



## Main Street Moves

### Final Environmental Impact Report State Clearinghouse No. 2024060943

*prepared by*

**City of Ventura**  
Planning Division  
501 Poli Street  
Ventura, California 93001  
Contact: Jared Rosengren

*prepared with the assistance of*

**Rincon Consultants, Inc.**  
180 North Ashwood Avenue  
Ventura, California 90003

**January 2025**



RINCON CONSULTANTS, INC. SINCE 1994

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# 1 Introduction

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On October 9, 2024, the City of Ventura (City) released for public review the Draft Environmental Impact Report (Draft EIR) for the proposed Main Street Moves Project (hereinafter referred to as the project). The Draft EIR was prepared by the City in accordance with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000–21177) and the *CEQA Guidelines* (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The City is serving as the lead agency under CEQA for consideration of certification of the EIR and has principal responsibility for deciding whether to approve the proposed project.

## 1.1 Public Review and Responses to Comments

In accordance with Sections 15087 and 15105 of the *CEQA Guidelines*, the Draft EIR was circulated for public review and comment to responsible agencies and interested parties as well as members of the public, for a period of 47 days (October 9, 2024 through November 25, 2024) as required by CEQA. Comment letters received on the Draft EIR are provided in their entirety in Chapter 2, *Responses to Comments*.

Responses to each of the comments received are provided in Chapter 2, *Responses to Comments*, of this document as part of the Final Environmental Impact Report (Final EIR). Although some of the comments have resulted in changes to the text of the Draft EIR (see Chapter 3, *Revisions to the Draft EIR*), none of the changes constitute “significant new information,” which would require recirculation of the Draft EIR. “Significant new information” is defined in Section 15088.5(a) of the *CEQA Guidelines* as follows:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of these circumstances has arisen from comments on the Draft EIR; therefore, recirculation is not required.

The Draft EIR, Final EIR, and associated appendices are available for review online at: [www.cityofventura.ca.gov/MSM](http://www.cityofventura.ca.gov/MSM) and at the City Counter, 501 Poli Street, Ventura, California 93001.

As required by *CEQA Guidelines* Section 15088(b), at least 10 days before consideration of the Final EIR for certification, the City provided a written response (electronic copy) to each public agency that submitted written comments on the Draft EIR.



## 1.2 Organization of the Responses to Comments

CEQA requires a lead agency that has prepared a Draft EIR to consult with and request comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the Draft EIR (*CEQA Guidelines* Sections 15086 and 15087).

Sections 15088(a) and (c) of the *CEQA Guidelines* also require a lead agency to evaluate comments on environmental issues received from persons who reviewed the Draft EIR and to prepare written responses to comments raising significant environmental issues. The Final EIR is the mechanism for responding to these comments. Responses are not required for comments regarding the merits of the proposed project or regarding issues not related to the project's environmental impacts. Several of the comments on the Draft EIR state the commenter's preferences regarding the design or approval of the proposed project, potential economic impacts, or provide general statements concerning the content of the Draft EIR. Detailed responses are not warranted or required by CEQA for comments that do not address environmental issues related to the proposed project. Such instances are noted in the responses. The City will review all comments received, including those that do not warrant a response under CEQA, before considering certification of the Final EIR or approval of the proposed project.

Each comment has been reproduced with individual comments bracketed and numbered according to the type of commenter (agency, organization, and individual) with responses following each comment. In some instances, clarifications of the text of the Draft EIR may be required. In those cases, the text of the Draft EIR is revised and the changes compiled in Chapter 3, *Revisions to the Draft EIR*. The text deletions are shown with ~~strikeout~~ (~~strikeout~~), and additions are shown with underline (underline).

## 1.3 Project Decision Process

This document and the Draft EIR, as amended through responses to comments, together constitute the Final EIR, which will be considered by the City prior to a decision on whether to approve the project. If the City decides to approve the project, the City, as required by *CEQA Guidelines* Section 15090, must first certify that the Final EIR was completed in compliance with the requirements of CEQA, was reviewed and considered by the City, and reflects its independent judgment and analysis. The City would then be required to adopt findings of fact on the disposition of each significant environmental impact, as required by *CEQA Guidelines* Section 15091, and a statement of overriding considerations, as required by *CEQA Guidelines* Section 15093. A Mitigation Monitoring and Reporting Program, which is required by *CEQA Guidelines* Section 15091(d), has been included as part of Chapter 4, *Mitigation Monitoring and Reporting Program*, of this Final EIR and will be adopted by the City in conjunction with any project approval.

## 2 Responses to Comments on the Draft EIR

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This chapter of the Final EIR contains the comment letters received during the public review period for the Draft EIR, which started on October 9, 2024 and concluded on November 25, 2024. In conformance with Section 15088(a) of the *CEQA Guidelines*, written responses were prepared to address comments received on environmental issues during this review period.

### 2.1 Comments on the Draft EIR

The City of Ventura received eight comment letters on the Draft EIR. The commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the page number on which each commenter's letter appears are listed below.

Letter No. and Commenter		Page No.
1	Anthony Higgins, Acting LDR/CEQA Branch Chief, California Department of Transportation	2-2
2	Roxy Cabral, Ventura County Environmental Health Division	2-5
3	Yunsheng Su, Case Reviewer, Ventura County Public Works Authority, Watershed Protection	2-7
4	Chris Higgins	2-11
5	Tom and Mary Mellein	2-19
6	Michael Prabhu	2-21
7	Sherrie Basham	2-24
8	Peter Goldenring	2-30

The comment letters and responses follow. The comment letters are numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A1.1, for example, indicates that the response is for the first issue raised in Comment Letter A1).

Where a comment resulted in a change to the Draft EIR text, a notation is made in the response indicating that the text is revised. Changes in text are signified by ~~strikeout font~~ (strikeout font) where text was removed and by underlined font (underlined font) where text was added. These changes in text are also included in Chapter 3, *Revisions to the Draft EIR*. As discussed further in Chapter 3, these textual revisions clarify and expand upon information in the Draft EIR. Pursuant to *CEQA Guidelines* Section 15088.5, these revisions do not constitute significant new information and recirculation of the Draft EIR is not required.

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7

100 S. MAIN STREET, MS 16

LOS ANGELES, CA 90012

PHONE (213) 266-3562

FAX (213) 897-1337

TTY 711

www.dot.ca.gov



*Making Conservation  
a California Way of Life*

November 25, 2024

Jared Rosengren  
City of Ventura  
501 Poli Street  
Ventura, CA 93001

RE: Main Street Moves Project: Draft  
Environmental Impact Review (DEIR)  
GTS # 07-VEN-2024-00617  
SCH # 2024060943  
Vic. LA 33 PM 0.317  
LA 101 PM 30.159

Dear Jared Rosengren:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. The proposed Main Street Moves Project is a continuation of the existing temporary closure, initially approved by Ventura City Council on May 18, 2020, and extended six times through January 31, 2025. The project would result in the full-time, long-term closure of Main Street, from Fir Street to Figueroa Plaza; South California Street, from Main Street to the alleys south of Main Street; and North California Street, from Main Street to the North California Street parking lot. The project would also result in the reopening of South California Street, south of the alleys. The project would result in the construction of semi-permanent removable bollards and crash-rated planters to limit general traffic flow. Overall, up to 69 semi-permanent bollards and up to 20 crash-rated planters would be installed within the project site. Figure 3 depicts the general locations of proposed bollards and planters, along with the proposed change in roadway closure or reopening associated with the project. The existing traffic signal at the intersection of South California Street and Santa Clara Street would return to full operation, and the existing traffic signal at the intersection of South California Street and Main Street would be modified to operate as a pedestrian signal for Main Street pedestrian travel. All other traffic signals along Main Street would be permanently modified to flash, as they are currently. The project would result in the potential loss of up to 154 parking spaces on Main Street, the potential loss of up to 12 parking spaces on South California Street, and the potential loss of up to five parking spaces on North California Street, for a total loss of up to 171 parking spaces. The project would retain the existing sidewalk, curb, and gutter configuration. The City of Ventura is the Lead Agency under the California Environmental Quality Act (CEQA).

1.1

The closest state facilities are SR 33, and US 101. After reviewing the project's documents, Caltrans has the following comments:

The project is determined to have a less-than-significant VMT impact. The Lead Agency's thresholds reflect OPR's Technical Advisory and assist the state in meeting climate goals through VMT reduction. Caltrans is in support of this project's pedestrian-oriented plans that help achieve state planning priorities contained in state law and meet state policy goals on transportation, VMT reduction, GHG emissions reduction, and/or betterment of the environment and human health. To achieve the goal of zero traffic-related fatalities and serious injuries by 2050, Caltrans emphasizes the importance of enhancing pedestrian and bicyclist amenities in community destinations.

1.2

Additionally, Caltrans recommends that large-size truck travel and construction traffic be limited to off-peak commute hours. Caltrans requires a permit for any heavy construction equipment and or materials that require the use of oversized transport vehicles on State highways. If construction traffic is expected to cause issues on any State facilities, please submit a construction traffic control plan detailing these issues for Caltrans' review.

1.3

If you have any questions, please feel free to contact Jaden Oloresisimo, the project coordinator, at Jaden.Oloresisimo@dot.ca.gov and refer to GTS # 07-VEN-2024-00617.

1.4

Sincerely,



Anthony Higgins  
Acting LDR/CEQA Branch Chief

cc: State Clearinghouse

## Letter 1

**COMMENTER:** Anthony Higgins, Acting LDR/CEQA Branch Chief, California Department of Transportation

**DATE:** November 25, 2024

### Response 1.1

The commenter expresses appreciation for their inclusion in the environmental review process and provides a summary of the proposed project, noting that the closest State transportation facilities are State Route 33 and United States Route 101.

This comment does not contain a substantive comment on the analysis or conclusions of the Draft EIR. No response or revisions to the Draft EIR are required.

### Response 1.2

The commenter states that the City's vehicle miles traveled (VMT) thresholds reflect the Office and Planning and Research's Technical Advisory, and expresses support of the project's pedestrian-oriented plans that help achieve State planning priorities and meet State policy goals on transportation, VMT reduction, greenhouse gas emissions reductions, and/or betterment of the environment and human health.

The commenter's support is noted. No response or revisions to the Draft EIR are required.

### Response 1.3

The commenter recommends that large-size truck travel and construction traffic be limited to off-peak commute hours. The commenter states that if construction would require the use of oversized transport vehicles on State highways, a permit for heavy construction equipment and/or materials would be required. The commenter also states that if construction traffic is expected to cause issues on any State facilities, the Lead Agency should submit a construction traffic control plan for the Department of Transportation's review.

The City does not anticipate that oversized vehicles would be required during construction. In the event project construction does require the transportation of heavy construction equipment or the use of oversized-transport vehicles on State highways, the City and/or the construction contractor would obtain the required Caltrans transportation permit, and trips during peak hours would be limited to the extent feasible. Furthermore, the project would not result in substantial disruption of traffic along any State transportation facilities.

No additional analysis or revisions to the Draft EIR are required.

### Response 1.4

The commenter provides contact information for the Department of Transportation's project coordinator. This comment is noted.

# ^COUNTY^VENTURA

RESOURCE MANAGEMENT AGENCY  
**CHARLES R. GENKEL**  
Environmental Health Director

November 21, 2024

City of Ventura  
501 Poli Street  
Ventura, California 93002-009

**Main Street Moves Project, Draft Environmental Impact Report (EIR), RMA  
REF#24-013-1**

Ventura County Environmental Health Division (Division) staff reviewed the Draft EIR for the subject project and provides the following comment:

1. The Project includes the potential for changes to food facilities located within the project area. Food facilities are subject to plan review and permitting by this Division. The applicant/food facility operator must submit three sets of plans to the Division's Community Services Section and obtain plan approval prior to beginning any construction or remodel of any food facility.

2.1

*<https://vcrma.org/en/consumer-food-protection>*

If you have any questions, please contact me at (805) 654-2830 or  
Roxy.Cabral@ventura.org.

2.2



Roxy Cabral, R.E.H.S.  
Land Use Section  
Environmental Health Division

## Letter 2

**COMMENTER:** Roxy Cabral, Ventura County Environmental Health Division

**DATE:** November 21, 2024

### **Response 2.1**

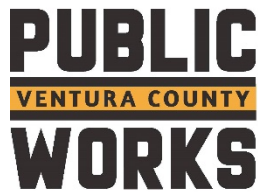
The commenter states that the project has the potential for changes to food facilities within the project area, which are subject to Ventura County Environmental Health Division review and permitting. The commenter explains that the applicant/food facility operator should submit three sets of plans to the Division's Community Services Section and obtain plan approval prior to beginning any construction or remodel of food facilities.

The project consists of a roadway closure and does not include changes to food facilities. Subsequent construction or remodeling of food facilities, outside the scope of the current project, would be required to comply with applicable rules and regulations noted by the commenter.

### **Response 2.2**

The commenter provides contact information for the Ventura County Environmental Health Division. This comment is noted.





**WATERSHED PROTECTION**  
 WATERSHED PLANNING AND PERMITS DIVISION  
 800 South Victoria Avenue, Ventura, California 93009

**M E M O R A N D U M**

**DATE:** November 14, 2024

**TO:** Philip Hess, Case Planner  
City of Ventura

**FROM:** Yunsheng Su, PWA-WP Case Reviewer

**SUBJECT:** RM24-013-1  
APN:071021007  
CEQA Review Comments and Conditions

Pursuant to your request dated 11/8/2024, this office has reviewed the submitted materials and provides the following comments.

**PROJECT LOCATION:**

Location Map:



3.1

**PROJECT DESCRIPTION:**

Environmental Document: Draft EIR The proposed project would result in the full-time, long-term closure of Main Street, from Fir Street to Figueroa Plaza; South California Street, from Main Street to the north side of the alleys located south of Main Street; and North California Street, from Main Street to the North California Street parking lot. The project would also result in the reopening of South California Street, south of the alleys, to vehicles traveling in both the northbound and southbound direction. The project would result in the replacement of temporary traffic barriers with up to 69 semi-permanent bollards, up to 20 crash-rated planters, and up to 43 bollard storage sleeves to limit general traffic flow while accommodating emergency vehicle access. The existing traffic signal at the intersection of South California Street and Santa Clara Street would return to full operation. Existing traffic signal equipment at the intersection of South California Street and Main Street and at the intersection of Figueroa Plaza and Main Street would be removed. The traffic signal poles at these two intersections would remain in place to support intersection lighting and utility service boxes. All other traffic signals along Main Street (at the intersections with Chestnut Street, Oak Street, and Palm Street) would be permanently modified to red flash operation.

3.1  
(cont.)

**APPLICATION COMPLETENESS:**

Complete - from our area of concern.

3.2

**ENVIRONMENTAL IMPACT ANALYSIS:**

**Item 31a. Flood Control Facilities/Watercourses – Ventura County Public Works Agency, Watershed Protection is deemed to be Less Than Significant.**

The proposed project is situated about 4000 feet from the Ventura River, which is a WP jurisdictional redline channel. No new or modified direct stormwater drainage connections to this WP channel, activities within WP's easement, or activities over, under, or within the redline channel appear to be proposed or indicated on the applicant's submitted materials.

3.3

This proposed project would result in NO increase of impervious area within the subject property.

WP staff determines that the environmental impact is less than significant (LS) on redline channels under the jurisdiction of the Ventura County Public Works Agency - Watershed Protection.

**WATERSHED PROTECTION COMMENTS:**

None.

3.4

**WATERSHED PROTECTION CONDITIONS:**

None.

If you have any questions, please feel free to contact me by email at [Yunsheng.Su@Ventura.Org](mailto:Yunsheng.Su@Ventura.Org) or by phone at 805-654-2005.

END OF TEXT.

3.5

## Letter 3

**COMMENTER:** Yunsheng Su, Case Reviewer, Ventura County Public Works Authority, Watershed Protection

**DATE:** November 14, 2024

### Response 3.1

The commenter notes that Ventura County Public Works Agency (Watershed Protection, Watershed Planning and Permits Division) has reviewed the Draft EIR for the proposed project. The commenter provides an overview of the project location and project description.

This comment does not contain a substantive comment on the analysis or conclusions of the Draft EIR. No response or revisions to the Draft EIR are required.

### Response 3.2

The commenter notes that the project application is complete regarding Ventura County Public Works Agency's (Watershed Protection, Watershed Planning and Permits Division) area of concern.

This comment does not contain a substantive comment on the analysis or conclusions of the Draft EIR. No response or revisions to the Draft EIR are required.

### Response 3.3

The commenter reiterates the Draft EIR's conclusion that impacts involving flood control facilities and watercourses would be less than significant. The commenter provides additional information that supports this conclusion by explaining that the proposed project would not include new or modified direct stormwater drainage connections to the Ventura River, activities within Watershed Protection's easement, or activities over, under, or within the Ventura River. The commenter acknowledges that the proposed project would result in no increase of impervious area, and confirms that the environmental impact on redline channels under the jurisdiction of Ventura County Public Works Agency (Watershed Protection, Watershed Planning and Permits Division) would be less than significant.

This comment does not contain a substantive comment on the analysis or conclusions of the Draft EIR. No response or revisions to the Draft EIR are required.

### Response 3.4

The commenter indicates that the Ventura County Public Works Agency (Watershed Protection, Watershed Planning and Permits Division) has no specific comments or conditions for the project. No response or revisions to the Draft EIR are required.

### Response 3.5

The commenter provides contact information for the Ventura County Public Works Agency (Watershed Protection, Watershed Planning and Permits Division). This comment is noted.

From: [Throw Stones Media](#)  
 To: [Jared Rosenzweig; Liz Campos](#)  
 Subject: -EXT- Main Street Moves Traffic Mitigation Concept  
 Date: Friday, October 11, 2024 11:41:38 AM  
 Attachments: [DOWNTOWN TRAFFIC SCHEME-california\\_santa clara-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-main\\_california-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-main\\_chestnut-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-main\\_fir-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-main\\_oak-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-main\\_oak\\_ash-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-main\\_palm\\_oak-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-main\\_palm-v1-r12.png](#)  
[DOWNTOWN TRAFFIC SCHEME-santa clara\\_chestnut-v1-r12.png](#)

Greetings Jared —

It is unclear to me what the Downtown Merchant's current sentiments are about the 'pedestrian only' corridor.... But regardless who is pro or con, or which businesses are benefitting or not, I don't believe the idea has been given a fair chance.

The World War II era road blocks are doing what they were effectively designed to do — CHANGE PEOPLE'S MIND ABOUT ENTERING!!!

And the topography of the street, curbs, and decks in front of some, but not all, establishments, is not aesthetically pleasing or inviting to look at, and, no doubt, appear intimidating for some to navigate.

Parking presents some concerns.... But is available Parking ever not a concern? Again, because the appropriate infrastructure to support a pedestrian corridor is not in place, the idea is being short changed.

A Parking structure on Santa Clara and Oak Street will certainly alleviate most deficits..... And if the rear of Main Street businesses are further developed for eating, drinking, and shopping, our Visitor's 'good experience' begins just stepping out of their cars.

[Pedestrian ONLY areas should be considered behind Main Street addresses where the charm of Old Ventura is preserved and can be enjoyed.

\*\*\*Lineal towns can be extremely uninteresting. Cross development should be prioritized.]

Attracting locals, or enticing Visitors to come again, only happens if they have a pleasant experience.

Attached are graphics presenting THROWSTONESMEDIA's ideas how:

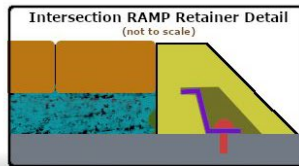
- 'Traffic flow' changes will improve Parking and ease driving to and from Downtown.
- A practical and inexpensive solution for leveling the pedestrian areas along Main Street.
- Innovative thoughts making our new Parking structure on Santa Clara/Oak Street a true asset.

Thanks for the invitation to share.

Sincerely,  
Chris.

### Simple paver composition concept to level **MAIN STREET PEDESTRIAN CORRIDORS** (Cross-section / Not to scale)

Durable vulcanized rubber VEHICLE RAMPS are affixed to the asphalt at the INTERSECTIONS by Stainless Steel Brackets to ease access into PEDESTRIAN ZONES.



- Existing road and sidewalk.
- GRATE COVERS relocate the openings of the Storm Drain Manifolds.
- Common Concrete Pavers
- Course aggregate.
- Bedding sand.



4.1

4.2

4.3

4.4

4.5

# PROPOSED DOWNTOWN TRAFFIC SCHEME

California Street & Santa Clara Street



## Pedestrian Way

NOTE: PARKING SPACE INCREASE

DESIGNED BY C.L.HIGGINS  
(805) 901-9494 | throwstonesmedia.chris@gmail.com  
All © Rights Reserved

THROWSTONESMEDIA

| traffic scheme concept

# PROPOSED DOWNTOWN TRAFFIC SCHEME

Main & California Street



**Paver Retainment Curb**  
Slows traffic before entering the intersection

## Pedestrian Way

## Drop Off Zone

DESIGNED BY C.L.HIGGINS  
(805) 901-9494 | throwstonesmedia.chris@gmail.com  
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THROWSTONESMEDIA

| traffic scheme concept

4.5  
(cont.)



# PROPOSED DOWNTOWN TRAFFIC SCHEME

Main & Chestnut Street



**Pedestrian Way**

DESIGNED BY C.L.HIGGINS  
(805) 901-9494 | throwstonesmedia.chris@gmail.com  
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THROWSTONESMEDIA

| traffic scheme concept

# PROPOSED DOWNTOWN TRAFFIC SCHEME

Main Street & Fir Street



**DO NOT ENTER**

DESIGNED BY C.L.HIGGINS  
(805) 901-9494 | throwstonesmedia.chris@gmail.com  
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THROWSTONESMEDIA

| traffic scheme concept

4.5  
(cont.)



# PROPOSED DOWNTOWN TRAFFIC SCHEME

Main Street & Oak Street



**Pedestrian Way**

**Pedestrians Yield**

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(805) 901-9494 | throwstonesmedia.chris@gmail.com  
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THROWSTONESMEDIA

| traffic scheme concept

# PROPOSED DOWNTOWN TRAFFIC SCHEME

Main, Palm, Oak, & Santa Clara Block



**Pedestrian Way**

**P-1 Multi-Level Parking**

DESIGNED BY C.L.HIGGINS  
(805) 901-9494 | throwstonesmedia.chris@gmail.com  
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THROWSTONESMEDIA

| traffic scheme concept

4.5  
(cont.)

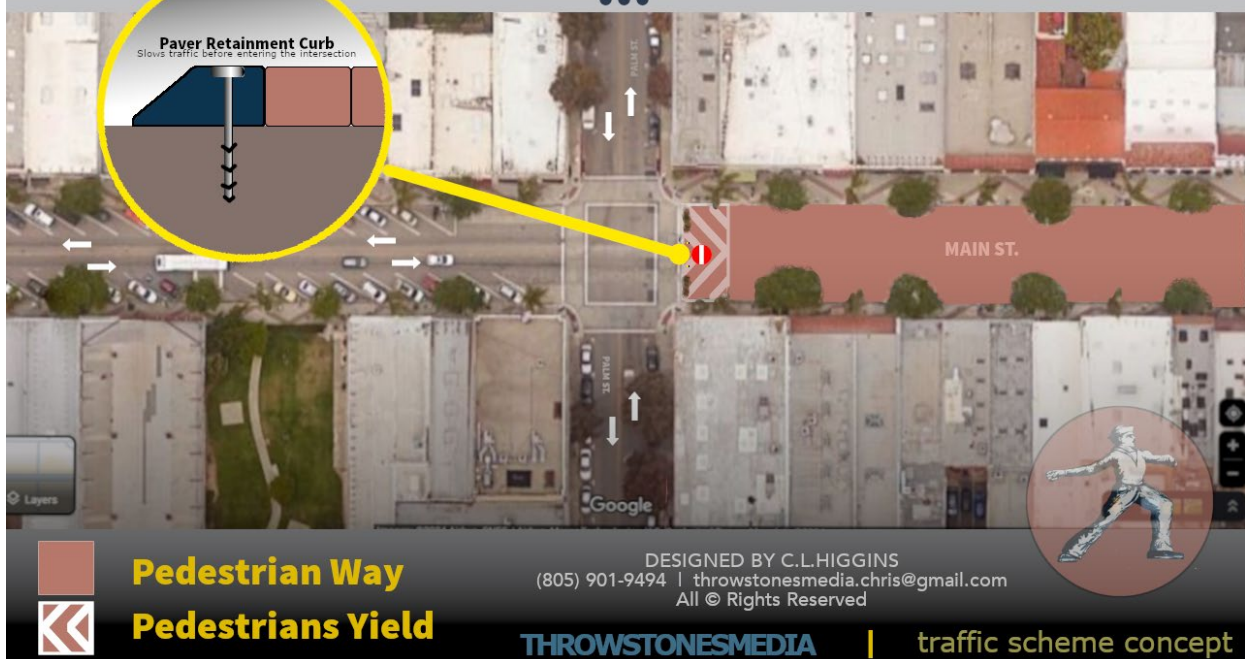
# PROPOSED DOWNTOWN TRAFFIC SCHEME

Main, Palm, Oak, & Santa Clara Block



# PROPOSED DOWNTOWN TRAFFIC SCHEME

Main & Palm Street

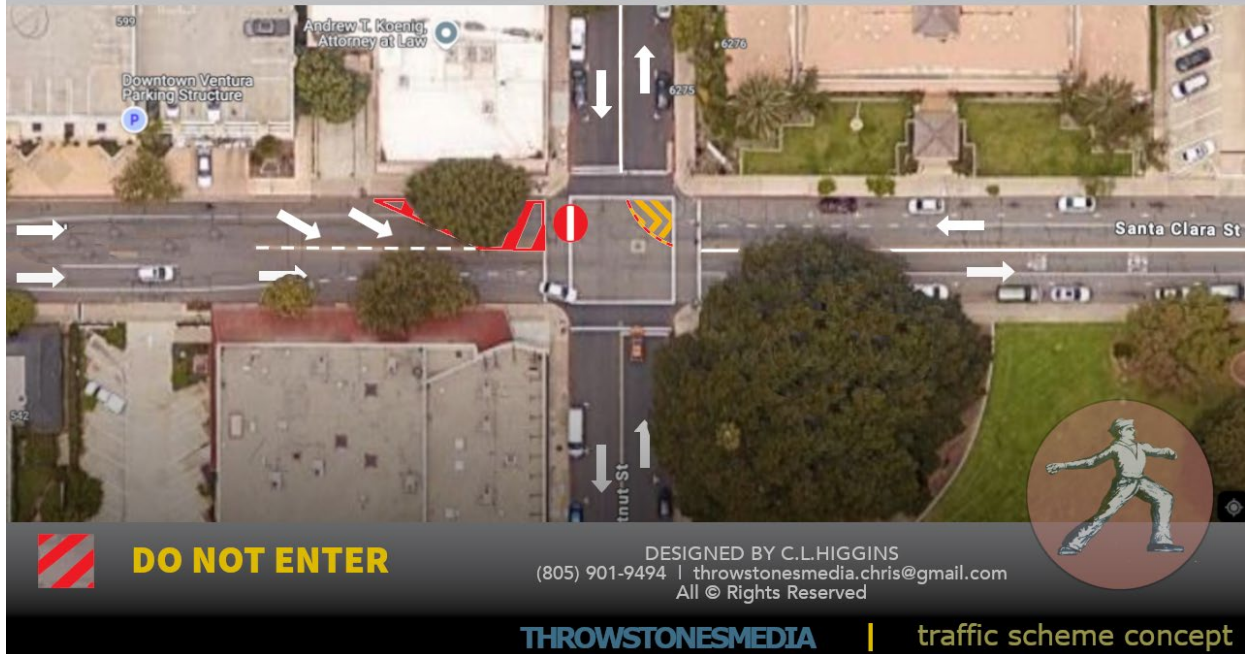


4.5  
(cont.)



# PROPOSED DOWNTOWN TRAFFIC SCHEME

Santa Clara & Chestnut Street



4.5  
(cont.)

[Please excuse the messy order and that everything is not in a single PDF.... I am working in GIMP at the moment. ]

## THROWSTONESMEDIA

C. L. Higgins  
1183 New Bedford Ct.  
Ventura, CA 93001

—  
(805) 901-9494

**CAUTION:** This email originated from outside the City of Ventura. Exercise caution when opening attachments or clicking links, especially from unknown senders.  
>> Please verify all links and attachments before opening them! <<

## Letter 4

**COMMENTER:** Chris Higgins

**DATE:** October 11, 2024

### Response 4.1

The commenter indicates that they are unaware of how downtown business owners feel about the proposed project, but the commenter does not believe that the project has been given a fair chance.

This comment is noted. This comment does not contain a substantive comment on the analysis or conclusions of the Draft EIR. No revisions to the Draft EIR are required.

### Response 4.2

The commenter indicates the temporary barricades and existing conditions within the project site are not aesthetically pleasing or inviting to view.

This comment is noted. This comment does not contain a substantive comment on the analysis or conclusions of the Draft EIR. No revisions to the Draft EIR are required.

### Response 4.3

The commenter indicates concern about future parking, but notes that parking has continuously been a concern. The commenter argues that appropriate infrastructure to support a pedestrian corridor is not in place and suggests that a parking structure on Santa Clara and Oak Street would help alleviate most parking deficits.

Impacts to parking are generally not considered to be significant environmental impacts under the California Environmental Quality Act (CEQA). (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 697.) This comment does not pertain to the adequacy of the Draft EIR. The commenter's proposition for a new parking structure is noted. No additional analysis or revisions to the Draft EIR are required.

### Response 4.4

The commenter states that pedestrian-only areas should be considered where the charm of Old Ventura is preserved and can be enjoyed, and that attracting locals or enticing visitors can only happen if they have a pleasant experience.

As stated in Chapter 2, *Project Description*, Section 2.6, *Project Objectives*, of the Draft EIR, the proposed project is intended to enhance downtown vibrancy, create a fun and active destination for residents and visitors, provide venues for community events, and increase accessibility to businesses. Therefore, the commenter and City are aligned in their vision for the preservation and enjoyment of the City's downtown corridor. No additional analysis or revisions to the Draft EIR are required in response to this comment.

## **Response 4.5**

The commenter presents graphics on how to improve parking and travel to and from the project site, how to level the pedestrian areas along Main Street, and how to construct a new parking structure on Santa Clara and Oak Street.

The commenter's suggestions are noted. Construction of a new parking structure is not proposed as part of the Main Street Moves Project and would be subject to a separate CEQA review. This comment does not pertain to the adequacy of the Draft EIR analysis or CEQA process. No additional analysis or revisions to the Draft EIR are required.

**From:** [mary mellein](#)  
**To:** [Jared Rosengren](#)  
**Subject:** -EXT- Main Street Moves Comments  
**Date:** Tuesday, October 22, 2024 11:37:28 AM

---

Dear Mr. Rosengren,

We are writing regarding the Main Street Moves partial closure of Main Street. We are very pleased with the closure, and dine frequently at downtown restaurants due to the closure.

Due to the closure we have dined at the following:

Casa Bella  
Pieranos  
Lure  
Paradise Pantry  
Rumfish  
Rice  
Rice by Mama  
Finneys  
Asiatique  
and there are probably some we missed listing.

We have also shopped at downtown businesses.

It's easy to find parking, including accessible parking. We love strolling down the middle of Main St. as well as dining outdoors.

We would not frequent these restaurants as often, or at all, if the street was closed. Opening the street makes accessing these businesses more difficult. People drive around looking for the limited parking when the street is open, and don't pay attention to pedestrian traffic.

Please keep this portion of Main Street closed.

Please let me know if I should also send this to the city councilmembers.

Sincerely,  
Tom and Mary Mellein  
Ventura residents

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5.1

## Letter 5

**COMMENTER:** Tom and Mary Mellein

**DATE:** October 22, 2024

### **Response 5.1**

The commenters express their support for the proposed project and note that they have dined at multiple restaurants and shopped at downtown businesses due to the increased pedestrian safety and accessibility resulting from the temporary closure of Main Street. The commenters note that they have always been able to find parking, including accessible parking, and that they would not visit the project site as frequently should Main Street be reopened to vehicular traffic.

The commenter's support for the project is noted. This comment does not pertain to the adequacy of the Draft EIR. No additional analysis or revisions to the Draft EIR are required.



**From:** [Michael Prabhu](#)  
**To:** [Meredith Hart](#); [Jared Rosengren](#)  
**Cc:** [Alan Hiscocks](#)  
**Subject:** -EXT- Fwd: Notice of Availability-Draft EIR for Main Street Moves  
**Date:** Wednesday, October 9, 2024 2:36:11 PM

Hello Meredith + Josh,

I just reviewed the draft EIR report for Main Street Moves.

Figure 2-3 on Page 46 of the report highlights the area identified as "Full-time Closure" in pink.

Meredith,

I had previously expressed concern about the Full-time Closure area and how it would impact the ability to enter the parking lot for 507 Main Street. The entrance to the lot is adjacent to the back of the building and can not be relocated. You had stated that the City was aware of this and the Full-time Closure boundary would be updated to make sure access to the 507 Main Street parking lot was never blocked.

Can you please let me know what next steps would be to get this corrected and updated? I know you are in the 45 day comment period and wanted to make sure this gets addressed.

We have commenced our redesign efforts for 507 Main Street and we want to make sure the Main Street Moves project does not impact our ability to access and utilize the building and parking lot.

Please advise.

Thanks.

Michael

6.1

Begin forwarded message:

**From:** City of Ventura <[webmaster-thecityofventura@shared1.ccsend.com](mailto:webmaster-thecityofventura@shared1.ccsend.com)>  
**Sent:** Wednesday, October 9, 2024 8:32 AM  
**To:** Alan Hiscocks <[alan.hiscocks@thetradedesk.com](mailto:alan.hiscocks@thetradedesk.com)>  
**Subject:** Notice of Availability-Draft EIR for Main Street Moves



## NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT

Please see the attached Main Street Moves Draft Environmental Impact Report Notice of Availability.

The public review and comment period for the Draft EIR begins October 9, 2024, and ends November 25, 2024 at 5:00 p.m.

Written comments must be submitted in writing no later than **5:00 p.m.** on **November 25, 2024** to Jared Rosengren, Principal Planner, at [jrosengren@cityofventura.ca.gov](mailto:jrosengren@cityofventura.ca.gov)

[View EIR Documents  
Here](#)

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Constant Contact
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## Letter 6

**COMMENTER:** Michael Prabhu

**DATE:** October 9, 2024

### Response 6.1

The commenter references Figure 2-3 on Page 46 of the Draft EIR, which delineates the full-time closure area analyzed in the EIR. The commenter reiterates their previous concerns about this closure impacting access to the parking lot for 507 Main Street. The commenter recalls that the City had committed to updating the closure area to ensure this parking lot would remain unobstructed. They now seek clarification on how to update the closure area and emphasize the importance of ensuring the proposed project does not impede access to the 507 Main Street building and parking lot.

The parking lot referenced by the commenter is behind (north of) the building at 507 Main Street, with access off North California Street. Figure 2-3 shows that bollards would be placed on North California Street north of this parking lot, potentially preventing vehicle access.

The city has no intention of permanently blocking the parking lot for 507 Main Street. Although the figure shows a bollards and planter location north of the parking lot access point, if bollards are installed at that location, as depicted in Figure 2-3, it would be for the purpose of temporary seasonal events only. As discussed in Chapter 4, *Environmental Impact Analysis*, of the Draft EIR, the project description and environmental analysis provided throughout the Draft EIR represent the most comprehensive assessment of the project's design and its broadest potential impacts. As such, the largest possible project boundary is shown in Figure 2-3 and analyzed throughout the EIR. Nevertheless, it is more likely that bollards would be placed south of the parking lot access to ensure continued access. Final decisions regarding the precise locations of bollard placement will be at the discretion of the Ventura City Council.

The City will continue to coordinate with the commenter regarding property access separately from the CEQA process.

No additional analysis or revisions to the Draft EIR are required.

**From:** [S. Basham](#)  
**To:** [Jared Rosengren](#)  
**Subject:** -EXT- Project Title: Main Street Moves  
**Date:** Wednesday, October 16, 2024 10:54:14 AM

---

Good morning,

I am a Ventura native, 70 years old. I have some mobility issues.

Since MSM was put into play I have only been downtown once a year to see a movie. I would love to be able to drive down Main Street, to the areas now closed to traffic, and see what shops and restaurants are now there. Then maybe I could at least try and park close to the business I'd like to take a look at. Parking in the lots above Main Street is not an option for me nor is parking anywhere but the parking structure on Santa Clara and "strolling" down the streets.

7.1

People of all ages and lifestyles, new to city and those that have lived here like me their whole lives enjoy downtown. I still work and have to drive downtown for errands. Parking is not easy if you can't get close to your destination. You have to go a long way around to try again, whereas you used to be able to circle the block using Main.

The suggested Project Description of reopening even California Street below the alleys (Rest and Restoration Alley?) so cars can go as far as that then turn around using the alley seems like a traffic nightmare. Would this alley then only be one way? (Having a hard time envisioning this).

7.2

I understand many of the eateries on Main Street have spent thousands building semi-permanent structures in the street itself for dining. The city now taxes this eateries for the additional square footage used in the street beyond the original space they had to begin with. I doubt the city wants to lose this additional money. Also, if in addition to all the paid parking that was implemented some time ago, the parking structure on Santa Clara also becomes paid parking then the parking situation becomes even worse as business employees, visitors and Ventura natives juggle for space.

7.3

There are many pros and cons to this proposal. A decision keeps being extended. Enough money has been spent on reviews. Take a vote on it to the people of Ventura only. No one that does not live in the City of Ventura should be able to decide what happens with Main Street.

I guess I should have just made this simple by saying reopen Main Street. I would like to see Main Street again.

7.4

Thank you for your time,  
 Sherrie Basham

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## Letter 7

**COMMENTER:** Sherrie Basham

**DATE:** October 16, 2024

### Response 7.1

The commenter states that since the project site has been closed, they rarely visit downtown Ventura, and they would like to be able to drive down Main Street again. The commenter notes that due to their mobility issues, parking is an issue under existing conditions as they state it is difficult to get close to their destination.

The commenter's concerns are noted. As discussed in Response 4.3, impacts to parking are generally not considered to be significant environmental impacts under CEQA. This comment does not pertain to the adequacy of the Draft EIR analysis or CEQA process. As such, no additional analysis or revisions to the Draft EIR are required.

### Response 7.2

The commenter states that the partial reopening of California Street would create traffic issues, and they indicate they have a hard time envisioning this scenario.

Chapter 2, *Project Description*, of the Draft EIR provides details on the proposed reopening of California Street. Specifically, the project would result in the reopening of South California Street, south of the alleys, to vehicles traveling in both the northbound and southbound direction. As discussed in Chapter 4.11, *Transportation*, of the Draft EIR, the reopening of South California Street would not result in a significant impact to transportation. No additional analysis or revision to the Draft EIR are required.

### Response 7.3

The commenter acknowledges that many restaurants along Main Street have invested in semi-permanent structures on the street for dining and suggests that the city would not want to lose tax money associated with additional dining square footage. The commenter also expresses concern that the parking structure on Santa Clara Street will eventually become paid parking.

The proposed project entails a full-time, long-term closure of portions of Main Street to vehicle access. The project does not involve construction or removal of structures, including those used for outdoor dining, nor does it involve changes to the Santa Clara Street parking structure.

As discussed in Response 4.3, parking is not an environmental issue area required for consideration under CEQA. However, the commenter's concerns about paid parking are noted.

Because this comment does not pertain to the adequacy of the Draft EIR, no additional analysis or revisions to the Draft EIR are required.

### Response 7.4

The commenter argues that the project should be voted upon only by residents of Ventura and concludes with stated opposition to the project.

The proposed project will be considered by the Ventura City Council, and the approval process would take into account project benefits, environmental impacts, and public comments received during the CEQA process and at the project hearing. The commenter's opposition to the project is noted. No additional analysis or revisions to the Draft EIR are required.



**PACHOWICZ | GOLDENRING****A Professional Law Corporation**

Mailing Address:  
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702  
F: 805.642.3145

November 25, 2024

**Via Mail and Email** [jrosengren@Cityofventura.ca.gov](mailto:jrosengren@Cityofventura.ca.gov)

Mr. Jared Rosengren, Principal Planner  
City of Ventura, Community Development Department  
501 Poli Street  
Ventura, California 93001

**Re: Draft Environmental Impact Report  
Main Street Moves**

Dear Mr. Rosengren:

Is our understanding that you are to be the recipient of comments with respect to the Draft Environmental Impact Report (“DEIR”) for the Main Street Moves matter (“MSM”). If we are in error, please advise and forward this correspondence as appropriate.

This correspondence is proffered on behalf of a number of property owners and business owners within the MSM area. Although this is a singular letter comment, it should be considered by the City comments on behalf of a large number of parties adversely affected by MSM.

Given the deficient process of the dissemination of the DEIR, and the City's failed and legally deficient processes of public interaction associated therewith, this correspondence shall not be deemed to limit or modify the rights of the community, including without limitation, to further comment whether within the specified time limits by the DEIR Notice or otherwise.

The nature and extent of the deficiencies of the DEIR are myriad. By this correspondence, we specifically reference and include, by this reference, all of the following:

- A. Written comments and public presentations made to Council on May 21, 2024, October 22, 2024, and November 12, 2024. The staff report for each and the staff presentation for each.
- B. The Administrative Record presented to the Court in the litigation entitled *Open Main Street vs. City of Ventura*, VCSC Case No. 2024CUWM021824.
- C. The Tentative Ruling of the Court in the *Open Main Street vs. City of Ventura*, VCSC Case No. 2024CUWM021824 matter, and any subsequent Court Order or Judgment issued.
- D. Our correspondence of July 16, 2024 and July 23, 2024.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A  
Camarillo, CA 93012

T: 805.987.4975  
F: 805.987.4980



Should you not have access to any of the foregoing, though we believe that to be unlikely, please let us know and we will provide them to you. We specifically reference, *inter alia*, the sales tax data, and the limitations associated therewith provided by City staff to the undersigned and thence by the undersigned to Council, as well as the internal City records concerning the MSM area as it pertains to existing violations of the ADA, the Unruh Act, and the Building Code, as well as the inaction of the City associated therewith. Each of the foregoing are incorporated herein as though set forth in full and attached hereto, and, to reiterate, should it assist you in us providing those specific documents for reference to be addressed in this matter, please advise. To the extent staff issues a “Response to Comments,” we will expect those to include each of the foregoing.

8.2  
(cont.)

### THE APPLICABLE LAW AND THE DEIR FAILURES

The California Environmental Quality Act, (“CEQA”) mandates state and local agencies must identify potentially significant environmental impacts of their actions and then must take steps to avoid or mitigate those impacts or as feasible. CEQA requires that, *inter alia*, prior to any approval or implementation of a project that is subject to CEQA, an agency analyzed the potential environmental impacts of the proposed actions in an EIR, with very limited exceptions. (PRC, section 211.00, et seq.). The EIR is the very heart of CEQA, (*Dunn-Edwards vs. BAAQMD* (1992) 9 Cal.App.4th 644 652.) It is well established that the “foremost principle” in interpreting CEQA, is that the legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language. (*Cmtys for a Better Environment vs. Cal Resources Agency* (2002) 103 Cal.App.4th 98, 109.) California law makes clear that CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about potential significant environmental effects of a project prior to approval. (Cal Code, Reg. (CEQA Guidelines) § 15002(an)(1). Specific language of the guidelines is that the information is to be “before [decisions] are made.” Thus, the EIR protects not only the environment but also, “informed self -government.” (*Citizens of Goleta Valley vs. Board of Supervisors* (1990) 52 Cal.3d 553, 564)

8.3

The second critical component of CEQA is that it requires public agencies to avoid or reduce environmental damage when “feasible” and the EIR is to serve the purpose of providing agencies and the public with information about the environmental impacts of a proposed project and to identify ways that environmental damage can be avoided or significantly reduced. (CEQA Guidelines § 15002 (an)(2).

CEQA requires that a public agency consider approval of a project *concurrently* with the public agency's decision as to whether to approve or disapprove a specific project. Section 21003 of the California Public Resources Code specifically requires that local agencies integrate the requirements of this division with planning and environmental review procedures otherwise required by law or by local practice so that all of these procedures, to the maximum extent feasible, run concurrently rather than consecutively. Thus, consistent with the mandate that the CEQA process runs concurrently with the public agency's decision as to whether to approve or disapprove a specific project, CEQA requires that a public agency consider a project's environmental impact when “determining whether to approve the project.” (CEQA Guidelines § 15093(a)).

A project is approved for the purposes of CEQA when a public agency commits, “to a definite course of action...[including] entitlement for use of the project.” (CEQA Guidelines § 15352.) An agency cannot adopt a CEQA determination for a project prior to approval of a project. (*City of Amador vs. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 965) nor can a CEQA determination be adopted after a project has been approved. (*Save Tara vs. City of West Hollywood* (2008) 45 Cal.App.4th 116, 127.)

8.3  
(cont.)

Virtually all of these basic fundamental principles embedded in both regulation and statute have been violated by the City. While many are discussed below, some are referenced at this stage and include the following:

A. The MSM closure has been in place for nearly five years. It was initially in response to the COVID pandemic, but after that concluded, it was continued through an improper and illegal issuance of a “permit” to the Downtown Ventura Organization. The status quo thus is and has been violation of the law. Through that process, City Council repeatedly and unambiguously expressed and voted to approve the project without any EIR nor environmental review. Thus, the status quo is that the project has been implemented and approved without any compliance with CEQA, and the EIR is a tag along, long after the project, as described, was approved, voted on, and implemented. Indeed the DEIR relies on current closure status, though illegal, in support of its conclusions and analysis.

8.4

B. The current MSM status is addressed in pending litigation (*Open Main Street vs. City of Ventura*, VCSC Case no. 2024CUWM021824). While there is no final Order or Judgment in the matter, the tentative decision of the Court makes clear that the current status is in violation of the law. In its enactment of the current status by Council vote on May 21, 2024, the City implemented the project through an illegal process thus creating the “project” in violation of CEQA. That was reaffirmed by the Council action November 12, 2024.

8.5

C. City staff has made clear that the project as defined in the DEIR is in place, has been in place, and the DEIR is solely to “backfill” CEQA compliance. The backwards sequencing is in direct violation of the law.

8.6

The required CEQA environmental review involves both substantive and procedural steps. Public participation plays a critical, important, and protected role in the CEQA process. (*Laurel Heights, Improvement Association vs. Regents of the University of California* (1988) 47 Cal.3rd 376) “[T]he EIR process protects not only the environment, but also informed self-government.” Members of the public have a “privileged position,” in the CEQA process, (*Citizens of Costa Mesa, Inc. vs. 32nd District Agricultural Association* (1986) 42 Cal.3rd 929.) The public agency must include provisions in its CEQA procedures for wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues related to the agency's activities (CEQA Guidelines § 15201.) A lead agency may not approve a project until the public has been given a full and adequate opportunity to participate and comment on the project. Here, the City has failed in its obligations. These failures include the following:

8.7

A.	The City has failed to provide a copy of the DEIR to the visually impaired and those with disabilities as mandated by law.	8.8
B.	The City has failed to provide a copy of the DEIR at public libraries and at City Hall in a written, reviewable format and publicize same to members of the public, so that the public has access to the document.	8.9
C.	The City has failed to notice or engage in any public forums or processes, whether in person or by electronic means," (i.e. Zoom) to facilitate members of the public's comments on the DEIR.	8.10
D.	The City has failed to properly disseminate and communicate to the members of the public of the issuance of the DEIR, its provisions, and the opportunity to comment.	8.11
E.	The City staff has failed to present to members of the public and to Council facts and empirical data in the possession, custody, or control of the City, thereby creating a false and misleading public record for matters specifically within the scope of the DEIR or required to be considered. These include, without limitation, the failure to present sales tax data, and its concurrent misrepresentation in the DEIR, the failure to present data concerning reduced rents in the MSM area, the failure to produce data concerning increased vacancies in the MSM area, the failure to produce data concerning increased crime and the violence of crime in the MSM area, the failure to provide the data concerning the City's refusal to enforce its own ordinances and the Building Code, the City failure to address the ongoing ADA violations in the MSM area. All in all, there is a pattern and practice of City staff hiding information from members of the public, and Council, so as to create a false and misleading Administrative Record thereby resulting in a false and misleading DEIR.	8.12
F.	City Council has implemented the project already illegally and as such this violates CEQA and its procedural and substantive requirements. Not only has the City actually implemented its claimed project in violation of CEQA, but a Court through a tentative ruling has so indicated this to be the case, and staff have supported this illegal process including, by way of example only, the City Manager "voting" in the survey recently performed for the project, without Council authorization, and without direct disclosure to members of the public.	8.13
Each of the foregoing, independent of anything else, results in the DEIR being invalid and violative of the law.		8.14

## **FURTHER SPECIFIC COMMENTS AND FURTHER FAILURES OF THE DEIR**

The further specific comments specified hereinafter are in addition to those delineated above, and those which may otherwise be presented:

1. The project description is false, misleading, inaccurate, and incomplete. This includes each of the following:
  - a. The project is described as being “located within a five -block portion of East Main Street in California Street.” This is inaccurate in its description of the boundaries of the project site. 8.15
  - b. The project site is described as “relatively flat from a topographic perspective.” This is inaccurate. The project site is not “relatively flat” and indeed contains within it some significant slopes throughout which are, by the City staff’s own evaluation, in violation of the Americans for Disabilities Act (ADA) as well as California’s Unruh Act. City staff has urged and did so as early as approximately June 2023 that the City obtain a CASp review/report which the City has failed to do so as of this date. The failure to obtain a CASp report has been confirmed by the City Building Official despite staff’s recommendation that this occur to document and identify the myriad of ADA violations so that they could be within the scope of both an EIR analysis and project description. 8.16
  - c. The project is being described as requiring “an encroachment permit for pavement demolition, bollard foundation construction, and bollard installation, and associated pavement work.” This is inaccurate. This is an incomplete description of the scope of work required. The scope of work that will be required, as determined by City staff, in its documentation, includes without limitation the following: 1) A number of permanent bathroom facilities for use by members of the public within the proposed MSM area; 2) the reconfiguration of the area to comply with ADA and state law; 3) the reconstruction and improvements for many physical properties and locations to comply with the Building Code including without limitation, bathroom requirements and the 20% requirement as specified in staff analysis; 4) the physical improvements to the MSM area referenced by staff but as yet unidentified; 5) the permanent lack of access to private parking for various property owners; 6) the permanent taking of public parking spaces and their transference to private users in preference and without notice or compensation; 7) the impact on surrounding neighborhoods of increased traffic; 8) the impact on surrounding neighborhoods of increased parking; and 9) the City anticipated loss of free parking. 8.17

- |  |      |
|--|------|
| d. Further, in a project description the Court has made clear that “the <i>Sine qua non</i> of a formative and legally sufficient EIR” is a “accurate project description” and the description must be “accurate, stable, and finite.” The project description in this matter fails. See <i>John M. Gooden vs. County of Los Angeles</i> (2024) 106 Cal.App.5th 1.   | 8.18 |
| <br>2. The Projects Characteristics section is inaccurate, incomplete, and misleading. It is, in this regard, thus violative of the law through, including the following:  |      |
| a. The description of public parking is inaccurate. By City staff implementation and documentation, there is a permanent loss of private parking. In addition, previously public spaces have been and will be converted to private permit only, to try and “offset” the loss of private parking, have been removed from public parking capacity. This has been done without hearing, notice, or even a legal agreement. The City attorney's office has confirmed there is no such legal agreement. Thus, the description of the loss of public parking is inaccurate and understates what has actually occurred and will continue. Moreover, the City is in the process of converting all free parking in surrounding public parking areas to "paid parking." City staff have determined that there is an insufficient and deficient number of ADA compliant parking areas now existing and which will exist in the future. Accordingly, the description of parking is inaccurate. | 8.19 |
| b. The DEIR states that the project “would retain the existing sidewalk, curb, and gutter configuration.” This is inaccurate. The staff analysis that took place in Summer 2023 makes clear that the forgoing cannot exist because of the application of the ADA and state associated requirements.  | 8.20 |
| c. The project construction scope is inaccurate and incomplete. City staff has confirmed that a wholesale reconstruction of much of the MSM area will be required. In addition, the City will legally be required to place bathrooms throughout the MSM area. The DEIR fails to address the existing building code violations identified by staff, which will mandate and require extensive remodeling, if even possible, to accommodate the additional square footage of outdoor parklets for various facilities, as well as addressing the inability and lack of compliance with the building code 20% requirement, all as reviewed and determined to exist and needing to be addressed by staff.  | 8.21 |
| d. The DEIR in this section and throughout understates the loss of parking—see comments above materially.  | 8.22 |

- |    |  |      |
|----|--|------|
| e. | The DEIR fails to address the impact on the alleyway behind the 500 block which will now be a thoroughfare for traffic from California Street being converted to one way dead-end. The DEIR is silent as to the anticipated increase of traffic, the impact on the adjacent properties and the physical infrastructure, the increased exposure of that traffic to pedestrian-vehicle and vehicle-vehicle negative interactions, (i.e. accidents), the lack of traffic control to the alleyway from the existing parking structure with the increased traffic, and all of the associated and additional impacts that will occur by substantial traffic being funneled from California Street into a one-way small alleyway.   | 8.23 |
| f. | The DEIR states that the closure will be such as to “limit general traffic flow while accommodating emergency vehicle access.” This is inaccurate and false. The DEIR fails to address or acknowledge the existing City policy relative to access of vehicles to the MSM area as it is currently configured and which will, unambiguously, be required to continue and indeed be expanded. The statement of limitation of access is simply wrong under existing policy and any go forward process.   | 8.24 |
| 3. | The DEIR sets a historical baseline of January 15, 2020. This is without explanation or support by any cited empirical data. It is a date that is arbitrary and capricious. Indeed, it is a painfully inaccurate baseline date. It is a weekday in the dead of winter when the worst weather exists. Empirical data obtained from the City, though not at all referenced in the DEIR, makes clear that visitors to the MSM area and hence traffic impacts, pollutant impacts, parking impacts, and all other impacts are at their lowest in the dead of Winter. Yet the DEIR is silent to these issues and any comparison to the proposed project, although already implemented in violation of CEQA for nearly five years, as to increased impacts during, “the tourist season” a term used by Council, as well as staff. The failure of the DEIR to credibly pick matching dates to the impact time period or to credibly measure those impacts based upon anticipated visitation to MSM is a fatal defect. The DEIR repeatedly articulates that “no change” is expected across a myriad of impacts, including visitation, parking, car emissions, impact on surrounding neighborhoods for traffic and parking, by stating that effectively since MSM has been in place and no change is expected, there is no change. But this fails to affect a credible and data-based comparison to a proper deadline, and it fails to reflect the accurate data, which is that during the closure, in fact, visitation, vehicles and visitations have been in decline. Indeed, the DEIR is silent as to any empirical data analysis including without limitation a credible traffic analysis to a credible baseline comparison including surrounding neighborhoods and the sales tax data for the MSM area compared to the immediately surrounding downtown and its downward trend over the last 18 months. | 8.25 |





<p>objectives” which on its face contemplates an increase. Thus, an increase of people is contemplated which means an increase of cars, idling cars, parking cars, traffic congestion, all of which in even a most basic analysis, must be considered as part of the impacts and addressed. Yet the DEIR is silent and makes the broad statement that since the “closure has been happening,” the impacts are already existing and therefore, "there is no change.” But this is contrary to the baseline analysis required, and it is simply wrong by empirical data, including the sales tax data presented to Council (see Administrative Report) which shows a reduction of attendance, but which is completely ignored in the DEIR.</p>	<p>8.30 (cont.)</p>
<p>6. The delineation of required approvals is simply deficient based upon the scope of required work both by the public as well as the private side. See comments above.</p>	<p>8.31</p>
<p>7. The DEIR fails to adequately address aesthetics. It fails to, <i>inter alia</i>, address the physical improvements that will be required both by the public and the private sector including without limitation multiple public restrooms in a permanent configuration within the MSM area, and, the significant and multiple private improvements by expansions of bathrooms and change of seating required to meet the Building Code requirements.</p>	<p>8.32</p>
<p>8. The DEIR section 4.2.4 on cumulative air quality impacts is inaccurate. It fails <i>inter alia</i> to address the true scope of:</p> <p>a. Actual construction as required on the private side as referenced above.</p>	<p>8.33</p>
<p>b. Actual construction on the public side as required as referenced above.</p>	<p>8.34</p>
<p>c. The purpose of the project is to increase public participation, especially given the empirical data of sales tax revenue showing a nearly three times reduction of sales tax in the closed MSM area compared to the surrounding downtown. Since the claimed “purpose” of the project is to enhance and increase public participation and thereby increase visitors, the DEIR must address increased traffic, increased car idling, increased impacts on surrounding neighborhoods of both parking and driving, increased impacts of public attendance, all resulting in significant environmental impact, none of which is addressed in this section nor elsewhere in the DEIR.</p>	<p>8.35</p>
<p>9. The DEIR makes the statement that the project is not inconsistent with nor does it violate, nor does it require amendment of the City of Ventura General Plan or the City</p>	<p>8.36</p>

of Ventura Downtown Specific Plan. In fact, neither of these documents reference or contemplate a project including multiple blocks of closure as existing and/or proposed under MSM. No such closures have ever existed. Nowhere in either of the governing documents has this been discussed or contemplated. There are neither public statements nor staff reports that support any such interpretation. As such the MSM project as described violates the General Plan as well as the Downtown Specific Plan.	8.36 (cont.)
10. The analysis in section 4.9.1 is defective. Since it is predicated on an inaccurate description of the actual public and private scope of work, is predicated on an improper baseline, and fails to address the empirical data, including the sales tax information provided to Council, it cannot withstand scrutiny.	8.37
11. Section 4.14.9 “Urban Blight” in its statements as well as elsewhere in the DEIR fails to address empirical data, which has been presented to Council and is part of the Administrative Record and makes statements that are painfully false. These false statements include without limitation:	
a. The statement “Sales tax and vacancy rate data from the historical baseline is not available.” This is false. The sales tax data is available to the City consultant HdL, was promised to be provided by the CFO of the City, Mr. Morley, who then failed to provide it. Thus, the data being available, it cannot be ignored by stating, “it is not available,” just because City staff chooses not to obtain it.	8.38
b. The statement “Sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed road conditions are generally more stable in comparison to other areas of the City.” This is false and accurate. An accurate description of the sales tax data is that in the MSM closed area sales tax is down approximately three times more than the immediately surrounding downtown area. When further delineation of the sales tax data has been requested by the City, staff have refused to provide it, including the mix of types of businesses within both the closed area of MSM as well as the immediately surrounding downtown, as well as other areas of the City. Staff have this data, has access to the data, but refuses to provide it. Staff cannot issue a DEIR that claims something when the empirical data says otherwise and there is further data that could be provided which staff refuse to provide.	8.39
c. The DEIR states that there is vacancy rate data that the project site had a 6% vacancy rate during May 2024. This is inaccurate and not based upon any actual data. Further, staff has acknowledged that it has no basis to analyze vacancy	8.40

rate. There is nothing cited to support this factual statement and it is contrary to the empirical data available.	8.40 (cont.)
d. The DEIR is silent as to falling rents in the MSM area.	8.41
e. The DEIR makes the statement that, “The project site has exhibited stable sales tax revenues.” This is false. The sales tax revenues in the MSM area for the 18 months of January 1, 2023, through second quarter 2024 show a falling amount of sales tax of significant amounts. (See Administrative Record data.)	8.42
f. The DEIR states that there is “a healthy vacancy rate” during the temporary road closed conditions.” This is a false statement, not based on any empirical data, and indeed, the empirical data says otherwise.	8.43
g. City staff have access to the geolocation data through subscription, and that is not referenced in the DEIR. That data will reflect a significant and material decrease of visitation to the MSM area consistent with the sales tax data and this empirical data is not referenced in the DEIR which makes false statements and conclusions.	8.44
h. In this section and elsewhere throughout the DEIR, the DEIR purports to rely upon the existing condition in support of its conclusions and analysis. But the existing condition is illegal. There is no authority for the proposition that the City may rely on an illegal condition to support a project, and this is especially true where the project has effectively already been approved in its illegal status. Thus this DEIR is nothing more than a “backfill” to try to “make legal” what is illegal prior to mandatorily reestablishing the status quo of open and then proceeding with the concurrent review and consideration of a project and an EIR.	8.45
12. The DEIR makes the shocking statement that:	
“It can be determined that the full-time long-term closure of Main Street and California Street would not contribute to a reduction in sales tax revenue or an increase in vacancy rates within or adjacent to the project site.”	8.46
This is false and contrary to the empirical data including the HdL sales tax data as well as the vacancy increases and the rent decreases, actually occurring. Further, the reliance on an ordinance about not allowing neglected deterioration is a false statement of the	

application of the ordinance and hardly a basis in the context of the face of the actually occurring Urban Blight.	8.46 (cont.)
13. The DEIR in section 5.1.2 and in its related sections relies on the statement that “the project site has exhibited stable sales tax revenues and a healthy vacancy rate during the temporarily closed conditions.” Both of these are inaccurate, wildly so, and the consultants are referred to the HdL data which is exactly to the contrary and long hidden by staff. Further, since the whole “purpose” is to “increase vibrancy” and by its very description, increase visitation and persons to MSM (setting aside that it has actually done the opposite) the DEIR fails to address the impact of this change broadly to the environment and the community.	8.47
14. The DEIR fails to address the scope of impact of what it proposes, increased pedestrians to the MSM closed area with a resultant increased traffic in the surrounding area, both traffic, parking, and similar. Those issues have previously been referenced above. But in addition, the increased public contemplated by the project has an increase in trash, materials going into storm drains, runoff, discharge, and similar, all of which will result from “increased” and pedestrians and their vehicles. This is not addressed in the DEIR in violation of law. ( <i>Gualala Festivals Committee vs. California, Coastal Commission</i> (2010) 183 Cal.App.4th 60.)	8.48
15. The project constitutes a regulatory and physical taking to private property. In addition to removing parking spaces on Main Street in the MSM area, it also increases traffic in the alleyway on the 500 blocks significantly without even addressing that issue, it contemplates a taking of parking spaces adjacent to MSM as has occurred and will continue to occur and has objectively, significantly and materially impacted in a negative way, rents, property values and tenancy. Further the decrease in sales tax revenue as established by the HDL reports for the period staff is provided makes clear the loss of revenue. Thus, the project constitutes a regulatory and physical taking. The DEIR is silent on this issue.	8.49
16. The notice of availability of the DEIR is legally deficient, including those matters set forth here and above.	8.50

## CONCLUSION

For all of the aforesaid reasons and those otherwise submitted or communicated to both you as well as Council, un the administrative process heretofore and continuing, as well as other comments that may be received, it is respectively submitted that the DEIR is fatally defective, procedurally and substantively.

Very truly yours,

PACHOWICZ | GOLDENRING  
A Professional Law Corporation

By:  Peter A. Goldenring

PAG:ea

8.51

## Letter 8

**COMMENTER:** Peter Goldenring, Pachowicz|Goldenring, a Professional Law Corporation

**DATE:** November 25, 2024

### Response 8.1

The commenter states that this comment letter is submitted on behalf of multiple unnamed property owners and business owners within the project area. The commenter states that dissemination of the Draft EIR and the City's public engagement process for the project has been deficient. The commenter further states that this comment letter does not limit or modify the rights of the community to further comment on the Draft EIR.

This comment is acknowledged. This comment does not identify any specific examples of non-compliance with the procedural requirements related to the dissemination of the Draft EIR or to the City's public engagement process. Response 8.7 provides a response to the commenter's more specific claims regarding deficiencies in the public engagement and review process. In accordance with *CEQA Guidelines* Section 15088, the City shall evaluate all comments on environmental issues received from persons who reviewed the Draft EIR and prepare a written response. As required, the City shall respond to comments raising significant environmental issues received during the noticed comment period.

### Response 8.2

The commenter states that the Draft EIR contains multiple deficiencies, and specifically references written comments and public presentations made to City Council on May 21, October 22, and November 12, 2024; the Administrative Record presented to the Court in VCSC Case No. 2024CUWM021824; the Tentative Ruling of the Court in VCSC Case No. 2024CUWM021824; personal correspondence with the City on July 16 and July 23, 2024; sales tax data; and internal City records concerning the Main Street Moves Project. The commenter notes that if the City does not have access to these materials, the commenter can provide them to the City.

This comment does not include specific examples of deficiencies that pertain to the adequacy of the content or analysis provided in the Draft EIR. As such, no response, additional analysis, or revisions to the Draft EIR are required.

### Response 8.3

The commenter references various cases and statutes to provide an overview of the purpose and scope of CEQA.

The City acknowledges that Public Resources Code section 21000 et seq. and the *CEQA Guidelines*, as interpreted by case law, sets forth the purpose and scope of CEQA. This comment does not pertain to the adequacy of the Draft EIR or CEQA process. No additional analysis or revisions to the Draft EIR are required.

## Response 8.4

The commenter summarizes the history of the roadway closure in the Main Street Moves Project area, and states that permit issuance has been in violation of the law. Specifically, the commenter states the project was implemented and approved without CEQA compliance and indicates that the EIR relies on the closure as the “status quo.”

Chapter 1, *Introduction*, of the Draft EIR provides a summary of the project background and history of the road closures. As discussed therein, the project site has been closed to vehicular traffic since May 18, 2020, through Ventura City Council’s approval of an emergency ordinance, a Temporary Outdoor Business Expansion Program, a Temporary Business Expansion Special Use Permit, and Vehicle Code Section 21101 (a)(1). As such, the proposed project has not been approved or implemented, as the temporary closures do not constitute a permanent road-closed condition. The EIR utilizes a pre-closure baseline, providing a comparison of the “closed” and “pre-closure” condition, and does not rely on the closed condition as the “status quo.” No additional analysis or revisions to the Draft EIR are required.

## Response 8.5

The commenter references the *Open Main Street vs. City of Ventura* litigation (VCSC Case no. 2024CUWM021824).

As acknowledged in the comment, there is no final ruling or judgment in such matter. Further, such matter does not involve any CEQA claims. This comment does not pertain to the adequacy of the Draft EIR or CEQA process. No additional analysis or revisions to the Draft EIR are required.

## Response 8.6

The commenter states that backward sequencing of the Draft EIR has occurred, and is in violation of the law.

In accordance with *CEQA Guidelines* Section 15004, the City shall consider the Final EIR before granting formal approval of the Main Street Moves Project. Project approval would include the replacement of temporary traffic barriers currently in use with semi-permanent bollards and crash-rated planters, which is a change from current conditions. In accordance with Section 15004(b), the City has not undertaken any actions concerning the proposed project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures prior to completion of CEQA compliance. No revisions to the Draft EIR are required.

## Response 8.7

The commenter references several cases as a summary of the CEQA requirements pertaining to public participation, and states that the City has failed in its obligation to give adequate opportunity for the public to participate and comment on the project.

The City acknowledges that CEQA establishes specific requirements for public noticing and participation, and the City is committed to adhering to these requirements. Specifically, *CEQA Guidelines* Section 15087 requires the City to provide public notice of the availability of a Draft EIR at the same time as it sends a Notice of Completion to the Office of Land Use and Climate Innovation (LCI; formerly the Office of Planning and Research). The City must mail a public Notice of Availability (NOA) of a Draft EIR to the last known name and address of all organizations and



individuals who have previously requested such notice in writing, and the City must provide a public NOA of a Draft EIR by at least one of the following procedures:

- Publication in a newspaper of general circulation in the area affected by the proposed project;
- Posting on and off the site in the area where the project is to be located; or,
- Direct mailing to the owners and occupants of property contiguous to the parcel or parcels on which the project is located.

*CEQA Guidelines* Section 15087 also requires the notice of the availability of a Draft EIR be posted in the office of the county clerk. The guidelines state copies of the Draft EIR should be furnished to public library systems serving the area involved and be available in the City office. Public hearings are encouraged but are not required at this stage of the CEQA process.

The City took the following actions related to public noticing, in accordance with the above-referenced *CEQA Guidelines*:

- Filed the Draft EIR with the State Clearinghouse
- Posted an electronic copy of the Draft EIR on the City's website
- Provided a hard copy of the Draft EIR at the E.P. Foster Library
- Posted a hard copy of the Draft EIR at the City Counter
- Filed the Notice of Completion and NOA with the LCI (formerly the Office of Planning and Research; also referred to as the State Clearinghouse)
- Posted the NOA with the Ventura County Clerk
- Published the NOA in a newspaper of general circulation (Ventura County Star)
- Mailed the NOA to all property owners and businesses within the project area, all Downtown Ventura Organization/ Downtown Ventura Partners board members, the City Council Main Street Moves Subcommittee and all organizations or individuals who previously requested such notice
- Posted the NOA in the City of Ventura Economic Development Newsletter

As such, the City has fulfilled its requirements pertaining to public participation and noticing of Draft EIR availability. No additional analysis or revisions to the Draft EIR are required.

## **Response 8.8**

The commenter states that the City failed to provide a copy of the Draft EIR to the visually impaired and those with disabilities.

CEQA does not specifically mandate the provision of the Draft EIR in formats accessible to the visually impaired or those with disabilities. However, the City strives to comply with the Americans with Disabilities Act (ADA) and other relevant accessibility laws by providing reasonable accommodation upon request. No requests for accessible copies of the Draft EIR were received by the City. As stated in Response 8.7, the City has fulfilled its requirements pertaining to public participation and noticing of Draft EIR availability. No additional analysis or revisions to the Draft EIR are required.

### Response 8.9

The commenter states that the City failed to provide a copy of the Draft EIR at public libraries and at City Hall in a written, reviewable format, and publicize document availability so the public has access to the document.

As stated in Response 8.7, the *CEQA Guidelines* suggest, but do not require, that copies of the Draft EIR be furnished to public library systems serving the area involved and be available in the City office. The City provided hard copies of the Draft EIR at both the E.P. Foster Library and the City Counter, and the availability of these hard copies was noted in the NOA that was widely distributed, as described in Response 8.8.

### Response 8.10

The commenter states that the City failed to notice or engage in any public forums or processes to facilitate public comments on the Draft EIR.

As stated in Response 8.7, CEQA and the *CEQA Guidelines* do not require a public hearing to occur during Draft EIR circulation. As described in Response 8.7, the City has fulfilled its requirements pertaining to public participation and noticing of Draft EIR availability. No additional analysis or revisions to the Draft EIR are required.

### Response 8.11

The commenter states that the City failed to properly disseminate and communicate to the public the issuance of the Draft EIR, its provisions, and the opportunity to comment.

As stated in Response 8.7 through Response 8.10, the City has fulfilled its requirements pertaining to public participation and noticing of Draft EIR availability. The commenter provides no specific examples of non-compliance with CEQA requirements.

### Response 8.12

The commenter claims that the City failed to present facts and empirical data and has created a false and misleading public record for matters specifically within the scope of the Draft EIR. Specifically, the commenter states that the Draft EIR fails to present data regarding sales tax, reduced rents, increased vacancies, increased crime, failure to enforce ordinances and the building codes, and ongoing ADA violations in the project area.

As discussed in Section 4.14, *Effects Found Not to be Significant*, of the Draft EIR and provided by PRC 21082.2 and *CEQA Guidelines* Section 15384, CEQA does not apply to social and economic impacts which do not contribute to, or are not caused by, physical impacts of a project on the environment. In accordance with *CEQA Guidelines* Section 15131, economic information may be included in an EIR or may be presented in whatever form the agency desires, but the economic effects of a project shall not be treated as significant effects on the environment. Section 4.14.9, *Urban Blight*, of the Draft EIR and Appendix G to the Draft EIR provide sales tax and vacancy rate data to support an assessment of the potential for urban blight to occur within the project site, but an economic analysis of reduced rents in the project area is not a requirement under CEQA and is therefore not provided. Furthermore, as the project does not propose to construct new buildings, data related to building codes is not provided, and ADA-compliance is not an environmental issue

area required for consideration under CEQA. Nonetheless, the project would not cause or contribute to any building code or ADA violations.

Section 4.10, *Public Services*, of the Draft EIR provides crime data from the Ventura Police Department, which suggest that criminal activity has decreased within the project site since the temporary roadway closure in 2020. Section 4.8, *Land Use and Planning*, of the Draft EIR provides an analysis of the potential for the project to cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation. As concluded therein, the project would be consistent with applicable land use plans, policies, and regulations, and less than significant impacts would occur.

The commenter does not provide facts or empirical data to support the claims in this comment regarding reduced rents, increased vacancies, increased crime, or ADA violations, nor does the commenter disclose any potential environmental impact that such additional information may demonstrate. As such, a more detailed response is not possible nor required. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.13**

The commenter alleges that City Council has already implemented the project and, as such, the City has violated CEQA and its procedural and substantive requirements.

As stated in Response 8.4, the proposed project has not been approved or implemented, as the temporary closures do not constitute a permanent road-closed condition, nor have any permanent physical changes occurred. Further, the referenced litigation does not include any CEQA cause of action. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.14**

The commenter states that, due to the circumstances outlined in Comment 8.8 through Comment 8.13, the Draft EIR is invalid and violative of the law.

As stated in Response 8.8 through Response 8.13, the City has met and complied with all CEQA requirements. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.15**

The commenter states the opinion that the project description, which identifies the project as being located within a five-block portion of East Main Street and California Street, is inaccurate.

As represented in Figure 2-2 and 2-3 within Chapter 2, *Project Description*, of the Draft EIR, the project encompasses a five-block portion of East Main Street and California Street. No revisions to the Draft EIR are required.

### **Response 8.16**

The commenter argues that the description of the project site as relatively flat from a topographic perspective is inaccurate.

This description of the project site is specific to geographical topography and is not intended to describe existing roadway, curb, or sidewalk features. As shown in the United States Geological

Survey's National Map Viewer dataset,<sup>1</sup> Main Street is relatively flat with a gentle slope (approximately 0.6 percent) from Figueroa Plaza to Fir Street, and California Street is relatively flat with a gentle slope (approximately 1.7 percent) from Santa Clara Street to Poli Street. North of Poli Street, topography changes from relatively flat with gentle slopes to hilly with steep slopes. However, this area is outside of the project boundary. According to ADA guidelines, the maximum percent slope for a trail should be up to five percent.<sup>2</sup> As such, slopes of less than 2 percent are considered "relatively flat" for the purposes of the EIR analysis. No revisions to the Draft EIR are required.

### **Response 8.17**

The commenter claims that the description of the scope of work is incomplete and should include permanent bathroom facilities, reconfiguration of the project area to comply with ADA and state law, reconstruction and improvements of and to physical properties, other unidentified physical improvements to the project site, lack of access to private parking, permanent taking of public parking spaces, traffic increases and parking impacts to surrounding neighborhoods, and the loss of free parking.

Chapter 2, *Project Description*, of the Draft EIR identifies all proposed project components. The project does not include the construction of permanent bathrooms facilities, reconfiguration of the project area, reconstruction of or improvements to physical properties or structures, or other physical improvements beyond those described in Chapter 2. The commenter's concerns related to parking, including lack of access to private parking, the permanent taking of public parking spaces, the loss of free parking, or general parking impacts are not an environmental issue area required for consideration under CEQA. Section 4.11, *Transportation*, discusses the project's potential impacts related to transportation, and demonstrates that the project would not have any significant transportation impacts. Traffic congestion is not an environmental issue area required for consideration under CEQA. The commenter appears to contend, without any specifics, that existing conditions violate the ADA; such existing conditions would not be caused or exacerbated by the proposed project.

As the project does not contain the improvements purported by the commenter, such improvements need not be analyzed in the EIR. As such, no revisions to the Draft EIR are required.

### **Response 8.18**

The commenter states the project description is not "accurate, stable, and finite."

As stated in Response 8.15 through Response 8.17, the project description is accurate. The commenter does not provide evidence that the project description is not stable or finite. No revisions to the Draft EIR are required.

### **Response 8.19**

The commenter states that the description of public parking is inaccurate. Specifically, the commenter claims that the project would result in a permanent loss of private parking, that

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<sup>1</sup> United States Geological Survey. 2024. The National Map. Available: <https://apps.nationalmap.gov/viewer/>

<sup>2</sup> United States Access Board. 2014. A Summary of Accessibility Standards for Federal Outdoor Developed Areas. Available: <https://www.access-board.gov/files/aba/guides/outdoor-guide.pdf>

previously public spaces would be converted to permit parking, and that the City plans to convert free parking in surrounding public parking areas to paid parking.

Proposed project components, including the potential loss of parking, are identified in Chapter 2, *Project Description*. The project does not include the conversion of public parking to permit or paid parking. As stated in Response 4.3 and Response 8.17, parking is not an environmental issue area required for consideration under CEQA. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.20**

The commenter claims that the statement that the project “would retain the existing sidewalk, curb, and gutter configuration” is inaccurate.

Proposed project components are identified in Chapter 2, *Project Description*, of the Draft EIR. The project does not include any changes to existing sidewalk, curb, or gutter configuration. The commenter does not provide evidence that this statement is inaccurate. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.21**

The commenter asserts that the project construction scope is inaccurate and incomplete. The commenter claims that reconstruction of the project area, implementation of bathrooms, and general remodeling will be required. The commenter further states that the Draft EIR fails to address a lack of compliance with building codes.

Proposed project components are identified in Chapter 2, *Project Description*, of the Draft EIR. As stated therein as well as in Response 4.3 and Response 8.17, the project does not include reconstruction of or improvements to physical properties or structures within the project area, counter to the commenter’s claims. The project does not include the construction of permanent bathrooms facilities, or other general remodeling. As stated in Response 8.12, the project does not include the construction of new buildings. As such, the Draft EIR does not address compliance with building codes. Current building code violations are a result of existing conditions and would not be caused or further exacerbated by the proposed project. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.22**

The commenter claims that the Draft EIR understates the loss of parking.

Proposed project components, including the potential loss of parking, are identified in Chapter 2, *Project Description*. As stated in Response 8.17, parking is not an environmental issue area analyzed under CEQA. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.23**

The commenter states the Draft EIR fails to address impacts to the alleyway behind the 500 block. Specifically, the commenter states the Draft EIR fails to address potential traffic increases and the subsequent impacts on adjacent properties and physical infrastructure, increased negative interactions between vehicles/pedestrians and vehicles/vehicles, lack of traffic controls to the alleyway from the existing parking structure, and associated impacts from traffic.

Section 4.11, *Transportation*, of the Draft EIR evaluates the project's potential impacts related to transportation. The Draft EIR specifically addresses conflicts with a program, plan, ordinance, or policy addressing the circulation system, inconsistencies with *CEQA Guidelines* Section 15064.3(b), increases in hazards because of a geometric design feature or incompatible uses, and emergency access.

As stated in Response 8.17, traffic congestion is not an environmental issue area required for consideration under CEQA. Regardless, the project would not be expected to result in traffic increases, as the project does not propose a change in land use that would generate additional vehicle trips. Furthermore, the closure is not anticipated to lead to a noticeable increase in traffic using the 400 block or 500 block alleys to detour around the closure under proposed project conditions, because there are no alleyways west of Oak Street or east of Chestnut Street to create an extended east-west throughfare that could be used as a detour route. Rather, vehicle trips on these alleyways under proposed project conditions would be expected to be primarily from vehicles traveling north on South California Street without realizing California Street is partially closed to vehicular traffic. Vehicles traveling north on South California Street would be able to route through either the 400-block alleyway (left turn) or 500-block alleyway (right turn) to turn around, reducing the number of vehicle trips along a single alleyway. Signage posted on South California Street and Santa Clara Street would identify the Main Street Moves roadways closures to further minimize such trips.

Further, as concluded in Section 4.11, *Transportation*, of the Draft EIR, impacts related to hazards and incompatible uses would be less than significant with implementation of Mitigation Measure TRA-3. As the project would not be expected to result in traffic increases or directly generate additional vehicle trips, the project would not result in a substantial increase in interactions between vehicles/vehicles or vehicles/pedestrians such that negative interactions would be more likely to occur. Furthermore, because the project would not result in physical changes on California Street that would create or exacerbate hazards or sightline issues, hazards associated with vehicle trips taken along the 400-block or 500-block alleys to turn around would be similar as compared to baseline conditions. Project implementation would allow vehicles to travel eastbound along the 500-block alley, providing access to the existing parking structure similar to baseline conditions. The parking structure includes a stop sign prior to the exit onto the alleyway. According to Section 2B.04, *Right-of-Way at Intersections*, of the California Manual on Uniform Traffic Control Devices, a stop sign or yield sign should be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches and where one or more of the following conditions exist:<sup>3</sup>

- The combined vehicular, bicycle, and pedestrian volume entering the intersection from all approaches averages more than 2,000 units per day;
- The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is necessary; and/or
- Crash records indicate that five or more crashes that involve the failure to yield the right-of-way at the intersection under the normal right-of-way rule have been reported within a 3-year period, or that three or more such crashes have been reported within a 2-year period.

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<sup>3</sup> California Department of Transportation. 2014. *California Manual on Uniform Traffic Control Devices*. 2014 Edition. Revision 8. January 11, 2024. Available at: <https://dot.ca.gov/-/media/dot-media/programs/safety-programs/documents/ca-mutcd/rev8/camutcd2014-rev8-all.pdf>

The City's traffic experts confirmed that these conditions do not apply to the parking structure entrance on the 500-block alley. Therefore, additional traffic controls are not required to the alleyway from the existing parking structure, as suggested by the commenter.

Overall, the 500-block alley would not be adversely affected by the project. The commenter does not provide evidence that the proposed project would result in an increase in vehicle trips, an increase in traffic accidents, or impacts to physical infrastructure due to traffic changes in this alleyway, nor explain how such effects would result in an environmental impact under one of the thresholds considered in Section 4.11, *Transportation*. No additional analysis or revisions to the Draft EIR are required.

## **Response 8.24**

The commenter argues that the statement that the closure would "limit general traffic flow while accommodating emergency vehicle access" is inaccurate. The commenter claims that the Draft EIR fails to address existing City policy related to access of vehicles to the project area.

Although the comment does not specify the City policy in question, the commenter appears to be referencing the *Guidelines for Main Street Moves Vehicle Access*.<sup>4</sup> This document is intended to clarify what vehicular access is allowed in the Main Street Moves project area, indicates that vehicles are generally prohibited within the Main Street Moves area, with limited exceptions for emergency vehicles, maintenance vehicles, and deliveries on a case-by-case basis upon a showing of "good cause." While such guidelines have not been adopted as a formal City policy and are subject to change, there is nothing inconsistent between the guidelines and the statement that the closure would "limit general traffic flow while accommodating emergency vehicle access."

Regarding accommodation of emergency vehicle access, impacts related to emergency access or emergency response are discussed in Section 4.7, *Hazards and Hazardous Materials*, Section 4.10, *Public Services*, and Section 4.11, *Transportation*, of the Draft EIR. As discussed therein, both the Ventura Police Department and Ventura Fire Department have been involved in project discussions concerning emergency access to the project site. In the event of an emergency response situation, proposed bollards would be removed to maintain emergency access to Main Street.

Impacts related to the project's consistency with existing city policy are discussed in Section 4.8, *Land Use and Planning*. Specifically, Impact LU-2 considers the threshold "Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect." As concluded therein, the proposed project would be consistent with applicable land use plans, policies, and regulations, and impacts would be less than significant. As such, no additional analysis or revisions to the Draft EIR have been made in response to this comment.

## **Response 8.25**

The commenter states the opinion that the historical baseline used in the Draft EIR (January 15, 2020) is not supported by cited empirical data and does not credibly measure impacts based upon anticipated visitation to the project site given that the selected baseline is in the winter. The commenter also claims that visitation and vehicle trips have declined since the temporary road closure.

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<sup>4</sup> City of Ventura, City Manager's Office. 2024. *Guidelines for Main Street Moves Vehicle Access*. July 2, 2024.



As discussed in Chapter 1.4, the CEQA Guidelines indicate that the environmental baseline against which a project's environmental impacts are measured will normally be physical conditions as they exist at the time the notice of preparation is published. (Guidelines § 15125.) Nonetheless, the Guidelines and case authority make clear that the City, as Lead Agency, has the discretion to select a reasonable baseline, supported by substantial evidence, that may not necessarily be based on existing conditions. Here, in order to be conservative and avoid understating the project's potential impacts, the City determined to use a baseline that predated the temporary closure of Main Street and California Street to vehicular traffic.

January 15, 2020, was a Wednesday during a typical work week with no federal holidays, which accurately represents normal business operations in the downtown Ventura area. This date was selected as a reasonable baseline because it occurred prior to the initial closure of Main Street and California Street under the temporary order, prior to the statewide shelter-in-place order enacted in March 2020, and prior to the first confirmed case of COVID-19 in California.

Further, the commenter's complaint that selecting a winter weekday when "traffic impacts, pollutant impacts, parking impacts, and all other impacts are at their lowest," misunderstands the purpose of a baseline. To the extent that the selected baseline understates existing impacts, it is conservative, since conditions under the proposed project are measured against such baseline. Nonetheless, environmental impacts would not be expected to change based on seasonality. Using this historical baseline thoroughly assesses environmental impacts based upon standard conditions in the project area, rather than the unusual conditions created by COVID-19 and the statewide shelter-in-place order. The unique circumstance of the COVID-19 pandemic and the associated ongoing road closure under temporary orders supports the use of this alternative baseline, consistent with the precedent set in *Communities for a Better Environment v. South Coast Air Quality Management District* (April 7, 2020) 47 Cal.App.5th 588.

The commenter provides no evidence that visitation and vehicle trips have declined since the temporary road closure. No additional analysis or revisions to the Draft EIR are required.

## **Response 8.26**

The commenter argues that the City has failed to provide sales tax or geolocation data (and a database associated therewith) to the public and to City Council, and thus neither is referenced or analyzed in the Draft EIR.

As stated in Response 8.12 and discussed in Section 4.14, *Effects Found Not to be Significant*, of the Draft EIR, CEQA does not apply to social and economic impacts but rather focuses on the potential physical impacts of a project on the environment. Nonetheless, Section 4.14.9, *Urban Blight*, of the Draft EIR and Appendix G to the Draft EIR provides sales tax data to assess the potential for urban blight to occur within the project site. It is unclear what the comment regarding additional geolocation data, and a database associated therewith, is in reference to. Geolocation data generally references the tracking of individual movement through personal electronic devices. Placer.AI visitation data was publicly provided in a City Staff Report on October 9, 2024 (Council Action Date of October 22, 2024). As expected, given the COVID 19 pandemic, visitation to the Main Street Moves project area decreased in 2020. However, visitation in 2022, 2023, and 2024 stabilized to reflect pre-pandemic visitation rates. The commenter does not provide identification of any potential environmental impact that could not be properly assessed related to "geolocation data" or tax data, nor does the commenter provide support for why the lack of such data is misleading. The

Draft EIR provides sufficient empirical data and substantial evidence to support the analysis of environmental impacts. No revisions to the Draft EIR are required in response to this comment.

### **Response 8.27**

The commenter claims that the Draft EIR fails to address the planning, regulatory, and permitting responsibilities of the California Coastal Commission (CCC).

The California Coastal Act requires that development within the coastal zone comply with specific policies and obtain necessary permits from the CCC or local governments with certified Local Coastal Programs. The Draft EIR addresses these requirements by identifying the necessary coastal development permits. Specifically, Section 1.6, *Lead, Responsible, and Trustee Agencies*, of the Draft EIR identifies the CCC as a responsible agency for the project and Section 2.4.3, *Coastal Zone*, identifies that a Coastal Development Permit from the CCC is needed. No revisions to the Draft EIR are required.

### **Response 8.28**

The commenter opines that the Draft EIR fails to address existing violations of the ADA and Unruh Act.

As stated in Response 8.12, ADA-compliance is not an environmental issue area required for consideration under CEQA. Nonetheless, the project would not cause or exacerbate any ADA violation. The Unruh Act is similarly not an environmental issue area required for consideration under CEQA. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.29**

The commenter states that the Draft EIR fails to address violations of the building code and bathroom requirements.

As stated in Response 8.12, the project does not propose to construct new buildings. To the extent the commenter contends current conditions are in violation of the building code, such conditions would not be caused or exacerbated by the proposed project. As stated in Response 8.17, the project does not include the construction of permanent bathrooms facilities. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.30**

The commenter claims that the Draft EIR fails to address increased public usage, which would subsequently result in increased traffic, increased parking needs, increased idling cars, and increased need for new public restrooms.

As stated in Response 4.3 and Response 8.17, parking and traffic congestion are not environmental issue areas considered under CEQA. Furthermore, as stated in Response 8.17, the project does not include the construction of permanent bathrooms facilities. Impacts related to the project's contribution to a cumulatively considerable net increase of criteria pollutants, including those associated with idling cars, are analyzed in Section 4.2, *Air Quality*, of the Draft EIR. The Draft EIR's evaluation of the project's potential impacts on air quality, transportation, public services, utility capacity, and cumulative impacts to such environmental impact areas inherently encompasses the

consideration of increased public usage of the project area. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.31**

The commenter states that the delineation of required approvals is deficient.

The project, as identified Chapter 2, *Project Description*, of the Draft EIR, consists of a roadway closure. The project does not include the construction of permanent bathrooms facilities, reconfiguration of the project area, reconstruction of or improvements to physical properties or structures, or other physical improvements. Section 2.7, *Required Approvals*, of the Draft EIR outlines the required approvals and permits for the roadway closure. The commenter fails to identify additional approval requirements not listed under Section 2.7 of the Draft EIR. No revisions to the Draft EIR are required.

### **Response 8.32**

The commenter suggests that the Draft EIR fails to adequately address impacts to aesthetics, specifically from the physical improvements that would be required by both the public and private sectors, including public restrooms.

Chapter 2, *Project Description*, of the Draft EIR identifies all proposed project components. As stated therein as well as in Response 8.17, the project does not include the construction of permanent bathrooms facilities or other physical improvements not described in Chapter 2. An analysis of future improvements made by private parties would be speculative in nature and are not included as part of the proposed project in accordance with *CEQA Guidelines* Section 15145. Future improvements would be subject to a separate CEQA review at the time they are proposed. Section 4.1, *Aesthetics*, assesses all aesthetic impacts associated with the project components identified in Chapter 2. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.33**

The commenter states that Draft EIR Section 4.2.4, which analyzes cumulative impacts related to air quality, is inaccurate as it fails to address private sector construction.

As stated in Response 8.32, private construction activities are not a component of the proposed project. Future improvements made by private parties are speculative and would be subject to a separate CEQA review at the time they are proposed. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.34**

The commenter states that Draft EIR Section 4.2.4, which analyzed cumulative impacts related to air quality, is inaccurate as it fails to address public sector construction.

Section 4.2, *Air Quality*, of the Draft EIR analyzes the project's potential air quality impacts related to construction activities. As required by *CEQA Guidelines* Section 15130, the cumulative analysis encompasses past, present, and planned or pending future projects, as identified in Table 3-1 of the Draft EIR. Therefore, past, present, and reasonably foreseeable future construction of public projects is addressed in Section 4.2.4, *Cumulative Air Quality Impacts*. Permanent bathrooms facilities and other physical improvements are not components of the proposed project, nor are

they planned or pending future improvements. Therefore, construction of such improvements are speculative, and not included in the cumulative analysis.

Table 4.2-3 of the Draft EIR provides the estimated maximum daily construction emissions of criteria pollutants. As shown therein, emissions would be below the identified air quality thresholds during construction, and project construction would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. As discussed in Section 4.2.4, *Cumulative Air Quality Impacts*, all future projects would be required to comply with Ventura County Air Pollution Control District's regional criteria pollutant thresholds, which are developed to determine if an individual project would contribute to a cumulative impact. As construction of the proposed project would result in emissions that are well below the Ventura County Air Pollution Control District's regional thresholds, the project would not contribute to regional emissions during construction such that an air quality standard would be violated.

No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.35**

The commenter states that the purpose of the project is to enhance and increase public participation. The commenter suggests that Draft EIR Section 4.2.4, which analyzed cumulative impacts related to air quality, is inaccurate as it fails to address increased traffic, increased car idling, increased impacts on surrounding neighborhoods of both parking and driving, and a general increase in impacts associated with increased public attendance.

The project objectives are identified in Chapter 2, *Project Description*, of the Draft EIR. As identified therein, the project is not directly intended to increase public participation. Rather, the project objectives are focused on enhancing downtown vibrancy, creating an active destination for residents and visitors, increasing accessibility to businesses and fitness opportunities for individuals with disabilities, enhancing opportunities for public art, providing a dedicated space for existing community events, promoting pedestrian activity, and supporting low- and moderate-income residents by providing reducing the transportation barriers to participating in community events.

As stated in Responses 8.17, 8.30, and 8.34, parking and traffic congestion are not environmental issue areas considered under CEQA, and impacts related to the project's contribution to a cumulatively considerable net increase of criteria pollutants, including those associated with idling cars, are analyzed in Section 4.2, *Air Quality*, of the Draft EIR. The Draft EIR's evaluation of the project's potential impacts on air quality, transportation, public services, and cumulative impacts to such environmental impact areas inherently encompasses the consideration of increased public usage of the project area. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.36**

The commenter suggests that the project violates the City of Ventura General Plan and the City of Ventura Downtown Specific Plan because neither plan specifically identifies a road closure on Main Street.

The Draft EIR includes an analysis of the project's consistency with adopted goals, policies, and objectives outlined in both the General Plan and the Downtown Specific Plan in Section 4.8, *Land Use and Planning*. The General Plan serves as the comprehensive framework for guiding development and land use decisions within the City, while the Downtown Specific Plan provides more detailed guidance for development within the downtown area. Although the project is not

specifically identified in either plan, the Draft EIR evaluated the project's consistency with these plans based on the relevant and applicable policies established in each document and determined that the project would be consistent with both plans. According to *Lafayette Bollinger Development LLC v. Town of Moraga* (2023) 93 Cal.App.5th 752, 769, a project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment.

It should be noted that the General Plan is undergoing an update as a separate action from the proposed Main Street Moves Project, after which amendments to Title 24 and other codes and plans (such as the Downtown Specific Plan) would be considered to reflect any changes resulting from the General Plan update.

No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.37**

The commenter suggests that the analysis within Draft EIR Section 4.9.1 is defective, as it is predicated on an inaccurate project description and an improper baseline and fails to provide sales tax data.

Section 4.9, *Noise*, of the Draft EIR analyzes the project's potential to create noise impacts. As stated in Response 8.17, Chapter 2, *Project Description*, of the Draft EIR accurately identifies all proposed project components. The project does not contain several components assumed by the commenter as being included, such as public restrooms. The analysis in Section 4.9, *Noise*, of the Draft EIR analyzes the project as proposed, and the analysis and conclusions therein are supported by substantial evidence. The commenter does not identify any specific deficiencies in the analysis or identify new potential significant impacts not analyzed.

Regarding proper baseline, as stated in Response 8.25, the selected baseline is consistent with the precedent set in *Communities for a Better Environment v. South Coast Air Quality Management District* (April 7, 2020) 47 Cal.App.5th 588. Lastly, as stated in Response 8.12, Section 4.14.9, *Urban Blight*, and Appendix G to the Draft EIR, provide sales tax data to assess the potential for urban blight to occur within the project site.

No additional analysis or revisions to the Draft EIR are required.

### **Response 8.38**

The commenter claims that Draft EIR Section 4.14.9, *Urban Blight*, fails to provide empirical data, and suggests that the statement that sales tax and vacancy rate data from the historical baseline is not available is false.

As stated in Response 8.12 and discussed in Section 4.14, *Effects Found Not to be Significant*, of the Draft EIR, CEQA does not apply to social and economic impacts but rather focuses on the potential physical impacts of a project on the environment. Nonetheless, the Draft EIR and appendices thereof provides sales tax and vacancy rate data from 2022 and 2023 to assess the potential for urban blight to occur within the project site. Vacancy rate data from 2019, 2020, and 2021 is not available and is therefore not included in the Draft EIR or in appendices thereof. Sales tax data specific to the Main Street Moves project area was not collected until the fourth quarter of fiscal year 2021. Therefore, sales tax data for prior years is not included in the Draft EIR or in appendices thereof. Sales tax data for all of the City of Ventura, from the fourth quarter of fiscal year 2018 through the fourth quarter of fiscal year 2024, was publicly provided in a City Staff Report on

October 9, 2024 (Council Action Date of October 22, 2024). As expected, given the COVID 19 pandemic, sales tax decreased across the entire City in fiscal year 2020 but increased across both 2021 and 2022. The commenter fails to identify or support the claim that any potential physical impacts related to sales tax data and vacancy rates may occur as a result of the proposed project.

The following changes have been made in Section 4.14.9, *Urban Blight*, of the EIR to address this comment:

~~Although sales tax data and vacancy rate data from the historical baseline is not available, sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed road conditions were generally more stable in comparison to other areas of the city.~~ Sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed-road conditions were generally more stable in comparison to other areas of the city. Furthermore, ~~vacancy rate data collected by City staff during a field visit on May 13, 2024,~~ show that the project site had a six percent vacancy rate during May 2024 (closed-road conditions).

### **Response 8.39**

The commenter notes that the statement, “sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed road conditions are generally more stable in comparison to other areas of the City” is both “false and accurate.” The commenter states that sales tax within the project area is approximately three times lower than other downtown areas. The commenter states that City staff have additional sales tax data but have refused to provide it.

It is unclear what commenter means by a both false and accurate statement. Though the commenter states that sales tax within the project area is approximately three times lower, the commenter fails to provide substantial evidence that the project area has lower sales tax as compared to other areas of downtown Ventura or to identify how this information may be related to a physical impact to the environment requiring further CEQA review. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.40**

The commenter claims that a statement in the Draft EIR regarding a six percent vacancy rate within the project area is inaccurate and unsupported.

Appendix G to the Draft EIR provides a summary of existing businesses and vacant properties in the project area. The vacancy rate data was collected by City staff during a field visit on May 13, 2024. The commenter offered no information or data as substantial evidence that the EIR is inaccurate.

The following changes have been made in Section 4.14.9, *Urban Blight*, of the EIR to address this comment:

~~Furthermore, vacancy rate data collected by City staff during a field visit on May 13, 2024,~~ show that the project site had a six percent vacancy rate during May 2024 (closed-road conditions).

### Response 8.41

The commenter states that the Draft EIR fails to address falling rents in the project area.

As stated in Response 8.12 and discussed in Section 4.14, *Effects Found Not to be Significant*, of the Draft EIR, CEQA does not apply to social and economic impacts but rather focuses on the potential physical impacts of a project on the environment. In accordance with *CEQA Guidelines* Section 15131, economic information may be included in an EIR or may be presented in whatever form the agency desires, but the economic effects of a project shall not be treated as significant effects on the environment. As such, an analysis of reduced rents is not a requirement under CEQA and is therefore not provided in the Draft EIR. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### Response 8.42

The commenter claims that the statement, “the project site has exhibited stable sales tax revenues” is false. The commenter states that sales tax revenues show a significant reduction in sales tax within the project area between January 1, 2023, through second quarter 2024.

Sales tax data is provided in Appendix G to the Draft EIR. As identified therein, and as stated in Section 4.14.9, *Urban Blight*, sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed-road conditions have been generally more stable in comparison to other areas of the city. The commenter fails to provide substantial evidence that this data is inaccurate and fails to provide evidence that sales tax within the project area has been reduced over the identified timeframe, nor does the commenter demonstrate that this information will lead to potential physical impacts on the environment that require additional analysis under CEQA. No additional analysis or revisions to the Draft EIR are required.

### Response 8.43

The commenter expresses disagreement with the conclusion in the Draft EIR regarding healthy vacancy rates, arguing that it is not substantiated by empirical data.

As stated in Response 8.40, Appendix G to the Draft EIR provides a summary of existing businesses and vacant properties in the project area. The commenter fails to provide substantial evidence that this data is inaccurate and does not identify or provide support for an alternative “healthy vacancy rate.” The commenter also fails to provide empirical data that shows vacancy rates are unhealthy. No additional analysis or revisions to the Draft EIR are required.

### Response 8.44

The commenter states that the Draft EIR fails to reference geolocation data, and claims that the geolocation data possessed by the City will reflect a significant decrease in visitation to the project area consistent with the decrease in sales tax data.

The commenter fails to provide substantial evidence that there has been a decrease in visitation to the project area or an associated decrease in sales tax. As stated in Response 8.26, Placer.AI visitation data was publicly provided in a City Staff Report on October 9, 2024 (Council Action Date of October 22, 2024). As expected, given the COVID 19 pandemic, visitation to the Main Street Moves project area decreased in 2020. However, visitation in 2022, 2023, and 2024 stabilized to



reflect pre-pandemic visitation rates. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### Response 8.45

The commenter suggests that Section 4.14.9, *Urban Blight*, relies on existing conditions to support the conclusion that no impacts related to urban blight would occur. The commenter states that existing conditions are illegal, and that the City may not rely on an illegal condition to support a project. The commenter opines that backward sequencing of the Draft EIR has occurred.

Section 4.14.9, *Urban Blight*, of the EIR relies on Chapter 12.310 of the San Buenaventura Municipal Code (SBMC), the 2021 International Property Maintenance Code, sales tax data, and vacancy rate data to support the conclusion that no impacts related to urban blight would occur. The analysis provides additional evidence that the current temporary condition, which would reflect the proposed permanent condition, has exhibited stable sales tax revenues and a healthy vacancy rate such that it can be reasonably assumed the proposed permanent condition would similarly exhibit stable sales tax revenues and a healthy vacancy rate. This further supports the conclusion in the EIR that there is unlikely to be a physical impact on the environment related to urban blight.

CEQA looks at physical impacts to the environment related to project activity, and does not make judgment on the legality or status of existing conditions. The California Supreme Court addressed this issue in the case *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, establishing that the preparation of a CEQA document is not a forum for determining the nature and consequences of the prior conduct of a project applicant (*Fat* at 1280, citing *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1434-35). Pursuant to this decision, evidence regarding the current temporary condition, whether legal or illegal, may be used to support conclusions within the Draft EIR.

As stated in Response 8.6, the City shall consider the Final EIR before granting formal approval of the Main Street Moves Project in accordance with *CEQA Guidelines* Section 15004. Furthermore, the City has not undertaken any actions concerning the proposed project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures prior to completion of CEQA compliance.

No additional analysis or revisions to the Draft EIR are required in response to this comment.

### Response 8.46

The commenter states that the following statement is false and contrary to empirical data:

"It can be determined that the full-time long-term closure of Main Street and California Street would not contribute to a reduction in sales tax revenue or an increase in vacancy rates within or adjacent to the project site."

The commenter further states that reliance on an ordinance to avoid neglect deterioration is without basis in the fact of actually occurring urban blight.

It is believed that the commentor is referring to SBMC Chapter 12.310, *Housing Standards and Regulations*, which adopts the 2021 International Property Maintenance Code providing the requirements for continued use and maintenance of building elements and site conditions in both existing residential and nonresidential structures. Although unclear, the commenter appears to insinuate that the application of this code section is ineffective, and therefore should not be relied upon, because of urban blight already occurring. The commenter does not, however, provide any

examples of actual urban blight or a physical impact on the environment related to sales tax revenue or vacancy rates, nor is there any evidence that the City does not enforce the Municipal Code section in question. As such, a detailed response is not possible. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.47**

The commenter claims that the following statement in Section 5.1.2 of the Draft EIR, and related sections, is inaccurate:

“the project site has exhibited stable sales tax revenues and a healthy vacancy rate during the temporarily closed conditions.”

Sales tax data is provided in Appendix G to the Draft EIR. As identified therein, and as stated in Section 4.14.9, *Urban Blight*, sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed-road conditions have been generally more stable in comparison to other areas of the city. The commenter fails to provide substantial evidence that the sales tax and vacancy rate data provided in Appendix G to the Draft EIR is inaccurate, nor does the commenter provide any substantial evidence that a physical impact to the environment may occur in relation to this data or its inaccuracy. No additional analysis or revisions to the Draft EIR are required.

### **Response 8.48**

The commenter reiterates prior comments that the Draft EIR has failed to address increased traffic and parking in the surrounding area, and argues that the project would similarly result in increased trash, materials going into storm drains, runoff, and discharge.

Refer to Response 8.17 for a response to prior comments regarding traffic and parking. As noted therein, traffic congestion and parking are not an environmental issue area required for consideration under CEQA.

Section 4.13, *Utilities and Service Systems*, of the Draft EIR evaluates the potential impacts related to an increase in trash and waste generated by the project. As stated therein, the project would generate a short-term and temporary increase in solid waste generation during construction but would not substantially affect standard solid waste operations of local landfills. Further, during operation, the project would not generate new sources of solid waste. Regarding the potential for trash or other materials to enter storm drains, the City has a General Services Agreement with the Downtown Ventura Property Owners Association to provide a full-time seven-day maintenance program to promote a safe, neat, clean, and attractive downtown experience. The agreement requires “All areas within the Downtown are to be kept clean, sanitary, and free from all accumulation of debris, litter, filth, rubbish, garbage, rodents, and vermin to maintain a clean environment and prevent hazards...” This includes the provision of 17 trash cans<sup>5</sup> along the length of the project area, which are emptied every three days, or as needed by Downtown Ventura Partners ambassadors. This ongoing maintenance program would ensure that trash and other materials are collected on a regular basis and not allowed to enter the storm drain system. Additionally, the storm drains are cleaned out twice per year by the City Public Works Department, Street Maintenance Division.

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<sup>5</sup> This includes 15 “Bigbelly” trash cans, with both trash and recycling options in each; and two singular (trash-only) bins.

Section 4.14.4, *Hydrology and Water Quality*, evaluates potential impacts related to increased runoff, discharge, and pollutants entering the storm drain system. As stated therein, the project would not result in the addition of impervious surfaces, and as such, the project would not substantially alter the existing drainage patterns of the project site, result in substantial erosion or siltation, increase the rate or amount of surface runoff, create or contribute runoff water, or impede or redirect flood flows. Furthermore, the project would be subject to both the Ventura Countywide Stormwater Quality Management Program and SBMC Chapter 8.600, *Stormwater Quality Management*, which would require the implementation of best management practices and design features to control stormwater runoff from the project site. Direct contamination of surface water is unlikely due to the distance to the nearest bodies of water. No impacts identified.

No additional analysis or revisions to the Draft EIR are required.

### **Response 8.49**

The commenter claims that the project constitutes a regulatory and physical taking of private property. Specifically, the commenter states that parking would be removed; traffic would increase; rents, property values, and tenancy would be negatively impacted; and sales tax would decrease.

As stated in Chapter 2, *Project Description*, of the Draft EIR, the project is located entirely within existing City right-of-way. Acquisition of additional right-of-way is not required to support implementation of the project. Traffic congestion and parking are not environmental issue areas considered under CEQA. As stated in Response 8.12 and discussed in Section 4.14, *Effects Found Not to be Significant*, of the Draft EIR, CEQA does not apply to social and economic impacts but rather focuses on the potential physical impacts of a project on the environment. Further, as stated in Response 8.47, the commenter fails to provide substantial evidence that the sales tax and vacancy rate data provided in Appendix G to the Draft EIR is inaccurate, and the fails to provide substantial evidence that sales tax data has been or would be decreased. No additional analysis or revisions to the Draft EIR are required in response to this comment.

### **Response 8.50**

The commenter suggests that the NOA of the Draft EIR is legally deficient.

*CEQA Guidelines* Section 15087 requires the City to provide public notice of the availability of a Draft EIR at the same time as it sends a Notice of Completion to the Office of Planning and Research. The guidelines require the NOA to disclose the following information:

- A brief description of the proposed project and its location.
- The starting and ending dates for the review period during which the lead agency will receive comments, and the manner in which the lead agency will receive those comments. If the review period is shortened, the notice shall disclose that fact.
- The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project when known to the lead agency at the time of notice.
- A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the lead agency at the time of the notice.
- The address where copies of the EIR and all documents incorporated by reference in the EIR will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.

- The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section.

As stated in Response 8.7, the City filed the NOA with the State Clearinghouse, posted the NOA with the Ventura County Clerk, published the NOA in a newspaper of general circulation, and mailed the NOA to all property owners and businesses within the project area, all Downtown Ventura Organization/ Downtown Ventura Partners board members, the City Council Main Street Moves Subcommittee and all organizations or individuals who previously requested such notice. The NOA was also posted in the City of Ventura Economic Development Newsletter. The NOA contained all information identified above in accordance with *CEQA Guidelines* Section 15087. The City has fulfilled its requirements pertaining to public participation and noticing of Draft EIR availability. The NOA is not legally deficient, as purported by the commenter.

### **Response 8.51**

The commenter concludes that for the aforementioned reasons, the Draft EIR is procedurally and substantially fatally defective.

As discussed throughout Responses 8.1 through 8.50, as Lead Agency, the City followed all applicable CEQA procedures, and the Draft EIR thoroughly analyzes and discloses the potential environmental impacts of the project. No additional analysis or revisions to the Draft EIR have been required in response to aforementioned comments.

### 3 Revisions to the Draft EIR

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This chapter presents specific text changes made to the Draft EIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by the Draft EIR page number. Text deletions are shown in ~~strike through~~, and text additions are shown in underline. The information contained within this chapter clarifies and expands on information in the Draft EIR. These revisions do not constitute “significant new information” requiring recirculation of the Draft EIR (see Public Resources Code Section 21092.1; *CEQA Guidelines* Section 15088.5).

#### 3.1 Revisions to the Draft EIR

##### 4.14 Effects Found Not to be Significant

Page 4.14-9

###### 4.14.9 Urban Blight

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SBMC Chapter 12.310, *Housing Standards and Regulations*, adopts the 2021 International Property Maintenance Code, which provides the requirements for continued use and maintenance of building elements and site conditions in both existing residential and nonresidential structures (International Code Council 2024). Furthermore, City-provided sales tax and vacancy rate data was used to assess the potential for urban blight to occur within the project site (**Appendix G**). ~~Although sales tax data and vacancy rate data from the historical baseline is not available, sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed road conditions were generally more stable in comparison to other areas of the city. Sales tax data across 2022 and 2023 show that the fluctuations in sales tax revenue within the project site during the temporary closed-road conditions were generally more stable in comparison to other areas of the city.~~ Furthermore, vacancy rate data collected by City staff during a field visit on May 13, 2024, show that the project site had a six percent vacancy rate during May 2024 (closed-road conditions).

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# 4 Mitigation Monitoring and Reporting Program

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The Environmental Impact Report (EIR) for the Main Street Moves Project identifies the mitigation measures required to reduce environmental impacts associated with the project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program (MMRP) for assessing and ensuring compliance with required mitigation measures applied to proposed development. As stated in Section 21081.6(a)(1) of the Public Resources Code:

“the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of making findings or adopting a mitigated negative declaration.

The mitigation monitoring table below lists the identified mitigation measures for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The first column, entitled “Mitigation Measure,” identifies mitigation measures that were identified in the Final EIR. The second column, entitled “Implementing Action,” refers to the action that must be taken to ensure the mitigation measure’s implementation. The third column, entitled “Implementation Monitoring and Reporting Responsibility,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The fourth column, entitled “Implementation Timing Requirements,” refers to how often the monitoring will occur to ensure that the mitigation action is complete. The “Compliance Verification” column is where the agency responsible for oversight verifies that the measures have been implemented.

Mitigation Measure	Implementing Action	Implementation Monitoring & Reporting Responsibility	Implementing Timing Requirements	Compliance Verification		
				Initial	Date	Comments
Cultural Resources						
CUL-2(a): Project Avoidance Measures Within Mission Historic District (P-56-150222)						
The City shall employ project avoidance measures for the below-grade project components located within the recorded boundaries of the Mission Historic District (P-56-150222) and a 200-foot buffer surrounding it. Below-grade components include semi-permanent removable bollards and bollard storage sleeves used to house the removable bollards when not in use. The semi-permanent removable bollards, bollard storage sleeves, and any additional below grade components that have been deemed necessary for project construction, shall not exceed the existing road base layer within the roadways and/or must remain within the existing sidewalk pavement. If avoidance is infeasible, an Archaeological Data Recovery Program, described in Mitigation Measure CUL-2(c), shall be required.	<ul style="list-style-type: none"><li>Include project avoidance measures for below-grade components listed in CUL-2a on the plans and specifications.</li><li>Perform site inspections, once at the start of construction and once half-way through construction, to verify contractor compliance with project avoidance measures.</li><li>Retain copies of inspection records in project file.</li></ul>	<ul style="list-style-type: none"><li>The City is responsible for verifying project avoidance measures listed in CUL-2a are included on the plans and specifications and are implemented.</li><li>The construction contractor is responsible for implementing the project avoidance measures listed in CUL-2a.</li></ul>	Prior to construction activities and throughout the construction phase.			
CUL-2(b): Workers Environmental Awareness Program Training						
A qualified archaeologist shall be retained to prepare and conduct a workers environmental awareness program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. The training shall be conducted by a qualified archaeologist who meets or exceeds the Secretary of Interior’s Professional Qualifications Standards for Archaeology (National Park Service 1983), or an archaeologist under the qualified archaeologist’s direction. The initial WEAP training shall be given to all construction personnel, including, but not limited to, City personnel, contractors, and subcontractors prior to their involvement in any project-related, ground-disturbing activities. Additional personnel who subsequently become involved in the project shall also receive the WEAP training prior to their involvement in any ground-disturbing activities. This can be accomplished by additional in-person training sessions	<ul style="list-style-type: none"><li>Retain a qualified archaeologist to prepare and conduct WEAP training for all construction personnel.</li><li>Retain copies of WEAP training and attendance in project file.</li></ul>	<ul style="list-style-type: none"><li>The City is responsible for verifying all construction personnel have attended WEAP training prior to construction.</li><li>The qualified archaeologist is responsible for preparing and conducting the WEAP training.</li></ul>	Prior to the commencement of any ground-disturbing activities.			



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by the qualified archaeologist or through the distribution of hardcopy or electronic training materials. The City shall ensure that construction personnel attend the training and retain documentation demonstrating attendance. The WEAP training shall include a description of the types of cultural material that may be encountered, cultural sensitivity issues, the regulatory environment, specific procedures to be followed in the event of an inadvertent discovery, and the proper protocol for treatment of the materials in the event of a find. A Native American representative from one or more of the Native American groups contacted as part of AB 52 consultation shall be provided an opportunity to review and provide input during development of the WEAP and shall be afforded an opportunity to speak during its presentation.						
CUL-2(c): Development and Implementation of Cultural Resources Monitoring Plan						
Prior to the start of project-related ground-disturbing activities, a qualified archaeologist, or an archaeologist under the supervision of the qualified archaeologist, shall prepare a Cultural Resources Monitoring Plan (CRMP). The CRMP shall be prepared to support the archaeological and Native American monitoring effort, required by Mitigation Measure CUL-2(d) and consistent with the City’s DTSP, to reduce potential impacts to archaeological resources by requiring identification, documentation, and treatment of finds made during project construction and by establishing avoidance as the preferred manner of treatment. The CRMP shall stipulate that archaeological and Native American monitoring shall occur for all project-related ground disturbing activities. The CRMP shall stipulate that Native American tribes are provided an opportunity to conduct the Native American monitoring, but construction may continue under the qualified archaeologist if Native American tribes are not available to monitor. The CRMP shall stipulate the	<ul style="list-style-type: none"><li>▪ Prepare a CRMP to support the archaeological and Native American monitoring effort.</li><li>▪ Ensure the CRMP includes monitoring protocols to be carried out during project construction.</li><li>▪ Ensure the CRMP outlines the appropriate measures to be followed in the event of a cultural resource discovery during project construction.</li><li>▪ Prepare and implement an ATP and ADRP if required.</li><li>▪ Retain a copy of the CRMP, ATP, and ADRP (the latter two, if required) in the project file.</li></ul>	<ul style="list-style-type: none"><li>▪ The qualified archaeologist is responsible for preparing the CRMP.</li><li>▪ The City is responsible for reviewing and approving the CRMP.</li><li>▪ Native American groups that were previously contacted as part of AB 52 consultation for the project are responsible for reviewing and commenting on the CRMP prior to its finalization.</li></ul>	Prior to the start of ground-disturbing activities and as-needed.			

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<p>monitoring requirements and identify when monitoring may be reduced.</p> <p>The CRMP shall include monitoring protocols to be carried out during project construction. Consistent with the City's DTSP, Policy 1A, Action 1.10 and as required by Mitigation Measure CUL-2(d), outlined below, the CRMP shall stipulate that the City retain a Native American monitor, associated with one or more of the Native American groups that were contacted as part of AB 52 consultation for the project, to monitor all project-related, ground-disturbances. In preparing the CRMP, the City shall consult with the Native American groups that were previously contacted as part of AB 52 consultation for the project to determine the scheduling of monitors. A rotating Native American monitoring schedule shall be incorporated into the CRMP if two or more Native American groups request to monitor during project construction.</p> <p>The CRMP shall outline the appropriate measures to be followed in the event of a cultural resource discovery during project construction, including all ground disturbance within 100 feet of a discovery shall be halted and redirected. The qualified archaeologist shall provide recommendations regarding the resource's potential significance and potential treatment in consultation with the Native American groups that were previously contacted as part of AB 52 consultation. If the discovery is identified to be a site (generally more than three artifacts), the evaluation shall require preparation of an Archaeological Testing Plan (ATP) to determine if the resource qualifies for CRHR listing. Such evaluations will be used to determine if the project may have a significant impact on the resource. The CRMP shall identify avoidance as the preferred manner of mitigating impacts to cultural resources. The CRMP shall establish the criteria used to evaluate the significance (per CEQA) of the discoveries, methods of avoidance consistent with CEQA Guidelines Section 15126.4(b)(3). Following the execution of the ATP, if the City, in consultation with</p>						

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<p>the qualified archaeologist, determines that the discovery is significant and cannot be avoided by the project, additional work such as an Archaeological Data Recovery Program (ADRP) shall be completed prior to the resumption of ground-disturbing activities in the immediate area to mitigate any significant impacts to cultural resources. The ATP and ADRP are described in further detail below.</p> <p>CRHR criteria for evaluating the significance of cultural resources shall be used in the event a cultural resource is discovered. If resources are discovered and the qualified archaeologist recommends the resource meets the significance criteria of CRHR Criterion 4, and if preservation in place is not feasible, an ADRP shall be implemented. If resources are found to meet CRHR criteria 1 and/or 2 and /or 3, then the City and other appropriate parties shall be notified upon the determination.</p> <ul style="list-style-type: none"> <li>▪ Archaeological Testing Plan: The purpose of the ATP will be to determine the extent and possible presence/absence of cultural resources and to identify whether the resource(s) constitute a historical resource using the criteria of the CRHR. <ul style="list-style-type: none"> <li>▫ The ATP shall be conducted in accordance with an approved ATP that will be reviewed by the Native American groups previously contacted as part of AB 52 consultation for the project.</li> <li>▫ At the completion of the ATP, the qualified archaeologist shall submit a written report of the findings.</li> <li>▫ If the qualified archaeologist determines that a significant archaeological resource is present and that the resource could be adversely affected by the project, at the discretion of the City:</li> </ul> </li> <li>▪ The project shall be re-designed as to avoid any adverse effects; or</li> </ul>						

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<ul style="list-style-type: none"> <li>A data recovery program shall be implemented.</li> <li>Archaeological Data Recovery Program: Should a cultural resource that qualified for CRHR listing under Criterion 4 for data potential be identified and cannot be avoided by the project, an ADRP shall be completed to comprehensively document the resource and exhaust the data potential. The ADRP shall be conducted by the qualified archaeologist in accordance with the California Office of Historic Preservation's 1990 Archaeological Resource Management Reports: Recommended Contents and Format. Prior to implementing the field component of the ADRP, a Data Recovery Plan shall be prepared by the qualified archaeologist selected to carry out the ADRP. The Data Recovery Plan shall be prepared in consultation with Native American groups previously contacted as part of AB 52 consultation for the project and reviewed and approved by the City. The Data Recovery Plan shall, at minimum, include the following: <ul style="list-style-type: none"> <li>Field Methods and Procedures</li> <li>Thresholds for Achieving Data Redundancy</li> <li>Cataloguing and Laboratory Analysis</li> <li>Discard and Deaccession Policy</li> <li>Interpretive Program</li> <li>Security Measures</li> <li>Final Report</li> <li>Curation</li> </ul> </li> </ul> <p>The CRMP shall also outline the appropriate procedures to be undertaken in the event human remains are encountered. Specifically, the CRMP shall stipulate that in the case human remains are unearthed during project construction, all work within 100 feet of the find shall be immediately halted, and the protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines, Health and Safety Code Section 7050.5(c), and PRC Section 5097.98 (as amended by AB</p>						

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<p>2641) be implemented. These protocols include contacting the Ventura County Coroner to evaluate the remains. If the County Coroner determines that the remains are Native American, the County Coroner shall contact the NAHC. The NAHC shall then identify an MLD of the deceased Native American, who shall then help determine what course of action should be taken in the disposition of the remains.</p> <p>Prior to the start of project construction, the CRMP shall be submitted to the City for review and approval, as well as to the Native American groups that were previously contacted as part of AB 52 consultation for the project for review and comment before being finalized. The requirements outlined in the final CRMP shall be implemented during project construction.</p>						
CUL-2(d): Archaeological and Native American Monitoring						
Consistent with the City’s Downtown Specific Plan, Policy 1A, Action 1.10, and the CRMP prepared as part of Mitigation Measure CUL-2(c) above, an archaeological monitor and a Native American monitor shall be retained by the City to observe all project-related, ground-disturbing activities within the project site in order to reduce potential impacts to intact subsurface deposits associated with CA-VEN-1071H and P-56-152846, as well as previously unknown and intact archaeological resources that may exist throughout the project site. Archaeological monitoring shall be performed under the direction of a qualified archaeologist, defined as an archaeologist meeting the Secretary of the Interior’s Professional Qualifications Standards for Archaeology (National Park Service 1983). Native American monitoring shall be performed by a Native American representative from one or more of the Native American groups contacted as part of AB 52 consultation for the project, if available. Construction may continue under the qualified archaeologist if Native American tribes are not available to monitor. The archaeological monitor shall prepare daily logs to be submitted at the completion of	<ul style="list-style-type: none"><li>▪ Retain an archaeological monitor and Native American monitor to observe all ground-disturbing activities within the project site.</li><li>▪ Ensure the CRMP documents the findings during the project’s monitoring efforts.</li><li>▪ Retain copies of monitoring logs in the project file.</li></ul>	<ul style="list-style-type: none"><li>▪ The archaeological monitor and Native American monitor are responsible for monitoring activities during construction.</li><li>▪ The City is responsible for retaining an archaeological and Native American monitor, reviewing monitoring logs, and submitting monitoring logs to the SCCIC.</li></ul>	During project construction.			

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<p>the project as part of the CRMP. In the event that previously unidentified archaeological resources are encountered during project construction, monitors shall have the authority to halt or redirect work within 100 feet of the discovery and the protocols set forth in the CRMP shall be followed.</p> <p>At the completion of monitoring, the CRMP shall document the findings during the monitoring effort for the project. The report shall include the monitoring logs completed for the project and document any discoveries made during construction monitoring. The Cultural Resources Monitoring Report shall be submitted to the City and the SCCIC.</p>						
Hazards and Hazardous Materials						
HAZ-1: Soil Management Plan						
<p>Prior to commencement of ground-disturbing activities for bollard installation at the project site, the City shall retain a qualified consultant (i.e., professional geologist or professional engineer) to prepare a Soil Management Plan (SMP) for the project. The SMP shall address:</p> <p>1. On-site handling and management of unanticipated contaminated soils or other contaminated wastes (e.g., stained soil, soil with solvent or chemical odors) if encountered during ground disturbance, and</p> <p>2. Specific actions to reduce hazards to construction workers and off-site receptors during construction (e.g., personal protective equipment, dust control, and/or air monitoring).</p> <p>The SMP must establish remedial measures and soil management practices to ensure construction worker safety and prevent the off-site migration of contaminants from the project site. These measures and practices may include, but are not limited to:</p> <ul style="list-style-type: none"><li>Proper transportation and disposal procedures for contaminated materials in accordance with applicable regulations, including CCR Title 22.</li></ul>	<ul style="list-style-type: none"><li>Retain a qualified professional geologist or professional engineer to prepare a SMP for the project.</li><li>Ensure the SMP establishes remedial measures and soil management practices to ensure worker safety and prevent off-site migration of contaminants.</li><li>Retain a copy of the SMP in the project file.</li></ul>	<ul style="list-style-type: none"><li>The qualified professional geologist or professional engineer is responsible for preparing the SMP.</li><li>The City is responsible for reviewing and approving the SMP and verifying that the contractor implements remedial measures and soil management practices during construction.</li></ul>	<p>Prior to issuance of grading permits and throughout construction.</p>			

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<ul style="list-style-type: none"><li>▪ A requirement to halt work in the immediate area and contact a qualified consultant (i.e., professional geologist or professional engineer) immediately to evaluate the project site conditions if odorous or visually stained soils, other indications of piping or equipment (including hydrocarbon piping or equipment), or debris are encountered during ground-disturbing activities.</li><li>▪ A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of project construction activities with the requirements and procedures for employee protection and outlines proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.</li><li>▪ Reporting on monitoring activities.</li></ul> <p>The City shall review and approve the SMP prior to construction (grading/excavation) activities at the project site and prior to issuing grading permits. The City shall implement the SMP during grading and construction at the project.</p>						
Transportation						
TRA-3: California Street Lane and Parking Modifications						
<p>Prior to the full-time, long-term closure of California Street and Main Street, the City shall modify the configuration of California Street north of Santa Clara Street and south of the proposed closure to be a one-way roadway with one vehicle lane and one bicycle lane, allowing northbound travel only. The City shall modify the striping on this portion of South California Street to allow for angled parking on either side of the roadway, in one of the following potential configurations:</p> <p>1. Adding angled parking demarcations to the east side of this portion of South California Street, and re-striping the existing angled parking on the west</p>	<ul style="list-style-type: none"><li>▪ Ensure that one of the potential configurations listed in TRA-3 is implemented as part of the project.</li><li>▪ Retain a copy of materials and documents that indicate configuration selection in the project file.</li></ul>	<ul style="list-style-type: none"><li>▪ The City is responsible for selecting one of the potential configurations in TRA-3 and verifying that it has been implemented.</li><li>▪ The construction contractor is responsible for implementing one of the potential configurations in TRA-3.</li></ul>	<p>Prior to the full-time closure of California Street and Main Street.</p>			

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<p>side of South California Street in the opposite orientation of existing striping. As part of this design option, the City shall install signage specifying only “head-in” parking is allowed on both sides of the roadway.</p> <p>2. Adding angled parking demarcations to the east side of this portion of South California Street. As part of this design option, the City shall install signage specifying only “head-in” parking is allowed on the east side of the roadway. The City shall also install signage along the existing angled parking on the west side of the roadway specifying only “back-in” parking is allowed in the existing angled parking spaces on the west side of this portion of South California Street.</p>						
<b>Tribal Cultural Resources</b>						
<b>TCR-1: Inadvertent Discovery of Tribal Cultural Resources</b>						
<p>In the event that cultural resources of Native American origin are identified during construction, work in a 50-foot radius of the find shall be halted and redirected. The City shall consult with a qualified archaeologist and begin or continue Native American consultation procedures. If the City, in consultation with the Native American monitor(s), determines that the resource is a TCR and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines. The mitigation plan may include, but would not be limited to: avoidance, capping in place, excavation and removal of the resource, interpretive displays, sensitive area signage, or other mutually agreed upon measures. If the City, in consultation with the Native American monitor(s), and with input from the qualified archaeologist, if requested, determines that the resource is not a TCR, the resource shall be evaluated as an archaeological resource consistent with Mitigation Measure CUL-2(c).</p>	<ul style="list-style-type: none"> <li>Ensure that the proper protocol outlined in TCR-1 is implemented in the event that cultural resources of Native American origin are identified during project construction.</li> <li>Retain a copy of the mitigation plan, if required, in the project file.</li> </ul>	<ul style="list-style-type: none"> <li>The qualified archaeologist and Native American monitor are responsible for preparing the mitigation plan, if required.</li> <li>The City is responsible for verifying that the proper protocol outlined in TCR-1 is implemented in the event that cultural resources of Native American origin are identified during project construction.</li> </ul>	As needed during project construction.			