



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor  
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

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July 25, 2023

Christopher Winters  
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City of Vista  
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**Subject: Sunset Drive Townhomes Project, Mitigated Negative Declaration (MND), SCH #2023060773**

Dear Christopher Winters:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Vista's draft MND 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 the activities involved in the Sunset Drive Townhomes 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, subdivision (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subdivision (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

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<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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review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a **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. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, 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.*), the project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW also administers the Natural Community Conservation Planning (NCCP) program. The subregional Multiple Habitat Conservation Plan (MHCP) addresses eight incorporated cities in northern San Diego County, including the City of Vista (City). However, the City is not actively pursuing approval of a subarea plan under the MHCP, and there is no draft subarea plan available for public review or implementing agreement for the MHCP. However, the City's General Plan (GP) includes goals and policies intended to implement the provisions of the MHCP.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** City of Vista

**Objective:** The Project involves approval of a General Plan Amendment, Zone Change, Site Development Plan, Condominium Housing Permit, and Tentative Subdivision Map, to develop 38 two-story townhomes and associated improvements on a 4.32-acre site located at 2112 Sunset Drive in Vista, California.

**Location:** The Project site consists of three parcels (166-450-39; 166-450-40; 166-751-44). The Project site is located on the west side of Sunset Drive/South Emerald Drive and is split by an existing driveway that serves the Green Valley mobile home community. The site is bound by the existing Green Valley mobile home park to the west, and Santiago estates mobile park to the east across South Emerald Drive/Sunset Drive. To the north, the site is bound by open space including Buena Vista Creek and beyond that a commercial shopping center. The Project site is bound by Sky Haven Lane to the south.

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**Biological Setting:** The Project site is bisected northeast to southwest by an existing parking lot designated for the mobile homes west of the site. The southern portion of the Project site currently features an existing residence and associated structures, while the northern portion of the Project site features undeveloped, vacant land. The site is relatively flat with an elevation ranging from 211 in the north to 236 feet AMSL in the south.

The Project site is located within the planning area for the *Multiple Habitat Conservation Program Plan* (MHCP). The Project site is not within a mapped Focused Planning Area (FPA) in the MHCP. However, the site is located adjacent to the Buena Vista Creek, which is designated as an FPA.

Four vegetation types as well as developed land occur on the Project site. Diegan coastal sage scrub totals 0.39 acre and is comprised solely of monotypic patches of lemonade berry located in the northern parcel. Southern arroyo willow riparian forest is associated with the Buena Vista Creek and totals 0.91 acre. Disturbed habitat occupies a total of 1.92 acres within the northern parcel. This parcel shows signs of regular tilling and mowing. On site, this community consists almost entirely of dead grasses with remnant orange trees and occasional patches of fennel (*Foeniculum vulgare*) and castor bean (*Ricinus communis*). A review of historical aerials shows that the Project site has been farmed intermittently since 1938. Nonnative, ornamental vegetation is located in the southern parcel and consists of non-native plantings associated with the existing house. Non-native vegetation totals 1.2 acres of the southern parcel. Developed lands refer to the existing house and associated infrastructure within the southern parcel and totals 0.14 acre.

No special-status plant species were observed during the reconnaissance survey by Dudek on July 8, 2021. No special-status wildlife species were observed on the Project site. No historic occurrences of special-status species are mapped on or near the Project site.

Construction of the Project would not result in impacts to the 0.91 acre of Southern arroyo willow riparian forest. The Project would include a buffer area with landscaping of the riparian slope (approximately 14,465 sq. ft. in area and 30 or more feet wide based on Figure 4b, the Conceptual Landscape Plan), adjacent to the northernmost Project boundary and outside the development footprint, with coastal shrubs. Additionally, the Project would incorporate a 6-foot block wall at the northernmost boundary of the development footprint to ensure daily residential operations do not encroach into the Buena Vista Creek water bank and Southern arroyo willow riparian forest.

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Implementation of the proposed Project would result in impacts to 0.39 acre of sensitive upland vegetation (Diegan coastal sage scrub: CSS), which is designated as MHCP Group C. Since the proposed Project is located outside of an FPA, impacts to CSS would require mitigation at a 1:1 mitigation to impact ratio. The applicant plans to achieve the required mitigation through the purchase of 0.39 acre of CSS credits at a local conservation bank; or, by providing for restored CSS along the Buena Vista Creek Project buffer area at a 1:1 ratio.

## **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.

The MND identifies two potential means to mitigate for impacts to Diegan coastal sage scrub. The first would involve revegetation of the 14,465 sq. ft. (0.33 acre) Buena Vista Creek Project buffer area at a roughly 1:1 ratio. Should this be the chosen form of mitigation, CDFW recommends that the revegetation effort utilize locally sourced native materials and a plant palette that reflects the species composition of local, naturally occurring stands of CSS. Additionally, in order to ensure this mitigation for CSS impacts persists in-perpetuity, CDFW recommends that the designated area be subject to regular site inspections and management to protect against unauthorized activities and establishment of non-native, invasive plants by establishing a non-wasting endowment and land manager. Because this first option may prove relatively expensive for such a small mitigation site, option 2 is likely to be preferred.

The second option for mitigation of impacts to CSS is the purchase of credits for 0.39 acre of equivalent habitat credits at an approved conservation bank. Should this option be selected, the choice of bank should be agreed to by the Wildlife Agencies (collectively the CDFW and the U.S. Fish and Wildlife Service) and the City. Evidence that off-site mitigation has been purchased and/or placed within a biological open space CE should be provided to the Wildlife Agencies and City prior to impacts occurring on the Project site.

## **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.

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(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.)

## **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](mailto:Meredith.Osborne@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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ec: CDFW

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