



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
[wildlife.ca.gov](http://wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



August 28, 2025

Michael Ressler, City Planner  
City of Vista  
200 Civic Center Drive  
Vista, CA 92084  
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**SUBJECT: MITIGATED NEGATIVE DECLARATION FOR THE TTLC VISTA OLD TAYLOR, LLC PROJECT, SCH NO. 2025070373, SAN DIEGO COUNTY, CA**

Dear Michael Ressler:

The California Department of Fish and Wildlife (CDFW) reviewed the Mitigated Negative Declaration (MND) from the City of Vista (City) for the TTLC Vista Old Taylor, LLC Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding Project activities that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to comment on those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law<sup>2</sup> of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** TTLC Vista Old Taylor LLC

**Objective:** The objective of the Project is to develop 28 single-family residences on a 6.92-acre site, composed of contiguous adjacent parcels. Primary Project activities include demolition of existing structures and residences, development of residential buildings and streets, landscaping, preservation of the existing pond as open space, a stormwater detention basin, and off-site extensions of the water, sewer, and storm drain lines (Figure 1).

**Location:** The Project is located on the northwest corner of Taylor Street and Old Taylor Street, within the City. Adjacent parcels consist of unincorporated residential properties, a commercial business property, and the Vista Fire Department Station 3 to the east. The property is directly accessible from both Taylor Street and Old Taylor Street.

**Timeframe:** The Project is anticipated to take up to 21 consecutive months to complete, split up into six construction phases.

**Biological Setting:** The site has existing agricultural uses with cultivation structures, crop rows, and livestock. It supports agricultural plants as well as non-native species such as cheeseweed (*Malva parviflora*), tree tobacco (*Nicotiana glauca*), eucalyptus trees (*Eucalyptus spp.*), and non-native grasses. The site also has an existing man-made pond which receives on-site flows from agricultural activities and off-site flows from storm events. This pond supports willow scrub riparian vegetation, dominated by black willow (*Salix gooddingii*) and arroyo willow (*Salix lasiolepis*) species, with a dense understory of scrub species such as castor bean (*Ricinus communis*), tree tobacco, fan palm (*Washingtonia spp.*), tree of heaven (*Ailanthus altissima*), blackberry (*Rubus spp.*), California wild grape (*Vitis californica*), and toyon (*Heteromeles arbutifolia*). An unnamed drainage also flows from northeast to southwest into a culvert.

The Project site also supports eucalyptus woodland dominated by eucalyptus trees and common non-native plants and ornamental plant species, which may support bat species.

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<sup>2</sup> “Take” is defined in Section 86 of the Fish and Game Code as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.”

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Based on vegetation density, the Biological Resources Assessment concludes that the site has low capacity to provide foraging or cover habitat for birds, reptiles, amphibians, and mammals.

An inventory of CDFW's California Natural Diversity Database (CNDDDB; CDFW 2025) did not reveal any sensitive species documented within the vicinity of the Project area:

No compensatory mitigation is included for Project impacts.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Vista in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions are also included to improve the document.

### **COMMENT # 1: Adoption of Nesting Bird Measures**

**Issue:** Adopted avoidance, minimization, and/or mitigation measures were not described in the MND.

**Specific impact:** Project activities include ground-disturbing activities, vegetation removal, and use of mechanized equipment. These activities may have negative impacts to nesting birds, including but not limited to mortality of individuals, disturbance of nesting activity, and abandonment of nests.

**Why impact would occur:** The MND cites that on-site vegetation has the potential to provide habitat for nesting birds, acknowledges that direct impacts to nesting birds must be avoided, and concludes that the Project will include measures such as nesting bird surveys prior to construction. However, the MND does not include the specific nesting bird measures that the Proponent will abide by to ensure impacts are avoided and minimized. Without specific nesting bird measures, CDFW cannot determine if such measures are adequate to avoid impacts to nesting birds.

**Evidence impact would be significant:** Nesting birds are protected under Fish & Game Code sections 3503, 3503.5, and 3513, which prohibit the take, possession, or needless destruction of nests or eggs of any bird. Birds are also afforded protection under the Migratory Bird Treaty Act.

### **Recommended Mitigation Measure(s)**

CDFW requests the MND be revised to incorporate the recommended measure from the Biological Report, or incorporate the following measure revised from the Biological Report below:

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**Mitigation Measure #1: Nesting Bird Surveys.** If construction occurs between January 15<sup>th</sup> and September 15<sup>th</sup>, ~~a three~~ pre-construction ~~clearance~~ surveys for nesting birds ~~should~~ **shall** be conducted within ~~three (3) days~~ **one week** of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction, **with one survey conducted within three days of construction initiation.** ~~The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur.~~ **The surveys shall be conducted by a qualified wildlife biologist familiar with the identification of avian species known to occur in southern California upland and riparian communities, and shall document any negative surveys with a written report indicating that no nests are present within and adjacent to the construction site and that impacts to active bird nests shall not occur.** If an active avian nest is ~~discovered~~ observed ~~during the pre-construction clearance survey,~~ ~~construction activities should stay outside of a no-disturbance buffer,~~ **the qualified biologist shall establish an appropriate no-disturbance buffer.** The size of the no-disturbance buffer ~~will~~ **shall** be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, **type and duration of construction activity,** ambient noise, species habituation, and topographical barriers. These factors ~~will~~ **shall** be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest ~~will~~ **shall** be demarcated in the field with flagging, fencing, or other appropriate barriers; and construction personnel ~~will~~ **shall** be instructed on the sensitivity of nest areas. A biological monitor ~~should~~ **shall** be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

## **COMMENT # 2: Bat Surveys**

**Issue:** Bat surveys were not conducted to confirm the presence or absence of bats in or near the Project site.

**Specific impact:** The Biological Resources Assessment states that the Project site, "...provides minimal habitat for common bat species". In Attachment C of the Biological Resources Assessment, several bat species were noted as, "presumed absent", yet bat surveys were not conducted nor described. Due to the lack of survey data and subsequent analysis of bat presence, bats could be impacted when vegetation is cleared.

**Why specific impact would occur:** Due to the sensitive nature of bat species, if any potential habitat is present then bat surveys should be conducted to confirm the presence or absence of bats, as the removal of trees could directly impact any bats using the trees. Adverse impacts that could occur to bats include, but are not limited to, direct injury, direct mortality, or entrapment. Therefore, without surveys to determine

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adequate avoidance, minimization, or mitigation measures, Project activities may result in undisclosed and unmitigated impacts to these species.

**Evidence impact would be significant:** San Diego County, California, has 22 distinct species of bats, 16 of which are on conservation watchlists (Myers et. al., 2024), and 11 of which are considered Species of Special Concern by CDFW, which meet the definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). If surveys are not conducted to confirm the presence or absence of bats on site, with appropriate avoidance, minimization, and/or mitigation measures per results of the survey, take of California Species of Special Concern could occur and could require a mandatory finding of significance by the City.

### **Recommended Mitigation Measure(s)**

CDFW requests the following recommendations and mitigation measures are incorporated into MND:

**Mitigation Measure #2: Bat Surveys.** Within a year prior to construction activities, bat surveys shall be conducted by a qualified bat biologist within the Project site and a 100-foot buffer (as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology should be used to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings, shall be provided to the City and CDFW. Depending on the survey results, a qualified bat biologist shall discuss potentially significant effects of the Project on bats and include species-specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat biologist shall be completed and submitted to the City and CDFW prior to any construction activities at or near the location of bat habitats.

### **COMMENT # 3: Pond Flooding**

**Issue:** The MND does not address how sheet flows from the existing man-made pond during large storm events will be managed.

**Specific impact:** The MND states that, “[d]uring large storm events, the ponded feature on site conveys flows via sheet [flow] into the drainage.” According to the proposed Project designs, a street and sidewalks with landscaping will be developed in between the pond and the drainage, which may block flows and/or divert them into the street and development. The Project may have to be modified to accommodate for these flows, which may require a Lake and Streambed Alteration Agreement.

**Why impact would occur:** The existing pond and drainage on site are planned to be avoided during construction. Within the MND and Biological Resources Assessment,

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there are no discussions on how the sheet flows from the pond during storm events will be addressed. Because the pond's sheet flows historically flowed into the drainage and the Project will be avoiding impacts to the pond and drainage, it can be reasonably assumed that storm events may cause sheet flows from the pond to flow into the proposed street and may not reach the drainage. There is also a lack of discussion if these flows would be significant enough to disrupt normal street function during storm events. Therefore, the Project may need to be modified to accommodate for these flows, in which a notification under section 1600 of the Fish & Game Code would be warranted.

**Evidence impact would be significant:** Any changes to hydrology from Project activities and their potential impacts should be analyzed and disclosed in the MND. Substantial diversion of the natural flow of, or substantial change of the bed, channel, or bank of any river, stream, or lake is subject to Fish & Game Code section 1602. For any such activities, the Project application (or "entity") must provide written notification to CDFW including, but not limited to, detailed project descriptions, maps and figures, and any other information required by the department.

### **Recommended Mitigation Measure(s)**

**Recommendation:** CDFW recommends the MND be amended to include a thorough discussion and analysis of how storm flow regime from the existing pond will change after Project implementation, and how this change will affect habitat conditions and vegetation communities. If appropriate, Project revisions may be necessary to reduce the significance of these impacts which may include mitigating storm event flows. Appropriate mitigation may include, but is not limited to, notification under Fish & Game Code section 1600 for modification to the existing pond and/or drainage.

### **ADDITIONAL COMMENTS**

1. Timing of Biological Resources Assessment. The Biological Resources Assessment was conducted during unspecified times of day in January and August, times of year when most species are dormant or inactive. As a result, sensitive species and other species may not have been observed during this period. Absent appropriate plant and wildlife surveys (CDFW, 2025), the Project's environmental analysis lacks adequate baseline information about the number, type, and diversity of species within the vicinity of the Project to inform appropriate avoidance, minimization, and/or mitigation measures. Consequently, Project impacts may not be reduced to less than significant as current proposed.
2. Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is

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welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](https://wildlife.ca.gov/Data/CNDDDB)<sup>3</sup> provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)<sup>4</sup>.

The City of Vista should ensure data collected for the preparation of the MND is properly submitted.

## **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist the City of Vista in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City of Vista has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

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<sup>3</sup> <https://wildlife.ca.gov/Data/CNDDDB>

<sup>4</sup> <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Questions regarding this letter or further coordination should be directed to Jennifer Blackhall<sup>5</sup>, Environmental Scientist.

Sincerely,

Signed by:  
  
AD7D070BCB66466...  
Glen M. Lubcke  
Environmental Program Manager  
South Coast Region

## ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

Attachment B: Figure 4: Site Plan of the MND

cc: California Department of Fish and Wildlife  
Glen Lubcke, Environmental Program Manager  
Jennifer Turner, Senior Environmental Scientist (Supervisor)  
Jennifer Blackhall, Environmental Scientist

Office of Planning and Research  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

## REFERENCES

McGill, Thomas J. *Biological Resources Assessment Report for the Proposed Project Located at Old Taylor Street in the City of Vista, San Diego County, California*. ELMT Consulting. November 17, 2022. Updated March 2025.

California Department of Fish and Wildlife. "Survey and Monitoring Protocols and Guidelines." *California Department of Fish and Wildlife*, <https://wildlife.ca.gov/Conservation/Survey-Protocols>. Accessed August 15, 2025.

Myers, Brian M., et al. "Quantification of threats to bats at localized spatial scales for conservation and management", *PLoS ONE*, Public Library of Science, October 19, 2024, <https://doi.org/10.1371/journal.pone.0310812>.

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<sup>5</sup> Phone: (858) 354-3285; Email: [Jennifer.Blackhall@wildlife.ca.gov](mailto:Jennifer.Blackhall@wildlife.ca.gov)



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## **ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

CDFW provides the following language to be incorporated into the MMRP for the Project.

<b>Mitigation Measure</b>	<b>Timing</b>	<b>Responsible Party</b>
<p><b>Mitigation Measure #1: Nesting Bird Surveys</b></p> <p>If construction occurs between January 15<sup>th</sup> and September 15<sup>th</sup>, three pre-construction surveys for nesting birds shall be conducted within one week of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction, with one survey conducted within three days of construction initiation. The surveys shall be conducted by a qualified wildlife biologist familiar with the identification of avian species known to occur in southern California upland and riparian communities, and shall document any negative surveys with a written report indicating that no nests are present within and adjacent to the construction site and that impacts to active bird nests shall not occur. If an active avian nest is observed, the qualified biologist shall establish an appropriate no-disturbance buffer. The size of the no-disturbance buffer shall be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors shall be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest shall be demarcated in the field with flagging, fencing, or other appropriate barriers; and construction personnel shall be instructed on the sensitivity of nest areas. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity.</p>	<p>One week prior to construction occurring between January 15<sup>th</sup> and September 15<sup>th</sup>.</p>	<p>Project Proponent</p>

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Mitigation Measure	Timing	Responsible Party
Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.		
<b>Mitigation Measure #2: Bat Surveys</b>  Within a year prior to construction activities, bat surveys shall be conducted by a qualified bat biologist within the Project site and a 100-foot buffer (as access allows) in order to identify potential habitat that could provide daytime and/or nighttime roost sites, and any maternity roosts. Acoustic recognition technology should be used to maximize detection of bat species to minimize impacts to sensitive bat species. A discussion of survey results, including negative findings, shall be provided to the City and CDFW. Depending on the survey results, a qualified bat biologist shall discuss potentially significant effects of the Project on bats and include species-specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125). Surveys, reporting, and preparation of robust mitigation measures by a qualified bat biologist shall be completed and submitted to the City and CDFW prior to any construction activities at or near the location of bat habitats.	Within a year prior to construction activities	Project Proponent

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## ATTACHMENT B: FIGURE 4: SITE PLAN OF THE MND



SOURCE: TTL Management Inc. 2025

**DUDEK**

**FIGURE 4**

**Site Plan**

Vista Old Taylor Residential Project