



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE

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



Governor's Office of Planning & Research

June 1, 2021

**June 01 2021**

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## STATE CLEARINGHOUSE

**Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Meadows Del Mar Site Development Permit (SDP) (SCH #2021040729)**

Dear Ms. Ferrell:

The Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the Meadows Del Mar Site Development Permit (SDP) Project (Project) dated April 30, 2021. The City of San Diego (City) has an approved Subarea Plan (SAP) and Implementing Agreement (IA) under the Natural Community Conservation Planning program. The MND for the proposed project must ensure and verify that all requirements and conditions of the SAP and IA are met. The MND should also address biological issues that are not addressed in the SAP and IA, such as specific impacts to, and mitigation requirements for, wetlands or sensitive species and habitats that are not covered by the SAP and IA.

The Department is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) The Department, 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.) Similarly, for purposes of the California Environmental Quality Act (CEQA), the Department is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

The proposed Project is the acquisition of an SDP for the unpermitted clearing and grading of 0.29 acre of Diegan coastal sage scrub (DCSS) that occurred on the western side of a single-family residence in 2010. Adjustment of the parcel line is also proposed to accommodate part of the cleared area and an additional 0.01 acre for brush management Zone 1. Additionally, the homeowner proposes to revegetate 0.15 acre with native vegetation located primarily within brush management Zone 2. The City issued the Project a Civil Penalty Notice of Violation (NOV) on May 1, 2017 after it was discovered on November 14, 2016 to be in violation of the San Diego Municipal Code.

The Project is located at 5702 Meadows Del Mar, which abuts the Grand Del Mar golf course and is approximately 0.90 mile southwest of California State Route 56. The unpermitted grading occurred in 2010. The Biological Resources Technical Report (BRTR), prepared by Rocks

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Biological Consulting, examined historic aerial photos to determine site conditions prior to the grading. Per the BRTR, two general field surveys were conducted in February 2018 and January 2020. The flora and fauna were documented, and current vegetation communities mapped. Project impacts and acreage were determined by overlaying the historic aerials with the current vegetation mapping.

Per the BRTR, there were no sensitive wildlife species observed within the Project footprint. Two special status plant species were observed within DCSS adjacent to the southeast edge of the parcel: California adolphia (*Adolphia californica*; California Rare Plant Rank 2B.1) and San Diego sunflower (*Bahiopsis laciniata*; California Rare Plant Rank 4.2).

The MND and BRTR both show the project outside the City's Multi-Habitat Planning Area (MHPA), but adjacent to the MHPA on the northern and southeastern areas of the site. The Project will impact 0.30 acre of DCSS. This is the result of 0.29 acre of unpermitted grading and the addition of 0.1 acre of an expanded brush management Zone One. Following Table 3 (Upland Mitigation Ratios) within the City's Biology Guidelines, the proposed impacts outside of the MHPA will be mitigated at a 1:1 ratio for Tier II (coastal sage scrub) habitat for a total of 0.30 acre of mitigation required. Mitigation is proposed through the purchase of 0.30 acre of habitat through the City's Habitat Acquisition Fund (HAF).

The Department offers the following specific comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with all applicable requirements of the SAP.

1. The Department recommends that the City reconsider if the HAF is the most suitable option for the Project. Per the City's Biology Guidelines, "the fund is intended to be used only for the mitigation of impacts to small, isolated sites with lower long-term conservation value." The City's Biology Guidelines also emphasize the importance of mitigating within the MHPA where feasible. While the acreage being mitigated for is small at 0.30 acre and use of the HAF may be the most expedient means to resolve the Project's conflicts, per Figure 4 (Current Biological Resources) in the BRTR, the site is not isolated and is directly adjacent to MHPA where opportunities for mitigation may exist. The Project is located on a golf course that is surrounded by a margin of natural vegetation and contributes to part of a larger wildlife corridor with Los Peñasquitos Canyon Preserve running east/west.
- 2, On page 26 of the BRTR (Land Development Review Plan Check), it is mentioned that the environmental designee for the revegetation plan "shall verify the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to southern maritime chaparral." Nowhere in the BRTR or MND is there mention of southern maritime chaparral being present on or adjacent to the site. The only other communities mentioned in the BRTR include ornamental, ruderal, developed, and disturbed lands. The Department recommends an appropriate DCSS plant and seed palette for the revegetation plan that is consistent with the surrounding vegetation community.

The Department appreciates the opportunity to review and comment on the MND and ensure Project consistency with the requirements of the SAP. Questions regarding this letter or further

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coordination should be directed to Melissa Stepek, Senior Environmental Scientist (Specialist) at (858) 637-5510 or [Melissa.Stepek@wildlife.ca.gov](mailto:Melissa.Stepek@wildlife.ca.gov).

Sincerely,

DocuSigned by:

  
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ec: CDFW

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