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3883 Ruffin Road
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In Reply Refer To:
FWS/CDFW-19B0115-19TA0706

Governor's Office of Planning & Research

March 28, 2019
Sent electronically

Ms. Rebecca Malone
City of San Diego
Planning Department
9485 Aero Drive, MS 413
San Diego, California 92123

MAR 28 2019

STATE CLEARINGHOUSE

Subject: Comments on the Draft Program Environmental Impact Report for the Mission Valley Community Plan Update, City of San Diego, San Diego County, California (Project # 518009, SCH # 2017071066)

Dear Ms. Malone:

The U.S. Fish and Wildlife Service (Service) and the Department of Fish and Wildlife (Department), collectively referred to as the Wildlife Agencies, have reviewed the proposed Draft Program Environmental Impact Report (DPEIR) for the Mission Valley Community Plan Update (CPU), dated February 6, 2019 (project). On March 21, 2019, the Wildlife Agencies requested a 2-week extension to provide comments on the project; that same day, personal communication with City staff indicated that comments on the DPEIR could be submitted by March 28, 2019. The comments provided in this letter are based on information provided in the DPEIR and associated documents; information contained within the project NOP; related projects within the Mission Valley Community Plan Update (CPU); meetings and discussions with City staff; our knowledge of sensitive and declining vegetation communities in the County; and our participation in regional conservation planning efforts including the City's Multiple Species Conservation Plan Subarea Plan (SAP).

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), including habitat conservation plans (HCP) developed under section 10(a)(1) of the Act. The Department is a Trustee Agency and a responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the State's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA), and administers the Natural Community Conservation Planning (NCCP) program. The City is participating in the Department's NCCP and the Service's HCP programs through implementation of its SAP.

The project analyzed in the DPEIR is the CPU, which is an update to the Community Plan that guides development of the entire Mission Valley community. The proposed CPU is a policy document that describes the community's vision and identifies strategies for enhancing community character and managing change. The CPU includes goals, policies, and implementing actions to guide local decision-making and future public investments for the CPU area.

Development in Mission Valley will be guided and regulated through the proposed CPU, the City of San Diego Municipal Code (SDMC), the General Plan, and applicable Specific Plans. Specific development standards for projects within the San Diego River Park and Hillside Review areas in the CPU are also proposed to be codified in Chapter 13, Article 2, Division 14 of the SDMC as a Community Plan Implementation Overlay Zone (CPIOZ).

The 3,216-acre Mission Valley Community Plan area is located in the City of San Diego and is surrounded by several other community plan areas including Old Town San Diego, Uptown, Greater Northern Park, Normal Heights, Kensington-Talmadge, College Area, Navajo, Tierrasanta, Kearny Mesa, Serra Mesa, Linda Vista, and Mission Bay Park. The CPU is generally bounded by Friars Road and the northern slopes of the valley on the north, the eastern banks of the San Diego River on the east, the southern slopes of the valley on the south, and Interstate-5 (I-5) on the west. The San Diego River runs through the center of the community planning area. The CPU is within the City's MSCP and approximately 341 acres are within the Multiple Habitat Planning Area (MHPA). The CPU area is mostly urbanized, but also supports coastal sage scrub, riparian woodland, riparian scrub, and freshwater marsh.

The Mission Valley Community Plan supports the following federally and/or state listed or species of special concern that are also covered species under the City's SAP: San Diego ambrosia (*Ambrosia pumila*), least Bell's vireo (*Vireo bellii pusillus*), southwest willow flycatcher (*Empidonax traillii extimus*), coastal California gnatcatcher (*Poliophtila californica californica*), western spadefoot toad (*Spea hammondi*), yellow warbler [*Setophaga (=Dendroica) petechial*], tricolored blackbird (*Agelaius tricolor*), yellow-breasted chat (*Icteria virens auricollis*), Greater western mastiff-bat (*Eumops perotis californicus*), and Mexican long-tongued bat (*Choeronycteris mexicana*).

The Wildlife Agencies have concerns regarding the CPU's consistency with the City's SAP. The proposed CPU includes the addition of new roads in the San Diego River flood plain including the Levi-Cushman Street "B", Street "J", and the extension of Fenton Parkway. In addition, the CPU proposes to place five new pedestrian bridges across and new development immediately adjacent to the San Diego River. The DPEIR should not assume that a City Essential Public Projects ESL deviation process will be applicable to new roads or bridges as the CPU and DPEIR do not include enough information to fully analyze the potential effects of these facilities and these facilities were not originally contemplated in the City SAP. Therefore, we cannot concur with the conclusions in the DPEIR that impacts to biological resources and the MHPA from these facilities will be less than significant and no mitigation measures will be required. New roads, pedestrian bridges, and other developments should be reviewed individually for consistency with the City's Biology Guidelines and Sections 1.4 and 1.5 of the City's SAP.

The DPEIR should also demonstrate how the CPU will be consistent with Guideline B15 of the City's SAP for Urban Areas (§ 1.2.3) that native vegetation shall be restored as a condition of future development proposals along the current Riverwalk Golf Course portion of the San Diego River. We recommend that wetland restoration be maximized at this location and that all development be at least 100 feet away from existing and/or restored wetlands.

Additionally, the CPU presents a prime opportunity and logical juncture to develop or require subsequent projects develop Area Specific Management Directives (ASMDs) as defined by the City MSCP SAP. ASMDs should conform to a previously approved (i.e., "final") Mission Valley Natural Resources Management Plan (NRMP). The NRMP is critical for ensuring compliance with the City's SAP. The Wildlife Agencies considers the development and adoption of the NRMP of such importance to the area's resource management and implementation of the City's SAP that the Department awarded a Local Assistance Grant providing State funds to the City in 2003 to complete the NRMP. Although a draft NRMP was prepared, the City has yet to revise, finalize, or implement the NRMP. The Wildlife Agencies continues to recommend that specific biological resource management objectives be implemented by the CPU through the finalization of the NRMP.

Due to the constrained nature of the San Diego River and the limited opportunities to mitigate, it will be difficult to develop a Biologically Superior Alternative as part of a wetland deviation. Therefore, we encourage the City to consider alternatives that do not impact wetlands. However, if a deviation is required, the City should look towards restoring significantly disturbed, developed, or other non-wetland areas within the CPU boundaries thereby increasing the biological value of the San Diego River.

The DPEIR identified Alternative 1 as the biologically superior alternative. Alternative 1 does not include the proposed roadway extensions of Street "J" and Fenton Parkway across the San Diego River, and biological impacts would be less than the proposed project. The Wildlife Agencies recommend the City adopt Alternative 1 for project approval, consistent with our other comments and recommendations.

The Wildlife Agencies offer further comments and recommendations (Appendix) to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the City's SAP.

Thank you for the opportunity to comment on the subject DPEIR. If you have any questions, please contact Eric Weiss of the Department at Eric.Weiss@wildlife.ca.gov or 858-467-4289, or Patrick Gower of the Service at Patrick.Gower@fws.gov or 760-431-9440 ext. 352.

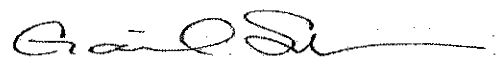
Sincerely,

DAVID

ZOUTENDYK

Digitally signed by
DAVID ZOUTENDYK
Date: 2019.03.28
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for Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service



Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife

APPENDIX

The U.S. Fish and Wildlife Service and California Department of Fish and Wildlife Comments on the Draft Program Environmental Report for the Mission Valley Community Plan Update, City of San Diego, California

1. The project description does not address habitat and biological factors within the **Community Plan Update's** (CPU) planning area. The CPU includes areas of sensitive habitats and species, and the Wildlife Agencies urge the City to incorporate biological and resource management considerations into the project objectives to facilitate: a) consistency with the City's Subarea Plan (SAP), and b) consistency with the CPU's Notice of Preparation (NOP) scope of work. As originally circulated in the NOP, "[t]he updated Community Plan is anticipated to include policies and actions to ... enhance the San Diego River, and provide additional open spaces". Omitting enhancement opportunities within the San Diego River and not providing additional open spaces or other measures to guide sensitive biological resource management within the CPU's project objectives is a meaningful and significant departure from what was originally stated in the NOP. Inclusion of actions and policies to enhance the San Diego River and providing additional open spaces would prevent a shift in focus of the CPU from biological resource management, and from prioritizing fulfillment of/implementation of the City's SAP.

Project design elements or alternative project design elements should be sited to avoid impacts to previous mitigation sites. Figures within the **Draft Program Environmental Report (DPEIR)** should not depict design element alignments with the potential to impact mitigation sites as doing so suggests a final alignment (see the extension of Colusa Street and Via Las Cumbres in Alternative 2 for examples of elements that may impact mitigation sites). The concept of road extensions and other facilities should be introduced in the DPEIR, however, their alignments should be analyzed in a project-specific analysis. By illustrating specific alignments in the DPEIR, the document suggests that those alignments have already been optimally sited and may be construed as preempting the need for further analysis and/or biological resource protections.

2. The Sensitive Biological Resources section Table 4.2-3 should be revised to denote species found during protocol survey as "observed" and not as "high potential". In addition, southwest willow flycatcher should be added to the list of species that have been observed.
3. Picnic areas and other public facilities that may generate trash should be placed as far from the San Diego River as possible to reduce the possibility of attracting predators to sensitive areas.
4. The DPEIR refers to Figure 4.1-1, however, this figure is missing. The Final Environmental Impact Report should include Figure 4.1-1 or another figure that shows the two proposed Community Plan Implementation Overlay Zone areas in addition to the Multiple Habitat Planning Area A.