



## 499 Forbes Boulevard Office Project

Final Environmental Impact Report –  
Responses to Comments

SCH# 2019110287

*prepared by*

**City of South San Francisco**

Planning Division

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**August 2020**



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# 1 Introduction

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## 1.1 Purpose of the Response to Comments on the Draft EIR

This document contains responses to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed 499 Forbes Boulevard Office Project (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

## 1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On November 15, 2019, the City of South San Francisco circulated a Notice of Preparation (NOP) for a 30-day comment period to help identify the types of impacts to the environment that could result from the proposed project, as well as potential areas of controversy. The NOP was filed with the County Clerk and mailed to public agencies (including the State Clearinghouse and the California Department of Transportation) and nearby properties. The City received four letters in response to the NOP during the public review period. The NOP and written responses received are presented in Appendix NOP of this EIR, and the Initial Study is presented in Appendix IS. Table 3 of the Draft EIR summarizes the content of the letters and where the EIR addresses the issues raised.

The Draft EIR was made available for public review on May 20, 2020 on the City's website. The Notice of Availability of a Draft EIR was posted with the County Clerk and mailed to local, state, and public agencies (including the State Clearinghouse and the California Department of Transportation), and nearby properties. Printed copies of the Draft EIR were available for public review upon request at the Planning Division's offices. The Draft EIR public comment period began on May 20, 2020 and ended on July 6, 2020. The City received one comment letter on the Draft EIR. The written comments and the City's responses to those comments are included in Chapter 2 of this document.

## 1.3 Document Organization

This document consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this responses to comments document and the Final EIR and summarizes the environmental review process for the project.
- **Chapter 2: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.

## 2 Comments and Responses

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This chapter includes written comments received during the circulation of the Draft EIR prepared for the 499 Forbes Boulevard Office Project, and responses to those comments.

The Draft EIR was circulated for a 45-day public review period that began on May 20, 2020 and ended on July 6, 2020. The City of South San Francisco received one comment letter on the Draft EIR from Gregg Erickson, Regional Manager, Bay Delta Region, California Department of Fish and Wildlife (CDFW). The comment letter and responses follow. Each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).



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



July 3, 2020

Mr. Christopher Espiritu  
City of South San Francisco  
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Subject: 499 Forbes Boulevard Office Project, Draft Environmental Impact Report,  
SCH No.2019110284, City of South San Francisco, San Mateo County

Dear Mr. Espiritu:

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) prepared by the City of South San Francisco for the 499 Forbes Boulevard Office Project (Project) located in the County of San Mateo. CDFW is submitting comments on the draft EIR regarding potentially significant impacts to biological resources associated with the Project.

**CDFW ROLE**

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological 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.

**PROJECT LOCATION AND DESCRIPTION SUMMARY**

The Project includes the demolition of an existing 54,000-square-foot manufacturing building and warehouse. After demolition, the Project will then construct a five-story 128,737-square-foot office building and a 97,859-square-foot parking structure.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the following comments and recommendations to assist the City of South San Francisco in adequately identifying and/or mitigating the Project’s significant, or potentially significant, direct and indirect impacts on biological resources.

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### COMMENT 1: Artificial Lighting

**Issue:** The Project could increase artificial lighting. Artificial lighting often results in light pollution, which has the potential to significantly and adversely affect biological resources.

**Evidence the impact would be significant:** Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Aquatic species can also be affected, for example, salmonids migration can be slowed or stopped by the presence of artificial lighting (Tabor et al. 2004, Nightingale et al. 2006).

**Recommendations to minimize significant impacts:** CDFW recommends eliminating all non-essential artificial lighting. If artificial lighting is necessary, CDFW recommends avoiding or limiting the use of artificial lights during the hours of dawn and dusk, when many wildlife species are most active. CDFW also recommends that outdoor lighting be shielded, cast downward, and does not spill over onto other properties or upwards into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>).

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### COMMENT 2: Exterior Windows

**Issue:** The glass used for exterior building windows could result in bird collisions, which can cause bird injury and mortality.

**Evidence the impact would be significant:** Birds, typically, do not see clear or reflective glass, and can collide with glass (e.g., windows) that reflect surrounding landscape and/or habitat features (Klem and Saenger 2013, Sheppard 2019). When birds collide with glass, they can be injured or killed. In the United States, the estimated annual bird mortality is between 365-988 million birds (Loss et al. 2014).

**Recommendations to minimize significant impacts:** CDFW recommends incorporating visual signals or cues to exterior windows to prevent bird collisions. Visual signals or cues include, but are not limited to, patterns to break up reflective areas, external window films and coverings, ultraviolet patterned glass, and screens. For best practices on how to reduce bird collisions with windows, please go to the U.S. Fish and Wildlife Service's website for Buildings and Glass (<https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds/collisions/buildings-and-glass.php>).

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## **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 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.

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## **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 section 711.4; Pub. Resources Code, section 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.

Thank you for the opportunity to comment on the Project’s draft EIR. If you have any questions regarding this letter or for further coordination with CDFW, please contact Ms. Monica Oey, Environmental Scientist, at (707) 428-2088 or

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[Monica.Oey@wildlife.ca.gov](mailto:Monica.Oey@wildlife.ca.gov); or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at [Randi.Adair@wildlife.ca.gov](mailto:Randi.Adair@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
BE74D4C93C604EA...  
Gregg Erickson  
Regional Manager  
Bay Delta Region

## REFERENCES

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## Letter 1

**COMMENTER:** Gregg Erickson, Regional Manager, Bay Delta Region, California Department of Fish and Wildlife

**DATE:** July 3, 2020

### Response 1.1

The commenter states that the California Department of Fish and Wildlife (CDFW) has reviewed the Draft EIR and that the comment letter includes comments and recommendations for identifying and mitigating impacts to biological resources. The commenter also summarizes CDFW's role under CEQA and a description of the proposed project.

The commenter accurately describes the proposed project. While this comment does not pertain specifically to the analysis in the Draft EIR, the City acknowledges CDFW's role in reviewing the project. Responses to specific comments regarding the proposed project and Draft EIR raised are provided in responses 1.2 and 1.3.

### Response 1.2

The commenter states that the project could increase artificial lighting, which could result in light pollution that has the potential to affect biological resources. The commenter explains that night lighting can disrupt the circadian rhythms of many wildlife species. The commenter states that CDFW recommends eliminating non-essential artificial lighting, limiting the use of necessary lighting during dawn and dusk, and shielding outdoor lighting.

As described in Section 4, *Biological Resources*, of the Initial Study (Appendix IS of the Draft EIR), the project's impacts to biological resources would be less than significant with mitigation incorporated. The commenter does not suggest that the analysis in the Initial Study is inadequate or that impacts would be greater than the Initial Study concludes. Therefore, this comment does not require additional analysis of environmental impacts or revisions to the Draft EIR.

However, the City acknowledges that artificial lighting associated with the proposed project could affect wildlife in the area. Impacts related to lighting and glare are analyzed in Section 1 of the Initial Study, *Aesthetics* (Appendix IS of the Draft EIR). As described in that section, lighting and glare impacts would be less than significant, in part because the project site is in an area that is developed with existing office and manufacturing buildings. Given this location and the proposed use of the new building as an office, new sources of light associated with the project would only incrementally contribute to the existing relatively high, urban light and glare levels that are already present at the site and the vicinity. Moreover, as described in the Initial Study, the project would be subject to regulations in the South San Francisco Municipal Code (SSFMC), which would reduce impacts associated with new lighting. SSFMC Section 20.300.010 requires that new lights be placed to deflect light away from adjacent properties and public streets and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. These requirements would address several of the measures that the commenter recommends, including that new lighting be shielded, cast downward, and not spill over beyond the project site. Finally, the City will consider the commenter's recommendations when it reviews and approves the final building permit plans for the project, including whether any other measures to reduce artificial lighting will be required.

### Response 1.3

The commenter states that the glass used for exterior building windows at the new buildings could result in bird collisions, which can cause bird injury and mortality.

As described under Response 1.2 above, the Initial Study concludes that impacts to biological resources would be less than significant with mitigation incorporated (Appendix IS of the Draft EIR), and the commenter does not suggest that the analysis is inadequate or that the conclusions are incorrect. Therefore, this comment does not require additional analysis of environmental impacts or revisions to the Draft EIR.

The City acknowledges that birds can collide with windows because they are clear or reflective. The City also notes that there are various design measures that would help reduce the risk of bird collisions with windows. These include measures that have already been incorporated into the project design, including architectural patterns to break up reflective areas; specifically, the proposed building elevations include glass windows that would be separated by opaque building materials. The City will also consider requiring additional design measures during the review of the final building permit plans to reduce the potential for bird collisions, including the measures suggested by the commenter. These measures could include external window films and coverings, ultraviolet patterned glass, and screens.

### Response 1.4

The commenter describes regulatory requirements that may apply to the project, including a California Endangered Species Act (CESA) (if the project would result in the removal of plants or animals listed under CESA), a CDFW filing fee, and notification if the project is subject to the CDFW Lake and Streambed Alteration Program. The commenter also describes that CEQA requires a Mandatory Finding of Significance if a project would result in significant impacts to endangered species and that the City, as Lead Agency, must make and support Statement of Overriding Consideration if impacts cannot be mitigated to a less than significant level.

This comment pertains to the review process required for the proposed project and not the analysis in the Draft EIR. Therefore, this comment does not require additional analysis of environmental impacts or revisions to the Draft EIR. Moreover, the City acknowledges that the project may be subject to the regulatory requirements of the CDFW and CESA. In addition, while the project would not result in significant impacts to biological resources, as described in Section 4.1 of the Draft EIR, *Transportation*, it would result in significant and unavoidable impacts to transportation. For this reason, the City has prepared the Final EIR and the other associated documents discussed by the commenter, including the Mandatory Findings of Significance and Statement of Overriding Consideration pursuant to the requirements under CEQA.