



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 15, 2020

Governor's Office of Planning & Research

Oct 15 2020

Mr. Alberto Vasquez
City College of San Francisco
50 Frida Kahlo Way
San Francisco, CA 94112
Facilities@ccsf.edu

STATE CLEARINGHOUSE

Subject: Updated Facilities Master Plan for City College of San Francisco, Notice of Preparation of an Environmental Impact Report, SCH No. 2020090261, City and County of San Francisco

Dear Mr. Vasquez:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a draft Environmental Impact Report from the City of San Francisco (City) for the Updated Facilities Master Plan for City College of San Francisco (Project).

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: City College of San Francisco

Location and Description: Project activities will occur at the main campus address 50 Frida Kahlo Way, City College of San Francisco, San Francisco, CA 94112, Accessor Parcel Number (APN): 3179-010 and 3180-191.

The Updated Facilities Master Plan (FMP) is a long-range development plan for the City College. It provides a strategy for facilities improvements, renovations, replacements, and new construction through 2030. The Addendum to the 2004 Facilities Master Plan EIR addresses the new construction of three Campus facilities originally planned in the 2004 FMP:

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1. Diego Rivera Theater: would replace part of a surface parking lot located on the west side of Frida Kahlo Way to the north of the Multi-Use Building. The Theater would be approximately 75,000 square feet and 55 feet high with three stories and a partial basement.
2. Sciences, Technology, Engineering, Arts, and Math (STEAM) building: would be constructed on the west side of Frida Kahlo Way north of the future Diego Rivera Theater. The STEAM Building would be approximately 150,000 square feet and 4 to 5 stories tall. The construction of the Diego Riviera Theater and the STEAM building will remove a total of 569 spaces in the Upper Balboa Reservoir surface parking lot.
3. New Child Care Center: would be built at Judson Avenue and Frida Kahlo Way. This Center would include a one-story building, a courtyard, a playground, and a surface parking for a total of approximately 9,800 square feet.

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, including nesting birds.

Comment 1: Nesting Birds

Issue: On page 55 of the NOP, the Biological Resources section states that "the biological resources analysis will evaluate the potential or development under the Updated FMP to affect biological resources or habitats, such as trees or native resident or migratory bird species". If ground-disturbing or vegetation-disturbing activities occur during the bird breeding season (February through early-September), the Project could cause impacts to nesting birds.

Recommendation: To evaluate and avoid for potential impacts to nesting bird species, CDFW recommends incorporating the following mitigation measures into the Project's draft EIR, and that these measures be made conditions of approval for the Project:

CDFW recommends that the following protective measures be included in the draft EIR:

1. Nesting Bird Surveys: If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), CDFW recommends that a qualified biologist conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work

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area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys should be conducted at the appropriate times of day and during appropriate nesting times.

2. **Active Nest Buffers:** If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction should be established. The buffer should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize “normal” bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist should monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist should have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.

Comment 2: Tree Removal

Issue: It is unclear whether trees will be removed from the Project site and if so, what size and species will be removed. Both native and non-native trees provide nesting habitat for birds, and habitat value for other wildlife. Removal of heritage and mature trees on-site without adequate mitigation should be considered a substantial adverse change in the physical conditions within the area affected by the Project.

Recommendation: CDFW recommends that the draft EIR include a clear analysis of potential impacts to trees located within or adjacent to the Project area, and appropriate and effective avoidance, minimization and mitigation measures be developed and implemented to offset any significant Project impacts to trees. The Project should avoid tree removal to the greatest extent feasible. On-site tree planting should be considered as a potential impact minimization measure but not sufficient to completely off-set temporal impacts from loss of heritage or potentially other trees. CDFW recommends Project mitigation from loss of heritage and potentially other trees should include off-site preservation of heritage and/or other trees in perpetuity.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA

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documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA section 21001(c), 21083, and CEQA Guidelines section 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 section 2080.

Lake and Streambed Alteration Program

Notification is required, pursuant to CDFW's LSA Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities that will 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, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

Nesting Birds

CDFW has jurisdiction 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). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports 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 California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can

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be found 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://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

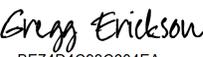
CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

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 Ms. Mia Bianchi, Environmental Scientist, at (707) 210-4531 or by email at Mia.Bianchi@wildlife.ca.gov; or Mr. Wes Stokes, Senior Environmental Scientist (Supervisory), at (707) 339-6066 or by email at Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse No. 2020090261