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May 20, 2025

Brianne Harkousha, Community Development Deputy Director
 City of Pacifica
 1800 Francisco Boulevard
 Pacifica, CA, 94044
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Subject: 570 Crespi Drive Project, Draft Environmental Impact Report,
 SCH No. 2021120126, City of Pacifica, San Mateo County

Dear Brianne Harkousha:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Pacifica (City) for the 570 Crespi Drive Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the draft EIR.

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

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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proposed, for example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) 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.

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA or Native Plant Protection Act (NPPA), either during construction or over the life of the Project. Under CESA, take is defined as "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill." Issuance of an ITP is subject to CEQA documentation. If the Project will impact CESA or NPPA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. Fully protected species may not be taken or possessed at any time (Fish and Game Code, §§ 3511, 4700, 5050, and 5515).

CEQA requires a Mandatory Finding of Significance if a Project is likely to substantially impact threatened or endangered species (Pub. Resources Code, §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code, § 2080 et. seq.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Any impacts to the mainstems, tributaries and floodplains or associated riparian habitat would likely require an LSA Notification. CDFW, as a

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responsible agency under CEQA, will consider the EIR for the Project. CDFW may not execute a final LSA Agreement until it has complied with CEQA as the responsible agency.

Raptors and Other Nesting Birds

CDFW has authority over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include §§ 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

Fully Protected Species

Fully protected species, such as San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code, §2081.15). Project proponents should consult with CDFW early in the Project planning process.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Pacifica

Objective: The objective of the Project is to develop one two-story mixed-use building and two three-story residential buildings on the parcel at 570 Crespi Drive. The Project would include a condominium subdivision to create one commercial condominium and 19 residential condominiums. In addition, the Project would involve off-site activities, including removal of two trees, and construction of a new driveway and associated parking spaces within the northern portion of the existing Pacifica Community Center.

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Location: 570 Crespi Drive, Pacifica, CA, 94044; San Mateo County; Latitude 37.598391, Longitude -122.498785.

Timeframe: To be determined

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.

I. Project Description and Related Impact Shortcoming

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or U.S. Fish and Wildlife (USFWS)?

COMMENT 1: Riparian Setbacks

Section 4.1-4

Issue: The Biological Constraints Analysis (in Appendix C of the draft EIR) prepared by Wood Biological Consulting in 2020 for the Project identifies the vegetative communities present in the Project area, and states that "willow scrub, dominated by arroyo willow (*Salix lasiolepis*), covers the majority of the southern portion of the study area on both parcels. It also occurs in smaller stands along the western and eastern parcel boundaries.". The draft EIR states that "the proposed project would remove or prune an estimated 784 square feet of arroyo willow scrub to meet parking and walkway requirements at the southern edge of the proposed Building B," and that, additionally, "the proposed project could potentially disturb and, possibly, fill, up to 0.87-acre of jurisdictional wetlands and/or remove potential riparian vegetation."

CDFW is unable to determine the extent of potentially significant Project impacts to riparian and associated wetlands within and adjacent to the Project area because it is unclear if riparian vegetation will be pruned or if it must be removed and if wetland will be temporarily disturbed or permanently filled. Further, Mitigation Measure 4.1-4(a) is proposed to offset potentially significant impacts to riparian habitat and other sensitive natural communities due to Project activities, and development of specific mitigation actions is contingent on the Project notifying CDFW pursuant to Fish and Game Code section 1600.

Mitigation Measure 4.1-4(a) of the draft EIR effectively defers formulation of mitigation measures that would offset potentially significant temporary and

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permanent impacts to riparian habitat until “some future time” (when the project applicant notifies CDFW pursuant to Fish and G. Code section 1600). Given that the Project EIR describes the riparian and wetland is not associated with any river, lake or stream, Project activities may not be subject to Fish and Game Code section 1600. CEQA Guidelines section 15126.4(a)(1)(B) identifies compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards. However, the development of a complete set of mitigation measures sufficient to reduce potentially significant impacts on riparian and/or wetland habitat to less-than-significant levels, under proposed Mitigation Measure 4.1-4(a), would be deferred to a future time that may or may not occur, and may not be subject to CDFW review and comment.

Specific impact, why impact would occur, and evidence impact would be significant: Arroyo willow is part of the Red Willow Riparian Woodland and Forest Alliance, a natural community with a State Ranking of S3- Vulnerable. Red Willow Riparian Woodland and Forest Alliance, with a State Ranking of S3, is a Sensitive Natural Community “at moderate risk of extinction or collapse due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors” (CDFW Sensitive Natural Communities, <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#natural%20communities%20lists>). Continued loss of this riparian habitat from Project encroachment is damaging to the watershed’s biotic and abiotic integrity.

Riparian vegetation, and associated floodplains, provide many essential benefits to stream and aquatic species habitat (Moyle 2002, CDFW 2007). Development within or adjacent to riparian zones can result in fragmentation of riparian habitat and decreases in native species abundance and biodiversity (Davies et al. 2001, CDFW 2007). Riparian buffers help keep pollutants from entering adjacent waters, benefiting species who rely on those waters for habitat and drinking water. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brosofske et al. 1997, Dong et al. 1998, Kiffney et al. 2003, Moore et al. 2005).

Riparian habitats also contribute to bank stability and provide flood protection. Development can modify natural streamflow patterns by increasing the magnitude and frequency of high flow events and storm flows. Riparian habitat and adjacent wetlands and floodplains are critical to lessening these impacts because they store and meter floodwaters, recharge groundwater aquifers, trap sediment, filter pollution, help minimize erosion, lessen peak flow velocities, and protect against storm surges. In doing so, they protect adjacent upland, down-stream, and coastal properties from

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loss and damage during flooding and help maintain surface and groundwater during summer months.

Recommendation 1: CDFW recommends the Project avoid, to the greatest extent feasible, all temporary and permanent impacts to arroyo willow, Red Willow Riparian Woodland and associated wetlands or forest and establish protective riparian and wetland buffer zones to limit development and vegetation clearing to outside of and away from riparian and wetland areas. Where impacts to riparian and wetland habitat cannot be avoided, the draft EIR should provide sufficient information to demonstrate if impacts to riparian and/or wetlands will be significant. Supporting details should be included showing which impacts will be temporary or permanent, the extent of Project pruning and/or tree removal, and further explain disturbances and/or filling to riparian and wetland habitats.

To address Project activities that cannot avoid impacts to riparian vegetation and wetlands, CDFW recommends that the draft EIR include a plan detailing any proposed on- and/or off-site mitigation needs necessary to compensate for net-loss of riparian and/or wetland resources. Examples of permanent impacts include but are not limited to loss of riparian vegetation and mature trees and expansion of infrastructure footprints. CDFW recommends the proposed mitigation plan include details such as mitigation location(s), proposed actions, monitoring, success criteria, and any corrective actions. Further, CDFW recommends the Project not rely on “enhancement” mitigation alone for permanent impacts to riparian and/or wetland habitat. Alternative options may include compensatory mitigation in the form of permanent protection of riparian resources and/or creation of riparian habitat along streams such as streamside riparian revegetation and pavement removal.

COMMENT 2: Nesting Birds

Issue: Nesting birds, including saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), a State special-status species, have the potential to nest on the ground, in trees, on structures, or in vegetation within and immediately adjacent to the Project site. The avoidance, minimization and mitigation measures included in the draft EIR to protect special-status and nesting birds are not sufficient to reduce potential impacts to less-than-significant levels. Specifically, Mitigation Measure 4.1-2 incorrectly identifies the nesting bird period for owl and raptor species and does not implement sufficiently sized nest buffers.

Specific impact, why the impact would occur, and evidence the impact would be significant: The federal MBTA and Fish and Game Code protect migratory and nesting birds, including special-status species with potential to occur in the Project area (e.g., San Francisco common yellow throat). The nesting seasons for passerines, owls, and raptors range from February 15- August 30, January 15-

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September 15, and February 15- September 15, respectively. The nesting season described in the draft EIR is not inclusive of early-season owl breeding or late-season raptor breeding.

No-disturbance buffers for any bird nests identified in pre-construction surveys should be of sufficient, species-specific size to protect young birds until they have fledged and are foraging independently. Buffers for passerines, accipiters, and buteos should be a minimum of 250 feet, 500 feet, and 1,000 feet, respectively. The no-disturbance buffers proposed in the draft EIR nesting bird measure are not adequately sized to protect passerines or raptors, which require larger no-disturbance buffers than proposed.

If construction commences during the nesting season without sufficiently sized nest buffers in place, or if construction activities occur without a qualified biologist having performed appropriately timed breeding bird surveys, nesting birds may be impacted directly through the removal of nest structures, or indirectly through localized disturbance sufficient to cause nest abandonment, a potentially significant impact under CEQA.

Recommendation 2: CDFW recommends incorporating the mitigation measure below to reduce potential impacts to nesting birds to less-than-significant levels:

Recommended Nesting Bird Mitigation Measure: If project grading or construction is scheduled to take place between January 15 – September 15, a preconstruction survey of the project vicinity for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The survey shall determine if active nests are present within the planned area of disturbance or within 250 feet for passerines, 500 feet for accipiters and 1,000 feet for buteos. The survey shall be performed no more than 7 days prior to the commencement of construction activities, and a second focused survey shall be conducted within 48 hours prior to construction activities that would occur during the nesting/breeding season. If ground disturbance activities are delayed following a survey, then an additional preconstruction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities. If a lapse of Project-related activities of seven days or longer occurs, another focused survey will be conducted before Project activities can be reinitiated.

If an active bird nest is found within the survey radii, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. A protective buffer distance shall be established by a qualified biologist based on the site conditions such as whether the nest is in a line of sight of the construction and the sensitivity of the birds nesting. Typical

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protective buffers are as follows: 1) 250 feet for passerines, 2) 500 feet for accipiters, and 3) 1,000 feet for buteos. No Project personnel or equipment shall be allowed to enter the protective buffer until the qualified biologist determines that the young have fully fledged and will no longer be adversely affected by the Project.

The qualified biologist shall observe any identified active nests prior to the start of any construction-related activities to establish a behavioral baseline of the adults and any nestlings, and the nest site(s) shall be monitored by the biologist periodically to see if the birds are stressed by the construction activities and if the protective buffer needs to be increased. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by the qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a biological monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. All buffers shall be shown on all sets of construction drawings.

COMMENT 3: Bats

Issue: The Biological Constraints Analysis (Appendix C) prepared by Wood Biological Consulting in 2020 for the Project identified populations of big free-tailed bat (*Nyctinomops macrotis*), fringed myotis (*Myotis thysanodes*), hoary bat (*Lasiurus cinereus*), and Townsend's big-eared bat (*Corynorhinus townsendii*) within five miles of the Project area. Project activities could directly or indirectly impact roosting bats during vegetation removal, ground disturbance, or other noise generating activities, a potentially significant impact under CEQA. The draft EIR does not include measures to avoid, minimize, and mitigate impacts to roosting bats.

Specific impact, why the impact would occur, and evidence the impact would be significant: The big free-tailed bat, fringed myotis, hoary bat and Townsend's big-eared bat are California Species of Special Concern.

Bats play an important role in Bay Area ecosystems, through pest control, pollination and seed dispersal. Recent studies estimate that bat consumption of insect pests results in more than \$3 billion in agricultural production savings per year in the U.S. (USFWS 2025). Bats are known to roost under bridges, in caves and mines, on buildings, in cliff crevices, in tree foliage, bark, and hollows, and in riprap, with habitat use varying temporally and seasonally. Suitability of bat roosting habitat is dependent on temperature, protection from predators and inclement weather, and proximity to foraging sites. Habitat reduction and disruption of hibernation and

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maternity roosts due to human development and activity have contributed to steep population declines in California and across the globe. Many bat species are long lived, with most females birthing only one to two young per year. Due to low reproductive rates and sensitivity of breeding females to disruption, maternity colonies affected by human activities that temporarily reduce fecundity, or mortality may require multiple years to recover following disturbance events (Caltrans 2019).

Recommendation 3: CDFW recommends including the following mitigation measure to reduce potentially significant impacts on bats to a less-than-significant level:

Recommended Bat Mitigation Measure: Pre-construction surveys for special-status and non-listed bat species shall be performed by a qualified biologist if any trees are to be removed or underutilized or vacant buildings are to be demolished, or if any suitable habitat including buildings, trees, rock outcrops, bridges, or culverts are present within 100 feet of proposed construction. If any active maternity or hibernation roosts are identified within 100 feet of areas proposed for development, an agency-approved qualified biologist shall establish site-specific protective buffers around roosts, sized with consideration for the species that are present and the time of year bats are roosting, as well as levels of construction noise and light emission from Project activities.

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 filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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 draft EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Shannon Husband, Environmental Scientist, at (707) 337-1364 or Shannon.Husband@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist (Supervisory), at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse, Sacramento
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

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