



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
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San Diego, CA 92123  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



November 23, 2022

Governor's Office of Planning & Research

**NOV 23 2022**

**STATE CLEARING HOUSE**

Melanie Tylke, AICP  
Project Manager  
County of San Diego  
5560 Overland Ave, Suite 410  
San Diego, CA 92122  
[Melanie.Tylke@sdcounty.ca.gov](mailto:Melanie.Tylke@sdcounty.ca.gov)

**Subject: Pediatric Mental and Behavioral Health Campus (Project), Mitigated Negative Declaration (MND), SCH #2022110093**

Dear Ms. Tylke:

The California Department of Fish and Wildlife (CDFW) received a MND from the County of San Diego (County) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) CDFW also administers the Natural Community Conservation Planning (NCCP) program. The County participates in the NCCP program through their approved Multiple Species Conservation Program (MSCP) South County Subarea Plan (SAP). The City of San Diego (City) also participates in the NCCP program through their approved MSCP SAP. If 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

<sup>1</sup> 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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under the City's MSCP, the project proponent may seek related take authorization as provided by the Fish and Game Code.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** County of San Diego

**Objective:** The objective of the Project is the construction and operation of a Pediatric Mental and Behavioral Health Campus. The Project will consist of the construction of two new patient care buildings, one new 11-level parking structure, two new driveways, service access, a service yard, fire lanes, roadway improvements, and utility improvements. Project activities will include soil removal, removal of existing landscaping trees and vegetation, and relocation of underwater utility connections.

**Location:** The Project site is owned by the County, within the City of San Diego. The site is located on Birmingham Way east of Meadow Lark Drive, in the community of Serra Mesa. The 4.35 acre-site is located on the San Diego Youth Transition Campus and is adjacent to the Rady Children's Hospital-San Diego and Sharp Memorial Hospital campuses.

**Biological Setting:** Directly adjacent to the Project site is an open space canyon that is part of the City of San Diego's Multi-Habitat Planning Area (MHPA). The Project site itself is located entirely within an existing developed commercial area, which is currently used as a parking lot. Vegetation within the site is limited to landscaping along the south side of Birmingham Way, which, according to the MND, could provide nesting habitat for birds.

Special status species with potential to occur within the adjacent MHPA include coastal California gnatcatcher (*Poliioptila californica californica*; Federal Endangered Species Act listed threatened; CDFW Species of Special Concern; MSCP-covered), Nuttall's scrub oak (*Quercus dumosa*; California Rare Plant Rank (CRPR) 1B.1), and coast barrel cactus (*Ferocactus viridescens* var. *viridescens*; MSCP-covered; CRPR 2B.1).

## COMMENTS AND RECOMMENDATIONS

We offer the comments and recommendations below to assist the County 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: MHPA Adjacency

**Issue:** Information in the MND is not complete regarding how MHPA Land Use Adjacency Guidelines will be implemented regarding elements such as toxics, lighting, noise, and barriers.

**Specific impact:** CDFW acknowledges that the County intends to follow the MHPA Land Adjacency Guidelines, as stated in Mitigation Measure (MM) BR-2. However, sufficient information is not provided regarding the relevance of each guideline to the Project and how each guideline will be accomplished. For example, MM BR-2 restates the MHPA Land Adjacency Guidelines regarding toxics, but the MND does not provide information regarding whether toxic chemicals will be introduced as part of the Project, or how these chemicals would be prevented from entering the MHPA and impacting biological resources.

**Why impact would occur:** The adjacent canyon is preserved in perpetuity as part of the City of San Diego's MHPA and has potential to contain sensitive species. The City of San Diego's MSCP

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SAP requires that land uses adjacent to MHPA lands be managed to ensure minimal impacts to the MHPA. An excess of lighting and/or noise has potential to impact wildlife species in the MHPA. In the absence of appropriate barriers, public access to the MHPA could also impact biological resources.

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

#### **Recommendation #1:**

**To minimize significant impacts:** The MND should be amended to provide details regarding how MHPA Land Use Adjacency Guidelines will be implemented. These guidelines include the following:

1. **Toxics:** the MND should detail whether chemicals that are potentially toxic or impactful to biological resources will be incorporated in the Project. If so, a plan for preventing toxic materials from entering the MHPA should be provided;
2. **Lighting:** the MND should describe lighting plans, both temporary and permanent, in more detail. This should include lighting in parking lots, and from illumination through windows of patient rooms. Lighting should be of the lowest illumination necessary for human safety, selectively placed, and shielded/directed away from the MHPA;
3. **Noise:** the MND should provide an analysis of how noise may impact sensitive biological resources in the adjacent MHPA, and specific plans for noise mitigation. Generally, average noise levels above 60 decibels are considered to negatively impact nesting birds and other wildlife; and,
4. **Barriers:** the MND should include a discussion of how the Project design will ensure patients and employees shall be prevented from straying on to the adjacent MHPA. This could include barriers such as fences or signage, which should be installed and maintained by the County.

### **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 found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](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](mailto: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](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.)

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## CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Brigid Moran, Environmental Scientist, at [Brigid.Moran@wildlife.ca.gov](mailto:Brigid.Moran@wildlife.ca.gov).

Sincerely,

DocuSigned by:

  
D700B4520375406...

David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW

Jennifer Turner, San Diego – [Jennifer.Turner@wildlife.ca.gov](mailto:Jennifer.Turner@wildlife.ca.gov)

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## REFERENCES

California Environmental Quality Act (CEQA). 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.

California Office of Planning and Research. 2009 or current version. CEQA: California Environmental Quality Act. Statutes and Guidelines, § 21081.6 and CEQA Guidelines, § 15097, §15126.4(2).

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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) or Recommendation (REC) Description	Implementation Schedule	Responsible Party
<p><b>REC-1: MHPA Adjacency:</b> The MND shall be amended to provide details regarding how MHPA Land Use Adjacency Guidelines will be implemented. These guidelines include the following:</p> <ol style="list-style-type: none"> <li>1. <b>Toxics:</b> the MND shall detail whether chemicals that are potentially toxic or impactive to biological resources will be incorporated in the Project. If so, a plan for preventing toxic materials from entering the MHPA shall be provided;</li> <li>2. <b>Lighting:</b> the MND shall describe lighting plans, both temporary and permanent, in more detail. This shall include lighting in parking lots, and from illumination through windows of patient rooms. Lighting shall be of the lowest illumination necessary for human safety, selectively placed, and shielded/directed away from the MHPA;</li> <li>3. <b>Noise:</b> the MND shall provide an analysis of how noise may impact sensitive biological resources in the adjacent MHPA, and specific plans for noise mitigation. Generally, average noise levels above 60 decibels are considered to negatively impact nesting birds and other wildlife; and</li> <li>4. <b>Barriers:</b> the MND shall include a discussion of how the Project design will ensure patients and employees shall be prevented from straying on to the adjacent MHPA. This could include barriers such as fences or signage, which shall be installed and maintained by the County.</li> </ol>	<p>Prior to Project activities</p>	<p>County of San Diego</p>