4.3 BIOLOGICAL RESOURCES

This chapter provides information on biological resources found within and in the immediate vicinity of Menlo Park. An evaluation of the potential impacts that the proposed project may have on the biological resources in the study area is provided. A summary of the regulatory framework, which provides for the protection and conservation of important biological resources, is also included.

4.3.1 ENVIRONMENTAL SETTING

4.3.1.1 REGULATORY FRAMEWORK

Federal Regulations

The federal laws that regulate the treatment of biological resources include the Federal Endangered Species Act, the Clean Water Act, and the Migratory Bird Treaty Act. The following sections outline the relevant principles of each.

Federal Endangered Species Act (FESA)

The U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) is responsible for implementation of the Federal Endangered Species Act (FESA) (16 U.S.C. Section 1531 *et seq.*). The Act protects fish and wildlife species that are listed as threatened or endangered, and their habitats. "Endangered" species, subspecies, or distinct population segments are those that are in danger of extinction through all or a significant portion of their range, and "threatened" species, subspecies, or distinct population segments are likely to become endangered in the near future.

Section 9 of the FESA prohibits the take of any fish or wildlife species listed as endangered, including the destruction of habitat that prevents the species' recovery. Take is defined as an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species. Section 9 prohibitions also apply to threatened species unless a special rule has been defined with regard to take at the time of listing.

Under Section 9 of the FESA, the take prohibition applies only to wildlife and fish species. However, Section 9 does prohibit the unlawful removal and reduction to possession, or malicious damage or destruction, of any endangered plant from federal land. Section 9 prohibits acts to remove, cut, dig up, damage, or destroy an endangered plant species in nonfederal areas in knowing violation of any state law or in the course of criminal trespass. Candidate species and species that are proposed or under petition for listing receive no protection under Section 9.

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 Wildlife (CDFW) code (see State Regulations below).

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.).

Section 404

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 Mark or the limit of adjacent wetlands. 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.[1]

In general, a USACE permit must be obtained before an individual project 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 the NMFS under Section 7 of the FESA if the action being permitted under the CWA could affect federally listed species.

Section 401

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 Plan Area is within jurisdiction of the San Francisco Bay Regional Water Quality Control Board

[1] 33 CFR Part 328.5.

(RWQCB). In order for the applicable RWQCB to issue a 401 certification, a project must demonstrate compliance with the California Environmental Quality Act (CEQA).

State Regulations

The most relevant State laws regulating biological resources are the California Endangered Species Act, the California Fish and Game Code, the California Native Plant Protection Act, and the Marine Life Protection Act, each of which is described below.

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game Code Section 2050 *et seq.*) establishes State policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a species that is on the federal and State lists, compliance with the FESA satisfies the CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with the CESA under California Fish and Game Code Section 2080.1. For projects that would result in take of a species that is only State listed, the project proponent must apply for a take permit under Section 2081(b).

California Fish and Game Code

Under the California Fish and Game Code, the CDFW provides protection from "take" for a variety of species. The CDFW also protects streams, water bodies, and riparian corridors through the Streambed Alteration Agreement process under Section 1601 to 1606 of the California Fish and Game Code. The California Fish and Game Code stipulates that it is "unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake" without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration Agreement. CDFW's jurisdiction extends to the top of banks and often includes the outer edge of riparian vegetation canopy cover.

California Fish and Game Code Sections 1600 through 1616 regulate development to avoid and mitigate impacts or modification to rivers, streams, or lakes. Modification is defined as diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream or lake.

California Fish and Game Code Section 3503.5 prohibits "take," possession, or destruction of any raptor (bird of prey species in the orders Falconiformes and Strigiformes), including their nests or eggs. Violations of this law include destruction of active raptor nests as a result of tree removal and disturbance to nesting pairs by nearby human activity that causes nest abandonment and reproductive failure.

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 prohibits importation of rare and endangered plants into California, "take" of rare and endangered plants, and sale of rare and endangered plants. The CESA

defers to the California Native Plant Protection Act, which ensures that State-listed plant species are protected when State agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the California Native Plant Protection Act are not protected under the CESA but rather under CEQA.

California Native Plant Society (CNPS) is a non-governmental conservation organization that has developed a list of plants of special concern in California. The following explains the designations for each plant species:[2]

- 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 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

California 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.

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). The San Francisco Bay RWQCB would be concerned with stormwater runoff and activities in

[2] California Native Plant Society, 2010, The CNPS Ranking System, http://www.cnps.org/cnps/rareplants/ranking.php accessed on February 27, 2015.

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.

Oak Woodlands Conservation Act

The California Oak Woodlands Conservation Act[3] 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.

Local Regulations

Menlo Park General Plan

The City of Menlo Park General Plan includes goals, policies, and programs relevant to the environmental factors potentially affected by the proposed project. Applicable goals, policies, and programs are identified and assessed for their effectiveness later in this chapter under Section 4.3.3, Impact Discussion.

Menlo Park Municipal Code

The City of Menlo Park Municipal Code, organized by title, chapter, and section, contains all ordinances for Menlo Park. Title 16, Zoning, includes regulations relevant to biological resources in Menlo Park as discussed below.

Chapter 12.44, Water-Efficient Landscaping

Chapter 12.44, Water-Efficient Landscaping, includes regulations regarding invasive species and noxious weeds. 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.

Chapter 13.24, Heritage Trees

Chapter 13.24, Heritage Trees establishes regulations for the preservation of heritage trees. This chapter defines heritage trees as:

1. Trees of historical significance, special character or community benefit, specifically designated by resolution of the City Council;

[3] California Fish and Game Code Section 1360 et seq.

2. 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
3. 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, which are subject to review and approval beforehand by the City Arborist.[4]

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 a number of criteria, including condition of the tree, need for removal to accommodate proposed improvements, the ecological and long-term value of the tree, and feasible alternatives that would allow for tree preservation.

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.[5] The construction-related measures include designating at 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.

Stanford University Habitat Conservation Plan

Stanford University in partnership with U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA Fisheries) developed a Habitat Conservation Plan (HCP) in order to maintain populations of species covered under the Environmental Species Act (ESA) inhabiting land owned by Stanford University. The HCP sets forth goals and objectives that aim to enhance and protect listed species' habitat, including riparian vegetation, creeks, grasslands, and seasonal wetlands. The HCP and Final Environmental Impact Statement was published in November 2012 and the HCP was updated in March 2013.[6] The conservation goals and objectives set forth by the HCP apply to all land owned by

[4] City of Menlo Park, 2014. *City-Approved Tree Species for Planting in Front of Homes and Businesses*. http://www.menlopark.org/documentcenter/view/1315, accessed on February 26, 2015.

[5] City of Menlo Park. *Tree Protection Specifications*. http://www.menlopark.org/documentcenter/view/90, accessed on February 26, 2015.

[6] Stanford University Habitat Conservation Plan, http://hcp.stanford.edu/about.html, accessed on December 22, 2015.

Stanford University which totals 8,180 acres in four cities: Palo Alto, Menlo Park, Woodside, and Portola Valley. Portions of Menlo Park and unincorporated San Mateo County are located within the Stanford University HCP area.[7]

San Francisco Bay Conservation and Development Commission

In 1969, the McAteer-Petris Act designated the San Francisco Bay Conservation and Development Commission (BCDC) as the agency responsible for the protection of the San Francisco Bay and its natural resources. BCDC fulfills this mission through the implementation of the San Francisco Bay Plan (Bay Plan), an enforceable plan that guides the future protection and use of San Francisco Bay and its shoreline. The Bay Plan includes a range of policies on public access, water quality, fill, and project design, and designates shoreline areas that should be reserved for water-related purposes like ports, industry, and public recreation, airports, and wildlife areas.

As a permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill, extraction of materials, or change is use of any water, land, or structure within the Commission's jurisdiction. Projects in BCDC jurisdiction that involve Bay fill must be consistent with the Bay Plan policies on the safety of fills and shoreline protection.

San Francisco Bay Basin Water Quality Control Plan

The San Francisco Bay RWQCB adopted a Water Quality Control Plan for the San Francisco Bay Basin (the Basin Plan) that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the Basin Plan, which includes wetlands in and near the study. It is the RWQCB's master water quality control planning document. The most recent amendments were incorporated into the Basin Plan as of March 2015.[8]

4.3.1.2 EXISTING CONDITIONS

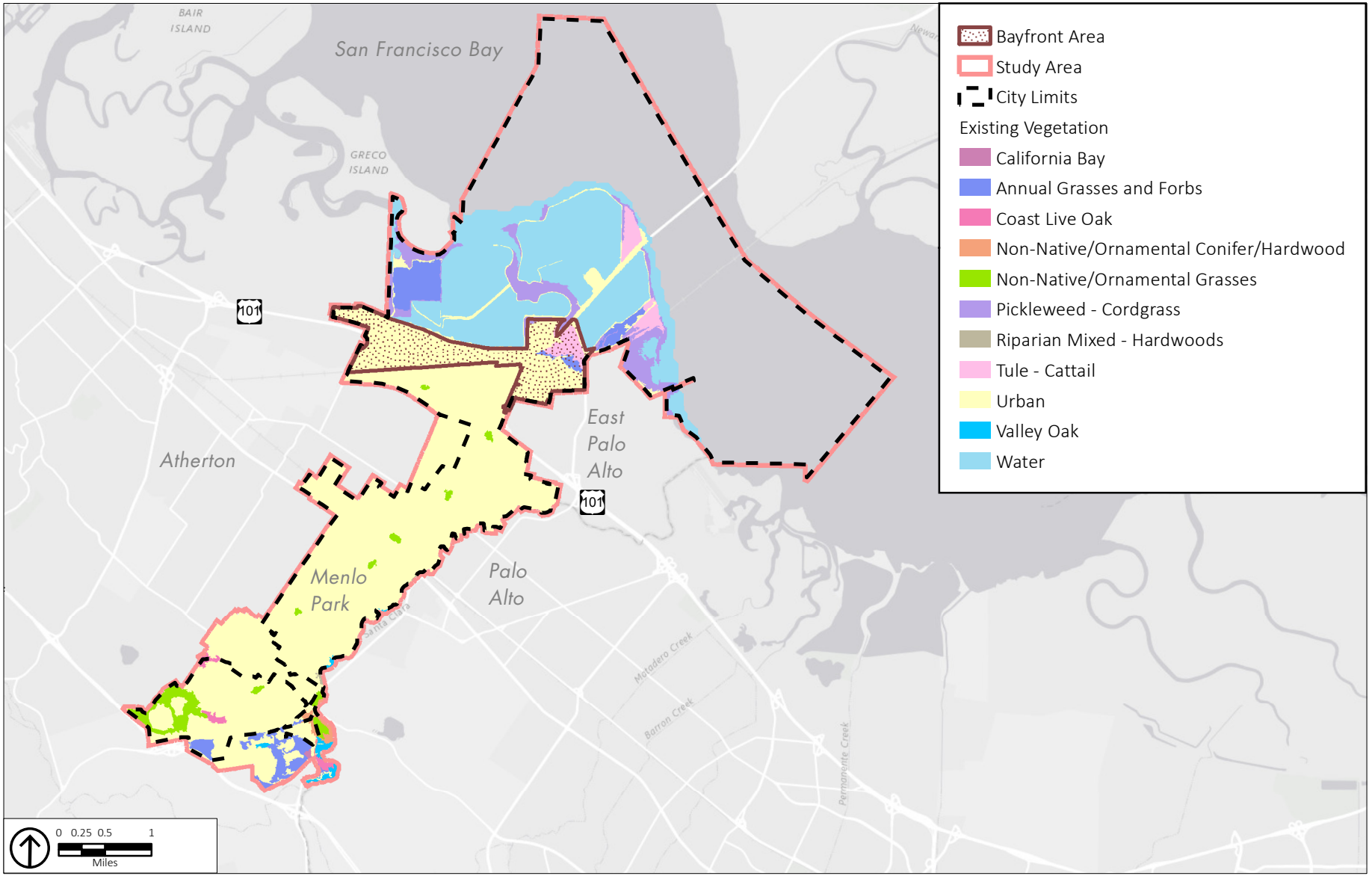
This section provides a discussion of the existing biological conditions in Menlo Park, which includes the natural and built environment, special-status plant and animal species, sensitive habitats, and wildlife dispersal corridor. The Menlo Park General Plan Open Space/Conservation, Noise and Safety Elements provides a useful summary of biological resources in the study area, which are summarized below.

Urbanized and Natural Environment

Most of the Menlo Park Plan Area has been urbanized and is now occupied by structures, roadways and ornamental landscaping. The existing cover types in the study area are shown on Figure 4.3-1.

[7] Stanford University Habitat Conservation Plan, http://hcp.stanford.edu/documents.html, accessed on December 29, 2015.

[8] California Environmental Protection Agency, San Francisco Bay Regional Water Quality Control Board website, http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml, accessed on February 27, 2015.



Source: City of Menlo Park, 2015; PlaceWorks, 2015; USDA Forest Service, 2015.

Figure 4.3-1
Existing Vegetation

Of the approximately 6,868 acres in the study area, an estimated 4,035 or roughly 59 percent are urbanized and another 1,939 acres or roughly 28 percent are open waters and tidelands of the Bay. The remaining approximately 13 percent consist of grasslands, marshlands, riparian woodlands, and oak woodlands.

The well-landscaped, suburban character of developed areas of Menlo Park includes parks, yards, and vacant lots which provide habitat for a variety of wildlife species that have adapted to human disturbance. Native and ornamental trees and shrubs in the urban area provide nesting sites for birds such as scrub jays, brewer's black birds, and mourning dove, among others. Urbanized areas also support a range of introduced species that have become adapted to human disturbance. These include common non-native pest species such as house mouse, Norway rat, opossum, and raccoon.

The remaining 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, and consist of: coastal salt marsh and salt ponds, tidal mudflats, riparian habitat along San Francisquito Creek, remnant oak woodlands, and grasslands. The natural community types are summarized as follows:

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. Menlo Park has large, intact marshes within its borders. Ravenswood Slough, Westpoint Slough, and Flood Point Slough contribute to the approximately 2,300 acres of tidal mudflats and open water, and 300 acres of salt marsh of the City.[9] 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.[10] Most of the salt ponds and marshes in or near Menlo Park have been restored to or are retained in an undeveloped 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 support a wide variety of native shorebirds, raptors, songbirds, waterfowl, fish, and crustaceans, many of which are considered to be special-status species.

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 habitat for a wide variety of crabs, snails,

[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.J-1.

[10] San Francisco Bay National Wildlife Refuge Complex Map, http://www.fws.gov/sfbayrefuges/Images/complexmap_no%20inset.jpg, accessed on February 26, 2015.

sea squirts, clams, mussels, and tubeworms.[11] These species offer a rich feeding ground of macro-invertebrates to the migratory and resident shorebirds that travel from as far as Canada and Alaska.[12] At higher tides, large marine species such as leopard sharks, starry flounder, and bat rays feed on these same macro-invertebrates.

San Francisquito Creek

The San Francisquito Creek corridor bisects the study area and continues to support important riparian habitat. It originates southwest of Menlo Park just below Searsville Lake in Jasper Ridge, defines the border of Menlo Park for roughly three miles until it reaches Euclid Avenue at U.S. 101, then turns and drains into the Bay at the border with East Palo Alto. It remains in its natural alignment through much of Menlo Park with riparian woodland forming a canopy of native trees—willow, bay laurels, redwoods, alders, cottonwoods, California buckeye, valley oaks, and coast live oaks.[13] 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 opportunities for food, water, and shelter. Areas with remaining riparian woodland habitat support a wide variety of native resident and migratory songbirds, raptors, rodents, bats, and other mammals, as well as fish and amphibians.

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 the urbanized city limits. It has been mapped as a sensitive natural community type by the California Natural Diversity Database (CNDDB) (see Figure 4.3-2) because of the abundance of valley oaks in the woodland. Valley oak woodlands are considered by the CDFW to have a high inventory priority because of their relative rarity and threats due to development.

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.

[11] Marine Science Institute, San Francisco Bay Ecology. http://sfbaymsi.org/schoolprograms/refrencelibrary/sfbayecology.html, accessed on February 26, 2015.

[12] South Bay Salt Pond Restoration Project. *Science Update: The Carrying Capacity of Mudflats*, http://www.southbayrestoration.org/news/e-newsletters/nov-2010/article2.html, accessed on February 26, 2015

[13] Stanford University Habitat Conservation Plan. *San Francisquito Creek Watershed*. http://hcp.stanford.edu/sfcreek.html, accessed on February 26, 2015.

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 with housing and related uses, while another portion of these foothills, owned by Stanford University, have been preserved as open space. Plant species include wild oats, Italian ryegrass, foxtail barley, yellow star thistle, field bindweed, prickly lettuce, prickly ox-tongue, and field mustard. 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. Non-native trees, such as black walnut, red gum, and acacia, are also present.

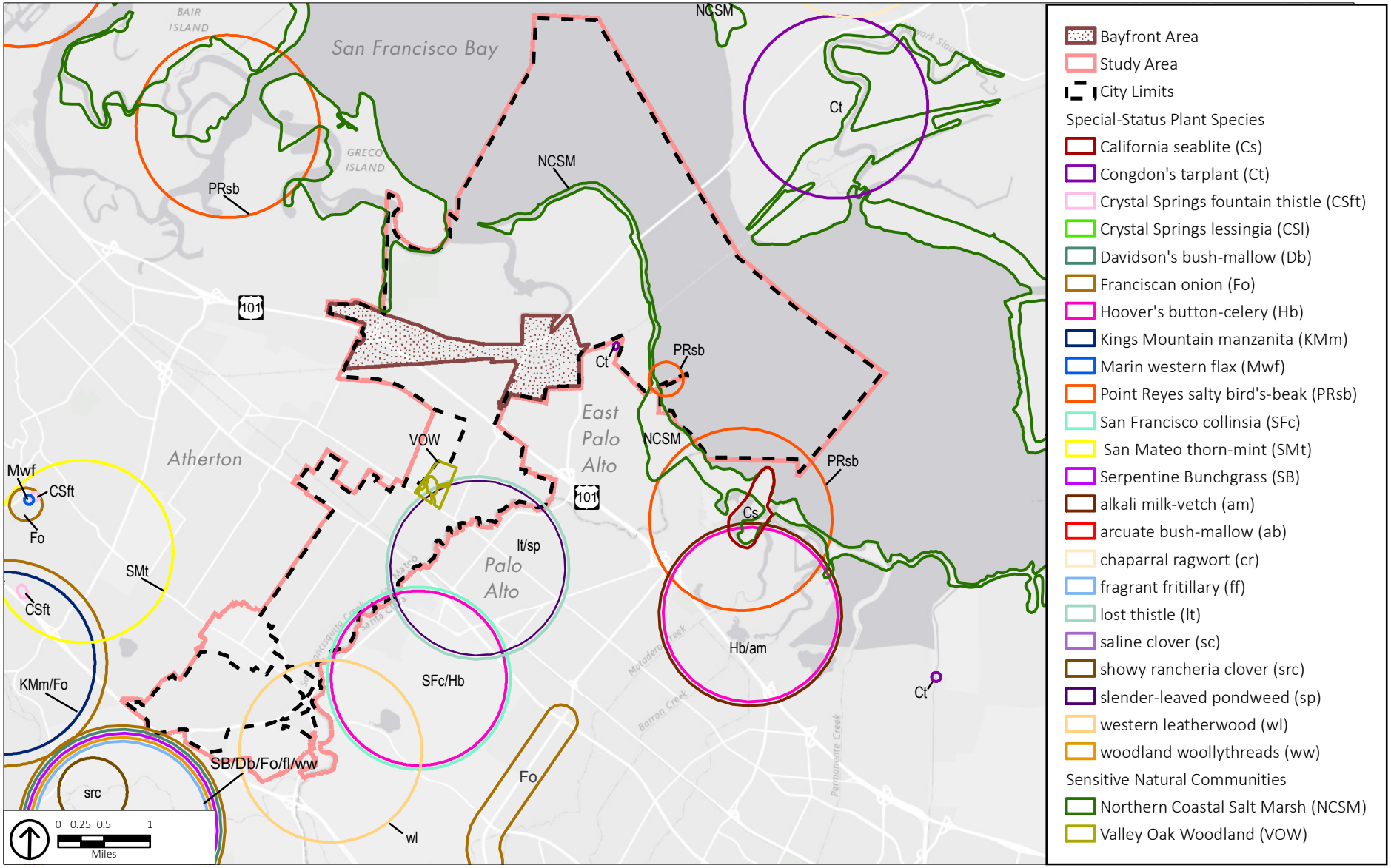
The remaining grassland habitats in the study area provides important foraging habitat for raptors, native prey and predator mammals, and reptiles. Grasslands which are large and contiguous are usually the most species-rich. Some grassland species, such as nesting raptors, are under special protection.

Special-Status 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 CDFW. The special-status species addressed in this section are based on a review of records from the CNDDB and the CNPS on-line inventory, as well as the information contained in the 2013 Open Space/Conservation Element. 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).

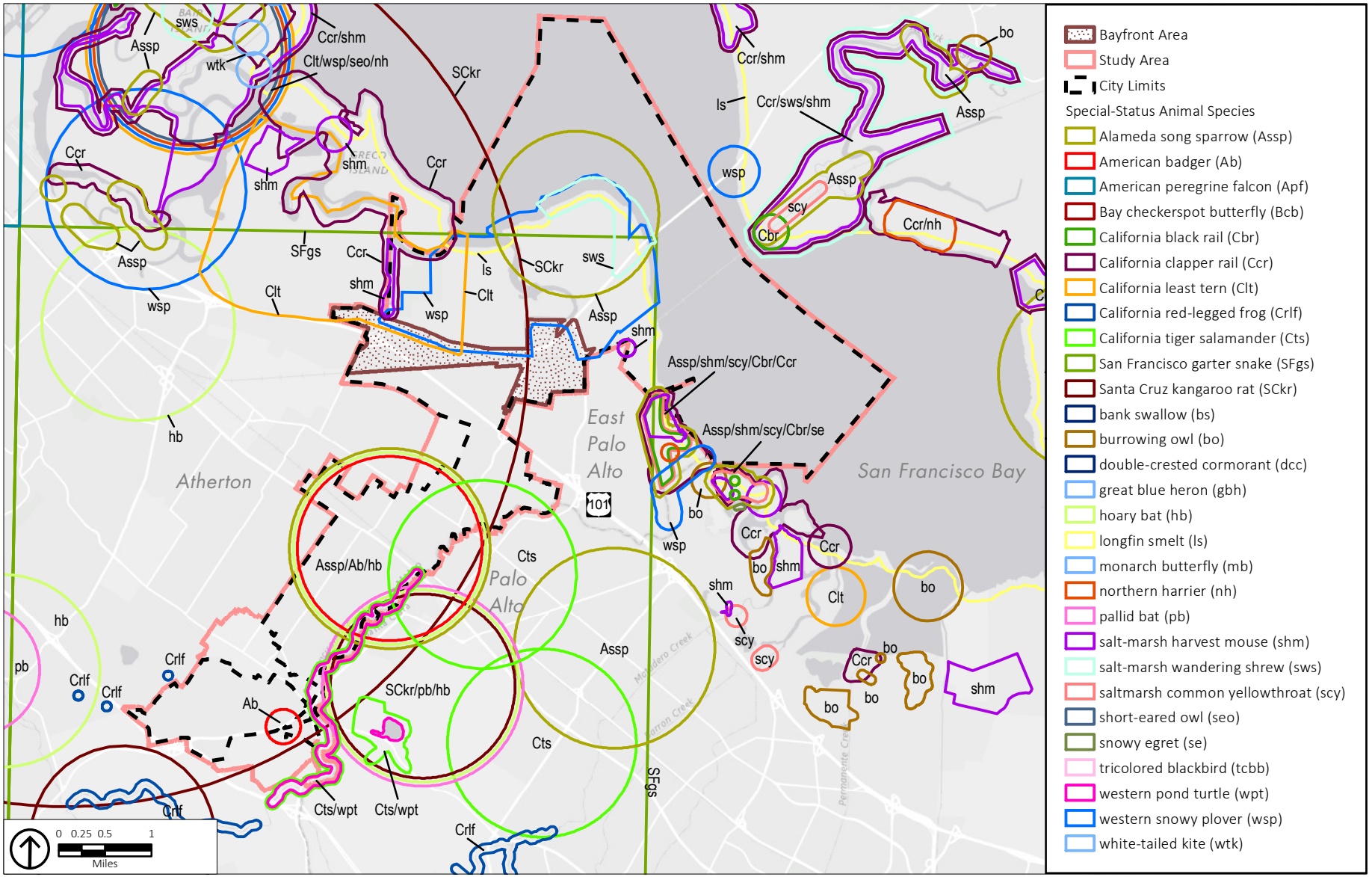
A number of special-status species have been reported from the Menlo Park vicinity. Most of these occurrences are from the remaining natural areas along the shoreline of the Bay, or the open hillsides to the south of the study area. Figures 4.3-2 and 4.3-3 show the known occurrences of special-status plant and animal species, respectively, known from the vicinity of Menlo Park as mapped by the CNDDB. Table 4.3-1 provides a summary of the special-status species which have occurrences reported by the CNDDB extending within the study area, providing information on their status and preferred habitat types. These consist of seven special-status plant species and 14 special-status animal species.



Source: City of Menlo Park, 2015; PlaceWorks, 2015; California National Diversity Database, 2015.

Figure 4.3-2

Special-Status Plant Species and Sensitive Natural Communities



Source: City of Menlo Park, 2015; PlaceWorks, 2015; California National Diversity Database, 2015.

Figure 4.3-3
Special-Status Animal Species

BIOLOGICAL RESOURCES

TABLE 4.3-1 SPECIAL STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
Plants								
Chloropyron maritimum ssp. palustre	Point Reyes bird's-beak	Possibly Extirpated	None	None	--	1B.2	Coastal salt marsh.	Usually in coastal salt marsh with *Salicornia, distichlis, jaumea,* and *spartina*.
Cirsium praeteriens	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 *cirsium* is thought to be quite distinct from other species.
Collinsia multicolor	San Francisco collinsia	Presumed Extant	None	None	--	1B.2	Closed-cone coniferous forest, coastal scrub.	On decomposed shale (mudstone) mixed with humus.
Dirca occidentalis	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.
Eryngium aristulatum var. hooveri	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.
Hemizonia parryi ssp. congdonii	Congdon's tarplant	Possibly Extirpated	None	None	--	1B.2	Grasslands and disturbed locations.	Alkaline substrates, particularly near seasonal wetland, brackish marsh, and muted tidal marsh.
Stuckenia filiformis	Slender-leaved pondweed	Presumed Extant	None	None	--	2.2	Marshes and swamps.	Shallow, clear water of lakes and drainage channels.
Animals								
Ambystoma californiense	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.

TABLE 4.3-1 SPECIAL STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
Antrozous pallidus	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.
Athene cunicularia	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.
Charadrius alexandrinus nivosus	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.
Circus cyaneus	Northern harrier	Presumed Extant	None	None	Special Concern		Grasslands, salt marshes, open habitats with rodent populations.	Ground nesting, typically near shrubs in marshes.
Dipodomys venustus venustus	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.
Emys marmorata	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.
Lasiurus cinereus	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.
Lanius ludovicianus	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.
Reithrodontomys raviventris	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.

BIOLOGICAL RESOURCES

TABLE 4.3-1 SPECIAL STATUS SPECIES IN MENLO PARK VICINITY

Scientific Name	Common Name	Presence	Federal List	California List	CDFW	CNPS List	General Habitat	Micro Habitation
Sorex vagrans halicoetes	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.
Spinus lawrencii	Lawrence's gold finch	Presumed Extant	None	None	Special Concern		Uplands, non-native grasslands, ruderal.	Forages from seed-bearing plants, such as thistles.
Taxidea taxus	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.
Thamnophis sirtalis tetrataenia	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, 2015.

Sensitive Natural Communities

The CNDDB search identifies two types of sensitive habitat within the planning area: coastal salt marsh and oak woodland. As indicated on Figure 4.3-2 above, these consist of northern coastal salt marsh and valley oak woodlands. The coastal salt marsh occurs at the northeastern edge of Menlo Park where the baylands have not been converted to salt ponds and urbanization. The mapped oak woodlands occur within the center of Menlo Park and consist of a large stand of valley oak-dominated woodland within the otherwise urbanized city center. This stand of oak woodland is located on the Saint Patrick's Seminary property. Additionally, while San Francisquito Creek does not officially appear in the CNDDB database as a mapped sensitive natural community type, it does support riparian and freshwater marsh habitat. Steelhead, a fish species that is listed as federally threatened under the federal Endangered Species Act, also occurs in San Francisquito Creek, providing an indication of the importance of this stream to wildlife.[14]

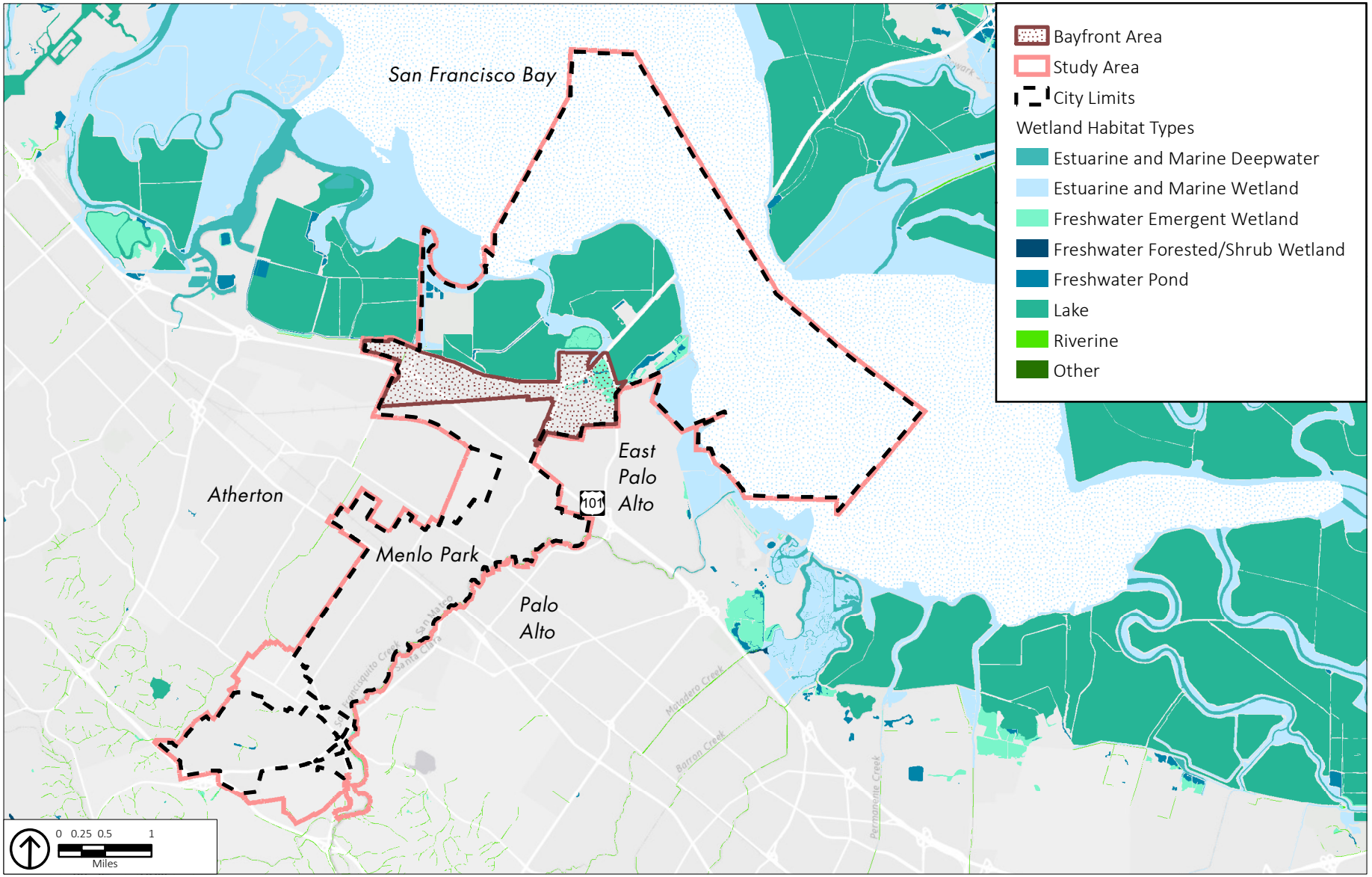
Jurisdictional Wetlands and Other Waters

Jurisdictional wetlands and other waters in the study area include the coastal salt marsh, tidal mudflats and open waters of the Bay, and riparian habitat along San Francisquito Creek. Figure 4.3-4 shows the mapped wetlands in the study area according to the National Wetland Inventory, part of a national mapping program by the USFWS to better understand the extent and status of wetlands in the U.S. While this mapping effort is rather generalized, it does provide an indication of more conspicuous wetland features in the study area. These include what has been mapped as "freshwater emergent" wetlands in the diked baylands of the study area along University Avenue and south of Bayfront Expressway, "freshwater pond" in the diked former salt flats, and "estuarine and marine" wetlands along major sloughs and open waters of the Bay. As discussed previously, the USACE, RWQCB and/or CDFW generally exercise authority over these various wetland habitat types. A detailed wetland delineation and verification by the USACE would be required to determine the extent of jurisdictional federal waters on sites where modifications are proposed. Further review by the RWQCB may be required on sites with hydrologically isolate wetlands that are exempt from USACE jurisdiction but still regulated as State waters under the Porter-Cologne Act by the RWQCB.

Wildlife Dispersal Corridors

Wildlife dispersal corridors are important habitat features allowing for movement of terrestrial species and the genetic exchange necessary to prevent isolation that can leave a native population vulnerable to extirpation or extinction. Important dispersal corridors can include unchannelized creeks, unobstructed ridgelines, and shorelines of the Bay. Although most of the study area has been urbanized, which limits or precludes the dispersal by terrestrial wildlife species, the shoreline and open waters of the Bay continue to provide unobstructed habitat for terrestrial and aquatic species. San Francisquito Creek's intact, multi-layered canopy of riparian habitat and large creek channel also serves as an important dispersal corridor for fish and wildlife.

[14] San Francisquito Creek Joint Powers Authority, 2004. *San Francisquito Creek Bank Stabilization and Revegetation Master Plan, Section 6: Fisheries and Wildlife Protection and Enhancement Guidelines.* http://www.menlopark.org/DocumentCenter/Home/View/845, accessed on February 26, 2015.



Source: City of Menlo Park, 2015; PlaceWorks, 2015; National Wetlands Inventory, 2015

Figure 4.3-4
National Wetland Inventory Wetland Habitat Types

4.3.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in 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 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, 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.
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.

4.3.3 IMPACT DISCUSSION

BIO-1	**Implementation of the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service.**

Local, State, and federal regulations provide varying levels of protection for special-status species, depending on a number of factors, including, legal protective status, rarity and distribution, the magnitude of the potential impact on essential habitat, specific occurrence and overall population levels, and take of individual plants or animals. Activities requiring discretionary approvals by local, State, and federal agencies provide for the greatest oversight because proposed activities must be evaluated for their potential impact on special-status species and other sensitive biological resources.

The proposed project would occur in urbanized areas where special-status species are generally not expected to occur. The potential for occurrence of special-status species in developed areas is generally very remote in comparison to undeveloped lands with natural habitat that contain essential habitat characteristics for the range of species known in the Menlo Park vicinity. As shown on Figure 4.3-3 above, the western snowy plover, Santa Cruz kangaroo rat, salt-marsh harvest mouse and California least tern, among others, have the potential for occurrence in the remaining undeveloped lands in Bayfront Area.

Several other special-status species, including the Alameda song sparrow, American Badger, hoary bat, Santa Cruz kangaroo rat, pallid bat, California tiger salamander, western pond turtle, California red-legged frog have the potential for occurrence elsewhere in the study area.

The proposed Land Use (LU) Element which would be adopted as part of the proposed project, and existing Section II, Open Space/Conservation (OSC) of the Open Space/Conservation, Noise and Safety Elements contain general goals, policies and programs that would require local planning and development decisions to consider impacts to biological resources, including special status species. The following General Plan goals, policies and programs would serve to minimize potential adverse impacts on special status species:

- Goal LU-4: Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.
  - Policy LU-4.5: Business Uses and Environmental Impacts. Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- Goal LU-6: Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.
  - Policy LU-6.5: Open Space Retention. Maximize the retention of open space on larger tracts (e.g., portions of the St. Patrick's Seminary site) through means such as rezoning consistent with existing uses, clustered development, acquisition of a permanent open space easement, and/or transfer of development rights.
  - Policy LU 6.6: Public Bay Access. Protect and support public access to the Bay for the scenic enjoyment of open water, sloughs, and marshes, including restoration efforts, and completion of the Bay Trail.
  - Policy LU-6.7: Habitat Preservation. Collaborate with neighboring jurisdictions to preserve and enhance the Bay, shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas to the maximum extent possible.
  - Policy LU-6.8: Landscaping in Development. Encourage extensive and appropriate landscaping in public and private development to maintain the City's tree canopy and to promote sustainability and healthy living, particularly through increased trees and water-efficient landscaping in large parking areas and in the public right-of-way.
  - Policy LU-6.10: Stanford Open Space Maintenance. Encourage the maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence.
  - Policy LU-6.11: Baylands Preservation. Allow development near the Bay only in already developed areas.
    - Program LU-6.A: San Francisquito Creek Setbacks. Establish Zoning Ordinance requirements for minimum setbacks for new structures or impervious surfaces within a specified distance of the top of the San Francisquito Creek bank.

- Program LU-6.D: Design for Birds. Explore whether new buildings along the Bayfront should employ façade, window, and lighting design features that make them visible to birds as physical barriers and eliminate conditions that create confusing reflections to birds.

- Goal OSC-1: Maintain, Protect and Enhance Open Space and Natural Resources.
  - Policy OSC-1.1: Natural Resources Integration with Other Use. Protect Menlo Park's natural environment and integrate creeks, utility corridors, and other significant natural and scenic features into development plans.
  - 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-1.3: Sensitive Habitats. Require new development on or near sensitive habitats to provide baseline assessments prepared by qualified biologists, and specify requirements relative to 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.
  - 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-1.8: 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-1.10: Public Education and Stewardship. Promote public education, environmental programs, and stewardship of open space and natural resources 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.

- Policy OSC-1.12: Landscaping and Plazas. Include landscaping and plazas on public and private lands, and well-designed pedestrian and bicycle facilities in areas of intensive non-vehicular activity. Require landscaping for shade, surface runoff, or to obscure parked cars in extensive parking areas.
- Policy OSC-1.13: Yard and Open Space Requirements in New Development. Ensure that required yard and open spaces are provided for as part of new multi-family residential, mixed-use, commercial and industrial development.
- Policy OSC-1.14: Protection of Conservation and Scenic Areas. Protect conservation and scenic areas from deterioration or destruction by vandalism, private actions or public actions.
    - Program OSC-1.A: Provide Incentives for Maintaining Private Lands in Open Space. Establish programs to provide incentives for maintaining private lands in open space and for insuring open areas within future developments through programs including but not limited, to cluster development, acquisition of a permanent open space easement, and/or transfer of development rights.
    - Program OSC-1.B: Continue Subdivision Assessments. Continue subdivision assessments for parks and open space purposes consistent with the Subdivision Ordinance.
    - Program OSC-1.C: Promote Environmental Stewardship. Promote public education, environmental programs and stewardship of natural resources and open space preservation within the City.

In addition, with respect to the new development potential in the Bayfront Area, the proposed project includes zoning regulations consistent with the proposed General Plan Program LU-6.D to explore whether new buildings along the Bayfront should employ facade, window, lighting design that make them visible to birds as physical barriers and eliminate conditions that create confusing reflections to birds. Proposed bird safe design measures of the Green and sustainable building regulation for the Bayfront Area are as follows:

(A) No more than ten (10) percent of façade surface area shall have non-bird- friendly glazing.

(A) Bird- friendly glazing includes, but is not limited to opaque glass, covering of clear glass surface with patterns, paned glass with fenestration patterns, and external screens over non-reflective glass.

(B) Occupancy sensors or other switch control devices shall be installed on non-emergency lights and shall be programmed to shut off during non-work hours and between 10 PM and sunrise.

(C) Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.

(D) Glass skyways or walkways, freestanding glass walls, and transparent building corners shall not be allowed.

(E) Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with green roofs.

(F) A project may receive a waiver from one or more of the items (A) to (F) listed above, subject to the submittal of a site specific evaluation from a qualified biologist and review and approval by the Planning Commission.

The General Plan goals, policies, and programs and bird-safe design regulations for the Bayfront Area would help protect special-status species and birds, and minimize impacts; however, without the preparation of project-specific assessments for future projects on or near sensitive habitats, impacts are considered potentially *significant*.

Impact BIO-1: Impacts to special-status species or the inadvertent loss of bird nests in active use, which would conflict with the federal Migratory Bird Treaty Act and California Fish and Game Code could occur as a result of new development potential in the Bayfront Area and from existing and ongoing development potential in the remainder of the city if adequate controls are not implemented.

Mitigation Measure BIO-1: Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special-status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required as part of the CEQA review of the project, if necessary, to confirm its adequacy.

Significance With Mitigation: Less than significant.

In summary, implementation of the proposed project and compliance with the federal, State, and local regulations described in Section 4.3.1.1, Regulatory Framework, of this chapter would minimize potentially significant impacts to special-status species; however, implementation of Mitigation Measure BIO-1would reduce potentially significant impacts to a *less-than-significant* level.

BIO-2 Implementation of the proposed project could have a substantial adverse effect on 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.

Impacts to riparian habitats and other sensitive natural communities include both direct and indirect impacts that may occur. Direct impacts occur as a result of converting natural resources to developed properties, including the addition of impervious surfaces or hydrologic alterations. Habitat loss and degradation of existing habitat are direct impacts. Direct impacts may also be temporary impacts if they disturb a habitat that is subsequently restored after construction. An indirect impact is a physical change in the environment, which is not immediately related to, but is caused by the project. For example, if development results in reducing the sizes of remaining habitats, the values and functions of that habitat would be reduced and indirect impacts would occur. Increased stormwater runoff could potentially contribute to the loss of wetland habitat, affecting special status species that rely on this habitat.

As discussed above in Section 4.3.1.2, Existing Conditions, sensitive natural communities in the study area include areas of coastal salt marsh vegetation in the baylands, native valley oaks dominate the 88-acre Saint Patrick's Seminary in central Menlo Park and possibly areas of riparian scrub and woodland along San Francisquito Creek and other drainages. A portion of the Bayfront Area along University Avenue has a designation of Life Sciences over areas of marshland cover as indicated on Figure 4.3-4. These marshlands appear to be primarily freshwater and brackish in nature, but would still be a sensitive natural community type and are most likely regulated wetlands as discussed further under BIO-3.

Several policies in the General Plan listed under BIO-1 above would serve to protect and enhance the sensitive natural communities in the study area. Policy OSC-1.2, Habitat for Open Space and Conservation Purposes, calls for preserving and enhancing habitat for open space and conservation purposes. Policy OSC-1.4, Habitat Enhancement, requires new development to minimize the disturbance of natural habitats and vegetation, which would include areas of sensitive natural communities if present on a site. Policy OSC-1.6, South Bay Salt Pond Restoration Project and Flood Management Project, calls for continued support and participation in federal and State efforts to complete the South Bay Salt Pond Restoration Project. Policy OSC-1.7, San Francisquito Creek Joint Powers Authority, calls for continuing efforts to protect and enhance the habitat along San Francisquito Creek. Policy OSC-1.14, Protection of Conservation and Scenic Areas, calls for protecting conservation and scenic areas from deterioration or destruction by vandalism, private actions or public actions, which would include adverse impacts from proposed development applications.

Furthermore, as discussed under BIO-1 above, site-specific assessments for areas on or near sensitive habitats called for in Policy OSC-1.3, Sensitive Habitats, and required under Mitigation Measure BIO-1, would determine the extent of any sensitive natural communities on undeveloped lands where development is proposed. This project-specific assessment would serve to identify presence of any sensitive natural communities, and would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development. Without the preparation of

project-specific assessments for future projects on or near sensitive habitats, impacts to coastal salt marsh vegetation in the baylands, and possibly areas of riparian scrub and woodland along San Francisquito Creek and other drainages in the study area are considered potentially *significant*.

Impact BIO-2: Impacts to coastal salt marsh vegetation in the baylands, and possibly areas of riparian scrub and woodland along San Francisquito Creek and other drainages in the study area could occur as a result of new development potential in the Bayfront Area and from existing and ongoing development potential in the remainder of the city if adequate controls are not implemented.

Mitigation Measure BIO-2: Implement Mitigation Measure BIO-1.

Significance With Mitigation: Less than significant.

BIO-3 Implementation of the proposed project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, through direct removal, filling, hydrological interruption, or other means.

Development and land use activities consistent with the proposed project could result in direct loss or modification to existing wetlands and unvegetated other waters, as well as indirect impacts due to water quality degradation. Affected wetlands could include both the wetland-related sensitive natural community types described above, as well as areas of open water, degraded and modified streams and channels, unvegetated waters, and isolated seasonal wetlands or freshwater seeps. Of particular concern is the area of mapped wetlands indicated on Figure 4.3-4 in the Baylands Area along University Avenue that is proposed as the Life Sciences General Plan land use designation.

Indirect impacts to wetlands and jurisdictional other waters include an increase in the potential for sedimentation due to construction grading and ground disturbance, an increase in the potential for erosion due to increased runoff volumes generated by impervious surfaces, and an increase in the potential for water quality degradation due to increased levels in non-point pollutants. Water quality degradation may occur even when wetlands and unvegetated channels are avoided by proposed development if setbacks are inadequate to provide critical vegetation filtration functions. The indirect water quality-related issues are discussed further in Chapter 4.8, Hydrology & Water Quality, of this Draft EIR. As discussed in HYDRO-1, water quality impacts would be *less than significant*.

As discussed above under BIO-1, site-specific assessments for development on or near sensitive habitats are called for in Policy OSC-1.3, Sensitive Habitats, and required under Mitigation Measure BIO-1, would be necessary to determine the extent of any jurisdictional waters on undeveloped lands where development is proposed. In addition, a site-specific wetland delineation would be necessary to determine the extent of possible jurisdictional waters where wetlands may be present, including undeveloped properties in the Bayfront Area. This project-specific assessment would serve to identify presence of any jurisdictional waters, and would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development. Without the preparation of

project-specific assessments for future projects on or near wetlands, impacts in the study area are considered potentially *significant*.

Impact BIO-3: Implementation of the proposed project could result in direct and indirect impacts to wetland habitat if adequate controls are not implemented.

Mitigation Measure BIO-3: Implement Mitigation Measure BIO-1.

Significance With Mitigation: Less than significant.

BIO-4	**Implementation of the proposed project could 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.**

Development and land use activities consistent with the proposed project would result in a reduction in the remaining natural habitat in the study area. However, most wildlife in these areas are already acclimated to human activity in the urbanized portions of the study area. While the proposed project includes proposed bird-safe design regulations for the Bayfront Area as described under BIO-1, which would help to protect migrating birds, on sites with remaining natural habitat and important movement corridors, including the fringe of the baylands, site-specific assessments called for in Policy OSC-1.3, Sensitive Habitats, and required under Mitigation Measure BIO-1, would be necessary to determine whether any important wildlife movement corridors are present on undeveloped lands where development is proposed. This project-specific assessment would serve to identify presence of any sensitive wildlife movement corridors, and would ensure sensitive resources are adequately protected or appropriate compensatory mitigation is provided as part of new development. Without the preparation of project-specific assessments for future projects on or near sensitive habitats, impacts in the study area are considered potentially *significant*.

Impact BIO-4: Implementation of the proposed project could result in impacts on the movement of fish and wildlife, wildlife corridors, or wildlife nursery sites if adequate controls are not implemented.

Mitigation Measure BIO-4: Implement Mitigation Measure BIO-1.

Significance With Mitigation: Less than significant.

BIO-5 Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The City of Menlo Park General Plan is the primary planning document for the City of Menlo Park. The proposed amendments are intended to ensure consistency between the General Plan and Zoning Ordinance. Because the General Plan is the overriding planning document for Menlo Park, and because the proposed project involves amending the General Plan and Zoning Ordinance for internal consistency, implementation of the proposed project would not conflict with local policies and ordinances protecting biological resources. Furthermore, with adherence to the General Plan goals, policies and programs in the proposed Land Use (LU) Element and Section II, Open Space/Conservation (OSC), of the Open Space/Conservation, Noise and Safety Elements listed in BIO-1 and the City's Tree Preservation Ordinance, which calls for a permit to remove any protected trees, in combination with Municipal Code Chapters 12.44, Water-Efficient Landscaping, and 13.24, Heritage Trees, and federal and State laws, no conflicts with local plans and policies are anticipated, and impacts are considered *less than significant*.

Significance Without Mitigation: Less than significant.

BIO-6 Implementation of the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

As described above under Section 4.3.1.1, the Stanford Habitat Conservation Plan (Stanford HCP) was published in November 2012 and implementation of the HCP began in 2013. Portions of Menlo Park and unincorporated San Mateo County are located within the Stanford University HCP area. Accordingly, development within the Stanford HCP area could occur under the proposed project.

Several policies in the General Plan, listed under BIO-1 above, would serve to protect and enhance the sensitive natural communities in the study area, including those in the Stanford HCP area. Specifically, Policy LU-6.7 requires the City to collaborate with neighboring jurisdictions to preserve and enhance the Bay, shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas to the maximum extent possible, and Policy LU-6.10 requires the City to encourage the maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence. Furthermore, as discussed under BIO-1 above, site-specific assessments for areas on or near sensitive habitats called for in Policy OSC-1.3, Sensitive Habitats, and required under Mitigation Measure BIO-1, would determine the extent of any sensitive natural communities on undeveloped lands where development is proposed. The General Plan policies would help protect biological resources identified in the Stanford HCP and minimize impacts; however, without the preparation of project-specific assessments for future projects on or near sensitive habitats in the Stanford HCP, impacts related to potential conflicts with the Stanford HCP are considered potentially *significant*.

Impact BIO-6: Impacts to sensitive habitat in the Stanford HCP area could occur as a result of existing development potential in the study area that is located within the Stanford HCP area if adequate controls are not implemented.

Mitigation Measure BIO-6: Implement Mitigation Measure BIO-1.

Significance With Mitigation: Less than significant.

4.3.4 CUMULATIVE IMPACTS

BIO-7 Implementation of the proposed project in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to biological resources.

The potential impacts of proposed 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 (e.g., native grasslands, oak woodlands, riparian woodland), populations of special-status plant or animal species, and wetland features (e.g., coastal salt marsh, freshwater marsh and seeps, and riparian corridors and drainages). Further biological assessments for future projects of specific development on or near sensitive habitats called for in Policy OSC-1.3, Sensitive Habitats, and required under Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-6, would serve to ensure that important biological resources are identified, protected, and properly managed, and to prevent any significant adverse development-related impacts, including development for the remaining undeveloped lands in the planning area and surrounding incorporated and unincorporated lands.

To some degree, cumulative development contributes to an incremental reduction in the amount of existing wildlife habitat, particularly for birds and larger mammals. Habitat for species intolerant of human disturbance can be lost as development encroaches into previously undeveloped areas, disrupting or eliminating movement corridors and fragmenting the remaining suitable habitat retained within parks, private open space, or undeveloped properties. 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 further loss of wetlands and sensitive natural communities, reduction in essential habitat for special-status species, removal 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 study area. Grading associated with construction activities generally increases erosion and sedimentation, and urban pollutants from new development would reduce water quality. However, goals, policies and programs in the proposed Land Use (LU) Element and existing Section II, Open Space/Conservation of the Open Space/Conservation, Noise and Safety Elements as well as the proposed zoning regulations that employ bird-safe design together with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-6 would serve to address these contributions to cumulative impacts on sensitive biological and wetland resources, as discussed above. Therefore, the proposed

project would result in a *less-than-significant* cumulative impact to biological resources with implementation of Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-6.

Impact BIO-7: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to biological resources.

Mitigation Measure BIO-7: Implement Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4 and BIO-6.

Significance With Mitigation: Less than significant.

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