

4.3 BIOLOGICAL RESOURCES

This chapter describes existing biological resources in the EA Study Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed Housing Element Update, General Plan Consistency Update, and associated Zoning Ordinances amendments, together referred to as the “Plan Components” on biological resources. A summary of the relevant regulatory setting and existing conditions is followed by a discussion of the Plan Components and cumulative impacts.

A. Regulatory Framework

This section summarizes key State and City regulations and programs related to biological resources in Menlo Park.

1. Federal Laws and Regulations

a. Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS) have jurisdiction over species that are formally listed as threatened or endangered under the federal Endangered Species Act (ESA). The ESA protects listed wildlife species from harm. As defined in the ESA, an endangered plant or wildlife species is one that is considered in danger of becoming extinct throughout all, or a significant portion of its range. A threatened species is one that is likely to become endangered within the foreseeable future. In addition to endangered and threatened species, which are legally protected under the federal ESA, the USFWS has a list of proposed and candidate species. Proposed species are those for which a proposed rule to list them as endangered or threatened has been published in the Federal Record. A candidate species is one for which the USFWS currently has enough information to support a proposal to list it as a threatened or endangered species. These latter species are not afforded legal protection under the federal ESA.

The protection of listed species under the federal ESA extends to development projects in Menlo Park as well as an individual’s actions in Menlo Park.

b. Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) implements various treaties and conventions between the United States and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Unless permitted by regulations, this Act provides that it is unlawful to pursue, hunt, take, capture or kill, attempt to take, capture or kill, possess, offer, sell, barter, purchase, deliver or cause to be shipped, exported,

imported, transported, carried, or received any migratory bird, part, nest, egg or product, manufactured or not.

In short, under the MBTA it is illegal to remove vegetation containing nests that are in active use, since this could result in death of a bird or destruction of an egg. This would also be a violation of California Department of Fish and Wildlife¹ (CDFW) code (see State Regulations below).

c. Clean Water Act

The federal Clean Water Act (CWA) is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the United States Environmental Protection Agency (U.S. EPA). The U.S. EPA depends on other agencies, such as the individual state government and the United States Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Section 401 and 404 apply to project activities that would impact waters of the U.S. (U.S.) (creeks, ponds, wetlands, etc.).

i. *Section 404 of the Clean Water Act*

The USACE, the federal agency charged with investigating, developing, and maintaining the country’s water and related resources, is responsible under Section 404 of the CWA for regulating the discharge of fill material into waters of the U.S. Waters of the United States and their lateral limits are defined in Part 328.3(a) of Title 33 of the Code of Federal Regulations (CFR) and include streams that are tributaries to navigable waters and adjacent wetlands. The lateral limits of jurisdiction for a non-tidal stream are measured at the line of the Ordinary High Water Mark² or the limit of adjacent wetlands.³ Any permanent extension of the limits of an existing water of the U.S., whether natural or human-made, results in a similar extension of USACE jurisdiction.⁴

In general, a USACE permit must be obtained before an individual project in the EA Study Area can place fill or grade in wetlands or other waters of the U.S., and mitigation for such actions will be required based on the conditions of the USACE permit. The USACE will be required to consult with the USFWS and/or

¹ As of January 1, 2013, the California Department of Fish and Game changed their name to the California Department of Fish and Wildlife.

² 33 CFR Part 328.3(e).

³ 33 CFR Part 328.3(b).

⁴ 33 CFR Part 328.5.

the NMFS under Section 7 of the ESA (described in Section A.1.a) if the action being permitted under the CWA could affect federally listed species.

ii. Section 401 of the Clean Water Act

Pursuant to Section 401 of the Clean Water Act, projects that require a USACE permit for discharge of dredge or fill material must obtain a water quality certification or waiver that confirms the project complies with State water quality standards, or a no-action determination, before the USACE permit is valid. State water quality is regulated and administered by the State Water Resources Control Board (SWCB). The EA Study Area is within jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB). In order for the applicable RWQCB to issue a 401 certification, a project must demonstrate compliance with the California Environmental Quality Act (CEQA).

2. State Laws and Regulations

a. California Endangered Species Act

The California Endangered Species Act (CESA) establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The California Department of Fish and Wildlife (CDFW) has jurisdiction over threatened or endangered species that are formally listed under CESA. The CESA does not supersede the federal ESA, but operates in conjunction with it. Species may be listed as threatened or endangered under one or both Acts. State listing of plants began in 1977 with passage of the Native Plant Protection Act (NPPA). The CESA expanded upon the NPPA and enhanced legal protection for plants. To align with federal regulations, CESA created the categories of threatened and endangered species. It grandfathered all rare animals into the CESA as threatened species, but did not do so for rare plants.

The CDFW also maintains lists of California “Species of Special Concern” (SSC). These species are broadly defined as plants and wildlife that are of concern to CDFW because of population declines and restricted distributions and/or because they are associated with habitats that are declining in California. In addition, wildlife species designated “Fully Protected” or “Protected” may not be taken or possessed without a permit from the CDFW.

b. California Fish and Game Code

In addition to administering the CESA, CDFW administers the California Fish and Game Code. The CDFW has jurisdiction that extends to the top of the river bank and often includes the outer edge of riparian vegetation canopy cover and requires a Streambed Alteration Agreement for the fill or removal of any

material from any natural drainage, as defined under Sections 1600 to 1616. Similar to the water quality regulations administered by the RWQCB, a project must demonstrate compliance with CEQA before a permit may be issued.

Section 3503 of the Fish and Game Code makes it unlawful to take, possess, or needlessly destroy the nests or eggs of any bird. Section 3503.5 makes it unlawful to take or possess birds of prey (e.g. hawks, eagles, vultures, and owls), or destroy their nests or eggs.

c. California Environmental Quality Act

i. *California Native Plant Society Inventory*

The California Native Plant Society (CNPS) is a non-profit conservation organization dedicated to the preservation of native flora in California. The CNPS has been involved in assembling, evaluating, and distributing information on special-status plant species in the State, as listed in the *Inventory of Rare and Endangered Plants of California* (2001 and electronic inventory update). The CNPS rating system for the rarity of special-status plants includes both a California Rare Plant Rank and a Threat Rank.

All of the plant species with a California Rare Plant Rank on Lists 1A (presumed extinct in California), 1B (rare, threatened, or endangered in California and elsewhere), and 2 (rare and endangered in California, but are more common elsewhere) meet the requirements of the NPPA (Section 1901, Chapter 10) or Section 2062 and 2067 of CESA, and are eligible for State listing. As such, species maintained by CNPS on these three rankings should be considered special-status species under the CEQA. Some species with a Rare Plant Rank of 3 (species for which additional data are needed) also meet the requirements for State listing. Very few plants with a Rare Plant Rank of 4 (species of limited distribution) are eligible for listing but may be locally important and their listing status could be elevated by local agencies if conditions change.

The CDFW recognizes that special-status plants with a California Rare Plant Rank of 1A, 1B, and 2 in the CNPS Inventory consist of plants that, in a majority of cases, would qualify for listing, and that these species should be addressed under CEQA review. In addition, the CDFW recommends, and local governments may require, protection of species which are regionally significant, such as locally rare species, disjunct populations, essential nesting, and roosting habitat for more common wildlife species, or plants with a CNPS California Rare Plant Rank of 3 and 4.

ii. California Natural Diversity Database

The California Natural Diversity Database (CNDDDB) provides an inventory of sensitive natural communities. Sensitive natural communities are natural community types considered to be rare or of a “high inventory priority” by the CDFW. Although sensitive natural communities have no legal protective status under the federal ESA or CESA, they are provided some level of consideration under CEQA. Appendix G of the CEQA Guidelines identifies potential impacts on a sensitive natural community as one of six criteria to consider in determining the significance of a proposed project. While no thresholds are established as part of this criterion, it serves as an acknowledgement that sensitive natural communities are an important resource and, depending on their rarity, should be recognized as part of the environmental review process. The level of significance of a project’s impact on any particular sensitive natural community will depend on that natural community’s relative abundance and rarity.

As an example, a discretionary project that has a substantial adverse effect on any riparian habitat, native grassland, valley oak woodland and/or other sensitive natural community would normally be considered to have a significant effect on the environment. Further loss of a sensitive natural community could be interpreted as substantially diminishing habitat, depending on its relative abundance, quality and degree of past disturbance, and the anticipated impacts to the specific community type.

d. Porter-Cologne Water Quality Control Act

This Act authorizes the RWQCB to regulate the discharge of waste that could affect the quality of the State’s waters. Projects that do not require a federal permit may still require review and approval by the RWQCB. The RWQCB focuses on ensuring that projects do not adversely affect the “beneficial uses” associated with waters of the State. In most cases, the RWQCB requires the integration of water quality control measures into projects that will require discharge into waters of the State. For most construction projects, the RWQCB requires the use of construction and post-construction Best Management Practices (BMPs). More on prevention of soil erosion into local creeks can be found in Chapter 4.8, Hydrology and Water Quality.

The San Francisco Bay RWQCB would be concerned with stormwater runoff and activities in Menlo Park that directly impact creeks, ponds, or wetlands. Also as noted in the discussion of the federal CWA in Section A.1.c, the RWQCB has jurisdiction under section 401 of the CWA.

The RWQCB has also been involved with the Baylands Ecosystem Habitat Goals Project, which is discussed in Section A.3, Local Regulations and Policies, below.

i. Oak Woodlands Conservation Act

The California Oak Woodlands Conservation Act⁵ of 2001 acknowledges the importance of private land stewardship to the conservation of the state's valued oak woodlands. This Act established the California Oak Woodlands Conservation Program, which aims to conserve oak woodlands existing in the state's working landscapes by providing education and incentives to private landowners. The program provides technical and financial incentives to private landowners to protect and promote biologically-functional oak woodlands.

3. Local Regulations and Policies

a. Menlo Park General Plan

The City of Menlo Park General Plan includes goals, policies, and actions relevant to the environmental factors potentially affected by the Plan Components. Relevant policies are identified later in this chapter under Section D, Impact Discussion.

b. City of Menlo Park Municipal Code

i. Chapter 12.44, Water-Efficient Landscaping

The City of Menlo Park Municipal code includes regulations regarding invasive species and noxious weeds under Chapter 12.44, Water-Efficient Landscaping. Invasive species are defined as those plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. A noxious weed refers to any weed designated by the weed control regulations in the Weed Control Act and identified on a regional district noxious weed control list. In addition, Section 12.44.070(1)(F) states that the use of invasive and/or noxious plant species is prohibited.

ii. Chapter 13.24, Heritage Trees

The City of Menlo Park Municipal code establishes regulations for the preservation of heritage trees under Chapter 13.24, Heritage Trees. This chapter defines heritage trees as:

- i) trees of historical significance, special character or community benefit, specifically designated by resolution of the City Council;
- ii) an oak tree (*Quercus* sp.), which is native to California and has a trunk with a circumference of 31.4 inches (diameter of 10 inches) or more, measured at 54 inches above natural grade; and

⁵ California Fish and Game Code Section 1360 et seq.

- iii) all trees other than oaks, which have a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more, measured 54 inches above natural grade, with the exception of trees that are less than 12 feet in height, which will be exempt from this section.

For residential properties, one tree must be planted for each tree removed. The City provides a list of recommended trees, but any species that will mature to a height of at least 30 feet is required. Replacement trees for commercial development projects are generally two for one removed, but the final replacement ratio may depend upon a variety of factors, including but not limited to the proposed size and species of the trees, the size of the lot, the existing trees on a site to remain, and the health of the trees.⁶

To protect heritage trees, Section 13.24.025 requires that a tree protection plan prepared by a certified arborist be submitted for any work performed within a tree protection zone, which is an area ten times the diameter of the tree. Furthermore, all tree protection plans should be reviewed and approved by the Director of Community Development or his or her designee prior to issuance of any permit for grading or construction.

The removal of heritage trees or pruning of more than one-fourth of the branches or roots within a 12-month period requires a permit from the City's Director of Public Works or his or her designee and payment of a fee. The Director of Public Works may issue a permit when the removal or major pruning of a heritage tree is reasonable based on following criteria:

- “ The condition of the tree or trees with respect to disease, danger of falling, proximity to existing or proposed structures and interference with utility services;
- “ The necessity of removing the tree or trees in order to construct proposed improvements to the property;
- “ The topography of the land and the effect of the removal of the tree on erosion, soil retention and diversion or increased flow of surface waters;
- “ The long-term value of the species under consideration, particularly lifespan and growth rate;
- “ The ecological value of the tree or group of trees, qualified in terms of food, nesting, habitat, protection and shade for wildlife or other plant species;

⁶ City of Menlo Park, no date. Frequently Asked Questions. Accessed January 9, 2013 from: http://www.menlopark.org/departments/pln/htree/tree_faqs.pdf.

- “ The number, size, species, age distribution and location of existing trees in the area and the effect the removal would have upon shade, privacy impact and scenic beauty;
- “ The number of trees the particular parcel can adequately support according to good arboricultural practices;
- “ The availability of reasonable and feasible alternatives that would allow for the preservation of the tree(s).

c. Tree Protection Specifications

Additionally, Menlo Park has established a series of construction-related Tree Protection Specification measures that must be taken to protect any trees that are not designated for removal.⁷ The construction-related measures include designating a Tree Protection Zone, requiring the oversight of a project arborist, protective fencing, sheeting, and paying particular attention to minimize damage to tree roots, limbs, or the spilling of harmful materials at the roots of these trees during the laying of piping.

d. Habitat Conservation Plan

There are no adopted Habitat Conservation Plans (HCPs) or Natural Community Conservation Plans within the EA Study Area. At the time of writing this EA, Stanford University is preparing an HCP that has not yet been adopted. The Final Environmental Impact Statement for the Stanford HCP has been published and HCP implementation is scheduled for spring 2013.⁸ Portions of the EA Study Area are within unincorporated San Mateo County are included in the Stanford HCP, but no potential housing sites included in the Plan Components are located in the Stanford HCP. Once adopted, any development that takes place within the Stanford HCP boundaries would be subject to the standards set forth in the Stanford HCP.

B. Existing Conditions

This section provides a discussion of the existing biological conditions in Menlo Park, which includes the natural and built environment, special-status plant and wildlife species, sensitive habitats, and wildlife dis-

⁷ Menlo Park, 2009. Tree Protection Specifications. http://www.menlopark.org/departments/bld/tree_Specifications09.pdf.

⁸ Stanford University, Stanford University Habitat Conservation Plan Project Schedule, <http://hcp.stanford.edu/schedule.html>, accessed on December 7, 2012.

persal corridor. The following topographical subareas provide the basis for the biological setting in the EA Study Area.

1. The eastern edge of the City, east of U.S. 101 to the Bay, consists of near-sea-level elevation flat land roughly 4 to 10 feet above sea level. This area is comprised of coastal salt marshes, mudflats, as well as urbanized land or baylands.
2. Central Menlo Park, lying southwest of U.S. 101 and northeast of Alameda de las Pulgas, is gently sloping from roughly 20 feet above sea level to 130 feet above sea level, and consists mostly of flat, urbanized area.
3. The south-southeast border of central Menlo Park is flanked by a major stream, the San Francisquito Creek riparian canopy, and channel.⁹
4. The far western side of Menlo Park, located from the south-southwestern edge of Alameda de las Pulgas to City limits, is roughly 130 to 300 feet above sea level and consists of the hilly grasslands of Jasper Ridge (part of the Santa Cruz Mountains), which have been partially urbanized.

1. Natural Environment

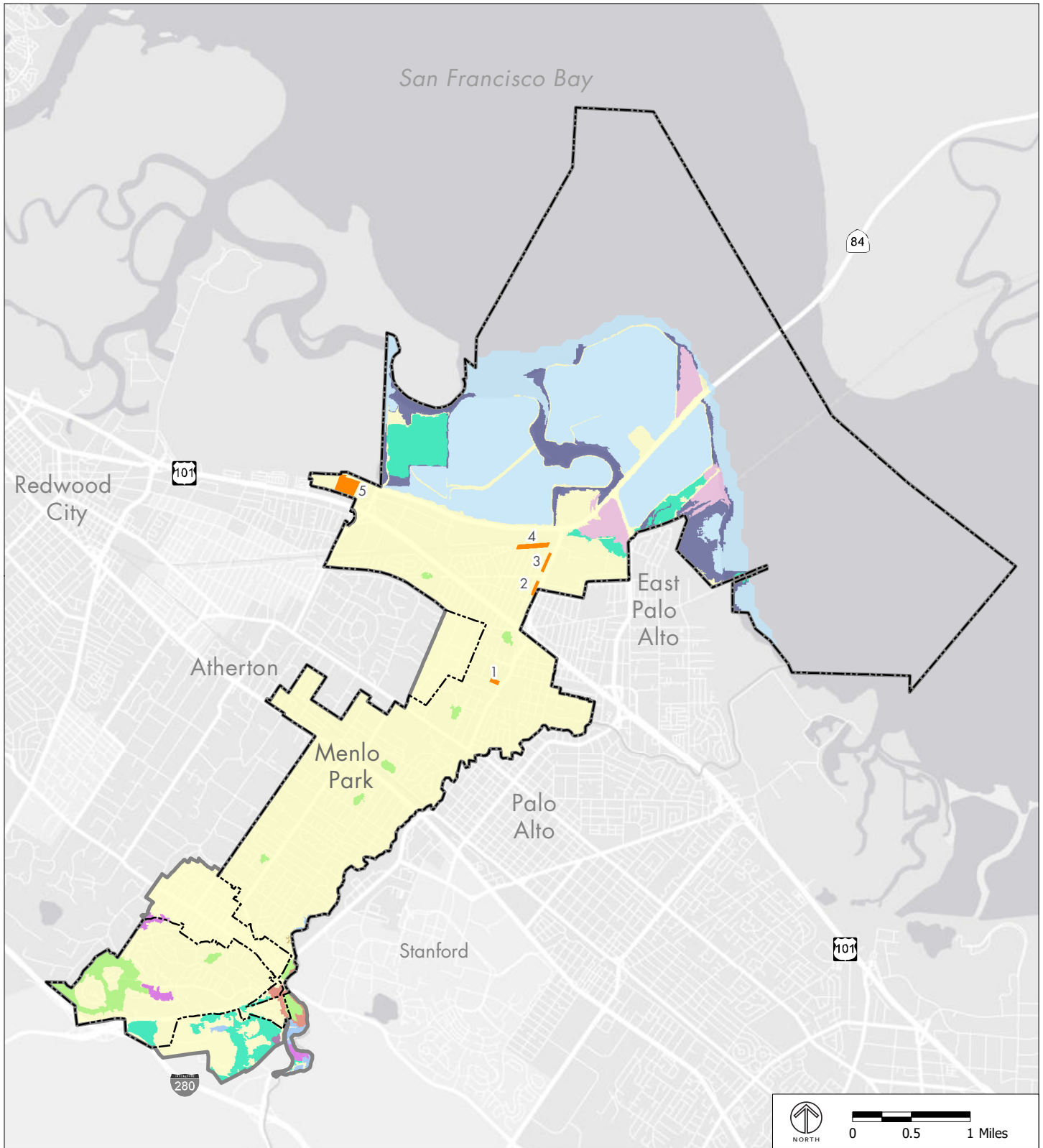
The natural community types in Menlo Park are defined by a combination of dominant plant community characteristics, landform, land use, and ecological function. These natural communities correspond to the geographic regions within the City as noted above. The existing vegetation in the EA Study Area is shown in Figure 4.3-1. The natural communities, summarized below, include the following:

- “ Coastal Salt Marsh and Salt Ponds
- “ Tidal Mudflats
- “ San Francisquito Creek
- “ Oak Woodlands
- “ Grasslands

a. Coastal Salt Marsh and Salt Ponds

Salt ponds and marshes once covered the edges of Bay, including the baylands in Menlo Park. In 1850, the conversion of these marshes through diking and filling began, and by 1969, just 75 square miles remained throughout the San Francisco Bay Area. Menlo Park has large, intact marshes within its borders.

⁹ City of Menlo Park, 1994. Amendments to the City of Menlo Park General Plan and to the City of Menlo Park General Plan and Zoning Ordinance, Final Environmental Impact Report, page IV.K-1.



Source: City of Menlo Park; The Planning Center | DC&E, 2012; ESRI 2010; USDE Forest Service, March 2007.

- | | | |
|--|--------------------------|-------------------------|
| California Bay | Riparian Mixed Hardwoods | Potential Housing Sites |
| Annual Grasses and Forbs | Tule - Cattail | City Limits |
| Coast Live Oak | Urban | Study Area |
| Non-Native/Ornamental Conifer/Hardwood Mixture | Valley Oak | |
| Non-Native/Ornamental Grass | Water | |
| Pickleweed - Cordgrass | | |

FIGURE 4.3-1

EXISTING VEGETATION

Ravenswood Slough, Westpoint Slough, and Flood Point Slough contribute to the approximately 2,300 acres of tidal mudflats and 300 acres of salt marsh of the City.¹⁰ These salt and brackish water marshes that border the Bay are a part of the Don Edwards Bay National Wildlife Refuge, and are associated with the South Bay Salt Pond Restoration Project.¹¹ Most of the salt ponds and marshes in or near Menlo Park have been restored to or are retained in their natural state.

Coastal salt marshes are closely associated with tidal action and are characterized by sloughs (marshy creeks). These habitats are dominated by native species such as pickleweed and edged by cordgrass and salt grass. Coastal salt marshes are high biodiversity wildlife habitats, and are associated with a wide variety of native shorebirds, raptors, songbirds, waterfowl, fish, and crustaceans. Special status species are not uncommon in San Francisco Bay Area salt marshes.

b. Tidal Mudflats

Tidal mudflats consist of unvegetated mud deposits along the shoreline that are regularly inundated and exposed by the tides of the Bay waters. These mudflats provide a habitat for a wide variety of crabs, snails, sea squirts, clams, mussels, and tubeworms.¹² These species offer a rich feeding ground of macro-invertebrates to tens of thousands of migratory and resident shorebirds that travel from as far as Canada and Alaska.¹³ At higher tides, large marine species such as leopard sharks, starry flounder, and bat rays feed on these same macro-invertebrates. Migratory birds are an example of the special status species found in this habitat.

c. San Francisquito Creek

In the urbanized portion of Menlo Park, San Francisquito Creek is the main creek. It originates southwest of Menlo Park just below Searsville Lake in Jasper Ridge, defines the southeastern border of Menlo Park for roughly three miles from the intersection of Alpine Road and Junipero Serra Boulevard, until it reaches Euclid Avenue at U.S. 101, then turns eastward and empties into the Bay from within the borders of East Palo

¹⁰ City of Menlo Park, 1994. Amendments to the City of Menlo Park General Plan and to the City of Menlo Park General Plan and Zoning Ordinance, Final Environmental Impact Report, page IV.J-1.

¹¹ San Francisco Bay National Wildlife Refuge Complex Map, accessed December 17, 2012 from http://www.fws.gov/sfbayrefuges/Images/complexmap_no%20inset.jpg.

¹² Marine Science Institute, San Francisco Bay Ecology <http://sfbaymsi.org/schoolprograms/refrencelibrary/sfbayecology.html>.

¹³ South Bay Salt Pond Restoration Project, n.d., Science Update: The Carrying Capacity of Mudflats, <http://www.southbayrestoration.org/news/e-newsletters/nov-2010/article2.html>.

Alto.¹⁴ San Francisquito Creek flows through Menlo Park largely in its natural alignment where it forms the southeastern boundary of the Menlo Park City limits.

Riparian vegetation around San Francisquito Creek spans a 25- to 75-meter-wide space, depending on adjacent land use and topography, and its canopy consists primarily of native trees—willow, bay laurels, redwoods, alders, cottonwoods, California buckeye, valley oaks, and coast live oaks.¹⁵ San Francisquito Creek shrub vegetation commonly consists of native species such as blackberry, and poison oak. In the urbanized lower reaches of the creek, non-native exotics such as eucalyptus, black locust, acacia, bamboo, pines, and redwoods are mixed in with the native plant species.

Riparian habitats, even in heavily urbanized areas, are very valuable to wildlife, providing food, water, and shelter in one location. Riparian habitat is associated with a wide variety of native resident and migratory songbirds, raptors, rodents, bats, and other mammals, as well as fish and amphibians. Urban creeks such as San Francisquito which have preserved canopies and/or understories are usually the most species rich, and some of these species are under special protections.

d. Oak Woodlands

Native valley oaks dominate the 88-acre Saint Patrick's Seminary in central Menlo Park, in the vicinity of Middlefield Road and Santa Monica Avenue. Due to its large size, contiguous shape, and relatively healthy condition of native and non-native vegetation, this site has distinct biological value, despite its location within City limits.

Mature oaks provide nesting and foraging opportunities for birds, including raptors. They also provide essential food resources for animals which include acorns in their diet, such as squirrels and woodpeckers. Other wildlife species that commonly nest or den in woodland habitat include mammals such as woodrats and deer mice, and birds such as owls, raptors, and songbirds. Native reptiles and amphibians associated with this habitat include snakes, newts, and salamanders. Contiguous oak woodlands with mature trees are relatively biodiverse and species rich, and some species found in these habitats are under special protections.

¹⁴ City of Menlo Park, 1994. Amendments to the City of Menlo Park General Plan and to the City of Menlo Park General Plan and Zoning Ordinance, Final Environmental Impact Report, page IV.J-2.

¹⁵ Stanford University Habitat Conservation Plan, San Francisquito Creek Watershed. Accessed November 7, 2012 from: <http://hcp.stanford.edu/sfcreek.html>.

e. Grasslands

The foothills of Menlo Park, located on the City's southwestern border, are dominated by common non-native annual grasses. Portions of this area have been developed for housing and related uses, while another portion of these foothills, owned by Stanford University, have been preserved as open space.¹⁶ Plant species include wild oats, Italian ryegrass, foxtail barley, yellow star thistle, field bindweed, prickly lettuce, prickly ox-tongue, and field mustard.¹⁷ The grasslands are also dotted with taller trees and shrubs, including native California species such as coyote bush, toyon, valley oak, and coast live oak. Adult, large circumference non-native trees, such as black walnut, red gum, and acacia, are also present.¹⁸

This open space area provides important foraging habitat for raptors, native prey and predator mammals, and reptiles. Grasslands which are large and contiguous are usually the most species-rich. Some grassland species, such as nesting raptors, are under special protection.

2. Built Environment

In addition to the natural environment, as noted above, the biological setting in Menlo Park includes the developed baylands and urbanized areas.

a. Developed Baylands

Developed sites in northeastern Menlo Park along the bayshore have been built on diked and filled coastal marshes. These marshes were converted in the 1960s to create more land for development. In the process, these marshes have been cut off from tidal influence and filled with materials to raise their surface level and fill in their sloughs channels. While in some cases such bayfill lands can start to revert to wetland conditions, Menlo Park's developed bayland areas are primarily paved, landscaped with non-native plants, and disturbed with automobile activity. Developed salt marsh areas typically have relatively low habitat values. Species found in the urbanized baylands are similar to other urbanized areas.¹⁹

b. Urbanized Area

The well-landscaped, suburban character of developed areas of Menlo Park includes parks, backyards, and vacant lots which provide habitat for a variety of wildlife species that have adapted to human disturbance.

¹⁶ City of Menlo Park, 1994. Amendments to the City of Menlo Park General Plan and to the City of Menlo Park General Plan and Zoning Ordinance, Final Environmental Impact Report, page IV.J-5

¹⁷ City of Menlo Park, 2006. Sand Hill Road Hotel and Office Development Project DEIR, page 3.3-1.

¹⁸ City of Menlo Park, 2006. Sand Hill Road Hotel and Office Development Project DEIR, page 3.3-3.

¹⁹ City of Menlo Park, 2005. Initial Study: Haven Avenue Industrial Condominiums, page 18.

Native and ornamental trees and shrubs in the urban area provide nesting sites for songbirds such as scrub jays, brewer's black birds, and American crows. Parks and quiet streets provide foraging grounds for opportunistic predator and prey wildlife, including turkey vultures, coyotes, and raccoons. Few urban species are under special protections, although a few, such as the red-tailed hawk, are designated protected species.

3. Special-Status Plant and Wildlife Species

Special-status plant and wildlife species include those listed under the State and federal Endangered Species Acts, plants listed by the CNPS Inventory of Rare and Endangered Vascular Plants of California, and wildlife designated as Species of Special Concern by the California Department of Fish and Wildlife. The special-status species addressed in this EA are based on a review of records from the CNDDDB and the CNPS on-line inventory. For the purposes of this section, special-status species include:

- Species listed, proposed, or candidate species for listing as Threatened or Endangered by the USFWS pursuant to the federal ESA of 1969, as amended;
- Species listed as Rare, Threatened, or Endangered by the CDFW pursuant to the CESA of 1970, as amended;
- Species designated as Fully Protected under Sections 3511 (birds), 4700 (mammals), and 5050 (reptiles and amphibians) of the California Fish and Game Code;
- Species designated by the CDFW as California Species of Concern; and
- Species not currently protected by statute or regulation, but considered rare, threatened, or endangered under CEQA (Section 15380).

A list of special-status species that have the potential for occurring in the EA Study Area are shown in Table 4-3.1. The locations of these sightings are mapped in Figure 4.3-2.

The CNDDDB indicates 21 special status plant species, animal species, or sensitive habitat types with recorded occurrences in the Menlo Park vicinity. Additionally, another five special status animals species are known to occur based on other reports done in Menlo Park. These are described as follows.

CITY OF MENLO PARK
HOUSING ELEMENT UPDATE, GENERAL PLAN CONSISTENCY UPDATE,
AND ZONING ORDINANCE AMENDMENTS ENVIRONMENTAL ASSESSMENT
BIOLOGICAL RESOURCES

TABLE 4.3-1 CNDDDB SPECIAL STATUS ANIMAL SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
Sensitive Habitat								
	Northern Coastal Salt Marsh	Extant	None	None				
	Valley Oak Woodland	Extant	None	None				
Sensitive Plants								
<i>Chloropyron maritimum ssp. palustre</i>	Point Reyes bird's-beak	Possibly Extirpated	None	None		1B.2	Coastal salt marsh	Usually in coastal salt marsh with <i>Salicornia</i> , <i>distichlis</i> , <i>jaumea</i> , and <i>spartina</i> .
<i>Cirsium praeteriens</i>	Lost thistle	Presumed Extant	None	None		1A	Little information exists on this plant; it was collected from the Palo Alto area at the turn of the 20th century	Although not seen since 1901, this <i>cirsium</i> is thought to be quite distinct from other <i>cirsiums</i> .
<i>Collinsia multicolor</i>	San Francisco collinsia	Presumed Extant	None	None		1B.2	Closed-cone coniferous forest, coastal scrub	On decomposed shale (mudstone) mixed with humus.
<i>Dirca occidentalis</i>	western leatherwood	Presumed Extant	None	None		1B.2	Upland forest, chaparral, woodland, riparian forest, riparian woodland	On brushy slopes, mesic sites; mostly in mixed evergreen and foothill woodland communities.
<i>Eryngium aristulatum var. hooveri</i>	Hoover's button-celery	Possibly Extirpated	None	None		1B.1	Vernal pools	Alkaline depressions, vernal pools, roadside ditches, and other wet places near the coast.
<i>Stuckenia filiformis</i>	Slender-leaved pondweed	Presumed Extant	None	None		2.2	Marshes and swamps	Shallow, clear water of lakes and drainage channels.

TABLE 4.3-1 CNDDB SPECIAL STATUS ANIMAL SPECIES IN MENLO PARK VICINITY (CONTINUED)

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
Sensitive Animals								
<i>Ambystoma californiense</i>	California tiger salamander	Extirpated	Threatened	Threatened	Special Concern		Central Valley DPS federally listed as threatened. Santa Barbara and Sonoma Counties DPS federally listed as endangered	Need underground refuges, especially ground squirrel burrows and vernal pools or other seasonal water sources for breeding
<i>Antrozous pallidus</i>	Pallid bat	Presumed Extant	None	None	Special Concern		Deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting	Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.
<i>Athene cucularia</i>	Western burrowing owl	Presumed Extant	None	None	Special Concern		Grasslands, shrub lands	Burrows into ground. Uses a variety of natural and artificial burrowing sites. Prefers short grasses.
<i>Charadrius alexandrinus nivosus</i>	Western snowy plover	Presumed Extant	Threatened	None	Special Concern		Sandy beaches, salt pond levees and shores of large alkali lakes	Needs sandy, gravelly, or friable soils for nesting.
<i>Circus cyaneus</i>	Northern harrier	Presumed Extant	None	None	Special Concern		Grasslands, salt marshes, open habitats with rodent populations	Ground nesting, typically near shrubs in marshes.
<i>Dipodomys venustus venustus</i>	Santa Cruz kangaroo rat	Presumed Extant	None	None			Silverleaf manzanita mixed chaparral in the Zayante sand hills ecosystem of the Santa Cruz Mountains	Needs soft, well-drained sand.
<i>Emys marmorata</i>	Western pond turtle	Presumed Extant	None	None	Special Concern		A thoroughly aquatic turtle of ponds, marshes, rivers, streams and irrigation ditches, usually with aquatic vegetation	Need basking sites and suitable (sandy banks or grassy open fields) upland habitat up to 0.5 km from water for egg-laying.
<i>Lasiurus cinereus</i>	Hoary bat	Presumed Extant	None	None			Prefers open habitats or habitat mosaics, with access to trees for cover and open areas or habitat edges for feeding	Roosts in dense foliage of medium to large trees. Feeds primarily on moths. Requires water.

TABLE 4.3-1 CNDDB SPECIAL STATUS ANIMAL SPECIES IN MENLO PARK VICINITY (CONTINUED)

Scientific Name	Common Name	Presence	Federal List	California List	CNPS CDFW List	General Habitat	Micro Habitation
<i>Lanius ludovicianus</i>	Loggerhead shrike	Presumed Extant	None	None	Special Concern	Grasslands, shrub-grasslands, savannah	Nests in landscaping trees and shrubs. Uses barbed wire to impale prey, and for perching.
<i>Reithrodontomys raviventris</i>	Salt-marsh harvest mouse	Presumed Extant	Endangered	Endangered		Only in the saline emergent wetlands of San Francisco Bay and its tributaries	Pickleweed is primary habitat. Do not burrow, build loosely organized nests. Require higher areas for flood escape.
<i>Sorex vagrans halicoetes</i>	Salt-marsh wandering shrew	Presumed Extant	None	None	Special Concern	Salt marshes of the south arm of San Francisco Bay	Medium high marsh 6 to 8 feet above sea level where abundant driftwood is scattered among Salicornia.
<i>Spinus lawrencii</i>	Lawrence's gold finch	Presumed Extant	None	None	Special Concern	Uplands, non-native grasslands, ruderal	Forages from seed-bearing plants, such as thistles.
<i>Taxidea taxus</i>	American Badger	Presumed Extant	None	None	Special Concern	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable (easy to dig) soils.	Needs sufficient food, friable soils & open, uncultivated ground. Preys on burrowing rodents. Digs burrows.
<i>Thamnophis sirtalis tetrataenia</i>	San Francisco garter snake	Presumed Extant	Endangered	Endangered		Vicinity of freshwater marshes, ponds, and slow moving streams in San Mateo County and extreme Northern Santa Cruz County.	Prefers dense cover and water depths of at least one foot. Upland areas near water are also very important.
	Tree Nesting Raptors	Presumed Extant	None	None	Special Concern	Grasslands, woodlands	Trees

Notes:

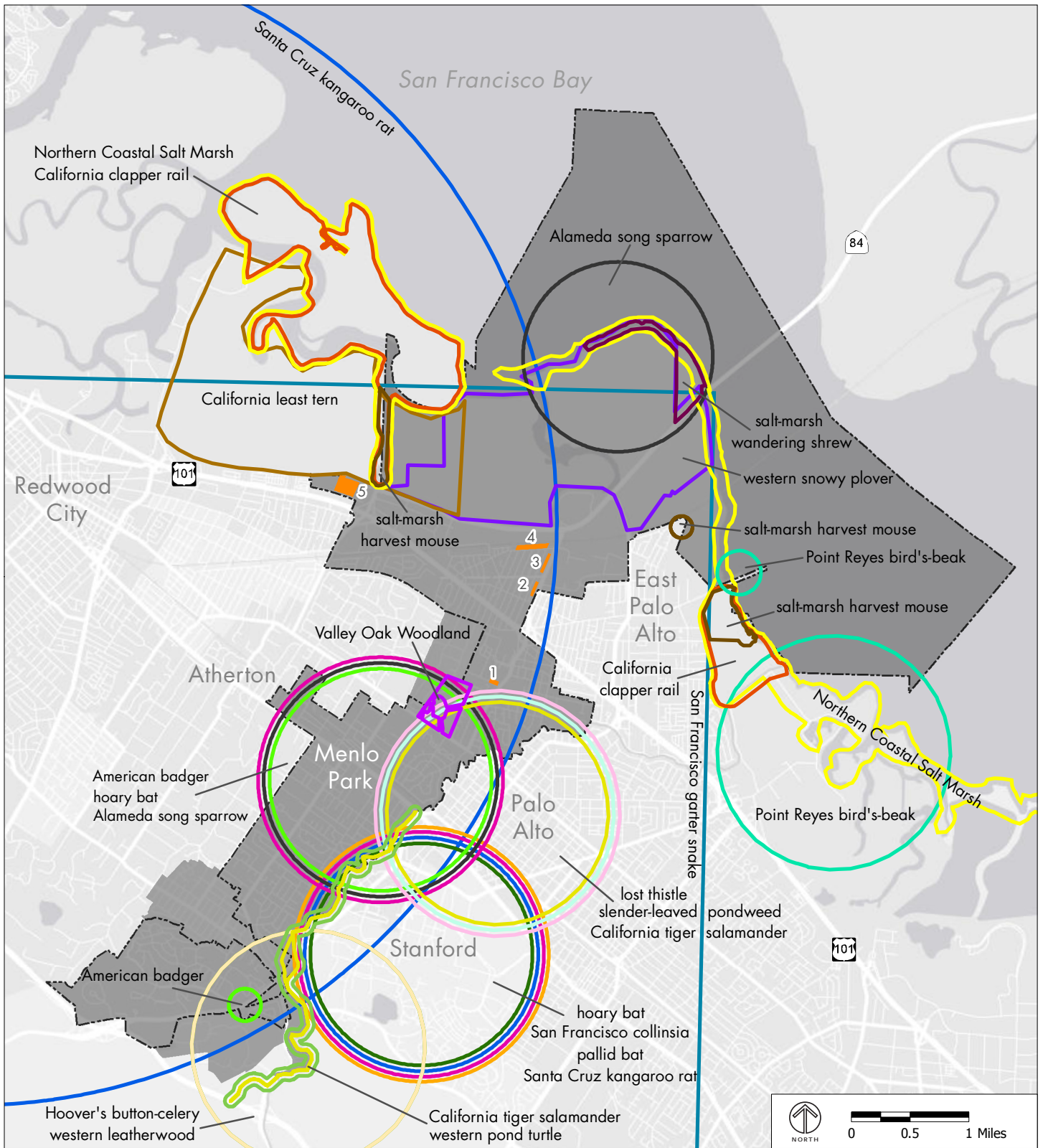
Agencies

USFWS = U.S. Fish and Wildlife Service
 CDFW = California Department of Fish and Wildlife
 CNPS = California Native Plant Society

CNPS California Rare Plant Rank

1A: Plants presumed extinct in California.
 1B: Plants rare, threatened, or endangered in California and elsewhere.
 2: Plants rare and endangered in California but more common elsewhere.
 3: Plants about which additional data are needed – a review list.
 4: Plants of limited distribution – a watch list.

Source: California Natural Diversity Database, 2013.



Source: City of Menlo Park; The Planning Center | DC&E, 2012; ESRI 2010; California National Diversity Database, 2012.

Common Name (CNDDB)	Hoover's button-celery	Valley Oak Woodland	slender-leaved pondweed	Potential Housing Sites
Alameda song sparrow	Northern Coastal Salt Marsh	hoary bat	western leatherwood	City Limit
American badger	Point Reyes bird's-beak	lost thistle	western pond turtle	Study Area
California clapper rail	San Francisco collinsia	pallid bat	western snowy plover	
California least tern	San Francisco garter snake	salt-marsh harvest mouse		
California tiger salamander	Santa Cruz kangaroo rat	salt-marsh wandering shrew		

FIGURE 4.3-2

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES

a. Plant Species

Six plant species with special-status have been recorded in the EA Study Area. These species have varied status, but each are considered rare by the CNPS.²⁰ The CNPS assigns a rank based on rarity and range.²¹ Information on habitat association, or conditions under which a plant is typically found, assists in predicting its likelihood of occurrence. The habitat association and ranking of these species are as follows.

Three of these special status plant species recorded in the EA Study Area vicinity, the Hoover's button-celery, Point Reyes bird's-beak, and slender-leaved pondweed, are associated with wet or marshy conditions such as those found in riparian, wetlands, or marshes of the northeastern Menlo Park baylands, and central Menlo Park's San Francisquito Creek area. The Hoover's button celery has the status 1B.1. This status indicates it is rare throughout its range, endemic (found only in) to California, seriously endangered, and has declined significantly over the last century. The slender-leaved pondweed has been assigned status CNPS 2.2, indicating it is rare throughout its range within California, but more common outside of California. The Point Reyes bird's beak has been assigned CNPS status 1B.2. This indicates it is rare throughout its range, endemic (found only in) to California, fairly endangered, and has declined significantly over the last century. With the potential future development under the Plan Components it is anticipated that 300 additional second units could be built by buildout year 2035. For the purposes of this EA it is assumed that these potential units could apply to all single-family lots 6,000 square feet or greater in Menlo Park, which include previously developed residences along San Francisquito Creek where these special status plant species could be found. The opportunity housing sites (1 through 5) and infill areas around downtown are not within the wetland habitat or marshes in the EA Study Area.

Two other plants, the western leatherwood and San Francisco collinsia, are associated with drier conditions, such as those of the grasslands on the western edge of the EA Study Area. Three San Francisco collinsia and western leatherwood, have been assigned CNPS status 1B.2. This indicates they are rare throughout their range, are fairly endangered, have declined significantly over the last century, and most are endemic (found only in) California. As previously noted, the potential second units could apply to all single-family lots 6,000 square feet or greater in Menlo Park, which include residences in the grasslands of Menlo Park, a habitat type where these special status plant species have been found. No potential housing sites are within the grassland areas of the EA Study Area, nor are the downtown infill areas within the grasslands.

²⁰ California Native Plant Society, 2013. The CNPS Ranking System. <http://www.cnps.org/cnps/rareplants/ranking.php>.

²¹ California Native Plant Society, 2013. Rare Plant Program. New Modifications to the CNPS Ranking System. http://www.cnps.org/cnps/rareplants/inventory/ranking_system_mods.php.

The habitat association of the lost thistle is unknown. Though recorded in the EA Study Area, the lost thistle has been assigned CNPS status 1A, indicating likely extinction or extreme rarity within California. Since 1994, 13 plants with the CNPS status 1A thought to be extinct in California have been rediscovered. Only surveys would provide confirmed presence or absence from undeveloped land where thorough studies have not been conducted recently. This information and more details are presented in Table 4.3-1. While the CNDDDB list presented here is specific to the EA Study Area, other plant species may potentially occur in the Menlo Park vicinity, based on geographic range and preferred habitat. Because the habitat association of the lost thistle is unknown, second dwelling units and housing sites on undeveloped properties could be sites where lost thistle occurs.

b. Animal Species

Thirteen bird, mammal, reptile, fish, and invertebrate species with special-status have recorded occurrences in the EA Study Area vicinity as reported by the CNDDDB. Another four species were found in recent local studies, bringing the total to 17 special status animal species. Information on habitat association, or conditions under which an animal is typically found, assists in predicting its likelihood of occurrence. The habitat association and ranking of these species are as follows.

Six of the special-status animal species with recorded occurrences in the Menlo Park vicinity are associated with wetland habitat, specifically with the salt marsh at the northeastern edge of the City. Of these, the California clapper rail, California least tern, salt-marsh harvest mouse, and western snowy plover each are listed as protected on the federal Endangered Species List. The two other species, the Alameda song sparrow and the salt marsh wandering shrew, are afforded protection through state listing as species of special concern. Under the Plan Components, second dwelling units could be developed on lots with existing primary residences; however, no existing primary residences are located in the wetlands of the EA Study Area, thus no second dwelling units could be located in these wetlands. Furthermore, the Plan Components housing sites and downtown infill sites are not located in the marshes or wetlands of the EA Study Area.

Four of the special-status animal species with CNDDDB recorded occurrences in Menlo Park are associated with the grasslands on the western boundary of the City, and the oak woodlands in the center of the City, specifically Saint Patrick's Seminary oak woodland. These four grassland- or woodland- associated special status species are the American badger, pallid bat, hoary bat, and Santa Cruz kangaroo rat. The American badger and pallid bat are state Species of Special Concern. The hoary bat's maternal roosting sites are protected during breeding season, though not given an official special protection status. The Santa Cruz kangaroo rat is associated with a rare habitat type within the grasslands, and requires sandy soils, though it is not

given official special protection status.²² An additional, four special status species of birds were found in recent studies in the EA Study Area; these are the northern harrier, loggerhead shrike, Lawrence's goldfinch, and burrowing owl. These species are associated with the grasslands of western Menlo Park and are recognized as Species of Special Concern status by either the state of California or federal wildlife protection agencies. Recent studies detected these species in the foothills of Jasper Ridge (also referred to as Sharon Heights) on the western edge of Menlo Park.²³ Table 4.3-1 provides summary information on the name, status, and preferred habitat for each of these species. Under the Plan Components, second dwelling units could be developed on lots with existing primary residences. Primary residences exist in the grasslands and adjacent to the oak woodlands of Menlo Park, thus second dwelling units could be built in the grasslands or adjacent to oak woodlands. None of the potential housing Sites contain either grasslands nor woodlands. For additional clarification, Site 1 does contain mature oak trees, but this site is not designated as oak woodland by the CNDDDB.

Two special-status animal species with CNDDDB recorded occurrences in Menlo Park are associated with (freshwater) wetlands and riparian habitats such as those of San Francisquito Creek. These are the San Francisco garter snake and western pond turtle. The San Francisco garter snake is on the federal endangered species list. The western pond turtle is a State of California species of special concern. A third species associated with San Francisquito Creek, the steelhead (a member of the salmon fish family), is federally threatened.²⁴ Under the Plan Components, second dwelling units could be developed on lots with existing primary residences, which include residential properties along San Francisquito Creek where these special-status animal species could be found. The Plan Components do not include housing sites in the wetlands or marshes of Menlo Park.

4. Sensitive Habitats

The CNDDDB search identifies two types of sensitive habitat within the planning area: coastal salt marsh and oak woodland. Coastal salt marsh occurs on the northeastern edge of Menlo Park where the baylands have not been converted. The oak woodland occurs within the center of Menlo Park, and consists of a large patch of native habitat situated within the otherwise urbanized City center. The oak woodland is located on the Saint Patrick's Seminary property. Additionally, while San Francisquito Creek does not officially

²² California Department of Fish and Game, 1998. Santa Cruz kangaroo rat. Accessed January 9, 2013 from: <http://www.dfg.ca.gov/wildlife/nongame/ssc/docs/mammal/species/28.pdf>.

²³ City of Menlo Park, 2006. Sand Hill Road Hotel and Office Development Project DEIR, page 3.3-7.

²⁴ San Francisquito Creek Joint Powers Authority, 2004. San Francisquito Creek Bank Stabilization and Revegetation Master Plan, accessed December 17, 2012 from <http://www.menlopark.org/creek/sfcindex.html>.

appear in the database as a sensitive habitat, steelhead, a fish species that is listed as federally threatened under the federal Endangered Species Act, occurs in San Francisquito Creek, providing an indication of the importance of this stream to wildlife.²⁵ Under the Plan Components, second dwelling units could be developed in established neighborhoods; however, no primary residences exist in the woodlands or marshes in the EA Study Area. Established residences occur along San Francisquito Creek, but would not be allowed to be built within the creek channel due to existing federal Clean Water Act and California Fish and Wildlife Code regulations as described in Section A, regulatory framework. Furthermore, the Plan Components include no housing sites in the marshes or wetlands, or oak woodlands of the EA Study Area.

5. Wildlife Dispersal Corridor

In addition to serving as valuable habitat, riparian areas serve as important travel corridors for wildlife. These habitats facilitate dispersal of juveniles, movement between habitat types for different life-stages of species, and movement between degraded patches. San Francisquito Creek's intact, multi-layered canopy of riparian habitat and large creek channel serves as an important wildlife dispersal corridor. Under the Plan Components, second dwelling units could be developed on lots with existing primary residences, including on lots along San Francisquito Creek. No Plan Component housing sites are along San Francisquito Creek.

C. Standards of Significance

The Plan Components would have a significant impact to biological resources if it would:

1. 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.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
3. 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, etc.) through direct removal, filling, hydrological interruption, or other means.

²⁵ San Francisquito Creek Joint Powers Authority, 2004. San Francisquito Creek Bank Stabilization and Re-vegetation Master Plan, accessed December 17, 2012 from <http://www.menlopark.org/creek/sfcindex.html>

4. 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.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

D. Impact Discussion

1. **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.**

Future development under the Plan Components could potentially occur in five habitat types of the EA Study Area (i.e. grassland foothills, urbanized flatlands, oak woodlands flatlands, riparian corridor, and developed baylands.) Housing Sites 1 through 5, infill housing, and the second dwelling units would be constructed on previously developed sites, but while these sites are developed, vegetation removal in the course of development could have potentially significant impacts on nesting birds or roosting bats, and directly cause the loss of sensitive plant species, or removal of Menlo Park designated heritage trees.

The potential housing sites are located on previously developed urbanized areas and the developed baylands area of the City. Housing Site 1 (Veterans Affairs Campus) is located in the urbanized flatlands and is a man-made, park-like setting dominated by a non-native grass lawn and oak trees, typical of a suburban community. Housing Sites 2 and 3 (MidPen's Gateway Apartments), and Site 4 (Hamilton Avenue) are located in the urbanized flatlands and dominated by parking lots and recently-occupied residential or commercial structures typical of suburban communities. Housing Site 5 (Haven Avenue) is located in the developed baylands and is an industrial site predominately paved and built with minimal vegetation. On each of these sites, the potential impact would likely be limited to those related to trees, specifically through removal of heritage trees, or disturbance of nesting birds or roosting bats.

Existing residential districts are located in four of Menlo Park habitats; the grasslands, urbanized flatlands, oak woodlands, and adjacent to San Francisquito Creek, a valuable urban riparian habitat. Potential im-

pacts from construction of second dwelling units in existing residential districts would be related to the removal of trees and other vegetation in these habitats during the nesting season of the migratory birds found in Menlo Park. In particular, 80 percent of the vegetation in the creek is considered high or medium quality habitat, where many migratory birds nest, and where the creek enters residential neighborhoods, the creek is narrow and incised.²⁶ Homes on lots bordering the creek are edged by steep creek banks, but the vegetation on the residential lots provides additional nesting and foraging opportunities for riparian-associated species, particularly birds and bats. Construction of second units would likely be associated with the removal of vegetation such as trees and shrubs not within the creek itself, but in the vicinity of the creek.

Implementation of the following current and amended General Plan goals, policies, and programs would ensure impacts to special-status species associated with potential future development would be *less than significant*.

a. Current General Plan Land Use and Circulation Element

- “ Policy I-A-3: Quality design and usable open space shall be encouraged in the design of all new residential developments.
- “ Policy I-A-4: Residential uses may be combined with commercial uses in a mixed use project, if the project is designed to avoid conflicts between the uses, such as traffic, parking, noise, dust, and odors.
- “ Policy I-A-7: Development of secondary residential units on existing developed residential lots shall be encouraged consistent with adopted City standards.
- “ Policy I-G-5: The City shall encourage the retention of at least 10 acres of open space on the St. Patrick's property through consideration of various alternatives to future development including rezoning consistent with existing uses, cluster development, acquisition of a permanent open space easement, and/or transfer of development rights.
- “ Goal I-G: To promote the preservation of open-space lands for recreation, protection of natural resources, the production of managed resources, protection of health and safety, and/or the enhancement of scenic qualities.

²⁶ San Francisquito Creek Joint Powers Authority, 2006. San Francisquito Creek Bank Stabilization and Revegetation Master Plan. Accessed January 10, 2013 from <http://www.menlopark.org/creek/ECRSection4.pdf>.

- “ Policy I-G-6: The City shall encourage the retention of open space on large tracts of land through consideration of various alternatives to future development including rezoning consistent with existing uses, cluster development, acquisition of a permanent open space easement, and/or transfer of development rights.
 - “ Policy I-G-8: The Bay, its shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas shall be maintained, and preserved to the maximum extent possible. The City shall work in cooperation with other jurisdictions to implement this policy.
 - “ Policy I-G-10: Extensive landscaping should be included in public and private development, including greater landscaping in large parking areas. Where appropriate, the City shall encourage placement of a portion of the required parking in landscape reserve until such time as the parking is needed. Plant material selection and landscape and irrigation design shall adhere to the City's Water Efficient Landscaping Ordinance.
 - “ Policy I-G-12: The maintenance, preservation, and enhancement of open space on Stanford lands within Menlo Park's unincorporated sphere of influence shall be encouraged.
 - “ Program I-2: The City shall develop, evaluate, and adopt an ordinance in cooperation with other jurisdictions and interested organizations to protect and preserve San Francisquito Creek, including consideration of land use regulations such as the requirement of use permits for structures or impervious surfaces within a specified distance of the top of the creek bank.
 - “ Policy I-H-3: Plant material selection and landscape and irrigation design for City parks and other public facilities and in private developments shall adhere to the City's Water Efficient Landscaping Ordinance.
- b. Amended General Plan Open Space and Conservation Element
- “ Policy OSC-1.8: Regional Open Space Preservation Efforts. Support regional and sub-regional efforts to acquire, develop, and maintain open space conservation lands.
 - “ Policy OSC-1.9: Federal, State, and County Open Space and Conservation Programs. Make maximum use of federal, state, and county programs wherever possible in all matters concerned with open space and conservation.

- “ Policy OSC-1.11: Sustainable Landscape Practices. Encourage the enhancement of boulevards, plazas and other urban open spaces in high-density and mixed-use residential developments, commercial and industrial areas with landscaping practices that minimize water usage.
- “ Goal OSC-1: Protect and Enhance Open Space and Natural Resources: Protect, conserve and enhance valuable natural resources, open areas and designated open space lands rich in scenic value, wildlife or of a fragile ecological nature through conservation and restoration efforts. The approach to natural resources include:
 - Preserve the natural state, unique appeal, and visual amenities of Menlo Park’s bay lands and shoreline.
 - Protect the wildlife habitat, scenic value and natural character of San Francisquito Creek and other riparian corridors.
 - Protect sensitive species and natural communities.
 - Preserve open areas needed for protection from natural hazards.
 - Maintain, preserve, and enhance contiguous open space on Stanford lands within Menlo Park's unincorporated sphere of influence.
 - Protect lands that have inherent qualities to provide visual amenity, including topographic features, views or vistas, street landscape areas, scenic water areas, creeks and the San Francisco Bay.
 - Provide landscaped areas that visually and environmentally enhance the community.
- “ Policy OSC-1.2: Habitat for Open Space and Conservation Purposes. Preserve, protect, maintain, and enhance water, water-related areas, and plant and wildlife habitat for open space and conservation purposes.
- “ Policy OSC-1.6: South Bay Salt Pond Restoration Project and Flood Management Project. Continue to support and participate in Federal and State efforts related to the South Bay Salt Pond Restoration Project and flood management project. Provide public access to the Bay for the scenic enjoyment and recreation opportunities as well as conservation education opportunities related to the open Bay, the sloughs, and the marshes.
- “ Policy OSC-1.7: San Francisquito Creek Joint Powers Authority. Continue efforts through San Francisquito Creek Joint Powers Authority to enhance the value of the creek as a community amenity for trails and open space, conservation and educational opportunities.

- “ Policy OSC-1.15: Heritage Trees. Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).
- “ Policy OSC-1.1: Natural Resources Integration with Other Uses. Protect Menlo Park’s natural environment and integrate creeks, utility corridors, and other significant natural and scenic features into development plans.
- “ Policy OSC-1.3: Sensitive Habitats. Require new development on or near sensitive habitats to provide baseline assessments prepared by qualified biologists, and specifies requirements about the baseline assessments.
- “ Policy OSC-1.4: Habitat Enhancement. Require new development to minimize the disturbance of natural habitats and vegetation, and requires revegetation of disturbed natural habitat areas with native or non-invasive naturalized species.
- “ Policy OSC-1.5: Invasive, Non-Native Plant Species. Avoid the use of invasive, non-native species, as identified on the lists of invasive plants maintained at the California Invasive Plant Inventory and United States Department of Agriculture invasive and noxious weeds database, or other authoritative sources, in landscaping on public property.

Implementation of the goals, policies and programs identified above, as well as compliance with Municipal Code Chapters 12.44 and 13.24, and federal and State laws, would reduce potential impacts to special-status species in the EA Study Area to a *less-than-significant* level.

2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

As discussed above in Existing Conditions, B.4, Sensitive Habitats, the two CNDDDB recognized sensitive natural communities of Menlo Park are its wetlands and oak woodlands. Additionally, the EA Study Area contains the riparian habitat of San Francisquito Creek, a valuable urban wildlife habitat. As described in Existing Conditions, Section B.1, the locations of the potential housing under the Plan Components would be concentrated on sites already developed with commercial, industrial, or residential uses, and/or in close proximity to existing residential and residential-serving development, where development will have a lesser impact on biological resources. None of the five potential housing sites are located in sensitive natural communities of Menlo Park, which are its bay shoreline wetlands, oak woodlands, and San Francisquito Creek; however, second units could be located adjacent to San Francisquito Creek, a valuable urban riparian habitat.

While potential housing Site 1 (Veterans Affairs Campus) does contain several large oak trees, this area is not identified as an oak woodland by CNDDDB, and does not contain any identified sensitive habitat. Sites 2, 3, (MidPen's Gateway Apartments) and Site 4 (Hamilton Avenue) consist of urbanized development that is bordered immediately adjacent to major roads and surrounded by an urban fabric of existing commercial and residential development. Site 5 (Haven Avenue) consists of graded and fully developed industrial site built on graded and predominately paved converted baylands with minimal vegetation. These five housing sites on urbanized landscaped sites are without special habitat status, and due to their proximity to existing residential and other urbanized development, housing on these sites will have a reduced impact on biological resources.

While existing residential districts are located adjacent to San Francisquito Creek, a valuable urban riparian habitat, construction of second dwelling units in existing residential districts housing in this area would not result in the conversion of creek channel habitat or removal of vegetation from within the banks of the creek. Construction of second units could result in removal of vegetation such as trees and shrubs not within the creek itself, but riparian habitat adjacent to the creek. Where the creek enters residential neighborhoods, the creek is narrow and incised, and homes on lots bordering the creek are edged by steep creek banks.²⁷ In instances of large lots and/or tall trees, vegetation on the residential lots immediately adjacent could provide additional nesting and foraging opportunities for riparian-associated species, particularly birds and bats. Generally, impacts would be limited to removal of vegetation (to trees or bushes) on already developed lots. Removal of trees over 15 inches in diameter (10 inches in diameter for native Oaks) would trigger the Heritage Trees Ordinance, which requires a minimal tree replacement ratio of one tree planted for one Heritage Tree removed.

The existing General Plan and proposed goals, policies, and programs described in Section D.1 above would mitigate impacts to oak woodland and riparian habitats. These goals, policies, and actions provide a comprehensive approach for addressing and mitigating the direct and indirect impacts of anticipated development on or near riparian habitat or other sensitive natural communities. Therefore, implementation of the Plan Components, in combination with Municipal Code Chapters 13.24 and 12.44, and federal and State laws, would reduce potential impacts to sensitive habitats to a *less-than-significant* level.

²⁷ San Francisquito Creek Joint Powers Authority, 2006. San Francisquito Creek Bank Stabilization and Revegetation Master Plan. Accessed January 10, 2013 from <http://www.menlopark.org/creek/ECRSection4.pdf>.

3. 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, etc.) through direct removal, filling, hydrological interruption, or other means.

Future housing under the Plan Components would occur where development presently exists, and none of these five housing sites, infill locations or second dwelling unit contains protected wetlands. Implementation of the Plan Components as described in Section D.1 and compliance with Municipal Code Chapters 13.24 and 12.44, and federal and State laws, would reduce potential impacts to federally protected wetlands to a *less-than-significant* level.

4. 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.

San Francisquito Creek provides a valuable wildlife movement corridor and nursery site, despite its location within the urbanized setting of the EA Study Area. While none of the potential housing sites and infill areas around downtown are located along San Francisquito Creek, second dwelling units could be developed on existing residential lots along the creek. Construction of second dwelling units on lots adjacent to the creek would not necessitate alteration of the creek or removal of vegetation within the creek channel. Hence, travel of species within the creek channel would not be obstructed under the Plan Components. However, construction of second dwelling units on lots adjacent to the creek may necessitate removal of vegetation along creek banks, or result in obstructions along the creek banks. There are numerous policies in the Land Use and Circulation, and Open Space and Conservation Elements of the Plan Components would serve to protect and enhance sensitive biological resources and the important wildlife habitat the San Francisquito Creek provides. Therefore, compliance with the goals, policies and programs in the Plan Components, in combination with Municipal Code Chapters 13.24 and 12.44, and federal and State laws, would ensure that impacts to the wildlife movement corridor and nursery site that the San Francisquito Creek supports would be *less than significant*.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The City of Menlo Park's Water-Efficient Landscaping and Heritage Tree Ordinances, Municipal Code Chapters 12.44 and 13.24, respectively, protect native species and preserve a population of large, healthy trees in Menlo Park. The Water-Efficient Landscaping Ordinance would prohibit introducing invasive species and noxious weeds as part of future development permitted under the Plan Components. In some instances of construction of new housing and infill units or development of secondary dwelling units the re-

removal of trees may be necessary if site plans cannot be designed to avoid impacts to trees. Per the City's Heritage Tree Ordinance, before any tree would be removed, tree assessment and removal permits would be secured. Potential future housing development permitted under the Plan Components would have to comply with these City ordinances. With adherence to the General Plan described in Section D.1 policies and cited ordinances, no conflicts with local plans and policies are anticipated, and impacts would be considered *less than significant*.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Stanford University has prepared a Habitat Conservation Plan (HCP) that has not yet been adopted. The Final Environmental Impact Statement for the Stanford HCP has been published and HCP implementation is scheduled for Spring 2013.²⁸ Portions of the EA Study Area in the Menlo Park Sphere of Influence are included in the Stanford HCP, but do not include potential housing under the Plan Components. Additionally, this area does not support sensitive species identified in the Stanford HCP,²⁹ and therefore the Plan Components would not conflict with the Stanford HCP, based on the information in the draft HCP published December 2011 and impacts would be *less than significant*.

7. Cumulative Impacts

The geographic scope of this analysis is taken as the EA Study Area and the region. The potential impacts of potential development on biological resources tend to be site-specific, and the overall cumulative effect would be dependent on the degree to which significant vegetation and wildlife resources are protected on a particular site. This includes preservation of well-developed native vegetation (native grasslands, oak woodlands, riparian woodland, etc.), populations of special-status plant or animal species, and wetland features (including freshwater seeps and tributary drainages). Compliance with mandatory regulation and implementation of appropriate environmental review of development in the surrounding incorporated and unincorporated lands outside of Menlo Park would serve to ensure that important biological resources are identified, protected, and properly managed, and to prevent any significant adverse development-related impacts. New development in the region would result in further conversion of existing natural habitats to urban and suburban conditions, limiting the existing habitat values of the surrounding area. This could include loss of wetlands and sensitive natural communities, reduction in essential habitat for special-status species, removal

²⁸ Stanford University, Stanford University Habitat Conservation Plan Project Schedule, <http://hcp.stanford.edu/schedule.html>, accessed on December 7, 2012.

²⁹ Stanford University Land Use and Environmental Planning Office, 2011, Stanford University Habitat Conservation Plan, page 89 and Figure 4-2.

of mature native trees and other important wildlife habitat features, and obstruction of important wildlife movement corridors. Additional development may also contribute to degradation of the aquatic habitat in the creeks throughout the region, including the EA Study Area.

Grading associated with construction activities generally increases erosion and sedimentation, and urban pollutants from new development would reduce water quality. However, as described throughout this EA, most of the parcels that could be developed with multi-family housing, infill housing or second units under the Plan Components are already developed, and nearly all occur within urbanized areas, the effects on biological resources would be diminished or avoided. Furthermore, policies in the amended General Plan would serve to address these contributions to cumulative impacts on sensitive biological resources, as discussed above. Therefore, the Plan Components would result in a *less-than-significant* cumulative impact to biological resources.

E. Impacts and Mitigation Measures

The potential future development under the Plan Components would not result in any significant impacts to biological resources; therefore, no mitigation measures are necessary.

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