4.3 Biological Resources

4.3.1 Introduction

Section 4.3, Biological Resources, begins with a description of the existing conditions for terrestrial biological resources that occur or have the potential to occur on the 201 Haskins Way Project (project) site or in the immediate vicinity. Regulations and guidelines relevant to biological resources are discussed next, followed by an impacts analysis that evaluates the potential effects on biological resources that would result from implementation of the proposed project. Mitigation measures that would avoid or reduce impacts to less-than-significant levels are identified.

4.3.2 Environmental Setting

REGIONAL SETTING

The project site is located in the San Francisco Bay Area-Delta region, which hosts a diverse variety of natural communities ranging from the open waters of San Francisco Bay (Bay) and the Delta to salt and brackish marshes to chaparral and oak woodlands. The natural communities are interrupted by suburban and urban development in much of the region. The climate is Mediterranean in nature, with relatively mild, wet winters and warm, dry summers. The high diversity of vegetation and wildlife found in the region is a result of soils, topography, and microclimate diversity that promotes relatively high levels of endemism.[1]

San Francisco Bay is the second largest estuary in the United States and supports numerous marine habitats and biological communities. It encompasses 5,509 square miles, including shallow mudflats. San Francisco Bay is divided into four main basins: San Pablo or North Bay, Suisun Bay, Central Bay, and South Bay.[2] The Bay is filled by fresh water that flows west in the Sacramento River from near Mount Shasta and in the San Joaquin River. The mixture of salt and fresh water is the foundation of the Bay's biological diversity and richness and supports hundreds of fish, mammal, and plant species. San Francisco Bay is also a critical stopover point along the Pacific Flyway migration route of shorebirds and waterfowl, which number over one million birds at the height of migration.[3]

PROJECT SITE SETTING

The majority of the project site is paved and currently developed with buildings, mainly warehouses, associated with the previous and current use of the site. The project site is surrounded by development to the north, west, and east. The site also borders the San Francisco Bay Trail to the south. The site is

[1] Endemism refers to the degree to which organisms or taxa are restricted to a geographical region or locality and are thus individually characterized as endemic to that area.
[2] San Francisco Bay Conservation and Development, 2018. San Francisco Bay and Estuary (website). Available online at: http://www.bcdc.ca.gov/bay_estuary.html. Accessed May 11, 2018.
[3] National Audubon Society, 2018. San Francisco Bay (website). Available online at: http://ca.audubon.org/conservation/conservation/seas-shores/san-francisco-bay. Accessed May 11, 2018.

landscaped with a total of 185 trees and ornamental vegetation, as well as some ruderal vegetation, and would be considered a developed/landscaped habitat, as discussed below.

Developed/Landscaped

The site area includes approximately 18.2 acres of developed and landscaped land uses comprised of hardscape roads, buildings, parking lot surfaces, paved trail surfaces, with ornamental landscaped areas. The habitat suitability for rare or native vegetation in these areas is very low. Developed habitats primarily support common, urban-adapted wildlife species, and overall wildlife abundance and diversity are low. Likewise, landscape habitats are used sparingly by most wildlife species, largely because of the small area of vegetation available, the uniform and open nature of most landscaping, and regular disturbance due to landscape maintenance and use. However, animals living in adjacent habitats and migratory birds often exploit foraging opportunities offered by landscaped habitats, and dense shrub and tree landscape components may offer sufficient cover for nesting birds and mammals.

WILDLIFE MOVEMENT CORRIDORS

Wildlife movement corridors are considered an important ecological resource by the California Department of Fish and Wildlife (CDFW) and under the California Environmental Quality Act (CEQA).[4] Movement corridors may provide favorable locations for wildlife to travel between larger areas of open space referred to as core habitat areas that support foraging, breeding, shelter, and preferred summer and winter range locations. Movement corridors may also function as dispersal corridors that allow animals to move between various locations within their range. Topography and other natural factors, in combination with urbanization, can fragment or separate large open-space areas. Areas of human disturbance or urban development also can fragment wildlife habitats and impede wildlife movement between areas of suitable habitat. This fragmentation can create isolated “islands” of habitat that may not provide sufficient area to accommodate sustainable wildlife populations and can adversely affect genetic and species diversity. Movement corridors mitigate the effects of this fragmentation by allowing animals to move between remaining habitats, which in turn allows depleted populations to be replenished and promotes genetic exchange between separate populations. The project site is not considered to contribute to an established wildlife movement corridor because it does not provide a connection among any core habitat areas.

Although the project site is not within a terrestrial wildlife movement corridor, the San Francisco Peninsula is an important migratory stopover for birds along the Pacific Flyway, one of the four major migratory routes in North America.[5] During fall and spring migrations raptors, songbirds, shorebirds, and waterbirds stop to forage and rest in suitable habitat along this route such as the beaches and coastal mountains in west San Mateo County, and bayside wetlands and shoreline open spaces. Although the San Francisco Peninsula’s location on the Pacific Flyway allows open spaces to host transient individuals, it does not constitute a wildlife movement corridor as these areas are isolated within an otherwise densely developed urban environment. Migrating birds may use native habitats located near San Francisco Bay

[4] , 2018. Habitat Connectivity Planning for Fish and Wildlife (website). Available online at: https://www.wildlife.ca.gov/Conservation/Planning/Connectivity.

[5] Pacific Flyway Council, 2018. About (website). Available online at: http://www.pacificflyway.gov/About.asp. Accessed May 11, 2018.

during migration; however, because the project site is developed/highly disturbed, it does not offer high-quality habitat for migrating birds.

SPECIAL-STATUS SPECIES

A number of species known to occur in the Bay Area are protected pursuant to federal and/or state endangered species laws, have been designated species of special concern by the CDFW, or are afforded certain protection through regulatory means such as the California Department of Fish and Game Code. In addition, Section 15380(b) of the CEQA Guidelines provides a definition of rare, endangered, or threatened species that are not currently included in an agency listing, but whose "survival and reproduction in the wild are in immediate jeopardy" (endangered) or which are "in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens" or "is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered 'threatened' as that term is used in the Federal Endangered Species Act."[6] Species recognized under these terms are collectively referred to as "special-status species." For the purpose of this Environmental Impact Report (EIR), special-status species include the following:

1. Species listed or proposed for listing as threatened or endangered under the Federal Endangered Species Act (FESA) (50 Code of Federal Regulations 17.12 [listed plants], 17.11 [listed animals], and various notices in the *Federal Register* [proposed species]).
2. Species that are protected under the Federal Migratory Bird Treaty Act (MBTA) (50 Code of Federal Regulations 10.13).
3. Species that are candidates for possible future listing as threatened or endangered under the FESA (61 *Federal Register* 40, February 28, 1996).
4. Species of "special concern," as designated by U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration-National Marine Fisheries Service.
5. Species listed or proposed for listing by the state as threatened or endangered under the California Endangered Species Act (CESA) (Title 14 California Code of Regulations 670.5).
6. Species described by the CDFW as species of special concern.[7]
7. Species designated as "special animals" by the state.[8]
8. Species designated as "fully protected" by the state (there are about 35, most of which are also listed as either endangered or threatened).

[6] For example, the CDFW interprets Ranks 1A, 1B, 2A, and 2B of the California Native Plant Society's (CNPS's) *Inventory of Rare and Endangered Vascular Plants of California* to consist of plants that, in a majority of cases, would qualify for listing as rare, threatened, or endangered. However, the determination as to whether an impact is significant is made by the lead agency, absent the protection of other laws.

[7] A California species of special concern is one that has been extirpated from the state; meets the state definition of threatened or endangered but has not been formally listed; is undergoing or has experienced serious population declines or range restrictions that put it at risk of becoming threatened or endangered; and/or has naturally small populations susceptible to high risk from any factor that could lead to declines that would qualify it for threatened or endangered status.

[8] Species listed on the current CDFW "special animals" list (October 2015), which includes 905 species. This list includes species that CDFW considers "those of greatest conservation need" (CDFW, *Special Animals List*).

9. Raptors (birds of prey), which are specifically protected by California Fish and Game Code Section 3503.5, thus prohibiting the take, or possession of raptors and owls, their nests, and their eggs.[9]
10. Migratory nongame birds as designated in the MBTA, which are specifically protected by California Fish and Game Code, Section 3513, thus prohibiting the take or possession of any such bird.
11. Plants listed as rare or endangered under the California Native Plant Protection Act (CNPPA) (California Fish and Game Code, Section 1900 et seq.).
12. Species that meet the definitions of rare and endangered under CEQA. CEQA Guidelines Section 15380 provides that a plant or animal species may be treated as "rare or endangered" even if not on one of the official lists.
13. Plants considered by the California Native Plant Society (CNPS) to be "rare, threatened or endangered in California" under the California Rare Plant Ranking system, which includes Rank 1A, 1B, 2A, and 2B, as well as Rank 3 and 4,[10] plant species.

Table 4.3.1: Special-Status Species Recorded within a 1-Mile Radius of the Project Site lists the special-status plant and animal species that have the potential to occur within a 1-mile radius of the project site for terrestrial biological resources, compiled based on data contained in the California Natural Diversity Database (CNDDB).[11] CNDDB records within a 1-mile radius of the project site show one plant species, three bird species, one reptile species, and one fish species. No mammal or insect species were recorded.

Of the six species recorded within 1 mile of the project, only peregrine falcon (*Falco peregrinus anatum*) has potential to occur and this species would be only anticipated to occur on the project site during dispersal or migration. Peregrine falcons normally nest in a scrape on cliff edges or, in recent times, on tall human-made structures.[12] This species population has grown significantly since the 1980s due to the ban of the insecticide dichlorodiphenyltrichloroethane, commonly known as "DDT," which had previously caused significant population decline and eggshell thinning for bird species. Today, many individuals have adapted to nesting and foraging in urban environments.[13]

[9] The inclusion of birds protected by California Fish and Game Code Section 3503.5 is in recognition of the fact that these birds are substantially less common in California than most other birds, having lost much of their habitat to development, and that the populations of these species are therefore substantially more vulnerable to further loss of habitat and to interference with nesting and breeding than most other birds. It is noted that a number of raptors and owls are already specifically listed as threatened or endangered by state and federal wildlife authorities.

[10] Rank 3 plants may be analyzed under CEQA Guidelines Section 15380 if sufficient information is available to assess potential impacts on such plants. Factors such as regional rarity vs. statewide rarity should be considered in determining whether cumulative impacts on a Rank 4 plant are significant even if individual project impacts are not. California Rare Plant Ranking system (CRPR) Ranks 3 and 4 may be considered regionally significant if, for example, the potentially impacted occurrence is located at the periphery of the species' range, or exhibits unusual morphology, or occurs in an unusual habitat/substrate.

[11] California Department of Fish and Wildlife, 2018. California Natural Diversity Database results within a 1-mile radius of the project site. Available online at: https://www.wildlife.ca.gov/Data/CNDDB. Accessed May 11, 2018.

[12] National Audubon Society, 2018. Guide to North American Birds –Peregrine Falcon (website). Available online at: https://www.audubon.org/field-guide/bird/peregrine-falcon. Accessed September 27, 2018.

[13] Caballero, I. C, J. M. Bates, M. Hennen, and M. V. Ashley, 2016. *Sex in the City: Breeding Behavior of Urban Peregrine Falcons in the Midwestern US*. Available online at: https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0159054. Accessed October 10, 2018.

Table 4.3.1. Special-Status Species Recorded within a 1-Mile Radius of the Project Site

Species	Status	Habitat	Potential to Occur
Plants			
San Francisco owl's-clover (*Triphysaria floribunda*)	CNPS 1B.2	Coastal prairie, coastal scrub, valley and foothill grassland, serpentinite, or sandy soils.	Absent. Last recorded occurrence in 1965. It is not expected to occur on-site due to the poor quality of fill soils and lack of suitable edaphic conditions on the site.
Birds			
Alameda song sparrow (*Melospiza melodia pusillula*)	SSC	Salt marshes in the South San Francisco Bay area. Nests in emergent aquatic vegetation, dense shrubs, or other dense growth.	No potential to occur. No suitable nesting or foraging habitat on the project site.
American peregrine falcon (*Falco peregrinus anatum*)	SP	Nests on cliffs, and occasionally on buildings or bridges; forages for birds over many habitats.	Low potential to occur. Occasional dispersing or migrating individuals may move through and forage in portions of the project area, but no suitable nesting habitat occurs on the project site.
California Ridgeway's rail (*Rallus obsoletus obsoletus*)	FE, SE, FP	Restricted to salt marshes and tidal sloughs; usually associated with heavy growth of pickleweed; feeds on mollusks removed from the mud in sloughs	No potential to occur. No suitable nesting or foraging habitat on the project site or surrounding area.
Reptiles			
San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)	FE, SE, FP	Inhabits ponds, streams, rivers, and reservoirs, typically, with riparian or emergent vegetation. Requires upland areas for aestivation and nesting, usually within 100 yards of permanent water source.	No potential to occur. There is no suitable habitat on the project site.
Fish			
Longfin smelt (*Spirinchus thaleichthys)*	FC, ST, SSC		Absent. There are no waters on the project site.

Notes: FE = Federally Endangered; FC = Federal Candidate for Listing as Endangered or Threatened; SE = State Endangered; SP = State Protected ST = State Threatened; SSC = State Species of Special Concern; FP = Fully Protected Species; CNPS 1B = Plants considered by CNPS to be rare, threatened, or endangered in California, and elsewhere.

Source: CNDDB (2018)

Other Resident or Migratory Birds

Although many native birds are not considered to be special-status species, their nests are protected by the MBTA and the California Fish and Game Code. Many resident and migratory birds could nest in ruderal vegetation, ornamental trees, or on or under roof eaves of buildings on the project site. Raptor species, such as great horned owl (*Bubo virginianus*), red-tailed hawk (*Buteo jamaicensis*), and red-shouldered hawk (*Buteo lineatus*), could nest in mature trees on the project site. Cliff swallow (*Petrochelidon pyrrhonota*), barn swallow (*Hirundo rustica*), and black phoebe (*Sayornis nigricans*) could build mud nests on the outside of existing buildings. Other passerine species, such as house finch (*Haemorhous mexicanus*) and Anna's hummingbird (*Calypte anna*), could nest in shrubs or trees in the study area, while killdeer (*Charadrius vociferous*) could nest on bare or gravelly ground surfaces.

Special-Status Bats and Roosting Bats

Roosting bats, including two California species of special concern, Townsend's big-eared bat (*Corynorhinus townsendii*) and western red bat (*Lasiurus blossevillii*), have low to moderate potential to occur within the proposed project site. A Townsend's big-eared bat occurrence was recorded approximately 4 miles southwest of the project site in 2011, within a horse barn that has since been demolished.[14] Although there are no nearby records, western red bats have been observed roosting within trees in the Bay Area.

The proposed project structures, including the buildings proposed for demolition, may provide roosting habitat for bat species that roost in buildings or structures such as Townsend's big-eared bat and Mexican free-tailed bat (*Tadarida brasiliensis*). The ornamental trees within the project site provide potential roosting habitat for western red bat.

On August 24, 2018, a roosting bat survey was conducted on the 201 Haskins Way parcel in the Phase 1 area of the project site.[15] During the survey, the interior, exterior, and rooftop of the existing vacant trucking terminal building were inspected for roosting bats or signs of roosting bats such as urine staining around potential roost sites (cracks and crevices), guano piles below potential roost sites, audible or visual detection, and odor typically associated with roosting bats (guano and urine). A tree assessment was also conducted to examine cavities, crevices, and exfoliating bark for signs of bat usage, in addition to a visual assessment of the foliage for foliage-roosting bats. No signs of historical or current bat usage were found on the building or trees on the 201 Haskins Way parcel. Based on this assessment, there is no expectation that bats would move into the 201 Haskins building or on-site trees.

Rare Plants

As discussed above, the project site is largely developed and only contains limited ornamental landscaping and ruderal vegetation. The project site does not contain any native plant communities, and the limited areas of the project site that are not actively landscaped are generally too small and subject to regular disturbance such that they cannot support native plant communities. Furthermore, the project site is not adjacent to any known rare plant communities, nor does it provide suitable habitat for rare plant species.

4.3.3 Regulatory Framework

The project site does not contain any waters, wetlands or riparian habitat and the project site does not include features that are mapped in hydrography and wetlands datasets maintained by the USFWS or the

[14] California Department of Fish and Wildlife, 2018. California Natural Diversity Database results within a 1-mile radius of the project site. Available online at: https://www.wildlife.ca.gov/Data/CNDDB. Accessed May 11, 2018.
[15] H.T. Harvey & Associates, 2018. *Haskins Way Biotech Project – Roosting Bat Survey Report*, August 27, 2018.

U.S. Geological Survey (USGS).[16,17] There are no sensitive natural communities as defined by CDFW and USFWS on the project site.[18] Implementation of the proposed project would not involve construction on federally protected wetlands, riparian habitat, or sensitive natural communities protected by state or federal laws or regulations. There are no adopted habitat conservation plans, natural community conservation plans, or other approved local, state, or regional habitat conservation plans in the project area.[19] Therefore, regulations applicable to wetlands, riparian habitat, or other sensitive natural communities promulgated by USFWS and CDFW would not be applicable and are not summarized below.

FEDERAL

Federal Endangered Species Act

The FESA (16 United States Code [USC] Section 1531 et seq.) designates threatened and endangered animal and plant species, and provides measures for their protection and recovery. The "take" of listed plant or wildlife species, defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct," is prohibited without first obtaining a federal permit. The FESA also generally requires determination of critical habitat for listed species. If critical habitat has been designated, impacts on areas that contain the primary constituent elements identified for the species, whether or not the species is currently present, are also prohibited. FESA Section 7 (for actions by federal agencies) and Section 10 (for actions by non-federal agencies) provide pathways for obtaining authority to take listed species.

Migratory Bird Treaty Act

The Federal MBTA (16 USC, Section 703, Supp. I, 1989) prohibits pursuit, take or attempt to take, killing, possessing, selling, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act applies to whole birds, parts of birds, and bird nests and eggs. Although the MBTA itself does not provide specific take avoidance measures, the USFWS and CDFW over time have developed a set of measures sufficient to demonstrate nesting birds take avoidance. These requirements include avoiding vegetation removal or ground disturbance during nesting season (typically February 15 – September 15), conducting preconstruction nesting bird surveys of a project area during nesting season, and establishing appropriately-sized protective buffers from construction if active nests are found.

[16] U.S. Fish and Wildlife Service, 2018. National Wetlands Inventory Wetlands Mapper (website). Available online at: https://www.fws.gov/wetlands/. Accessed May 11, 2018.
[17] U.S. Geological Survey, 2018. National Hydrography Dataset, a component of the National Map (website). Available online at: https://nhd.usgs.gov/NHD_High_Resolution.html.
[18] California Department of Fish and Wildlife, 2018. California Natural Diversity Database results within a 1-mile radius of the project site. Available online at: https://www.wildlife.ca.gov/Data/CNDDB. Accessed May 11, 2018.
[19] California Department of Fish and Wildlife, 2017. California Regional Conservation Plans Map, October 2017. Available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline.

STATE

California Endangered Species Act

Under the CESA, the CDFW has the responsibility for maintaining a list of threatened and endangered species (California Fish and Game Code Section 2070). The CDFW also maintains a list of candidate species, which are species formally under review for addition to either the list of endangered species or the list of threatened species. The CESA prohibits the take of plant and animal species that the California Fish and Game Commission has designated as either threatened or endangered in California. "Take" under the CESA means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill a listed species (California Fish and Game Code Section 86). The take prohibitions also apply to candidate species. However, Section 2081 of the CESA allows the CDFW to issue permits for the minor and incidental "take" of species by an individual or permitted activity listed under the CESA.

California Native Plant Protection Act

State listing of plant species began in 1977 with the passage of the CNPPA (California Fish and Game Code Sections 1900–1913), which directed the CDFW to carry out the legislature's intent to "preserve, protect, and enhance endangered plants in this State." The CNPPA gave the California Fish and Game Commission the power to designate native plants as endangered or rare and to require permits for collecting, transporting, or selling such plants. Three listing categories for plants are used in California: rare, threatened, and endangered.

California Fish and Game Code

Fully Protected Species

Certain species are considered fully protected, meaning that the California Fish and Game Code explicitly prohibits all take of individuals of these species except for take permitted for scientific research. Fully protected amphibians and reptiles, fish, birds, and mammals are listed in Sections 5050, 5515, 3511, and 4700, respectively. It is possible for a species to be protected under the California Fish and Game Code, but not be fully protected. For instance, mountain lion (*Puma concolor*) is protected under Section 4800 et seq., but is not a fully protected species.

Protection of Birds and Their Nests

Under Section 3503 of the California Fish and Game Code, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 of the California Fish and Game Code prohibits the taking, possession, or destruction of any birds in the orders Falconiformes (hawks) or Strigiformes (owls), or of their nests and eggs. Migratory non-game birds are protected under Section 3513, whereas other specified birds are protected under Section 3800.

California Rare Plant Rankings

CDFW works in collaboration with the CNPS and botanical experts to maintain an Inventory of Rare and Endangered Plants, and the similar Special Vascular Plants, Bryophytes, and Lichens List. The plant species on these lists may meet the CEQA definition of rare or endangered. CDFW advises public agencies during the CEQA process to help ensure that the actions they approve do not significantly impact such resources. The following definitions are used in the California Rare Plant Ranking system:

- Rank 1A: Plants presumed extirpated in California and either rare or extinct elsewhere.
- Rank 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.
- Rank 2A: Plants presumed extirpated in California, but more common elsewhere.
- Rank 2B: Plants Rare, Threatened, or Endangered in California, but more common elsewhere.
- Rank 3: Plants about which more information is needed (a Review List).
- Rank 4: Plants of limited distribution (a Watch List).

REGIONAL

The San Francisco Bay Plan and San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) has jurisdiction over coastal activities occurring within and around San Francisco Bay and Suisun Marsh. BCDC was created by the McAteer-Petris Act.[20] BCDC regulates fill, extraction of materials, and substantial change in use of land, water, and structures in San Francisco Bay and development within 100 feet of the Bay, as measured landward from the mean high tide line. BCDC has jurisdiction over all areas of San Francisco Bay that are subject to tidal action. BCDC prepared and adopted the *San Francisco Bay Plan* to regulate land use and activities on and adjacent to the Bay.

The *San Francisco Bay Plan* specifies goals, objectives, and policies for existing and proposed waterfront land uses and other areas under the jurisdiction of BCDC. Major policies of the *San Francisco Bay Plan* applicable to wildlife discuss the avoidance of Bay filling because it destroys the habitat of fish and wildlife. Future filling can disrupt the Bay ecology, which has already been damaged by past fills, and can endanger some species of birds and fish. The Bay Plan emphasizes that seemingly minor changes, such as new fill or dredging, may have far-reaching and sometimes highly destructive effects.

LOCAL

City of South San Francisco General Plan

The *City of South San Francisco General Plan* (General Plan), originally adopted in 1999 and as amended in 2011, provides a vision for the long-range physical and economic development for the City of South San Francisco (City), provides strategies and specific implementing actions, and establishes a basis

[20] California Government Code §66600-66682.

for judging whether specific development proposals and public projects are consistent with the City's plans and policy standards. The General Plan contains an Open Space and Conservation Element, which includes the following policies applicable to biological resources.

Policy 7.1-G-1: Protect special status species and supporting habitats within South San Francisco, including species that are State or federally listed as Endangered, Threatened, or Rare.

Policy 7.1-I-1: Cooperate with State and federal agencies to ensure that development does not substantially affect special status species appearing on any State or federal list for any rare, endangered, or threatened species. Require assessments of biological resources prior to approval of any development on sites with ecologically sensitive habitat, as depicted in Figure 7-1.

Policy 7.2-G-1: Comply with the San Francisco Bay RWQCB [Regional Water Quality Control Board] regulations and standards to maintain and improve the quality of both surface water and groundwater resources.

Policy 7.2-G-3: Discourage use of insecticides, herbicides, or toxic chemical substances within the city.

Policy 7.2-I-1: Continue working with the San Francisco Bay RWQCB in the implementation of the NPDES [National Pollutant Discharge Elimination System], and continue participation in STOPPP [San Mateo Countywide Stormwater Pollution Prevention Program] for the protection of surface water and groundwater quality.

East of 101 Area Plan

The City interprets the *East of 101 Area Plan* as a design-level document. The *East 101 Area Plan* sets forth additional and more specific land use policies for the East 101 Area, in addition to those in the General Plan. The Area Plan contains a Conservation Element with policies related to biological resources, including Policy CON-7, below.

Policy CON-7: New development adjacent to sensitive resource areas shall be required to incorporate the following measures into project design:

- Shield lights to reduce off-site glare.
- Provide buffer areas of at least 100 feet between known sensitive resources and development area.
- Landscape all on-site buffer areas with native vegetation to screen habitat areas from adjacent land uses.
- Restrict entry to habitat areas through devices such as fencing, landscaping or signage.
- Ensure that run-off from development does not adversely affect the biotic values of adjacent wetlands or other habitat areas.

City of South San Francisco Tree Preservation Ordinance

Under Chapter 13.30 of the South San Francisco Municipal Code, the City maintains a tree preservation ordinance designed to:

a. provide standards and requirements for the protection of certain large trees (trees with a circumference of 48 inches or greater at 54 inches above the natural grade) and trees and stands with unique characteristics (having been so designated by the Parks and Recreation director);

b. provide standards and requirements for planting and maintenance of trees for new development; and

c. establish recommended standards for planting and maintaining trees on property that is already developed. This chapter achieves these objectives in ways that support and encourage the reasonable economic enjoyment of private property, not in ways that prevent it. (Ord. 1271 § l (part), 2000: Ord. 1060 § l (part), 1989).

Protected trees are not to be removed or pruned without a permit from the City, and must be protected from development-related impacts such as soil compaction and underground trenching for utilities. Additionally, new developments must conform to a series of tree planting requirements.

4.3.4 Impacts and Mitigation Measures

This section describes the impact analysis related to biological resources for the proposed project. It also lists the thresholds used to conclude whether an impact would be significant and describes the approach used to determine the impacts of the proposed project. Measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts accompany the discussion of each identified significant impact.

SIGNIFICANCE CRITERIA

Based on CEQA Guidelines Appendix G, a project is considered to have significant impacts if implementation of the project would:

a. have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or the USFWS;

b. have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS;

c. have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal wetlands, etc.), through direct removal, filling, hydrological interruption, or other means;

d. interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;

e. conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

f. conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

CEQA Guidelines Section 15380 further provides that a plant or wildlife species may be treated as “rare or endangered” even if not on one of the official lists if, for example, it is likely to become endangered in the foreseeable future.

APPROACH TO ANALYSIS

The proposed project was evaluated based on the CDFW's CNDDB, biological reports and studies from other waterfront locations in the project vicinity, as well as aerial imagery.

The project site does not contain any wetlands, riparian habitat, or other sensitive natural communities as defined by the CDFW and the USFWS. The nearest mapped water body, an unnamed riverine wetland approximately 100 feet to the east of the project site, runs along the north side of the existing recycling center southeast of the project site.[21] In addition, the Bay is located south of the Bay Trail adjacent to the 400-450 East Jamie Court parcel on the project site. The proposed project would not involve any development or activities east of the project site within the unnamed riverine wetland, or south of the Bay Trail in Bay waters or wetlands, nor would the project result in any indirect impacts on these features given the project's distance from the features. As discussed in Section 4.6, Hydrology and Water Quality, construction-related stormwater discharges would occur in accordance with the NPDES Construction General Stormwater Permit, and best management practices and monitoring must be implemented to prevent pollutants from coming into contact with stormwater and to keep all products of erosion and stormwater pollutants from moving off site into receiving waters. Therefore, implementation of the proposed project would not directly or indirectly adversely affect any federally protected wetlands, riparian habitat, or sensitive natural communities protected by state or federal laws or regulations. There is no adopted habitat conservation plan, natural community conservation plan, or other approved local, state, or regional habitat conservation plans in the project area.

Thus, criteria (b), (c), and (f) are not applicable to the proposed project and are not further discussed. In addition, the proposed project would not interfere with the movement of migratory fish species as discussed in criterion (d); therefore, the impact evaluation below focuses on terrestrial wildlife movement and corridors and migratory fish and marine species are not further discussed.

IMPACT EVALUATION

Impact BI-1: The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; and the proposed project would not interfere substantially with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (*Less than Significant with Mitigation*)

Wildlife species are protected under the FESA, the MBTA, the CESA, and regulations concerning California Species of Special Concern. Based on a review of the current site conditions, the project site does not contain suitable habitat for any species identified as a state or federal candidate, threatened, or endangered species.

[21] U.S. Fish and Wildlife Service, National Wetlands Inventory. Available online at: https://www.fws.gov/wetlands/data/Mapper.html. Accessed May 10, 2018.

The project site and surrounding neighborhood contain light industrial and office/R&D uses. Because the project site is located within a built urban environment, it is subject to existing routine disturbances (e.g., pedestrian and vehicular activity, and landscape maintenance activities). The project site does not provide habitat for special-status plant species, yet the project site may provide suitable habitat for special status bats and foraging and nesting opportunities for bird species. Although there is open space with trees and plants on the project site, the surrounding areas have been developed with buildings, paved parking lots, and roadways. On-site vegetation is ornamental landscaping and trees and ruderal vegetation. Developed habitats primarily support common, urban-adapted wildlife species and overall wildlife abundance and diversity are low. Likewise, landscaped habitats are used sparingly by most wildlife species, largely because of the uniform, open nature of most landscaping, and regular disturbances due to landscape maintenance and use. However, animals living in adjacent habitats and migratory birds often exploit foraging opportunities offered by landscaped habitats, and dense shrub and tree landscape components may offer sufficient cover for nesting birds and mammals. The project site, in and of itself does not serve as a nursery site or corridor for native resident or migratory fish or wildlife, except potentially for birds and bats. There are no wetlands or intermittent or permanent streams on the project site. The nearest aquatic feature is the Bay shoreline and waters located south of the Bay Trail and the project site.

Of the six species recorded within 1 mile of the project, only peregrine falcon has potential to occur, and this species would be only anticipated to occur on the project site during dispersal or migration. This species nests in a scrape, normally on cliff edges or, in recent times, on tall human-made structures.[22] Due to the low-quality foraging habitat and low rise of buildings and trees on the project site, foraging and nesting activities of peregrine falcons is unlikely to occur. Nonetheless, as provided by the MBTA and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, peregrine falcon individuals, eggs, and nests are protected, as further discussed below under "Nesting and Migratory Birds."

Implementation of the proposed project would result in the demolition of some buildings and hardscape, and the removal of trees and vegetation, on the project site. The proposed project (including the Phase 2 conceptual development plan) would involve the removal of existing landscaping and a total of approximately 121 existing trees on the project site. During Phase 1 development, approximately 30 trees on the 201 Haskins Way parcel and 16 trees on 400-450 East Jamie Court would be removed; during Phase 2 development, as depicted in the conceptual development plan on Figure 3.7, p. 3.26, approximately 75 existing trees on the six remaining parcels in the Phase 2 area would be removed. At project buildout, the parcel boundaries fronting East Grand Avenue, Haskins Way, and East Jamie Court would be landscaped with street trees and the interior of the site would be landscaped. In total, approximately 263 new trees would be planted.

Therefore, the impacts of the proposed project on candidate, sensitive, or special-status species would be less than significant with the possible exception of impacts on migratory birds and special-status bat species, which are discussed below.

[22] National Audubon Society, 2018. Guide to North American Birds –Peregrine Falcon (website). Available online at: https://www.audubon.org/field-guide/bird/peregrine-falcon. Accessed September 27, 2018.

Nesting and Migratory Birds

The project site is located along the Pacific Flyway for migratory birds, and the juxtaposition in the Bay Area of wetland, shoreline, and open water habitats used by birds results in large-scale movements of birds along the edge of the Bay, both during long-distance movements (such as migration) and during daily movements between roosting and foraging habitats.

Landscaped areas within the project site may provide suitable habitat for resident and migratory birds covered under the MBTA and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code. Therefore, the proposed project could result in the temporary loss of nesting and foraging habitat through the removal of onsite trees and vegetation during construction; however, nearby habitat in the Bay, in other landscaped locations in the East of 101 Area, and along the shoreline offer suitable nesting and foraging habitat for potentially displaced birds. These nearby habitats provide a more attractive environment for birds due to more expansive nesting and foraging habitat as well as lower levels of human-related disturbances. After the construction period and incorporation of site landscaping (including the planting of new trees on the project site), birds would be expected to inhabit the project site.

Tree removal and construction-related activities associated with the proposed project could adversely affect bird breeding and nest behaviors at the project site and in the immediate vicinity. Construction activities that may cause visual disturbance or alter the ambient noise environment include vegetation removal, demolition of existing buildings, and construction of foundations and new buildings. Although adult birds can escape the project site to avoid direct harm during construction, eggs or chicks associated with active nests could still be permanently affected (i.e., abandoned or killed) by project construction activities. The proposed project under Phase 1 or project buildout may result in the displacement of nesting migratory birds and/or the abandonment of active nests should construction and vegetation removal occur during the typical nesting season (January 15 – August 15). Implementation of Mitigation Measure MM-BI-1a: Pre-construction Nesting Bird Surveys and Buffer Areas, would reduce this potentially significant impact on nesting birds covered under the MBTA and California Fish and Game Code to a less-than-significant level by ensuring project activities do not result in the take of a nesting bird or an active nest.

Mitigation Measure MM-BI-1a: Pre-construction Nesting Bird Surveys and Buffer Areas

Nesting birds and their nests shall be protected during construction by implementation of the following measures for each construction phase:

a. To the extent feasible, conduct initial activities including, but not limited to, vegetation removal, tree trimming or removal, ground disturbance, building demolition, site grading, and other construction activities which may compromise breeding birds or the success of their nests outside of the nesting season (February 15 – September 15).

b. If construction during the bird nesting season cannot be fully avoided, a qualified wildlife biologist* shall conduct a pre-construction nesting survey within 14 days prior to the start of construction or demolition at areas that have not been previously disturbed by project activities or after any construction breaks of 14 days or more. The survey shall be performed in suitable habitat within 100 feet of the applicable construction phase area in

order to locate any active nests of passerine species and within 300 feet of the applicable construction phase area to locate any active raptor (birds of prey) nests.

c. If active nests are located during the preconstruction nesting bird survey, a qualified biologist shall evaluate if the schedule of construction activities could affect the active nests and if so, the following measures would apply:

    i. If the qualified biologist determines that construction is not likely to affect the active nest, construction may proceed without restriction; however, a qualified biologist shall regularly monitor the nest at a frequency determined appropriate for the surrounding construction activity to confirm there is no adverse effect. Spot-check monitoring frequency would be determined on a nest-by-nest basis considering the particular construction activity, duration, proximity to the nest, and physical barriers which may screen activity from the nest.

    ii. If it is determined that construction may affect the active nest, the qualified biologist shall establish a no-disturbance buffer around the nest(s) and all project work shall halt within the buffer until a qualified biologist determines the nest is no longer in use. Typically, these buffer distances are 100 feet for passerines and 300 feet for raptors; however, the buffers may be adjusted if an obstruction, such as a building, is within line-of-sight between the nest and construction.

    iii. Modifying nest buffer distances, allowing certain construction activities within the buffer, and/or modifying construction methods in proximity to active nests shall be done at the discretion of the qualified biologist and in coordination with the Planning Division. Necessary actions to remove or relocate an active nest(s) shall be coordinated with the Planning Division in compliance with the California Fish and Game Code and other applicable laws.

    iv. Any work that must occur within established no-disturbance buffers around active nests shall be monitored by a qualified biologist. If adverse effects in response to project work within the buffer are observed and could compromise the nest, work within the no-disturbance buffer(s) shall halt until the nest occupants have fledged.

    v. Any birds that begin nesting within the project area and survey buffers amid construction activities are assumed to be habituated to construction-related or similar noise and disturbance levels, so exclusion zones around nests may be reduced or eliminated in these cases as determined by the qualified biologist in coordination with the Planning Division. Work may proceed around these active nests as long as the nests and their occupants are not directly impacted.

d. In the event inactive nests are observed within or adjacent to the project site during construction at any time throughout the year, any removal or relocation of the inactive nests shall be at the discretion of the qualified biologist in coordination with the Planning Division and in compliance with the California Fish and Game Code and other applicable laws, as appropriate. Work may proceed around these inactive nests.

* Typical experience requirements for a “qualified biologist” include a minimum of 4 years of academic training and professional experience in biological sciences and related resource management activities, and a minimum of 2 years of experience conducting surveys for each species that may be present within the project area.

With implementation of Mitigation Measure MM-BI-1a, the proposed project would not interfere substantially with the movement of any native resident or migratory bird or other wildlife species or with established native resident or migratory bird or other wildlife corridors. This impact, therefore, would be less than significant with mitigation.

Relative to the height of the existing structures, the proposed buildings would be taller than those existing on and adjacent to the project site, creating new, somewhat larger obstacles along the flight path of migrating and foraging birds. Therefore, the proposed project could result in the creation of a new strike hazard for migrating birds. There is some potential for birds to collide during daytime and nocturnal flights with proposed buildings with features that are not easily "visible" to birds. Windows that reflect nearby vegetation and transparent areas where birds could see through two windows to vegetation beyond could present hazards to birds. In addition, lighted windows at night can attract migrating birds. Although proposed buildings are likely to be lower than the height at which most migrating birds would fly, the proposed project would create potential bird strike hazards at elevations that do not currently exist. Large-scale injury or mortality of birds due to collisions with buildings is not anticipated, but the potential for collision mortality remains and is a potentially significant impact.

Implementation of Mitigation Measures MM-BI-1b: Lighting Measures to Reduce Impacts on Birds and MM-BI-1c: Building Design Measures to Minimize Bird Strike Risk would ensure that the proposed project would avoid and minimize impacts on migrating and foraging birds as a result of increased bird strikes.

Mitigation Measure MM-BI-1b: Lighting Measures to Reduce Impacts on Birds

During design, a qualified biologist experienced with bird strikes and building/lighting design issues shall identify lighting-related measures to minimize the effects of the building's lighting on birds. Such measures, which may include the following and/or other measures, shall be incorporated into the building's design and operation.

- Use strobe or flashing lights in place of continuously burning lights for obstruction lighting. Use flashing white lights rather than continuous light, red light, or rotating beams.
- Install shields onto light sources not necessary for air traffic to direct light towards the ground.
- Extinguish all exterior lighting (i.e., rooftop floods, perimeter spots) not required for public safety.
- When interior or exterior lights must be left on at night, the operator of the buildings shall examine and adopt alternatives to bright, all-night, floor-wide lighting, which may include installing motion-sensitive lighting, using desk lamps and task lighting, reprogramming timers, or using lower-intensity lighting.
- Windows or window treatments that reduce transmission of light out of the building shall be implemented to the extent feasible.

Mitigation Measure MM-BI-1c: Building Design Measures to Minimize Bird Strike Risk

During design, a qualified biologist experienced with bird strikes and building/lighting design issues shall identify measures related to the external appearance of the building to minimize the risk of bird strikes. Such measures, which may include the following and/or other measures, shall be incorporated into the building's design.

- Minimize the extent of glazing.
- Use low-reflective glass and/or patterned or fritted glass.
- Use window films, mullions, blinds, or other internal or external features to "break up" reflective surfaces rather than having large, uninterrupted areas of surfaces that reflect, and thus to a bird may not appear noticeably different from, vegetation or the sky.

Implementation of the building design and lighting measures presented in MM-BI-1b and MM-BI-1c would avoid and minimize impacts on migrating and foraging birds as a result of increased bird strikes, and the impacts would be reduced to a less-than-significant level.

Special-Status and Roosting Bats

Phase 1 Development

Impacts associated with special-status and roosting bats are most likely to occur during tree removal and building demolition of the construction phase. Loss of individual bats, bat colonies, or their habitat could occur if active bat roosts are present within trees to be removed and buildings scheduled for demolition, particularly if these activities take place during the maternal roosting period season when young bats cannot yet fly or, for building-roosting bats, during hibernation when bats may be hard to rouse.

For the Phase 1 area of the project site, a roosting bat survey was conducted on the 201 Haskins Way parcel of the project site. No signs of historical or current bat usage were found on the 201 Haskins Way building or trees on the 201 Haskins Way parcel.[23] As such, there is no expectation that bats would move into the building and trees. In addition, the building addition on the 400-450 East Jamie Court parcel would not involve demolition of any buildings or removal of mature trees that would support roosting bats. To the extent any special-status and roosting bats inhabit buildings or trees located within the Phase 2 area, these buildings and trees in the Phase 2 area would be left in place during Phase 1 development. City-dwelling bats are generally accustomed to their surroundings of typical human activities, and no impacts to potential roosting bats in the Phase 2 area would occur as a result of Phase 1 construction activities. Therefore, no impacts on special-status and roosting bats would occur during Phase 1 development.

Phase 2 Development (Project Buildout)

A roosting bat survey of the Phase 2 area has not been conducted. Although building and tree conditions in the Phase 2 area are likely to be similar to the 201 Haskins Way parcel, construction of this phase

[23] H.T. Harvey & Associates, 2018. *Haskins Way Biotech Project – Roosting Bat Survey Report*, August 27, 2018.

would not be expected to begin until the year 2021. The trees and structures in the Phase 2 area may provide roosting habitat for bat species that roost in buildings or structures, and roosting conditions may change in the years before Phase 2 implementation. If special-status and roosting bats were to inhabit the Phase 2 buildings or trees, the project could result in the loss of individual bats, bat colonies, or their habitat if active bat roosts are present within trees to be removed and buildings scheduled for demolition, particularly during the maternal roosting period season or during hibernation.

Implementation of Mitigation Measure MM-BI-1d: Pre-construction Bat Survey and Roosting Habitat Abatement during project buildout in the Phase 2 area would reduce this potentially significant impact on special-status and roosting bat species to a less-than-significant level by ensuring tree removal and building demolition activities are seasonally timed where active bat roosts occur, and mitigation is provided for the loss of identified bat roosts.

Mitigation Measure MM-BI-1d: Pre-construction Bat Survey for Roosting Bats and Roosting Habitat Abatement (Phase 2)

Prior to Phase 2 building demolition or tree removal activities, no more than 2 weeks prior to the start of any such demolition or removal activities, a qualified bat biologist shall conduct a pre-construction survey to identify if bats are roosting within vacant buildings and trees located on the Phase 2 project site. If no roosting sites or bats are observed during the survey, no further mitigation is necessary.

If roosting bats or indications of bat roosts are observed within Phase 2 buildings or structures to be demolished, the qualified bat biologist shall be consulted to determine if bat roost replacement is required. If required, roost replacement shall be implemented before bat exclusion devices are installed on structures. Roost replacement, if required, will be implemented using suggested strategies such as those described in the Caltrans' report *California Bat Mitigation Techniques, Solutions, and Effectiveness*[24] and will be based on species-specific roosting requirements.

If bat exclusion is required, a wildlife removal specialist under the guidance of the qualified bat biologist shall conduct humane bat exclusion using methods such as one-way doors and installing physical barriers to entry. To reduce potential effects on roosting bats, exclusion shall be conducted between September 1 and March 31, but will not occur during long periods of inclement or cold weather (as determined by the qualified bat biologist) when prey are not available or bats are in torpor. For Phase 2 building demolition, eviction shall be initiated by either opening the roosting area to allow air flow through the roost cavity or installing a one-way exclusion device (e.g., one-way door) to evict the bats. Following bat exclusion device installation, the qualified bat biologist shall conduct biweekly inspections of each excluded structure until the structure(s) is demolished to ensure that physical exclusion devices are maintained.

If roosting bats or indications of bat roosts are observed within Phase 2 project trees to be removed, tree removal shall be conducted between September 1 and March 31, but will not occur during long periods of inclement or cold weather (as determined by the qualified bat biologist) when prey are not available or bats are in torpor, to avoid impacts on maternal bat roosts. During Phase 2 tree removal and where potential bat roosts were identified, the qualified bat biologist

[24] Johnston, D., G. Tatarian, E.D. Pierson, and G.R. Trapp. 2004. *California Bat Mitigation Techniques, Solutions, and Effectiveness*. Caltrans Project Number 2394-01.

shall be present and tree removal shall begin with portions of the tree that do not provide suitable roost habitat (e.g., low limbs lacking forage). Trees shall be removed at a speed in coordination with the on-site qualified bat biologist that allows any roosting bats to vacate the tree.

Implementation of the pre-construction survey and roosting habitat abatement measure presented in MM-BI-1d would avoid and minimize impacts on special-status and roosting bat species and the impacts would be reduced to a less-than-significant level.

Impact BI-2: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (*Less than Significant*)

The proposed project (including the conceptual Phase 2 development plan) would involve the removal of existing landscaping and a total of approximately 121 existing trees on the project site. During Phase 1 development, approximately 30 trees on the 201 Haskins Way parcel and 16 trees on 400-450 East Jamie Court would be removed; during conceptual Phase 2 development, approximately 75 existing trees on the six remaining parcels in the Phase 2 area would be removed. All of the trees to be removed are ornamental landscape trees. To the extent that the proposed project would result in removal of a protected tree as defined under the City's Tree Preservation Ordinance, removal would require a Protected Tree Removal Permit and would be done in accordance and compliance with the Tree Preservation Ordinance. The proposed project (including the conceptual Phase 2 development plan) would replace the existing street trees with approximately 263 new trees. No other local policies or ordinances protecting biological resources apply to the proposed project. Therefore, both the proposed Phase 1 project and project buildout (assuming the conceptual Phase 2 development plan) would have a less-than-significant impact regarding conflicts with local policies or ordinances protecting biological resources. No mitigation is required.

Impact C-BI-1: The proposed project would result in a cumulatively considerable contribution to significant cumulative impacts on biological resources. (*Less than Significant with Mitigation*)

The proposed project's potential contribution to cumulative impacts on biological resources is evaluated in the context of past, present, and reasonably foreseeable probable future development expected in the City and includes the additional baseline and cumulative projects and plans listed in Section 4.1, Approach to Environmental Analysis, pp. 4.1.4-4.1.9.

Biological resources are location- and habitat-dependent. The majority of each of the cumulative project sites contains development with ornamental landscaping and ruderal vegetation, similar to the project site. One project, the *Oyster Point Specific Plan*, would involve disturbance of wetlands and aquatic habitats. The *Oyster Point Specific Plan* would implement mitigation measures appropriate for the species and habitats present. However, the proposed project site does not contain sensitive habitat, wetlands, or marine areas and would not involve construction in any wetland or aquatic habitat. Although there could be cumulative impacts related to wetlands, aquatic habitat, or other sensitive habitat, the proposed project would not contribute to any such impacts.

The cumulative projects would primarily involve redevelopment of existing light industrial uses. These projects, similar to the proposed project, would be required to protect active nests in ornamental trees on each project site. The proposed project would not contribute to impacts on the movement of any native

resident or migratory wildlife species or with established native resident or migratory wildlife corridors through implementation of Mitigation Measure MM-BI-1a: Preconstruction Nesting Bird Surveys and Buffer Areas. Similar to the proposed project, mitigation for preconstruction nesting bird surveys and buffer areas would be applicable for reasonably foreseeable probably future projects. Therefore, with implementation of Mitigation Measure MM-BI-1a, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact with the movement of any native resident or migratory bird or wildlife species or with established native resident or migratory bird or wildlife corridors.

In addition, each of the new buildings proposed to be constructed under these reasonably foreseeable probable future projects would be designed in adherence to bird-safe lighting and design measures to prevent collisions and bird fatalities through implementation of Mitigation Measures MM-BI-1b: Lighting Measures to Reduce Impacts on Birds and MM-BI-1c: Building Design Measures to Minimize Bird Strike Risk. As such, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact relative to bird collisions with new buildings.

The proposed project includes removal of buildings and trees that could adversely affect roosting bats. With probable future development in the City, there may be loss of existing bat roosting habitat due to tree or building removal. However, the proposed project would not result in a cumulatively considerable contribution to the displacement of roosting bats or the loss of bat roosting habitat through implementation of Mitigation Measure MM-BI-1d: Pre-construction Bat Survey and Roosting Habitat Abatement. Similar to the proposed project, the reasonably foreseeable probable future projects would be required to protect roosting bats, and this cumulative impact would be less than significant. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact on bat species as there would be a net gain in trees based on proposed planting, and any significant impacts on bats roosting in building or structures would be mitigated.

In conclusion, with implementation of the appropriate mitigation measures, these cumulative impacts would be less than significant. The proposed project would not result in a cumulatively considerable contribution to a significant cumulative biological resources impact.