



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

July 5, 2022

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STATE CLEARINGHOUSE

Katie Benson, Senior Planner
 City of Solana Beach
 Community Development Department
 635 South Highway 101
 Solana Beach, California
Planning@cosb.org

Subject: Ida Avenue Apartments Project (Project), Mitigated Negative Declaration (MND), SCH #2022060093

Dear Ms. Benson:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Solana Beach's MND 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 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 potential **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW may also need to exercise regulatory authority as provided by the Fish and Game Code, if for example, the Project was subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*) or if the Project as proposed may result in "take" of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*) and the Project Applicant was required to take authorization as provided by the Fish and Game Code.

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 LOCATION

The 1.44-acre Project site is located in the central portion of the City of Solana Beach (City). The site is currently vacant. Ida Avenue borders the property on the west; Interstate (I-5) runs parallel to the east of the site. Adjacent properties west and south of the Project site are occupied by residential uses. The subject property slopes slightly west towards Ida Avenue. A chain-link fence runs north/south and separates the eastern side from the western side of the property. The approximate 0.50-acre eastern area includes a 0.17-acre vegetated area, extending along the east boundary of the property, paralleling I-5. The eastern area also includes a 0.33-acre paved and developed area extending along the west side of the property and Ida Avenue.

The eastern portion of the subject property immediately adjacent to I-5 includes the California Department of Transportation (Caltrans) right-of-way (ROW). This area is regularly irrigated and consists of disturbed Diegan coastal sage scrub (CSS) vegetation including California sagebrush (*Artemisia californica*) and California buckwheat (*Eriogonum fasciculatum*). The western portion, where development is proposed, is composed of disturbed, non-native vegetation and groundcover such as ice plant, Russian thistle, and telegraph weed. A highly disturbed dirt area, generally used for temporary parking of vehicles, is present in the northern portion of the site.

PROJECT DESCRIPTION

The proposed Project involves construction of one six-unit apartment building (Building #1) and one two-unit apartment building (Building #2) on the Project site. Approximately 0.92 acre of disturbed habitat and 0.02 acre of urban/developed landcover would be cleared and graded for the construction of the apartment buildings in the southern portion of the site and associated landscaping in the northern portion. Off-site, approximately 0.15 acre of manufactured, hydroseeded, disturbed CSS within the Caltrans ROW would be graded, cleared, and brought up to finished grade. Other off-site impacts would occur to 0.02 acre of disturbed habitat, including 0.01 acre of disturbed habitat within the Caltrans ROW. There would also be temporary impacts to 0.33 acre of urban/developed land within the off-site area. The MND describes the impacts to CSS as temporary and proposes to restore/hydroseed the area with a native seed mix to pre-Project conditions at Project completion.

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.

COMMENT #1: Temporary impacts to CSS

The proposed Project will temporarily impact 0.15 acre of CSS. The Project Applicant proposes to mitigate the impact by seeding the CSS area with a native seed mix to restore the impacted vegetation to its original condition. Presumably this would further require irrigation and/or monitoring/maintenance to ensure the restoration achieves appropriate success criteria to validate recovery of the CSS.

Coastal California gnatcatcher (*Polioptila californica californica*; gnatcatcher), a Federally threatened and California Species of Special Concern, was not observed in the CSS during biological surveys. Although the CSS could serve as habitat for gnatcatcher, it is not located in an ideal area, being adjacent to the freeway and isolated from open space areas due to surrounding development.

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CDFW recommends that, rather than replacing marginal gnatcatcher habitat as mitigation, the Project Applicant mitigate for temporary impacts to CSS at a 2:1 ratio through purchase of credits in an established, Wildlife Agency (CDFW and USFWS) approved mitigation bank. All off-site mitigation areas should be agreed to by the Wildlife Agencies and the City. Evidence that off-site mitigation has been purchased and/or placed within a biological open space easement should be provided to the Wildlife Agencies and City prior to impacts occurring on the Project site.

Additionally, the MND states that the CSS vegetation in the ROW was planted to control erosion. Prior to initiating Project impacts, the City should verify whether or not the planted CSS on the Caltrans easement previously served as mitigation for other projects. If so, mitigation for Project impacts should be doubled from 2:1 to 4:1 to account for the preceding mitigation obligation.

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 form can be found at the following link:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form 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:
http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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 in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

DocuSigned by:

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David Mayer
Environmental Program Manager
South Coast Region

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ec: CDFW

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