

Exhibit A

Final Environmental Impact Report



499 Forbes Boulevard Office Project

Final Environmental Impact Report – Responses to Comments

SCH# 2019110287

prepared by

City of South San Francisco

Planning Division

City Hall Annex, P.O. Box 711

South San Francisco, California 94083

Contact: Christopher Espiritu, Senior Planner

prepared with the assistance of

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449 15th Street, Suite 303

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August 2020



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers

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1 Introduction

1.1 Purpose of the Response to Comments on the Draft EIR

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

1.2 Environmental Review Process

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

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

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

1.3 Document Organization

This document consists of the following chapters:

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

2 Comments and Responses

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

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



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July 3, 2020

Mr. Christopher Espiritu
City of South San Francisco
Planning Division
City Hall Annex
Post Office Box 711
South San Francisco, CA 94083
Christopher.Espiritu@ssf.net

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

Dear Mr. Espiritu:

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

CDFW ROLE

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA; Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources (e.g., biological resources). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT LOCATION AND DESCRIPTION SUMMARY

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

COMMENTS AND RECOMMENDATIONS

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

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COMMENT 1: Artificial Lighting

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

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

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

COMMENT 2: Exterior Windows

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

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

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

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REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

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

Lake and Streambed Alteration Program

Notification is required, pursuant to CDFW’s LSA Program (Fish and Game Code section 1600 et. seq.) for any Project-related activities that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA (Public Resources Code section 21000 et seq.) as the responsible agency.

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FILING FEES

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

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

Mr. Christopher Espiritu
City of South San Francisco
July 3, 2020
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Monica.Oey@wildlife.ca.gov; or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at Randi.Adair@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C83C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

REFERENCES

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Letter 1

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

DATE: July 3, 2020

Response 1.1

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

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

Response 1.2

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

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

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

Response 1.3

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

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

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

Response 1.4

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

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



499 Forbes Boulevard Office Project

California Environmental Quality Act (CEQA) Findings
of Fact and Statement of Overriding Considerations

SCH# 2019110287

prepared by

City of South San Francisco

Planning Division

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October 2020



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Introduction

Statutory Requirements for Findings

This statement of findings addresses the potentially significant environmental impacts associated with the proposed 499 Forbes Boulevard Office Project (project) located in the City of South San Francisco, California and is made pursuant to Section 15091 of the California Environmental Quality Act Guidelines (*CEQA Guidelines*), which provides that:

- (a) No public agency will approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subsection (a) will be supported by substantial evidence in the record.

Section 15092 of the *CEQA Guidelines* further stipulates that:

- (b) A public agency will not decide to approve or carry out a project for which an EIR was prepared unless either:
 - (1) The project as approved will not have a significant effect on the environment, or
 - (2) The agency has:
 - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

As required by CEQA, the City of South San Francisco, in adopting these findings, must also adopt a Mitigation Monitoring and Reporting Program (MMRP) for the project. The MMRP, which is incorporated by reference and made a part of these findings, meets the requirements of Section 15097 of the *CEQA Guidelines* by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

Whenever these findings specifically refer to a mitigation measure that will avoid or mitigate a potentially significant impact, that specific mitigation measure is hereby made a specific condition of approval of the 499 Forbes Boulevard Office Project.

Environmental Review Process

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

On November 15, 2019, the City of South San Francisco circulated a Notice of Preparation (NOP) for a 30-day comment period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was filed with the County Clerk and mailed to public agencies (including the State Clearinghouse and the California Department of Transportation), and nearby addresses. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available on the City's website for public review on May 20, 2020. The Notice of Availability of a Draft EIR was posted with the County Clerk, mailed to local, regional, state, and other public agencies (including the State Clearinghouse and the California Department of Transportation), and nearby property owners and occupants. Hard copies of the Draft EIR were available for public review upon request. The Draft EIR public comment period began on May 20, 2020 and ended on July 6, 2020. The City received one comment letter on the Draft EIR.

Subsequent to the end of the public review period for the Draft EIR, and consistent with the requirements of Section 15088(a) of the *CEQA Guidelines*, the City of South San Francisco, as the Lead Agency, has considered the public comments received on the Draft EIR for the project and has prepared written responses to each of the comments received relative to environmental issues.

Pursuant to Section 15132 of the *CEQA Guidelines*, the Final EIR consists of the following:

- (a) The Draft EIR, including all of its appendices.
- (b) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (c) Copies of all letters received by the City during the Draft EIR public review period and responses to significant environmental points concerning the Draft EIR raised in the review and consultation process.
- (d) Any other information added by the Lead Agency.

Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's decision on the proposed project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

- Notice of Preparation and other public notices issued by the City in conjunction with the proposed project (see Appendix NOP of the Draft EIR for the Notice of Preparation);
- The Public Review Draft EIR and supporting documentation prepared for the proposed project (Draft EIR dated May 2020 and Appendix ALT through TRA), and all documents cited, incorporated by reference, or referred to therein;
- The written and verbal comments and documents submitted to the City by agencies, organizations, and members of the public (before, during, and after the close of the public comment period.);
- The Mitigation Monitoring and Reporting Program;
- The Final EIR for the 499 Forbes Boulevard Office Project dated November 9, 2020 and all documents cited, incorporated by reference, or referred to therein;
- All findings and resolutions adopted by the City in connection with the proposed project, and documents cited or referred to therein;
- The City of South San Francisco General Plan, adopted by the Board of Supervisors 1999;
- Minutes or verbatim transcripts of information and study sessions, workshops, public meetings, and public hearings held by the County in connection with the proposed project; and
- Any other materials required to be in the record of proceedings by public Resources Code section 21167.6, subdivision (e).

The location and custodian of the documents and other materials that constitute the record of proceedings are:

City of South San Francisco Planning Division
 City Hall Annex
 315 Maple Avenue
 P.O. Box 711
 South San Francisco, California 94080
 Contact: Christopher Espiritu, (650) 877-8535

The Project

This section lists the objectives of the proposed project, provides a brief description of the project, and lists the project alternatives evaluated in the Draft EIR.

Project Objectives

The objectives of the project are to:

1. Develop an underutilized site into an office/research & development campus at 499 Forbes Boulevard that provides public and private amenities, as well as, numerous transportation alternatives to the single-occupancy-vehicle to encourage, incentivize, and reduced vehicle trips and parking demand on-site and in the project vicinity.
2. Construct a flexible facility that will allow for office/research & development uses that will create quality jobs for South San Francisco residents.
3. Build an economically viable project that will enhance property values in the City's East of 101 area and be consistent with the goals of the South San Francisco General Plan and Zoning Ordinances.

Project Summary

City of South San Francisco prepared the 499 Forbes Boulevard Office Project Environmental Impact Report (EIR) to analyze the potential environmental effects that may result from the project. The project would involve the demolition of an existing 54,000 square-foot manufacturing and warehouse structure and construction of a five-story, 128,737 square-foot office building approximately 85 feet in height, and a five-story parking structure with 308 parking stalls, approximately 60 feet in height. The new office building would be constructed within roughly the same footprint as the existing manufacturing and warehouse structure. Additional parking would consist of a 14-stall surface parking lot that would be repaved and landscaped at the western edge of the site. The project would also involve conversion of a 0.28-mile portion of existing railroad tracks located northeast of the proposed buildings into a bicycle and pedestrian trail.

Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the CEQA Guidelines, the following project alternatives were selected for analysis:

- Alternative 1: No Project
- Alternative 2: Research and Development Building
- Alternative 3: Reduced Size Office Building

A more detailed description of these alternatives, and required findings, are set forth in Section 5, *Feasibility of Project Alternatives*.

Effects Determined to be Mitigated to Less than Significant Levels

The Draft EIR identified certain potentially significant effects that could result from the project. However, the City finds, for the reasons stated in the EIR, that mitigation identified in the Draft EIR and Initial Study would reduce impacts to less than significant levels. The City finds that all the mitigation measures described below are feasible and agrees to adopt them as conditions of approval for the project. Accordingly, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the EIR and adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less than significant levels. These mitigation measures will effectively be part of the project.

Biological Resources

Impact

Demolition and construction activities associated with the project the project could indirectly disturb mature trees that could contain birds which are protected under the California Fish and Game Code. Impacts associated with nesting birds would be less than significant with mitigation implemented.

Mitigation Measure BIO-1 Nesting Bird Avoidance and Minimization Efforts

- To the extent feasible, the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31. If demolition and construction activities will occur during the breeding season, then a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiation of ground disturbance and vegetation removal. The biologist shall conduct the nesting bird pre-construction survey in the disturbance footprint and a 50-foot buffer where access can be authorized. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in San Mateo County.
- If nests are found, the biologist shall determine and demarcate an avoidance buffer (the size of which depend upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified of the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No construction activities shall occur inside this buffer, and no access in the buffer allowed until the avian biologist confirms that breeding/nesting is complete and the young have fledged the nest, or the nest has become otherwise inactive (e.g., depredated). Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

Finding

The City of South San Francisco finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Impacts to nesting birds would be mitigated to a less than significant level with incorporation of the required mitigation measure.

Cultural Resources

Impact

The project site is not considered archaeologically sensitive. Nevertheless, implementation of this mitigation measure would be required to reduce impacts to less than significant in the case of unanticipated discoveries.

Mitigation Measure CR-1 Unanticipated Archaeological Resources

If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find should be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) should be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.

Finding

The City of South San Francisco finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Impacts related to the unanticipated discovery of archaeological resources would be mitigated to a less than significant level with incorporation of the required mitigation measure.

Geology and Soils

Impact

Due to the presence of potentially liquefiable soils and the topographic conditions, liquefaction-induced lateral spreading may be of significant impact on the project site. Impacts related to lateral spreading would be reduced to less than significant with mitigation incorporated.

Mitigation Measure GEO-1 Seismic Design

As recommended by the project's Geotechnical Investigation (Rockridge Geotechnical 2019), a geotechnical engineer shall collect shear wave velocity measurements and use such information for final project design. Final project design shall be designed and constructed to resist the effects of earthquake motions and in compliance with the American Society of Civil Engineers, Chapter 12, Seismic Design Requirements for Building Structures. Alternatively, Site Class D shall be used for project design if shear wave velocity measurements are not taken. A

seismic design classification of Site Class D corresponds to buildings and structures in areas expected to experience severe and destructive ground shaking but are not located near a major fault. Project design of a Site Class D project shall also comply with the requirements as set forth by the American Society of Civil Engineers.

Finding

The City of South San Francisco finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Impacts related to lateral spreading would be mitigated to a less than significant level with incorporation of the required mitigation measure.

Impact

The geologic conditions at the project site would result in potentially significant impacts related to expansive soils and foundation settlement. Impacts related to these geotechnical concerns would be less than significant with mitigation incorporated.

Mitigation Measure GEO-2 Foundation Settlement

The building shall be supported on a stiffened foundation system, such as conventional reinforced concrete mat or interconnected continuous footings (i.e., a stiffened grid). If the estimated total settlements are not acceptable to the project team or the stiffened foundation system cannot be economically designed to limit differential settlement to a value that can be tolerated by the structure, then the proposed new structure shall be supported on spread footings bearing on improved soil provided that the soil improvement extends to a depth that would reduce differential settlement of the structure under both static and seismic conditions to a tolerable amount. The foundation system for the project's garage shall consist of spread footings bearing on improved ground. Drill displacement sand-cement columns or rammed aggregate piers would be the most appropriate ground improvement methods for this project.

Finding

The City of South San Francisco finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Impacts related to demolition vibration would be mitigated to a less than significant level with incorporation of the required mitigation measure.

Transportation

Impact

The proposed project would result in potentially significant impacts related to bicycle and pedestrian facilities. Specifically, because the proposed project would involve removal of the existing driveway at Forbes Boulevard, an accessible crosswalk would need to be installed to provide full pedestrian connectivity. Impacts to the circulation system would be less than significant with mitigation incorporated.

Mitigation Measure TRA-1 Crosswalk Improvements

The applicant shall design crosswalk and accessibility improvements at Forbes Boulevard and Allerton Avenue. These improvements shall include a marked crosswalk and necessary accessibility improvements per City standards across the western portion of the Allerton Avenue and Forbes Boulevard intersection to enable direct pedestrian connections to the closest existing first- and last-mile shuttle stop at Allerton Avenue and Cabot Road. The City shall not issue a building permit unless it has reviewed and approved the improvements prior to building permit approval, and the applicant shall implement these improvements during construction, which are then subject to final approval by the City.

Finding

The City of South San Francisco finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Impacts related to the circulation system would be mitigated to a less than significant level with incorporation of the required mitigation measure.

Significant Effects that Cannot be Mitigated to a Less than Significant Level

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented, because no feasible mitigation has been identified. Except for the impact described below, all significant impacts associated with the proposed project would be reduced to a less than significant level with incorporation of mitigation measures identified in the Final EIR. The project would result in the following significant unavoidable impact:

Transportation Impact TRA-2

The proposed project would generate per-employee vehicle miles travelled (VMT) at a greater rate than the City's established threshold for this project. The following mitigation measure would be required.

Mitigation Measures TRA-2 Vehicle Miles Traveled Reduction

As part of the proposed project, the applicant shall design and implement the following off-site improvements to support the project's first- and last-mile TDM strategies necessary to achieve the estimated nine percent reduction in VMT per employee (Appendix TIA). The applicant shall show these improvements on the plans submitted to the City for building permit approvals and the applicant shall implement them prior to certificate of occupancy of the new office building as follows:

- Implement eastbound and westbound Class II buffered bicycle lanes along Forbes Boulevard between Allerton Avenue and Eccles Avenue, spanning approximately 2,000 linear feet.
 - The improvement consists primarily of restriping the curbside vehicle travel lane in each direction to a Class II buffered bicycle lane, installing signage, and implementing bicycle traffic signal detection upgrades at Eccles Avenue as required.
- Accommodate potential future on-street shuttle stop along the project site's Forbes Boulevard frontage. Provide a minimum 5-foot long by 8-foot wide (as measured perpendicular to the curb) sidewalk in the public right-of-way, adjacent to the project frontage and approximately 50-feet downstream from the Forbes Boulevard and Allerton Avenue intersection. The existing curb alignment would not be substantially altered, and the final configuration shall be reviewed by City staff.
- Coordinate with Commute.org and/or Genentech's g Ride transportation program to determine the feasibility of serving the above shuttle stop

The bicycle facility required under TRA-2 would close a gap between existing bicycle lanes to the east and a planned Class I shared-use pathway between Eccles Avenue and the South San Francisco Caltrain station. When implemented, the bicycle lanes would provide dedicated bicycle facilities between the project site and two regional transit stations: Downtown South San Francisco Caltrain Station and the South San Francisco Ferry Terminal, enabling first- and last-mile bicycle connections to regional transit. Therefore, with implementation of Mitigation Measure TRA-2, the project would implement first- and last-mile alternative mode of transportation strategies outlined in the project's

proposed TDM Plan. However, this mitigation measure is unlikely to reduce the project impact on VMT by 25 percent to reach a less-than-significant level. Therefore, this impact would be significant and unavoidable.

Finding

Impacts related to transportation have been mitigated to the extent feasible. Despite the implementation of mitigation measures, impacts would remain significant and unavoidable. The Planning Commission finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

Feasibility of Project Alternatives

The Draft EIR included several project alternatives. The City hereby concludes that the Draft EIR sets forth a reasonable range of alternatives to the proposed project so as to foster informed public participation and informed decision making. The City finds that the alternatives identified and described in the Draft EIR were considered and further finds two of them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to CEQA Guidelines Section 21081.

In addition to the project, the following alternatives were evaluated in the Draft EIR, and are more fully described in Section 6 of the Draft EIR.

Alternative 1: No Project Alternative

The CEQA Guidelines stipulate that an EIR specifically include a “No Project” alternative. The purpose in including a No Project Alternative is to allow decision-makers to compare the impacts of approving the project with the impacts of not approving the project.

The No Project Alternative assumes that no new structures would be built on the project site and that the existing structure would remain. The site would remain underutilized. In addition, there would be no improvements to the railroad tracks for the City’s Rails-to-Trails program.

Findings

The No Project Alternative assumes that the proposed office structure, associated parking structure, surface parking, and improvements to the railroad tracks are not constructed. As such, this alternative would have generally reduced impacts with respect to aesthetics, air quality, biological resources, GHG emissions, hydrology and water quality, traffic, and noise. Project construction impacts would be avoided because no development would occur on the project site. No mitigation measures would be required for the No Project Alternative.

Alternative 2: Research and Development Building

Alternative 2 would involve demolition of the existing warehouse building and construction of a five-story structure (128,737 square feet), similar in size to the proposed project but used exclusively for research and development rather than office uses. Like the proposed project, a five-story parking structure would be constructed, and the existing railroad tracks would be converted to a trail as a part of the City’s Rails-to-Trails program. This alternative would comply with City codes and zoning regulations. Vehicular access would be from Forbes Boulevard at the south of the site, similar to the proposed project. The research and development building would accommodate approximately 370 employees.¹

¹ Employee number calculated based on the percent reduction of the structure square footage

Findings

Alternative 2 would require the same mitigation measures to reduce impacts related to construction activities, including impacts to biological resources, archaeological resources, and geology and soils. However, this alternative would result in different operational impacts in some areas. Because the alternative would accommodate fewer employees than the proposed project, impacts related to air quality, energy, GHG emissions, population and housing, recreation, public services would be slightly reduced compared to the project. In addition, because this Alternative would involve operation of a Research and Development building, impacts related to the storage and use of hazardous materials would be slightly greater than under the proposed project. Finally, this Alternative would not result in reduced VMT impacts; as with the proposed project, transportation impacts would be significant and unavoidable.

Alternative 3: Reduced Size Office Building

Alternative 3 would involve demolition of the existing vacant warehouse building and construction of a three-story office structure (approximately 77,000 square feet) and a two-story parking structure (approximately 158 parking stalls). The existing abandoned railroad tracks would be converted to a trail as a part of the City's Rails-to-Trails program, as with the proposed project. This alternative, like the proposed project, would comply with City codes and zoning regulations. The proposed use of the structures would be similar to surrounding uses in the project area. As with the proposed project, vehicular access would be provided from Forbes Boulevard, towards the south portion of the site. The new office building would accommodate approximately 270 employees².

Findings

In comparison to the proposed project, Alternative 3 would result in fewer transportation impacts, as the reduced size of the office building would decrease the number of employees and vehicles traveling to and from the site. Alternative 3 would require the same mitigation measures to reduce impacts related to construction activities, including impacts to biological resources, archaeological resources, and geology and soils. However, this alternative would result in different operational impacts in some areas. Because the alternative would accommodate fewer employees than the proposed project, impacts related to air quality, energy, GHG emissions, population and housing, recreation, public services would be slightly reduced compared to the project. Finally, this alternative would not result in reduced VMT impacts; as with the proposed project, transportation impacts would be significant and unavoidable.

Environmentally Superior Alternative

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the "No Project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6(e)(2)).

Alternative 1 (No Project) would be the environmentally superior alternative as it would not involve construction and grading activities, including soil disturbance and use of construction equipment and loading vehicles, which would result in impacts to air quality, archaeological resources, energy,

² Employee number calculated based on the percent reduction of the structure square footage

greenhouse gas emissions, nesting birds, geology and soils, and noise. Therefore, the mitigation identified to address impacts to biological resources, cultural resources, and geology and soils that would result under the proposed project would not be required under this alternative. In addition, Alternative 1 would not result in new impacts related to transportation. However, Alternative 1 would not achieve the basic project objectives as stated in Section 2, *Project Description*. This alternative would not redevelop an underutilized site, would not develop public and private amenities, create jobs, or enhance property values in the city's East of 101 area. Furthermore, this alternative would not preclude future development of the site.

Alternative 3 (Reduced Size Office Building) would be environmentally superior to the project because it would result in reduced impacts related to air quality, energy, and GHG emissions compared to the proposed project. However, as with the proposed project, this alternative would result in significant and unavoidable impacts related to transportation. In addition, while this alternative would meet some of the project objectives, it would not meet them to the same extent as the proposed project. Alternative 3 would develop an underutilized site but would utilize it to a lesser level and create fewer jobs than the proposed project.

Statement of Overriding Considerations

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines Section 15093(a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 19093(B)). The proposed project would result in a significant unavoidable impact related to transportation. No feasible mitigation measures have been identified that would reduce this impact to a less than significant level. This significant unavoidable impact is identified and discussed in Section 5 of these Findings. The City further specifically finds that the significant unavoidable impact to historical resources is outweighed by the proposed project's benefits and is acceptable in light of the benefits of the project, based on the findings below:

- The City has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project, as described above.
- All mitigation measures recommended in the Final EIR have been incorporated into the project and will be implemented through the MMRP, incorporated by reference herein.
- In accordance with CEQA Guidelines Section 15093, the City has, in determining whether or not to approve the project, balanced the economic, legal, social, technological, and other benefits, including region-wide or statewide environmental benefits of the project against these unavoidable environmental risks, and has found that the benefits of the project outweigh the unavoidable adverse environmental effects. The following statements specify the reasons why, in the City's judgment, the benefits of the project outweigh its unavoidable environmental risks. The City also finds that any one of the following reasons for approval cited below is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the City Findings and the benefits described below can be found in the Record of Proceedings.

Economic Benefits

- The Project helps advance South San Francisco's economic development goals of enhancing the competitiveness of the local economy and maintaining a strong and diverse revenue and job base.

One of the City's main economic development goals is to support the growth and sustainability of the biotechnology industry cluster in the East of 101 Area, home to more than 200 of the most innovative biotechnology companies in the world. The City has been and continues to be purposeful about planning for growth of the biotechnology industry by providing city services and infrastructure, enabling this industry to expand and to attract more biotechnology companies to the area. The project at 499 Forbes Boulevard aims to promote these goals and plans by providing an additional 128,737 sq. ft. of new office / R&D space available.

- The project will expand the office/R&D use potential, a high priority land use in the City, in the East of 101 Area and in proximity to similar uses.
- The project is expected to provide for and generate substantial revenues for the City in the form of one-time and annual fees, taxes, exactions, and other fiscal benefits.
- The project will support local and regional sustainability goals by expanding the employment base.
- The Project will generate revenues to the City of South San Francisco from impact fees and capital facilities charges that the City assesses on new construction and will also generate construction use taxes that accrue to the City of South San Francisco and the County of San Mateo.

Social Benefits

- The project is designed to take advantage of and promote the use of alternative modes of transportation other than single-occupancy vehicles trips, as is consistent with the City's TDM Ordinance. The project would promote public transit, bicycling, walking, and trips made through other modes by adopting a TDM Plan that provides incentives for those modes. The TDM Plan will also provide technological solutions (such as low or zero emission vehicles) and seek to eliminate trips (e.g., via telecommute options).
- The project includes the construction of a new segment of the Rails-to-Trails Program which would create a strong and deliberate connection from the Rails to Trails bike path through the project site and on through to Forbes Boulevard. This connection to the bike and walking trail is punctuated by a series of terraced gardens complete with seating and lush planting and will be a tremendous amenity to pedestrian and bicycle users alike.
- In addition, the project would install a new bike lane along the Forbes Boulevard frontage of the project site, thus creating a necessary link between existing bicycle facilities and proposed facilities connecting to the South San Francisco Caltrain Station to the west.
- Project components—including the building, open space, and landscaping—have been designed with sustainability as a priority, and the project will also comply with the Climate Action Plan.

Conclusion

After balancing the specific economic, legal, social, technological, and other benefits of the project alternatives, the City of South San Francisco has determined that the unavoidable adverse environmental impact identified may be considered acceptable due to the specific considerations listed above which offset the unavoidable, adverse environmental impact that will be caused by implementation of the proposed project.

Recognizing that a significant and unavoidable impact will result from implementation of the project, the City adopts this Statement of Overriding Considerations. Having adopted all feasible mitigation measures and recognizing the significant and unavoidable impact, the City hereby finds that each of the separate benefits of the project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the proposed project and outweighs and overrides its unavoidable significant effect, and thereby justifies the approval of the project.

Conclusion: No Recirculation of the Draft EIR is Required

The changes and new information provided in the Final EIR consist of clarifications of the Draft EIR analysis and do not include identification of new significant impacts associated with the project or mitigation measures, or new project alternatives or mitigation measures that warrant consideration.

The City of South San Francisco finds that the new information added in the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR and is not “significant” within the meaning of CEQA Guidelines section 15088.5. The City of South San Francisco further finds that incorporating the new information does not deprive the public of a meaningful opportunity to comment on the project or its effects, and that no information has been added to the Final EIR that would warrant recirculation pursuant to Public Resources Code section 21092.1. Finally, the City of South San Francisco has reviewed and considered comments made after the Final EIR was issued and finds that those comments do not present significant new information within the meaning of CEQA Guidelines section 15088.5 or otherwise warrant recirculation of the Final EIR pursuant to Public Resources Code section 21092.1. These findings are based on all the information presented in the Final EIR and the record of proceedings.