

SECOND ADDENDUM TO THE

INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE

101 TERMINAL COURT CLEAR CHANNEL BILLBOARD PROJECT AND RELATED
ZONING AMENDMENT

RELATED TO THE

140 BEACON STREET BILLBOARD PROJECT

PREPARED FOR:

CITY OF SOUTH SAN FRANCISCO

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2ND ADDENDUM DATE SEPTEMBER 2023

ORIGINAL INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION DATE JUNE 2013
1ST ADDENDUM DATED MAY 2018

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ATTACHMENTS

- Attachment A: Standard Conditions and Mitigation Monitoring and Reporting Program
- Attachment B: Biological Assessment
- Attachment C: Cultural/Tribal Cultural Records Search Results

INTRODUCTION AND PROJECT INFORMATION

This document serves as a second addendum to the Initial Study and Mitigated Negative Declaration (IS/MND) for the currently proposed billboard, prepared in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 1500 et seq.).

Per CEQA Guidelines (Section 15164), an addendum may be prepared if only minor technical changes or additions are necessary or none of the conditions calling for the preparation of a subsequent EIR or negative declaration have occurred.

This document is organized in three sections as follows:

- Introduction and Project Information. This section introduces the document and discusses the project description including location, setting, and specifics of the lead agency and contacts.
- Environmental Analysis. This section analyzes the currently proposed billboard in comparison to the analysis in the prior environmental review and discusses the CEQA environmental topics and checklist questions with the potential to be changed from that previously assessed.
- Conclusions. This section summarizes the analysis and makes CEQA conclusions.

Attachment A includes full text of the standard conditions and IS/MND mitigation measures that are applicable to the project in the proposed Standard Conditions and Mitigation Monitoring and Reporting Program. Standard conditions apply to the project per the South San Francisco Municipal Code, and the mitigation measures are unchanged from those presented in the IS/MND.

Attachments B and C include the biological assessment and cultural/tribal cultural records searches respectively.

BACKGROUND AND PURPOSE

The 101 Terminal Court Clear Channel Billboard Project and Related Zoning Amendment (shortened to “101 Terminal Court Billboard and Zoning Amendment” in this document) was analyzed in an IS/MND with State Clearinghouse Number 2013062062, circulated in June 2013, and adopted in August 2015.

As assessed in the IS/MND, the zoning amendment allowed up to a total of three digital billboards along the U.S. 101 corridor in South San Francisco, as follows: “The location of proposed digital billboards would be constrained to the western side of the highway between Sister Cities Boulevard and the City’s southern boundary and otherwise following billboard locating restrictions (such as Caltrans rule of 500 feet between billboards, discussed in more detail under item 11, Regulatory Provisions).”

In 2018, the City issued an Addendum to the IS/MND, related to the 180 South Airport Boulevard Billboard Proposal. The 2018 Addendum included assessment for allowing digital billboards on the eastern side within the identified highway corridor.

The 2015 IS/MND and its first 2018 Addendum (referred to herein collectively as the “Prior IS/MND”) are hereby incorporated by reference and can be obtained from the South San Francisco Planning Department at <https://weblink.ssf.net/WebLink/DocView.aspx?id=151447&dbid=0&repo=SSFDocs>.

The current proposal is for a fourth billboard within the identified highway corridor, also on the eastern side of the highway.

The purpose of this second Addendum is to assess the currently proposed digital billboard and associated Zoning Amendment, which would allow it as a fourth digital billboard within the previously identified U.S. 101 corridor in South San Francisco, and to demonstrate that a subsequent environmental document is not required per Section 15164 of the State CEQA Guidelines, as follows:

15164. Addendum to an EIR or Negative Declaration

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Subsection (b) above presents the criteria for determining whether an addendum is the appropriate document when the prior document was an adopted negative declaration, as is the case for this project. Section 15164 references criteria in Section 15162, excerpted below:

15162. Subsequent EIRs and Negative Declarations

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
- (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

The conclusions related to the above CEQA Guidelines criteria are discussed in the final section of this document.

PROJECT INFORMATION

- 1. Project Title:** 140 Beacon Street Digital Billboard Proposal (“currently proposed billboard”), which is located within the highway corridor in which digital billboards would be allowed and analyzed as part of the:

101 Terminal Court Clear Channel Billboard Project and Related Zoning Amendment
- 2. Lead Agency Contact:** City of South San Francisco
Christy Usher, Senior Planner
Department of Economic and Community Development
City of South San Francisco
315 Maple Avenue
South San Francisco, CA 94083
650.829.6633 or Christy.Usher@ssf.net
- 3. Project Location:** 140 Beacon Street (APN 015-171-999)
- 4. Project Applicant's Name and Address:** Jeff McCuen
Outfront Foster Interstate
1111 Broadway, Suite 1515
Oakland, CA 94607
510.559.1135
- 5. General Plan Designation:** Business Technology Park High
- 6. Zoning:** Business Technology Park - High (BTP-H)
- 7. Site and Vicinity:**

The project location and site are shown in **Figures 1 and 2** (included with other project description figures starting on page 6). The currently proposed billboard is located in a fenced vacant lot owned by PG&E, behind a set of 3 connected commercial buildings on Beacon Street and associated parking. One of the buildings is currently vacant, with the others occupied by Decker Electric Company and K1 Speed – Indoor Go Karts.

The currently proposed billboard would be located on the eastern side of the site adjacent to U.S. 101 with the footing and overhang in a paved area.

An approximately 35-foot-wide landscape strip is located between the paved lot and the U.S. 101 highway to the west, consisting of mixed ruderal and wetland vegetation. Farther west across the highway (at least 300 feet to the nearest building) is located a storage center, and then a commercial complex with some restaurants, office, retail, and commercial uses, approximately another 100 feet to the west.

The project location lot is triangularly shaped, with the fence on the east side, behind the commercial building, meeting the fence on the west side, between the lot and U.S. 101, at the southernmost point. On the northern end are three electrical towers, beyond which is a paved parking lot up to Colma Creek. The site is surrounded by various commercial uses on the same side of the highway including largely offices and manufacturing uses, with some retail and other commercial uses.

The closest residential areas are located approximately 2,400 feet both to the west and to the south. Other residential uses can be found approximately 4,700 feet to the northwest and 6,800 feet to the north. There are no residences in the vicinity to the east.

8. Project Description:

Digital Billboard

The current digital billboard proposal involves construction and operation of one new double-sided outdoor advertising digital LED billboard located in South San Francisco, California. The billboard is proposed to reach a maximum height of 65 feet.

An “LED billboard” consists of a display surface that supports an image generated by rows of light emitting diodes (LED). The image on the billboard is static for a period of time, not less than eight seconds, before cycling to the next image, and would operate 24 hours per day, seven days per week. Operational details provided by the applicant include the following:

Each LED display would be 48 feet wide by 14 feet tall mounted on a column so that the overall height is approximately 65 feet above grade. The two display faces will be oriented in a V-shape, with each of the two sides angled 7.5 degrees from the centrally located access walkway. The V will meet on the western side such that the displays face the two directions of highway traffic. The design of the billboard is shown in **Figure 3** and visual models of the billboard are shown in **Figures 4 and 5**.

The applicant is proposing to install Opto-Tech LED signs configured to minimize light spillage and constrain brightness in accordance with the guidelines of the Outdoor Advertising Association of America (OAAA) and consistent with standards established by California law. Shaders will be located above each row of LEDs to prevent light from projecting upward into the sky. The diode pattern of LED bulbs is based on a Nichia series 336 LED, with projected viewing angle values for the proposed billboard at + 14.9°/ -34.6° vertically and ± 45° horizontally. The maximum light output level of the billboard displays would be 0.3 foot-candles (fc) above ambient lighting conditions, measured at a distance of 250 feet. In addition to light sensors measuring ambient light, a GPS calibrated sunlight clock would control maximum brightness to ensure nighttime limits are not exceeded.

Construction of the Billboard

The currently proposed billboard would be connected via trenching to existing power lines in the project area. The foundation used for the proposed structure would be a drilled shaft to an approximate depth of 41 feet, with a poured concrete footing. Construction would proceed as described in the Prior IS/MND with a few days of activity spread out over 1 to 2 weeks including (1) drilling of the foundation hole, (2) erection of the column and pouring of foundation concrete, and (3) assembly of the structure and installation of the displays.



Figure 1: Proposed Billboard Location
 Source: H.T. Harvey & Associates, dated July 14, 2023

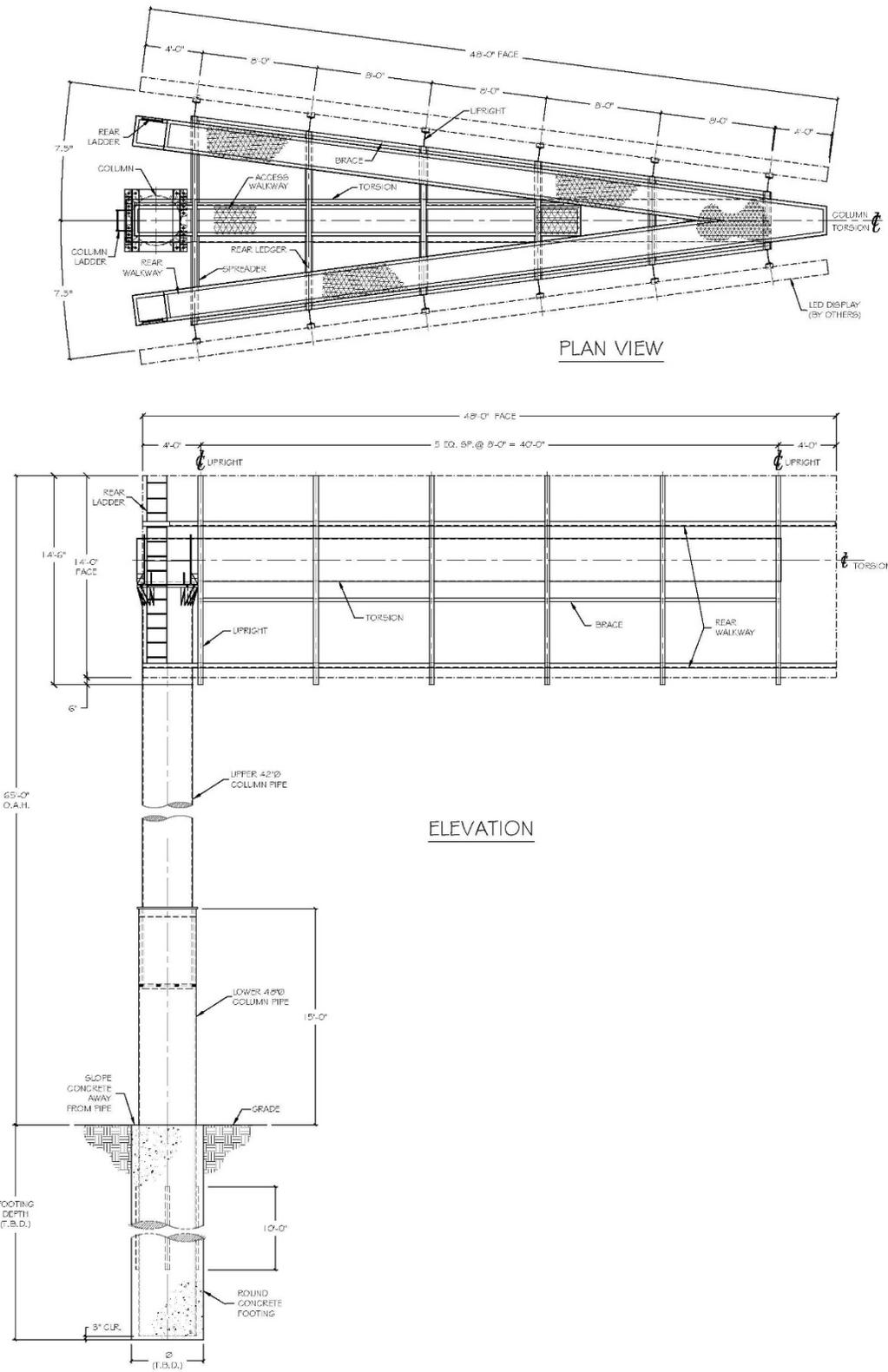


Figure 3: Proposed Billboard Design

Source: RMG Outdoor, Inc. for Applicant dated 5/31/2022



Figure 4: Proposed Billboard from U.S. 101, facing north

Source: Applicant (proposed billboard in green)



Figure 5: Proposed Billboard from U.S. 101, facing south

Source: Applicant (proposed billboard in green)

Comparison to Project Description in the IS/MND

The proposed billboard sign faces are the same size and propose substantially the same LED technology including proposed operation and light levels and construction activities as assumed in the Prior IS/MND. The height of the currently proposed billboard (65') is within the range assumed in the Prior IS/MND (55' to 70').

The proposed billboard is in the same general area as assumed in the Prior IS/MND (U.S. 101 corridor between Sister Cities Boulevard and the City's southern boundary) on the eastern side of the highway, but is the fourth digital billboard in the City, whereas the Prior IS/MND assumed the construction and placement of three digital billboards.

9. Required Approvals:

Approval of the currently proposed billboard would require a Zoning Ordinance Amendment (because this would be the fourth billboard in the city, with a current limit of three), and Design Review from the City of South San Francisco. The City and applicant may also enter into a Development Agreement. Construction activities will require appropriate administrative permits. Additionally, the following review/approval would be required:

Appropriate clearance through the California Department of Transportation (Caltrans) is also required for highway-oriented signs.

10. Regulatory Provisions:

The following regulations are applicable to the installation of billboards and compliance has been assumed in analysis of the currently proposed billboard.

Federal

The federal Highway Beautification Act of 1965 (23 U.S.C. 131) provides for control of outdoor advertising, including removal of certain types of signs, along the interstate highway system. The Act is enforced by the Federal Highway Administration (FHWA).

As part of its enforcement effort, FHWA has entered into agreements regarding the Act with state departments of transportation. The agreements with California are described under the State provisions, below.

State

Caltrans is involved in the control of "off-premise" displays along state highways. Such displays advertise products or services of businesses located on property other than the display. Caltrans does not regulate on-premise displays. (Caltrans Landscape Architecture Program, 2008)

California has entered into two agreements with FHWA as part of the implementation of the Highway Beautification Act: one dated May 29, 1965, and a subsequent agreement dated February 15, 1968. The agreements generally provide that the State will control the construction of all outdoor advertising signs, displays, and devices within 660 feet of the interstate highway right-of-way. The agreements provide that such signs shall be erected only in commercial or industrial zones and are subject to the following restrictions:

- No signs shall imitate or resemble any official traffic sign, signal, or device, nor shall signs obstruct or interfere with official signs;
- No signs shall be erected on rocks or other natural features;
- Signs shall be no larger than 25 feet in height and 60 feet in width, excluding border, trim, and supports;
- Signs on the same side of the freeway must be separated by at least 500 feet; and
- Signs shall not include flashing, intermittent, or moving lights, and shall not emit light that could obstruct or impair the vision of any driver.

California regulates outdoor advertising in the Outdoor Advertising Act (Business and Professions Code, Sections 5200 et seq.) and the California Code of Regulations, Title 4, Division 6 (Sections 2240 et seq.), which incorporate the Federal Highway Beautification Act by reference. Caltrans enforces the law and regulations. Caltrans requires applicants for new outdoor lighting to demonstrate that the owner of the parcel consents to the placement of the sign, that the parcel on which the sign would be located is zoned commercial or industrial, and that local building permits are obtained and complied with. A digital billboard is identified as a “message center” in the statute, which is an advertising display where the message is changed more than once every two minutes, but no more than once every four seconds. (Business and Professions Code, Section 5216.4)

In brief, off-premises changeable electronic variable message signs (CEVMS) adjacent to controlled routes shall incorporate standards pertaining to:

1. Duration of Message
2. Transition Time
3. Brightness
4. Spacing
5. Locations

Most importantly as a result of FHWA recommendations, to ensure driver safety, no billboard manufacturers presently use moving displays or less than a 4-second duration between messages.

Some freeways are classified as “landscaped freeways.” A landscaped freeway is defined as one that is now, or may in the future be, improved by the planting of lawns, trees, shrubs, flowers or other ornamental vegetation requiring reasonable maintenance on one or both sides of the freeway (Government Code §5216). Off-premise displays are not allowed along landscaped freeways except when approved as part of Relocation Agreements pursuant to §5412 of the Outdoor Advertising Act. It appears the currently proposed billboard is within a segment of U.S. 101 that is considered a classified landscaped freeway, though such a determination would be made during the approval process with Caltrans.¹

The Outdoor Advertising Act contains a number of provisions relating to the construction and operation of billboards:

¹ California Department of Transportation, Classified “Landscape Freeways”, available at <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-b-classified-landscaped-freeways/classified-landscaped-freeways>

- The sign must be constructed to withstand a wind pressure of 20 pounds per square feet of exposed surface (§5401);
- No sign shall display any statements or words of an obscene, indecent or immoral character (§5402);
- No sign shall display flashing, intermittent or moving light or lights (§5403(h));
- Signs are restricted from areas within 300 feet of an intersection of highways or of highway and railroad right-of-ways, but a sign may be located at the point of interception, as long as a clear view is allowed for 300 feet, and no sign shall be installed that would prevent a traveler from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway (§5404); and
- Message center signs may not include any illumination or message change that is in motion or appears to be in motion or that change or expose a message for less than four seconds. No message center sign may be located within 500 feet of an existing billboard, or 1,000 feet of another message center display, on the same side of the highway (§5405).

Additional restrictions on outdoor signage are found in the California Vehicle Code. Section 21466.5 prohibits the placing of any light source "...of any color of such brilliance as to impair the vision of drivers upon the highway." Specific standards for measuring light sources are provided. The restrictions may be enforced by Caltrans, the California Highway Patrol or local authorities.

Local

The Billboard Relocation Agreement mandates that erection of a new billboard is paired with removal of two existing billboards. Per South San Francisco Municipal Code 20.360.003 D(6)(b), if there are no existing billboards to remove, the billboard applicant may instead request the City to enter into a development agreement, which may include in-lieu contributions.

The currently proposed billboard would enter into a Development Agreement and contribute in-lieu fees, as allowed under the Municipal Code.

ENVIRONMENTAL ANALYSIS

SUMMARY OF PROJECT CHANGES

The proposed billboard is of the same type and has the same sign-face size as those previously assessed in the Prior IS/MND.

The difference from the Prior IS/MND is in the number of digital billboards only. The following discussion is broken down by CEQA topic and focuses on assessment of the increased number.

AESTHETICS

Scenic Vistas

Impact remains Less than Significant

As under the Prior IS/MND, the site and surrounding area is predominately developed with industrial/commercial uses and is not a scenic resource or vista. The site of the currently proposed billboard is located on a flat area near the highway with no substantial views of the Bay from or across the site.

Figures 4 and 5 (on page 9) are visual models showing the proposed billboard from views along U.S. 101.

Sign Hill, which contains the prominent concrete “South San Francisco The Industrial City” sign on the hillside, was identified in the Prior IS/MND as the only scenic vista with the potential to be impacted by billboards along U.S. 101, because they would have the potential to interrupt view of Sign Hill from motorists traveling along U.S. 101. As noted in the Prior IS/MND, views toward Sign Hill, San Bruno Mountain and the Skyline Boulevard ridge from U.S. 101 are already partially and intermittently obscured by existing development, signage, and landscaping. Billboards along U.S. 101 would contribute to temporary obstruction of these views as a driver progresses toward and past the billboard, however, the Prior IS/MND determined that the temporary and intermittent nature of the obstruction from the point of view of a moving vehicle, would be considered a less than significant impact. The currently proposed fourth billboard would contribute to intermittent blockage of views, but as discussed in the Prior IS/MND, with mandatory compliance with Caltrans spacing regulations, there would be space between signs and the blockage would remain intermittent. Because the currently proposed billboard is on the eastern side of U.S. 101, and therefore not between highway motorists and Sign Hill, there is no potential to block these views from U.S. 101, but the same conclusion would hold true for roadways farther to the east.

Scenic Highways and Visual Character

Impact remains Less than Significant/No Impact

There would be no substantial change to the assessment or conclusions related to scenic highways or visual character. The currently proposed billboard would undergo the appropriate City review. The character of the currently proposed billboard site is commercial, just as were the potential locations assessed in the Prior IS/MND, and U.S. 101 is not a state scenic highway in the vicinity.

Light and Glare

Impact remains Less than Significant with Mitigation

The Prior IS/MND identified a potential impact related to the light levels of the proposed digital billboard and the potential to create substantial light and glare. The currently proposed billboard has sign faces of the same size as those previously analyzed, and the closest residential uses are over 2,000 feet away (the increase in illuminance is barely perceptible at 250 feet and negligible at 500 feet), and would comply with applicable regulation and guidelines. LED lighting has a directional nature and the projected viewing angle values for the proposed billboard is $+14.9^{\circ}/- 34.6^{\circ}$ vertically and $\pm 45^{\circ}$ horizontally. Shaders will be located above each row of LEDs to prevent light from projecting upward into the sky.

As all billboards must be at least 500 feet apart, there would be no cumulative impact from light and glare from more than one digital billboard. There would be no substantial change in the impact related to light and glare under the currently proposed billboard.

The Prior IS/MND included **Mitigation Measure Visual-1** (included in full in Attachment A), requiring demonstration of compliance with light levels consistent with OAAA Guidelines. This mitigation measure would remain applicable to the proposed billboard and would reduce the impact to less than significant.

Overall Aesthetics

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Aesthetics analysis or conclusions, and impacts would remain unchanged (*no impact/less than significant or reduced to that level through mitigation*).

AGRICULTURE AND FORESTRY RESOURCES

Impacts remain No Impact

As under the Prior IS/MND, the currently proposed billboard is located in a developed urban area adjacent to a highway and no part of the site is zoned for or currently being used for agricultural or forestry purposes or is subject to the Williamson Act. Therefore, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Agricultural and Forestry Resources analysis or conclusions, and impacts would remain unchanged (*no impact*).

AIR QUALITY

Impacts remain Less than Significant/Less than Significant with Mitigation

The currently proposed billboard has the same size sign faces and would have substantially the same construction activities assumed under the Prior IS/MND, and therefore the same construction emissions, or less, due to increased emissions controls since the original analysis. Emissions from operations are generally from energy usage. While a fourth digital billboard would increase the cumulative emissions from digital billboards in the City, digital billboards have become more efficient since the Prior IS/MND was analyzed. The currently proposed billboard would consume approximately 40,150 kilowatt-hours (kwh) of electricity per year, compared to 86,400 kwh estimated in the Prior IS/MND. With emissions below the amount analyzed in the Prior IS/MND, the currently proposed billboard would result in no

changes to the Prior IS/MND Air Quality analysis or conclusions, and all impacts except the one below would remain less than significant.

The Prior IS/MND identified a potentially-significant impact related to construction-period emissions and fugitive dust and included **Mitigation Measure Air-1** (included in full in Attachment A), requiring standard construction management practices to reduce the impact to less than significant. This impact and conclusion would remain applicable to the currently proposed billboard.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Air Quality analysis or conclusions, and impacts would remain unchanged (*less than significant or reduced to that level through mitigation*).

BIOLOGICAL RESOURCES

A biological assessment was conducted by H.T. Harvey and Associates for the currently proposed billboard, as included in full as Attachment B. This included a site visit on June 13, 2023. The following analysis is informed by that assessment.

Special Status Species and Habitat and Wetlands

Impacts remain Less than Significant/No Impact

The Prior IS/MND assessed both direct effects of billboard installation in a developed urban area, and the potential for indirect effects on off-site areas. As under the Prior IS/MND, the currently proposed billboard is located on a developed urban site but is near the strip of vegetation between developed sites and the U.S. 101, which can support wetlands. The Prior IS/MND concluded that standard billboard construction on a developed site along the U.S. 101 corridor would not result in significant direct impacts and that with proposed operational lighting parameters, billboard operation, including illumination, would not have a significant indirect impact on off-site areas. As indicated above and discussed below, a site-specific biological assessment was performed for the currently proposed billboard project to confirm these conditions and conclusions (see Attachment B for the full biological assessment).

While the project footprint would be entirely on paved ground, approximately 110 feet northwest of the project site, on the other side of the chain link fence, is a small brackish pond that appears to be fed by an underground culvert. This ponded water feeds a small wetted-channel that runs parallel to U.S. 101 and eventually ends approximately 285 feet north of the pond, just short of San Bruno Channel, which is located approximately 530 feet north of the project site. During winter rain events, flows of this small wetted-channel most likely increase, connecting with San Bruno Channel; but at the time of the biological assessment site visit, there was no aquatic connectivity between the wetted-channel and San Bruno Channel. No part of San Bruno Channel or the aquatic habitat are located within the boundaries of the project site.

The project site and adjacent area were assessed for special-status species and sensitive habitats. The vast majority of plant and animal species in the area are very common species associated with urban, developed, and ruderal conditions found throughout the Bay Area.

There are 36 special-status plant species that have the potential to occur in the area of the project site; however, all were determined to be absent from the project site and adjacent area due to at least one of the following reasons: (1) lack of suitable habitat types; (2) absence of specific microhabitat or soil

requirements; (3) the species is presumed to no longer exist in the area or is not expected to occur in the project vicinity due to range; and/or (4) the project site and study area are too disturbed to be expected to support the species.

A number of special-status animal species are known to occur in the project area vicinity, however, all of these species have been determined to be absent from the project site because it lacks suitable habitat, is outside of the known range of the species, and/or is isolated from the nearest known existing populations by development or otherwise unsuitable habitat. The following animal species were among those considered for occurrence: California Ridgway's rail (*Rallus obsoletus obsoletus*), the Alameda song sparrow (*Melospiza melodia pusillula*), the San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), the California red-legged frog (*Rana draytonii*), the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), the Central California Coast steelhead (*Oncorhynchus mykiss*), the green sturgeon (*Acipenser medirostris*), longfin smelt (*Spirinchus thaleichthys*), and 5 special-status butterflies.

No sensitive or regulated habitats (i.e., riparian, wetland or other waters of the U.S./State) occur on the project site, and the project footprint has been located so as to specifically avoid adjacent wetlands and other waters. However, the brackish marsh habitat, ponded areas, and the small wetted-channel that are located within 50-110 ft of the project site would be considered waters of the U.S./State and thus would be regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act (and, in the case of tidal waters, under Section 10 of the Rivers and Harbors Act) and by the San Francisco Bay Regional Water Quality Control Board under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. In addition, tidal marsh habitat (i.e., San Bruno Channel) that would be considered waters of the U.S./State and regulated as described above, is found approximately 500 ft north of the project site. The locations of those sensitive habitats in relation to the project site are shown in **Figure 6**.

Standard construction practices are required per SSF Municipal Code Section 14.04.180 to be implemented on all construction sites to minimize pollution and siltation in runoff during construction activities. These standard practices would ensure that there would be no significant impact related to pollution or siltation in construction runoff getting into nearby wetland areas.

Given the above (and full analysis included as Attachment B), wildlife species that may occur in the project area are common species that are locally and regionally abundant. Billboard installation at the project site would not result in the modification of any naturally occurring habitat. As a result, no regional populations of these species would be significantly impacted by billboard construction.

However, all native bird species that occur within the project site are protected from take by the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. Direct destruction of an active nest would violate the MBTA and Fish and Game Code, and abandonment of an active nest because of project construction activities could be considered take under the Fish and Game Code. Based on the biological assessment of the currently proposed billboard project, bird species that could nest close enough to the project site are all regionally common, urban adapted species, which would have to be tolerant of relatively loud urban noise levels in the immediate vicinity, including from the nearby U.S. 101, to have chosen to nest in the immediate vicinity. In the unlikely event that there are nests nearby and that the few days of active construction activity resulted in abandonment, the biological assessment determined that it would not be considered a significant impact under CEQA. It is recommended that construction of the billboard should take place during the nonbreeding season (September 1 – January 31) if feasible or that a nesting survey is conducted within 30 days of construction to further minimize less-than-significant impacts and fully comply with federal and state laws.

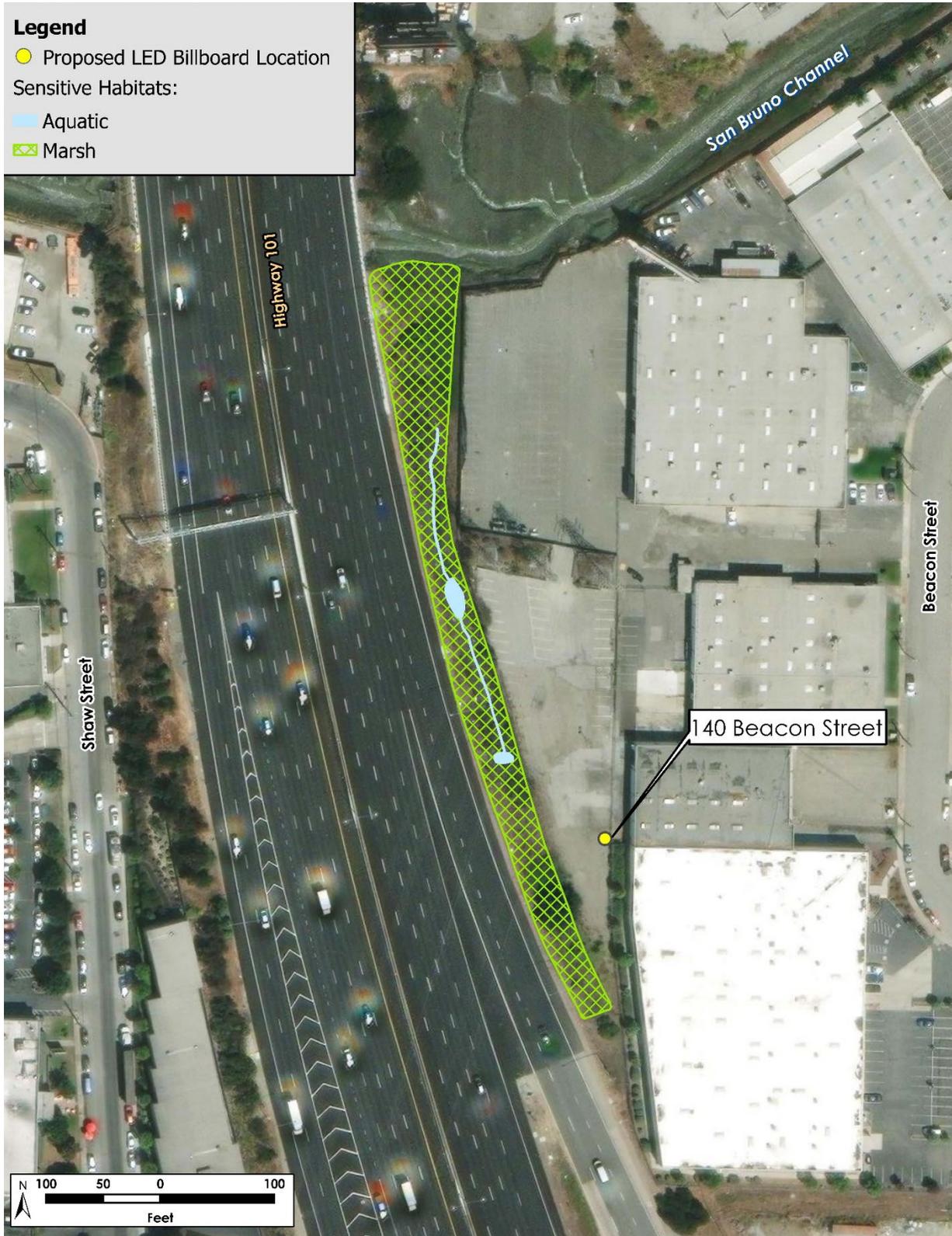


Figure 6: Sensitive Habitats in the Project Vicinity
 Source: H.T. Harvey & Associates, dated July 14, 2023

As discussed in the Prior IS/MND, illumination from a digital billboard may also indirectly affect the activity of birds and mammals, and this was examined specifically for the currently proposed billboard site (see Attachment B). The project site is in an area with considerable artificial illumination as an existing condition, including numerous streetlights, illuminated highway and street signs, light emanating from commercial and industrial buildings, and existing digital billboards along U.S. 101. The proposed LED billboard would be angled in such a way as to maximize the amount of visibility from specific portions of U.S. 101, so the area of brightest night illuminance projected by the proposed billboard would be directed at oncoming traffic, while illuminance would decrease with lateral distance from the center of the viewing angle. The proposed LED billboard would increase the illuminance (above current ambient conditions) across the 35-ft wide brackish marsh habitat found west of the project site. However, this small, isolated patch of marsh habitat does not provide suitable habitat for any special-status wildlife species, nor large numbers of non-special-status species, which may be affected by the increase in illuminance in this area. Further, the proposed LED billboard is not expected to substantially increase the amount of illuminance currently experienced by the San Bruno Channel (and the wildlife species potentially inhabiting the channel), located approximately 530 ft north of the project site. Thus, indirect impacts from increased illuminance on sensitive habitats and their wildlife communities would be *less than significant*.

Wildlife Corridors

Impact remains Less than Significant

With respect to wildlife corridors, the Prior IS/MND acknowledged that avian flight behavior is known to be potentially affected by artificial illuminance, primarily through the disorientation of nocturnally migrating birds, which could be drawn off-path toward the source of illumination and other potential nearby strike-risks. However, that analysis goes on to conclude that the impact of digital billboards within the designated U.S. 101 corridor would not be significant due to the operational characteristics of proposed billboards and of bird movement in the area. Specifically, the bases for this conclusion can be summarized as a) that LEDs are direction in nature with shutters to minimize vertical light into higher-altitude migratory flight paths, b) that a digital billboard would be a changing light source, and not a fixed and unchanging light that attracts birds, and c) that the configuration of potential bird habitat in the vicinity does not lend itself to directed lower-altitude bird flights toward the billboard.

Consistent with the analysis in the Prior IS/MND, the site-specific biological assessment concludes that the vicinity of the currently proposed billboard is heavily urbanized and large numbers of birds are not expected to be flying within the beam of light from the billboard. The majority of seabirds and large numbers of shorebirds that move in the vicinity of the project site move and forage primarily along the shoreline of the Bay east of the site. These birds forage in open waters of the Bay and in areas such as the San Bruno Marsh Complex, Oyster Point Marina, Brisbane Lagoon, and Coyote Point. With the exception of higher-altitude flights by some birds moving between the Bay and Ocean, movement of waterbirds perpendicular to U.S. 101 (and thus in and out of the area that would be illuminated by the project) would be limited due to the absence of suitable foraging or breeding habitat for these birds in the areas immediately west of U.S. 101. Thus, it is unlikely that large numbers of seabirds and shorebirds would move within areas of increased luminance from future billboard lights. Passerine bird species, of which a few common species occur near the project site, are less susceptible to the attraction and disorientation caused by luminance when they are not migrating.

The operational characteristics of the currently proposed billboard and bird movement in the project vicinity are substantially similar to that analyzed in the Prior IS/MND and the site-specific biological assessment (see Attachment B) confirms that the conclusions would remain the same. The impact on

wildlife corridors, including indirect effects of illuminance on flight patterns, would therefore remain *less than significant*.

Biological Policies and Conservation Plans

Impact remains No Impact

The project does not propose any tree removal and as discussed above, would not involve disturbance of any protected habitat, species, or wetlands. There are no local policies, ordinances, or Habitat Conservation Plans applicable to this site or project and the *no impact* conclusion would remain unchanged.

Overall Biological Resources

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Biological Resources analysis or conclusions, and impacts would remain unchanged (*no impact/less than significant*).

CULTURAL AND TRIBAL CULTURAL RESOURCES

Impacts remain Less than Significant/Less than Significant with Mitigation

Since the Prior IS/MND, additional checklist questions have been added to the CEQA Guidelines, Appendix G, to make it clear that impacts to Native American Tribal Cultural Resources would be considered an environmental impact. The analysis in the Prior IS/MND had already considered Native American Tribal Cultural Resources under the Cultural Resources topic, so discussion of Tribal Cultural Resources is included here.

As under the Prior IS/MND, the currently proposed billboard is located in a developed urban area adjacent to a highway. The currently proposed billboard would have substantially the same construction activities as analyzed under the Prior IS/MND.

The project would not modify or demolish any structures, and consistent with conclusions in the Prior IS/MND, the currently proposed billboard would not have a significant impact related to historic resources.

A records search of the California Historical Resources Information System at the Northwest Information Center (NWIC), performed for the currently proposed billboard project and dated June 13, 2023 (included in Attachment C), indicated that the project site is within an area of artificial fill and bay mud, but was historically within marshland along the margins of the San Francisco Bayshore, and adjacent to San Bruno Slough, which describe the environmental setting and features associated with known sites of Native American resources in this part of San Mateo County. The NWIC further concluded that the project area may contain one recorded Native American archaeological resource, P-41-000047, Nelson Shellmound #382, though its precise location, status, and nature remains unknown. Additionally, historic maps show there could have been development at the site in the late 1800s and therefore a moderate potential for unrecorded historic-period archaeological resources.

A search of the Native American Heritage Commission (NAHC) Sacred Lands Files was completed for the project and indicated there are no known sacred lands present in the vicinity of the site (see Attachment C). While no tribes have requested consultation for projects in this area, notice was sent on July 19, 2023, to local tribes listed as being historic active in the area, per recommendation of the NAHC. While

one tribe provided information in the event tribal monitoring services were required, no tribes identified particular concerns with the project or site or requested coordination per Public Resources Code section 21080.3.1(d).

The above site-specific considerations are substantially consistent with the Prior IS/MND, which identified discovery/disturbance of currently unknown cultural (or tribal cultural) resources during billboard installation as a potentially-significant impact and included **Mitigation Measure Cultural-1** (included in full in Attachment A), requiring a monitoring and mitigation plan to be implemented during drilling that would reduce the impact to less than significant. This mitigation measure would remain applicable to the currently proposed billboard.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Cultural/Tribal Cultural Resources analysis or conclusions, and impacts would remain unchanged (*less than significant or reduced to that level through mitigation*).

GEOLOGY AND SOILS

Impacts remain Less than Significant/No Impact

As under the Prior IS/MND, the project site is in a seismically active region and could contain soils with properties that would need to be appropriately taken into consideration. As for all projects, the currently proposed billboard requires building permits and would be constructed to the current building code standards, including consideration of site-specific soils, geologic, and seismic conditions. There are no earthquake fault zones known to pass through the vicinity,² and given the relatively flat topography of the site, the possibility of landslides is considered unlikely. Standard construction practices are required per SSF Municipal Code Section 14.04.180 to be implemented on all construction sites to minimize erosion and siltation during construction activities. These standard practices would address erosion potential from ground disturbance. The impact related to seismic and soil hazards would remain *less than significant*.

The conclusion of *no impact* related to the use of septic tanks would remain unchanged as no septic takes are proposed.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Geology and Soils analysis or conclusions, and impacts would remain unchanged (*no impact/less than significant*).

GREENHOUSE GAS EMISSIONS

Impacts remain Less than Significant/No Impact

The currently proposed billboard has substantially the same construction activities and size of the sign faces as analyzed under the Prior IS/MND, but with the increase in energy efficiency of current models of digital billboards, would have emissions of approximately 16 metric tons of CO₂ per year, which is about half the emissions assumed for a digital billboard of the same size analyzed in the Prior IS/MND.

² California Geological Survey (CGS). Sept 23, 2021. Earthquake Zones of Required Investigation San Francisco South Quadrangle, available at: https://www.conservation.ca.gov/cgs/Documents/Publications/EZRIM/SAN_FRANCISCO_SOUTH_EZRIM_a11y.pdf.

This remains well below the Air District's (Bay Area Air Quality Management District) threshold of 1,100 metric tons that was in place at the time of the Prior IS/MND, and the GHG emissions would be within the less than significant impact identified in the Prior IS/MND.

Since the Prior IS/MND, the Air District issued new GHG emissions thresholds in April 2022, revising the quantified threshold to a checklist of compliance, requiring consistency with applicable criteria to make a finding of less-than-significant. However, because GHG issues were known or could have been known when the Prior IS/MND was being prepared, revised thresholds or guidelines are not legally "new information" as specifically defined under CEQA. That being said, the most closely applicable criteria are those for a building, which requires no new natural gas appliances or plumbing, and no wasteful, inefficient, or unnecessary electrical usage. The project does not propose gas usage or connections and per the analysis under Utilities and Service Systems, would not result in wasteful, inefficient, or unnecessary electrical usage. If compared to the new Air District GHG checklist thresholds, the currently proposed billboard would be found to have a less than significant impact.

Additionally, the project would be required to comply with any applicable requirements of the City's recently updated Climate Action Plan and would be consistent with the **no impact** conclusion for this topic in the Prior IS/MND.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Greenhouse Gas Emissions analysis or conclusions, and impacts would remain unchanged (**no impact/less than significant**).

HAZARDS AND HAZARDOUS MATERIALS

Impacts remain No Impact/Less than Significant/Less than Significant with Mitigation

As under the Prior IS/MND, the currently proposed billboard is located in a developed urban area adjacent to a highway and would have substantially the same construction and operational activities as analyzed under the Prior IS/MND. The currently proposed billboard would not create hazardous emissions/materials near a school, would not result in airport hazards, would not impact emergency response, and is not located in a wildland fire hazard area and impacts related to these topics would remain unchanged (**less than significant/no impact**).

The Prior IS/MND identified a potentially-significant impact related to unexplored potential for hazardous materials and included **Mitigation Measure Haz-1** (included in full in Attachment A), requiring a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report); and **Mitigation Measure Haz-2** (included in full in Attachment A), requiring the operator to follow applicable regulations regarding proper disposal and/or recycling of billboard components; to reduce the impact to less than significant. These mitigation measures would remain applicable to the currently proposed billboard, and the impact would be within the less than significant with mitigation impact conclusion identified in the Prior IS/MND.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Hazards and Hazardous Materials analysis or conclusions, and impacts would remain unchanged (**no impact/less than significant or reduced to that level through mitigation**).

HYDROLOGY AND WATER QUALITY

Impacts remain Less than Significant/No Impact

The currently proposed billboard would have substantially the same construction and operational activities as the billboard analyzed under the Prior IS/MND. As under the Prior IS/MND, the currently proposed billboard would not use water during operation, would not substantially change site drainage, and is not located in an area subject to flooding or inundation.³ Standard construction practices are required per SSF Municipal Code Section 14.04.180 to be implemented on all construction sites to minimize the potential for construction-period runoff to impact off-site water quality. These standard practices would ensure that there would be no significant impact related to water quality during the construction period.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Hydrology and Water Quality analysis or conclusions, and impacts would remain unchanged (***less than significant/no impact***).

LAND USE AND PLANNING

Impacts remain Less than Significant/No Impact

As under the Prior IS/MND, the currently proposed billboard is located in a developed urban area adjacent to a highway. Because the billboard would not involve any physical changes that would divide the established community and because the site is not subject to a conservation plan, the conclusion of ***no impact*** related to these items would remain unchanged.

Only three digital billboards are currently allowed under the South San Francisco Zoning Code. Amendment of the Zoning Code as proposed with the currently proposed billboard would allow this fourth digital billboard. Assuming approval of the Zoning Code amendment, there would be no conflict with the Zoning Code or other planning document and impacts related to land use plan conflicts would remain ***less than significant***.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Land Use and Planning analysis or conclusions, and impacts would remain unchanged (***no impact/less than significant***).

MINERAL RESOURCES

Impacts remain No Impact

As under the Prior IS/MND, the currently proposed billboard is located in a developed urban area and the site contains no known mineral resources and has not been delineated as a locally important

³ Federal Emergency Management Agency (FEMA), effective 4/5/2019, Flood Insurance Rate Map (FIRM), Map Number 06081C0044F, available at <https://www.fema.gov/flood-maps>.

mineral recovery site on any land use plan.⁴ There would be **no impact** to mineral resources as a result of the currently proposed billboard.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Mineral Resources analysis or conclusions, and impacts would remain unchanged (**no impact**).

NOISE

Impacts remain Less than Significant/No Impact

As under the Prior IS/MND, the currently proposed billboard is located in a developed urban area adjacent to a highway and would have substantially the same construction and operational activities as the assumptions under the Prior IS/MND. Standard construction noise hours and volumes are specified per SSF Municipal Code Section 8.32.050 and are required to be implemented on all construction sites to minimize the potential for construction-period noise impacts. The proposed billboard would not be a source of operational noise or vibration and construction activities will comply with noise regulations.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Noise analysis or conclusions, and impacts would remain unchanged from the Prior IS/MND (**no impact/less than significant**).

POPULATION AND HOUSING

Impacts remain No Impact

As under the Prior IS/MND, a billboard would not induce population growth or displace housing or people and would have **no impact** related to population and housing.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Population and Housing analysis or conclusions, and impacts would remain unchanged (**no impact**).

PUBLIC SERVICES

Impacts remain No Impact

As under the Prior IS/MND, a billboard would not increase the demand for public services and would have **no impact** related to public services.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Public Services analysis or conclusions, and impacts would remain unchanged (**no impact**).

⁴ California Department of Conservation, California Geological Survey Information Warehouse: Mineral Land Classification. 2015.Special Report 146: Part II, Plate 2.65, available at: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>.

RECREATION

Impacts remain No Impact

As under the Prior IS/MND, a billboard would not construct or increase the use of recreational facilities and would have **no impact** related to recreation.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Recreation analysis or conclusions, and impacts would remain unchanged (**no impact**).

TRANSPORTATION

Impacts remain No Impact/Less than Significant with Mitigation

As under the Prior IS/MND, operation of a billboard would not generate vehicle trips or otherwise change traffic patterns or access. Consistent with the Prior IS/MND conclusions, except as discussed below, the currently proposed billboard would have **no impact** related to transportation.

The Prior IS/MND identified a potentially-significant impact related to increase of traffic hazards and included **Mitigation Measure Traf-1** (included in full in Attachment A), requiring submission of an annual report confirming compliance with traffic and safety regulations; and **Mitigation Measure Traf-2** (included in full in Attachment A), requiring compliance with operational safety measures, to reduce the impact to less than significant. These mitigation measures would remain applicable to the currently proposed billboard and the project would be within the less than significant with mitigation conclusion of the Prior IS/MND.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Transportation analysis or conclusions, and impacts would remain unchanged (**no impact/less than significant with mitigation**).

UTILITIES AND SERVICE SYSTEMS

Impacts remain No Impact/Less than Significant

The currently proposed billboard would have substantially the same construction and operational activities as the billboard analyzed under the Prior IS/MND, but with the increase in energy efficiency of current models of digital billboards, is estimated to use about 40 MWh per year of electricity, which is less than half of the energy use assumed for one billboard under the Prior IS/MND. While a digital billboard would result in electrical use, it would be required to meet or exceed applicable electrical codes and efficiencies and, as discussed under Regulatory Provisions beginning on page 10 of this document, digital billboards are allowable under federal, state, and local codes with relocation agreements or in-lieu fees. Therefore, the proposed electrical use would not be considered wasteful, inefficient, or unnecessary for CEQA purposes and would be within the **less than significant** impact conclusions in the Prior IS/MND.

Consistent with conclusions of the Prior IS/MND, operation of a digital billboard would not otherwise require utilities and would have **no impact** related to utilities and service systems, and this conclusion remains applicable to the currently proposed billboard.

Therefore, given the substantial evidence above, the currently proposed billboard would result in no substantial changes to the Prior IS/MND Utilities and Service Systems analysis or conclusions (*no impact/less than significant*).

CONCLUSIONS

Given the substantial evidence presented in this document, and pursuant to CEQA Guidelines Section 15164, some minor changes or additions to the Prior IS/MND were necessary to describe the currently proposed billboard and its potential impacts, but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred as demonstrated by the following statements:

- (1) The currently proposed billboard would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) There are no changes in circumstances that would result in the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (3) There is no new information resulting in a new significant effect not discussed in new significant environmental effects, a substantial increase in the severity of previously identified significant effects, or a change in the feasibility (or acceptance) of mitigation measures.

While the currently proposed billboard would increase the cumulative total of digital billboards in the city by one more than assumed under the Prior IS/MND and within the same geographic location, based on the analysis in this document, the addition of the currently proposed billboard would be considered a minor technical change or addition per CEQA Guidelines Section 15164. Therefore, this addendum, in combination with the Prior IS/MND, is the appropriate CEQA document and no additional CEQA analysis or documentation is required to make a decision on the currently proposed billboard.

All mitigation measures identified in the Prior IS/MND would remain applicable to the currently proposed billboard, as listed in the MMRP for this project included as Attachment A. Standard conditions applicable to the project and discussed in this document are also listed in Attachment A.

STANDARD CONDITIONS AND MITIGATION MONITORING AND
REPORTING PROGRAM

ATTACHMENT A

to the
2nd Addendum to the 101 Terminal Court Billboard and Zoning Amendment IS/MND

STANDARD CONDITIONS AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 140 BEACON STREET BILLBOARD PROJECT

In the first section of the table, standard conditions are listed from the South San Francisco Municipal Code as indicated.

In the second section, the mitigation measures from the 101 Terminal Court Clear Channel Billboard Project and Related Zoning Amendment are listed, all of which are applicable to the 140 Beacon Street Billboard Project.

Standard Condition	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Standard Condition: Construction Site Runoff BMPs. Pursuant to South San Francisco Municipal Code 14.04.180 all construction sites in the city shall implement best management practices (BMPs), including year round effective erosion control, run-on and runoff control, sediment control, active treatment systems (as appropriate), good site management, and non-stormwater management through all phases of construction (including, but not limited to, site grading, building and finishing of lots) until the site is stabilized by landscaping or the installation of permanent erosion control measures. BMPs means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to “waters of the United States.”</p>	<p>Prior to issuance of building permits</p>	<p>Applicant</p>	<p>Verify inclusion of requirements in planning documents</p>	<p>SSF Planning Division</p>	

Standard Condition	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Standard Condition: Construction Noise. Section 8.32.050 of South San Francisco Municipal Code states that construction, alteration, repair, or landscape maintenance activities which are authorized by a valid City permit shall be allowed on weekdays between the hours of 8:00 a.m. and 8:00 p.m., on Saturdays between the hours of 9:00 a.m. and 8:00 p.m., and on Sundays and holidays between the hours of 10:00 a.m. and 6:00 p.m. or when authorized by a permit and not exceeding 90 dB at a distance of 25 feet or exceeds 90 dB at any point outside a proposed project's property plane.</p>	<p>Prior to issuance of demolition, building or grading permits</p>	<p>Applicant</p>	<p>Verify inclusion of requirements in construction documents</p>	<p>SSF Building Division</p>	

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>Visual-1: Billboard Brightness Field Testing. The Applicant shall demonstrate through field testing compliance with a 0.3 footcandle increase over ambient light at 250 feet during nighttime conditions upon initial start-up, at 6 months of operation and at the request of the City for the life of the billboard. The Applicant shall fund field testing by an independent contractor or City staff trained in the use of a handheld photometer to demonstrate continued compliance. The City shall consider citizen complaints consisting of direct personal impacts as cause for requesting field testing. If increases in ambient light are found to be above the 0.3 footcandle level, the dimming level shall be adjusted until</p>	<p>Before operations -and- After 6 months of operation</p>	<p>Applicant</p>	<p>Verify requirements are met during grading and construction</p>	<p>SSF Building Division</p>	

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>this level can be demonstrated. This must be completed and demonstrated through follow-up field testing within 24 hours or the billboard shall not be operated until the lighting levels can be brought into compliance.</p> <p>If no above-threshold levels have been measured in the prior three tests, field testing shall be requested no more often than twice yearly. Otherwise, field tests can be requested up to once monthly.</p>					
<p>Air-1: Basic Construction Management Practices. The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD “Basic Construction Mitigation Measures”:</p> <ul style="list-style-type: none"> i) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. ii) All haul trucks transporting soil, sand, or other loose material off-site shall be covered. iii) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. iv) All vehicle speeds on unpaved roads shall be limited to 15 mph. v) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 	<p>Prior to issuance of all grading and construction permits</p> <p>-and-</p> <p>During grading and construction</p>	<p>Applicant</p>	<p>Verify construction contractors provide acknowledgment of requirements</p> <p>-and-</p> <p>Verify requirements are met during grading and construction</p>	<p>SSF Building Division</p>	

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>vi) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</p> <p>vii) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>viii) Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>					
<p>Cultural-1: Cultural Monitoring and Mitigation Plan. The Project applicant shall fund preparation and implementation of a cultural monitoring and mitigation plan by a qualified archaeologist to address the potential for presence and disturbance of Native American archaeological resources or remains during excavation of the billboard pole footing. This will include at a minimum monitoring during excavation of the billboard pole footing and may also include but is not limited to additional archival research, hand auger sampling, shovel test units, geoarchaeological analysis, or other common methods used to identify the presence of archaeological resources to be determined per the recommendation of the</p>	<p>Prior to and during construction activities involving ground disturbance</p>	<p>Applicant</p>	<p>Verify inclusion of requirements in construction documents</p>	<p>SSF Building Division</p>	

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
qualified archaeologist. The archaeologist and construction contractors shall follow the appropriate procedures should any cultural resources or human remains be discovered during ground disturbance.					
Haz-1: Phase I and/or Phase II Reports. Prior to issuance of construction permits, the City of South San Francisco shall require the Project applicant to submit a Phase I environmental site assessment report, and a Phase II report if warranted by the Phase I report for the Project site. The reports shall make recommendations for remedial action in accordance with State and Federal laws, if appropriate, and should be signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer. The Applicant shall comply with these recommendations.	Prior to issuance of construction permits	Applicant	Verify requirements are met	SSF Planning Division	
Haz-2: E-Waste Disposal. Electronic components of the billboard may contain materials considered “e-waste” when disposed of due to potentially hazardous metals, flame retardants, and other chemicals. The operator shall be required to follow applicable regulations regarding proper disposal and/or recycling, as appropriate, as components are replaced or removed over time.	Over the life of the project	Applicant	Verify requirements are met	SSF Building Division	
Traf-1: Annual Report. The operator of the digital billboard shall submit to the City, within thirty days following June 30 of each year, a written report regarding operation of each digital billboard during the preceding period of July 1 to June 30. The operator may submit a combined report for all such digital billboards operated by	Annually	Applicant	Verify requirements are met	SSF Planning Division	

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<p>such operator within the City limits. The report shall, when appropriate, identify incidents or facts that relate to specific digital billboards. The report shall be submitted to the Director of the Economic and Community Development Department and shall include information relating to the following:</p> <ol style="list-style-type: none"> a. Status of the operator’s license as required by California Business and Professions Code §§5300 et seq.; b. Status of the required permit for individual digital billboards, as required by California Business and Professions Code §§5350 et seq.; c. Compliance with the California Outdoor Advertising Act, California Business and Professions Code §§5200 and all regulations adopted pursuant to such Act; d. Compliance with California Vehicle Code §§21466.5 and 21467; e. Compliance with provisions of written agreements between the U.S. Department of Transportation and the California Department of Transportation pursuant to the federal Highway Beautification Act (23 U.S.C. §131); f. Compliance with mitigation measures identified in the Mitigated Negative Declaration adopted as part of Project approval; g. Each written or oral complaint received by the operator, or conveyed to the operator by any government agency or any other person, regarding operation of each digital billboard included in the report; 					

Mitigation Measure	Timing/ Schedule	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date Completed
<ul style="list-style-type: none"> h. Each malfunction or failure of each digital billboard included in the report, which shall include only those malfunctions or failures that are visible to the naked eye, including reason for the malfunction, duration and confirmation of repair; and i. Operating status of each digital billboard included in the report, including estimated date of repair and return to normal operation of any digital billboard identified in the report as not operating in normal mode. 					
<p>Traf-2: Operational Safety. The operation of the digital billboard shall comply with the following at all times:</p> <ul style="list-style-type: none"> a. No special visual effects that include moving or flashing lights shall accompany any message or the transition between two successive messages; b. The operator shall not install or implement any technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to a radio frequency identification device, geographic positions system, or other device without prior approval of the City of South San Francisco, taking into consideration technical studies and CalTrans or US DOT policies and guidance available at the time of the request. 	Ongoing during operations	Applicant / Operator	Included in Review of Annual Report	SSF Planning Division	

BIOLOGICAL ASSESSMENT

ATTACHMENT B

to the
2nd Addendum to the 101 Terminal Court Billboard and Zoning Amendment IS/MND



July 14, 2023

Rebecca Auld | Vice President
Lamphier-Gregory
4100 Redwood Rd Ste 20A - #601
Oakland, CA 94619

Subject: 140 Beacon Street Outfront Foster Interstate Billboard Project – Biological Impacts Assessment (HTH #4762-01)

Dear Rebecca Auld:

Per your request, H. T. Harvey & Associates has performed a biological impacts assessment for the construction of a new Outfront Foster Interstate LED billboard at 140 Beacon Street in South San Francisco, California, located on the east side of U.S. Highway 101 (Hwy 101), and north of the Interstate 380 (I-380)/Hwy 101 interchange (Figure 1). The proposed project site at 140 Beacon Street is located on vacant Pacific Gas & Electric (PG&E) land, on the west side of the K1 Speed Indoor Go Karts building. The new billboard would have an overall height of 65 feet (ft) above existing grade, with north and south-facing 14 ft tall by 48 ft wide LED displays visible to vehicles traveling in both directions on Hwy 101. The proposed billboard would display a rotation of eight 8-second static images and will operate 24 hours per day, seven days per week. The billboard would not show video or motion. Outfront Foster Interstate is proposing to install Opto-Tech LED signs configured to minimize light spillage and constrain brightness in accordance with industry guidelines and consistent with standards established by California law. Shaders will be located above each row of LEDs to prevent light from projecting upward into the sky. The diode pattern of LED bulbs is based on a Nichia series 336 LED, with projected viewing angle values for the proposed billboard at + 14.9°/ -34.6° vertically and ± 45° horizontally. Light levels would be controlled by a daily clock and adjusted to ambient light conditions. The maximum light output level of the billboard displays would be 0.3 foot-candles (fc) above ambient lighting conditions, measured at a distance of 250 ft. The foundation for the proposed billboard would be a drilled shaft with a poured concrete footing that would be located on existing pavement. The column foundation would be 5 ft in diameter and extend to an estimated depth of 41 ft below the pavement ground surface.

The construction of a new billboard on the project site is allowable under the existing zoning code and within the area anticipated as described in the Initial Study and Mitigated Negative Declaration: 101 Terminal Court Clear Channel Billboard Project and Related Zoning Amendment, for which H. T. Harvey & Associates prepared the biological impact assessment. In addition, H. T. Harvey & Associates had previously assessed this



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Figure 1. Vicinity Map

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general area in the 345 Shaw Road/South San Francisco Highway 101 Clear Channel Billboard Project – Biological Impact Assessment report that we prepared for Lamphier-Gregory on August 27, 2019. Therefore, our assessment in this report draws heavily from our research and analysis of that report and from other previous billboard projects we have evaluated for Lamphier-Gregory.

Methods

Prior to conducting a field visit, we reviewed the California Natural Diversity Database (CNDDDB 2023) and also reviewed records of birds reported in nearby areas on eBird (Cornell Lab of Ornithology 2023), to determine whether there were known occurrences of special-status species in the vicinity of the project site along Hwy 101, so that the potential effects of billboard construction and operation could be assessed in the context of these species’ distributions. I then conducted a site visit on June 13, 2023, to provide a basis for determining the potential direct and indirect effects of the billboard’s lighting on wildlife. I inspected habitat conditions in areas immediately surrounding the proposed project site and in adjacent areas. Following the completion of the survey, we determined the potential for installation and operation of the proposed new billboard to impact biological resources, such as special-status species and sensitive/regulated habitats, based on the conditions at the proposed project site.

Existing Site Conditions

Overall existing site conditions in the project area along Hwy 101 consist primarily of highly developed industrial, commercial, and residential land uses, where multiple digital and traditional, non-digital billboards, as well as street signs, are currently located. Below, we describe project site condition characteristics, and the probability of special-status species or sensitive/regulated habitats occurring near or within the proposed project site location.



Photo 1. Looking south from the proposed project site at 140 Beacon Street.

As described above, the proposed project site is located on the east side of Hwy 101, with the project footprint located entirely on existing pavement. The project footprint is located on vacant PG&E property and is bounded to the east by a chain link fence, separating the PG&E property from the K1 Speed Indoor Go Karts building; and bounded to the west by another chain link fence, separating the PG&E property from an approximately 35-ft wide strip of mixed ruderal and wetland vegetation that runs parallel to the east shoulder of Hwy 101 (Photos 1 and 2). A vacant pavement parking lot and three electrical transmission towers (with overhead lines) are located north of the project footprint (Photo 3).

Dominant ruderal vegetation found around the edges of the project footprint and within the vegetated strip separating the project site from Hwy 101 includes nonnative species such as fennel (*Foeniculum vulgare*), bristly ox-tongue (*Helminthotheca echioides*), and wild oat (*Avena fatua*). Native species include panicked willow herb (*Epilobium brachycarpum*) and Canada horseweed (*Erigeron canadensis*), both of which are common in disturbed ruderal habitats. Immediately west of the project footprint is a cultivated Monterey cypress (*Hesperocyparis macrocarpa*), surrounded by nonnative Himalayan blackberry (*Rubus armeniacus*) bushes. The southern end of the project site is composed primarily of nonnative vegetation such as pampas grass (*Cortaderia* sp.), Bermuda grass (*Cynodon dactylon*), fennel, and wild oat, bordered to the east by a few rock daphne (*Daphne sericea*) shrubs and privet trees (*Ligustrum* sp.).



Photo 2. Looking west towards the mixed ruderal and wetland vegetation strip that separates the project site from Hwy 101. The 345 Shaw Road billboard is seen on the west side of Hwy 101.



Photo 3. Looking north from the project site. Note the two digital billboards behind the electrical transmission towers.

The vegetated strip on the west side of the chain link fence, separating the project site from Hwy 101 includes characteristic plant species representative of a brackish marsh habitat. Those species include saltgrass (*Distichlis spicata*), pickleweed (*Salicornia pacifica*), gumplant (*Grindelia* sp.), alkali Russian thistle (*Salsola soda*), cut leaf plantain (*Plantago coronopus*), and fat-hen (*Atriplex prostrata*), which are interspersed by nonnative vegetation as described above, as well as native coyote brush (*Baccharis pilularis*), which has been cut back. The section of the brackish marsh habitat directly west of the project site did not contain any ponded water or support a discernible channel. However, approximately 110 ft northwest of the project site on the west side of the chain link fence, a pond of brackish water occurs and appears to be fed by an underground culvert (circled in red in Photo 4). This ponded water feeds a small wetted-channel (Photo 5) that runs parallel to Hwy 101 and eventually terminates approximately 285 ft north of the pond, just short of San Bruno Channel, which is located approximately 530 ft north of the project site. During winter rain events, flows of this small wetted-channel most likely increase, connecting with San Bruno Channel; but at the time of the site visit, there was no aquatic connectivity between the wetted-channel and San Bruno Channel. No part of San Bruno Channel, or the aquatic habitat are located within the boundaries of the project site.



Photo 4. Looking southwest towards the ponded water location, approximately 110 ft northwest of the project site. The underground culvert is circled in red.



Photo 5. Looking northwest towards the small wetted-channel, which terminates approximately 285 ft north of the ponded water location.

The vast majority of plant and animal species occurring within the project area and on or immediately adjacent to the proposed project site at 140 Beacon Street, are very common species associated with urban, developed,

and ruderal conditions found throughout the Bay Area. Common bird species expected to occur here include the Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), California towhee (*Melospiza crissalis*), and house finch (*Haemorhous mexicanus*). Common waterbird species expected to occur along the San Bruno Channel include the snowy egret (*Egretta thula*), great blue heron (*Ardea herodias*), mallard (*Anas platyrhynchos*), American coot (*Fulica americana*), and western gull (*Larus occidentalis*), all of which are expected to forage along the channel, as well as Canada geese (*Branta canadensis*), whose nests and young were observed in the channel during the site visit. These waterbird species may occur occasionally within the small wetted-channel, along with the Pacific tree frog (*Hyla regilla*).

Special-Status Species and Sensitive Habitats

We collected and reviewed information from several sources, including the California Natural Diversity Database (CNDDDB 2023), to determine whether there were known occurrences of special-status species, and if they could potentially occur in the vicinity of the project site.

Special-Status Plant Species

A list of 36 special-status plants with some potential for occurrence in the project region was compiled using CNDDDB records (CNDDDB 2023) and reviewed for each species potential to occur on the project site, or more widely in the project area. Based on an analysis of the documented habitat requirements and occurrence records associated with these species, all were determined to be absent from the project site/study area due to at least one of the following reasons: (1) lack of suitable habitat types; (2) absence of specific microhabitat or edaphic requirements; (3) the species is presumed extirpated or is not expected to occur in the project vicinity due to range; and/or (4) the project site and study area are too disturbed to be expected to support the species.

Special-Status Animal Species

A number of special-status animal species are known to occur in the project area vicinity (CNDDDB 2023). However, all of these species have been determined to be absent from the project site because it lacks suitable habitat, is outside of the known range of the species, and/or is isolated from the nearest known extant populations by development or otherwise unsuitable habitat. Animal species considered for occurrence but rejected, as well as the reasons for their rejection, include the following (among others):

- The state and federally endangered California Ridgway's rail (*Rallus obsoletus obsoletus*), and the Alameda song sparrow (*Melospiza melodia pusillula*) and San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), both California species of special concern, have all been recorded in the San Bruno Marsh Complex, located approximately 0.45 mi east of the project site, where the San Bruno Creek and Channel empties into the Bay (CNDDDB 2023, Cornell Lab of Ornithology 2023). California Ridgway's rails have also been detected along San Bruno Channel, approximately 525 ft north of the project site (Avocet Research Associates 2007). However, given the lack of suitable marsh or Bay shoreline habitat on the project site, we do not expect any of these species to occur on the project site or within the

surrounding project area. Although aquatic and marsh habitat is present northwest of the project site, this habitat does not constitute appreciable high-quality habitat for these species, and there is no other areas adjacent to any portions of the project site, that are close enough for construction of a billboard on the project site to adversely affect these marsh species. Further, the site visit was conducted at the peak-time of the breeding season for the Alameda song sparrow and San Francisco common yellowthroat, and neither species was detected (even in the marsh adjacent to the project site) at the time.

- The California red-legged frog (*Rana draytonii*), federally listed as threatened and a California species of concern, is known to occur in the project vicinity (CNDDDB 2023). Its preferred breeding habitat consists of deep perennial pools with emergent vegetation for attaching egg clusters (Fellers 2005), as well as shallow benches to act as nurseries for juveniles (Jennings and Hayes 1994). The proposed project site lacks aquatic habitat for this species. Moreover, critical habitat, which was designated in March 2010 (USFWS 2010), is not present on the project site. The nearest known record of the California red-legged frog is approximately 1 mi southwest of the proposed project site, from a canal just northwest of the San Francisco International Airport. This is within known dispersal distance for this species (2.0 mi). However, this and all other known California red-legged frog locations are isolated from the project site, and from all portions of the study area, by substantial urbanization and infrastructure, including Hwy 101 and I-380, which are both barriers to overland dispersal of California red-legged frogs to the project site. Thus, based on the lack of breeding habitat on the project site and the isolation of the project site from all known or potential breeding locations by intensive development, California red-legged frogs are not expected to occur within the project site.
- Likewise, the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), federal and state listed as endangered and a fully protected species, is determined to be absent from the project area. The San Francisco garter snake is closely associated with the California red-legged frog; adult snakes feed primarily on adult frogs and occur in the same habitat. The project site is isolated from known San Francisco garter snake populations by impediments to dispersal such as Hwy 101, I-380, city streets, and commercial development; lacks suitable aquatic habitat and dense vegetative cover such as willows (*Salix* spp.), bulrushes (*Schoenoplectus* spp.), and cattails (*Typha* spp.); and lacks breeding habitat for California red-legged frogs, its primary prey species. Thus, San Francisco garter snakes are not expected to occur on the project site or elsewhere within the project area.
- Although historically present within Colma Creek (approximately 0.6 mi north of the project site), the federally listed Central California Coast steelhead (*Oncorhynchus mykiss*) has not been observed in Colma Creek since 1981, nor does any suitable habitat exist for steelhead within the creek due to the highly-modified nature of the creek's channel (HWE 2016). However, due to Colma Creek being tidally influenced, steelhead may stray into the creek, typically during the migration period of December to March (HWE 2016). In addition to the steelhead, two other special-status fish species, the green sturgeon (*Acipenser medirostris*; federally threatened) and longfin smelt (*Spirinchus thaleichthys*; state threatened), have the potential to occur in low numbers in the Colma Creek channel during high tide. However, given that there is no suitable breeding habitat for either species within the reach of Colma

Creek located north of the project site the potential for them to occur is low (HWE 2016). Furthermore, billboard construction would have no impacts on any fish present in tidal waters of Colma Creek or elsewhere in the vicinity of the project area due to the intervening distance between the project site and these waters.

- No suitable habitat is present on the project site or within the project area for any of the special-status butterflies associated with natural habitats on San Bruno Mountain, over two mi north of the project site, such as the Bay checkerspot (*Euphydryas editha bayensis*), Callipe silverspot (*Speyeria callipe callipe*), San Bruno elfin (*Callophrys mossii bayensis*), Mission blue (*Plebejus icarioides missionensis*), and monarch (*Danaus plexippus*).

Sensitive/Regulated Habitats

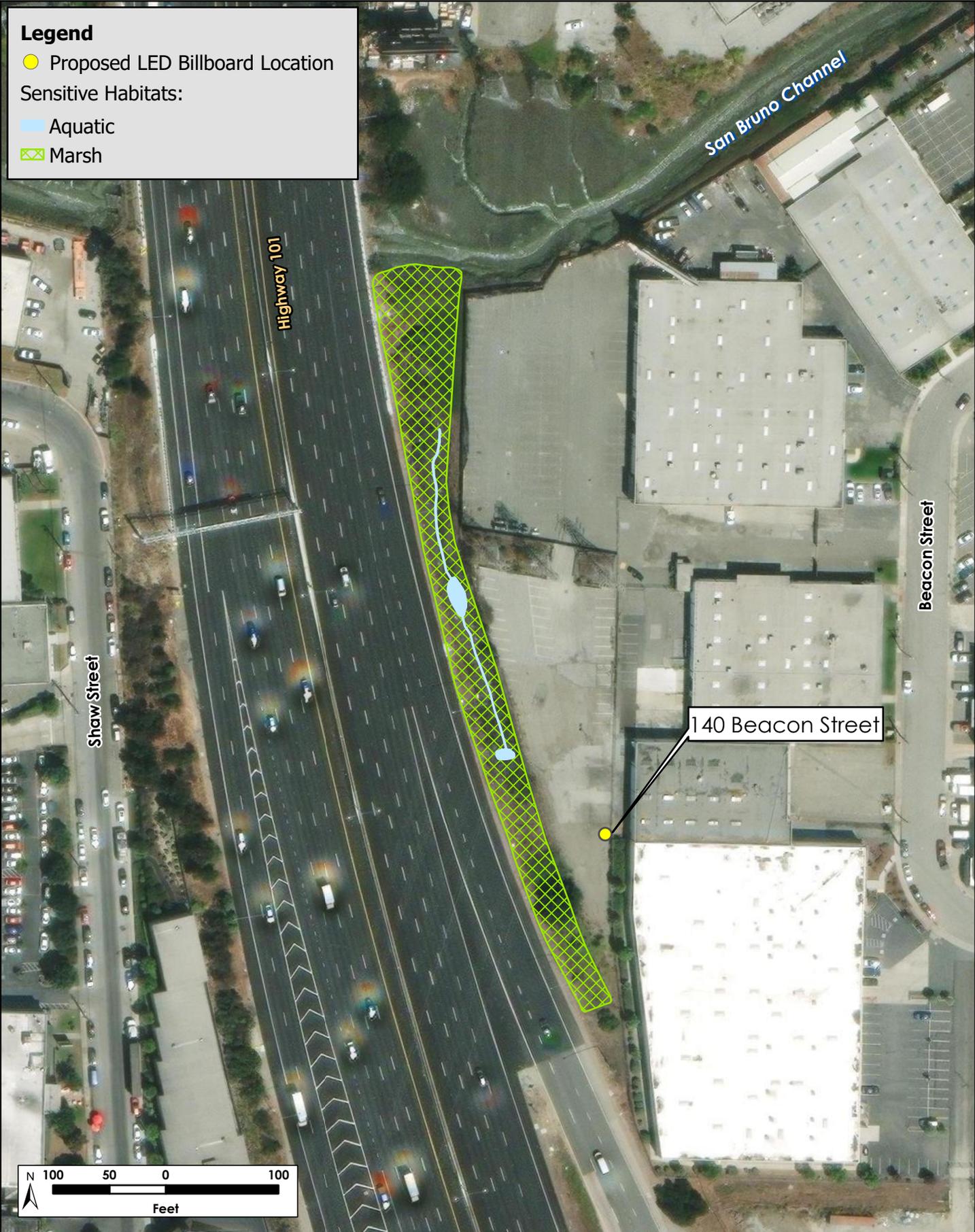
No sensitive or regulated habitats (i.e., riparian, wetland or other waters of the U.S./State) occur on the project site, and the project footprint has been located so as to specifically avoid adjacent wetlands and other waters. However, sensitive marsh habitats are located close enough to the project site that they are worth considering from the perspective of potential indirect impacts. The brackish marsh habitat, ponded areas, and the small wetted-channel that are located within 50-110 ft of the project site would be considered waters of the U.S./State and thus would be regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act (and, in the case of tidal waters, under Section 10 of the Rivers and Harbors Act) and by the San Francisco Bay Regional Water Quality Control Board under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. In addition, tidal marsh habitat (i.e., San Bruno Channel) that would be considered waters of the U.S./State and regulated as described above, is found approximately 500 ft north of the project site. The locations of those sensitive habitats are shown in Figure 2.

Biological Impacts Assessment

Potential project impacts on biological resources were evaluated from three different perspectives:

- the direct and indirect effects of the installation of a digital billboard on biological resources (e.g., habitat impacts or disturbance during construction);
- the indirect effects of illuminance from a digital billboard (i.e., the amount of light from the billboard that lands on a certain area) on sensitive species in adjacent areas; and
- the potential effects of a digital billboard's luminance (i.e., the amount of light leaving the billboard's surface in a particular direction, or brightness of the digital billboard's surface as seen by the eye) on the behavior of birds flying in the site vicinity.

In each case, the standards against which we measured the significance of potential impacts were the California Environmental Quality Act (CEQA) significance criteria.



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Figure 2. Sensitive Habitats

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Direct and Indirect Effects of Billboard Construction

All activity associated with the construction of a new LED billboard at the proposed project site at 140 Beacon Street, is proposed to take place within the property boundaries of the vacant PG&E lot on existing pavement. As described above, no wetlands, riparian habitats, or other sensitive and/or regulated habitats are present within the boundaries of the proposed project site at 140 Beacon Street. Thus, no sensitive or regulated habitats would be impacted by the construction of the billboard at 140 Beacon Street.

Sensitive habitats, in the form of wetlands and other waters of the U.S./State, are present in close proximity to the west side of the project site. Although those habitats will not be impacted directly by billboard construction, which would stay entirely out of those habitats, there is some potential for indirect impacts to those habitats to occur during and shortly after construction. For example, ground disturbance associated with billboard construction could loosen soil that could be washed into nearby wetlands and other waters. Given the very small footprint of billboard construction, such impacts are expected to be minimal, if they occur at all. However, fuel spills, leaks from equipment, or mobilization of sediments could adversely affect water quality in those wetlands/waters, which could then adversely affect wildlife that use those waterbodies. Such an impact is potentially significant given the ecological value of wetlands and other waters. However, implementation of the following measure (which may be considered a CEQA mitigation measure, or which may be incorporated into the project as Best Management Practices [BMPs]), would reduce indirect impacts on water quality to less-than-significant levels.

Measure BIO-1: Implement Best Management Practices for Water Quality. The following measures shall be implemented during billboard installation to avoid indirect impacts on water quality in adjacent wetlands and other waters:

- No construction equipment shall be fueled within 100 feet of sensitive habitats as shown on Figure 2.
- All construction equipment shall be checked for leaks (and any leaks will be prepared) before it is used for billboard installation within 100 feet of wetlands or other waters shown on Figure 2.
- During construction, standard erosion control and water quality measures such as fiber rolls, sand bag barriers, or storm drain inlet protection will be implemented to ensure that no soil, construction debris, or other materials shall be allowed to enter any sensitive habitat areas.
- Following the completion of construction, any temporarily disturbed ground shall be restored, and any bare dirt present in temporary impact areas that could wash into wetlands or other waters during subsequent rain events will be stabilized via seeding or other means.

As described above, no special-status plant or animal species are expected to occur within or immediately adjacent to any portion of the project area, and wildlife species that may occur are common species that are locally and regionally abundant. Billboard installation at 140 Beacon Street would not result in the modification of any naturally occurring habitat. As a result, no regional populations of these species would be affected, and project effects on these species would not be significant under CEQA. Further, no special-status bird species are expected to nest close enough to the proposed project site to be disturbed by project construction.

However, all native bird species that occur within the project site are protected from take by the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. Direct destruction of an active nest would violate the MBTA and Fish and Game Code, and abandonment of an active nest because of project construction activities could be considered take under the Fish and Game Code. The bird species that could nest close enough to potential billboard construction areas are all regionally common, mostly urban-adapted species. As a result, impacts to small numbers of these species' nests would not result in regional declines in their populations. For this reason, impacts to nesting birds during billboard installation would not meet the CEQA threshold of a *substantial* adverse effect, and we consider impacts to nesting birds less than significant. However, to comply with the MBTA and Fish and Game Code, we recommend that construction of the billboard take place during the nonbreeding season (September 1 – January 31) if feasible. If construction during the nonbreeding season is not feasible, preconstruction surveys should be conducted to determine whether nests of protected birds are present in areas where they may be disturbed, and a biologist should determine the buffer around each nest necessary to avoid nest abandonment during construction.

Indirect Effects of Illuminance of Adjacent Areas

The intensity, spectral quality (i.e., the distribution of blue, green, red, and other portions of the light spectrum emitted by a light source), duration, and periodicity of exposure to light affect the biochemistry, physiology, and behavior of organisms (The Royal Commission on Environmental Pollution 2009). Many animals are extremely sensitive to light cues, having evolved behavioral and/or physiological responses to natural variations in light levels resulting from the day–night cycle, the cycle of the moon, and the seasonal light cycle. Responses can affect processes as diverse as growth, metabolism, patterns of movement (e.g. migration), feeding, breeding behavior, molting, and hibernation (Ringer 1972, de Molenaar et al. 2006). This holds true for birds (Longcore and Rich 2004, Miller 2006, de Molenaar et al. 2006, Da Silva et al. 2015), mammals (Beier 2006, de Molenaar et al. 2003 as cited in Longcore et al. 2016, Voigt et al. 2017), and other taxa as well, suggesting that increases in ambient light may interfere with these processes across a wide range of species, resulting in impacts on wildlife populations.

Artificial lighting may also indirectly affect birds and mammals. For example, artificial lighting has been shown to increase the nocturnal activity of predators like owls, hawks, and mammalian predators (Negro et al 2000, Longcore and Rich 2004, DeCandido and Allen 2006, Beier 2006). In addition, it has been found to affect the composition of the invertebrate community present in the area (Davies et al. 2012), and some bat species have been found to congregate around artificial light sources because of the high numbers of flying insects they attract (Frank 1988, Eisenbeis 2006). The presence of artificial light may also influence habitat use by rodents such as the salt marsh harvest mouse (*Reithrodontomys raviventris*) (Beier 2006), and by breeding birds (Rogers et al. 2006, de Molenaar et al. 2006), by causing avoidance of well-lit areas, resulting in a net loss of habitat availability and quality.

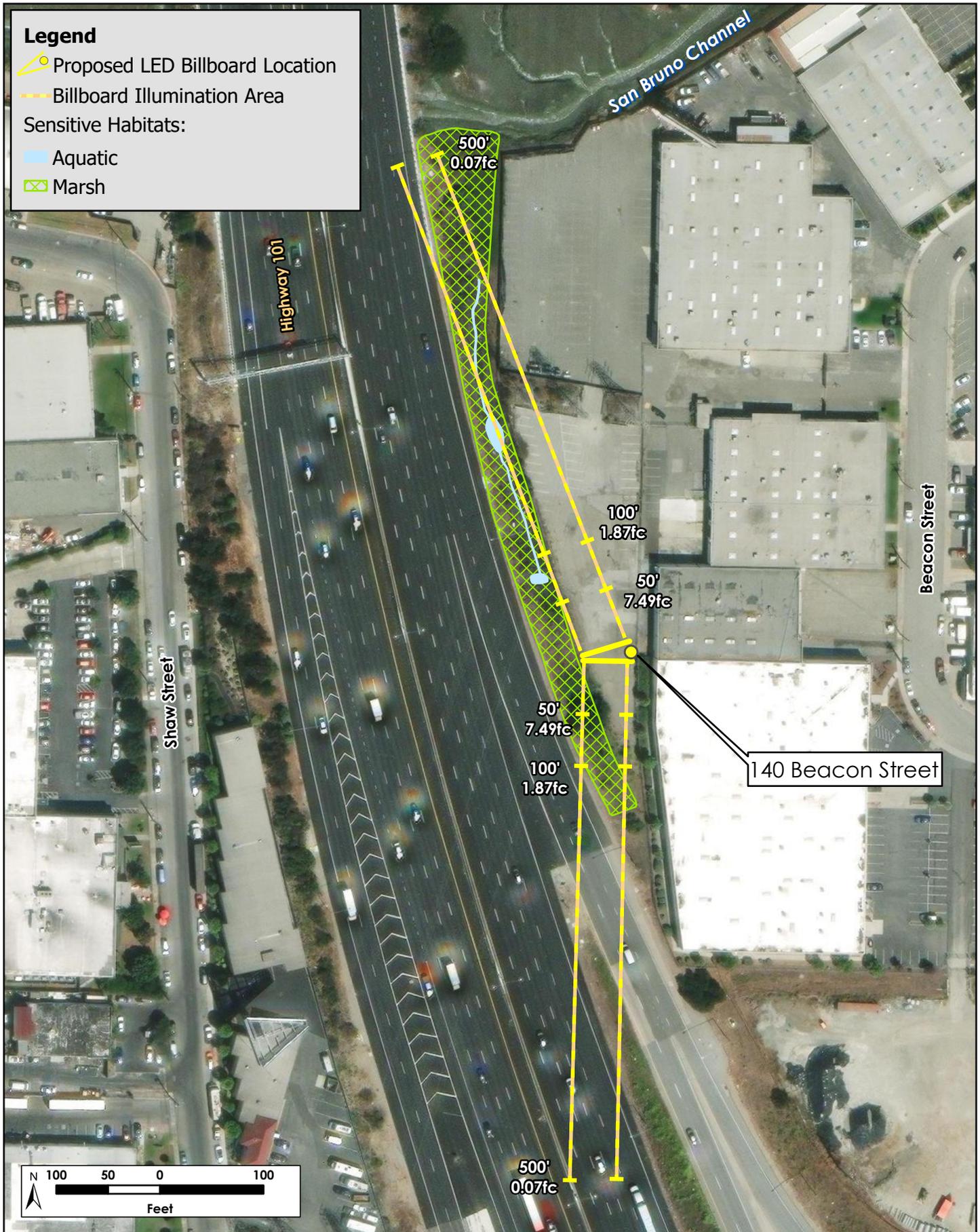
Light from currently existing sources illuminates areas throughout the project area to a considerable extent. Thus, our assessment of the impact of illuminance of adjacent areas by the proposed LED billboard took into

account the existing conditions as well as any expected changes in illuminance that would result from construction of an LED billboard at 140 Beacon Street. Currently, artificial illumination from a variety of sources affects the surrounding project area and the extent of Hwy 101 that the new proposed billboard would face, as well as the proposed project site at 140 Beacon Street. There are numerous conventional lighted billboards and commercial business signs on both the east and west side of Hwy 101. At least three double-sided digital LED billboards are located along the corridor of Hwy 101 to be targeted by the new billboard – the recently installed billboard at 345 Shaw Road in the Allstore Storage Units parking lot, and two billboards located on the northeast and northwest banks of the San Bruno Channel, approximately 715 and 875 ft, respectively, north of the project site. In addition, numerous streetlights and illuminated highway and street signs are present along Hwy 101, and other lighting emanating from commercial and industrial buildings is found along Hwy 101, west of the project site.

As described above, the proposed billboard would be configured to minimize light spillage and constrain brightness by installing shaders above each row of LEDs to prevent light from projecting upward into the sky.

The proposed LED billboard is expected to provide a maximum of 7.49 fc of illuminance at 50 ft, 1.87 fc at 100 ft, and 0.07 fc at 500 ft (above and beyond ambient light conditions) within its viewing angle. Illuminance would decrease with lateral distance from the center of the viewing angle. The projected viewing angle values for the proposed billboard would be $+14.9^\circ$ / -34.6° vertically and $\pm 45^\circ$ horizontally. Light levels would be controlled by a daily clock and adjusted to ambient light conditions.

The proposed LED billboard would be angled in such a way as to maximize the amount of visibility from specific portions of Hwy 101, so the area of brightest night illuminance projected by the proposed billboard would be directed at oncoming traffic. Figure 3 illustrates the illuminance of the billboard from the project site. The illuminance would dissipate from 7.49 fc at 50 ft, 1.87 fc at 100 ft, and to 0.07 fc at 500 ft, which would be considered negligible (A. Belenson pers. comm.). The proposed LED billboard would increase the illuminance (above current ambient conditions) across the 35-ft wide brackish marsh habitat found west of the project site. However, this small, isolated patch of marsh habitat does not provide suitable habitat for any special-status wildlife species, nor large numbers of non-special-status species, that may be affected by the increase in illuminance in this area. Further, the proposed LED billboard is not expected to substantially increase the amount of illuminance currently experienced by the San Bruno Channel (and the wildlife species potentially inhabiting the channel), located approximately 530 ft north of the project site. Thus, indirect impacts from increased illuminance on sensitive habitats and their wildlife communities would be considered less-than-significant.



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Figure 3. Billboard Illumination Areas

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Potential Effects of LED Billboard's Luminance on Avian Flight Behavior

Migrating Birds. The primary way in which the luminance of an LED billboard might affect the movements of birds in the project area is through the disorientation of nocturnally migrating birds. Hundreds of bird species migrate nocturnally in order to avoid diurnal predators and to minimize energy expenditures. Evidence that migrating birds are attracted to artificial light sources is abundant in the literature as early as the late 1800s (Gauthreaux and Belser 2006). Although the mechanism causing the attraction is unknown, the attraction is well documented (Longcore and Rich 2004, Gauthreaux and Belser 2006). Migrating birds may alter their orientation upon sighting an artificial light source, such as a billboard, and become drawn toward it. Once a bird is within a lighted zone at night, it may become “trapped” and not leave the lighted area (Herbert 1970, Longcore and Rich 2004). The disorienting effects of artificial lights directly affect migratory birds by causing collisions with light structures, buildings, communication and power structures, or even the ground (Gauthreaux and Belser 2006). Indirect effects might include orientation mistakes and increased length of migration due to light-driven detours. Migrating birds are much more likely to be impacted by a billboard's luminance during foggy or rainy weather, when visibility is poor (Longcore and Rich 2004, Gauthreaux and Belser 2006). Research also suggests that the color of the light may play a significant role in determining whether birds become disoriented. Birds are able to orient to the Earth's magnetic field under monochromatic blue or green light, but apparently cannot do so under red or white light (van de Laar 2007, Poot et al. 2008, Longcore and DelBusso 2016).

Local Birds. Seabirds may be especially vulnerable to artificial lights because many species are nocturnal foragers that have evolved to search out bioluminescent prey (Imber 1975, Reed et al. 1985, Montevecchi 2006), and thus are strongly attracted to bright light sources. Seabirds that use the San Francisco Bay and various inland bodies of water on the Peninsula include primarily gulls, terns, and cormorants, none of which is generally a nocturnal forager; however, they may still forage to some extent during the night. As described above for migrating birds, when seabirds approach an artificial light, they seem unwilling to leave it and may become “trapped” within the sphere of the light source for hours or even days, often flying themselves to exhaustion or death (Montevecchi 2006).

In addition to seabirds, the San Francisco Bay complex hosts hundreds of thousands of breeding, migrant, and wintering shorebirds. Approximately 0.5 mi east of the project site, where the San Bruno Creek and Channel empty into the Bay, high-quality foraging habitat is found in the San Bruno Marsh Complex, for a large number and diversity of waterbirds and shorebirds. A review of the eBird database, which has been established by the Cornell University Laboratory of Ornithology to archive records of birds seen worldwide, indicated that nearly 160 species of birds have been recorded in the San Bruno Marsh Complex, including at the mouth of Colma Creek and the SamTrans Marsh (Cornell Lab of Ornithology 2023). Thousands of shorebirds forage along the exposed mudflats in the Bay nocturnally as well as diurnally and move frequently between foraging locations in response to tide levels and prey availability. Biologists and hunters have long used sudden bright light as a means of blinding and trapping shorebirds (Gerstenberg and Harris 1976, Potts and Sordahl 1979), so evidence that shorebirds are affected by bright light is well established, though impacts of a consistent bright light are

undocumented. Nevertheless, based on the above studies, it is reasonable to conclude that shorebirds, like other bird species, may be disoriented by a very bright light in their flight path.

Some seabirds such as gulls, terns, and cormorants move back and forth over the project site, between the Bay approximately 0.45 mi east of the study area and the shores of the Pacific Ocean, approximately 4.6 mi west of the study area. However, the majority of seabirds and large numbers of shorebirds that move in the vicinity of the study area move and forage primarily along the shoreline of the Bay east of the study area. These birds forage in open waters of the Bay and in areas such as the San Bruno Marsh Complex (shown on Figure 1); Oyster Point Marina, located 250 ft east of Area 8 and 145 ft east of Area 7; Brisbane Lagoon, located 0.37 mi north of Area 8; and Coyote Point, located 5.5 mi south of Area 1. With the exception of higher-altitude flights by some birds moving between the Bay and Ocean, movement of waterbirds perpendicular to Hwy 101 (and thus in and out of the study area) would be limited due to the absence of suitable foraging or breeding habitat for these birds in the areas immediately west of Hwy 101. Thus, we would not expect large numbers of seabirds and shorebirds to move through the study area, within areas of increased luminance from future billboard lights.

Although the project area does not provide high-quality habitat for a large number or diversity of passerine birds, a few common, urban-adapted species are expected to occur in the project vicinity, as described above. Passerine birds have been documented responding to increased illumination in their habitats with nocturnal foraging and territorial defense behaviors (Longcore and Rich 2004, Miller 2006, de Molenaar et al 2006), but absent significant illumination, they typically do not forage at night, leaving them less susceptible to the attraction and disorientation caused by luminance when they are not migrating.

Effects of the LED Billboard on Flight Behavior. The visibility of the proposed LED billboard to birds in flight, and thus the risk they pose to flying birds, depends primarily on the beam angles of the signs relative to the flight lines of birds and on the luminance (brightness) of the sign as perceived by the birds. The directional nature of LED lighting and the projected viewing angle values of $+14.9^\circ$ / -34.6° vertically and $\pm 45^\circ$ horizontally suggest that the viewing angle of the signs would be narrow enough to preclude attracting migrating birds on clear nights, when they fly high enough to be outside the viewing angle of the sign. Louvers that shade the LED lights from above, creating a sharper image, assist in reducing reflection and help diffuse light – concurrently preventing light from projecting upward into the sky; such louvers will be incorporated into the proposed billboard. As a result, birds flying more than 14.9° above the center of the sign's beam angle (i.e., north and south) will not be able to see light from the sign at all. However, migrating birds are forced to fly low during foggy and rainy conditions, which may bring them into the viewing angle of the billboard.

The proposed LED billboard could produce a peak value of approximately 27.9 candelas (cd)/ft² of luminance as measured from a full white 14 ft by 48 ft frame at 250 ft (A. Belenson pers. comm.). However, this would be the brightest case scenario with a full white screen when, in practice, most static images would run a mix of non-white colors, making actual average luminance output closer to half of the maximum brightness (A. Belenson pers. comm.), which would substantially reduce the amount of luminance produced and reduce the potential for light to disorient birds. For comparison, a full moon at its brightest point produces approximately

232 cd/ft² (LRC 2006). Further, the proposed billboard would be equipped with a light sensor that adjusts the brilliance of the billboard in response to available ambient light, dimming the luminance as ambient light lessens.

Additionally, the LED display on the billboard can be changed every 8 seconds from a static image to a static image, resulting in a changing light source. Colors and patterns of color on the billboard would thus be changing, and birds flying near the sign would not perceive it as a fixed, unchanging light, the type of light that appears to be most attractive to birds (Jones and Francis 2003, Gauthreaux and Belser 2006, Gehring et al. 2009).

As described above, the light beams from the proposed billboard would be angled in such a way as to maximize the amount of visibility from specific portions of Hwy 101. Because the area immediately surrounding the project site/study area is heavily urbanized, we do not expect large numbers of birds (including species of conservation concern) to be flying through the study area in locations, and at altitudes, where they would be at risk of confusion by or attraction to the luminance of the billboard.

It is possible that some birds that find themselves near the center of a sign's beam angle may be attracted to the sign. However, we do not expect this effect to result in long-term consequences, such as substantial numbers of bird-strike mortalities or substantial interference with bird movements, because a relatively limited area at low altitude above Hwy 101 would be within the center of the sign's beam angle.

Further, we do not expect the operation of the LED billboard to have a significant impact on seabirds or shorebirds. We also do not expect that the billboard would impact substantial numbers of roosting birds because the developed habitat on and immediately adjacent to the study area does not provide high quality roosting habitat.

Given the configuration of bird habitats in the vicinity of the study area (which does not lend itself to directed bird flights toward the sign), the changing images that will be displayed on the LED billboard, the narrow viewing angle, and the use of overhead louvers to prevent light from projecting upward into the sky, we expect the sign's impacts on avian flight behavior and avian roosting behavior to be less-than-significant under CEQA.

Summary

Based on the information provided by Outfront Foster Interstate concerning the proposed LED billboard, our review of literature concerning lighting effects on wildlife, our reconnaissance-level survey of the project site/area, and our knowledge of likely avian flight lines in the vicinity of the project site/area, we do not expect the construction of new LED billboard at 140 Beacon Street to result in significant impacts on wildlife as a result of increased luminance.

Best Management Practices to avoid significant impacts on water quality during billboard construction should be implemented as described above under Measure BIO-1.

If the assumptions made in our analysis concerning the LED billboard's characteristics (e.g., illuminance, luminance, or beam angle) differ from actual characteristics of the billboard, additional analysis may be necessary to determine whether impacts are significant.

Please feel free to contact me at speterson@harveyecology.com or (408) 300-8690 if you have any questions regarding our report. Thank you very much for contacting H. T. Harvey & Associates regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Peterson". The signature is fluid and cursive, with the first name being the most prominent.

Stephen L. Peterson, M.S.

Project Manager, Senior Wildlife Ecologist

Literature Cited

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CULTURAL/TRIBAL CULTURAL RECORDS SEARCH RESULTS

ATTACHMENT C

to the
2nd Addendum to the 101 Terminal Court Billboard and Zoning Amendment IS/MN



May 30, 2023

NWIC File No.: 22-1833

Jenna Sunderlin
Lamphier-Gregory, Inc.
4100 Redwood Road, STE 20A - #601
Oakland, CA 94619

Re: Record search results for the proposed 140 Beacon Street Billboard Project

Dear Jenna Sunderlin:

Per your request received by our office on the 24th of May, 2023, a rapid response records search was conducted for the above referenced project by reviewing pertinent Northwest Information Center (NWIC) base maps that reference cultural resources records and reports, historic-period maps, and literature for San Mateo County. Please note that use of the term cultural resources includes both archaeological resources and historical buildings and/or structures.

Outfront Media is proposing a new double-sided digital billboard at 140 Beacon Street (APN 015-171-999), in the City of South San Francisco, CA, on the east side of US-101, north of I-380. The site is currently a paved, vacant lot. The sign foundation would be a drilled shaft with a poured concrete footing, five feet in diameter and extending to an estimated depth of 41 feet below the ground surface. A cone of additional grading around the column base would be approximately 5 feet wide to a depth of approximately 5 feet, and some trenching through developed sites for electrical connection would be required. The site would otherwise not be disturbed.

Review of the information at our office indicates that there have been three cultural resource studies that may have covered up to 100% of the 140 Beacon Street Billboard project area in their Research Area, but is unclear if the area was covered in their Field Study (Meloy and Kubal 2017: S-49125, McKale and Gillies 2000: S-23551, and Anatasio et al 1988: S010402). This 140 Beacon Street Billboard project area may contain one recorded Native American archaeological resource, P-41-000047, Nelson Shellmound # 382. The State Office of Historic Preservation Built Environment Resources Directory (OHP BERD), which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, lists no recorded buildings or structures within or adjacent to the proposed 140 Beacon Street Billboard project area. In addition to these inventories, the NWIC base maps show no recorded buildings or structures within the proposed 140 Beacon Street Billboard project area.

At the time of Euroamerican contact, the Native Americans that lived in the area were speakers of the Ramaytush language, which is part of the Costanoan/Ohlone language family (Levy 1978:485). There is one Native American resource in or adjacent to the proposed project area referenced in the ethnographic literature: a shellmound placed in the vicinity of San Bruno Point,

called Nelson 382, P-41-000047 (Nelson 1909: 350). According to recent field studies of this resource, its precise location, status, and nature remains unknown, and the current location as understood by this office may not be accurate (Meloy and Kubal 2017: 6-4/254).

Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of San Mateo County have been found in areas marginal to the San Francisco bayshore, and inland near intermittent and perennial watercourses. The 140 Beacon Street Billboard project area is currently within an area of artificial fill and bay mud, but was historically within marshland along the margins of the San Francisco Bayshore, and adjacent to San Bruno Slough. Given the similarity of these environmental factors and the archaeological sensitivity of the area, there is a high potential for unrecorded Native American resources to be within the proposed 140 Beacon Street Billboard project area.

Review of historical literature and maps indicated the possibility of historic-period activity within the 140 Beacon Street Billboard project area. Early San Mateo County maps indicate the project area was located within the landholdings of South San Francisco Land & Improvement Company adjacent to San Bruno Slough (Bromfield 1894). In addition, the 1896 and 1899 San Mateo USGS 15-minute topographic quadrangles depict a road heading to the nearby Bel Air Island within or adjacent to the project area. With this information in mind, there is a moderate potential for unrecorded historic-period archaeological resources to be within the proposed 140 Beacon Street Billboard project area.

The 1939 San Mateo USGS 15-minute topographic quadrangle depicts a transmission line immediately adjacent to the 140 Beacon Street Billboard project area. If present, this unrecorded structure meets the Office of Historic Preservation's minimum age standard that buildings, structures, and objects 45 years or older may be of historical value.

RECOMMENDATIONS:

1) There may be one recorded archaeological resource in the proposed 140 Beacon Street Billboard project area, P-41-000047, Nelson Shellmound 382. It is recommended that a professional archaeologist assess the resource and provide project-specific recommendations. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.

2) There is a high potential for Native American archaeological resources and a moderate potential for historic-period archaeological resources to be within the project area. Given the potential for archaeological resources in the proposed 140 Beacon Street Billboard project area, our usual recommendation would include archival research and a field examination. The proposed project area, however, has been highly developed and is presently covered with asphalt and fill that obscures the visibility of original surface soils, which negates the feasibility of an adequate surface inspection.

Therefore, prior to demolition or other ground disturbance, we recommend a qualified archaeologist conduct further archival and field study to identify archaeological resources. Field study may include, but is not limited to, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of

buried archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.

3) We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

4) If the proposed project area contains buildings or structures that meet the minimum age requirement, prior to commencement of project activities, it is recommended that this resource be assessed by a professional familiar with the architecture and history of San Mateo County. Please refer to the list of consultants who meet the Secretary of Interior's Standards at <http://www.chrisinfo.org>.

5) Review for possible historic-period buildings or structures has included only those sources listed in the attached bibliography and should not be considered comprehensive.

6) If archaeological resources are encountered **during construction**, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. **Project personnel should not collect cultural resources**. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

7) It is recommended that any identified cultural resources be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website: https://ohp.parks.ca.gov/?page_id=28351

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

Thank you for using our services. Please contact this office if you have any questions, (707) 588-8455.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jillian Guldenbrein".

Jillian Guldenbrein
Researcher

LITERATURE REVIEWED

In addition to archaeological maps and site records on file at the Northwest Information Center of the Historical Resources Information System, the following literature was reviewed:

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 2000 Cultural Resources Assessment Golden Gate Power Project, San Francisco International Airport, San Mateo County, California.
NWIC Report S-023551
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 2017 Historic Property Survey Report for the US 101 Managed Lanes Project, EA 04-1J560. **NWIC Report S-049125**
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 1995 *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810*. Ballena Press Anthropological Papers No. 43, Menlo Park, CA.
- Myers, William A. (editor)
 1977 *Historic Civil Engineering Landmarks of San Francisco and Northern California*. Prepared by The History and Heritage Committee, San Francisco Section, American Society of Civil Engineers. Pacific Gas and Electric Company, San Francisco, CA.
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 1909 *Shellmounds of the San Francisco Bay Region*. University of California Publications in American Archaeology and Ethnology 7(4):309-356. Berkeley. (Reprint by Kraus Reprint Corporation, New York, 1964)

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San Mateo County Historic Resources Advisory Board

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San Mateo County Planning and Development Department

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State of California Department of Parks and Recreation

1976 *California Inventory of Historic Resources*. State of California Department of Parks and Recreation, Sacramento.

State of California Department of Parks and Recreation and Office of Historic Preservation

1988 *Five Views: An Ethnic Sites Survey for California*. State of California Department of Parks and Recreation and Office of Historic Preservation, Sacramento.

State of California Office of Historic Preservation **

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VanderWerf, Barbara

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**Note that the Office of Historic Preservation's *Historic Properties Directory* includes National Register, State Registered Landmarks, California Points of Historical Interest, and the California Register of Historical Resources as well as Certified Local Government surveys that have undergone Section 106 review.

NATIVE AMERICAN HERITAGE COMMISSION

June 21, 2023

Rebecca Auld
Lamphier-Gregory

Via Email to: rauld@lamphier-gregory.com

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, 140 Beacon Street Billboard Project, San Mateo County

To Whom It May Concern:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:



ACTING CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Vacant

COMMISSIONER
Vacant

COMMISSIONER
Vacant

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

Attachment

Native American Heritage Commission
Tribal Consultation List
San Mateo County
6/21/2023

*Federally Recognized Tribe

**Amah Mutsun Tribal Band of
Mission San Juan Bautista**

Irene Zwierlein, Chairperson
3030 Soda Bay Road Costanoan
Lakeport, CA, 95453
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com

The Ohlone Indian Tribe

Andrew Galvan, Chairperson
P.O. Box 3388 Bay Miwok
Fremont, CA, 94539 Ohlone
Phone: (510) 882 - 0527 Patwin
Fax: (510) 687-9393 Plains Miwok
chochenyo@AOL.com

**Costanoan Rumsen Carmel
Tribe**

Tony Cerda, Chairperson
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This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed 140 Beacon Street Billboard Project, San Mateo County.