



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

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



October 14, 2022

Courtney Holowach
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 City of San Diego
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Subject: All Peoples Church (PROJECT) DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) SCH# 2021100394

Dear Ms. Holowach:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of San Diego (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. 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 own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*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. CDFW also administers the Natural Community Conservation Planning (NCCP) program. The City of San Diego (City) participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan. To the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) that is not a "covered species" in the City's MSCP, the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of San Diego (City)

Objective: The Project proposes the development of a 52,690 square-foot sanctuary/multipurpose 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 include grading, excavation, backfill, and paving. It will also include off-site improvements to College Avenue and on-site construction of water quality basins to treat storm water runoff and a

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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sewer/storm water connection to existing City facilities. The Project would require City approval of a Community Plan Amendment to modify the Navajo Community Plan, Planned Development Permit, Site Development Permit, and various easement vacations via the City's Process 5 procedure.

Location: The 5.80-acre Project site is bounded by College Avenue on the west, the California Department of Transportation right-of-way including westbound Interstate 8 (I-8) off-ramp at College Avenue, and City Park and Recreation-owned dedicated parkland to the south, single-family homes along Marne Avenue and the western end of Glenmont Street to the east, and commercial properties to the north fronting Del Cerro Boulevard.

Biological Setting: The Project site contains 4.0 acres of sensitive biological resources, such as Diegan coastal sage scrub and non-native grassland, that are defined as Environmentally Sensitive Lands in San Diego Municipal Code Section 113.0103. The project site supports two sensitive vegetation communities: Diegan coastal sage scrub (including -disturbed; Tier II habitat under the MSCP) and non-native grassland (MSCP Tier IIIB habitat). The Project is bounded by mainly developed residential communities and I-8, with the exception of a 2-acre parkland immediately south. Three sensitive plant species are present on-site: graceful tarplant (*Holocarpha virgata* ssp. *elongata*; CNPS List 4.2), San Diego County sunflower (*Bahiopsis laciniata*; CNPS List 4.2), and ashy spike-moss (*Selaginella cinerascens*; CNPS List 4.1). One sensitive animal species, orange-throated whiptail (*Aspidoscelis hyperythra beldingi*; CDFW Watch List), is present on-site and is also an MSCP-Covered Species.

Timeframe: Project will be constructed in a single phase, and construction is estimated to begin in late 2022 and be completed in early 2024.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

COMMENT #1: Landscaping and Native Plants

Biological Resources, Section 5.2.9

CDFW acknowledges that its prior request to include a discussion about the use of native plants is included in the DEIR. The DEIR states that landscaping will include "native/naturalized and/or drought-tolerant plant material." Again, CDFW advocates the use of native plant material during Project landscaping in order to minimize the spread of invasive plant species. Such landscaping also provides additional benefits such as the attraction of native pollinators and further reduced water consumption.

COMMENT #2: Pre-Construction Surveys and Monitoring

Project Impacts and Proposed Mitigation under Biological Resources Section I, subsection D and Section II, subsection A

Issue: Mitigation Measure BIO-1 (BIO-1) does not provide parameters regarding pre-construction surveys or monitoring during construction occurring during the avian nesting season.

Specific impact: Table ES-1 indicates pre-construction avian surveys and biological monitoring during project construction will occur. However, BIO-1 does not specify survey timing or buffer distances. A Project construction timeline is currently indicated to begin in late 2022 and continue until early 2024, in one single phase.

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Why impact would occur: If avian surveys occur in the windows as they are currently defined, impacts to avian species may be significant. Construction is currently planned to occur during the entirety of 2023 and early 2024. This timeline overlaps with the avian nesting season.

Evidence impact would be significant: Per California Fish and Game Code sections 3503, 3503.5, and 3513 the proposed Project is required to avoid the incidental loss of fertile eggs or nestlings, or activities that lead to nest abandonment.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Project Description and Related Impact Shortcoming)

Mitigation Measure BIO-1: Biological Resource Protection During Construction

- **To reduce impacts to less than significant:** As per CDFW's NOP comment letter dated November 24, 2021, we recommend that avoidance buffers around active bird nests be specified in BIO-1, and generally recommend the following buffers from active nests: 100 feet for passerines, 300 feet for listed bird species, and 500 feet for raptors. Buffer distances may be reduced depending on site-specific circumstances such as screening vegetation, ambient levels of human activity, etc. as recommended by a project biologist and if approved by the City. In addition, for any species with specific buffer requirements identified in the MSCP (e.g., 300 feet from an active Cooper's Hawk nest), the MSCP directives should be followed.

Additionally, CDFW recommends the following be incorporated into mitigation regarding pre-construction surveys and monitoring in BIO-1:

A pre-construction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests will not be disturbed or destroyed on the Project site, or adjacent sites. The survey shall be completed no more than three days prior to initial ground disturbance. If construction or related ground disturbance activities halt for a period of 7 or more days, a nesting bird survey shall be conducted within 3 days before construction resumes. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. A qualified biologist shall be present to monitor all ground disturbing and vegetation-clearing activities (including but not limited to trimming, mowing, grubbing) conducted for the Project. During each monitoring day, the biological monitor shall perform clearance survey "sweeps" at the start of each workday that vegetation clearing takes place to avoid impacts to sensitive biological resources.

If an active nest is identified during these surveys, appropriate avoidance buffers shall be established by a qualified biologist. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

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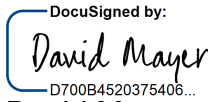
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental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

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City 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 or Alex Troeller, Environmental Scientist, at Alexandra.Troeller@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager

ec:

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Attachments

Attachment A: Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

REFERENCES

California Department of Fish and Wildlife. 2021. California Natural Diversity Database (CNDDDB). Available from: <https://wildlife.ca.gov/Data/CNDDDB>.

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California Native Plant Society (CNPS). 2021. CNPS Rare Plant Ranks. Available from: <https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>.

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Attachment A Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

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

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>BIO-1:</p> <p>A pre-construction nesting bird survey shall be conducted by a qualified avian biologist to ensure that active bird nests will not be disturbed or destroyed on the Project site, or adjacent sites. The survey shall be completed no more than three days prior to initial ground disturbance. If construction or related ground disturbance activities halt for a period of 7 or more days, a nesting bird survey shall be conducted within 3 days before construction resumes. The nesting bird survey shall include the Project site and adjacent areas where Project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. A qualified biologist shall be present to monitor all ground disturbing and vegetation-clearing activities (including but not limited to trimming, mowing, grubbing) conducted for the Project. During each monitoring day, the biological monitor shall perform clearance survey “sweeps” at the start of each workday that vegetation clearing takes place to avoid impacts to sensitive biological resources.</p> <p>If an active nest is identified during these surveys, appropriate avoidance buffers shall be established by a qualified biologist. CDFW generally recommends a buffer of 100 feet for passerines, 300 feet for listed bird species, and 500 feet for raptors. Buffer distances may be reduced depending on site-specific circumstances such as screening vegetation, ambient levels of human activity, etc. as recommended by the project biologist and if approved by the City. In addition, for any species with specific buffer requirements identified in the MSCP (e.g., 300 feet from an active Cooper’s Hawk nest), the</p>	<p>Prior to construction activities and throughout Project construction</p>	<p>City of San Diego</p>

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<p>MSCP directives should be followed. Construction activities shall not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist.</p>		
<p>Recommendations</p>	<p>Implementation Schedule</p>	<p>Responsible Party</p>
<p>REC-1 CDFW advocates the use of native plant material during Project landscaping in order to minimize the spread of invasive plant species. Such landscaping also provides additional benefits such as the attraction of native pollinators and further reduced water consumption</p>	<p>During Construction and Post- Construction</p>	<p>City of San Diego</p>