- 2 - Plants considered rare, threatened, or endangered in California, but more common elsewhere.

Critical habitat is a term defined and used in the FESA to specify geographic areas that contain features essential to the conservation of an endangered or threatened species, and that may require special management and protection. Critical habitat may also include areas that are not currently occupied by the species but will be needed for its recovery.

Approval and implementation of the proposed project would not change the location, type, or maximum amount of development evaluated in Subsequent MND 2016-1 and approved by the City of Camarillo Planning Commission. An updated Biological Resources Assessment was prepared in May 2022 to assess the potential for special-status plant and wildlife species and sensitive natural communities to occur within the Costco portion of the project site and surrounding area. This Biological Resources Assessment provides the methods and results of a field survey, including vegetation communities and land cover types present within the study area, special-status plant and wildlife species detected or determined to have potential to occur within the study area, the presence of wildlife movement corridors or federally designated Critical Habitat within or adjacent to the study area, and any additional focused surveys necessary to further evaluate potential impacts to biological resources within the project site. The Biological Resources Assessment is incorporated as Appendix E to this Second Subsequent Mitigated Negative Declaration 2023-4.

Special-status plant and wildlife species present or potentially present within or adjacent to the study area were initially identified through a desktop literature review using the following sources: the USFWS Information, Planning, and Consultation (IPaC) Trust Resource Report; the CDFW California Natural Diversity Database (CNDDDB); and the California Native Plant Society (CNPS) Online Inventory of Rare and Endangered Vascular Plants. Additionally, the Natural Resources Conservation Service (NRCS), Web Soil Survey (WSS) was queried to determine soil types that exist within the boundary of the study area, as well as the USFWS National Wetlands Inventory (NWI) database. The CNDDDB and CNPS database searches included the 7.5-minute USGS Camarillo quadrangle and the IPaC search included the study area and a two-mile buffer surrounding the Costco project site. Special-status species include those that are considered threatened, endangered, candidate for listing, species of special concern or fully protected by the USFWS, the CDFW, or the CNPS. California Rare Plant Rank (CRPR) 1 and 2 plant species were included in the CNPS search. Following a review of these resources, relevant life history information on those species documented as occurring in the region, including habitat type, soils, and elevation preferences were reviewed.

A field survey was performed on April 25, 2022, to evaluate botanical and wildlife resources within the study area, including habitat suitability for special-status species. The survey consisted of walking through the project area and along its periphery, where possible, to map and characterize vegetation communities, collect data on the relative quality of, and potential for, existing habitats to support the special-status species identified during the preliminary database and resources review, and to identify any other sensitive biological resources present or potentially present within the site. An aerial photograph and georeferenced mobile map with an overlay of the project boundary was utilized to map vegetation communities and record any special-status or sensitive

biological resources while in the field. Protocol-level surveys for special-status plant and wildlife species were not conducted during this time; however, any incidental observations of such species were documented.

The ground cover at the site is comprised of non-native annual grassland, consisting primarily of ruderal species and non-native annual grasses. This vegetation community is generally dominated by non-native species, including introduced forbs. Native grasses and forbs may be present, but usually constitute less than 10 percent relative cover in the herbaceous layer. Species that were observed in this vegetation community during the field survey include wild oats (*Avena* sp.), Italian ryegrass (*Festuca perennis*), ricegrass (*Piptatherum* sp.), brome (*Bromus* sp.), mustard (*Brassica* sp.), wild radish (*Raphanus raphanistrum*), cheeseweed (*Malva* sp.), chrysanthemum (*Chrysanthemum* sp.), stinging nettle (*Urtica dioica*), epizote (*Dysphania ambrosioides*), Russian thistle (*Salsola* sp.), and castor bean (*Ricinus communis*). Just outside of the eastern boundary of the project site, there is a row of large ornamental landscape trees within the Home Depot lot. Vegetation growth at the site is controlled on a regular basis by a tribe of goats that are transported to the site for this purpose.

Results of the CNDDDB and IPaC searches indicated 14 special-status wildlife species known to occur within the one-quad / two-mile search radius of the project site. Of these, 13 species are not expected to occur or have a low potential to occur within the project site due to a lack of suitable habitat, or the site is outside of the species' known range; therefore, these 13 species were removed from further consideration. The remaining species, burrowing owl, has a moderate potential to occur at the site and is discussed further below.

Burrowing owl utilizes abandoned California ground squirrel (*Otospermophilus beecheyi*) burrows in open habitats, grasslands, and disturbed areas, typically on levees, mounds or areas where there are unobstructed views of possible predators such as raptors or foxes. Prey items include insects, small mammals, reptiles and amphibians. Although no California ground squirrel burrows were detected during the survey, there is suitable foraging habitat in the vicinity of the project site, and there are five documented occurrences of this species within 1.3 miles of the project site, one of which is located within the northwestern portion of the project site.

No raptor nests, wildlife dens, or burrows were incidentally observed during the field survey.

Results of the CNDDDB and CNPS searches indicated 12 special-status plant species known to occur within the one-quad / two-mile search radius of the project site. None of these species are expected to occur within or adjacent to the project site due to a lack of suitable habitat, a lack of occurrences in the vicinity of the project site, or the project site is outside of the species' known range; therefore, special-status plants are not discussed further in this document.

The project site does not fall within or adjacent to Critical Habitat limits for any listed plant or wildlife species.

Five bird species were detected during the field survey, including red-winged blackbird (*Agelaius phoeniceus*), American crow (*Corvus brachyrhynchos*), cliff swallow (*Petrochelidon pyrrhonota*, which were observed nesting on the southern wall face of the existing Home Depot), mourning dove (*Zenaida macroura*), and northern mockingbird (*Mimus polyglottos*). Numerous red-winged blackbirds were observed feeding throughout the site on seeds of some of the weedy vegetation

and were displaying potential nesting behavior; however, no nests were detected during the field survey. No common mammals, amphibians, or reptiles were detected during the field survey.

Common wildlife species adapted to life in proximity to human development, such as raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and striped skunk (*Mephitis mephitis*) are likely to move through the study area on a regular basis to find food and cover. Several common native and non-native bird species are likely to use the study area for nesting and foraging.

To address the potential for burrowing owl or other native nesting birds to occur on the site and to comply with and implement the federal Migratory Bird Treaty Act (MBTA) and the provisions of Section 3503.5 of the California Fish and Game Code, the Biological Resources Assessment has recommended a preconstruction nesting bird survey be performed by a qualified biologist no earlier than one week prior to any construction during the nesting season (generally February 15 through August 31 but variable based on seasonal and annual climatic conditions) to determine if any native birds are nesting on or near the site including a 250-foot buffer for burrowing owl and other raptors. Because compliance with the MBTA and California Fish and Game Code is mandatory, this recommendation will be included as a Condition of Approval and would ensure that the project would not have a substantial adverse effect on burrowing owl or native nesting birds protected by the MBTA or California Fish and Game Code.

According to the City of Camarillo CEQA Environmental Guidelines, no a less than significant impact would occur if the project ~~does not~~ removes or ~~modify~~ modifies any habitat associated with any one or more candidate, sensitive, or special status species, but implements habitat preservation/restoration programs consistent with CDFW and/or USFWS regulations, as applicable. As discussed above, compliance with the MBTA and California Fish and Game Code is mandatory and a preconstruction nesting bird survey will be included as a Condition of Approval. Therefore, ~~no a less than significant impact would occur and the site-specific impacts of the proposed project would be no different from those evaluated in Subsequent MND 2016-1. This same impact would occur with the approved Amara Commercial Center.~~

Based on the submittal of an updated Biological Resources Assessment to the City after the publication of the Draft Second Subsequent MND, the text for checklist item 'b' on page 45 of the Draft Second Subsequent MND is revised to read:

Approval and implementation of the proposed project would not change the location, type, or maximum amount of development evaluated in Subsequent MND 2016-1 and approved by the City of Camarillo Planning Commission. The ground cover at the site is comprised of non-native annual grassland, consisting primarily of ruderal species and non-native annual grasses. Vegetation growth at the site is controlled on a regular basis by a tribe of goats that are transported to the site for this purpose. The updated Biological Resources Assessment includes a constraints-level analysis for potentially jurisdictional wetlands and waters based on current and historic aerial photography signatures and field observations. The analysis was based on criteria provided by the following agencies:

- Waters of the U.S., including wetlands, under the jurisdiction of the U.S. Army Corps of Engineers (ACOE), pursuant to Section 404 of the federal Clean Water Act (CWA)

- Wetlands under the jurisdiction of the Regional Water Quality Control Board (RWQCB), pursuant to Section 401 of the CWA and the Porter-Cologne Water Quality Control Act (Porter-Cologne Act).
- Wetlands under the jurisdiction of the CDFW, pursuant to Section 1602 of the California Fish and Game Code.

Although a formal wetland delineation was not performed during the field survey, no aquatic features were observed within the study area that are likely to fall under jurisdiction of the ACOE, CDFW, or RWQCB. Additionally, the NWI did not depict any aquatic resources within or adjacent to the study area. The Biological Resources Assessment concludes that there are no riparian habitats or other sensitive natural communities at the project site.

Based on the submittal of an updated Biological Resources Assessment to the City after the publication of the Draft Second Subsequent MND, the text for checklist item 'c' on page 45 of the Draft Second Subsequent MND is revised to read:

Approval and implementation of the proposed project would not change the location, type, or maximum amount of development evaluated in Subsequent MND 2016-1 and approved by the City of Camarillo Planning Commission. The ground cover at the site is comprised of non-native annual grassland, consisting primarily of ruderal species and non-native annual grasses. Vegetation growth at the site is controlled on a regular basis by a tribe of goats that are transported to the site for this purpose. As discussed above, The the Biological Resources Assessment concludes that there are no wetlands at the project site.

Hazards and Hazardous Materials

Based on the submittal of an updated Biological Resources Assessment to the City after the publication of the Draft Second Subsequent MND, the text for checklist item 'd' on page 75 of the Draft Second Subsequent MND is revised to read:

Approval and implementation of the proposed project would also not change the location, type, or maximum amount of development evaluated in Subsequent MND 2016-1 and approved by the City of Camarillo Planning Commission. The Department of Toxic Substances Control EnviroStor database was searched on October 7, 2023 and the project site and surrounding properties are still not included on a list of hazardous material sites as compiled pursuant to Government Code Section 65962.5. An updated Phase I ESA was also conducted for the project site that is incorporated as Appendix E F to this Second Subsequent Mitigated Negative Declaration 2023-4. The May 4, 2022 Phase I ESA concluded that the potential of residual pesticides from the previous agricultural activities remaining in the soil is low but the surface soils should be sampled and analyzed to assess the appropriateness for reuse or disposal. Therefore, mitigation measure HAZ-1 would continue to be applicable to the proposed project. The May 4, 2022 Phase I ESA also identified a concrete standpipe along the eastern boundary of the project site. There may be buried irrigation lines connected to this standpipe. Based on the age of the standpipe, this structure and potential buried lines may contain asbestos containing materials and should be tested prior to removal. Implementation of new mitigation measure HAZ-4 would ensure that potential impacts

associated with the release of asbestos containing materials are reduced to a less than significant level.

Hydrology and Water Quality

Based on the submittal of an updated Biological Resources Assessment to the City after the publication of the Draft Second Subsequent MND, the text for checklist item 'b' on page 82 of the Draft Second Subsequent MND is revised to read:

Approval and implementation of the proposed project would also not change the location, type, or maximum amount of development evaluated in Subsequent MND 2016-1 and approved by the City of Camarillo Planning Commission. The water demand associated with the proposed project has been evaluated in a Water Impact Study that is incorporated as Appendix [F](#) [G](#) to this Second Subsequent Mitigated Negative Declaration 2023-4. The Water Impact Study concludes that the proportionate water demand for the proposed Costco project would be within the approved water demand credit for the Amara Shopping Center.

Transportation

Based on the submittal of an updated Biological Resources Assessment to the City after the publication of the Draft Second Subsequent MND, the text for checklist item 'b' on page 123 of the Draft Second Subsequent MND is revised to read:

Although approval and implementation of the proposed project would not change the location, type, or maximum amount of development evaluated in Subsequent MND 2016-1 and approved by the City of Camarillo Planning Commission, the proposed Costco would have different trip generating characteristics than the approved shopping center uses. Therefore, the VMT impacts associated with the proposed project have been evaluated in a Daily Trip Generation and Vehicle Miles Traveled (VMT) memorandum that is incorporated as Appendix [G](#) [H](#) to this Second Subsequent Mitigated Negative Declaration 2023-4.

Utilities and Service Systems

Based on the submittal of an updated Biological Resources Assessment to the City after the publication of the Draft Second Subsequent MND, the text for checklist item 'b' on page 133 of the Draft Second Subsequent MND is revised to read:

Approval and implementation of the proposed project would also not change the location, type, or maximum amount of development evaluated in Subsequent MND 2016-1 and approved by the City of Camarillo Planning Commission. The water demand associated with the proposed project has been evaluated in a Water Impact Study that is incorporated as Appendix [F](#) [G](#) to this Second Subsequent Mitigated Negative Declaration 2023-4. The Water Impact Study concludes that the proposed Costco development would be approximately 12.5 acre feet per year. As discussed above, the Amara Shopping Center has an existing water allocation of 40 acre feet per year for the 499,000 square feet of approved development. Based on the entitled development amount, the proposed Costco development would be allocated up to 13.1 acre feet per year of the overall 40 acre feet per year. The 12.5 acre feet per year demand of the proposed project would be 0.6 acre feet less than the 13.1 acre feet per year allocation for the Costco development.