



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
 3883 Ruffin Rd.
 San Diego, CA 92123
 www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 24, 2021

Governor's Office of Planning & Research

Nov 24 2021

STATE CLEARING HOUSE

Courtney Holowach
 City of San Diego
 Development Services Department
 1222 First Avenue, Mail Station 501
 San Diego, California 92101
CHolowach@sandiego.gov

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)
 All Peoples Church (PROJECT) SCH # 2021100394

Dear Ms. Holowach:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of San Diego (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*) CDFW also administers the Natural Community Conservation Planning (NCCP) program (Fish and Game Code 2800 *et seq.*). The City of San Diego (City) participates in the NCCP program by implementing its approved Subarea Plan (SAP) and Implementing Agreement (IA). The DEIR for the proposed Project must ensure that all requirements and conditions of the SAP and IA are met. The DEIR should also address any biological issues that are not addressed in the SAP and IA, such as specific impacts to and mitigation requirements for wetlands or sensitive species that are not covered by the SAP and IA.

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

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PROJECT DESCRIPTION SUMMARY

Proponent: City of San Diego (City)

Objective: The Project proposes the development of a 52,690 square-foot sanctuary/multi-purpose building and a 71,000 square-foot two-level parking garage. The sanctuary/multi-purpose building would include a 900-seat church with accessory uses and surface parking next to the parking garage. Proposed Project activities also include off-site improvements to College Avenue and on-site construction of water quality basins to treat storm water runoff and a sewer/storm water connection to existing City facilities. The Project would require City approval of a Community Plan Amendment (CPA) to modify the Navajo Community Plan, Planned Development Permit (PDP), Site Development Permit (SDP), and various easement vacations via the Process 5 process.

Location: The 5.80-acre Project is located at the northeast corner of Interstate 8 (I-8) and College Avenue in the City of San Diego. The Project site is surrounded by College Avenue and residential development to the east, commercial and residential to the north, residential to the west, and the I-8 highway to the south.

Biological Setting: The undeveloped property is in the City's Subarea Plan but is outside of the City's Multi-Habitat Planning Area (MHPA). The MHPA overlay generally would have triggered more focused consideration of biological impacts and additional conservation measures including 75% avoidance of the most biologically sensitive portion of the property.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The DEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources. [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

Comment 1

The Project site does not include or abut any MHPA lands; therefore, avoidance, minimization, or on-site conservation of native upland vegetation communities is not generally required; however, the DEIR should require habitat-based mitigation ratios consistent with the MSCP. Exceptions for avoidance may occur in the event of the presence of narrow endemic plants species covered by the MSCP. If such circumstances were to occur, CDFW recommends early consultation with the City to identify a viable on-site, or a possible preferable off-site option, to avoid protecting rare plants in a small, 'postage stamp' area with minimal long-term conservation value.

Comment 2

The on-site trees offer potential roosting, foraging, and nesting habitat for various bird species, including the Cooper's hawk (*Accipiter cooperii*), which is a MSCP covered species. MSCP conditions for coverage for Cooper's hawk include maintaining a 300-foot buffer from construction activities as long as the nest is occupied (eggs, nestlings, etc.); that is, until the young have fledged and are no longer dependent on the nest. Other potential nesting raptors should receive similar consideration, although CDFW generally recommends a 500-foot buffer from other active raptor nests.

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Comment 3

In order to avoid impacts to nesting birds, CDFW recommends that clearing of vegetation occur outside of the peak avian breeding season which generally runs from February 1 through September 1 (as early as January 1 for some raptors). If Project construction is necessary during the bird breeding season, a qualified biologist with experience in conducting bird breeding surveys should conduct weekly bird surveys for nesting birds, within three days prior to the work in the area, and ensure no nesting birds in the Project area would be impacted by the Project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. For the given project site, CDFW generally recommends a 100-foot buffer from common avian species, 300 feet for listed or highly sensitive species (that are otherwise not addressed by the MSCP), and 500 feet for raptors. The buffer should be delineated by temporary fencing and remain in effect as long as construction is occurring. No Project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project. Reductions in the nest buffer distance may be appropriate depending on the avian species involved, ambient levels of human activity, screening vegetation, or possibly other factors.

Comment 4

Various bat species have the potential to forage and roost in the trees on-site. Clearance of trees occupied by bats would result in the direct take of the species. Indirect impacts to bats may result from increased noise disturbances, human activity, dust, ground disturbing activities (e.g., staging, access, mobilization, and grading) and vibrations caused by heavy equipment. Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish and Game Code § 4150, California Code of Regulations § 251.1). No bat species are covered by the City's SAP; therefore, CDFW recommends that bat surveys be conducted by a biologist with expertise and experience with bats, within the Project area (plus a 100-foot buffer as access allows) to identify potential habitat that could provide daytime or nighttime roost sites, and any maternity roosts, especially within trees. The DEIR should provide a discussion of survey results, including negative findings. Depending on the survey results, the DEIR should propose measures to avoid, minimize, or mitigate impacts to below a level of significance (CEQA Guidelines §15125).

Comment 5

CDFW recommends that the DEIR require that no invasive plant material be used for landscaping. A list of invasive/exotic plants that should be avoided can be found online at [Cal-IPC Invasive Plant Inventory](#).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB Field Survey Forms](#) can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: [CNDDDB Plants and Animals Information](#).

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FILING FEES

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 Lead Agency 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 & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of San Diego in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, at Alison.Kalinowski@wildlife.ca.gov.

Sincerely,

DocuSigned by:



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David Mayer
Environmental Program Manager
South Coast Region

ec: CDFW

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