

**FINAL MITIGATED NEGATIVE DECLARATION  
NORTH RANCH RESIDENTIAL PROJECT  
MOORPARK, CA**

*Prepared for:*

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**TABLE OF CONTENTS**

	<u>Page</u>
<b>SECTION 1.0 – INTRODUCTION .....</b>	<b>1</b>
1.1 DRAFT INITIAL STUDY / MITIGATED NEGATIVE DECLARATION .....	1
1.2 AVAILABILITY OF THE NOI AND IS/MND .....	1
<b>SECTION 2.0 – PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING .....</b>	<b>2</b>
2.1 PROJECT PURPOSE AND BACKGROUND INFORMATION .....	2
2.2 PROJECT LOCATION AND SITE CHARACTERISTICS .....	2
2.2.1 Location.....	2
2.2.2 Site Characteristics.....	2
2.2.3 Site Access and Circulation .....	2
2.2.4 General Plan Designation/Zoning .....	5
2.3 PROJECT DESCRIPTION .....	5
2.3.1 Construction.....	7
2.3.2 Site Development and Construction Measures .....	8
2.3.3 Operations and Maintenance .....	11
2.4 PERMITS AND AGREEMENTS .....	11
<b>SECTION 3.0 – FINDINGS.....</b>	<b>14</b>
<b>SECTION 4.0 – MITIGATION MEASURES .....</b>	<b>15</b>
<b>SECTION 5.0 – CIRCULATION.....</b>	<b>23</b>
<b>SECTION 6.0 – RESPONSE TO COMMENTS.....</b>	<b>24</b>
<b>SECTION 7.0 – REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION .....</b>	<b>94</b>
<b>SECTION 8.0 – MITIGATED NEGATIVE DECLARATION .....</b>	<b>97</b>
<b>SECTION 9.0 – REFERENCES .....</b>	<b>98</b>

**APPENDICES (to the Draft MND)**

- APPENDIX A – Air Quality and Greenhouse Gas Study
- APPENDIX B – Biological Studies
- APPENDIX C – Tree Report
- APPENDIX D – Jurisdictional Delineation
- APPENDIX E – Focused Coastal California Gnatcatcher Survey
- APPENDIX F – Cultural Resources Phase I Assessment Report
- APPENDIX G – Geotechnical Investigation Report
- APPENDIX H – Drainage Report
- APPENDIX I – Traffic Impact Analysis
- APPENDIX J – Noise Study
- APPENDIX K – VMT Analysis
- APPENDIX L – Sewer Area Study
- APPENDIX M – Mitigation Monitoring and Reporting Program – Updated and Appended to the Final MND

**LIST OF TABLES**

	<u>Page</u>
Table 1: General Plan / Zoning/ Existing Land Use .....	5
Table 2: Project Phasing.....	11

**LIST OF FIGURES**

	<u>Page</u>
Figure 1 – Project Vicinity Map .....	4
Figure 2 – Site Plan.....	9
Figure 3 – Landscape Plan.....	10
Figure 4 – Existing Land Use and Zoning.....	12
Figure 5 – Proposed Land Use and Zoning.....	13

## **SECTION 1.0 – INTRODUCTION**

### **1.1 DRAFT INITIAL STUDY / MITIGATED NEGATIVE DECLARATION**

On September 22, the City of Moorpark distributed the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the North Ranch Residential Project to public agencies and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 32-day public review period for the Draft IS/MND was provided from September 22, 2022 to October 24, 2022.

### **1.2 AVAILABILITY OF THE NOI AND IS/MND**

The NOI and the IS/MND were available for review at the following locations:

- Development and Community Services Building, City Hall, 799 Moorpark Avenue, Moorpark, California, 93021.
- Moorpark Library, 699 Moorpark Avenue, Moorpark California, 93021
- Online at: [www.moorparkca.gov/568/Environmental-Documents](http://www.moorparkca.gov/568/Environmental-Documents).

## SECTION 2.0 – PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

### 2.1 PROJECT PURPOSE AND BACKGROUND INFORMATION

West Point Homes (Applicant) proposes to provide 134 single-family homes and five future single family homes on estate lots in a new residential planned development (Project) that includes new streets, landscaping, trails, and related on- and off-site improvements on an approximately 68-acre property consisting of two lots (APNs 5110190285 & 5110190305) located at 5979 Gabbert Road (Figure 1). The purpose of the development is to provide the City of Moorpark (City) a new planned residential development with single-family homes (Figure 2). Through the negotiated development agreement, 15% of the units would be reserved as affordable *housing*.

The City is the lead agency for the Proposed Project. This Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], §15000 et seq.) and has determined that preparation of a Mitigated Negative Declaration would be appropriate under CEQA.

### 2.2 PROJECT LOCATION AND SITE CHARACTERISTICS

#### 2.2.1 Location

The Project site is located at 5979 Gabbert Road in the northwestern portion of the City and is bounded by Gabbert Road to the east and residential uses to the north. The Project site is north of the Union Pacific railroad tracks and west of the intersection of Gabbert Road and Elwin Lane. The Project site includes two different parcels for a combined acreage of approximately 68 acres (Assessor Parcel Numbers [APNs] 511-0-190-285 and 511-0-190-305). Lands to the west and south are undeveloped. The Project site is surrounded by vacant land and rural residential properties to the north and east, vacant land and railroad tracks to the south, and agricultural lands to the west. The Project site is located approximately 2,000 feet south of the Moorpark Golf Course and an unnamed residential neighborhood, and approximately 2,000 feet north of the Southern California Edison (SCE) Moorpark Substation. The Project site is approximately 21 miles east of the Pacific Ocean.

#### 2.2.2 Site Characteristics

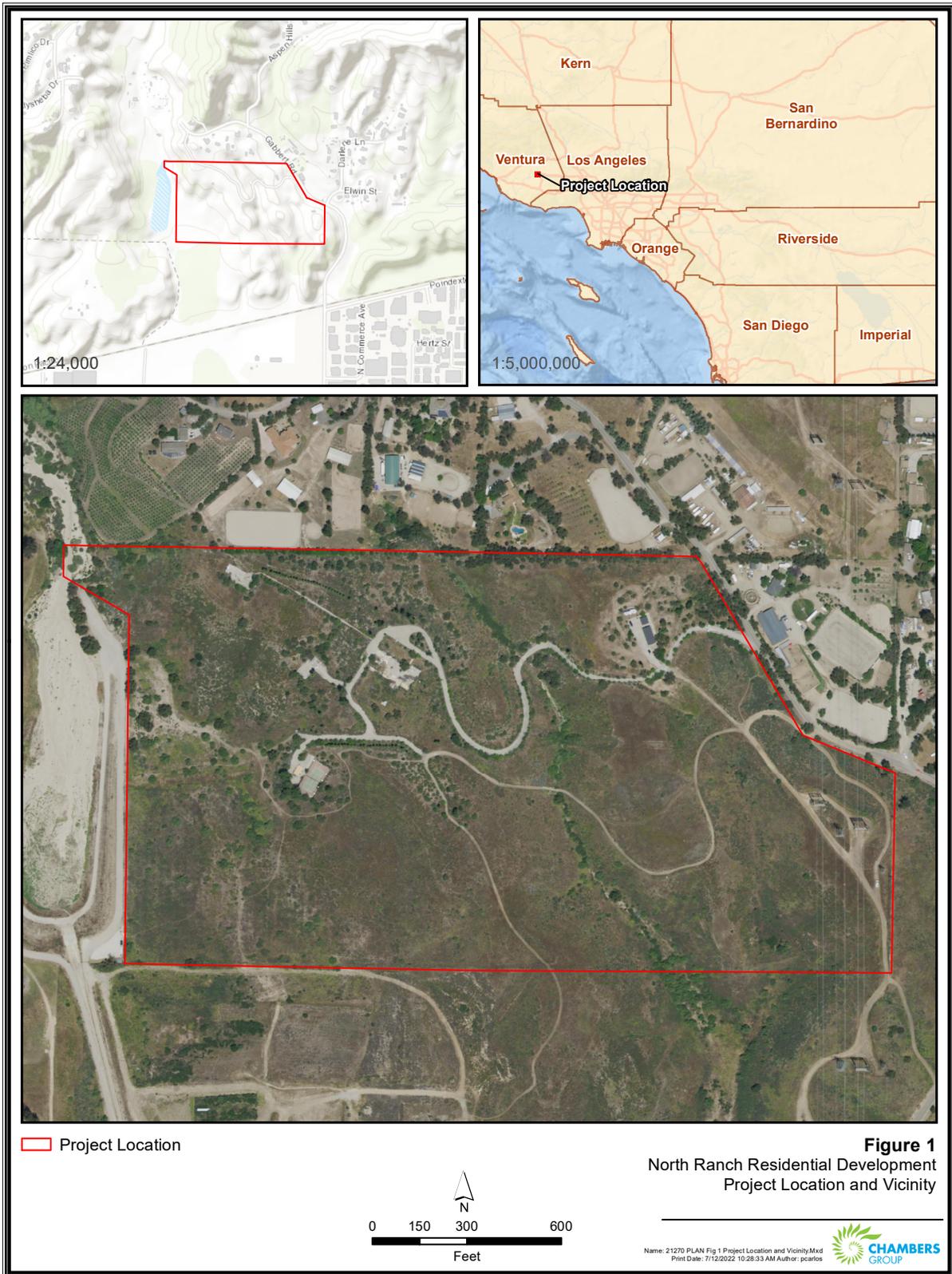
The Project site comprises approximately 68 acres with a portion of the site that includes several structures that are still present onsite: a trailer/mobile home current used as an office, a garage in the northeast corner, and a large storage shed in the northwest section. Two concrete foundations, gardens, a tennis court, , and concrete driveway, along with an access road and undeveloped land are also found on the site. The Project site consists of different types of grasslands, landscaped areas, and developed areas within the foothills of the City. The topography of the project site is defined by three rolling, broad-topped ridges that trend from northwest to southeast, the basins in between, and a relatively flat area in the southwest corner. There are coastal sage scrub, ruderal grassland, and landscaping elements that occur together in various degrees.

#### 2.2.3 Site Access and Circulation

During construction, access to the site will be via an existing paved driveway off Gabbert Road. After the development is completed, new access will be provided via construction of North Hills Parkway along the southerly property boundary to Gabbert Road. North Hills Parkway will terminate as a cul-de-sac towards

the middle of the site, along the southern property line. A separate fire lane access would extend from northwest ~~A Street Thoroughfare Drive~~ down to Los Angeles Drive. A separate 30-foot-wide fire access road to the planned development will occur from the eastern side of the development from Gabbert Road.

Figure 1 – Project Vicinity Map



**2.2.4 General Plan Designation/Zoning**

The City’s General Plan designates the Project site as Rural Low Density Residential (RL), which allows for one dwelling unit per 5 acres. The RL designation is intended to allow limited development of residential estate lots on minimum 5-acre lots, or using clustering techniques for areas characterized by significant site constraints (e.g., rugged topography, steep slopes, lack of services, limited access), or areas of important visual or natural resources. The surrounding General Plan designations are Rural High Density Residential (RH) and Hitch Ranch Specific Plan (SP-1) to the east; RL to the west and north; and SP-1, Medium Industrial (I-2), and Agricultural (AG-1) to the south. Table 1 below provides a summary of the General Plan designations, zoning, and existing land uses of the Project site and surrounding properties.

The Project site is zoned Agricultural Exclusive (AE); the purpose of this zone is to provide for and maintain a rural setting where a wide range of agricultural uses are permitted while surrounding residential land uses are protected. The zoning of the surrounding properties includes Rural Exclusive (RE-1AC) and AE to the east and west, RE-1AC to the north, and Limited Industrial (M-2) and AE to the south.

**Table 1: General Plan / Zoning/ Existing Land Use**

Direction	General Plan	Zoning	Existing Land Use
Project Site	Rural Low Density Residential (RL)	Agricultural Exclusive (AE)	Mostly vacant except for roads, gardens, four concrete foundations, a tennis court, and an existing single-family home
North	Rural Low Density Residential (RL)	Rural Exclusive (RE-1AC)/(RE-5AC)	Religious facility/camp, rural residences, and agricultural
South	Hitch Ranch Specific Plan (SP-1) Medium Industrial (I-2) Agricultural (AG-1)	Agricultural Exclusive (AE) Limited Industrial (M-2)	Railroad tracks and SCE Moorpark Substation
East	Hitch Ranch Specific Plan (SP-1)	Rural Exclusive (RE-1AC), Hitch Ranch Open Space/Basins (O-S)	Single-family residences
West	Rural Low Density Residential (RL)	Agricultural Exclusive (AE)	Agricultural

**2.3 PROJECT DESCRIPTION**

The Proposed Project includes the development of 134 single-family homes (single- and two-story) and five future single family homes on estate lots on 68 acres of mostly vacant land in the northwestern portion of the City. The single-family homes would range from 1,506 to 3,206 square feet in total living area, and each would have an attached two-car garage. The five estate lots would not be developed at this time but would provide large lots for future development and access driveways to those estate lots. However, since the five estate lots would be provided for future development, the future development of these homes is analyzed in this document.

The Project will require rough grading, as well as sewer, water, storm drain, and detention basin improvements. Approximately 15 percent of the initial 134 single-family homes will be available as

affordable housing. The Project entails demolishing the existing remaining structures onsite and grading the land for the building of the single-family housing development.

#### *Improved Access*

The Project will include construction of North Hills Parkway with two lanes of traffic and a center median between the two lanes across the southerly property boundary to Gabbert Road. The proposed North Hills Parkway will terminate as a cul-de-sac around the middle of the south property line. The new intersection at North Hills Parkway and Gabbert Road will be controlled by a stop sign on North Hills Parkway.

The Applicant will complete the construction of North Village Drive from North Hills Parkway to A Street (~~Thoroughbred Drive~~). North Hills Parkway would terminate in a cul-de-sac at the middle portion of the site with separate emergency fire lane road access to Los Angeles Avenue. **North Hills Parkway will be a public street and will be dedicated to the City with the record map, and the remaining** All community streets ~~will be planned to be privately maintained. public streets and will be dedicated to the City with the record map.~~

Circulation and access will occur on the planned residential development through various community streets. ~~Thoroughbred Drive~~ **A Street** will provide east and west access through the northern portion of the site, ~~Tennessee Walker Drive~~ **C Street** will stretch east and west through the southern portion of the site. Other community streets such as ~~Quarter Horse Way, Thoroughbred Drive, North Ranch Drive, Morgan Way, Appaloosa Way, and Shetland Way~~ will provide additional access through the planned residential development. **Formal street names will be designated at a later time.**

#### *Recreation and Landscaping*

The community landscaping/recreation improvements will include sloped landscape, railed fencing, and a multi-use trail system along North Hills Parkway (Figure 3). Landscaping, such as shrubs and trees, will be provided along slopes, within medians, and along the border of the residential development. The landscaping will be irrigated with an automatic drip irrigation system that complies with Assembly Bill (AB) 1881 and the City standards. **Furthermore, condition of approval is included requiring the installation of purple irrigation lines which will utilize recycled water for landscaping when this service is available in the future.** The community landscaping will be maintained by the Homeowners Association (HOA). Landscaping associated with the Proposed Project would comply with the City Landscaping Manual and include a fuel modification plan and defensible space as required by Public Resources Code Section 4291(a) and (b). All plants included in the landscaping would be drought tolerant in order to comply with landscaping requirements for Very **High** Fire Hazard Severity Zones.

The residential community will provide one community park, two dog parks located on Lot 4 and Lot D, with a decomposed granite, multi-use trail along North Hills Parkway for community members to use. The parks would be provided for public use and will be maintained by the HOA.

#### *General Plan Amendment/Zone Change*

The General Plan designation of the Project Site is RL and zoning is AE. In addition to the development of the residential community, the Project includes an amendment to the General Plan designation from RL to **Medium Density Residential (M)** ~~H~~, RL, and OS and ~~a~~ a zoning amendment from AE to RE-5AC,

Residential Planned Development (RPD), and OS (Figures 4 and 5). The City's General Plan designates the Project site as Rural Low Density Residential (RL), which allows for one dwelling unit per 5 acres. The RL designation is intended to allow limited development of residential estate lots on minimum 5-acre lots, or using clustering techniques for areas characterized by significant site constraints (e.g., rugged topography, steep slopes, lack of services, limited access), or areas of important visual or natural resources. The conversion from RL to **M (Medium Density Residential)** ~~H (High Density Residential)~~ allows for up to **4-7** dwelling units per acre. The Open Space (OS) designation allows for up to 1 dwelling unit per 10-40 acres.

The Project site is zoned Agricultural Exclusive (AE); the purpose of this zone is to provide for and maintain a rural setting where a wide range of agricultural uses are permitted while surrounding residential land uses are protected. The zone change to RE-5AC would allow for rural residential in conjunction with horticultural activities, and to provide for a limited range of service and institutional uses which are compatible with and complementary to rural residential communities with a maximum of 5 dwelling units per acre. Additionally, the Residential Planned Development provides areas for communities which will be developed utilizing modern land planning and unified design techniques; this zone provides a flexible regulatory procedure in order to encourage consistent design, efficient use of land, preservation of natural features, variety in housing unit options, energy efficient living environments. The open space zoning provides for the conservation of renewable and nonrenewable natural resources of open land area. This allows future land use options that are reasonable and compatible uses on open lands in the city.

#### *Utilities*

**Water:** The water line serving the Project is proposed as a looped system and will be connected to the existing 12-inch asbestos concrete pipe (ACP) line in Gabbert Road in two locations. The first connection will be at North Hills Parkway Intersection and the second connection will be north of the first connection and the northern limits of the tract. The water line will be looped throughout the development and connect to the proposed water line extension in North Hills Parkway via an easement through Lot 101.

**Sewer:** The sewer main serving the Project is proposed to be extended from Gabbert Road and Poindexter Avenue where the existing main is 8 inches in diameter. The proposed sewer will run up Gabbert Road then westward on North Hills Parkway to the western end of the Project where it will connect with the on-site sewer system. All on-site sewers will drain in a northwestern direction and connect into this proposed main line.

**Storm Drain:** Stormwater will be collected onsite, treated, detained, then conveyed via storm drain pipe to the southwestern corner of the site where the pipe will tie into the existing Ventura County Gabbert Channel Drain.

**Electrical, Gas and Telecommunications:** Electrical, Gas and Telecommunications utilities will be serviced through primary and/or secondary entrances from North Hills Parkway. Transformers will be located throughout the Project. Gas services will be looped through the Project.

#### **2.3.1      Construction**

Construction activities occurring onsite will include the demolition of the existing building pads and ancillary structures, grading, excavation, and recompaction throughout the Project site. In addition to contractor vehicles and heavy equipment anticipated to be used onsite, the Project will include the use of

excavators, backhoes, bulldozers, graders, compactors, and dump trucks. All equipment will be staged within the Project site. SCE would maintain an easement onsite under existing powerlines that connect to the Moorpark Substation.

Construction of the Project is expected to begin in Spring 2023 and continue until Fall 2024. Construction activities of the Proposed Project will be scheduled in compliance with the City's Municipal Code Title 17 for the provisions of operating and permitting the use of tools and equipment during construction, drilling, repair, or alterations.

Earthwork associated with the Project construction is anticipated to include approximately 746,520 cubic yards of cut and approximately 759,521 cubic yards of fill, with a net fill of approximately 13,000 cubic yards.

### **2.3.2 Site Development and Construction Measures**

Based on a review of the geotechnical and subsurface conditions for the Project site, the following measures will be taken during site development and construction to ensure that the Project design is feasible:

#### *Best Management Practices*

The Proposed Project will incorporate infiltration basins and biofiltration Best Management Practices (BMPs) to treat onsite and offsite flows. Proprietary biofiltration BMPs will be implemented to meet the performance standards of the hydraulic calculations of the Proposed Project. Infiltration basins will be located at the entrance of the Project for stormwater treatment.

Figure 2 – Site Plan

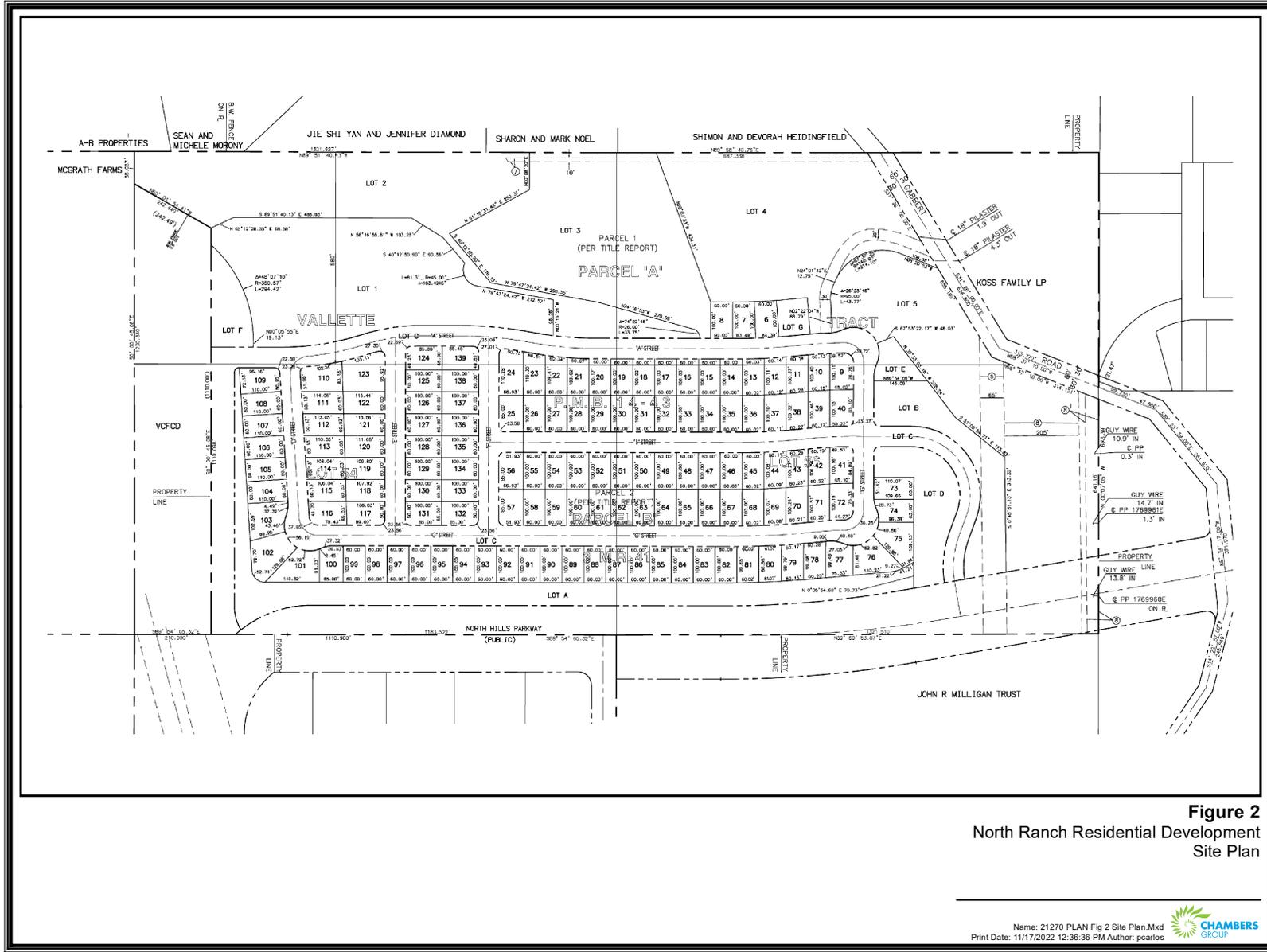


Figure 2  
North Ranch Residential Development  
Site Plan

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Figure 3 – Landscape Plan

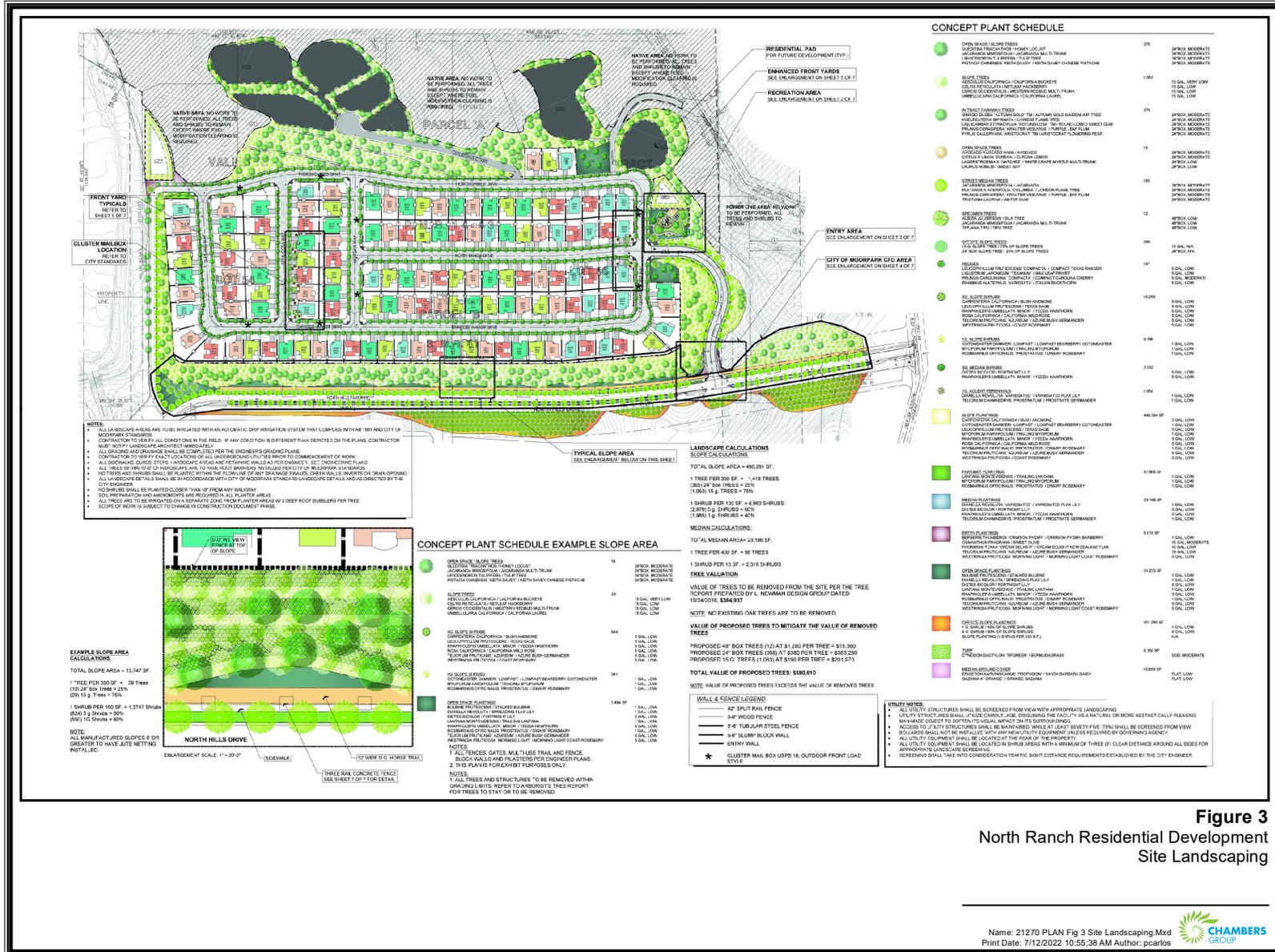


Figure 3  
North Ranch Residential  
Site Landscaping

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### 2.3.3 Operations and Maintenance

The Project is anticipated to be completed phases as shown below in Table 2.

**Table 2: Project Phasing**

Phase #	Description	Lot #
1	Grading, Streets, and Underground Utilities	–
2	Construction of Models	77-79
3	Building Phase 1	6-17
4	Building Phase 2	18-24, 135-139
5	Building Phase 3	33-48
6	Building Phase 4	25-32, 49-56
7	Building Phase 5	57-60, 89-95, 132-134
8	Building Phase 6	117-131
9	Building Phase 7	96-104, 115-116
10	Building Phase 8	105-114
11	Building Phase 9	61-66, 83-88
12	Building Phase 10	67-76, 80-82
To Be Decided	Estate Lots	1-5

Maintenance within the community will be coordinated by the HOA and will include ongoing landscaping, as well as improvements to public spaces, park, and trails.

### 2.4 PERMITS AND AGREEMENTS

As required by CEQA Guidelines, this section provides, to the extent the information is known, a list of permits and other approvals required to implement the Project.

The following approvals and permits may be required for the Project:

- Residential Planned Development RPD 2016-02
- General Plan Amendment (GPA) GPA 2016-02
- Zone Change (ZC) ZC 2016-02
- Development Agreement DA 2016-02
- Tentative Map TTM 5847
- City Grading and Building Permits
- Ventura County Fire Department Approval
- Ventura County Waterworks District (VCWWD) No. 1 Approval

Figure 4 – Existing Land Use and Zoning

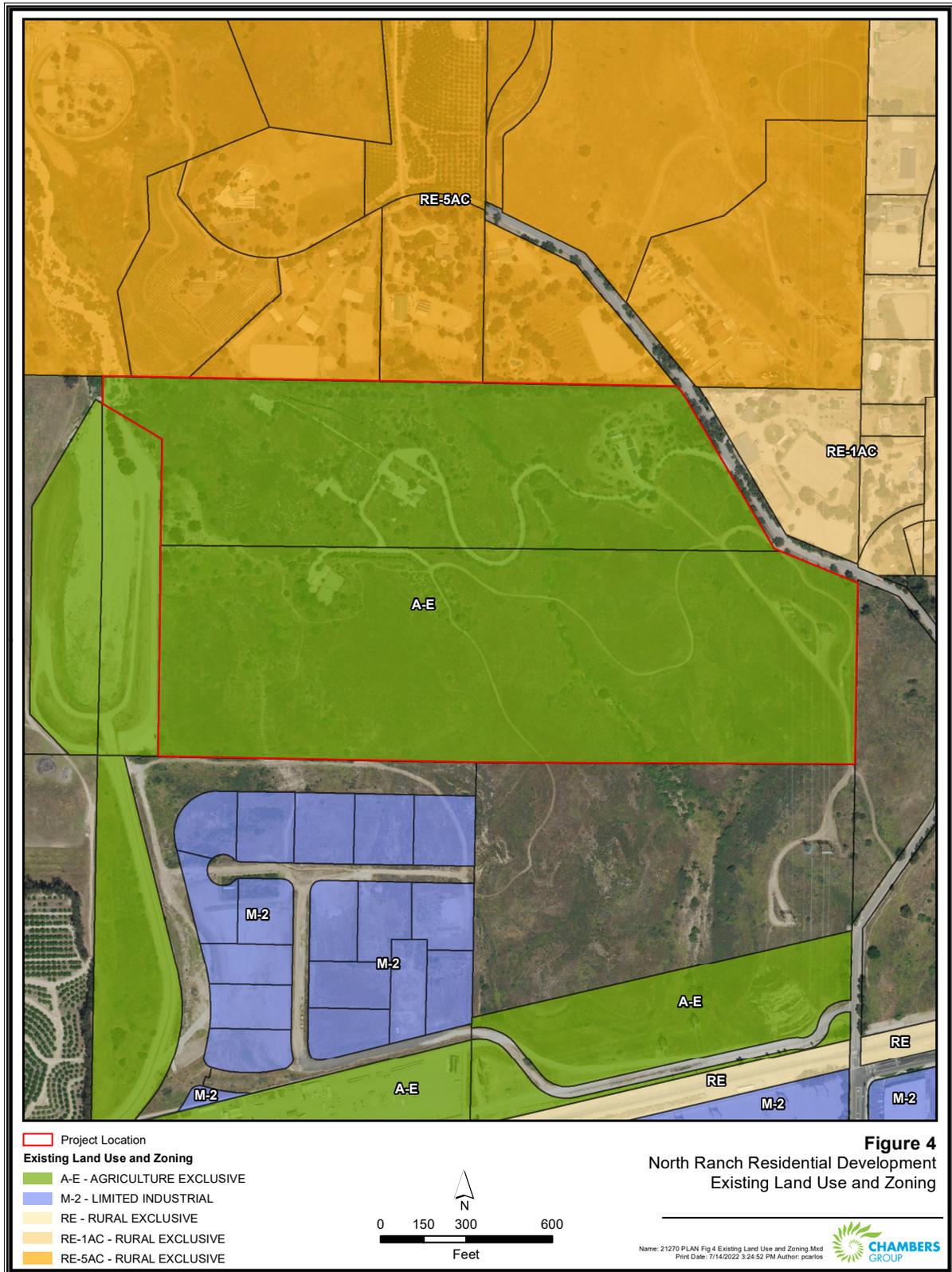
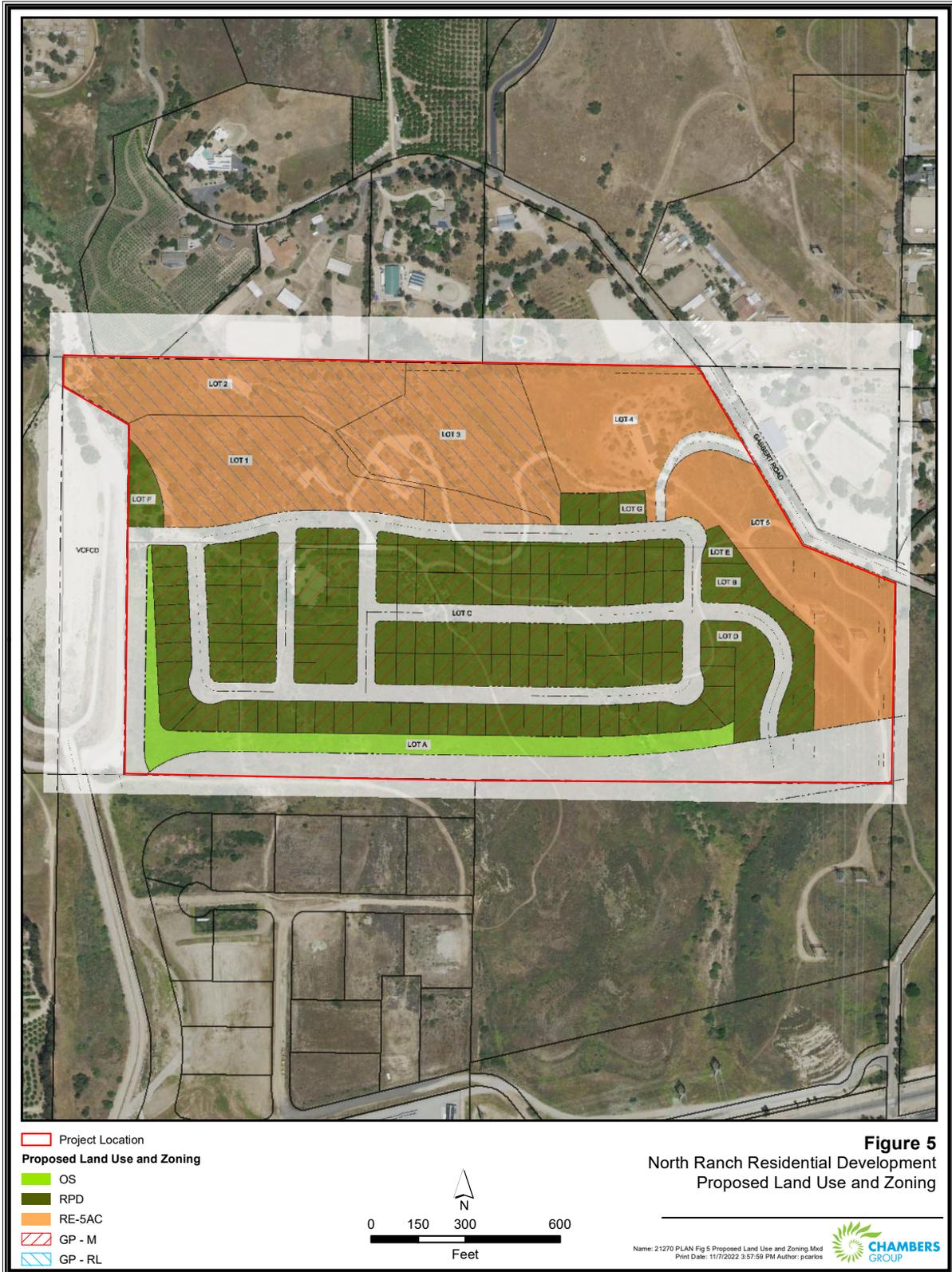


Figure 5 – Proposed Land Use and Zoning



### **SECTION 3.0 – FINDINGS**

An Initial Study has been prepared to assess the Proposed Project's potential impacts on the environment and the significance of those impacts and was incorporated in the Draft MND. Based on this Initial Study, it has been determined that the Proposed Project would not have any significant impacts on the environment once all proposed mitigation measures have been implemented. This conclusion is supported by the following findings:

- No potential was found for adverse impacts on Agriculture & Forestry Resources and Mineral Resources associated with the Proposed Project.
- Potential adverse impacts resulting from the Proposed Project were found to be less than significant in the following areas: Aesthetics, Energy, Greenhouse Gas Emissions, Hazards & Hazardous Materials, Hydrology & Water Quality, Land Use, Noise, Population & Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities & Service Systems, and Wildfire.
- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impact on Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Transportation, and Mandatory Findings of Significance to a less than significant level.

## SECTION 4.0 – MITIGATION MEASURES

The following mitigation measures and project conditions have been incorporated into the scope of work for the Proposed Project and will be fully implemented by the City of Moorpark to avoid or minimize adverse environmental impacts identified in this MND. These mitigation measures have been included in the Mitigation Monitoring and Reporting Program (MMRP) prepared for this project.

**MM-AQ-1** The developer shall ensure that all onsite vehicles and equipment with horsepower greater than 50 shall meet, at a minimum, EPA Tier IV final engine certification requirements. If Tier IV final equipment is not available, the contractor may apply other technologies available for construction equipment such that it would achieve a reduction in NOx and particulate matter emissions comparable to that of Tier IV final construction equipment. Where alternatives to EPA Tier IV are utilized, the contractor shall be required to provide evidence that these alternative technologies would achieve comparable emissions reductions. Certifications or alternative reduction strategies shall be required prior to receiving a construction permit.

**MM-AQ-2** The developer shall ensure that the architectural coating activities shall be phased such that they extend for a minimum of 150 days over the duration of the Project construction.

**MM-BIO-1** If it is feasible, the clearing of vegetation and construction activities will be conducted between August 31st and February 1st, which is outside of the typical breeding/fledging season for the sensitive bird species and migratory birds that may nest on or in the immediate vicinity of the Project site.

If clearing of vegetation and construction activities within the selected projects are planned between February 1st and August 31st, then breeding bird surveys will be conducted by qualified biologists at a maximum of ~~two (2) weeks~~ **seven days** prior to the commencement of activities. Nests and birds exhibiting breeding behavior will be identified within 500 feet of the area to be impacted and efforts will be made (including the creation of appropriate buffers around the nests and areas used by breeding birds, rerouting vehicular traffic, limiting the number of vehicles, the use of non-mechanized tools, etc.) to limit disturbances to the nests. A qualified biologist will monitor the identified nests and birds exhibiting breeding behavior during the duration of the work or until successful fledging occurs, whichever comes first. If the monitor notes that identified birds and nests are being negatively affected by the construction activity, then the buffers will be increased to an appropriate distance to ensure fledging is successful. After the completion of the construction activities or the completion of onsite breeding activities, a letter report summarizing the work and its effect on the breeding birds will be produced and submitted to the CDFW.

**MM-BIO-2** Prior to the commencement of ground disturbance or vegetation removal activities, including but not limited to grubbing, grading, and fuel modification, two preconstruction surveys for special-status wildlife species, including coast horned lizard, coastal western whiptail, California glossy snake (*Arizona elegans*

occidentalis), Coast patch-nosed snake, and western spadefoot, by a qualified biologist(s) to determine presence/absence of these species at the site. The first survey shall be conducted within 14 days and the second survey shall be conducted within three days of commencement of ground or vegetation disturbing activities. These surveys should coincide with weather conditions that are conducive for each species; sunny late-spring or summer days with above-average temperatures for, coast horned lizard, coastal western whiptail California glossy snake and the Coast patchnosed snake spadefoot. If the any of the four species are found to occur onsite during the additional surveys, then Mitigation Measure BIO-3 shall be instituted.

- MM-BIO-3** If any individual of the four species are found during the survey, then a salvage program will be initiated for the site. The salvage program will consist of the capture of individuals from the area to be impacted by the Project implementation and their relocation to a predetermined offsite location, which has CDFW's approval, with appropriate habitat that will not be impacted by the Project activities or other construction activities in the vicinity. Time allowed for the salvage program will be determined by the size of the Project site and the abundance of the species that are found onsite. The salvage program will continue with the monitoring of the initial ground disturbance construction activities. The salvage program will conclude when all of the ground within the grading limits has been affected by construction activities. After the completion of the salvage program a letter report summarizing the surveys and salvage opportunities will be prepared and submitted to the CDFW.
- MM-BIO-4** Prior to the initiation of any grading and during initial grubbing and topsoil salvage, biologists shall attempt to capture and relocate all reptiles within the impact area. Other ground dwelling wildlife, i.e. amphibians and mammals, shall be relocated if the opportunity presents itself. Wildlife shall be relocated to preserved areas of the site when appropriate or to nearby (in the same watershed) permanent open space areas. It is assumed that a two-person team can adequately salvage the reptiles on the entire site in half a day.
- MM-BIO-5** To reduce impacts resulting from construction vehicle traffic, routes and trips shall be restricted to a minimum number. Earth-moving equipment shall be confined to the narrowest possible corridor during construction. Earth-moving and other construction equipment shall be confined to the Project footprint and shall not operate or maneuver in areas outside the Project footprint. The entire edge of grading shall be fenced with brightly colored "snow fence" or similar material. This shall serve to alert equipment operators of the grading limits. All vehicle access shall be via areas within the impact zone. No temporary access roads shall be made through portions of the site that shall be preserved as natural open space.
- MM-BIO-6** The construction of litter barriers (i.e.: walls or small mesh-chain link fence) around the Project site shall be accomplished in order to limit the progression of litter into the open spaces of the Project area or surrounding areas. Continuous

deflective separation units shall be installed in the storm drain inlets to remove gross pollutants from storm water.

**MM-BIO-7** In order for any remaining unmodified natural open space within or adjacent to the Project site to continue to function as a natural part of the regional ecosystem to the greatest extent possible, the applicant shall develop a management plan for the protection and maintenance of remaining onsite open space areas. The plan shall be incorporated into the CC & R's for the tract and shall contain at least the following elements:

- Goals and Objectives
- Permitted and Prohibited Uses
- Exotic Plant and Animal Management
- Litter Management
- Responsible Parties
- Funding
- Enforcement and Penalties
- Trespass Remediation
- Contingencies

The Project's Homeowners Association is expected to be the long-term owner of the remaining unmodified natural open space and would be responsible for any necessary maintenance.

**MM-BIO-8** To reduce coastal sage scrub loss resulting from fuel modification, a fuel modification zone shall be developed to restrict brush clearance to the minimum distance specified by the Ventura County Fire Department. Clearance distances shall take into account the presence of any block walls used between developable areas and the adjacent native habitat areas.

**MM-BIO-9** Any coastal sage scrub that is remaining after full Project development will be preserved and enhanced. Any natural open space areas (excluding areas of mule fat scrub and southern alluvial fan scrub) and not affected by fuel modification requirements will be used for the creation of coastal sage scrub. Details of the proposed restoration and creation efforts and success criteria shall be described in a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation.

**MM-BIO-10** Grading and fuel modification impacts to the California brittle bush scrub plant community shall be compensated by restoration of in-kind habitat in an area(s) to be preserved as permanent open space. To the extent possible, this shall be accomplished by the on-site restoration of disturbed habitats (e.g., non-native grassland) in-kind habitats. Restoration should be implemented only where suitable conditions exist to support viable in-kind habitats. If on-site restoration is not possible, compensation for the loss or modification of the California brittle bush scrub communities may be accomplished by off-site restoration of in-kind habitat or by a contribution to an in-lieu fee program approved by the City of Moorpark.

A Mitigation and Monitoring Plan shall be developed by a qualified biologist, restoration ecologist, or resource specialist, and approved by the City of Moorpark prior to issuance of the grading permit for the Project. In broad terms, the plan shall at a minimum include:

- Description of the project/impact and mitigation sites
- Specific objectives
- Success criteria
- Plant palettes
- Implementation plan
- Maintenance activities
- Monitoring plan

Contingency measures/adaptive management Success criteria shall at a minimum be evaluated based on percent cover of planted native species, as well as control of invasive plant species within the restoration area. The performance standards for the Mitigation and Monitoring Plan shall be at a minimum the following:

- Within five years after introducing the native plants to the mitigation site, the acreage of restored California brittle bush scrub shall be no less than the acreage lost to project construction.
- Within five years after introducing the native plants to the mitigation site, the absolute cover of native species shall be no less than 80% within the restoration area.
- Non-native species in the treated area shall be less than 15% relative cover by the end of the third year of treatment and less than 5% relative cover by the end of the fifth year of treatment; and,
- Restoration will be considered successful after the success criteria have been met for a period of at least 2 years without any maintenance or remediation activities other than invasive species control.

The restoration project shall be initiated prior to development of the Project, and shall be implemented over a five-year period. The restoration project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the restoration plan, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the restoration project shall be submitted to the City of Moorpark. Five years after Project start, a final report shall be submitted to the City, which shall at a minimum discuss the implementation, monitoring, and management of the restoration project over

the five-year period, and indicate whether the restoration project has been successful based on established success criteria. The annual reports and the final report shall include as-built plans submitted as an appendix to the report. The project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the City.

If impacts to the California brittle bush scrub are to be mitigated by a contribution of an in-lieu fee, the applicant shall provide evidence of payment of the in-lieu fee prior to issuance of the grading permit. The fee shall be based on the cost per acre to restore or create in-kind habitat and the acreage of the plant community impacted. In-lieu fees shall be used for the restoration of in-kind habitat.

**MM-BIO-11** To eliminate potential unapproved or offsite grading incidents earth-moving equipment shall be confined to within the approved limits of grading during construction. The limits of grading shall be fenced so that construction equipment does not impact areas outside the approved limits of grading.

**MM-BIO-12** Prior to issuance of the grading permit, the Applicant shall prepare and submit a Streambed Alteration Notification package to the CDFW for alterations to CDFW jurisdictional streambed and habitat. A Streambed Alteration Agreement shall be entered into with the CDFW under Section 1602 of the California Fish and Game Code, and the Applicant shall comply with the associated conditions. Prior to issuance of the grading permit, the Applicant shall also consult with RWQCB and United States Army Corps of Engineers (USACE) to determine if permits are required from those agencies. If required, the appropriate permits shall be obtained from the RWQCB and/or USACE, and the Applicant shall comply the permit conditions. The Applicant shall provide evidence to City of Moorpark Planning Division that the required permits have been obtained prior to issuance of a grading permit. Mitigation for unavoidable impacts to jurisdictional waters and habitat shall be provided through implementation of the Habitat Mitigation and Monitoring Plan as required by MM-BIO-13.

**MM-BIO-13** A habitat mitigation and monitoring plan shall be developed prior to issuance of any building or grading permit. The plan shall mitigate for permanent grading impacts to 0.24 acre (1,155 linear feet) of RWQCB waters of the State/CDFW streambed at a 2:1 ratio. The Habitat Mitigation and Monitoring Plan shall mitigate for the permanent impacts to jurisdictional areas via an acceptable mitigation approach that involves one or a combination of the onsite or offsite enhancement of degraded in-kind habitats subject to the approval of the City of Moorpark, CDFW, and RWQCB (if applicable). The preferred mitigation approach is enhancement of on-site or off-site habitats within the ephemeral drainage, including plantings of appropriate native species and weed removals. The final Habitat Mitigation and Monitoring Plan shall be developed by a qualified biologist, restoration ecologist or resource specialist and submitted to and approved by the City of Moorpark, CDFW, and RWQCB prior to issuance of a grading permit for the Project. In broad terms, this Program shall at a minimum include:

- Description of the Project/impact and mitigation sites;
- Specific objectives;
- Success criteria;
- Plant palette;
- Implementation plan;
- Maintenance activities;
- Monitoring plan; and
- Contingency measures.

Success criteria shall at a minimum be evaluated based on appropriate survival rates and percent cover of planted native species, which shall be determined by examining reference sites, as well as eradication and control of invasive species within the restoration or enhancement area.

The target species and native plant palette, as well as the specific methods for evaluating whether the Project has been successful at meeting the above-mentioned success criteria shall be determined by the qualified biologist, restoration ecologist, or resource specialist and included in the mitigation plan.

The mitigation project shall be initiated prior to development of the Project. The mitigation project shall be implemented over a five-year period and shall incorporate an iterative process of annual monitoring and evaluation of progress and allow for adjustments to the program, as necessary, to achieve desired outcomes and meet success criteria. Annual reports discussing the implementation, monitoring, and management of the mitigation project shall be submitted to the City of Moorpark, RWQCB, and CDFW. Five years after Project start, a final report shall be submitted to the City of Moorpark, RWQCB, and CDFW, which shall at a minimum discuss the implementation, monitoring, and management of the mitigation project over the five-year period and indicate whether the mitigation project has been successful based on established success criteria. The annual reports and the final report shall include as-built plans submitted as an appendix to the report. Restoration or enhancement will be considered successful after the success criteria have been met for a period of at least 2 years without any maintenance or remediation activities other than invasive species control. The mitigation project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the City of Moorpark, RWQCB, and CDFW.

**MM-CUL-1**

A qualified archaeological monitor will periodically spot-check monitor Project ground disturbance activities to ensure that sensitive archaeological artifacts, features, or deposits are not being encountered. Spot-check monitoring will take place three (3) times a week for the duration of the Project grading and subsurface disturbance within native soils. Daily monitoring reports will be generated and submitted to the City at the end of ground disturbance as proof of compliance. If prehistoric or older historic (pre-1950s) archaeological material or features are discovered, either by the archaeological monitor or by the

construction team when the monitor is not present, then a project “discovery” protocol will be followed. The discovery of material will also trigger the increasing of monitoring to full-time until no more cultural material is being encountered by the construction team, at which point spot-check monitoring will resume.

- MM-GEO-1:** Fill soils shall be compacted to a minimum of 90 percent relative compaction. In area of fill exceeding 40 feet in vertical thickness, all tests achieve a minimum relative compaction of 95 percent. An updated seismic settlement analyses shall be completed once the 40-scale grading plan is available. Removal of the upper 10 feet of Alluvium shall occur prior to placement or fill regardless if any overlying artificial fill is planned within areas of planned structures.
- MM-PALEO-1** Prior to issuance of a Zoning Clearance for a grading permit, the applicant shall be required to obtain the services of a qualified project paleontologist to remain on-call for the duration of the proposed ground disturbing construction activity. The paleontologist selected must be approved in writing by the Community Development Director. Upon approval or request by the Community Development Director, a paleontological mitigation plan (PMP) outlining procedures for paleontological data recovery shall be prepared for the Proposed Project and submitted to the Community Development Director for review and approval. The development and implementation of the PMP shall include consultations with the Applicant's engineering geologist as well as a requirement that the curation of all specimens recovered under any scenario shall be through the Los Angeles County Museum of Natural History. All specimens become the property of the City of Moorpark unless the City chooses otherwise. If the City accepts ownership, the curation location may be revised. The PMP shall include developing a multilevel ranking system, or Potential Fossil Yield Classification (PFYC), as a tool to demonstrate the potential yield of fossils within a given stratigraphic unit. The PMP shall outline the monitoring and salvage protocols to address paleontological resources encountered during ground disturbing activities. As well as the appropriate recording, collection, and processing protocols to appropriately address any resources discovered. The cost of data recovery is limited to the discovery of a reasonable sample of available material. The interpretation of reasonableness rests with the Community Development Director.
- MM-PALEO-2** At the completion of all ground-disturbing activities, the project paleontologist shall prepare a final paleontological mitigation report summarizing all monitoring efforts and observations, as performed in line with the PMP, and all paleontological resources encountered, if any. As well as providing follow-up reports of any specific discovery, if necessary.
- MM-TRA-1:** Electric Vehicle Charging/Parking Spaces: The Project would install electric vehicle charging and parking stations in each unit. The charging and parking stations would be part of Neighborhood Electric Vehicle Network for the future development of the area east of Moorpark Avenue.

- MM-TRA-2:** Metrolink Incentives: The Project shall provide incentives for the Project residents and other potential users of the station to utilize the public transit system. The Proposed Project shall include enhanced features at the Metrolink station such as bicycle storage lockers to supplement the existing bike racks at the station.
- MM-TRA-3:** Pedestrian Connectivity. The Project shall install on-site sidewalks and provide connections to the existing/future off-site pedestrian network.
- CA 1:** *If any archeological or historical finds are uncovered during grading or excavation operations, all grading or excavation shall immediately cease in the immediate area and the find must be left untouched. The applicant, in consultation with the project paleontologist or archeologist, shall assure the preservation of the site and immediately contact the Community Development Director by phone, in writing by email or hand delivered correspondence informing the Director of the find. In the absence of the Director, the applicant shall so inform the City Manager. The applicant shall be required to obtain the services of a qualified paleontologist or archeologist, whichever is appropriate to recommend disposition of the site. The paleontologist or archeologist selected must be approved in writing by the Community Development Director. The applicant shall pay for all costs associated with the investigation and disposition of the find.*
- COA TCR-1** In the event that Project site excavation and construction activities expose tribal cultural resources (i.e., sites, features, or artifacts) encountered during construction activities for the Project, the temporary halting of construction activities near the encounter and notification of the City and any Native American tribes traditionally and culturally affiliated with the geographic area of the Project would be required. If the City determines that the potential resource appears to be a tribal cultural resource (as defined by PRC Section 21074), the City will provide any affected tribe a reasonable period of time to conduct a site visit and make recommendations regarding the monitoring of future ground disturbance activities, as well as the treatment and disposition of any discovered tribal cultural resources. The Applicant will then implement the tribe's recommendations if a qualified archaeologist reasonably concludes that the tribe's recommendations are reasonable and feasible. The recommendations would then be incorporated into a tribal cultural resource monitoring plan; and, once the plan is approved by the City, ground disturbance activities could resume. In accordance with this mitigation which shall become a condition of approval, all activities would be conducted in accordance with regulatory requirements.

## SECTION 5.0 – CIRCULATION

On September 22, 2022, the City of Moorpark circulated a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study to responsible agencies, trustee agencies, interest groups, and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 32-day public review period for the Final IS/MND was provided from September 22, 2022 to October 24, 2022. Copies of the Initial Study, Mitigated Negative Declaration and supporting materials were made available for review at the Development and Community Services Building, City Hall, 799 Moorpark Avenue, Moorpark, California, 93021, and online at [www.moorparkca.gov/568/Environmental-Documents](http://www.moorparkca.gov/568/Environmental-Documents).

During the 32-day comment period, the following comments were received from the following agencies.

Comment Letter No.	Commenting Agency	Date of Comment
1	California Department of Transportation (Caltrans)	October 14, 2022
3	Ventura County Air Pollution Control District (APCD)	October 19, 2022
4	Ventura County Public Works, Water Resources Division	October 18, 2022
5	Ventura County Watershed Protection	October 20, 2022
7	California Department of Fish and Wildlife (CDFW)	October 24, 2022

In addition, during the 32-day comment period, the following comments were received from members of the public.

Comment Letter No.	Individual Comments	Date of Comment
2	Sharon Noel	October 19, 2022
6	Rene Mayfield	October 21, 2022

## SECTION 6.0 – RESPONSE TO COMMENTS

CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of negative declarations should be, “on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect; (2) Explain why they believe the effect would occur, and; (3) Explain why they believe the effect would be significant.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with Public Resources Code 21092.5 (b) of the CEQA Guidelines, the lead agency shall notify any public agency which comments on a negative declaration of the public hearing or hearings, if any, on the project for which the negative declaration was prepared. If notice to the commenting public agency is provided pursuant to Section 21092, the notice shall satisfy the requirement of this subdivision.

Comment Letter #1: Caltrans

Comment Letter #1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7- OFFICE OF REGIONAL PLANNING  
100 S. MAIN STREET, SUITE 100  
LOS ANGELES, CA 90012  
PHONE (213) 266-3574  
FAX (213) 897-1337  
TTY 711  
www.dot.ca.gov



*Making Conservation  
a California Way of Life.*

October 14, 2022

Douglas Spondello, Deputy Community Development Director  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93201

RE: North Ranch Residential Project – Mitigated  
Negative Declaration (MND)  
SCH# 2022090401  
GTS# 07-VEN-2022-00512  
Vic. VEN-118 PM 16.45

Dear Douglas Spondello,

Comment 1-1

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The Proposed Project includes the development of 134 single-family homes (single- and two-story) and five future single-family homes on estate lots (for a total of 139 single-family homes) on 68 acres of mostly vacant land in the northwestern portion of the City. The single-family homes would range from 1,506 to 3,206 square feet in total living area, and each would have an attached two-car garage. The five estate lots would not be developed at this time but would provide large lots for future development and access driveways to those estate lots. However, since the five estate lots would be provided for future development, the future development of these homes is analyzed in this document.

The nearest State facility to the proposed project is State Route 118. After reviewing the MND, Caltrans has the following comments:

Comment 1-2

Currently the project is designed in a way that induces a high number of vehicle trips per household due to being an exclusively residential, car-oriented development. The proposed project extends the exurban area and sprawls into the Wildland Urban Interface (WUI) as designated by the California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP), increasing wildfire risks in addition to potentially significant Vehicle Miles Travelled (VMT) impacts. The Lead Agency is encouraged to integrate transportation and land uses in a way that reduces VMT and Greenhouse Gas (GHG) emissions by facilitating the provision of more proximate goods and services to shorten trip lengths and achieve a high level of non-motorized travel and transit use. Caltrans recommends the following to more effectively address the significant VMT that this project may create as currently proposed:

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

Douglas Spondello  
October 14, 2022  
Page 2

- Comment 1-3 [ 1) Provide for a mixture of land use types within the Project's new zoning area to allow for adaptive reuse. This can allow goods, services, and jobs to be created closer to where the project's residents live.
- Comment 1-4 [ 2) Reduce the amount of parking whenever possible, as abundant car parking enables and encourages driving. Research looking at the relationship between land-use, parking, and transportation indicates that the amount of car parking supplied can undermine a project's ability to encourage public transit and active modes of transportation. For any project to better promote public transit and reduce vehicle miles traveled, we recommend the implementation of Transportation Demand Management (TDM) strategies as an alternative to building too much parking.
- Comment 1-5 [ 3) Improve connections to existing active transportation and transit infrastructure. This can be done with robust signage, wayfinding, safety improvements, and human scale amenities. Additionally, the most effective methods to reduce pedestrian and bicyclist exposure to vehicles is through physical design and geometrics. These methods include the construction of physically separated facilities such as Class IV bike lanes, wide sidewalks, pedestrian refuge islands, landscaping, street furniture, and reductions in crossing distances through roadway narrowing.
- Comment 1-6 [ Finally, any transportation of heavy construction equipment and/or materials which requires use of oversized-transport vehicles on State highways will need a Caltrans transportation permit. We recommend large size truck trips be limited to off-peak commute periods.

If you have any questions, please contact project coordinator Anthony Higgins, at [anthony.higgins@dot.ca.gov](mailto:anthony.higgins@dot.ca.gov) and refer to GTS# 07-VEN-2022-00512.

Sincerely,  
*Miya Edmonson*  
Miya Edmonson  
LDR Branch Chief  
cc: State Clearinghouse

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

**Response to Comment 1-1:**

The comment notes project details and identifies the nearest State facility being State Route 118. No further response is required.

**Response to Comment 1-2:**

The comment presents concerns regarding the increase in Vehicle Miles Traveled (VMT) as well as the Project's extension into the "Wildland Urban Interface." As noted in the transportation section, the Project prior to consideration of mitigation measures results in a significant impact related to VMT. As a Project Design Feature, the Project will facilitate work-from-home/telework for Project residents by providing state-of-the art telecommunications infrastructure. Further, with implementation of the mitigation measures described in the transportation section, the VMT impacts are reduced to less than significant levels. These include providing affordable housing, providing EV charging stations within each unit, installing bike storage lockers at the nearby Metrolink station, installing on-site sidewalks, and providing connection to the future off-site pedestrian network. In addition, as noted in the Draft MND, Section 4.20.1, "building code fire safety requirements, as well General Plan policies, and approval by the Ventura County Fire Department would require the provision of fire suppression and payment of fire protection facility fees, which would aid in preventing the spread of wildfires. Landscaping associated with the Proposed Project would comply with the City Landscaping Manual and include a fuel modification plan and defensible space as required by Public Resources Code Section 4291(a) and (b). As noted in CA 2, in Section 4.9 above, all plants included in the landscaping would be drought tolerant in order to comply with landscaping requirements for Very Fire Hazard Severity Zones." Therefore, the Project would minimize impacts associated with new development within a VHFSZ.

**Response to Comment 1-3:**

The comment asks the City and/or Applicant to provide a mixture of land use types within the Project area. See response to comment 1-2. It is noted that the Project site is located less than a half-mile from existing businesses and employment opportunities located southeast of the Gabbert Road/Poindexter Avenue intersection. Further, the Project site is located less than a mile from commercial business and shopping opportunities along Los Angeles Avenue. Accordingly, the Project site is within close proximity of a mix of uses as suggested in the comment.

**Response to Comment 1-4:**

The comment asks the City and/or Applicant to reduce the amount of parking and asks for implementation of Travel Demand Management strategies. See response to comment 1-2. The Project will provide parking per City Code. Further, the Project will implement mitigation measures to encourage travel by walking, bicycling and public transit. Reducing parking availability onsite as recommended in the comment, and potentially resulting in spillover parking into other areas is not required or recommended.

**Response to Comment 1-5:**

The Comment asks the City and/or Applicant to improve connections to existing transportation and transit infrastructure. See response to comment 1-2. The Project will implement mitigation measures to encourage travel by walking and bicycling. The suggestion in the comment for the construction of

physically separated bike lanes is not required, but will be forwarded to the decision maker for review and consideration.

**Response to Comment 1-6:**

The comment notes that a Caltrans transportation permit would be required for transportation of heavy construction equipment on State highways. If transportation of heavy construction equipment or materials requires use of oversized-transport vehicles on State highways, the applicant will coordinate with Caltrans for a transportation permit. In addition, the applicant will strive to have large size truck trips occurring during off-peak commute periods.

## Comment Letter #2: Sharon Noel

**From:** Sharon Noel <4sharonnoel@gmail.com>  
**Sent:** Wednesday, October 19, 2022 9:57 PM  
**To:** Douglas Spondello <DSpondello@MoorparkCA.gov>  
**Subject:** North Ranch Residential Project

Comment Letter #2

Mr. Spondello,

- Comment 2-1 | Time has run out for me to address this project adequately without spending many hours, and I don't have that time. Today is the 19th of October, so I'll just send what I have. Given the experience my neighbors and myself had when we brought forth our valid issues on the Hitch Ranch Project, nothing we can say will matter in any case. There are a few comments I can make.
- Comment 2-2 | 1. I read that construction is to begin Spring of 2023. However, pg.34 MM-BIO-1 states that construction does not occur during nesting season.
- Comment 2-3 | 2. Gabbert Road has an abundant amount of wildlife that crosses the road frequently, i.e. rabbits, coyotes, ground squirrels, snakes, road runners, and quail are a constant. The increase in traffic will raise the death toll. How will this be mitigated?
- Comment 2-4 | 3. This development isn't on a scenic highway, however people entering town on the train will not enjoy the view of the hills that they once had.
- Comment 2-5 | 4. The project plans to tie into our antiquated water line. Everyone "up here" can attest that we have very low water pressure and can't afford more drain on it.
- Comment 2-6 | 5. FINALLY AGAIN, with fervency, we don't want to find ourselves trapped back here in the event of a wildfire. Yet you continue to add more people to this location.

Comment 2-7 [ In closing, I will say that we haven't seen such an increase in development as we have been seeing in the last couple of years. The majority of people love Moorpark the way it is. Why crank up the development? Please don't edit my letter.

Sincerely,  
Sharon Noel

### **Response to Comment 2-1**

The commenter provides a time period for their comments and a summary of their thoughts on the Project and another project in the City. No further response is required.

### **Response to Comment 2-2**

The commenter notes the construction schedule and concerns with it occurring during nesting season. As noted in the Draft MND, in Mitigation Measure MM BIO-1, "If it is feasible, the clearing of vegetation and construction activities will be conducted between August 31<sup>st</sup> and February 1<sup>st</sup>, which is outside of the typical breeding/fledging season for sensitive bird species and migratory birds that may nest on or in the vicinity of the Project site." The mitigation measure does not state that construction will not occur during nesting bird season, simply that, if it is feasible, vegetation clearing will take place outside of nesting bird season. Further, the mitigation measure provides requirements that will be implemented if clearing of vegetation and construction activities are planned between February 1<sup>st</sup> and August 31<sup>st</sup>.

### **Response to Comment 2-3**

The commenter notes that amount and different types of wildlife that have the potential to cross Gabbert Road. As noted in the Draft MND, "The Project site is not located within the Ventura County's Habitat Connectivity and Wildlife Corridors overlay zones." Since Gabbert Road is already in place, this feature has already fragmented the landscape. MM BIO-1 has been included to address impacts should construction activities occur during nesting bird season.

### **Response to Comment 2-4**

The commenter notes that views will be altered and acknowledges that the Project is not located on a scenic highway. As noted in the Draft MND, "No scenic viewpoints are overlooking the Project site and due to the varied terrain, views from publicly accessible areas would be limited." In addition, "The inclusion of landscaping will ensure that public views and the visual character are maintained." Although the views from public areas will be altered, the Project will not conflict with any zoning or regulations governing scenic quality in the City.

### **Response to Comment 2-5**

The commenter notes that they have low water pressure and that the water line is antiquated. As noted in the Draft MND, Using the City's average number of persons per household and target gallons per capita per day, calculations determined that the Project would require approximately 97.57 AFY for residential operations. This analysis accounts for the initial 134 single family units as well as the future development of the five single-family units on the estate lots. The UWMP predicts that by the year 2025, VCWWD will have 11,102 AFY of available water supply under normal conditions; 13,367 AFY with a single dry year; and 13,535 AFY following five consecutive dry years (VCWWD 2021). The Project therefore requires 0.88 percent and 0.72 percent of the projected water available under these conditions, respectively. Further, the Project would be required to comply with the permanent water conservation measures contained in Part 1 – Section L of the Districts' Rules and Regulations for District Nos. 1, 16, 17, 19, and 38. These measures include installing water-saving devices and limiting landscape irrigation (VCWWD 2021). The Project would also be required to comply with all provisions of the City's water efficient landscape ordinance (Moorpark Municipal Code 15.23.010). Compliance with VCWWD rules and Moorpark

Municipal Code would ensure irrigation required for the Project's landscaping would have minimal impact on water availability." Water pressure is not included as a CEQA significance threshold.

**Response to Comment 2-6**

The commenter notes concerns with being trapped in the event of a wildfire. As noted in the Project Description, "After the development is completed, new access will be provided via construction of North Hills Parkway along the southerly property boundary to Gabbert Road. North Hills Parkway will terminate as a cul-de-sac around the middle of the southern property line. A separate fire lane access would extend from northwest A Street down to Los Angeles Drive. A separate 30-foot-wide fire access road to the planned development will occur from the eastern side of the development from Gabbert Road." In addition, as noted in the Draft MND, "Fuel breaks and brush clearance are expected to be required as part of the Project. Construction BMPs, such as ensuring equipment has spark arresters installed, would ensure temporary construction does not exacerbate fire risks in the area." Although the Project will be adding new residents to the City, regulations are in place to ensure that the development would not exacerbate fire risks in the area and would result in improved emergency access to the existing communities in the vicinity of the Project site.



**Response to Comment 3-1:**

The comment provides a summary of the Project features and notes that the Lead Agency is the City of Moorpark. No further response is required.

**Response to Comment 3-2:**

The comment notes that demolition activities will need to comply with APCD Rule 62.7. This comment is noted. Any demolition work will comply with APCD Rule 62.7, including notification requirements for any abatements and demolition permit triggers.

**Response to Comment 3-3:**

The comment notes that Ventura County no longer has an “Oxnard Plain Airshed.” This term has been removed from the air quality discussion. The revised section is noted in Section 7.0 below.

**Response to Comment 3-4:**

The comment notes that the APCD recommends the City make mitigation measures MM AQ-1 and AQ-2, by either adding them to the discretionary permit’s conditions of approval or any other building/construction permits. Per CEQA, MM AQ-1 and AQ-2 are enforceable mitigation measures that will need to be complied with for Project construction. The City, through the MMRP, will monitor compliance with all mitigation measures proposed in the MND.

**Response to Comment 3-5:**

The comment notes that Section d) of the air quality analysis has multiple references to the methodologies of the South Coast Air Quality Management District, and that the language should conform with the VCAPCD methodologies. The revised section is noted in Section 7.0 below.

Comment Letter #4: Ventura County Public Works, Water Resources Division

Comment Letter #4



**WATERSHED PROTECTION  
MEMORANDUM**

**DATE:** October 18, 2022  
**TO:** Anthony Ciuffetelli, Planner, Planning Division  
**FROM:** *JM* James Maxwell, Groundwater Specialist, Water Resources Division  
**SUBJECT:** RMA 22-029 – North Ranch Residential Project

Comment  
4-1

The Ventura County Public Works Agency – Watershed Protection, Water Resources Division, Groundwater Resources Section (GRS) reviewed the *Draft Initial Study / Mitigated Negative Declaration for the North Ranch Residential Project* (Draft IS/MND) and associated documents prepared by Chambers Group, Inc. and submitted by the City of Moorpark.

**PROJECT DESCRIPTION**

The proposed residential development project (Project) is for 134 single-family homes, five future single-family homes, new streets, landscaping, trails and related on- and off-site improvements across two parcels (Assessor's Parcel Numbers 511-0-190-285 and 511-0-190-305) totaling 68 acres, located at 5979 Gabbert Road in the City of Moorpark.

**GROUNDWATER QUANTITY AND WATER SUPPLY**

Comment  
4-2

The Project overlies the East Las Posas Management Area (ELPMA) of the Las Posas Valley Basin, a high priority groundwater basin designated by the Department of Water Resources (DWR) as Basin No. 4-008. The proposed project is located within FCGMA boundaries. In addition to being the Groundwater Management Agency, FCGMA is the Groundwater Sustainability Agency (GSA) for the basins under the Sustainable Groundwater Management Act (SGMA). FCGMA's basin management includes regulation of wells and establishment of groundwater extraction allocations for well owners and operators within its boundary.

Based on the Draft IS/MND, Ventura County Waterworks District No. 1 (VCWWD-1) will provide water service to the Project. The VCWWD-1 water supply consists primarily of imported State Water Project (SWP) water from Calleguas Municipal Water District (CMWD) and groundwater extracted from VCWWD-1 wells. The Draft IS/MND reports that water will be supplied to the site via VCWWD-1 and that in 2020, approximately 71 percent of the VCWWD-1 water supply came from imported water from the SWP, 20 percent came from groundwater production in the ELPMA and 9 percent as reclaimed water from the Moorpark Water Reclamation Facility (MWRF). The Draft IS/MND references the *2020 Urban Water Management Plan for Ventura County Waterworks District 1* (2020 UWMP). The Draft IS/MND states that VCWWD-1 was allocated 2,195

Project Review RMA 22-029  
October 18, 2022  
Page 2 of 3

Comment 4-2 continued  
acre-feet (AF) of groundwater from the Las Posas Valley Basin by FCGMA. Per FCGMA's Las Posas Valley Basin Allocation Ordinance, VCWWD-1 was granted an Initial Allocation of 2,512.070 acre-feet per year (AFY), effective October 1, 2021. It should be noted that the VCWWD-1 Initial Allocation could be reduced in the future if needed for sustainable basin management. Using the 2020 UWMP, the annual residential water usage was calculated for the Project at full build-out, which totaled 97.57 AFY. VCWWD-1's Initial Allocation and the blending ratio of extracted groundwater and imported water should be incorporated in water usage calculations. Additionally, the Draft IS/MND does not specify if recycled water would be available or used for landscape irrigation.

Comment 4-3  
The Draft IS/MND states that the Project would be required to comply with the permanent water conservation measures per Section L of the *Ventura County Waterworks Districts Rules and Regulations District Nos. 1, 16, 17, 19 and 38* (VCWWD 2021). The measures include installation of water-saving devices and limiting landscape irrigation. It is not known if water saving calculations were reflected in residential (potable) water usage and any recycled water usage. Further, a Will Serve Letter from VCWWD-1 is necessary to confirm that VCWWD-1 can provide and supply the calculated Project needs at full build-out.

Comment 4-4  
The development will result in 17 acres of total impervious site coverage, or an increase of 7 acres from the existing 10 acres of impervious coverage. The *Preliminary Drainage Report* (dated October 21, 2015) was prepared by Delane Engineering and included in Appendix H. The Report states that drainage from several of the Project sub-areas will be conveyed to an infiltration basin and a detention basin. The detention basin will connect to the Gabbert Debris Basin Drain. No offsite drainage will pass over the Project site. The project would increase impervious surface area and potentially affect groundwater recharge rates. The Report does not address how the proposed catch basins, the stormwater detention basin, and drainage would accommodate or mitigate the increased impervious surface area to allow for infiltration of surface water to the underlying aquifers. The annual loss of recharge to the underlying aquifers, at the Project full build-out should be assessed and quantified. Mitigations should be proposed to facilitate the percolation of surface water or reduce the annual loss of recharge.

#### **GROUNDWATER QUALITY**

Comment 4-5  
Sanitary sewer service will be provided by VCWWD-1 by connecting to their existing sewer lines. Wastewater flows are conveyed to the MWRf. MWRf provides advanced primary, secondary and tertiary treatment. Recycled water from the MWRf is used primarily for agricultural and landscape irrigation. The MWRf currently receives an average of 2.0 million gallons per day (MGD) and is designed to treat up to 5.0 MGD, with an available surplus capacity of 3.0 MGD (3,360 AFY). Based upon calculations from the *Sewer Study* report (prepared by Delane Engineering and dated June 2020) included in Appendix L, the Project's residential operations would generate 31.7 AFY of wastewater, or 0.5 percent of the MWRf available capacity. The 2020 UWMP reports that the MWRf has adequate tertiary treatment capacity, but this quantity is limited by the Regional Water

Project Review RMA 22-029  
October 18, 2022  
Page 3 of 3

Comment 4-5 continued  
Quality Control Board (RWQCB) permitting restrictions. VCWWD-1 forecasts that the MWRf will be able to meet the 2025 and 2040 treatment capacity demands but will need a new permit from RWQCB. The Draft IS/MND does not discuss the current permitting restrictions on tertiary treated water production and it is not known if the Project will receive recycled water for landscape irrigation. However, 2015 UWMP projections for recycled water usage in 2020 were substantially higher than actual reported usage in the 2020 UWMP.

Comment 4-6  
The *Geotechnical Investigation* report (dated June 10, 2016) was prepared by RMA GeoSciences and included in Appendix G of the Draft IS/MND. The report provides general specifications for typical grading projects. Grading would include cut and fill operations and placement of engineered fill and that imported soil could be required for fill activities. To minimize potential leaching of contaminants from new soils to the underlying aquifers and aquifer recharge areas, imported fill should be screened and assessed prior to placement. The Department of Toxic Substance Control's (DTSC's) *October 2001 Clean Imported Fill Material Information Advisory* guidelines are commonly used for this purpose.

Comment 4-7  
There are no County records or any known wells within the Project parcels. Any wells encountered during grading and construction activities that will not be used by the Project or maintained as "active" status will need to be permitted for destruction with the County per Ventura County Ordinance No. 4468 and per the City of Moorpark Municipal Code Chapter 8.40.

**Response to Comment 4-1:**

The comment provides a summary of the Project and the Ventura County Public Works Agency – Watershed Protection, Water Resources Division, Groundwater Resources Section role in reviewing the document. No further response is required.

**Response to Comment 4-2:**

The comment provides some details regarding the East Las Posas Management Area of the Las Posas Valley Basin. In addition, the comment notes that per FCGMA's Las Posas Valley Basin Allocation Ordinance, VCWWD-1 was granted an Initial Allocation of 2,512.070 acre-feet per year, but that amount could be reduced in the future if needed for sustainable basin management. This amount is greater than the amount included in the Draft MND, so corresponding percentages associated with the water use calculations for the Project are over-estimated. The comment notes that the water usage calculations should account for "the blending ratio or extracted groundwater and imported water," however, additional information regarding the blending ration is not provided by the commenting agency. Further, the mix of extracted groundwater versus imported water is not typically a threshold for determining significance. A Condition of Approval has been included that states, "Prior to issuance of a Final Map and grading permit, Developer shall revise plans to include a purple pipe recycled irrigation line within the right-of-way from the west track boundary to the east at a point of connection with the Hitch Ranch Project. Landscaping plans shall also incorporate the use of the purple line for recycled water irrigation , and shall be made in connection to the east adjacent project, within the Hitch Ranch, subject to the approval of the Public Works Director."

**Response to Comment 4-3:**

The comment mentions the type of measures associated with permanent water conservation measures and notes that a Will Serve Letter will be required. The water usage numbers noted in the Draft MND are prior to water conservation measures, as they are based on average water usage rather than specifics for the Proposed Project. Therefore, water-saving devices will likely result in less water usage than what is included as a worst-case scenario in the Draft MND. Further, the Applicant will provide a Will Serve Letter from VCWWD-1 as part of the construction Conditions of Approval.

**Response to Comment 4-4:**

The comment notes that the Proposed Project would include infiltration and detention basins, and that no offsite drainage would pass over the Project site. However, the comment asks that the annual loss of recharge to underlying aquifers be analyzed. Since all runoff would be directed toward the infiltration and detention basins, there would not be a loss in groundwater recharge. Therefore, no mitigation would be required, as water onsite would remain onsite and would percolate into the existing groundwater basin.

**Response to Comment 4-5:**

The comment notes details regarding sanitary sewer service and wastewater treatment. The comment also notes that VCWWD-1 will need a new permit from RWQCB. The permitting required by the RWQCB is outside of the scope of the Proposed Project; and the Applicant will ensure that a Will Serve Letter is obtained from VCWWD-1 as part of the construction Conditions of Approval. A Condition of Approval has been included that states, "Prior to issuance of a Final Map and grading permit, Developer shall revise

plans to include a purple pipe recycled irrigation line within the right-of-way from the west track boundary to the east at a point of connection with the Hitch Ranch Project. Landscaping plans shall also incorporate the use of the purple line for recycled water irrigation , and shall be made in connection to the east adjacent project, within the Hitch Ranch, subject to the approval of the Public Works Director.”

**Response to Comment 4-6:**

The comment notes that the Geotechnical Report provided as Appendix G of the public review Draft MND provides general specifications for typical grading projects. As noted in the comment, and as required by the Department of Toxic Substances Control (DTSC), any fill material used would be screened and assessed prior to placement on site.

**Response to Comment 4-7:**

The comment provides information regarding abandoned wells within the City and County and the requirement for their destruction. Since no known wells are located within the Project site, no further response is required.

Comment Letter #5: Ventura County Public Works, Watershed Protection District

Comment Letter #5



Jeff Pratt  
Agency Director

David Fleisch  
Assistant Director

Central Services: Joan Araujo, Director  
Engineering Services: Christopher Cooper, Director  
Roads & Transportation: Christopher Kurgan, Director  
Water & Sanitation: Joseph Pope, Director  
Watershed Protection: Glenn Shephard, Director

October 20, 2022

City of Moorpark  
Care of Douglas Spondello, Deputy Community Development Director  
799 Moorpark Ave.  
Moorpark, CA 93021

Subject: North Ranch Residential Project - RMA22-029

Dear Mr. Spondello:

Comment 5-1

Thank you for your request dated September 19, 2022, to review the North Ranch Residential Project. The project as proposed significantly impacts the Gabbert/Walnut Canyon basin and channel facilities and would not be permitted by the Ventura County Public Works Agency - Watershed Protection (VCPWA-WP) as required under County Ordinance WP-2. Please address the following comments:

Comment 5-2

1. Sheet 7 of the vesting tentative tract map shows a new 24-foot wide public access that interferes with the flood control easement and facility. Please realign the access road outside of the flood control easement. In addition, please show and label the limits of all flood control easements, fences, access roads, and channels on all relevant sheets as it is difficult to determine the full impact of the project with incomplete plans.

Comment 5-3

2. The Site Landscaping Plan (Figure 3) shows trees along Gabbert Canyon basin. To avoid future root damage to the flood control facilities, please locate all trees away from the channels and basin.

Comment 5-4

3. The proposed connection to Gabbert Canyon channel discharges across the facility access road and would not be allowed. The new connection must be made directly to the channel wall.

Comment 5-5

4. Table 1.3 of the preliminary drainage report states that the predeveloped impervious area equals 10 acres. This is inaccurate based on review of areal images and the Ventura County 2006 Hydrology Manual on which the report is based. Please verify the pre-development and post-development peak flows are correctly calculated.

Comment 5-6

5. The infiltration basin shown on the Northwest corner of the project site lacks adequate technical details including infiltration rates, total detention volume, outlet details, stage-storage curves, etc. Although this project is still in the planning



Shanna Farley  
North Ranch Residential Project - RMA22-029  
Page 2 of 2

Comment 5-6  
continued



phase, more detailed design information is needed to ensure the feasibility of the proposed peak runoff mitigation.

Comment 5-7



6. The proposed infiltration basin is situated against VCPWA-WP fee parcel without space for access road or ramp. The proposed concept must provide adequate space for operation and maintenance and must not destabilize the adjacent basin facility

If the comments provided are addressed and the project is approved, at a minimum, the following conditions would apply:

Comment 5-8



1. Prior to obtaining a grading permit, the applicant shall obtain a watercourse/encroachment permit issued by the Ventura County Watershed Protection District. [VCWPD]
2. Prior to zoning clearance, the applicant shall sign a VCPWA-WP instrument to not oppose membership of a future special assessment district which will collect fees to pay for the reconstruction, replacement, repair, or rehabilitation of the Gabbert/Walnut Canyon drainage system which serves the property and has known deficiencies. [VCWPD]
3. Prior to zoning clearance, the applicant shall record a VCPWA-WP legal instrument (document, deed, covenant, or other) on the property title which will hold VCPWA-WP harmless for any flood damage that may occur, effective until the Project's channel connections are completed and accepted by VCPWA-WP. [VCWPD]
4. Prior to obtaining a grading permit, the applicant shall provide a drainage study that shows adequate mitigation measures will be implemented to prevent negative impacts to Gabbert/Walnut Canyon channels due to increased site imperviousness and resultant stormwater runoff. [VCWPD]

Please let us know if you have any questions.

Sincerely,

Glenn Shephard, P.E.  
Director, Watershed Protection

Cc: Anthony Ciuffetelli, Ventura County RMA Planning



**Response to Comment 5-1:**

This comment notes concerns that the Proposed Project would impact the Gabbert/Walnut Canyon basin and channel facilities, and provides comments to that effect. This comment has been noted, and responses are provided to the individual comments below. No further response is required for this comment.

**Response to Comment 5-2:**

The comment notes that a new 24-foot wide access road interferes with the flood control easement and facility. A Condition of Approval has been added to address this comment that directs the Applicant to coordinate the final design of the access road with the City and the Watershed Protection District to ensure that the road does not interfere with the flood control facility.

**Response to Comment 5-3:**

The comment states that all trees should be located away from the channels and the basin, to avoid future root damage to the flood control facilities. Based on this feedback, the trees within the channels and basin will either be removed or relocated by the Applicant, and this has been added as a Condition of Approval.

**Response to Comment 5-4:**

The comment notes that discharges across the facilities access road would not be allowed, and that a new connection to the Gabbert Canyon channel must be made directly to the channel wall. The Applicant will revise the plans in order to make the connection directly to the channel wall, as suggested.

**Response to Comment 5-5:**

The comment asks for confirmation that pre-development and post-development peak flows are correctly calculated. The Based on current information, the pre-development and post-development peak flows are considered correctly calculated. Applicant and their engineer will verify the existing condition peak flows to ensure that the exact percent of impervious surfaces is correct based on the final design survey.

**Response to Comment 5-6:**

The comment notes that the infiltration basin details do not provide enough information regarding infiltration rates, total detention volume, etc. The preliminary size of the infiltration basins were based on the infiltration rate of the soil types in the area. This will be verified by the Applicant's engineer with actual percolation tests at each basin location during final design. The BMP design can be found in Appendix C of the drainage report (Appendix H of the Draft MND).

**Response to Comment 5-7:**

The comment notes that the infiltration basin must provide adequate space for operation and maintenance, including space for an access road or ramp. Per the Applicant's engineer, the basin will be designed in a way so as not to limit VCPWA-WP access or destabilize the VCPWA-WP property, If needed, a wall or partial liner may be provided to ensure that the VCPWA-WP property is stable.

**Response to Comment 5-8:**

VCWPD provides a list of conditions that would apply to the Project, if approved. These conditions have been incorporated as part of the City's Conditions of Approval.

**Comment Letter #6: Rene Mayfield**

Comment Letter #6

October 21, 2022

Moorpark City Council  
799 Moorpark Avenue  
Moorpark, CA 93021

RE: North Ranch Residential Development

**TRAFFIC IMPACT ANALYSIS**

Comment 6-1 | The Draft Environmental Impact Report for the North Ranch Residential Development does not include any mention that the projects single access point involves the railroad and its rail crossing. Nothing in the traffic analysis speaks about the impact of the numerous times that this single access point is blocked.

Comment 6-2 | The EIR implies that the project by itself would not decrease the level of service at certain intersections in the area but those of us who currently travel thru these intersections know from practical experience that this is simply not possible. Table 7 describes 2021 existing levels of service from LOS A - LOS C but shows at project build out there are changes from LOS C to LOS D and LOS B to LOS D, which should be unacceptable on its face.

Comment 6-3 | The EIR does not adequately address wildfire evacuation access if this project is approved as a stand alone project without the approval of the Hitch Ranch Project. Gabbert Road as a single egress/ingress is not adequate for an additional 144 homes and all of its related traffic. At 4.20.1 of the Draft EIR the answer to an emergency evacuation plan is that the City staff is receiving training in emergency preparedness, management, and mitigation; the City is organizing and training a Disaster Assistant Response Team composed of volunteers; and the City promoting emergency planning, training, public awareness, and education. NONE of which addresses an emergency evacuation plan.

**AESTHETICS**

Comment 6-4 | The Draft EIR describes itself as having NO IMPACT or LESS THAN SIGNIFICANT impact but that is from "public access" points. It will have SIGNIFICANT IMPACTS on the aesthetics to the property owners adjacent to the project and the EIR does not address that. Even single story homes will significantly impact the views from existing homes and the two story will not just impact views of our closest ridgelines but will also block our views of all of the ridgelines we currently enjoy.

Rene Mayfield  
6085 Darlene Lane  
Moorpark, CA 93021

**Response to Comment 6-1:**

The comment presents concerns regarding the Project's single point of access being across a railroad track. As noted in Section 2.2.3 above, "During construction, access to the site will be via an existing paved driveway off Gabbert Road. After the development is completed, new access will be provided via construction of North Hills Parkway along the southerly property boundary to Gabbert Road. North Hills Parkway will terminate as a cul-de-sac towards the middle of the site, along the southern property line. A separate fire lane access would extend from northwest A Street down to Los Angeles Drive. A separate 30-foot-wide fire access road to the planned development will occur from the eastern side of the development from Gabbert Road." No CEQA thresholds exist regarding the presence of a rail line across an access route except for the potential for access to be blocked during an emergency or wildfire. As noted in 4.17.2 d), "The Project's circulation system will be reviewed by the City's emergency response personnel and the City's Public Works Department to ensure that ingress and egress widths are sufficient and that the proposed circulation system would not interfere with an emergency response access route. Level of Service at study intersections would maintain acceptable levels of service including during opening year and cumulative conditions. After the development is completed, new access will be provided via construction of North Hills Parkway along the southerly property boundary to Gabbert Road."

**Response to Comment 6-2:**

This comment discusses concerns regarding the decrease in level of service at Project build-out, specifically referencing Table 7 of the Draft MND. Although there will be a decrease in level of service at some intersections at the Opening Year Plus Project, "LOS delays at the six intersections would not increase by more than 0.10, this increase would not result in a significant delay at any of the listed intersections (Appendix I). Additionally, the Applicant would pay all applicable fees required by the City's Municipal Code, including the traffic systems management fee, the citywide traffic fee, and the county traffic impact mitigation fee." According to the City of Moorpark's "Guidelines for Preparing Traffic and Circulation Studies," mitigation measures are required when for the following conditions:

- I. The intersection capacity utilization value is changed by 0.10 or more, or
- II. An existing or future intersection LOS crosses the threshold from C to D due to the addition of project traffic

Based on existing conditions, shown in Table 7 of the Draft MND, Project traffic does not cause a significant degradation and mitigation measures are not required.

**Response to Comment 6-3:**

The comment brings up concerns regarding wildfire evacuation access. This has been addressed in Response to Comment 6-1.

**Response to Comment 6-4:**

The comment presents concerns regarding aesthetics impacts to property owners adjacent to the Project site, including blocking views of existing ridgelines. As noted in the Draft MND, the significance thresholds related to aesthetics included the following:

- Have a substantial adverse effect on a scenic vista
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings
- Create a new source of substantial light or glare which would adversely affect day and nighttime views in the area.

As noted in 4.1.1 c), “The Project will be designed to comply with the City’s Landscape Design Standards and Guidelines (City 2012) to be compatible with the City’s development standards. Landscaping associated with the Proposed Project would also include a fuel modification plan and defensible space as required by Public Resources Code Section 4291(a) and (b). All plants included in the landscaping would be drought tolerant in order to comply with landscaping requirements for Very Fire Hazard Severity Zones. The inclusion of landscaping will ensure that public views and the visual character are maintained.”

## Comment Letter #7: California Department of Fish and Wildlife

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State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

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



October 24, 2022

Mr. Douglas Spondello  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021  
[DSpondello@moorparkca.gov](mailto:DSpondello@moorparkca.gov)

**Subject: North Ranch Residential Project, Mitigated Negative Declaration, SCH No. 2022090401; City of Moorpark, Ventura County**

Dear Mr. Spondello:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Moorpark's (City) Mitigated Negative Declaration (MND) for the North Ranch Residential Project (Project). The City, as Lead Agency, prepared an MND pursuant to the California Environmental Quality Act (CEQA; Public Resources Code, § 21000 *et seq.*) with the purpose of informing decision-makers and the public regarding potential environmental effects related to the Project. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife or be subject to Fish and Game Code.

### CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust for the people of the state [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, [§ 15386, subdivision (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 (Id., § 1802). CDFW is also directed to provide biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). To the extent implementation of the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA; Fish & Game Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, § 1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

### Project Description and Summary

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 2 of 41

**Objective:** The Project will development 134 single family units on a 68-acre property. Five additional single-family homes will be developed in the future. Project plans also include the development of a community park, two dog parks, and multi-use trails. The Project will permanently impact an ephemeral drainage on the eastern portion of the property and will also remove approximately 2.02 acres of vegetation. Demolition of concrete foundations and ancillary structures will be required. Approximately 13,000 square yards of fill will be required as well.

Comment  
7-2

The Project will include the use of excavators, backhoes, bulldozers, graders, compactors, and dump trucks. All equipment will be staged within the Project footprint. Grading, sewer, water, storm drain, and detention basin improvements will be included within the plan. Plans also include implementation of new streets, trails, landscaping, and related on-site and off-site utility improvements. All plants included in the landscaping will be drought tolerant to comply with landscaping requirements for "Very Fire Hazard Severity Zones". Lighting will be constructed in compliance with the lighting regulations set forth in the City's Zoning Code (Moorpark Municipal Code, § 17.30.065).

**Location:** The Project is located in the City of Moorpark within Ventura County. The Project is directly west of the Hitch Ranch property. The Project area is currently designated as agricultural use per Moorpark's General Plan but is proposed for redesignation. Land use designations surrounding the Project include industrial, open space, agricultural, and residential.

**Comments and Recommendations**

Comment  
7-3

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating significant, or potentially significant, direct and indirect impacts on fish and wildlife biological resources based on the planned activities of this proposed Project. CDFW recommends the measures below be included in a science-based monitoring program with adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Public Resources Code, § 21081.6 and CEQA Guidelines, § 15097). Additional comments or other suggestions may also be included to improve the document.

**Specific Comments**

**Comment #1: Impacts to Coastal California Gnatcatcher (*Polioptila californica californica*) and Coastal Cactus Wren (*Campylorhynchus brunneicapillus sandiegensis*)**

Comment  
7-4

**Issue:** The Project may impact coastal California gnatcatcher (*Polioptila californica californica*) and their associated habitat. Coastal California gnatcatcher is a federal Endangered Species Act (ESA)-listed species and a California Species of Special Concern (SSC). CDFW is also concerned that the Project may significantly impact coastal cactus wren (*Campylorhynchus brunneicapillus sandiegensis*), an SSC, through the loss of nesting habitat.

**Specific impacts:** The Project will result in permanent impacts to coastal California gnatcatcher through alteration and loss of suitable nesting and foraging habitat. Replacement ratios were not provided for California sagebrush scrub (*Artemisia California* scrub association) which provides

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 3 of 41

↑ important nesting and foraging resources. Project activities occurring during the breeding and nesting season could also result in the incidental loss of fertile eggs or nestlings.

**Why impacts would occur:**

*Gnatcatcher*: Coastal California gnatcatcher have high potential to occur at the Project site. Besides protocol surveys conducted in 2022 and proposed nesting bird surveys, no other mitigation was offered within the MND to avoid, minimize, or mitigate potential impacts to coastal California gnatcatcher. "Take" of an ESA-listed species includes any action which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns (CDFW 2022a). Permanent loss and/or alteration of suitable habitat will reduce resources to coastal California gnatcatcher or may force individuals to move to other areas less suitable to their survival. Likewise, increased noise, light, vibration, dust, and human activity may disrupt breeding and foraging behaviors. Lack of appropriate mitigation for these impacts could lead to continued significant impacts to the species.

Although protocol surveys conducted by the City in 2022 yielded no observations of coastal California gnatcatcher within the Project site, coastal California gnatcatcher have been repeatedly observed at the Project site and the surrounding area. A review of the California Natural Diversity Database (CNDDDB) BIOS tool (<https://wildlife.ca.gov/Data/CNDDDB>) revealed occurrences of coastal California gnatcatcher within the ephemeral drainage which will be permanently impacted by the Project (CDFW 2021b). Coastal California gnatcatcher observations have also been recently (2021) documented at the Hitch Ranch project site, directly east of the North Ranch Project site (Impact Sciences 2022). According to the 2021 Hitch Ranch coastal California gnatcatcher surveys, two pairs of mature coastal California gnatcatchers and one juvenile female were observed within disturbed California sagebrush-deerweed scrub (Impact Sciences 2022). Likewise, the 2021 surveys revealed that high quality habitat is present directly to the north of Hitch Ranch (Impact Sciences 2022). The survey also stated that although no coastal California gnatcatchers were observed to the west of Gabbert road, it is likely that the undisturbed sage brush scrub vegetation there provides suitable foraging and nesting habitat. This area is directly south of the Project site, which will be affected by proposed grading activities.

The MND states, "Coastal Sage Scrub (CSS) is found on 5.6 acres of the Project site, and 2.11 acres would be impacted through Project development." Replacement ratios were only provided for 0.74 acre of the S3 *Encelia californica* scrub alliance to be impacted by grading and fuel modification. And additional 0.45 acre of the *Artemisia californica* will be impacted by grading. The *Artemisia californica* association (32.010.01), although not considered rare or sensitive by the State of California, should be considered locally important due to gnatcatcher presence. The *Artemisia californica* association includes plants necessary for the survival of coastal California gnatcatcher. California sage brush (*Artemisia californica*) and California buckwheat (*Eriogonum fasciculatum*) are used to build nests and contribute a large percentage of cover within the association (Galvin 1998). Other occurrences of coastal sage scrub vegetation are interspersed within ruderal grassland and landscaping and do not fall within an alliance category. However, coastal California gnatcatcher have also been documented to have breeding territories in chaparral and grassland/ruderal habitat (USFWS 2019a).

↓ Populations of coastal California gnatcatcher in Ventura County area have been found to be genetically isolated from other populations within their range. Lack of genetic mixing between other geographical populations is likely due to heightened fragmentation and loss of suitable

Comment  
7-4  
continued

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 4 of 41

↑ habitat between Ventura County and the remainder of their range across southern California. Loss of on-site natural vegetation communities, especially the *Artemisia californica* scrub association, may negatively impact resident and transient coastal California gnatcatchers in the surrounding area. Coastal California gnatcatchers are non-migratory, territorial, and have been found not to disperse far from their natal nests (USFWS 2022b; Bailey 1998; Vandergast 2019). Thus, the preservation of sensitive natural communities which support their survival is paramount, especially in urbanized and fragmented areas. Habitat loss and fragmentation are key factors in population loss and species extirpation in a multitude of species (Vandergast 2019). Genetic isolation paired with continuous removal and alteration of suitable habitat makes coastal California gnatcatchers in Ventura County more susceptible to local extirpation (Vandergast 2019).

*Coastal cactus wren*: The Project would result in permanent loss of an unspecified amount of coast prickly pear scrub which supports coastal cactus wren and could support additional special status wildlife species. The Biological Reports within the MND did not address the potential presence of coastal cactus wren within or near the Project site. The Project occurs in the northern portion of coastal cactus wren's range. Therefore, it's presence and potential impacts should be evaluated and addressed in the MND. If cactus wren may occur at or near the Project's site, appropriate avoidance, minimization, and mitigation measures should be incorporate into the Project's MND. Absent appropriate avoidance, minimization, and mitigation measures (including protection of necessary habitats and habitat continuity), the Project may result in significant impacts to coastal cactus wren.

**Evidence impact would be significant:** The Project could result in impacts on coastal California gnatcatcher and coastal cactus wren. Coastal California gnatcatcher (ESA-listed) and coastal cactus wren (SSC) are considered endangered, rare, or threatened species under CEQA (CEQA Guidelines, § 15380). Take under the ESA is more broadly defined than CESA. Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

CEQA provides protection not only for State and federally listed species, but for any species including, but not limited to SSC, which can be shown to meet the criteria for State listing. SSC's meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC's could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). CDFW considers impacts to CESA-listed and SSC's a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Therefore, the Project may still have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on coastal California gnatcatcher.

**Recommended potentially feasible mitigation measure(s):**

↓ **Mitigation Measure #1:** Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require

Comment  
7-4  
continued

Comment  
7-5

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 5 of 41

that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.

**Mitigation Measure #2:** Although focus surveys have been performed onsite (for gnatcatcher), surveys should also extend into the parcel south of the Project, to the west of Gabbert Road (associated with Hitch Ranch), or wherever habitat is present within 500 feet of the Project site. Surveys should follow proper protocols outlined by the U.S. Fish and Wildlife's (USFWS) 2019 Coastal California Gnatcatcher Presence/Absence Survey Protocol (USFWS 2019a). The Project site and all areas mentioned above should be surveyed for coastal cactus wren and suitable habitats.

**Mitigation Measure #3:** If coastal California gnatcatcher are present, the City should consult with the USFWS to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.

If a take permit from the USFWS is needed, the Project should comply with the mitigation measures detailed in a take permit issued from USFWS before grading permits are issued by the City.

If coastal cactus wren are present, the City should consult with the CDFW to determine if the Project would result in take. Consultation with the CDFW, in order to comply with CESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact cactus wren.

If a take permit from the CDFW is needed, the Project should comply with the mitigation measures detailed in a take permit issued from CDFW before grading permits are issued by the City.

**Mitigation Measure #4:** If avoidance is not possible, the Project should provide replacement habitat for 0.45 acre of *Artemisia Californica* at no less than 3:1. Replacement communities should adhere to the membership rules (<https://vegetation.cnps.org/alliance/566>) (CNPS 2022a) of their associated alliance and include the appropriate trees, understory species, shrubs, vines, forbs, and herbs (See Comment #2, Mitigation Measure # 2). Replacement habitat should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed by the Project prior to any ground-disturbing activities or vegetation removal.

Comment  
7-5  
continued

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 6 of 41

**Comment #2: Impacts to *Encelia Californica* Shrubland Alliance**

**Issue:** The Project as proposed will significantly impact sensitive native plant community, S3 ranked *Encelia Californica* shrubland alliance.

**Specific impacts:** Mitigation measures offered within the MND are insufficient and do not lower impacts to less than significant for the *Encelia Californica* shrubland alliance. Replacement ratios, as detailed in the MND, are too low for S3 ranked vegetation communities.

**Why impacts would occur:** Project implementation will remove 0.74 acre of the 2.18 acres of on-site S3 ranked *Encelia californica* alliance. Mitigation ratios provided within the MND offered 2:1 replacement, which is too low for the ranking and rarity of the community. Additionally, the MND stated that, “[t]o the extent possible, [restoration] shall be accomplished by the on-site restoration of disturbed habitats (e.g., non-native grassland) in-kind habitats.” Based on the proposed Project and other foreseeable development in the immediate area, CDFW is concerned that on-site restoration may not be appropriate to restore the value and function of the removed habitat. Although in-lieu fees are a type of deferred mitigation, it may not be an appropriate method to lower impacts given the scarcity of the natural community.

An S3 ranking indicates there are 21-80 occurrences of this community in existence in California (Sawyer 2009). Future development of the five additional single-family residences may further impact this habitat community through grading and fuel modification. Additional impacts and inappropriate mitigation may lead to local extirpation from the area. Increased urbanization and introduction of non-native invasive plants have impacted the range of the *Encelia californica* alliance (CNPS 2022b). Likewise, fire events that occur in less than 10-year intervals negatively impact stands (CNPS 2022b). Continued development and removal of this alliance paired with increased fire frequency and severity pose serious threats to the persistence of this natural community.

**Evidence impact would be significant:** CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer 2009).

Inadequate avoidance, minimization, and mitigation measures for impacts to these CEQA locally sensitive vegetation communities will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.

**Recommended potentially feasible mitigation measure(s):**

**Mitigation Measure #1:** CDFW recommends avoiding any sensitive natural communities found on the Project site. If avoidance is not feasible, the Project should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. Plant alliances ranked S3 should be mitigated onsite at a minimum of 3:1 ratio. Replacement communities should adhere to membership rules (CNPS 2022b) of their associated alliance and include the appropriate trees, understory species, shrubs, vines, forbs, and herbs.

Comment 7-6

Comment 7-7



Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 7 of 41

All revegetation/restoration areas that will serve as mitigation should be included in a restoration plan prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).

**Mitigation Measure #2:** Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least five years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/nonnative cover for each vegetation layer) for at least five years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each layer should be compared to the success criteria of the reference site, as well as the alliance criteria in the MCV (CNPS 2022c) ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.

CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.

**Mitigation Measure #3:** Compensation for the loss of the *Encelia californica* communities may be accomplished by off-site restoration rather than payment of in-lieu fees. Offsite mitigation of S3 ranked vegetation should also be done at a higher ratio than onsite mitigation. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. For proposed preservation and/or restoration, a plan should be developed and include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.

**Comment #3: Impacts to Aquatic and Riparian Resources**

**Issue:** The Project will result in direct impacts to streams subject to Fish and Game Code, section 1600 *et. seq.*

**Specific Impacts:** The on-site, unnamed drainage on the eastern side of the property will be permanently impacted due to Project activities.

Comment 7-7 continued

Comment 7-8

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 8 of 41

↑ **Why impacts would occur:** Project activities include the permanent loss of streams. Streams support riparian vegetation communities which provide important food, nesting habitat, cover, and migration corridors for wildlife. Project activities include grading, excavating, material staging, grubbing, and vegetation clearing that will result in the loss of streambed and the surrounding riparian habitats in the Project site. Project actions may also result in changes to hydrologic and geomorphic processes that may impact plant and wildlife species. Construction equipment, vehicles, import of fill material, disposal piles, and staging areas can introduce and spread non-native, invasive plants, invasive plant seeds, rhizomes, or stolons.

The Project proposes to replace 0.24 acre of permanently affected streambed at a 2:1 ratio. However, no replacement ratios were provided for the associated *Baccharis salicifolia* scrub alliance which will be impacted due to grading. The MND states that this alliance is S5G5, however according to the MCV it is ranked S4G4 (CNPS 2022d). A total of 0.83 acres of *Baccharis salicifolia* scrub will be removed. CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer 2009). Further, only five to 10 percent of California's original riparian habitat (which includes *Baccharis salicifolia* scrub) exists today and much of the remaining habitat is in a degraded condition. Replacement ratios should be provided for the associated riparian habitat in addition to streambed ratios.

The City is proposing to mitigate impacts to streams via a combination of onsite and offsite enhancement of degraded, in-kind habitat. Enhancement is proposed in unaffected areas of the ephemeral drainage, likely the segment in the northern section of the property. However, it is unclear if enhancement of on-site degraded habitat will be sufficient in replacing the value and function the drainage currently provides for the surrounding wildlife. A documented population of ESA-Listed and SSC coastal California gnatcatcher are present in the surrounding area. These individuals may rely on the resources within the drainage for nesting material and foraging. With the development of the North Ranch Project and the Hitch Ranch Project increased human activity, vehicle traffic, noise, and light may deter wildlife from using on-site enhancement areas. Proper measures should be in place to protect on-site enhancement projects in perpetuity.

**Evidence impacts would be significant:** The Project may impact streams and associated riparian habitats. CDFW exercises its regulatory authority (Fish and Game Code, section 1600 *et seq.*) to conserve fish and wildlife resources which includes rivers, streams, or lakes and associated natural communities. Fish and Game Code, section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

CDFW requires a Lake and Streambed Alteration Agreement (LSA) Agreement when a project activity may substantially adversely affect fish and wildlife resources.

For reasons discussed above, the Project continues to have a substantial adverse effect on streams and associated riparian habitat through direct removal, filling, hydrological interruption, or other means.

Comment  
7-8  
continued

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 9 of 41

### Recommended Potentially Feasible Mitigation Measure(s):

**Mitigation Measure #1:** CDFW concurs with the City's statement to notify CDFW pursuant to Fish and Game Code, section 1600 *et seq.* The Project should notify CDFW prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether a LSA with the applicant is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration Program (<https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>) webpage to obtain a notification package for an LSA.

CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.

**Mitigation Measure #2:** Any LSA Agreement issued for the Project by CDFW may include additional measures protective of streambeds on and downstream of the Project such as additional erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in any LSA Agreement may include the following: avoidance of resources, on-site or off-site creation, enhancement, or restoration, and/or protection and management of mitigation lands in perpetuity.

**Mitigation Measure #3:** If impacts to the *Bacchris salicifolia* scrub alliance are unavoidable, CDFW recommends the Project replace *Bacchris salicifolia* scrub alliance habitat acreage at a minimum 3:1 ratio.

**Mitigation Measure #4:** If impacts to streams are unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City/County's issuance of grading permits.

**Mitigation Measure #5:** If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and support in-kind vegetation.

CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral and perennial bodies. CDFW recommends the Project fund a minimum of five years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term

Comment  
7-9

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 10 of 41

Comment  
7-9  
continued

management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City/County's issuance of grading permits.

**Comment #4: Mountain Lion (*Puma concolor*)**

**Issue:** The Project may impact transient mountain lions (*Puma concolor*) and the Project is within close proximity to the Santa Monica-Sierra Madre wildlife corridor.

**Specific impacts:** Mountain lion are classified as a "specially protected species". Project activities may impact mountain lion population by decreasing areas of migratory movement, natal den sites, and hunting habitat. Loss of wildlife connectivity is a primary driver for the decline of the southern California mountain lion population (Yap 2019). The Project may also lead to increased human presence, traffic, noise, and artificial lighting.

**Why impacts would occur:** Mountain lions may occur within and immediately adjacent to the Project. Mountain lions are exceptionally vulnerable to human disturbance (Lucas 2020). As human population density increases, the probability of mountain lion persistence decreases (Woodroffe 2000). The MND did not provide any avoidance, minimization, or avoidance measures to address potential impacts to mountain lion. The Project may increase human presence (e.g., new development, public trail access, traffic, noise, and artificial lighting) during Project construction and over the life of the Project. Areas of high human activity have lower occupancy of rare carnivores. Likewise, the development of both the North Ranch site and the Hitch Ranch site would decrease habitat for mountain lion by hundreds of acres. The Project involves the removal of 55.42 acres of vegetation via due to grading, development, and fuel modification. Mountain lions avoid areas with low woody vegetation cover and artificial outdoor lighting (Beir 1995).

Further, Project implementation will include the development of new roads and higher vehicle usage. Mountain lions tend to avoid roads and trails regardless of how much they are used (Lucas 2020). Habitat loss and fragmentation due to roads and development has driven the southern California mountain lion population towards extinction (Yap et al. 2019). Increased traffic paired with continuous development could create "pinch points" which can lead mountain lion towards unsafe road crossings, causing vehicle strikes. As California has continued to grow in human population and communities expand into wildland areas, there has been a commensurate increase in direct and indirect interaction between mountain lions and people (CDFWe 2013). As a result, the need to relocate or humanely euthanize mountain lions (depredation kills) may increase for public safety.

Conserving and restoring habitat connectivity and corridors is essential for mitigating impacts to mountain lions. This is especially critical in the face of climate change driven habitat loss and increased frequency of fires (Yap 2019). Under a high emissions and warm and wet climate scenario, much of the chaparral habitat in southern California that provide habitat for mountain lions would be climactically highly stressed by the year 2070 (Thorne 2016).

**Evidence impact would be significant:** Mountain lion is a specially protected mammal in the State (Fish and Game Code, § 4800). In addition, on April 21, 2020, the California Fish and Game Commission accepted a petition to list an evolutionarily significant unit (ESU) of mountain lion in southern and central coastal California as threatened under CESA (CDFwf 2020). As a

Comment  
7-10

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 11 of 41

Comment 7-10 continued ↑ CESA-candidate species, the mountain lion in southern California is granted full protection of a threatened species under CESA.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and around the Project vicinity. The City should analyze the change (i.e., increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant.

Comment 7-11 ↓ **Mitigation Measure #2:** If “take” or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the City must consult with CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 *et seq.*).

**Comment #5: Crotch’s Bumble Bee (*Bombus crotchii*)**

**Issue:** The Project may impact SSC Crotch’s bumble bee (*Bombus crotchii*) through the removal of coastal sage brush and grassland communities.

**Specific impacts:** The Project may result in temporal and permanent loss of suitable nesting and foraging habitat for Crotch’s bumble bee. Project ground-disturbing activities and vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success.

**Why impacts would occur:** Crotch’s bumble bees are generalist foragers and have been reported visiting a wide variety of flowering plants (Biesmeijer et al. 2006). They are known to occur in laurel sumac scrub, grassland, meadows, and coastal sage scrub, among other vegetation communities. Suitable Crotch’s bumble bee habitat includes areas of grasslands and scrub that contain requisite habitat elements, such as small mammal burrows. Based on the MND and review of the property on Google Earth, it appears that suitable habitat for Crotch bumblebee is present. However, surveys were not conducted as part of the MND nor were any measures for avoidance, minimization, or mitigation offered.

Comment 7-12 ↓ Crotch’s bumble bee primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). Overwintering sites utilized by Crotch’s bumble bee mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams et al. 2014). Despite the presence of suitable Crotch’s bumble bee habitat on site, the MND does not provide information as to what criteria would be used to conclude that the species is not present. Without adequate presence/absence surveys, ground disturbance and vegetation removal associated with Project implementation during the breeding season could result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project site. Project activities may result in temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 12 of 41

**Evidence impact would be significant:** A petition to list the Crotch bumble bee, an endangered species under CESA, is currently pending before the California Fish and Game Commission (Commission) (Cal. Reg. Notice Register 2018, No. 45-Z, pp. 1986–1987 [November 9, 2018]). The Commission designated the Crotch bumble bee as a candidate species under CESA in June 2019 (Cal. Reg. Notice Register 2019, No. 26-Z, pp. 954–955 [June 28, 2019]). The Commission’s decision to designate the Crotch bumble bee as a candidate species is the subject of a pending legal challenge (Almond Alliance of California v. Fish and Game Commission [2022] 79 Cal. App. 5th 337, pet. for review pending, S275412). On September 30<sup>th</sup>, 2022, candidacy was reinstated for the four bumble bee species petitioned for listing – franklin’s, crotch, western, and suckley cuckoo.

Comment  
 7-12  
 continued

Crotch’s bumble bee is listed as an invertebrate of conservation priority under the California Terrestrial and Vernal Pool Invertebrates of Conservation Priority (CDFWd 2017). Crotch’s bumble bee has a State ranking of S1/S2. This means that the Crotch’s bumble bee is considered critically imperiled or imperiled and is extremely rare (often 5 or fewer populations). Also, Crotch’s bumble bee has a very restricted range and steep population declines make the species vulnerable to extirpation from the State (CDFWd 2017). Accordingly, Crotch’s bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch’s bumble bee could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065).

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch’s bumble bee. Surveys should be performed by a qualified entomologist familiar with the species behavior and life history to determine the presence/absence of Crotch’s bumble bee within one year prior to vegetation removal and/or grading. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following:

- a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch’s bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.
- b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.
- c) Map(s) showing the location of nests/colonies.
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Comment  
 7-13

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 13 of 41

**Recommendation #1:** CDFW recommends the City update their CEQA document to reflect the possibility of Crotch's bumble bee within the Project site and discuss the local and regional significance of impacts to the species. Focus surveys should be conducted in order to determine presence/absence, identify potential nest sites, and to further evaluate the quality of habitat present for Crotch's bumble bee. The updated analysis should include appropriate avoidance, minimization, and compensatory mitigation measures to offset any impacts to below a level of significance.

**Comment #6: Impacts to Special Status Species Reptiles and Amphibians**

**Issue:** The feasibility of mitigation measures BIO-2 through BIO-4 put forth for special status reptiles, amphibians, and non-special status ground dwelling species are unclear due to the vagueness of the language.

**Specific Impacts:** Mitigation measures BIO-2, BIO-3, and BIO-4 offer preconstruction surveys for SSC and salvaging/relocation of special status and non-special status fossorial species guidelines. However, these mitigation measures lack detail to the point that it is unclear whether they are feasible or appropriate to lower impacts. Details such as methodologies for salvage and specific areas for relocation were not provided, as such CDFW is unable to assess the value of these measures.

**Why impacts would occur:** According to pages 46-50 of the Biological Report (included in the MND), SSC California glassy snake (*Arizona elegans occidentalis*), SSC coast horned lizard (*Phrynosoma blainvillii*), SSC coast patch-nosed snake (*Salvadora hexalepis virgulata*), SSC coastal whiptail, and SSC western spadefoot (*Spea hammondi*) have potential to occur and be impacted by the Project. The Project would require ground disturbance and vegetation removal via heavy equipment. Preconstruction surveys and salvage may not be done to a level of detail necessary to locate the aforementioned species. BIO-3 states, "[t]he salvage program will consist of the capture of individuals from the area to be impacted by the Project implementation and their relocation to a predetermined offsite location, which has CDFW's approval." However, specific methodologies for discovery and capture were not provided for each species. Impacts on reptiles are more likely to occur because these are cryptic species that are less mobile during certain times of the day and seek refuge and hide under structures. Western spadefoot is also at heightened risk to burial or crushing as they spend most of the year underground in burrows and are only active above ground nocturnally during rains or periods of high humidity (Morey 2000). The Project has not yet conducted focused surveys for western spadefoot. This may lead to direct mortality of the species during Project activities.

BIO-4 states, "[w]ildlife shall be relocated to preserved areas of the site when appropriate or to nearby (in the same watershed) permanent open space areas." Potential locations, maps, or photos were not provided. It is unclear whether relocation of these species will be done in areas with suitable habitat. Specific plans for salvage should be developed before ground disturbing activities as the project may have significant impact on reptiles.

**Evidence impacts would be significant:** CEQA provides protection not only for State and federally listed species, but for any species including but not limited to SSC's which can be shown to meet the criteria for State listing. These SSC reptiles meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of the aforementioned

Comment 7-14

Comment 7-15

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 14 of 41

Comment 7-15 continued

reptiles could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). CDFW considers impacts to CESA-listed and SSC's a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** The City should retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish & Game Code, §§ 1002, 1002.5, 1003).

Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage (<https://wildlife.ca.gov/Licensing/Scientific-Collecting>) for information (CDFW 2022c). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the Agreement.

Comment 7-16

**Mitigation Measure #2:** CDFW recommends The Project revise Mitigation Measures BIO-2 through BIO-4 to properly mitigate the Project's impact on SSC's to below a level of significance or the Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW. CDFW recommends the Project incorporate the following underlined language:

*BIO-2.* "Prior to the commencement of ground disturbance or vegetation removal activities, including but not limited to grubbing, grading, and fuel modification, two preconstruction surveys for special-status wildlife species, including coast horned lizard, coastal western whiptail, California glossy snake, coast patch-nosed snake, and western spadefoot, by a qualified biologist(s) to determine presence/absence of these species at the site. The first survey shall be conducted within 14 days and the second survey shall be conducted within three days of commencement of ground or vegetation disturbing activities. These surveys should coincide with weather conditions that are conducive for each species; sunny late-spring or summer days with above-average temperatures for, coast horned lizard, coastal western whiptail California glossy snake and the coast patchnosed snake spadefoot. To achieve 100 percent visual coverage, surveys shall be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each species. The Project shall follow focused survey protocols outlined for western spadefoot in the 1995 Standardized Protocol for Surveying Aquatic Amphibians ([http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers\\_Standardized\\_Survey\\_Protocol.pdf](http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers_Standardized_Survey_Protocol.pdf)) (USNPS 1995). If the any of the four species are found to occur onsite during the additional surveys, then Mitigation Measure BIO-3 shall be instituted."

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 15 of 41

~~BIO-3. If any individual of the four species are found during the survey, then a salvage program will be initiated for the site. Due to the likelihood of presence of cryptic ground dwelling SSC reptiles, a Salvage Program will be developed for the site in consultation with a qualified biologist. The biologist will submit a copy of a Salvage Program to CDFW for approval prior to any clearing, grading, or excavation work on the Project site. The Salvage Program will consist of the capture of individuals [from the area to be impacted by Project implementation]. Salvage shall be conducted by a qualified biologist with proper permits for scientific collection or after issuance of an LSA Agreement with conditions for salvage and relocation in place, and their [R]elocation will occur to at a predetermined offsite locations, approved by CDFW, with and appropriate habitat that will not be impacted by the Project activities or other construction activities in the vicinity. The Program will include methods of location and capture for each specific species. Time allowed for the salvage Program will be determined by the size of the Project site and the abundance of the species that are found onsite. The salvage program will continue with the monitoring of the initial ground disturbance construction activities and habitat disturbing activities as well as vegetation removal. The qualified biologist should be on site weekly or bi-weekly (once every two weeks) for all ground and habitat disturbing activities and vegetation removal to ensure that no wildlife is harmed. The salvage program will conclude when all of the ground within the grading limits has been affected by construction activities. After the completion of the Salvage Program a letter report summarizing the surveys and salvage opportunities will be prepared and submitted to the CDFW.~~

~~BIO-4. Prior to the initiation of any grading and during initial grubbing and topsoil salvage, a Relocation Plan will be developed in consultation with a qualified biologist. The biologist will submit a copy of a Wildlife Relocation Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site. Capture and relocation will be conducted by qualified biologists with appropriate handling permits. Biologists shall attempt to capture and relocate all reptiles within the impact area. Other ground dwelling wildlife, i.e., amphibians and mammals, shall be relocated to the degree feasible if the opportunity presents itself. Wildlife shall be relocated to preserved areas of the site when appropriate or to nearby (in the same watershed) permanent open space areas. Specific relocation areas will also be identified within the Wildlife Relocation Plan. A map of relocation sites and photos documenting habitat will be provided. The Wildlife Relocation Plan, with all the above elements, will be submitted to CDFW for approval. It is assumed that a two-person team can adequately salvage the reptiles on the entire site in half a day. After the completion of the Relocation Plan, a report summarizing the relocation efforts will be prepared and submitted to the CDFW. The report will include the number of individuals relocated and a map depicting their relocation areas and their health at the time of release.~~

**Mitigation Measure #3:** If any SSC's are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.

Comment  
 7-16  
 continued

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 16 of 41

Comment  
7-16  
continued

**Mitigation Measure #4:** The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only resume once a qualified biologist has determined that it is safe to do so.

**Mitigation Measure #5:** Any materials stored on-site that could provide shelter to an SSC should be elevated off the ground. Trenches or holes one foot or deeper that are left unfilled for more than 48 hours should be securely covered to prevent entrapment of wildlife species.

**Comment #7: Impacts to Bats**

**Issue:** The Project may impact SSC western mastiff bat (*Eumops perotis californicus*) and SSC pallid bat (*Antrozous pallidus*).

**Specific impacts:** Project activities have potential to directly and indirectly impact bats which may be roosting in on-site trees scheduled for removal. Impacts may result from, demolition of on-site trees and roosting sites, permanent removal or alteration of suitable foraging habitat, increased noise, light, vibration, dust, and human activity.

**Why impacts would occur:** The MND states, “special-status species that could be directly impacted include [...] two bat species, [the] pallid bat (*Antrozous pallidus*) [SSC] and western mastiff bat (*Eumops perotis californicus*) [SSC], which could roost in trees at the site.” The MND did not provide any mitigation measures to avoid, minimize, or mitigate potential impacts to bats. The Project did not conduct bat roosting surveys or nighttime emergence surveys to confirm or deny presence. Without proper surveys to assess presence of bats the Project may directly or indirectly impact these species. Substantial noise may adversely affect wildlife species in several ways, as wildlife responses to noise can occur at exposure levels of only 55-60 dB (Barber 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun 2005, Patricelli 2006, Gillam 2007, Slabbekoorn 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats which primarily use auditory cues (i.e., hearing) to hunt. Increased ambient lighting levels can also increase predation risks and disorientation and disrupt normal behaviors of wildlife in adjacent feeding, breeding, and roosting habitat (Longcore 2004).

**Evidence impact would be significant:** Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC’s and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15065). Take of SSC’s could require a mandatory finding of significance by the City (CEQA Guidelines, § 15065). CDFW considers impacts to CESA-listed and SSC’s a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** Appropriate authorization from CDFW under CESA may include an ITP or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant

Comment  
7-18

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 17 of 41

modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.

**Mitigation Measure #2:** CDFW recommends a qualified bat specialist conduct bat roosting surveys within the Project site to locate potential bat roosting sites. These assessments will determine baseline conditions of potential roosting areas present throughout the study area to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort stations) that could provide daytime and/or nighttime roost sites.

**Mitigation Measure #3:** To prevent project delays and possible "take," CDFW also recommends nighttime emergence surveys of day roosts during seasons when bats are most mobile (April 1 to September 30). Emergence surveys should be performed shortly after dusk to identify any bats that emerge from a potential roost site. CDFW recommends using acoustic recognition technology to maximize detection of bats. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).

Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).

**Mitigation Measure #4:** If maternity roosts are found, CDFW recommends, the following mitigation measures:

1. If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).
2. If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery colony roosting habitat. Acoustic recognition technology should be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under

Comment  
 7-18  
 continued

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 18 of 41

or adjacent to an active roost and work should not occur between 30 minutes before sunset and 30 minutes after sunrise.

3. If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees should be removed using the two-step removal method. Segments of the tree which do not offer any roosting habitat should be removed. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly with heavy machinery two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be left in place for at least a 24-hour period and inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by using lights, fans, and placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.

Comment  
7-18  
continued

**Comment #8: Potentially Cumulative Impacts**

**Issue:** The Project may result in significant cumulative impacts due to reasonably foreseeable development within the immediate area.

**Specific Impacts:** With the implementation of the North Ranch Project and Hitch Ranch directly to the east, the Project may have an adverse cumulative impact to biological resources.

**Why impacts would occur:** The Project is directly adjacent to the Hitch Ranch project site, another large-scale residential development proposed within the City of Moorpark. The acreage of land between these Projects totals 345.3 acres, most of which will be developed upon. Collectively, a total of 15.83 acres of S5 to S3 ranked vegetation communities and 174.32 acres of unranked grassland will be removed. Habitat loss and biological impacts may further increase with future development of residential units on the North Ranch site. 142 trees are proposed for removal at the North Ranch site and potentially 282 trees from the adjacent Hitch Ranch site, totaling a potential loss of 424 trees within the total 345.3 acres. Total loss of open space, natural communities, breeding habitat, roosting habitat, foraging habitat presents a potentially cumulative impact to biological resources.

These impacts may be especially detrimental to coastal California gnatcatcher as a documented population is known to nest and forage in the immediate area. Coastal California gnatcatcher are non-migratory and so depend on the resources around them year-round. Further, coastal California gnatcatcher are territorial, and juveniles often remain close to their natal nests (Bailey 1998). The life cycle and behavior of coastal California gnatcatcher may make them more vulnerable to local extirpation with the loss of these resources.

**Evidence impacts would be significant:** The project should not result in cumulative adverse environmental impacts that are significant when viewed in connection with the effects of past, current, or probable future projects. A cumulative impact as the condition under which “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts [...]”. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.

Comment  
7-19

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 19 of 41

Comment  
7-19  
continued

Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time” (California Code of Regulations, § 15355). A cumulative effects analysis, as described under CEQA Guidelines should be performed (CEQA Guidelines, § 15130).

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** The Project should analyze and discuss how the loss of these cumulative resources will affect surrounding wildlife. There should be an emphasis on threatened, rare, and endangered species which have potential to occur onsite and in the surrounding area – including coastal California gnatcatcher. The Project should explain why the Project does or does not result in a cumulative impact or how proposed mitigation will lessen any potentially cumulative impacts. The assessment should not only include considerations to Hitch Ranch but any past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Comment  
7-20

A discussion regarding impacts to loss of bird nesting habitat should be included. Several proposed projects in the area will include removal of both native and non-native trees which could be utilized by passerine birds and raptors. The Project should analyze the cumulative impact, if any, in regards to loss of potential nesting habitat.

A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage alteration should also be included. The latter subject should address Project-related changes on drainage patterns on- and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site.

**Additional Recommendation**

Nesting Bird Survey Language. CDFW recommends the City revise Mitigation Measure BIO-1 for nesting birds in order to mitigate the Project’s impact on nesting birds and raptors below a level of significance or, the Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW. CDFW recommends the Project incorporate the following underlined language:

Comment  
7-21

“If it is feasible, the clearing of vegetation and construction activities will be conducted between August 31st and February 1st, which is outside of the typical breeding/fledging season for the sensitive bird species and migratory birds that may nest on or in the immediate vicinity of the Project site.

If clearing of vegetation and construction activities within the selected projects are planned between February 1st and August 31st, then breeding bird surveys will be conducted by qualified biologists at a maximum of seven days ~~two (2) weeks~~ prior to the commencement of activities. If the construction area and 500 feet of the construction area has nesting habitat for raptors, surveys for nesting raptors will begin January 1 in order to avoid take of birds, raptors, or their eggs. Nests and birds exhibiting breeding behavior will be identified within 500 feet of the area to be impacted and efforts will be

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 20 of 41

Comment 7-21 continued

made (including the creation of appropriate buffers around the nests and areas used by breeding birds, rerouting vehicular traffic, limiting the number of vehicles, the use of non-mechanized tools, etc.) to limit disturbances to the nests. The qualified biologist will implement a minimum buffer of 300 feet around migratory bird species nests and 500 feet around active raptor nests. Buffers will be maintained until young have fledged (left the nest on their own), as determined by a qualified biologist, or the nest is no longer active. A qualified biologist will monitor the identified nests and birds exhibiting breeding behavior during the duration of the work or until successful fledging occurs, whichever comes first. If the monitor notes that identified birds and nests are being negatively affected by the construction activity, then the buffers will be increased to an appropriate distance to ensure fledging is successful. After the completion of the construction activities or the completion of onsite breeding activities, a letter report summarizing the work and its effect on the breeding birds will be produced and submitted to the CDFW.”

Comment 7-22

Fencing. If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County’s Significant Ecological Areas Ordinance Implementation Guide (<https://planning.lacounty.gov/site/sea/wp-content/uploads/2020/02/SEA-IG-2-6-20.pdf>) (LACRP 2020) offers additional information on permeable fencing

Comment 7-23

Grubbing. Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.

Comment 7-24

Weed Management Plan. A weed management plan should be developed for the Project site and implemented during the duration of this long-term Project. On-going soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established. The Projects site should be monitored via mapping for new introductions and expansions of non-native weeds.

Comment 7-25

Fuel Modification. If the Project includes fuel modification, CDFW recommends that the final environmental document should include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan should be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water do not allow for the introduction of invasive Argentine ants.

Comment 7-26

Mitigation and Monitoring Reporting Plan. Per Public Resources Code, section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP should reflect results following additional plant and wildlife surveys and the Project’s final on and/or off-site mitigation plans.

**Filing Fees**

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 21 of 41

Comment  
7-27

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

Comment  
7-28

### Conclusion

We appreciate the opportunity to comment on the Project to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines, § 15073(e)]. If you have any questions or comments regarding this letter, please contact Angela Castanon, Environmental Scientist, at [Angela.Castanon@wildlife.ca.gov](mailto:Angela.Castanon@wildlife.ca.gov) or (626) 513-6308.

Sincerely,

DocuSigned by:



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Randy Rodriguez for  
Erinn Wilson-Olgin  
Environmental Program Manager I

EC: CDFW  
Steve Gibson – Los Alamitos – [Steve.Gibson@wildlife.ca.gov](mailto:Steve.Gibson@wildlife.ca.gov)  
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CEQA Program Coordinator – Sacramento – [CEQACommentLetters@wildlife.ca.gov](mailto:CEQACommentLetters@wildlife.ca.gov)

State Clearinghouse - [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

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Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 22 of 41

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



**Attachment A: Draft Mitigation and Monitoring Reporting Plan**

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP should reflect results following additional plant and wildlife surveys and the Project’s final on and/or off-site mitigation plans.

<b>Biological Resources (BIO)</b>			
<b>Mitigation Measure (MM) or Recommendation (REC)</b>		<b>Timing</b>	<b>Responsible Party</b>
<b>MM-BIO-1- ITP Coastal California Gnatcatcher &amp; Coastal Cactus Wren</b>	Appropriate authorization from CDFW under CESA may include an Incidental Take Permit (ITP) or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project’s CEQA document addresses all the Project’s impact on CESA endangered, threatened, and/or candidate species. The Project’s CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW’s ITP be described in detail in the Project’s CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project’s impact on a CESA endangered, threatened, and/or candidate species proposed in the Project’s CEQA document may not necessarily satisfy mitigation required to obtain an ITP.	Prior to Project construction and activities	City of Moorpark/ Applicant

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 25 of 41

<b>MM-BIO-2-          Focus surveys          Coastal          California          Gnatcatcher &amp;          Coastal Cactus          Wren</b>	<p>Although focus surveys have been performed onsite, surveys should also extend into the parcel south of the Project, to the west of Gabbert Road (associated with Hitch Ranch), or wherever habitat is present within 500 feet of the Project site. Surveys should follow proper protocols outlined by the U.S. Fish and Wildlife's (USFWS) 2019 <u>Coastal California Gnatcatcher Presence/Absence Survey Protocol (USFWS 2019a)</u>.</p>	<p>Prior to          Project          construction          and activities</p>	<p>City of Moorpark/          Applicant</p>
<b>MM-BIO-3-          Coastal          California          Gnatcatcher &amp;          Coastal Cactus          Wren</b>	<p>If coastal California gnatcatcher are present, the City should consult with the USFWS to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.</p> <p>If a take permit from the USFWS is needed, the Project should comply with the mitigation measures detailed in a take permit issued from USFWS before grading permits are issued by the City.</p> <p>If coastal cactus wren are present, the City should consult with the CDFW to determine if the Project would result in take. Consultation with the CDFW, in order to comply with CESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact cactus wren.</p> <p>If a take permit from the CDFW is needed, the Project should comply with the mitigation measures detailed in a take permit issued from CDFW before grading permits are issued by the City.</p>		
<b>MM-BIO-4-          Coastal          California          Gnatcatcher &amp;          Coastal Cactus          Wren</b>	<p>If coastal California gnatcatcher are present, the Project should consult with the USFWS to determine if the Project would result in take of coastal California gnatcatcher. Consultation with the USFWS, in order to comply with the ESA, is advised well in advance of any ground-disturbing activities and/or vegetation removal that may impact gnatcatcher.</p>	<p>Prior to          Project          construction          and activities</p>	<p>City of Moorpark/          Applicant</p>

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 26 of 41

<p><b>MM-BIO-5- Mitigation for Encelia californica</b></p>	<p>CDFW recommends avoiding any sensitive natural communities found on the Project site. If avoidance is not feasible, the Project should mitigate at a ratio sufficient to achieve a no-net loss for impacts to special status plant species and their associated habitat. Plant alliances ranked S3 should be mitigated onsite at a minimum of 3:1 ratio. Replacement communities should adhere to membership rules (CNPS 2022b) of their associated alliance and include the appropriate trees, understory species, shrubs, vines, forbs, and herbs.</p> <p>All revegetation/restoration areas that will serve as mitigation should be included in a restoration plan prior to any ground disturbance. The restoration plan should include restoration and monitoring methods; annual success criteria; contingency actions should success criteria not be met; long-term management and maintenance goals; and a funding mechanism for long-term management. Areas proposed as mitigation should have a recorded conservation easement and be dedicated to an entity which has been approved to hold/manage lands (AB 1094; Government Code, §§ 65965-65968).</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>
<p><b>MM-BIO-6- Success Criteria- Encelia californica</b></p>	<p>Success criteria should be based on the specific composition of the vegetation communities being impacted. Success should not be determined until the site has been irrigation-free for at least five years and the metrics for success have remained stable (no negative trend for richness/diversity/abundance/cover and no positive trend for invasive/nonnative cover for each vegetation layer) for at least five years. In the revegetation plan, the success criteria should be compared against an appropriate reference site, with the same vegetation alliance, with as good or better-quality habitat. The success criteria should include percent cover (both basal and vegetative), species diversity, density, abundance, and any other measures of success deemed appropriate by CDFW. Success criteria should be separated into vegetative layers (tree, shrub, grass, and forb) for each alliance being mitigated, and each</p>	<p>Prior to/ After Project construction and activities</p>	

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 27 of 41

	layer should be compared to the success criteria of the reference site, as well as the alliance criteria in the MCV (CNPS 2022c) ensuring one species or layer does not disproportionately dominate a site but conditions mimic the reference site and meets the alliance membership requirements.		
<b>MM-BIO-7- Encelia californica</b>	CDFW does not recommend topsoil salvage or transplantation as viable mitigation options. Several studies have documented topsoil salvage had no effect on the recolonization of the target plant species (Hinshaw 1998). Based on the scientific literature available, relying on topsoil salvage alone to mitigate impacts to CEQA-rare plant species does not appear to provide any value to mitigate impacts to the plant.	During/ After Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-8- Mitigation Banking- Encelia californica</b>	Compensation for the loss of the <i>Encelia californica</i> communities may be accomplished by off-site restoration rather than payment of in-lieu fees. Offsite mitigation of S3 ranked vegetation should also be done at a higher ratio than onsite mitigation. Areas proposed as mitigation lands should be protected in perpetuity with a conservation easement, financial assurance and dedicated to a qualified entity for long-term management and monitoring. For proposed preservation and/or restoration, a plan should be developed and include measures to protect the targeted habitat values from direct and indirect negative impacts in perpetuity. Issues that should be addressed include (but are not limited to) restrictions on access, proposed land dedications, monitoring and management programs, control of illegal dumping, water pollution, and increased human intrusion. An appropriate non-wasting endowment should be set aside to provide for long-term management of mitigation lands.	Prior to/ During/After Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-9- Aquatic and Riparian Resources</b>	CDFW concurs with the City's statement to notify CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i> The Project should notify CDFW prior to any Project construction or activities. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement (LSA) with the applicant is required prior to conducting the proposed activities.	Prior to Project construction and activities	City of Moorpark/ Applicant

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 28 of 41

	<p>Please visit the Lake and Streambed Alteration Program (<a href="https://wildlife.ca.gov/Conservation/Environmental-Review/LSA">https://wildlife.ca.gov/Conservation/Environmental-Review/LSA</a>) webpage to obtain a notification package for an LSA.</p> <p>CDFW's issuance of an LSA for a Project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document from the City for the Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i> and/or under CEQA, the CEQA document should fully identify the potential impacts to the streams or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the LSA.</p>		
<b>MM-BIO-10-Aquatic and Riparian Resources</b>	If impacts to the <i>Bacchris salicifolia</i> scrub alliance are unavoidable, CDFW recommends the Project replace <i>Bacchris salicifolia</i> scrub alliance habitat acreage at a minimum 3:1 ratio.	Prior to Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-11-Aquatic and Riparian Resources</b>	If impacts to streams are unavoidable, CDFW recommends that mitigation occur at a CDFW-approved bank. Mitigation bank credits should be purchased, approved, or otherwise fully executed prior to implementing Project-related ground-disturbing activities and prior to the City/County's issuance of grading permits.	Prior to/During Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-12-Aquatic and Riparian Resources</b>	<p>If credits at a CDFW-approved mitigation bank are not available, CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. Mitigation lands should be in the same watershed as the Project site and support in-kind vegetation.</p> <p>CDFW recommends that all on-site mitigation sites for impacts to waters and riparian/wetland vegetation communities be protected in perpetuity from public encroachment and structural intrusion. This should include all water features on site, including ephemeral</p>	Prior to Project construction and activities	City of Moorpark/ Applicant

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 29 of 41

	and perennial bodies. CDFW recommends the Project fund a minimum of five years of initial restoration and maintenance. If applicable, mitigation lands (unnamed creeks, surrounding natural areas) should be protected in perpetuity under a conservation easement dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project-related ground-disturbing activities and prior to the City/County's issuance of grading permits.		
<b>MM-BIO-13- Mountain Lion</b>	CDFW recommends the City evaluate the mountain lion territory size and use of habitat within and around the Project vicinity. The City should analyze the change (i.e., increase) in human presence and area of anthropogenic influence that will now be in mountain lion habitat and how it may impact mountain lion behavior, reproductive viability, and overall survival success. Based on these known anthropogenic impacts on mountain lions, CDFW also recommends the City provide compensatory mitigation for impacts to mountain lion. The CEQA document should justify how the proposed compensatory mitigation would reduce the impacts of the Project to less than significant.	During Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-14- Mountain Lion</b>	If "take" or adverse impacts to mountain lion cannot be avoided either during Project construction and over the life of the Project, the City must consult with CDFW to determine if a CESA ITP is required (pursuant to Fish & Game Code, § 2080 <i>et seq.</i> ).	Prior to Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-15- Crotch's Bumble Bee</b>	CDFW recommends that measures be taken, primarily, to avoid Project impacts to Crotch's bumble bee. Surveys should be performed by a qualified entomologist familiar with the species behavior and life history to determine the presence/absence of Crotch's bumble bee within one year prior to vegetation removal and/or grading. Surveys should be conducted during flying season when the species is most likely to be detected above ground,	Prior to/ During Project construction and activities	City of Moorpark/ Applicant

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 30 of 41

	<p>between March 1 to September 1 (Thorp et al. 1983). Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following:</p> <p>a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch’s bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.</p> <p>b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.</p> <p>c) Map(s) showing the location of nests/colonies.</p> <p>d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).</p>		
<p><b>MM-BIO-16- Crotch’s Bumble Bee</b></p>	<p>CDFW recommends the City update their CEQA document to reflect the possibility of Crotch’s bumble bee within the Project site and discuss the local and regional significance of impacts to the species. Focus surveys should be conducted in order to determine presence/absence, identify potential nest sites, and to further evaluate the quality of habitat present for Crotch’s bumble bee. The updated analysis should include appropriate avoidance, minimization, and compensatory mitigation measures to offset any impacts to below a level of significance.</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 31 of 41

<p><b>MM-BIO-17- Special Status Reptiles</b></p>	<p>The City should retain a qualified biologist with appropriate handling permits, or should obtain appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. CDFW has the authority to issue permits for the take or possession of wildlife, including mammals; birds, nests, and eggs; reptiles, amphibians, fish, plants; and invertebrates (Fish &amp; Game Code, §§ 1002, 1002.5, 1003).</p> <p>Effective October 1, 2018, a Scientific Collecting Permit is required to monitor project impacts on wildlife resources, as required by environmental documents, permits, or other legal authorizations; and, to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with otherwise lawful activities (Cal. Code Regs., tit. 14, § 650). Please visit CDFW's Scientific Collection Permits webpage (<a href="https://wildlife.ca.gov/Licensing/Scientific-Collecting">https://wildlife.ca.gov/Licensing/Scientific-Collecting</a>) for information (CDFW 2022c). Pursuant to the California Code of Regulations, title 14, section 650, the qualified biologist must obtain or have appropriate handling permits to capture, temporarily possess, and relocate wildlife to avoid harm or mortality in connection with Project construction and activities. An LSA Agreement may provide similar take or possession of species as described in the conditions of the agreement.</p>	<p>Prior to/ During construction and activities</p>	<p>City of Moorpark/ Applicant</p>
<p><b>MM-BIO-18- Special Status Reptiles</b></p>	<p>CDFW recommends The Project revise Mitigation Measures BIO-2 through BIO-4 to properly mitigate the Project's impact on SSC's to below a level of significance or the Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW. CDFW recommends the Project incorporate the following <u>underlined</u> language:</p> <p><i>BIO-2. "Prior to the commencement of ground disturbance or vegetation removal activities, including but not limited to</i></p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 32 of 41

	<p>grubbing, grading, and fuel modification, two preconstruction surveys for special-status wildlife species, including coast horned lizard, coastal western whiptail, California glossy snake, coast patch-nosed snake, and western spadefoot, by a qualified biologist(s) to determine presence/absence of these species at the site. The first survey shall be conducted within 14 days and the second survey shall be conducted within three days of commencement of ground or vegetation disturbing activities. These surveys should coincide with weather conditions that are conducive for each species; sunny late-spring or summer days with above-average temperatures for, coast horned lizard, coastal western whiptail California glossy snake and the coast patchnosed snake spadefoot. <u>To achieve 100 percent visual coverage, surveys shall be conducted with parallel transects at approximately 20 feet apart and walked on site in appropriate habitat suitable for each species. The Project shall follow focused survey protocols outlined for western spadefoot in the 1995 Standardized Protocol for Surveying Aquatic Amphibians (<a href="http://www.elkhornsloughctp.org/uploads/files/1172879165_Fellers_Standardized_Survey_Protocol.pdf">http://www.elkhornsloughctp.org/uploads/files/1172879165 Fellers Standardized Survey Protocol.pdf</a>) (USNPS 1995). If the any of the four species are found to occur onsite during the additional surveys, then Mitigation Measure BIO-3 shall be instituted."</u></p> <p><del>BIO-3. If any individual of the four species are found during the survey, then a salvage program will be initiated for the site. Due to the likelihood of presence of cryptic ground dwelling SSC reptiles, a Salvage Program will be developed for the site in consultation with a qualified biologist. The biologist will submit a copy of a Salvage Program to CDFW for approval prior to any clearing, grading, or excavation work on the Project site. The</del></p>		
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Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 33 of 41

	<p>Salvage Program will consist of the capture of individuals <u>[from the area to be impacted by Project implementation]. Salvage shall be conducted by a qualified biologist with proper permits for scientific collection or after issuance of an LSA Agreement with conditions for salvage and relocation in place. and their-[R]elocation will occur to at a predetermined offsite locations, approved by CDFW, with and appropriate habitat that will not be impacted by the Project activities or other construction activities in the vicinity. The Program will include methods of location and capture for each specific species. Time allowed for the salvage Program will be determined by the size of the Project site and the abundance of the species that are found onsite. The salvage program will continue with the monitoring of the initial ground disturbance construction activities and habitat disturbing activities as well as vegetation removal. The qualified biologist should be on site weekly or bi-weekly (once every two weeks) for all ground and habitat disturbing activities and vegetation removal to ensure that no wildlife is harmed. The salvage program will conclude when all of the ground within the grading limits has been affected by construction activities. After the completion of the Salvage Program a letter report summarizing the surveys and salvage opportunities will be prepared and submitted to the CDFW.</u></p> <p><i>BIO-4.</i> Prior to the initiation of any grading and during initial grubbing and topsoil salvage, <u>a Relocation Plan will be developed in consultation with a qualified biologist. The biologist will submit a copy of a Wildlife Relocation Plan to CDFW for approval prior to any clearing, grading, or excavation work on the Project site. Capture and relocation will be conducted by qualified biologists with appropriate handling permits. Biologists shall attempt to capture and</u></p>		
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Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 34 of 41

	<p>relocate all reptiles within the impact area. Other ground dwelling wildlife, i.e., amphibians and mammals, shall be relocated <u>to the degree feasible if the opportunity presents itself</u>. Wildlife shall be relocated to preserved areas of the site when appropriate or to nearby (in the same watershed) permanent open space areas. <u>Specific relocation areas will also be identified within the Wildlife Relocation Plan. A map of relocation sites and photos documenting habitat will be provided. The Wildlife Relocation Plan, with all the above elements, will be submitted to CDFW for approval.</u> It is assumed that a two-person team can adequately salvage the reptiles on the entire site in half a day. <u>After the completion of the Relocation Plan, a report summarizing the relocation efforts will be prepared and submitted to the CDFW. The report will include the number of individuals relocated and a map depicting their relocation areas and their health at the time of release.</u></p>		
<p><b>MM-BIO-19- Special Status Reptiles</b></p>	<p>If any SSC's are harmed during relocation or a dead or injured animal is found, work in the immediate area should stop immediately, the qualified biologist should be notified, and dead or injured wildlife documented immediately. A formal report should be sent to CDFW within three calendar days of the incident or finding. The report should include the date, time of the finding or incident (if known), and location of the carcass or injured animal and circumstances of its death or injury (if known). Work in the immediate area may only resume once the proper notifications have been made and additional mitigation measures have been identified to prevent additional injury or death.</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>
<p><b>MM-BIO-20- Special Status Reptiles</b></p>	<p>The City, in consultation with a qualified biologist, should prepare a worker environmental awareness training. The qualified biologist should communicate to workers that upon encounter with an SSC (e.g., during construction or equipment inspections), work must stop, a qualified biologist must be notified, and work may only</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 35 of 41

	resume once a qualified biologist has determined that it is safe to do so.		
<b>MM-BIO-21- Special Status Reptiles</b>	Any materials stored on-site that could provide shelter to an SSC should be elevated off the ground. Trenches or holes one foot or deeper that are left unfilled for more than 48 hours should be securely covered to prevent entrapment of wildlife species.	Prior to Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-22- Bats</b>	Appropriate authorization from CDFW under CESA may include an ITP or a Consistency Determination in certain circumstances, among other options [Fish & Game Code, §§ 2080.1, 2081, subds. (b) and (c)]. Early consultation is encouraged, as significant modification to the project and mitigation measures may be required to obtain an ITP. Revisions to the Fish and Game Code, effective January 1998, may require that CDFW issue a separate CEQA document for the issuance of an ITP for the Project unless the Project's CEQA document addresses all the Project's impact on CESA endangered, threatened, and/or candidate species. The Project's CEQA document should also specify a mitigation monitoring and reporting program that will meet the requirements of an ITP. It is important that the take proposed to be authorized by CDFW's ITP be described in detail in the Project's CEQA document. Also, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for an ITP. However, it is worth noting that mitigation for the Project's impact on a CESA endangered, threatened, and/or candidate species proposed in the Project's CEQA document may not necessarily satisfy mitigation required to obtain an ITP.	Prior to Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-23- Bats</b>	CDFW recommends a qualified bat specialist conduct bat roosting surveys within the Project site to locate potential bat roosting sites. These assessments will determine baseline conditions of potential roosting areas present throughout the study area to identify trees and/or structures (i.e., tunnels, maintenance buildings, food concession stands, comfort	Prior to Project construction and activities	City of Moorpark/ Applicant

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 36 of 41

	stations) that could provide daytime and/or nighttime roost sites.		
<b>MM-BIO-24-Bats</b>	<p>To prevent project delays and possible “take,” CDFW also recommends nighttime emergence surveys of day roosts during seasons when bats are most mobile (April 1 to September 30). Emergence surveys should be performed shortly after dusk to identify any bats that emerge from a potential roost site. CDFW recommends using acoustic recognition technology to maximize detection of bats. In most parts of California, night roost use will only occur from spring through fall while day roosts are typically utilized during the spring, summer, and fall in California (Johnston et al. 2004).</p> <p>Survey methodology and results, including negative findings, should be included in final environmental documents. Depending on survey results, please discuss potentially significant effects of the proposed Project on the bats and include species specific mitigation measures to reduce impacts to below a level of significance (CEQA Guidelines, § 15125).</p>	Prior to Project construction and activities	City of Moorpark/ Applicant
<b>MM-BIO-25-Bats</b>	<p>If maternity roosts are found, CDFW recommends, the following mitigation measures:</p> <ol style="list-style-type: none"> <li>1. If maternity roosts are found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost (March 1 to September 30).</li> <li>2. If maternity roosts are found and if trees and/or structures must be removed/demolished during the maternity season, a qualified bat specialist should conduct a pre-construction survey to identify those trees and/or structures proposed for disturbance that could provide hibernacula or nursery</li> </ol>	Prior to Project construction and activities	City of Moorpark/ Applicant

Mr. Douglas Spondello  
City of Moorpark  
October 24, 2022  
Page 37 of 41

	<p>colony roosting habitat. Acoustic recognition technology should be used to maximize detection of bats. Each tree and/or structure identified as potentially supporting an active maternity roost should be closely inspected by the bat specialist no more than 7 days prior to tree and/or structure disturbance to determine the presence or absence of roosting bats more precisely. If maternity roosts are detected, trees and/or structures determined to be maternity roosts should be left in place until the end of the maternity season. Work should not occur within 100 feet of or directly under or adjacent to an active roost and work should not occur between 30 minutes before sunset and 30 minutes after sunrise.</p> <p>If bats are not detected, but the bat specialist determines that roosting bats may be present at any time of year, trees should be removed using the two-step removal method. Segments of the tree which do not offer any roosting habitat should be removed. To ensure the optimum warning for any roosting bats that may still be present, trees should be pushed lightly with heavy machinery two to three times, with a pause of approximately 30 seconds between each nudge to allow bats to become active. The tree should then be left in place for at least a 24-hour period and inspected by a bat specialist. Trees that are known to be bat roosts should not be bucked or mulched immediately. A period of at least 24 hours, and preferably 48 hours, should elapse prior to such operations to allow bats to escape. Bats should be allowed to escape prior to demolition of buildings. This may be accomplished by using lights, fans, and placing one-way exclusionary devices into areas where bats are entering a building that allow bats to exit but not enter the building.</p>		
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Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 38 of 41

<p><b>MM-BIO-25- Cumulative Impacts</b></p>	<p>The Project should analyze and discuss how the loss of these cumulative resources will affect surrounding wildlife. There should be an emphasis on threatened, rare, and endangered species which have potential to occur onsite and in the surrounding area – including coastal California gnatcatcher. The Project should explain why the Project does or does not result in a cumulative impact or how proposed mitigation will lessen any potentially cumulative impacts. The assessment should not only include considerations to Hitch Ranch but any past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.</p> <p>A discussion regarding impacts to loss of bird nesting habitat should be included. Several proposed projects in the area will include removal of both native and non-native trees which could be utilized by passerine birds and raptors. The Project should analyze the cumulative impact, if any, in regards to loss of potential nesting habitat.</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>
<p><b>MM-BIO-27- Cumulative Impacts</b></p>	<p>A discussion of potential adverse impacts from lighting, noise, human activity, exotic species, and drainage alteration should also be included. The latter subject should address Project-related changes on drainage patterns on- and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and, post-Project fate of runoff from the Project site.</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 39 of 41

<p><b>REC-1- Nesting Birds</b></p>	<p>CDFW recommends the City revise Mitigation Measure BIO-1 for nesting birds in order to mitigate the Project’s impact on nesting birds and raptors below a level of significance or, the Project may continue to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species by CDFW. CDFW recommends the Project incorporate the following <u>underlined</u> language:</p> <p>“If it is feasible, the clearing of vegetation and construction activities will be conducted between August 31st and February 1st, which is outside of the typical breeding/fledging season for the sensitive bird species and migratory birds that may nest on or in the immediate vicinity of the Project site.</p> <p>If clearing of vegetation and construction activities within the selected projects are planned between February 1st and August 31st, then breeding bird surveys will be conducted by qualified biologists at a maximum of <u>seven days</u> <del>two (2) weeks</del> prior to the commencement of activities. <u>If the construction area and 500 feet of the construction area has nesting habitat for raptors, surveys for nesting raptors will begin January 1 in order to avoid take of birds, raptors, or their eggs.</u> Nests and birds exhibiting breeding behavior will be identified within 500 feet of the area to be impacted and efforts will be made (including the creation of appropriate buffers around the nests and areas used by breeding birds, rerouting vehicular traffic, limiting the number of vehicles, the use of non-mechanized tools, etc.) to limit disturbances to the nests. <u>The qualified biologist will implement a minimum buffer of 300 feet around migratory bird species nests and</u></p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>
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Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 40 of 41

	<p><u>500 feet around active raptor nests. Buffers will be maintained until young have fledged (left the nest on their own), as determined by a qualified biologist, or the nest is no longer active.</u> A qualified biologist will monitor the identified nests and birds exhibiting breeding behavior during the duration of the work or until successful fledging occurs, whichever comes first. If the monitor notes that identified birds and nests are being negatively affected by the construction activity, then the buffers will be increased to an appropriate distance to ensure fledging is successful. After the completion of the construction activities or the completion of onsite breeding activities, a letter report summarizing the work and its effect on the breeding birds will be produced and submitted to the CDFW.”</p>		
<b>REC-2- Fencing</b>	<p>If fencing is proposed for use during construction or during the life of the Project, fences shall be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing shall also be minimized so as not to restrict free wildlife movement through habitat areas. Los Angeles County’s Significant Ecological Areas <a href="#">Ordinance Implementation Guide</a> (LACRP 2020) offers additional information on permeable fencing.</p>	Prior to/ During Project construction and activities	City of Moorpark/ Applicant
<b>REC-3- Grubbing</b>	<p>Grubbing and grading shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape.</p>	During Project construction and activities	City of Moorpark/ Applicant
<b>REC-4- Weed Management</b>	<p>A weed management plan shall be developed for the Project site and implemented during the duration of this long-term Project. Ongoing soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds shall be prevented from becoming established. The Projects site shall be monitored via mapping for new introductions and expansions of non-native weeds.</p>	Prior to/ During/After Project construction and activities	City of Moorpark/ Applicant

Mr. Douglas Spondello  
 City of Moorpark  
 October 24, 2022  
 Page 41 of 41

<p><b>REC-5- Fuel Modification</b></p>	<p>If the Project includes fuel modification, CDFW recommends that the final environmental document shall include avoidance and mitigation measures for any fuel modification activities conducted within and adjacent to the Project area. A weed management plan shall be developed for all areas adjacent to open space that will be subject to fuel modification disturbance. CDFW also recommends that any irrigation proposed in fuel modification zones drain back into the development and not onto natural habitat land as perennial sources of water do not allow for the introduction of invasive Argentine ants.</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>
<p><b>REC-6- MMRP</b></p>	<p>Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.</p>	<p>Prior to Project construction and activities</p>	<p>City of Moorpark/ Applicant</p>

**Response to Comment 7-1:**

This comment provides a summary of the role of CDFW and thanks the City for the opportunity to provide comments. In addition, the comment provides information on CDFW providing comments both as a Trustee Agency and a Responsible Agency. No further response is required.

**Response to Comment 7-2:**

The comment provides a summary of the Project objectives and associated activities; no further response is required.

**Response to Comment 7-3:**

The comment notes that CDFW is offering comments and recommendations regarding potential impacts to fish, wildlife, and biological resources. The City's responses to the specific CDFW comments and recommended mitigation measures are included in the responses to comments below.

**Response to Comment 7-4:**

The comment provides a summary of CDFW's concerns with the potential for the Project to impact Coastal California Gnatcatcher and coastal cactus wren. Based on the database searches conducted as part of the Biological Resources Technical Report, coastal cactus wren were not found to occur in the area (the Moorpark quadrangle and the 8 adjacent quadrangles). As noted in the comment, focused Coastal California Gnatcatcher surveys were conducted in April and May 2022. As noted in Appendix E, no Coastal California Gnatcatchers were detected during the surveys. Therefore, the Project-specific analysis found that no significant impacts would occur to Coastal California Gnatcatchers or coastal cactus wrens. It should be noted, however, that biologists will be present onsite for pre-construction surveys related to special-status wildlife species (see MM BIO-2 and MM BIO-3), and will undertake appropriate measures if these species are found onsite.

**Response to Comment 7-5:**

This comment provides suggested mitigation measures related to protection of Coastal California Gnatcatcher. As noted in Response to Comment 7-4, above, Coastal California Gnatcatchers were not found to be present onsite, therefore, an Incidental Take Permit is not required. As noted above, as part of MM BIO-2, pre-construction surveys will be conducted and biologists will be on the lookout for any of the species that have potential to occur onsite, as well as other sensitive species. If coastal California Gnatcatcher are found to be present in the future, the City will consult with USFWS to determine if the Project would result in potential impacts to the species. As noted in the Draft MND, mitigation measures MM BIO-8 and MM BIO-9, the City proposes to reduce coastal sage scrub loss due to fuel modification and also states that proposed restoration and creation of habitat shall be described in a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-6:**

This comment provides a summary of CDFW's concerns with the potential for the Project to impact Encelia Californica Shrubland Alliance. CDFW feels that the mitigation measures included within the MND are

insufficient. The Draft MND includes mitigation measure MM BIO-10 that proposes that impacts to the California brittle brush community be compensated by restoration of in-kind habitat in areas to be preserved as permanent open space. The mitigation measure outlines success criteria and performance standards for the Mitigation and Monitoring Plan. The mitigation measures also notes that compensation may be accomplished by payment of in-lieu fees. As noted in Response to Comment 7-5, above, the proposed restoration and creation of habitat shall be described in a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-7:**

This comment provides suggested mitigation related to the protection of sensitive natural communities. The proposed restoration and creation of habitat shall be described in a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-8:**

The comment provides a summary of CDFW's thoughts regarding potential impacts to aquatic and riparian resources. Section 4.4.2 c) addresses potential impacts to riparian habitats and aquatic resources, and provides mitigation measures MM BIO-12 and MM BIO-13 to reduce impacts to a less than significant level. As noted in the Draft MND, "Approximately 0.24 acre of the 0.28 acre of Mulefat scrub comprising the RWQCB Waters of the State/CDFW Streambed within the ephemeral drainage are proposed to be permanently impacted by development. The 0.24 acre of RWQCB Waters of the State/CDFW Streambed that would be removed by Project development is located within the ephemeral drainage and primarily comprises Mulefat scrub. Potential fuel modification clearing activities will occur within the limits of grading; therefore, no additional impacts to jurisdictional habitat from fuel modification activities are anticipated." Therefore, the only impacts to the jurisdictional feature are from the removal of vegetation during fuel modification activities. The proposed restoration and creation of habitat shall be described in a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project. As noted in MM BIO-12, the Applicant will be required to prepare and submit a Streambed Alteration Notification package, and the Applicant will be required to comply with any conditions provided. Therefore, CDFW comments are also likely to be addressed in future coordination between the Applicant and CDFW to properly address specific concerns discussed during the permit process.

**Response to Comment 7-9:**

The comment provides additional mitigation measures to address potential impacts to streambeds. See response to Comment 7-8 above, MM BIO-12 and MM BIO-13 are provided. The measures require that any additional conditions or mitigation measures set forth in the Streambed Alteration Agreement will be implemented by the Project.

**Response to Comment 7-10:**

The comment presents concerns regarding mountain lions and their potential to occur onsite. As noted in Appendix B1 of the Draft MND, mountain lions were not determined to be a species that had the potential to be impacted by the Proposed Project. Based on the CNDDDB search, and a survey of the site, technical

experts did not find a potential to impact mountain lions. Although the mountain lion is a protected special under CESA, Envicom's technical study did not find that mountain lions had potential to occur in the area or onsite.

**Response to Comment 7-11:**

The comment provides recommended mitigation measures to protection mountain lions. See Response to Comment 7-10; since no mountain lions were determined to be present in the area or impacted by the Project, no mitigation measures are warranted under CEQA.

**Response to Comment 7-12:**

The comment provides concerns related to Crotch's bumblebee. As noted in the Draft MND, Section 4.4.2, Crotch's bumblebee was not observed on site during field surveys and was not determined by Envicom to be present onsite. If Crotch's bumble bee is present in the vicinity of the Project site, portions of the Project site will preserve or enhance existing habitat that would be preferred over the degraded/ruderal vegetation that is onsite. Thus, the impacted areas of the Project site are not expected to be attractive to the species for foraging and nesting. Additionally, the Project will compensate for the loss of native vegetation communities as described on under mitigation measures MM BIO-7, MM BIO-8, MM BIO-9, MM BIO-10, and MM BIO-13. Habitat mitigation areas will not be subject to the same disturbance levels as the Project site, providing higher quality habitats for native species than that which will be impacted by the Project. Given the varied habitat quality and mitigation already proposed, the inclusion of additional mitigation measures for Crotch's bumblebee is not warranted under CEQA.

**Response to Comment 7-13:**

The comment provides mitigation measures to reduce potential impacts to Crotch's bumblebee. See Response to Comment 7-12, above. The inclusion of mitigation measures for Crotch's bumblebee is not warranted under CEQA .

**Response to Comment 7-14:**

The comment provides a recommendation for additional protection for Crotch's bumblebee. See Response to Comment 7-12; no additional protection measures are warranted under CEQA.

**Response to Comment 7-15:**

The comment presents concerns with mitigation measures MM BIO-2 through MM BIO-4, since specific methodologies are not provided within the language. In the Draft MND, mitigation measures MM BIO-2 through MM BIO-4 describe pre-construction surveys, a salvage program, and relocation of species as necessary. The City finds that these mitigation measures provide adequate information regarding mitigation activities that would reduce impacts to a less than significant level.

**Response to Comment 7-16:**

The comment provides suggested potentially feasible mitigation measures regarding sensitive reptile and amphibian species in the Project area. The City believes mitigation measures BIO-2 through BIO-4 are adequate to reduce impacts to sensitive species. However, as noted in Response to Comment 7-5 above,

the mitigation proposed includes a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-17:**

The comment addresses concerns associated with impacts to bat species. As noted in the Draft MND, Appendix B1, “bat species would only potentially forage at the site and would not roost and/or reproduce at the site. These species are highly mobile and able to escape capture or trampling.” Therefore, impacts regarding roosting are considered less than significant.

**Response to Comment 7-18:**

The comment provides suggested potentially feasible mitigation measures for the protection of sensitive bat species. As noted in Response to Comment 7-17, the biological study prepared for the Project found that bat species are not likely to roost or reproduce at the site; therefore, roosting services would not be necessary. However, as noted in Response to Comment 7-5 above, the mitigation proposed includes a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-19:**

The comment presents concerns with potential cumulative impacts, especially related to the nearby Hitch Ranch Project. Although the Proposed Project is adjacent to the Hitch Ranch Project, both environmental documents contain extensive mitigation measures to ensure that all impacts to biological resources are properly mitigated. Both the vegetation removal and tree removal noted in the comment are mitigated for each project, with the opportunity for CDFW to provide input and approval on the North Ranch Mitigation and Monitoring Plan prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-20:**

The comment provides recommended potentially feasible mitigation measures to address potentially cumulative impacts. The Draft MND already contains an analysis of the loss of biological resources, and presents mitigation measures to reduce impacts to a less than significant level. However, as noted in Response to Comment 7-5 above, the mitigation proposed includes a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-21:**

The comment provides suggestions for revising MM BIO-1 to better mitigate for impacts to nesting birds and raptors. Some of the revisions suggested by CDFW have been incorporated into the mitigation measure as outlined below, and in Section 7.0:

- MM-BIO-1** If it is feasible, the clearing of vegetation and construction activities will be conducted between August 31st and February 1st, which is outside of the typical

breeding/fledging season for the sensitive bird species and migratory birds that may nest on or in the immediate vicinity of the Project site.

If clearing of vegetation and construction activities within the selected projects are planned between February 1st and August 31st, then breeding bird surveys will be conducted by qualified biologists at a maximum of ~~two (2) weeks~~ **seven days** prior to the commencement of activities. Nests and birds exhibiting breeding behavior will be identified within 500 feet of the area to be impacted and efforts will be made (including the creation of appropriate buffers around the nests and areas used by breeding birds, rerouting vehicular traffic, limiting the number of vehicles, the use of non-mechanized tools, etc.) to limit disturbances to the nests. A qualified biologist will monitor the identified nests and birds exhibiting breeding behavior during the duration of the work or until successful fledging occurs, whichever comes first. If the monitor notes that identified birds and nests are being negatively affected by the construction activity, then the buffers will be increased to an appropriate distance to ensure fledging is successful. After the completion of the construction activities or the completion of onsite breeding activities, a letter report summarizing the work and its effect on the breeding birds will be produced and submitted to the CDFW.

**Response to Comment 7-22:**

The comment expresses concerns retarding movement of wildlife through the Project site and suggests that any final fences or design features should allow for wildlife movement. The Project site is not located within mapped wildlife corridors; however, a Condition of Approval has been included to ensure that the prohibited materials will not be used for fencing.

**Response to Comment 7-23:**

This comment provides a summary of issues occurring to wildlife including movement through the Project site and those seeking temporary refuge. The Project is not located within mapped wildlife corridors, and no trees are present on the Project site. In addition, the site is surrounded by development. However, to incorporate suggestions provided by CDFW, the following Condition of Approval has been incorporated:

Grubbing shall be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing shall be done from the center of the Project site, working outward towards adjacent habitat off site where wildlife may safely escape. If grading is scheduled to occur in phases, another round of grubbing would be required prior to the start of ground disturbance to allow wildlife that may be present in the center of the Project site to safely escape.

**Response to Comment 7-24:**

The comment presents suggestions regarding including a weed management plan for the site. Weed management and enhancement of habitat is included in mitigation measure MM BIO-13. As noted in Response to Comment 7-5 above, the mitigation proposed includes a Mitigation and Monitoring Plan that is to be approved by CDFW prior to implementation. Therefore, the City will continue to coordinate with CDFW regarding the Mitigation and Monitoring Plan for the Project.

**Response to Comment 7-25:**

The comment provides additional recommendations for the Project including biological monitors, fuel modification and weed management plans, and reparation of a mitigation and monitoring reporting plan. Fuel modification would meet the standards of the Ventura County Fire Department as referenced in standards listed here: <https://vcfd.org/fire-prevention/fire-hazard-reduction-program-fhrp/>. The final landscape plan will be required to be reviewed by Ventura County Fire Department and will include irrigation. In addition, a Condition of Approval has been included stating that “all grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure and shall be maintained in accordance with State Law and VCFPD Ordinance.”

**Response to Comment 7-26:**

The comment notes that CDFW has provided their suggested mitigation measures and recommendations in the form of a MMRP; and suggests that their MMRP be included in the Project’s final MMRP. A Mitigation Monitoring and Reporting Program has been included as Appendix M. The mitigation measures that have been revised or added as a result of the CDFW comment letter are noted in Section 7.0 below, as well as in the attached MMRP. None of the information provided by CDFW reveals that new avoidable significant effects would occur as a result of the Project; therefore, the mitigation measures provided include replacement of mitigation measures with more effective mitigation or are mitigation measures/conditions not necessarily required per CEQA, but are being added in response to CDFW comments. Per CEQA Section 15073.5, the new information “clarifies, amplifies, or makes insignificant modifications to the negative declaration.” In addition, “the new project revisions are added in response to written ... comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.” Therefore, recirculation of the MND is not required.

**Response to Comment 7-27:**

The comment notes that the Project would require filing fees. The CDFW filing fees will be paid at the time of the filing of the NOD.

**Response to Comment 7-28:**

The comment provides a summary and conclusory statement. The City thanks CDFW for providing comments on the Proposed Project.

## SECTION 7.0 – REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION

The following section includes revisions to the Draft MND made in response to comments received during the comment period. Text revisions and corrections to the Draft MND are indicated by changes in font styling; deleted text is indicated by a strike-through (~~example~~), and added text is indicated by a bold italics (**example**). Minor editorial corrections (e.g., typographical, grammatical, etc.) have been made throughout the document and are not indicated by strikethrough or bold underlined text.

Revisions are as follows:

Section 2.2.3, Site Access and Circulation, page 3:

A separate fire lane access would extend from northwest ~~A Street Thoroughbred Drive~~ down to Los Angeles Drive. A separate 30-foot-wide fire access road to the planned development will occur from the eastern side of the development from Gabbert Road.

Section 2.3, Project Description in the Improved Access section, page 6:

The Applicant will complete the construction of North Village Drive from North Hills Parkway to A Street (~~Thoroughbred Drive~~). North Hills Parkway would terminate in a cul-de-sac at the middle portion of the site with separate emergency fire lane road access to Los Angeles Avenue. **North Hills Parkway will be a public street and will be dedicated to the City with the record map, and the remaining** All community streets ~~will~~ are planned to be **privately maintained**. ~~public streets and will be dedicated to the City with the record map.~~

Circulation and access will occur on the planned residential development through various community streets. ~~Thoroughbred Drive~~ **A Street** will provide east and west access through the northern portion of the site, ~~Tennessee Walker Drive~~ **C Street** will stretch east and west through the southern portion of the site. Other community streets such as ~~Quarter Horse Way, Thoroughbred Drive, North Ranch Drive, Morgan Way, Appaloosa Way, and Shetland Way~~ will provide additional access through the planned residential development. **Formal street names will be designated at a later time.**

Section 2.3, Project Description in the Recreation and Landscaping section, page 6:

The community landscaping/recreation improvements will include sloped landscape, railed fencing, and a multi-use trail system along North Hills Parkway (Figure 3). Landscaping, such as shrubs and trees, will be provided along slopes, within medians, and along the border of the residential development. The landscaping will be irrigated with an automatic drip irrigation system that complies with Assembly Bill (AB) 1881 and the City standards. **Furthermore, condition of approval is included requiring the installation of purple irrigation lines which will utilize recycled water for landscaping when this service is available in the future.** The community landscaping will be maintained by the Homeowners Association (HOA). Landscaping associated with the Proposed Project would comply with the City Landscaping Manual and include a fuel modification plan and defensible space as required by Public Resources Code Section 4291(a) and (b). All plants included in the landscaping would be drought tolerant in order to comply with landscaping requirements for Very **High** Fire Hazard Severity Zones.

Section 2.3, Project Description in the General Plan Amendment/Zone Change paragraph, page 6:

The General Plan designation of the Project Site is RL and zoning is AE. In addition to the development of the residential community, the Project includes an amendment to the General Plan designation from RL to **Medium Density Residential (M)** H, RL, and OS and a zoning amendment from AE to RE-5AC, Residential Planned Development (RPD), and OS (Figures 4 and 5). The City's General Plan designates the Project site as Rural Low Density Residential (RL), which allows for one dwelling unit per 5 acres. The RL designation is intended to allow limited development of residential estate lots on minimum 5-acre lots, or using clustering techniques for areas characterized by significant site constraints (e.g., rugged topography, steep slopes, lack of services, limited access), or areas of important visual or natural resources. The conversion from RL to **M (Medium Density Residential)** H (High Density Residential) allows for up to 47 dwelling units per acre. The Open Space (OS) designation allows for up to 1 dwelling unit per 10-40 acres.

Section 4.3.1, the second paragraph on page 20.

The City is located within southeastern Ventura County, which is part of the inland portion of the Oxnard Plain Airshed, approximately 18 miles from the coast of the Pacific Ocean. The City experiences a mild Mediterranean climate, typical of Southern California. Average temperatures for the Thousand Oaks 1 SW Monitoring Station (WRCC 2016), which is the nearest monitoring station with historical data, range from an average low of 43 degrees Fahrenheit (°F) in January to an average high of 86 °F in July. Rainfall averages approximately 10.49 inches a year.

Section 4.3.2, page 26.

a) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**Less than Significant Impact.** According to the **Ventura County Air Quality Assessment Guidelines SCAQMD CEQA Air Quality Handbook**, land uses typically producing objectionable odors include **wastewater treatment facilities, food processing facilities, feed lots/dairies, composting facilities, sanitary landfills, petroleum extraction/transfer/processing facilities, chemical manufacturing operations and facilities, fiberglass operations, and rendering plants** agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Proposed Project includes residential uses, which are not listed by the **VCAPCD SCAQMD** as a land use that produces objectionable odors. Other odors, including the smells of oil or diesel fuels, would be limited to Project construction. All off-road construction equipment would be covered by the CARB anti-idling rule (SS2449(d)(2)), which limits idling to five minutes. Project construction would be temporary and would not produce odors long-term. Therefore, a less-than-significant odor impact would occur; no mitigation would be required.

Section 4.4.2, page 29.

**MM-BIO-1** If it is feasible, the clearing of vegetation and construction activities will be conducted between August 31st and February 1st, which is outside of the typical breeding/fledging season for the sensitive bird species and migratory birds that may nest on or in the immediate vicinity of the Project site.

If clearing of vegetation and construction activities within the selected projects are planned between February 1st and August 31st, then breeding bird surveys will be conducted by qualified biologists at a maximum of ~~two (2) weeks~~ **seven days** prior to the commencement of activities. Nests and birds exhibiting breeding behavior will be identified within 500 feet of the area to be impacted and efforts will be made (including the creation of appropriate buffers around the nests and areas used by breeding birds, rerouting vehicular traffic, limiting the number of vehicles, the use of non-mechanized tools, etc.) to limit disturbances to the nests. A qualified biologist will monitor the identified nests and birds exhibiting breeding behavior during the duration of the work or until successful fledging occurs, whichever comes first. If the monitor notes that identified birds and nests are being negatively affected by the construction activity, then the buffers will be increased to an appropriate distance to ensure fledging is successful. After the completion of the construction activities or the completion of onsite breeding activities, a letter report summarizing the work and its effect on the breeding birds will be produced and submitted to the CDFW.

**SECTION 8.0 – MITIGATED NEGATIVE DECLARATION**

This document, along with the Draft Initial Study/Mitigated Negative Declaration; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the North Ranch Residential Project in the City of Moorpark.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the City of Moorpark has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the Proposed Project and finds that these documents reflect the independent judgment of City of Moorpark. The City of Moorpark, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the MND and MMRP.



November 17, 2022

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Signature

Date

Doug Spondello, AICP

Deputy Community Development Director

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Printed Name

Title

## SECTION 9.0 – REFERENCES

The following is a list of references used in the preparation of this document.

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