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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



January 14, 2022

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**Subject: El Camino Real Assisted Living Facility (Project), Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report (DSEIR), SCH #2013071043**

Dear Ms. Osborn:

The California Department of Fish and Wildlife (CDFW) received a NOP of a DSEIR from the City of San Diego (City) 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 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 also administers the Natural Community Conservation Planning (NCCP) program, a California regional habitat conservation planning program. The City participates in the NCCP program by implementing its approved Multiple Species Conservation Program (MSCP) Subarea Plan (SAP) and Implementing Agreement.

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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.

Ms. Sara Osborn  
City of San Diego  
January 14, 2022  
Page 2 of 6

## PROJECT DESCRIPTION SUMMARY

### Proponent: City of San Diego (City)

**Objective:** The Project proposes the development of a 105,568 square-foot facility for assisted living and memory care. The three-story facility would include 105 rooms with indoor amenities and exterior recreational uses including a memory care garden, central courtyard with seating, pool area, and pet area. Heavy landscaping is proposed along the southern and eastern Project boundaries to provide an unspecified buffer adjacent to the Villas at Stallion's Crossing residential development and the City's Multiple Habitat Preservation Area (MHPA).

A final Environmental Impact Report was approved for the St. John Garabed Church (Church) project on October 20, 2014. The Church congregation acquired an adjacent parcel directly south of the Church to develop into their assisted living and memory care facility. As a result, preparation of a DSEIR was needed per California Code of Regulations Title 14, Section 15162(a), along with several different amendments including a Conditional Use Permit Amendment and Site Development Permit Amendment.

**Location:** The 3.97-acre Project site is located 200 feet east of El Camino Real between Sea Country Lane and San Dieguito Road. The site is within the North City Future Urbanizing Area Subarea II Community Plan Area, San Dieguito River Park Concept Plan, and the Coastal Zone. Additionally, the site contains MHPA and Environmentally Sensitive Lands. The Project site is bordered by MHPA open space to the east, an existing church (Harvest Evangelical) to the west, Villas at Stallion's Crossing residential development to the south, and St. John Garabed Church under construction to the north. The Project proposes to conserve the eastern portion of the site as MHPA open space via a Covenant of Easement.

## 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 DSEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources. [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

### Specific Comments

- 1) Biological Baseline Assessment. CDFW recommends providing a complete assessment and impact analysis of the flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, sensitive, regionally, and locally unique species including any Covered Species under the City's approved MSCP, and sensitive habitats. Impact analysis will aid in determining any direct, indirect, and cumulative biological impacts, as well as specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends avoiding any sensitive natural communities found on or adjacent to the Project. The DSEIR should include the following information:
  - a. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region

Ms. Sara Osborn  
City of San Diego  
January 14, 2022  
Page 3 of 6

[CEQA Guidelines, § 15125(c)]. The DSEIR should include measures to fully avoid and otherwise protect Sensitive Natural Communities from Project-related impacts. Project implementation may result in impacts to rare or endangered plants or plant communities that have been recorded adjacent to the Project vicinity.

<https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>;

- b. A complete floristic assessment within and adjacent to the Project area, with particular emphasis upon identifying endangered, threatened, sensitive, and locally unique species and sensitive habitats. This should include a thorough, recent, floristic-based assessment of special status plants and natural communities;
  - c. A complete, recent, assessment of the biological resources associated with each habitat type onsite and within adjacent areas that could also be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitat. CDFW recommends that CNDDDB Field Survey Forms be completed and submitted to CNDDDB to document survey results. Online forms can be obtained and submitted at [http://www.dfg.ca.gov/biogeodata/cnddb/submitting\\_data\\_to\\_cnddb.asp](http://www.dfg.ca.gov/biogeodata/cnddb/submitting_data_to_cnddb.asp);
  - d. A complete, recent, assessment of rare, threatened, and endangered, and other sensitive species onsite and within the area of potential effect, including California Species of Special Concern and California Fully Protected Species (Fish & G. Code, §§ 3511, 4700, 5050 and 5515). Species to be addressed should include all those which meet the CEQA definition of endangered, rare, or threatened species (CEQA Guidelines, § 15380). Seasonal variations in use of the Project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the United States Fish and Wildlife Service (USFWS); and
  - e. A recent, wildlife and rare plant survey. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to two years as long as there was not a prevailing drought during the time of the botanical survey. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if build out could occur over a protracted time frame, or in phases.
- 2) Environmentally Sensitive Lands. The Project Description states the presence of Environmentally Sensitive Lands (ESL; steep slopes or sensitive biological habitat) within the 3.97-acre site, but there is no map or mention where this area is located. Based on Google aerial imagery, there is a steep slope located on the eastern side of the Project site. We recommend the DSEIR provide a detailed map or discussion of where ESL is located onsite. The location of the pet area is not shown on the Site Plan map within the NOP. Due to the proximity of ESL, we recommend the pet area be sited away from the ESL. Two overlay zones applicable to the Project are the High Fire Severity Zone and Fire Brush Zone. Depending upon configuration of the brush

Ms. Sara Osborn  
City of San Diego  
January 14, 2022  
Page 4 of 6

management zones, please provide a discussion in the DSEIR about these zones in relation to the ESL and development footprint.

- 3) Biological Direct, Indirect, and Cumulative Impacts. Due to the proximity to open areas, it is essential to understand how open space and the biological diversity within it may be impacted by Project activities. This should aid in identifying specific mitigation or avoidance measures necessary to offset those impacts. CDFW recommends providing a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The following should be addressed in the DSEIR:
- a. A discussion regarding indirect Project impacts on biological resources, including resources in nearby public lands, open space, adjacent natural habitats, riparian ecosystems, and any designated and/or proposed or existing reserve lands (e.g., preserve lands associated with a NCCP (NCCP, Fish & G. Code, § 2800 et. seq.). Impacts on, and maintenance of, wildlife corridor/movement areas, including access to undisturbed habitats in adjacent areas, should be fully evaluated in the DSEIR;
  - b. A discussion of potential adverse impacts from lighting, noise, temporary and permanent human activity, and exotic species and identification of any mitigation measures;
  - c. A discussion on Project-related changes on drainage patterns and downstream of the Project site; the volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site. Mitigation measures proposed to alleviate such Project impacts should be included.
  - d. An analysis of impacts from land use designations and zoning located nearby or adjacent to natural areas that may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the DSEIR; and,
  - e. A cumulative effects analysis, as described under CEQA Guidelines section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
- 4) Sensitive Bird Species. A review of the CNDDDB indicates nearby occurrences of special status bird species such as coastal California gnatcatcher (*Polioptila californica californica*; Endangered Species Act (ESA) listed threatened; California Species of Special Concern), least Bell's vireo (*Vireo bellii pusillus*; California Endangered Species Act and ESA-listed endangered), and California horned lark (*Eremophila alpestris actia*; CDFW Watch List). Project activities occurring during the breeding season of nesting birds could result in the incidental loss of fertile eggs, or nestlings, or otherwise lead to nest abandonment in trees and shrubs directly adjacent to the Project boundary. The Project could also lead to the loss of foraging habitat for sensitive bird species.

Ms. Sara Osborn  
City of San Diego  
January 14, 2022  
Page 5 of 6

- a. CDFW recommends that measures be taken, primarily, to avoid Project impacts to nesting birds. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).
  - b. Proposed Project activities including (but not limited to) staging and disturbances to native and nonnative vegetation, structures, and substrates should occur outside of the avian breeding season which generally runs from February 15 through August 31 (as early as January 1 for some raptors) to avoid take of birds or their eggs. If avoidance of the avian breeding season is not feasible, CDFW recommends surveys by a qualified biologist with experience in conducting breeding bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). Project personnel, including all contractors working onsite, should be instructed on the sensitivity of the area. 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.
- 5) Landscaping. Habitat loss and invasive plants are a leading cause of native biodiversity loss. CDFW recommends that the DSEIR stipulate that no invasive plant material shall be used. Furthermore, we recommend using native, locally appropriate plant species for landscaping on the Project site. A list of invasive/exotic plants that should be avoided as well as suggestions for suitable landscape plants can be found at <https://www.cal-ipc.org/solutions/prevention/landscaping/>.

### General Comments

- 1) Project Description and Alternatives. To enable CDFW to adequately review and comment on the proposed Project from the standpoint of the protection of plants, fish, and wildlife, we recommend the following information be included in the DSEIR:
  - a. A complete discussion of the purpose and need for, and description of, the proposed Project, including all staging areas and access routes to the construction and staging areas; and,
  - b. A range of feasible alternatives to Project component location and design features to ensure that alternatives to the proposed Project are fully considered and evaluated. Potential impacts to wildlife movement areas should also be evaluated, avoided, or mitigated consistent with applicable requirements of the City's SAP.
- 2) Compensatory Mitigation. The DSEIR should include mitigation measures for adverse Project-related impacts to sensitive plants, animals, and habitats consistent with the City's MSCP requirements.

Ms. Sara Osborn  
City of San Diego  
January 14, 2022  
Page 6 of 6

## 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 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 NOP 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](mailto:Alison.Kalinowski@wildlife.ca.gov).

Sincerely,

DocuSigned by:

  
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ec: CDFW

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