Appendices

Appendix A
Biological Resources Assessment

H. T. HARVEY & ASSOCIATES

Ecological Consultants

Commonwealth Corporate Center Building 3
Biological Resources Assessment

Project #3562-04

Prepared for:

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May 1, 2019

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Table of Contents

Figures

Tables

Appendices

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Section 1. Introduction

This report describes the biological resources present in and adjacent to the proposed Commonwealth Corporate Center Building 3 project, as well as the potential impacts of the proposed project and measures necessary to reduce impacts to less-than-significant levels under the California Environmental Quality Act (CEQA). This report was prepared to facilitate CEQA review of the project by the City of Menlo Park. In addition, this report contains the information needed to satisfy Mitigation Measure BIO-1 from the ConnectMenlo General Plan Environmental Impact Report (EIR) (PlaceWorks 2016), which requires preparation of a biological resources assessment.

1.1 Project Description

The 13.3-acre (ac) project site is located at 162-164 Jefferson Drive in Menlo Park, California (Figures 1 and 2). Office and research and development buildings are located north and west of the project site. To the south, the site is bounded by U.S. Highway 101. Kelly Park is located southeast of the project site, across the inactive Dumbarton Rail Corridor. Currently, the project site is occupied by two, four-story office buildings, each approximately 129,960 square feet (ft^2) in size, and surface parking lots.

The proposed project entails the development of a new four-story, 249,500 ft^2 office building, a four-level parking structure, a loading dock, and a trash enclosure as well as installation of landscaping. The proposed office building would be located to the north of the existing buildings on a portion of the project site currently used for surface parking. The proposed parking structure would be located on the eastern half of the parcel, also on a portion of the site currently used for surface parking. Construction would require the demolition of existing surface parking lots, landscaping, and an existing trash enclosure. The total existing and proposed office development on the parcel would be approximately 509,420 ft^2.

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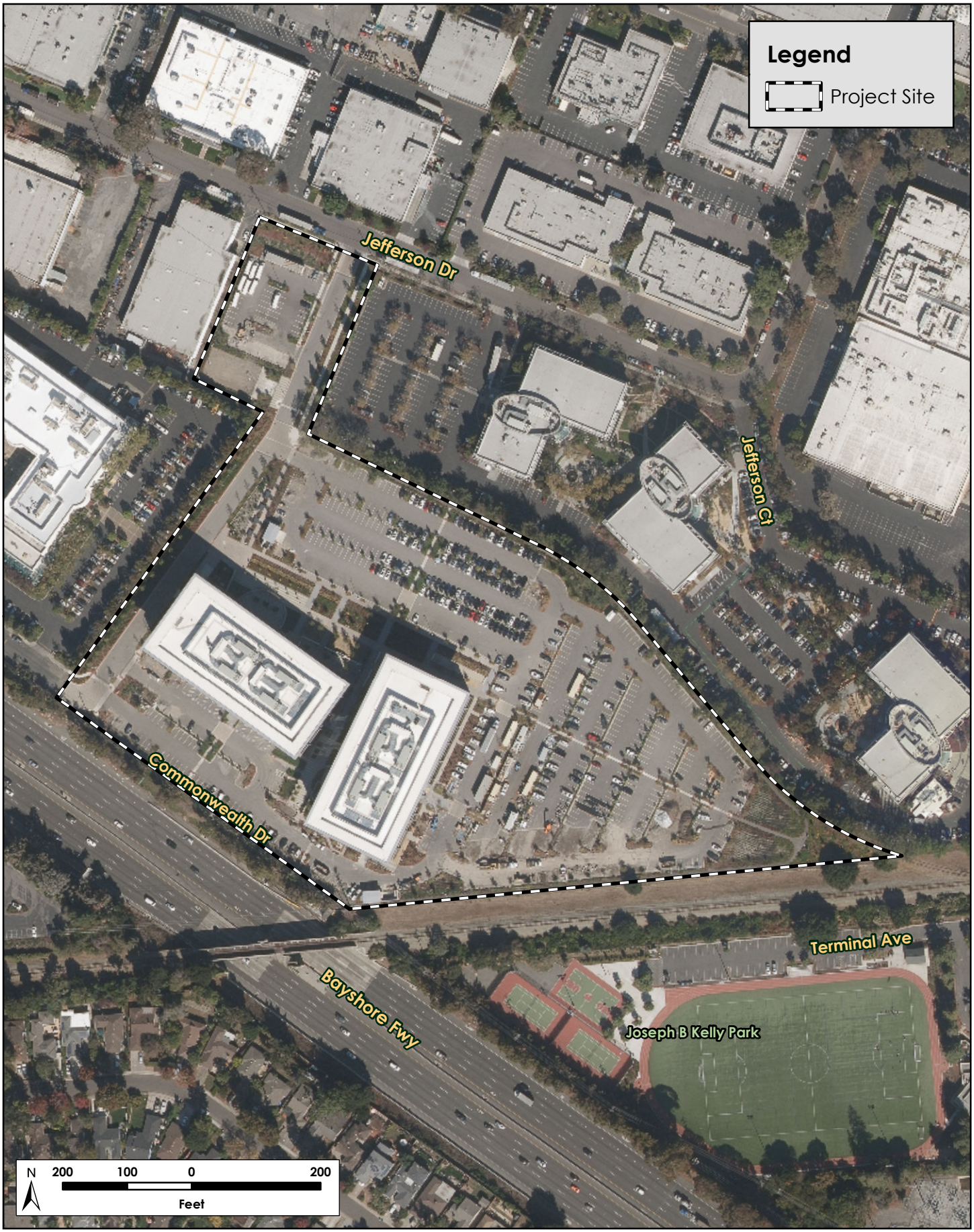
Figure 1. Vicinity Map
Commonwealth Corporate Center Building 3
Biological Resources Assessment (3562-04)
May 2019



N:\Projects3500\3562-01\04\Reports\BR\Fig 2 Project Site.mxd mlagarde

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Figure 2. Project Site
Commonwealth Corporate Center Building 3
Biological Resources Assessment (3562-04)
May 2019

Section 2. Methods

2.1 Background Review

Prior to conducting field work, H. T. Harvey & Associates ecologists reviewed the project plans and description provided by the project applicant in January 2019; aerial images (Google Inc. 2019); a U.S. Geological Survey (USGS) topographic map; the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDB 2019); and other relevant scientific literature and technical databases. Previous reports prepared for the project vicinity were also reviewed, including the Commonwealth Corporate Center Project Final EIR (ICF International 2014); the Facebook Campus Expansion Project EIR (ICF International 2016); the Final EIR for the ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update for the City of Menlo Park (PlaceWorks 2016); the Endangered Species Assessment for the Menlo Gateway Project (H. T. Harvey & Associates 2016); the Commonwealth Building 3 Project – Avian Collision Risk Assessment (H. T. Harvey & Associates 2018); and the Comprehensive Conservation Plan and Environmental Assessment for the Don Edwards San Francisco Bay National Wildlife Refuge (NWR) (USFWS 2012). In addition, for plants, we reviewed all species on current California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) 1A, 1B, 2A, and 2B lists occurring in the *Palo Alto, California* 7.5-minute USGS quadrangle and surrounding eight quadrangles (*Woodside, San Mateo, Redwood Point, Newark, Mountain View, Cupertino, Mindego Hill,* and *La Honda, California*). Quadrangle-level results are not maintained for CRPR 3 and 4 species, so we also conducted a search of the CNPS Inventory records for these species occurring in San Mateo County (CNPS 2019). In addition, we queried the CNDDB (2019) for natural communities of special concern that occur in the project region. For the purposes of this report, the "project vicinity" encompasses a 5-mile (mi) radius surrounding the project site.

2.2 Site Visits

Reconnaissance-level field surveys of the project site were conducted on January 29, 2019 by H. T. Harvey & Associates plant ecologist Matthew Mosher, B.S., and on February 8, 2019 by H. T. Harvey & Associates senior wildlife ecologist Ginger Bolen, Ph.D. The purpose of these surveys was to provide a project-specific impact assessment for the proposed project as described above. Specifically, the surveys were conducted to (1) assess existing biotic habitats and general plant and wildlife communities on the project site, (2) assess the potential for the project to impact special-status species and/or their habitats, and (3) identify potential jurisdictional habitats, such as Waters of the U.S./State and riparian habitat.

Section 3. Regulatory Setting

Biological resources on the project site are regulated by a number of federal, state, and local laws and ordinances, as described below.

3.1 Federal

3.1.1 Clean Water Act

The Clean Water Act (CWA) functions to maintain and restore the physical, chemical, and biological integrity of Waters of the U.S., which include, but are not limited to, tributaries to traditionally navigable waters currently or historically used for interstate or foreign commerce, and adjacent wetlands. Historically, in non-tidal waters, U.S. Army Corp of Engineers (USACE) jurisdiction extends to the ordinary high water (OHW) mark, which is defined in Title 33, Code of Federal Regulations (CFR), Part 328.3 If there are wetlands adjacent to channelized features, the limits of USACE jurisdiction extend beyond the OHW mark to the outer edges of the wetlands. Wetlands that are not adjacent to Waters of the U.S. are termed "isolated wetlands" and, depending on the circumstances, may be subject to USACE jurisdiction. In tidal waters, USACE jurisdiction extends to the landward extent of vegetation associated with salt or brackish water or the high tide line. The high tide line is defined in 33 CFR Part 328.3 as "the line of intersection of the land with the water's surface at the maximum height reached by a rising tide." If there are wetlands adjacent to channelized features, the limits of USACE jurisdiction extend beyond the OHW mark or high tide line to the outer edges of the wetlands.

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must comply with permit requirements of the USACE. No USACE permit will be effective in the absence of Section 401 Water Quality Certification. The State Water Resources Control Board (SWRCB) is the state agency (together with the Regional Water Quality Control Boards [RWQCBs] charged with implementing water quality certification in California.

Project Applicability: The project site does not support wetland or aquatic habitats. Therefore, a permit from the USACE would not be required for the project.

3.1.2 Rivers and Harbors Act

Section 10 of the Rivers and Harbors Act of 1899 prohibits the creation of any obstruction to the navigable capacity of Waters of the U.S., including discharge of fill and the building of any wharfs, piers, jetties, and other structures without Congressional approval or authorization by the Chief of Engineers and Secretary of the Army (33 U.S.C. 403).

Navigable Waters of the U.S., which are defined in 33 CFR, Part 329.4, include all waters subject to the ebb and flow of the tide, and/or those which are presently or have historically been used to transport commerce.

The shoreward jurisdictional limit of tidal waters is further defined in 33 CFR, Part 329.12 as "the line on the shore reached by the plane of the mean (average) high water." It is important to understand that the USACE does not regulate wetlands under Section 10, only the aquatic or open waters component of bay habitat, and that there is overlap between Section 10 jurisdiction and Section 404 jurisdiction. According to 33 CFR, Part 329.9, a waterbody that was once navigable in its natural or improved state retains its character as "navigable in law" even though it is not presently used for commerce because of changed conditions and/or the presence of obstructions. Historical Section 10 Waters may occur behind levees in areas that are not currently exposed to tidal or muted-tidal influence, and meet the following criteria: (1) the area is presently at or below the mean high water line; (2) the area was historically at or below mean high water in its "unobstructed, natural state"; and (3) there is no evidence that the area was ever above mean high water.

As mentioned above, Section 404 of the CWA authorizes the USACE to issue permits to regulate the discharge of dredged or fill material into Waters of the U.S. If a project also proposes to discharge dredged or fill material and/or introduce other potential obstructions in navigable Waters of the U.S., a Letter of Permission authorizing these impacts must be obtained from the USACE under Section 10 of the Rivers and Harbors Act.

Project Applicability: No current or historical Section 10 Waters are present within the project boundary. Therefore, a Letter of Permission from the USACE is not required.

3.1.3 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) protects federally listed wildlife species from harm or "take", which is broadly defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct." Take can also include habitat modification or degradation that directly results in death or injury of a listed wildlife species. An activity can be defined as "take" even if it is unintentional or accidental. Listed plant species are provided less protection than listed wildlife species. Listed plant species are legally protected from take under FESA only if they occur on federal lands.

The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) have jurisdiction over federally listed, threatened, and endangered species under FESA. The USFWS also maintains lists of proposed and candidate species. Species on these lists are not legally protected under FESA, but may become listed in the near future and are often included in their review of a project.

Project Applicability: No suitable habitat for any federally listed plant or animal species occurs on the project site. Thus, no federally listed species are reasonably expected to occur on the project site.

3.1.4 Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act governs all fishery management activities that occur in federal waters within the United States' 200-nautical-mile limit. The Act establishes eight Regional Fishery Management Councils responsible for the preparation of fishery management plans (FMPs) to achieve

the optimum yield from U.S. fisheries in their regions. These councils, with assistance from NMFS, establish Essential Fish Habitat (EFH) in FMPs for all managed species. Federal agencies that fund, permit, or implement activities that may adversely affect EFH are required to consult with NMFS regarding potential adverse effects of their actions on EFH, and respond in writing to recommendations by NMFS.

Project Applicability: No EFH is present on the project site.

3.1.5 Federal Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA), 16 U.S.C. Section703, prohibits killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA protects whole birds, parts of birds, and bird eggs and nests; and prohibits the possession of all nests of protected bird species whether they are active or inactive. An active nest is defined as having eggs or young, as described by the Department of the Interior in its April 16, 2003 Migratory Bird Permit Memorandum. Nest starts (nests that are under construction and do not yet contain eggs) are not protected from destruction.

Project Applicability: All native bird species that occur on the project site are protected under the MBTA.

3.2 State

3.2.1 Porter-Cologne Water Quality Control Act

The SWRCB works in coordination with the nine RWQCBs to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region, and may approve, with or without conditions, or deny projects that could affect Waters of the State. Their authority comes from the CWA and the State's Porter-Cologne Water Quality Control Act (Porter-Cologne). Porter-Cologne broadly defines Waters of the State as "any surface water or groundwater, including saline waters, within the boundaries of the state." Because Porter-Cologne applies to any water, whereas the CWA applies only to certain waters, California's jurisdictional reach overlaps and may exceed the boundaries of Waters of the U.S. For example, Water Quality Order No. 2004-0004-DWQ states that "shallow" waters of the State include headwaters, wetlands, and riparian areas. Moreover, the San Francisco Bay Region RWQCB's Assistant Executive Director, has stated that, in practice, the RWQCBs claim jurisdiction over riparian areas. Where riparian habitat is not present, such as may be the case at headwaters, jurisdiction is taken to the top of bank.

Pursuant to the CWA, projects that are regulated by the USACE must also obtain a Section 401 Water Quality Certification permit from the RWQCB. This certification ensures that the proposed project will uphold state water quality standards. Because California's jurisdiction to regulate its water resources is much broader than that of the federal government, proposed impacts on Waters of the State require Water Quality Certification even if the area occurs outside of USACE jurisdiction. Moreover, the RWQCB may impose mitigation requirements even if the USACE does not. Under the Porter-Cologne, the SWRCB and the nine regional boards also have the responsibility of granting CWA National Pollutant Discharge Elimination System (NPDES)

permits and Waste Discharge Requirements for certain point-source and non-point discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

Project Applicability: No aquatic, wetland, or riparian habitats are present within or immediately adjacent to the project boundary. Therefore, a Section 401 permit or Waste Discharge Requirement from the RWQCB would not be required for the project.

3.2.2 California Endangered Species Act

The California Endangered Species Act (CESA; California Fish and Game Code, Chapter 1.5, Sections 2050-2116) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, or endangered. In accordance with the CESA, the CDFW has jurisdiction over state-listed species (Fish and Game Code 2070). The CDFW regulates activities that may result in "take" of individuals (i.e., "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"). Habitat degradation or modification is not expressly included in the definition of "take" under the California Fish and Game Code. The CDFW, however, has interpreted "take" to include the "killing of a member of a species which is the proximate result of habitat modification."

Project Applicability: No suitable habitat for any state listed plant or animal species occurs on the project site, and thus no state listed species are expected to occur on the project site.

3.2.3 California Environmental Quality Act

CEQA is a state law that requires state and local agencies to document and consider the environmental implications of their actions and to refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. CEQA requires the full disclosure of the environmental effects of agency actions, such as approval of a general plan update or the projects covered by that plan, on resources such as air quality, water quality, cultural resources, and biological resources. The State Resources Agency promulgated guidelines for implementing CEQA are known as the State CEQA Guidelines.

Section 15380(b) of the State CEQA Guidelines provides that a species not listed on the federal or state lists of protected species may be considered rare if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definitions in FESA and CESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. This section was included in the guidelines primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on a species that has not yet been listed by either the USFWS or CDFW or species that are locally or regionally rare.

The CDFW has produced three lists (amphibians and reptiles, birds, and mammals) of "species of special concern" that serve as "watch lists". Species on these lists are of limited distribution or the extent of their habitats has been reduced substantially, such that threat to their populations may be imminent. Thus, their

populations should be monitored. They may receive special attention during environmental review as potential rare species, but do not have specific statutory protection. All potentially rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per CEQA Section 15380(b).

The CNPS, a non-governmental conservation organization, has developed CRPRs for plant species of concern in California in the Inventory of Rare and Endangered Plants (CNPS 2018). The CRPRs include lichens, vascular, and non-vascular plants, and are defined as follows:

- CRPR 1A Plants considered extinct.
- CRPR 1B Plants rare, threatened, or endangered in California and elsewhere.
- CRPR 2A Plants considered extinct in California but more common elsewhere.
- CRPR 2B Plants rare, threatened, or endangered in California but more common elsewhere.
- CRPR 3 Plants about which more information is needed - review list.
- CRPR 4 Plants of limited distribution-watch list.

The CRPRs are further described by the following threat code extensions:

- .1—seriously endangered in California;
- .2—fairly endangered in California;
- .3—not very endangered in California.

Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants appearing as CRPR 1B or 2 are, in general, considered to meet CEQA's Section 15380 criteria, and adverse effects on these species may be considered significant. Impacts on plants that are listed by the CNPS as CRPR 3 or 4 are also considered during CEQA review, although because these species are typically not as rare as those of CRPR 1B or 2, impacts on them are less frequently considered significant.

Compliance with CEQA Guidelines Section 15065(a) requires consideration of natural communities of special concern, in addition to plant and wildlife species. Vegetation types of "special concern" are tracked in Rarefind (CNDDB 2019). Further, the CDFW ranks sensitive vegetation alliances based on their global (G) and state (S) rankings analogous to those provided in the CNDDB. Global rankings (G1–G5) of natural communities reflect the overall condition (rarity and endangerment) of a habitat throughout its range, whereas S rankings are a reflection of the condition of a habitat within California. If an alliance is marked as a G1–G3, all of the associations within it would also be of high priority. The CDFW provides the Vegetation Classification and Mapping Program's currently accepted list of vegetation alliances and associations (CDFW 2019).

Project Applicability: All potential impacts on biological resources will be considered during CEQA review of the project. This biological resources assessment evaluates these impacts to facilitate CEQA review of the project by the City of Menlo Park. Project impacts are discussed in Section 6 below.

3.2.4 California Fish and Game Code

Ephemeral and intermittent streams, rivers, creeks, dry washes, sloughs, blue line streams on USGS maps, and watercourses with subsurface flows fall under CDFW jurisdiction. Canals, aqueducts, irrigation ditches, and other means of water conveyance may also be considered streams if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife. A *stream* is defined in Title 14, California Code of Regulations Section 1.72, as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish and other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." Using this definition, CDFW extends its jurisdiction to encompass riparian habitats that function as a part of a watercourse. California Fish and Game Code Section 2786 defines *riparian habitat* as "lands which contain habitat which grows close to and which depends upon soil moisture from a nearby freshwater source." The lateral extent of a stream and associated riparian habitat that would fall under the jurisdiction of CDFW can be measured in several ways, depending on the particular situation and the type of fish or wildlife at risk. At minimum, CDFW would claim jurisdiction over a stream's bed and bank. In areas that lack a vegetated riparian corridor, CDFW jurisdiction would be the same as USACE jurisdiction. Where riparian habitat is present, the outer edge of riparian vegetation is generally used as the line of demarcation between riparian and upland habitats.

Pursuant to California Fish and Game Code Section 1603, CDFW regulates any project proposed by any person that will "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds." California Fish and Game Code Section 1602 requires an entity to notify CDFW of any proposed activity that may modify a river, stream, or lake. If CDFW determines that proposed activities may substantially adversely affect fish and wildlife resources, a Lake and Streambed Alteration Agreement (LSAA) must be prepared. The LSAA sets reasonable conditions necessary to protect fish and wildlife, and must comply with CEQA. The applicant may then proceed with the activity in accordance with the final LSAA.

Certain sections of the California Fish and Game Code describe regulations pertaining to protection of certain wildlife species. For example, Code Section 2000 prohibits take of any bird, mammal, fish, reptile, or amphibian except as provided by other sections of the code.

The California Fish and Game Code Sections 3503, 3513, and 3800 (and other sections and subsections) protect native birds, including their nests and eggs, from all forms of take. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the CDFW. Raptors (i.e., eagles, hawks, and owls) and their nests are specifically protected in California under Code Section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

Bats and other non-game mammals are protected by California Fish and Game Code Section 4150, which states that all non-game mammals or parts thereof may not be taken or possessed except as provided otherwise in the

code or in accordance with regulations adopted by the commission. Activities resulting in mortality of non-game mammals (e.g., destruction of an occupied nonbreeding bat roost, resulting in the death of bats), or disturbance that causes the loss of a maternity colony of bats (resulting in the death of young), may be considered "take" by the CDFW.

Project Applicability: No aquatic or riparian habitats are present within or immediately adjacent to the project boundary. Therefore, a California Fish and Game Code Section 1603 Lake and Stream Alteration Agreement from CDFW would not be required for the project. Most native bird, mammal, and other wildlife species that occur on the project site and in the immediate vicinity are protected by the California Fish and Game Code.

3.3 Local

3.3.1 Menlo Park Municipal Code

The City of Menlo Park Municipal Code contains all ordinances for Menlo Park. Title 16, Zoning, includes regulations relevant to biological resources on the project site as discussed below.

Bird-Friendly Design. Chapter 16.44.130 (6) requires all new construction, regardless of size, to implement the following bird-friendly design measures:

A. No more than ten percent (10%) of façade surface area shall have non-bird-friendly glazing.
B. Bird-friendly glazing includes, but is not limited to, opaque glass, covering the outside surface of clear glass with patterns, paned glass with fenestration, frit or etching patterns, and external screens over nonreflective glass. Highly reflective glass is not permitted.
C. Occupancy sensors or other switch control devices shall be installed on nonemergency lights and shall be programmed to shut off during nonwork hours and between ten (10) p.m. and sunrise.
D. Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.
E. Glass skyways or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.
F. Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with green roofs.
G. Use of rodenticides shall not be allowed.
H. A project may receive a waiver from one (1) or more of the items listed in subsections (6)(A) to (F) of this section, subject to the submittal of a site-specific evaluation from a qualified biologist and review and approval by the planning commission. (Ord. 1025 § 3 (part), 2016).

Project Applicability: Bird-friendly design will be incorporated into the project design as required by the City of Menlo Park Municipal Code.

Landscape Design Plan. Chapter 12.44.090(1)(G) states that the use of invasive and/or noxious plant species is strongly discouraged. 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.

Project Applicability: No invasive and/or noxious plant species will be used in the project's landscape design plan.

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

- Trees of historical significance, special character or community benefit, specifically designated by resolution of the City Council;
- An oak tree (*Quercus* spp.), 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
- 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 ft in height, which will be exempt from this section.

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.

Project Applicability: One tree that qualifies as a heritage tree is present on the project site. This tree would not be removed as part of the proposed project.

3.3.2 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, including the following:

- *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-6.11. Baylands Preservation.* Allow development near the Bay only in already developed areas.
        - *Program LU-6.D: Design for Birds.* Require new buildings to 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 OSC1: Maintain, Protect, and Enhance Open Space and Natural Resources.
    - *Policy OSC1.1: 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 OSC1.2: Habitat for Open Space and Conservation Purposes.* Preserve, protect, maintain, and enhance water, water-related areas, plant and wildlife habitat for open space and conservation purposes.
    - *Policy OSC1.3: 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 OSC1.4: Habitat Enhancement.* Require new development to minimize the disturbance of natural habitats and vegetation, and require revegetation of disturbed natural habitat areas with native or non-invasive naturalized species.

- *Policy OSC1.5: 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 OSC1.15: Heritage Trees*. Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).

Project Applicability: The project is located within the Menlo Park General Plan area and would conform to all applicable requirements.

Section 4. Environmental Setting

4.1 General Project Area Description

The 13.3-ac project site is located in Menlo Park in San Mateo County. It is located within the *Palo Alto*, *California* 7.5-minute USGS quadrangle. A review of historical aerial photographs indicates that land use on the project site was largely agricultural in 1948. By 1991, commercial development and associated surface parking lots occupied most of the site. The project site is surrounded by development, including U.S. Highway 101 to the south with dense residential development beyond the highway and commercial office space to the north and west. Further north (approximately 1,200 feet [ft] north of Jefferson Drive) is Pond R5S of the Don Edwards San Francisco Bay NWR.

The project site is relatively flat with elevations ranging from approximately 7 to 14 ft above sea level. It is underlain by two soil types, Urban land and Urban land-Orthents, reclaimed complex, 0 to 2 percent slopes (NRCS 2019). The Urban land-Orthents, reclaimed complex map unit is generally associated with former tidal flats and marshes and the Urban land map unit is a description for human-made soils and land, typically developed and covered by paving and structures, consisting of heterogeneous fills of unknown origin (ICF International 2014).

4.2 Biotic Habitats

A reconnaissance-level survey identified one habitat type/land use on the project site: developed/landscaped (13.3 ac) (Figure 3). This habitat is described in detail below.

4.2.1 Developed/Landscaped

Photo 1. Developed/landscaped habitat on the project site.

Vegetation. The majority of the project site and the surrounding area are occupied by developed/landscaped land uses (Photo 1) that include office buildings, parking lots, mulched and irrigated areas, and plantings of ornamental trees and shrubs. Landscaping includes primarily non-native species, including relatively small trees such as plum (*Prunus* sp.), Brisbane box (*Lophostemon confertus*), holly oak (*Quercus ilex*), and strawberry (*Arbutus unedo*). In addition, two landscaped bioretention basins occur on the eastern edge of the project site. The basins are vegetated by planted spreading rush (*Juncus patens*). Each basin is drained by a storm water grate located in the lowest part of the basin (Photo 2).

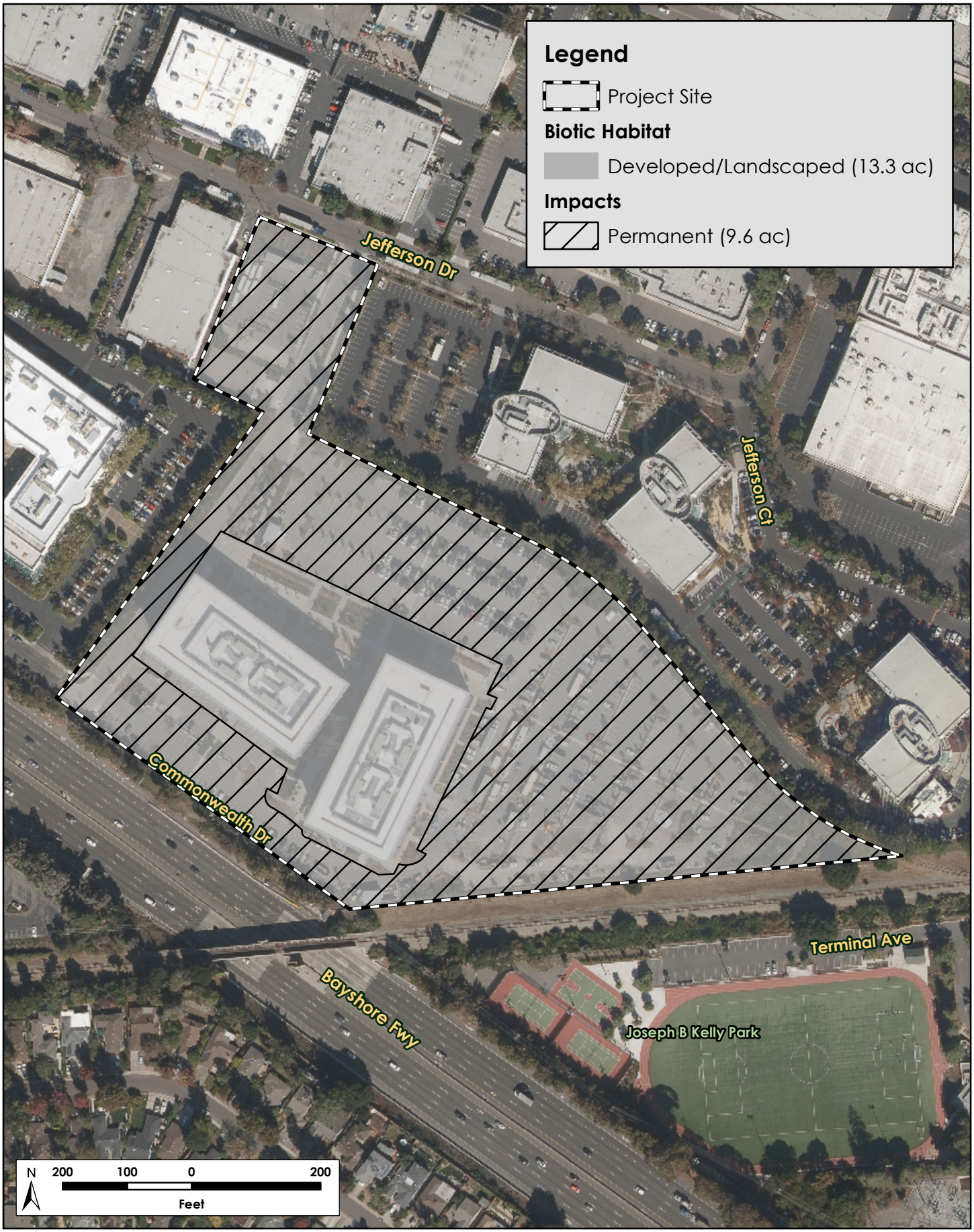

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Figure 3. Biotic Habitats and Impacts
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Biological Resources Assessment (3562-04)
May 2019

Wildlife. The wildlife most often associated with developed/landscaped areas are those tolerant of periodic human disturbances, including introduced species such as the European starling (*Sturnus vulgaris*), rock pigeon (*Columba livia*), house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), and black rat (*Rattus rattus*). Numerous common, native species are also able to utilize these habitats, especially the landscaped areas, including the western fence lizard (*Sceloporus occidentalis*), California ground squirrel (*Otospermophilus beecheyi*), and a variety of birds. Although a number of bird species will use landscaped areas, they typically do so in low numbers. The existing landscaping on the project site provides low-quality habitat for most native birds found in the region owing to the predominance of non-native species; the absence of well-layered vegetation (e.g., with ground cover, shrub, and canopy tree layers in the same areas) throughout most of the site; the limited extent of the vegetated habitat areas and preponderance of asphalt; and the amount of human disturbance by vehicular traffic and occupants of buildings on and adjacent to the site. Non-native vegetation supports fewer of the resources required by native birds than native vegetation, and the structural simplicity of the vegetation on the project site further limits resources available to birds (Anderson et al. 1977, Mills, et al. 1989). In general, the site does not represent high-quality habitat that would support particularly large concentrations of native birds. Further, due to the absence of high-quality native habitat, more sensitive or rarer bird species are not expected to occur on the project site. Rather, the bird species that are present consist predominantly of regionally abundant species that are adapted to urban conditions, such as the native mourning dove (*Zenaida macroura*), bushtit (*Psaltriparus minimus*), Anna's hummingbird (*Calypte anna*), dark-eyed junco (*Junco hyemalis*), American crow (*Corvus brachyrhynchos*), California scrub-jay (*Aphelocoma californica*), and house finch (*Haemorhous mexicanus*), as well as the non-native rock pigeon (*Columba livia*), house sparrow (*Passer domesticus*), and European starling. These species may occur on the site year-round and breed on or near the site.

Photo 2. Bioretention basin located on the eastern edge of the project site.

An examination of trees on the project site detected no large cavities that might provide suitable bat roosting habitat. Therefore, large roosting or maternity colonies of bats are not expected to occur on the project site. Similarly, a focused survey of the project site detected no evidence (i.e., old nests) of raptors having previously nested on the site.

Section 5. Special-Status Species and Sensitive Habitats

CEQA requires assessment of the effects of a project on species that are protected by state, federal, or local governments as "threatened, rare, or endangered"; such species are typically described as "special-status species". For the purpose of the environmental review of the project, special-status species have been defined as described below. Impacts on these species are regulated by some of the federal, state, and local laws and ordinances described in Section 3.0 above.

For purposes of this analysis, "special-status" plants are considered plant species that are:

- Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under CESA as threatened, endangered, rare, or a candidate species.
- Listed by the CNPS as CRPR 1A, 1B, 2, 3, or 4.

For purposes of this analysis, "special-status" animals are considered animal species that are:

- Listed under FESA as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under CESA as threatened, endangered, or a candidate threatened or endangered species.
- Designated by the CDFW as a California species of special concern.
- Listed in the California Fish and Game Code as fully protected species (fully protected birds are provided in Section 3511, mammals in Section 4700, reptiles and amphibians in Section 5050, and fish in Section 5515).

Information concerning threatened, endangered, and other special-status species that potentially occur on the project site was collected from several sources and reviewed by H. T. Harvey & Associates biologists as described in Section 2.1 above. Figure 4 depicts CNDDB records of special-status plant species in the general vicinity of the project site and Figure 5 depicts CNDDB records of special-status animal species. These generalized maps show areas where special-status species are known to occur or have occurred historically.

5.1 Special-Status Plant Species

The CNPS (2019) and CNDDB (2019) identify 89 special-status plant species as potentially occurring in at least one of the nine USGS quadrangles containing or surrounding the project site for CRPR 1 or 2 species, or in San Mateo County for CRPR 3 and 4 species. All of those potentially occurring special-status plant species were determined to be absent from the project site for at least one of the following reasons: (1) lack of suitable habitat types; (2) absence of specific microhabitat or edaphic requirements, such as serpentine soils; (3)

Legend

Project Location

5-mile Radius

CNDDB Records

Plants

Specific Location

Approximate Location

General Area

Terrestrial Communities

General Area

arcuate bush-mallow
Northern Coastal Salt Marsh
saline clover
Point Reyes salty bird's-beak
Bair Island
Northern Coastal Salt Marsh
Point Reyes salty bird's-beak
Northern Coastal Salt Marsh
Greco Island
Belmont
San Carlos
western leatherwood
Franciscan onion
arcuate bush-mallow
Franciscan onion
woodland woollythreads
chaparral ragwort
Franciscan onion
arcuate bush-mallow
white-rayed pentachaeta
Franciscan onion
San Francisco collinsia
San Francisco collinsia
Franciscan onion
arcuate bush-mallow
western leatherwood
western leatherwood
Franciscan onion
arcuate bush-mallow
Choris' popcornflower
fragrant fritillary
Kings Mountain manzanita
white-rayed pentachaeta
Marin western flax
Serpentine Bunchgrass
white-rayed pentachaeta
western leatherwood
Kings Mountain manzanita
Crystal Springs fountain thistle
Marin western flax
Franciscan onion
fragrant fritillary
San Mateo thorn-mint
Marin western flax
Marin western flax
Kings Mountain manzanita
Methuselah's beard lichen
woodland woollythreads
Kings Mountain manzanita
Kings Mountain manzanita
Kings Mountain manzanita
Kings Mountain manzanita
Kings Mountain manzanita
Woodside
western leatherwood
Serpentine Bunchgrass
two-fork clover
western leatherwood
woodland woollythreads
Kings Mountain manzanita
bent-flowered fiddleneck
Redwood City
Valley Oak Woodland
Valley Oak Woodland
Menlo Park
round-headed Chinese-houses
lost thistle
slender-leaved pondweed
Palo Alto
West Menlo Park
San Francisco collinsia
Hoover's button-celery
Stanford
fragrant fritillary
western leatherwood
Franciscan onion
Congdon's tarplant
Point Reyes salty bird's-beak
East Palo Alto
Congdon's tarplant
chaparral ragwort
Northern Coastal Salt Marsh
long-styled sand-spurrey
Contra Costa goldfields
alkali milk-vetch
San Joaquin spearscale
saline clover
Congdon's tarplant
Newark
Congdon's tarplant
Northern Coastal Salt Marsh
Northern Coastal Salt Marsh
California seablite
Point Reyes salty bird's-beak
Hoover's button-celery
alkali milk-vetch
Congdon's tarplant
Congdon's tarplant
Congdon's tarplant
Congdon's tarplant
Congdon's tarplant
Congdon's tarplant

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Figure 4. CNDDB Plant Records
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Biological Resources Assessment (3562-04)
May 2019

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Figure 5. CNDDB Animal Records
Commonwealth Corporate Center Building 3
Biological Resources Assessment (3562-04)
May 2019

the elevation range of the species is outside of the range on the project site; and/or (4) the species is considered extirpated from the project vicinity. Appendix B lists these plants along with the basis for the determination of absence.

5.2 Special-Status Animal Species

The legal status and likelihood of occurrence on the project site of special-status animal species known to occur, or potentially occurring, in the project vicinity are presented in Table 1. Most of the special-status species listed in Table 1 are not expected to occur on the project site because it lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known extant populations by development or otherwise unsuitable habitat. Animal species not expected to occur on the project site for these reasons include the green sturgeon (*Acipenser medirostris*), Central California coast steelhead (*Oncorhynchus mykiss*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), western pond turtle (*Actinemys marmorata*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), western snowy plover (*Charadrius alexandrinus nivosus*), California least tern (*Sterna antillarum browni*), black skimmer (*Rynchops niger*), burrowing owl (*Athene cunicularia*), northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), loggerhead shrike (*Lanius ludovicianus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), salt marsh wandering shrew (*Sorex vagrans halicoetes*), and American badger (*Taxidea taxus*). Although some of these species, such as the western snowy plover, salt marsh harvest mouse, and salt marsh wandering shrew, may occur in wetland habitats in the NWR to the north of the project boundary, they are absent from the project site itself, and the proposed development footprint is well removed from suitable habitat for these species.

The pallid bat (*Antrozous pallidus*) may forage over the project site on rare occasions, but it is not expected to reside or breed on the project site, to occur in large numbers, or otherwise to make substantial use of the project site.

5.3 Sensitive Natural Communities, Habitats, and Vegetation Alliances

Natural communities have been considered part of the Natural Heritage Conservation triad, along with plants and animals of conservation significance, since the state inception of the Natural Heritage Program in 1979. The CDFW determines the level of rarity and imperilment of vegetation types, and tracks sensitive communities in its Rarefind database (CNDDB 2018). Global rankings (G) of natural communities reflect the overall condition (rarity and endangerment) of a habitat throughout its range, whereas state (S) rankings are a reflection of the condition of a habitat within California. Natural communities are defined using NatureServe's standard heritage program methodology as follows (Faber-Langendoen et al. 2012):

G1/S1: Critically imperiled

G2/S2: Imperiled

Table 1. Special-Status Animal Species, Their Status, and Potential Occurrence on the Project Site

Name	*Status	Habitat	Potential for Occurrence on the Project Site
Federal or State Endangered, Rare, or Threatened Species			
Green sturgeon (*Acipenser medirostris*)	FT, CSSC	Spawns in large river systems such as the Sacramento River; forages in nearshore oceanic waters, bays, and estuaries.	**Absent.** No suitable aquatic habitat is present on the project site. Green sturgeon may forage infrequently, and in low numbers in Flood Slough, approximately 0.5 mi northwest of the project site; however, there is no aquatic connection between the slough and the project site. Determined to be absent.
Central California Coast steelhead (*Oncorhynchus mykiss*)	FT	Cool streams with suitable spawning habitat and conditions allowing migration between spawning and marine habitats.	**Absent.** No suitable aquatic habitat is present on the project site. Steelhead may forage in Flood Slough, approximately 0.5 mi northwest of the project site; however, there is no aquatic connection between the slough and the project site. Determined to be absent.
California tiger salamander (*Ambystoma californiense*)	FT, ST	Vernal or temporary pools in annual grasslands or open woodlands.	**Absent.** No suitable habitat is present on the project site. Further, populations have largely been extirpated from San Mateo County due to habitat loss, and the species is now considered absent from the majority of the project vicinity, including the project site. The closest occurrence in the project vicinity is at Lake Lagunita on the Stanford campus, which is approximately 3.8 mi south of the project site (CNDDB 2019). Determined to be absent.
San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)	FE, SE	Prefer densely vegetated freshwater habitats. May use upland burrows for aestivation.	**Absent.** No suitable habitat is present on the project site. Furthermore, the project vicinity is outside of the known range of the species. Determined to be absent.
California red-legged frog (*Rana draytonii*)	FT, CSSC	Streams, freshwater pools, and ponds with emergent or overhanging vegetation.	**Absent.** No suitable habitat is present on the project site. Further, this species has been extirpated from the majority of the project vicinity, due to development, the alteration of hydrology of its aquatic habitats, and the introduction of non-native predators such as non-native fishes and bullfrogs (*Lithobates catesbeianus*). The most recent record of the species in the project vicinity is from 2016 near Bear Gulch reservoir, approximately 4.2 mi to the southwest of the project site (CNDDB 2019). Determined to be absent.

Name	*Status	Habitat	Potential for Occurrence on the Project Site
California Ridgway's rail (*Rallus obsoletus obsoletus*)	FE, SE, SP	Salt marshes characterized by large expanses of saltmarsh cordgrass (*Spartina* spp.) or pickleweed (*Salicornia* spp.), with well-developed tidal channels.	**Absent.** The species is known to occur on Greco Island approximately 1.1 mi northwest of the project site, as well as the Palo Alto Baylands and the Ravenswood Open Space Preserve located approximately 2.1 mi east of the project site. However, no salt marsh habitat is present on or adjacent to the project site. Determined to be absent.
California black rail (*Laterallus jamaicensis coturniculus*)	ST, SP	Breeds in fresh, brackish, and tidal salt marsh.	**Absent.** This species occurs in the project vicinity primarily as a scarce winter visitor, with individuals recently recorded as close as the Palo Alto Baylands approximately 2.5 mi east of the project site (CNDDB 2019). However, no suitable nesting or foraging habitat for the California black rail is present on or immediately adjacent to the project site. Determined to be absent.
Western snowy plover (*Charadrius alexandrinus nivosus*)	FT, CSSC	Sandy beaches on marine and estuarine shores and salt pans in Bay saline managed ponds.	**Absent.** Although western snowy plovers are known to nest in salt panne habitat 0.4 mi to the north in the NWR's Ravenswood complex (CNDDB 2019), no suitable nesting or foraging habitat is present on or immediately adjacent to the project site. Determined to be absent.
California least tern (*Sterna antillarum browni*)	FE, SE, SP	Nests along the coast on bare or sparsely vegetated, flat substrates. In the South Bay, nests in salt pans and on an old airport runway. Forages for fish in open waters.	**Absent**. Suitable nesting habitat for the California least tern is not present on the project site. Least terns have been recorded in the project vicinity during the post-breeding season, and have been known to forage in the Redwood City salt ponds, approximately 0.6 mi northwest of the project site (CNDDB 2019). Least terns have also been known to forage infrequently along the shores of the Palo Alto Baylands Preserve, located approximately 2.5 mi east of the project site. However, they are not expected to forage on the project site due to the lack of any open water habitats supporting fish. Determined to be absent.
Salt marsh harvest mouse (*Reithrodontomys raviventris*)	FE, SE, SP	Salt marsh habitat dominated by common pickleweed or alkali bulrush.	**Absent.** The species has been recorded in salt marsh habitat in the project vicinity, including on the NWR to the north of the project site (CNDDB 2019). However, no suitable habitat is present on the project site. Determined to be absent.
California Species of Special Concern			

Name	*Status	Habitat	Potential for Occurrence on the Project Site
Western pond turtle (*Actinemys marmorata*)	CSSC	Permanent or nearly permanent water in a variety of habitats.	**Absent.** No suitable aquatic habitat is present on or adjacent to the project site. Determined to be absent.
Northern harrier (*Circus cyaneus*)	CSSC (nesting)	Nests in marshes and moist fields, forages over open areas.	**Absent.** No suitable habitat is present on or adjacent to the project site. Determined to be absent.
Black skimmer (*Rynchops niger*)	CSSC (nesting)	Nests on sparsely vegetated beaches, isolated islands, and levees.	**Absent.** No suitable nesting or foraging habitat is present on or adjacent to the project site. Determined to be absent.
Burrowing owl (*Athene cunicularia*)	CSSC	Nests and roosts in open grasslands and ruderal habitats with suitable burrows, usually those made by California ground squirrels (*Spermophilus beecheyi*).	**Absent.** No nesting burrowing owls are known to occur in the surrounding project vicinity (CNDDB 2019), and no suitable burrowing owl roosting or nesting habitat (i.e., open grasslands with ground squirrel burrows) is present on the project site. Determined to be absent.
Loggerhead shrike (*Lanius ludovicianus*)	CSSC (nesting)	Nests in tall shrubs and dense trees; forages in grasslands, marshes, and ruderal habitats.	**Absent.** No suitable breeding or foraging habitat is present on the project site. Determined to be absent.
San Francisco common yellowthroat (*Geothlypis trichas sinuosa*)	CSSC	Nests in herbaceous vegetation, usually in wetlands or moist floodplains.	**Absent.** The San Francisco common yellowthroat breeds commonly in wetlands found to the northwest and northeast of the project site, but no suitable habitat is present on the project site. Determined to be absent.
Alameda song sparrow (*Melospiza melodia pusillula*)	CSSC	Nests in salt marsh, primarily in marsh gumplant and cordgrass along channels.	**Absent.** Song sparrows breed commonly in wetlands found to the northwest and northeast of the project site, but no suitable habitat is present on the project site. Determined to be absent
Salt marsh wandering shrew (*Sorex vagrans halicoetes*)	CSSC	Medium to high marsh 6 to 8 ft above sea level with abundant driftwood and common pickleweed.	**Absent.** Suitable pickleweed-dominated salt marsh habitat is present in the project vicinity, including on the NWR to the north of the project site (CNDDB 2019). However, no suitable habitat is present on the project site. Determined to be absent.

Name	*Status	Habitat	Potential for Occurrence on the Project Site
Pallid bat (*Antrozous pallidus*)	CSSC	Forages over many habitats; roosts in caves, rock outcrops, buildings, and hollow trees.	**Absent.** Historically, pallid bats were likely present in a number of locations throughout the project vicinity, but their populations have declined in recent decades. This species has been extirpated as a breeder from urban areas close to the Bay, as is the case in the project vicinity. No suitable roosting habitat is present on the project site or the surrounding area and no known maternity colonies are present on or adjacent to the project site.
American badger (*Taxidea taxus*)	CSSC	Burrows in grasslands and occasionally in infrequently disked agricultural areas.	**Absent.** Badgers are not known to occur in the project vicinity due to the lack of extensive grasslands and agricultural areas with friable soils, needed for digging burrows. No suitable habitat is present on the project site. Determined to be absent.
California Fully Protected Species			
White-tailed kite (*Elanus leucurus*)	SP	Nests in trees and forages in extensive grasslands or marshes.	**Absent**. Suitable nesting and foraging habitat is not present on the project site. Determined to be absent.

SPECIAL-STATUS SPECIES CODE DESIGNATIONS

FE = Federally listed Endangered
FT = Federally listed Threatened
FC = Federal Candidate for listing
SE = State listed Endangered
ST = State listed Threatened
SC = State Candidate for listing
CSSC = California Species of Special Concern
SP = State Fully Protected Species

G3/S3: Vulnerable.

G4/S4: Apparently secure

G5/S4: Secure

In addition to tracking sensitive natural communities, the CDFW also ranks vegetation alliances, defined by repeating patterns of plants across a landscape that reflect climate, soil, water, disturbance, and other environmental factors (Sawyer et al. 2009). If an alliance is marked G1-G3, all of the vegetation associations within it will also be of high priority (CDFW 2018). The CDFW provides the Vegetation Classification and Mapping Program's (VegCAMP) currently accepted list of vegetation alliances and associations (CDFW 2019).

Impacts on CDFW sensitive natural communities, vegetation alliances/associations, or any such community identified in local or regional plans, policies, and regulations, must be considered and evaluated under CEQA (Title 14, Division 6, Chapter 3, Appendix G of the California Code of Regulations). Furthermore, aquatic, wetland and riparian habitats are also protected under applicable federal, state, or local regulations, and are generally subject to regulation, protection, or consideration by the USACE, RWQCB, CDFW, and/or the USFWS.

5.3.1 CDFW Sensitive Habitats

A query of sensitive habitats in Rarefind (CNDDB 2018) identified three sensitive habitats as occurring within the nine USGS quadrangles containing or surrounding the project site: serpentine bunchgrass grassland (Rank G2/S2.2), valley oak woodland (G3/S2.1), and northern coastal salt marsh (Rank G3/S3.2). Serpentine bunchgrass occurs only on serpentine soils, which do not occur on the project site. Valley oak woodland is characterized by valley oak (*Quercus lobata*) as the dominant or co-dominant species in the tree canopy. While some valley oak individuals do occur in the project vicinity, they are ornamental plantings along buildings and roadways, and thus do not constitute this sensitive habitat type. The last sensitive habitat type, northern coastal salt marsh, is described by Holland (1986) as occurring along sheltered inland margins of bays, often co-dominated by pickleweed (*Salicornia* spp.), cordgrass (*Spartina* spp.), and sometimes saltgrass (*Distichlis spicata*). None of these species was noted on the project site, thus this habitat type is also absent.

5.3.2 CDFW Sensitive Vegetation Alliances

CDFW Sensitive alliances are not present on the project site (CDFW 2019).

5.3.3 Sensitive Habitats (Waters of the U.S./State)

As described above, the reconnaissance survey of the project site did not identify any wetlands or other waters that would fall under the jurisdiction of the USACE (waters of the U.S.), or under the jurisdiction of the RWQCB or CDFW (waters of the State) on the project site.

5.4 Non-Native and Invasive Species

The entire project site consists of developed and maintained landscaped areas which have not been planted with non-native invasive plant species. Thus, no non-native invasive plant species occur on the project site.

Section 6. Impacts and Mitigation Measures

The State CEQA Guidelines provide direction for evaluating the impacts of projects on biological resources and determining which impacts will be significant. CEQA defines a "significant effect on the environment" as "a substantial adverse change in the physical conditions which exist in the area affected by the proposed project." Under State CEQA Guidelines Section 15065, a project's impacts on biological resources are deemed significant if the project would:

- "substantially reduce the habitat of a fish or wildlife species"
- "cause a fish or wildlife population to drop below self-sustaining levels"
- "threaten to eliminate a plant or animal community"
- "reduce the number or restrict the range of a rare or endangered plant or animal"

In addition to the Section 15065 criteria that trigger mandatory findings of significance, Appendix G of State CEQA Guidelines provides a checklist of other potential impacts to consider when analyzing the significance of project effects. The impacts listed in Appendix G may or may not be significant, depending on the level of the impact. For biological resources, these impacts include whether the project would:

A. "have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service"

B. "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 Game or U.S. Fish and Wildlife Service"

C. "have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act"

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

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

F. "conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan"

The impact assessment below is structured based on the six significance criteria (A-F) listed above.

6.1 Impacts on Special-Status Species: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS (No Impact)

No special-status species occur on the project site, which does not support suitable habitat for any such species. Therefore, the project will not impact special-status species.

6.2 Impacts on Sensitive Communities: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (No Impact)

6.2.1 Impacts on Riparian Habitat or Other Sensitive Natural Communities (No Impact)

No riparian habitats or other sensitive natural communities are present on or immediately adjacent to the project site, and thus none will be impacted by the project.

6.2.2 Impacts Caused by Non-Native and Invasive Species (No Impact)

The entire site is developed or landscaped and regularly maintained, and no non-native or invasive species were observed. Further, no invasive and/or noxious plant species will be used in the project's landscape design plan. Thus, development will cause no impact on the spread of non-native and invasive plant species.

6.3 Impacts on Wetlands: Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (Less than Significant)

No wetlands occur on, or immediately adjacent to, the project site. Thus, the project would result in no direct impacts on jurisdictional wetlands. Development of the project site is unlikely to cause indirect impacts on nearby wetlands or water quality within those wetlands, as site runoff is directed into storm drains and bioretention basins.

Additionally, Construction projects in California causing land disturbances that are equal to 1 ac or greater must comply with State requirements to control the discharge of stormwater pollutants under the NPDES *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit; Water Board Order No. 2009-0009-DWQ). Prior to the start of construction/demolition, a Notice of Intent must be filed with the State Water Board describing the project. A Storm Water Pollution Prevention Plan (SWPPP) must be developed and maintained during the project and it must include the use of Best Management Practices (BMPs) to protect water quality until the site is stabilized. Standard permit conditions under the Construction General Permit require that the applicant utilize various measures including the following: on-site sediment control BMPs, damp street sweeping, temporary cover of disturbed land surfaces

to control erosion during construction, and utilization of stabilized construction entrances and/or wash racks, among other factors.

Finally, in many Bay Area counties, including San Mateo County, projects must also comply with the *California Regional Water Quality Control Board, San Francisco Bay Region, Municipal Regional Stormwater NPDES Permit* (MRP) (Water Board Order No. R2-2015-0049). This MRP requires that all projects implement BMPs and incorporate Low Impact Development practices into the design to prevent stormwater runoff pollution, promote infiltration, and hold/slow down the volume of water coming from a site after construction has been completed. In order to meet these permit and policy requirements, projects must incorporate the use of green roofs, impervious surfaces, tree planters, grassy swales, bioretention and/or detention basins, among other factors.

Compliance with state requirements to control the discharge of stormwater pollutants during construction under the NPDES Construction General Permit and the RWQCB required SWPPP, and post-construction measures and design features required by the MRP would reduce the project's potential impact on water quality to a less-than-significant level.

6.4 **Impacts on Wildlife Movement:** 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 (Less than Significant)

For many species, the landscape is a mosaic of suitable and unsuitable habitat types. Environmental corridors are segments of land that provide a link between these different habitats while also providing cover. Development that fragments natural habitats (i.e., breaks them into smaller, disjunct pieces) can have a twofold impact on wildlife: first, as habitat patches become smaller they are unable to support as many individuals (patch size), and second, the area between habitat patches may be unsuitable for wildlife species to traverse (connectivity).

All proposed project activities are located within an already developed footprint that is surrounded by existing development. Therefore, the project would not result in fragmentation of natural habitats. Although species moving across the site would face new impediments to movement (i.e., Building 3 and the parking structure), following project construction, common, urban-adapted wildlife would continue to be able to move in an east-west direction across the site via existing strips of landscaped or ruderal vegetation separating the project site from existing development to the north and U.S. Highway 101 and the Dumbarton Rail Corridor to the south. Thus, any wildlife species that currently move east-west through the project site would continue to be able to do so by going around the new structures on either the north or south side. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors in the site vicinity.

Construction disturbance during the avian breeding season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings, either directly through the destruction or disturbance of active nests or indirectly by causing the abandonment of nests. Due to the absence of sensitive habitats from the project site, the habitats on the project site support only regionally common, urban-adapted breeding birds and support only a very small proportion of these species' regional populations. In addition, many birds are expected to continue to nest and forage on the project site after project construction is completed. These birds are habituated to disturbance related to the existing technology park, and the project incorporates trees, shrubs, and forbs into the landscape design, which will provide some food and structural resources for the common, urban-adapted birds of the area, as well as for migrants that may use the area during spring and fall migration. Therefore, project impacts on nesting and foraging birds that use the site, due to habitat impacts or disturbance of nesting birds, would not rise to the CEQA standard of having a substantial adverse effect, and these impacts would not constitute a significant impact on these species or their habitats under CEQA. However, all native bird species are protected from direct take by federal and state statutes (see Sections 3.1.5 and 3.2.4). Therefore, we recommend that the following measures be implemented to ensure that project activities comply with the MBTA and California Fish and Game Code:

Measure 1. Avoidance. To the extent feasible, construction activities should be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.

Measure 2. Preconstruction/Pre-disturbance Surveys. If it is not possible to schedule construction activities between September 1 and January 31 then preconstruction surveys for nesting birds should be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. We recommend that these surveys be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, California annual grasslands, buildings) in and immediately adjacent to the impact areas for nests.

Measure 3. Buffers. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.

Measure 4. Inhibition of Nesting. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the project due to the presence of active nests in these substrates.

6.5 Impacts due to Conflicts with Local Policies: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Less than Significant)

6.5.1 Impacts Related to Compliance with Municipal Code Chapter 13.24, Heritage Trees (No Impact)

Per City of Menlo Park Municipal Code Chapter 13.24, Heritage Trees, permits from the City's Director of Public Works or his or her designee and payment of a fee are required for the removal of any trees which meet the definition of heritage tree, as defined in Section 3.3.1 above. It is anticipated that 304 trees on the project site are to be removed during project construction activities. Of these, none qualify as heritage trees. Therefore, the project would result in no impact related to conflict with local policies or ordinances protecting heritage trees.

6.5.2 Impacts Related to Compliance with Municipal Code Chapter 16.44.130 (6), Bird Safe Design (Less than Significant)

Development of the proposed project would include the construction of a new four-story office building and a five-level (four above grade and one below grade) parking structure. Glass windows and building façades can result in injury or mortality of birds due to collisions with these surfaces. Because birds do not perceive glass as an obstruction the way humans do, they may collide with glass when the sky or vegetation is reflected in glass (e.g., they see the glass as sky or vegetated areas); when transparent windows allow birds to perceive an unobstructed flight route through the glass (such as at corners); and when the combination of transparent glass and interior vegetation (such as in planted atria) results in attempts by birds to fly through glass to reach that vegetation.

The majority of avian collisions with buildings occur within the first 60 ft of the ground (City of San Francisco 2011), where birds spend the majority of their time engaged in foraging, territorial defense, nesting, and roosting activities, and where vegetation is most likely to be reflected in glazed surfaces. However, very tall buildings (e.g., buildings 500 ft or more high) may pose a threat to birds that are migrating through the area, particularly to nocturnal migrants that may not see the buildings or that may be attracted to lights on the buildings.

Currently, terrestrial land uses and habitat conditions in and adjacent to the project site consist primarily of developed and landscaped uses such as buildings, parking lots, and roads. Vegetation in these areas is limited in extent, and consists primarily of non-native landscaped trees and shrubs. As described in Section 4.2.1 above, although a number of bird species will use such vegetation, they typically do so in low numbers because non-native vegetation supports fewer of the resources required by native birds than native vegetation, and the structural simplicity of the vegetation (without well-developed ground cover, understory, and canopy layers) further limits resources available to birds. In addition, although numerous waterbirds are known to congregate at the NWR to the north of the project site; because the area surrounding the project site on all sides is heavily urbanized and contains no habitats of high value to estuarine birds using the NWR, we do not expect large numbers of waterbirds to be flying over the project site at altitudes low enough for bird-strike mortality to

occur. The bird species with the greatest potential to collide with any buildings would consist primarily of the common, urban-adapted passerine species that currently use the project site, as these are the species that would spend the most time near the new buildings.

After project construction is completed, there will be a low risk of bird collisions with the façades of the proposed parking structure due to the absence of glass. Building 3 is expected to experience higher collision frequency due to the more extensive use of glass throughout the façades. However, the following factors will limit the frequency with which birds may collide with the façades of Building 3:

- Based on the architectural renderings, the windows will be recessed from the solid/opaque vertical and horizontal elements of the façades; as a result, birds will be better able to perceive the buildings as solid structures to be avoided than if the glass were the outermost features of the building. The shadows and reflections of the solid supports in the glass will further reinforce the perception that these buildings are solid structures to be avoided.
- Mullions between glass panes will help to break up the appearance of the glass.
- The reflectivity of the glass composing the façades will be low, reducing reflections of vegetation on the surface of the glass.
- The glass rail enclosing the balcony on the fourth floor of the building will be treated (e.g., with a frit pattern) to make the glass more conspicuous to birds, thereby meeting bird-safe design guidelines. Further, the balcony behind the rail will be narrow, and no plants or other features that might otherwise attract birds to fly toward the balconies will be present. As a result, there is little expectation that birds will try to approach the building in such a way that they might collide with the glass rail.
- No landscaping will be installed on the roof, and the rooftop windscreen will be composed of a metal panel rather than glass, increasing its visibility to birds that may be flying over the building.
- An aluminum composite metal canopy and louvers will extend out horizontally from the fourth-floor roof, reducing the reflection of the sky in the glazing of the upper floors.
- As described above, bird use of the project site is expected to be relatively low, which will limit the number of birds present in the vicinity of Building 3.

Although the frequency of collisions with the façades of Buildings 3 is expected to be somewhat higher than the frequency of collisions with the proposed parking structure, the overall frequency of bird collisions with the façades of Buildings 3 is expected to be low, and collisions are not expected to result in the loss of a substantial proportion of any native species' South Bay (or even Menlo Park) populations because bird use of the project vicinity is expected to be relatively low, which will limit the number of birds present in the vicinity.

There is some potential for bird strikes to occur with any part of the buildings at night, when birds may be less able to perceive the presence of the buildings (especially in bad weather). However, large-scale collision events involving nocturnal migrants such as those that have been documented at high-rise buildings in the East and Midwest have not been documented in the West. The project does not propose any very bright spotlights or other lighting that will be pointed upward or outward and that may serve to attract or confuse birds. Furthermore, it is worth noting that the composition of the buildings' surfaces (e.g., presence or absence of

glass, or whether the glass includes bird-safe treatments) will have no influence on whether nocturnal migrants collide with the buildings if they are unable to perceive the buildings due to darkness in the first place. Finally, nocturnally migrating birds typically fly 500 ft or more above ground level, and thus well above the proposed buildings.

As described in Section 3.3.1 above, the City of Menlo Park's Bird-Friendly Design Guidelines (Ordinance No. 1024) require the project design to comply with six bird-friendly design standards for new construction, although the City may waive the bird-friendly design requirements based on a site-specific evaluation from a qualified biologist and review and approval by the Planning Commission. Below, we analyze the proposed project's compliance with these six standards.

1. *No more than 10% of façade surface area shall have non-bird-friendly glazing.*

   Building 3 – The Commonwealth Building 3 project includes extensive glazing (i.e., well over 10%) on the façades of Building 3, including within 60 feet of the ground (i.e., the area with the greatest risk of avian collisions). Because this glazing is not proposed to be treated (i.e., "bird-friendly"), the current project design does not comply with this standard. However, the assessment herein, which is based on the Commonwealth Building 3 Project – Avian Collision Risk Assessment (H. T. Harvey & Associates 2018) constitutes an analysis by a qualified biologist indicating whether construction of the project would pose a collision hazard to birds in the absence of the use of treated glazing on the building façades. It is our opinion that the overall architectural design of the building, as well as bird-safe glazing treatment on balcony railings, in lieu of more extensive bird-safe glazing treatment should be sufficient to avoid any significant impacts under CEQA from bird collisions with the buildings' façades.

   We expect that occasional collisions between birds and the glass façades of the proposed building would occur after the building is constructed. However, we expect the frequency of bird collisions to be low. We base this conclusion on (1) the relatively low numbers of birds expected to occur in the project vicinity, (2) the absence of any features such as dense, native vegetation or water features that might otherwise attract birds to the vicinity, (3) the bird-safe glazing treatment that would be applied to the glass railings, and (4) the appearance of the façades, which are well broken-up by solid, opaque horizontal and vertical elements, thus making the façades more conspicuous and less likely to be mistaken for the sky or vegetation.

   The overall frequency of bird collisions would be low, and because the majority of collisions would involve regionally abundant, urban-adapted bird species, these collisions would not result in the loss of a substantial proportion of any species' Bay-area populations or any Bay-area bird community. Therefore, given the relatively low number of collisions expected to occur, in combination with the other bird-collision mitigating design features noted above, we do not expect the addition of more bird-safe glazing treatment to the project design to result in a substantial reduction in the number of collisions on this project.

   Parking Structure – Glazing is absent from the parking structure. Thus, the proposed parking structure is in compliance with this design standard.

2. *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 10:00 p.m. and sunrise.*

   Occupancy sensors for light control would be installed on all non-emergency lights within the new office buildings and parking garages on the project site. These lights would be programmed to shut off during non-work hours and between 10:00 p.m. and sunrise. Thus, the indoor lighting for the project is in compliance with this design standard.

3. *Placement of buildings shall avoid the potential funneling of flight paths towards a building façade.*

   The proposed new building and parking structure would not funnel open space that is attractive to birds toward the faces of buildings. The proposed landscaped vegetation on the site would be planted along sidewalks and in areas of open space throughout the site. No features of the proposed building design or landscaping would funnel birds towards a building façade. Thus, it is our opinion that the project design complies with this standard.

4. *Glass skywalks or walkways, freestanding (see-through) glass walls and handrails, and transparent building corners shall not be allowed.*

   Building 3 includes glass corners on all sides of the building and at all floor levels. In addition, freestanding glass handrails are located on the perimeter of the fourth-floor balcony. Thus, the project design does not comply with this standard. However, the glass used for these railings would be treated (e.g., with a frit pattern) to make the glass more conspicuous to birds. Even in the absence of such glazing treatment, though, we expect the frequency of bird collisions to be low due to the relatively low numbers of birds expected to occur in the project vicinity and the absence of any features such as dense, native vegetation or water features that might otherwise attract birds to the vicinity. Because the majority of collisions will involve regionally abundant, urban-adapted bird species, these collisions would not result in the loss of a substantial proportion of any species' Bay-area populations or any Bay-area bird community. Therefore, given the relatively low number of collisions expected to occur, we do not expect the elimination of glass corners and glass handrails to result in a substantial reduction in the number of collisions on this project.

5. *Transparent glass shall not be allowed at the rooflines of buildings, including in conjunction with roof decks, patios, and green roofs.*

   Based on the architectural renderings in the project plan set, an aluminum parapet cap would wrap around the building at the level of the fourth-floor roof. Thus, no windows extend all the way to the top of the building. In addition, a metal canopy and louvers extend out horizontally from the level of the fourth-floor roof. Shadows and reflections from the overhang would prevent glazing near the roofline from appearing as unbroken panes of glass and would break up the reflection of the sky within the glass. Therefore, in our opinion, the project design complies with this guideline.

6. *Use of rodenticides shall not be allowed.*

The project would comply with the City's prohibition on the use of rodenticides.

Therefore, in our opinion, the overall architectural design of the project, as well as bird-safe glazing treatment on balcony railings, in lieu of more extensive bird-safe glazing treatment is sufficient to avoid any significant impacts under CEQA from bird collisions with the buildings' façades.

6.5.3 Impacts Related to Compliance with General Plan Policy OSC1.3, Sensitive Habitats (No Impact)

General Plan Policy OSC1.3, Sensitive Habitats, requires new development on or near sensitive habitats to (1) provide a baseline assessment prepared by qualified biologists and specify requirements relative to the baseline assessments, (2) consult with appropriate regulatory and resource agencies, (3) incorporate appropriate avoidance and minimization measures, and (4) obtain necessary permits/authorizations. Further, Mitigation Measure BIO-1 of the ConnectMenlo EIR (PlaceWorks 2016) specifies that the required biological resources assessment must address a number of specific requirements. The following summarizes the project's compliance with the requirements of General Plan Policy OSC1.3 and Mitigation Measure BIO-1.

- The baseline biological resources report is required to provide a determination on whether any sensitive biological resources, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities, are present on the site or on any adjacent undeveloped lands that could be affected by the project and lands of the NWR. In compliance with this requirement, Section 4.2 of this report describes the biotic habitat types present on the project site. Sections 5.1 and 5.2 discuss the potential for these habitats to support special-status plants and animals and analyze the potential for special-status species to occur on the project site or close enough to be impacted by proposed project activities. No plant or animal species listed as threatened or endangered by the USFWS or CDFW are expected to occur on the project site. Further, no animal species designated as a species of special concern is expected to breed on the project site; and no plant species with a CRPR rating are present.

  Section 5.3 addresses the presence of sensitive habitats in the project vicinity and analyzes the potential for the project to result in impacts on such habitats. No habitats under the jurisdiction of the USFWS, CDFW, or RWQCB were determined to be present on the project site.

- The baseline biological resources report is required to incorporate guidance from relevant regional conservation plans related to determining the potential presence or absence of sensitive biological resources. As described above, Sections 5.1 and 5.2 analyze the potential for special-status plant or animal species to occur on the project site. This analysis incorporates information from the NWR Comprehensive Conservation Plan and Environmental Assessment (USFWS 2012), which includes a discussion of all the special-status species potentially occurring on the NWR.

- The baseline biological resources report is required to include an evaluation of the potential effects of the project on sensitive biological resources. The potential for the proposed project to result in significant impacts on sensitive biological resources is analyzed in Section 6 of this report. This analysis takes into consideration the habitat types present on the project site (Section 4.2), the potential for special-status species to be present on the project site (Sections 5.1 and 5.2), and the proximity of the project site to sensitive habitats (Section 5.3). Based on the analysis, it is determined that the project would not result in significant impacts on any special-status plant or animal species. In addition, the project would not result in impacts on sensitive habitats under the jurisdiction of the USFWS, RWQCB, or CDFW.

- The baseline biological resources report is required to include avoidance, minimization, and mitigation measures for adverse impacts. Section 6 identified no potentially significance impacts under CEQA. Thus, no avoidance, minimization, or mitigation measures are needed to reduce potentially significant impacts under CEQA. However, all native bird species are protected from direct take by federal and state statutes (see Sections 3.1.5 and 3.2.4). Therefore, recommended avoidance and minimization measures are provided in Chapter 6 to ensure that project activities comply with the MBTA and California Fish and Game Code.

- Per Mitigation Measure BIO-1, if sensitive biological resources are determined to be present on the project site or may be present on any adjacent parcel containing natural habitat, coordination with the appropriate regulatory and resource agencies must occur. However, based on the analyses contained herein, the project would not result in impacts on sensitive habitats under the jurisdiction of the USACE, RWQCB, or CDFW. Further, the project would not result in impacts on plant or animal species listed as threatened or endangered by the USFWS or CDFW. Thus, coordination with regulatory resource agencies regarding impacts on biological resources is not expected to be warranted. Nevertheless, resources agencies would be provided the opportunity to comment on the proposed project as part of the CEQA process for the project.

- Per Mitigation Measure BIO-1, where jurisdictional waters or federally and/or state listed special-status species would be affected by the project, appropriate authorizations shall be obtained by the project applicant. As described above, the project is not expected to result in impacts on sensitive habitats under the jurisdiction of the USACE, RWQCB, or CDFW. Further, the project would not result in impacts on plant or animal species listed as threatened or endangered by the USFWS or CDFW.

Thus, provided this project successfully incorporates the measures described in this biological assessment, the project will not conflict with General Plan Policy OSC1.3. This biological resources assessment represents compliance with ConnectMenlo EIR Mitigation Measure BIO-1 by providing all the information required by that mitigation measure for a biological resources assessment.

6.6 Impact due to Conflicts with an Adopted Habitat Conservation Plan: Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan (No Impact)

The project site is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would not conflict with any such documents.

6.7 Cumulative Impacts

Cumulative impacts arise due to the linking of impacts from past, current, and reasonably foreseeable future projects in the region. Future development activities in the City of Menlo Park will result in impacts on the same habitat types and species that will be affected by the proposed project. The proposed project, in combination with other projects in the area and other activities that impact the species that are affected by this project, could contribute to cumulative effects on special-status species. Other projects in the area include office/retail/commercial development, mixed use, and residential projects that could adversely affect these species, as well as restoration projects (e.g., the South Bay Salt Pond Restoration Project Phase 2, SAFER Bay Project) that will benefit these species.

The cumulative impact on biological resources resulting from the project in combination with other projects in the project area and larger region would be dependent on the relative magnitude of adverse effects of these projects on biological resources compared to the relative benefit of impact avoidance and minimization efforts prescribed by planning documents, CEQA mitigation measures, and permit requirements for each project; compensatory mitigation and proactive conservation measures associated with each project. In the absence of such avoidance, minimization, compensatory mitigation, and conservation measures, cumulatively significant impacts on biological resources would occur.

However, the Menlo Park General Plan contains conservation measures that would benefit biological resources, as well as measures to avoid, minimize, and mitigate impacts on these resources. Further, the project would implement a number of measures to reduce impacts on both common and special-status species, as described above. Thus, the project would not contribute to substantial cumulative effects on biological resources.

Section 7. References

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Appendix A. Special-Status Plants Considered

Common Name	Scientific Name	Suitable Habitat Absent	Edaphic Conditions Absent	Outside Elevation Range	Extirpated from Project Vicinity
alkali milk-vetch	Astragalus tener var. tener	x	x		
Anderson's manzanita	Arctostaphylos andersonii	x		x	
arcuate bush-mallow	Malacothamnus arcuatus	x		x	
bay buckwheat	Eriogonum umbellatum var. bahiiforme	x	x	x	
Ben Lomond buckwheat	Eriogonum nudum var. decurrens	x		x	
bent-flowered fiddleneck	Amsinckia lunaris	x			
Brewer's calandrinia	Calandrinia breweri	x		x	
Brewer's clarkia	Clarkia breweri	x	x	x	
bristly leptosiphon	Leptosiphon acicularis	x		x	
California androsace	Androsace elongata ssp. acuta	x		x	
California seablite	Suaeda californica	x			
caper-fruited tropidocarpum	Tropidocarpum capparideum	x	x		
chaparral ragwort	Senecio aphanactis	x		x	
Choris' popcornflower	Plagiobothrys chorisianus var. chorisianus	x			
clay buckwheat	Eriogonum argillosum	x	x	x	
clustered lady's-slipper	Cypripedium fasciculatum	x	x	x	
coast iris	Iris longipetala	x			
coast lily	Lilium maritimum	x			
coastal marsh milk-vetch	Astragalus pycnostachyus var. pycnostachyus	x			
Congdon's tarplant	Centromadia parryi ssp. congdonii	x	x		
Contra Costa goldfields	Lasthenia conjugens	x	x		
cotula navarretia	Navarretia cotulifolia	x	x		
Crystal Springs fountain thistle	Cirsium fontinale var. fontinale	x	x	x	
Crystal Springs lessingia	Lessingia arachnoidea	x	x	x	
Davidson's bush-mallow	Malacothamnus davidsonii	x		x	
Delta woolly-marbles	Psilocarphus brevissimus var. multiflorus	x		x	
Dudley's lousewort	Pedicularis dudleyi	x		x	
dusky-fruited malacothrix	Malacothrix phaeocarpa	x		x	
elongate copper moss	Mielichhoferia elongata	x	x		
fragrant fritillary	Fritillaria liliacea	x	X		
Franciscan onion	Allium peninsulare var. franciscanum	x		x	
Gairdner's yampah	Perideridia gairdneri ssp. gairdneri	x			
hairless popcornflower	Plagiobothrys glaber			x	x
Hickman's popcornflower	Plagiobothrys chorisianus var. hickmanii	x		x	

Common Name	Scientific Name	Suitable Habitat Absent	Edaphic Conditions Absent	Outside Elevation Range	Extirpated from Project Vicinity
Hillsborough chocolate lily	Fritillaria biflora var. ineziana	x	x	x	
Hoover's button-celery	Eryngium aristulatum var. hooveri	x			
Howell's onion	Allium howellii var. howellii	x		x	
Jepson's coyote-thistle	Eryngium jepsonii	x			
Jepson's woolly sunflower	Eriophyllum jepsonii	x		x	
Kings Mountain manzanita	Arctostaphylos regismontana	x	x	x	
large-flowered leptosiphon	Leptosiphon grandiflorus	x			
legenere	Legenere limosa	x			
Loma Prieta hoita	Hoita strobilina	x	x	x	
long-styled sand-spurrey	Spergularia macrotheca var. longistyla	x			
lost thistle	Cirsium praeteriens				x
maple-leaved checkerbloom	Sidalcea malachroides	x			
Marin western flax	Hesperolinon congestum	x	x		
Methuselah's beard lichen	Usnea longissima	x		x	
Mexican mosquito fern	Azolla microphylla	x		x	
Michael's rein orchid	Piperia michaelii	x			
minute pocket moss	Fissidens pauperculus	x		x	
Montara manzanita	Arctostaphylos montaraensis	x		x	
Mt. Diablo cottonweed	Micropus amphibolus	x		x	
narrow-petaled rein orchid	Piperia leptopetala	x		x	
Oakland star-tulip	Calochortus umbellatus	x	x	x	
Oregon polemonium	Polemonium carneum	x			
Patterson's navarretia	Navarretia paradoxiclara	x	x	x	
phlox-leaf serpentine bedstraw	Galium andrewsii ssp. gatense	x	x	x	
pincushion navarretia	Navarretia myersii ssp. myersii	x		x	
Point Reyes salty bird's-beak	Chloropyron maritimum ssp. palustre	x			
round-headed Chinese-houses	Collinsia corymbosa	x			
round-leaved filaree	California macrophylla	x		x	
saline clover	Trifolium hydrophilum	x			
San Antonio Hills monardella	Monardella antonina ssp. antonina	x		x	
San Francisco Bay spineflower	Chorizanthe cuspidata var. cuspidata	x			
San Francisco campion	Silene verecunda ssp. verecunda	x		x	
San Francisco collinsia	Collinsia multicolor	x		x	
San Francisco owl's-clover	Triphysaria floribunda	x		x	
San Francisco wallflower	Erysimum franciscanum	x			
San Joaquin spearscale	Extriplex joaquinana	x			
San Mateo thorn-mint	Acanthomintha duttonii	x	x	x	
San Mateo woolly sunflower	Eriophyllum latilobum	x		x	

Common Name	Scientific Name	Suitable Habitat Absent	Edaphic Conditions Absent	Outside Elevation Range	Extirpated from Project Vicinity
Santa Clara red ribbons	Clarkia concinna ssp. automixa	x		x	
Santa Clara thorn-mint	Acanthomintha lanceolata	x		x	
Satan's goldenbush	Isocoma menziesii var. diabolica	x		x	
serpentine leptosiphon	Leptosiphon ambiguus	x		x	
short-leaved evax	Hesperevax sparsiflora var. brevifolia	x			
slender-leaved pondweed	Stuckenia filiformis ssp. alpina	x		x	
South Coast Range morning-glory	Calystegia collina ssp. venusta	x	x	x	
spring lessingia	Lessingia tenuis	x		x	
stinkbells	Fritillaria agrestis	x		x	
sylvan microseris	Microseris sylvatica	x	x	x	
Tracy's eriastrum	Eriastrum tracyi	x		x	
two-fork clover	Trifolium amoenum	x			
western leatherwood	Dirca occidentalis	x		x	
white-flowered rein orchid	Piperia candida	x		x	
white-rayed pentachaeta	Pentachaeta bellidiflora	x	x	x	
woodland woollythreads	Monolopia gracilens	x	x		
woolly-headed lessingia	Lessingia hololeuca	x		x	

Appendix B
Department of Parks and Recreation 523A and 523B Forms

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____
Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

 ***Resource Name or #** (Assigned by recorder) 160 Jefferson Drive

aP1. Other Identifier: 160 Jefferson Drive
***P2. Location:** ☐ **Not for Publication** ☑ **Unrestricted** ***a. County** San Mateo County
And (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** Palo Alto **Date** 1997 **T**; **R**; **of Sec** _____; **B.M.**
c. Address: 160 Jefferson Drive City Menlo Park Zip 94025
d. UTM: (give more than one for large and/or linear resources) Zone 10; 573118.5 mE/ 4148652.50 mN
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 055-243-040

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

160 Jefferson Drive is a one-story-with-mezzanine, utilitarian-style light industrial building located within the Bohannon Industrial Office Park adjacent to U.S. Route 101 in Menlo Park. The generally T-shaped building does not entirely fill its square lot as it is set back 20 feet from the public sidewalk along Jefferson Drive. The T plan is formed by a north projection, containing offices, attached to a rear warehouse volume. A landscaped lawn occupies the remainder of the lot. The building is constructed of concrete, features exposed concrete exterior walls, and is capped with a flat roof with a subtle crenellated parapet.

The north (primary) façade (**Figures 1 and 2**) faces Jefferson Drive and is eight bays wide. The central six bays are located at the front administrative projection and are composed of a series of ground-floor aluminum-frame windows. The majority of the bays contain pairings of windows separated by a wood mullion. The primary entrance is located east of center and features a recessed, fully glazed single door and glazed sidelite. Within the recessed primary entrance is an adjacent utility access door. The window and door openings are vertically oriented and terminate below the roofline. However, above the first story the openings are infilled with plywood. The outermost two bays at the primary façade are at the warehouse volume and are set back from the predominant façade plane. These bays contain raised loading bays with overhead rolling doors. Asphalt-paved drives provide vehicular access to the loading bays from Jefferson Drive. (See continuation sheet.)

***P3b. Resource Attributes:** (List attributes and codes) HP8 (Industrial building)
***P4. Resources Present:** ☑ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5a. Photograph or Drawing (Photograph required for buildings, structures and objects)

Figure 1: View of North (primary) façade, facing south. Source: ICF.

P5b. Description of Photo: (View, date, accession #) View looking south, 3/6/2018

***P6. Date Constructed/Age and Sources:**
☑Historic ☐ Prehistoric ☐ Both
c1962-1963

***P7. Owner and Address:**
Exponent Incorporated
160 Jefferson Drive
Menlo Park, CA 94025

***P8. Recorded by:** (Name, affiliation, address)
Jon Rusch and Andrea Dumovich
ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

***P9. Date Recorded:** 3/6/2018
***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:**
***Attachments:** ☐NONE ☐ Location Map ☐ Sketch Map ☑ Continuation Sheet ☑ Building, Structure, and Object Record ☐ Archaeological Record ☐District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record

***NRHP Status Code** 6Z
***Resource Name or #** (Assigned by recorder) 160 Jefferson Drive

B1. Historic Name: Unknown
B2. Common Name: 160 Jefferson Drive
B3. Original Use: Warehouse and Administrative Office Building B4. Present Use: Warehouse and Administrative Office Building
***B5. Architectural Style:** Vernacular Industrial
***B6. Construction History:** (Construction date, alteration, and date of alterations)

A 1962 site plan for 160 Jefferson Drive, submitted to the City of Menlo Park prior to the building's construction and currently held by the City of Menlo Park Building Division, indicates the building was intended for office and warehouse use. Lacar Industries, the building's first tenant, was identified on the 1962 site plan and was listed in the 1963 city directory at this address, the first year during which 160 Jefferson Drive was listed. Therefore, 160 Jefferson Drive appears to have been built between 1962 and 1963. The original building permit has not been located, and the building's architect is unknown. In 1973, tenant Poolmaster obtained a permit, although it is unclear what scope of work occurred at this time. Some plumbing and electrical work occurred in 1977, and the following year an illegal duct was removed from the building's heater. The permit record indicates that a loading dock was added to 160 Jefferson Drive in 1991, designed by Keith L. Dacosta, AIA, but the exact location of the loading dock was not specified by the permit. In 1996 interior changes were made along with seismic retrofitting; and in 1997, the roof was replaced. Visual inspection indicates that window openings at the primary façade were infilled above the first story. However, building permits were not located to date this alteration to the building.

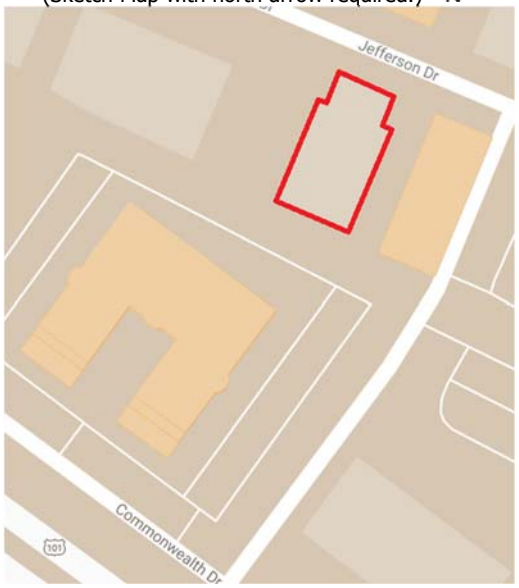
***B7. Moved?** ☑ No ☐ Yes ☐ Unknown **Date:** n/a **Original Location:** n/a
***B8. Related Features:** n/a
B9a. Architect: Unknown b. Builder: Unknown
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

Historic Context: Menlo Park and Bohannon Industrial Office Park
In the 1850s, Irish immigrants Dennis Oliver and Daniel McGlynn bought 1,700 acres bordering County Road (today known as El Camino Real) on the San Francisco Peninsula. Oliver and McGlynn gave Menlo Park its name when they established Menlough, a series of local farms named after their ancestral community. Both Oliver and McGlynn constructed a gate bearing the name "Menlo Park." This gate symbolized the community until 1922, when it was destroyed as the result of a car accident.

A few years following Oliver and McGlynn's settlement, Menlo Park became a desirable vacation destination for San Francisco's upper class. Palatial houses were constructed on large parcels in the burgeoning community. El Camino Real served as a major thoroughfare and historic downtown Menlo Park ultimately developed along this route. Completion of the Southern Pacific Railroad through Menlo Park in 1863, and its connection with San Jose one year later, exponentially increased Menlo Park's accessibility to city-dwellers seeking leisure in a rural environment. By 1874, Menlo Park incorporated in response to its rapid growth and infrastructure challenges. When initially incorporated (the first of its two incorporations), Menlo Park included the land that would later be known as Atherton (Placeworks 2016).

(See continuation sheet.)

(Sketch Map with north arrow required.)



B11. Additional Resource Attributes: (List attributes and codes)

***B12. References:** (See continuation sheet.)
B13. Remarks: n/a
***B14. Evaluator:** Andrea Dumovich, ICF
***Date of Evaluation:** 3/9/2018

(This space reserved for official comments.)

***P3a. Description (continued):**

The east and west façades are generally the same in composition and have limited fenestration. The east façade contains two bays located at the front projection (**Figure 3**). These bays contain two-over-two aluminum-frame windows at the first and second stories that appear to be original and are separated by plywood spandrel panels. Wooden mullions frame the ground-floor windows only. These vertical pairings appear to reflect the original arrangement of windows at the primary façade, which have been partially infilled. The west façade's ground floor contains two bays at the front façade that are identical in arrangement and plywood infilling as those windows at the primary façade (**Figure 4**). A narrow walkway on a raised foundation runs adjacent to the east façade's projection. The south façade is mostly inaccessible to pedestrians (**Figure 5**). The center of the south façade has an overhead roll-up vehicular entry.

***B10. Significance (continued):**

Through the late-19th and early-20th centuries, Menlo Park underwent several transformative events. Stanford University opened in 1891 to the south of Menlo Park, dramatically altering Menlo Park and the San Francisco Peninsula. A new local economy formed as Stanford fostered its research and academic profile. Additionally, Menlo Park was chosen as the location for Camp Fremont, a military training ground for World War I that brought in thousands of temporary inhabitants; Menlo Park's population of fewer than 2,000 people increased to approximately 40,000 during World War I. Camp Fremont closed following the end of World War I and later became the Veterans Medical Center. Numerous new businesses opened, and city improvements were undertaken during the camp's operations. These improvements remained after the camp's closure to serve the growing city (Placeworks 2016).

In 1923, Atherton voted to secede from Menlo Park. When Menlo Park incorporated for the second time in 1927, Atherton was excluded. — During the subsequent decades, Menlo Park developed from a small town to an important part of the increasingly urbanized San Francisco Peninsula region. Menlo Park's population rose from 2,414 residents in 1930 to 26,836 by 1970 (Placeworks 2016).

In the 1920s and 1930s Menlo Park's transportation infrastructure began to expand outward from downtown with the growth of its residential neighborhoods. By the late 1930s, El Camino Real expanded into four lanes, which caused the demolition, relocation, or closure of several Menlo Park businesses and structures. Simultaneously, the Belle Haven neighborhood, approximately four miles north of downtown Menlo Park and adjacent to San Francisco Bay, was developed by David D. Bohannon with two-bedroom homes priced for as little as $2,950. Belle Haven was Menlo Park's only major housing development managed locally during the Great Depression, and was fully developed in the 1950s (Placeworks 2016). Old Bayshore Highway provided a connection between San Jose and San Francisco starting in 1937, partially following the current path of U.S. Route 101 through the Peninsula. Without a center divider, the four-lane highway was the location of a high number of fatal accidents and obtained the nickname "Bloody Bayshore" (Palo Alto History.org 2018). After decades of political pressure to stop future fatalities, construction of the new Bayshore Highway began in 1947 to replace the Old Bayshore Highway. According to a history of the Bayshore Highway's construction, "Freeway development processed in segments as funding to acquire property abutting established highway alignments became available. Early disconnected segments of freeways followed an overall plan that were to be integrated into a regional system. The Bayshore Freeway, originally constructed as a highway along the bay side of the peninsula […] began its transition to a freeway in 1947 with the construction of a short section between Burlingame and San Mateo" (State of California Department of Transportation Environmental Program 2003). The new Bayshore Highway is now part of U.S. Route 101, a 1,540-mile highway first built in 1926 that connects Olympia, Washington and Los Angeles, California.

Development of the entire San Francisco Peninsula continued during the mid-twentieth century, and Menlo Park became a de facto suburb of San Francisco. During this period, Menlo Park became a major technology hub both regionally and globally. The Stanford Research Institute was established in 1946 (known as SRI International by 1970), and remains headquartered in Menlo Park as of the completion of this record. By the late 1950s, a white-collar industrial development market sprouted throughout many of the nation's suburbs, including Menlo Park. Office and industrial parks—originally separate land uses—began to intertwine in the mid-1960s. By 1968, the development of industrial office parks steadily increased throughout the country when the Urban Land Institute (ULI), a real estate industry and development research organization, published the first planned unit development (PUD) ordinance relating to office parks (Mozingo 2011:179). PUDs had originally assisted residential suburban development through subdivision of land. An office park PUD thus enabled developers to subdivide their land for commercial land uses (Mozingo 2011:156). Soon, office parks began to develop in and around suburban developments across the country.

Bohannon Industrial Office Park is an early example of such industrial development in Menlo Park in the 1950s, when many industrial office parks developed across the U.S. Developer David D. Bohannon opened the 200-acre park in 1954, located adjacent to his previous suburban development Belle Haven and immediately south of the recently constructed new Bayshore Highway. Bohannon began his career in Peninsula real estate development much earlier, in 1928. He developed thousands of residential properties throughout San Mateo, Alameda, and Santa Clara Counties prior to developing Bohannon Industrial Office Park. His first commercial development projects include San Mateo's Hillsdale Shopping Center and Bohannon Industrial Office Park in 1954, and San Lorenzo Village Shopping Center (Bohannon 2016).

Bohannon Industrial Office Park's first tenant was Johnson and Johnson, whose plant opened on October 25, 1954 (*The Times* 1957:25). By 1957, the industrial park had six large-scale industrial plants with two additional national drug companies, Parke Davis and Upjohn, scheduled for future development (*The Times* 1957:25). However, a 1960 aerial photograph indicates that little was actually developed in the area surrounding the future site of 160 Jefferson Drive by this time (Nationwide Environmental Title Research). The subject building was constructed c.1962-1963 to provide administrative and warehouse space to Lacar Enterprises, Inc., a household goods company. By 1968, lots surrounding the subject building had been developed with industrial buildings that were mostly larger than 160 Jefferson Drive but maintained similar rectangular building footprints, perhaps indicating an increase in larger scaled industrial-office tenants moving into the park (Nationwide Environmental Title Research). Following ULI's development trend of incorporating office zoning within industrial parks, in 1969 Bohannon Industrial Office Park began offering buildings that were exclusively for office use (Mozingo 2011:179).

Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity and housing costs. Today Menlo Park remains a highly-sought-after residential community. Facebook continues to expand as a principal economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara county and southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.

Ownership and Occupant History

The building's first owner was not identified through deed research at the County of San Mateo Clerk-Recorder office but is assumed to be the Bohannon Organization, the developer of the surrounding industrial office park. Tom Lowenstein obtained ownership of 160 Jefferson beginning in 1977, and members of the Lowenstein family retained the building until selling it to Exponent Incorporated—an engineering and scientific consulting firm—in 2016.

During most of the building's history, it was occupied by a series of corporate retailers. From 1963 to 1967, household goods company Lacar Enterprises Inc. occupied 160 Jefferson Drive. A newspaper article reveals that Lacar began business in 1947 in Belmont, originally as a wheelbarrow manufacturer, and by 1970 the company merged with F.E. Baker & Sons, Inc. to form Bacar Incorporated (*The Times* 1970b:35). From 1976 to 1982, the building housed three tenants: Poolmaster Incorporated, Lee-N-Carol Pool Stores, and Bay Area Firescreen Supply. Poolmaster, founded in 1958, continues its business today and is headquartered in Sacramento (Poolmaster 2018). Lee-N-Carol Pools operated in San Carlos in the early 1970s, before it leased 160 Jefferson Drive (*The Times* 1970a:11). No information was uncovered regarding Bay Area Firescreen Supply or Pacific Mailing Corporation. More recently, from 2000 to 2010, Krawinkler Luth & Associates, a structural engineering firm, has leased the building.

The known occupants of 160 Jefferson Drive, based on available Menlo Park City Directories and Criss Cross Directories, is summarized in the table below:

Year	Details
1963-1967	Lacar Enterprises Inc. (household goods)
1968-1975	Unknown
1976-82	Poolmaster Incorporated Lee-N-Carol Pool Stores Bay Area Firescreen Supply
1983-1989	Unknown
1990	Pacific Mailing Corporation
1991-1996	Unknown
2000-2010	Krawinkler Luth & Associates
2010-2018	Unknown

The known owners of 160 Jefferson Drive, based on available deed records held by the County of San Mateo Clerk-Recorder and building permits held by the City of Menlo Park Building Department, are summarized in the table below:

Year	Details
1962-1976	Unknown
1977-1997	Tom Lowenstein (building permits)
1998	Margit Lowenstein and Tom Lowenstein
1999-2015	Lowenstein
2016	Arm J. Lowenstein
2016	Exponent Incorporated

National Register of Historic Places/California Register of Historical Resources Evaluation of 160 Jefferson Drive

160 Jefferson Drive is not currently listed in nor previously found eligible for listing in the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The following provides an evaluation of 160 Jefferson Drive under NRHP Criteria A-D/CRHR Criteria 1-4:

CRITERIA A/1 (Events):

160 Jefferson Drive is not associated with any event(s) of historical significance. The building is a typical product of mid-twentieth-century suburban industrial office park development in Menlo Park. While the broader Bohannon Industrial Office Park may be an early example of this type of development, the subject building was constructed nearly a decade after the Bohannon Industrial Office Park opened and is a typical example of a suburban industrial office park building. Research conducted on the building's owners and occupants did not reveal that the building fostered early or remarkable business growth for any of its tenants, or for Menlo Park at large. Most of the building's tenants had established their businesses elsewhere before occupying 160 Jefferson Drive, and none appear to have gone on to make substantial contributions to the local or regional economy. The building's tenants were not associated with any broad patterns of local or regional history or with the cultural heritage of California or the United States. Therefore, the building at 160 Jefferson Drive is not significant under NRHP/CRHR Criteria A/1.

CRITERIA B/2 (Person):

160 Jefferson Drive is not associated with any person(s) of historical significance. While David D. Bohannon was a prolific Peninsula developer, the Bohannon Industrial Office Park was not his first development project; he previously developed thousands of residential properties and continued to develop commercial and industrial office parks during much of the twentieth century. The subject building at 160 Jefferson Drive is one of numerous facilities constructed in the Bohannon Industrial Office Park and is not directly associated with Bohannon, but rather is loosely connected to the developer's career. Furthermore, longtime building owner Tom Lowenstein was not found to be important to local, California, or national history. Research on the other known owners and tenants of 160 Jefferson Drive does not indicate that any of these individuals would be considered significant in local, state, or national history for any achievements associated with the building. Therefore, 160 Jefferson Drive is not significant under NRHP/CRHR Criteria B/2.

CRITERIA C/3 (Design/Construction):

160 Jefferson Drive is an unremarkable, utilitarian style industrial and office building. While the architect/builder responsible for the design and construction of the building has not been identified, the relatively basic design and construction methods are expected for a suburban industrial and office development of the 1960s and do not appear to represent the work of a master. The industrial office building is representative of a common building type constructed in various locations in Menlo Park and throughout the South Bay during the 1960s. Considering the office building's relatively simple massing and designs, the property at 160 Jefferson Drive does not embody the distinctive characteristics of a type, period, region, or method of construction and is not significant under NRHP/CRHR Criteria C/3.

CRITERIA D/4 (Information Potential):

The subject property does not appear to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, it is not significant under NRHP/CRHR Criteria D/4.

Conclusion:
Based on an evaluation of the building under NRHP Criteria A-D/CRHR Criteria 1-4, 160 Jefferson Drive is ineligible for individual listing in the NRHP and CRHR. The property is therefore not a historical resource for the purposes of the California Environmental Quality Act (CEQA) in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code.

***B12. References (continued):**

Bohannon. 2016. *Timeline*. Available: http://www.ddbo.com/timeline/. Accessed March 8, 2018.

City of Menlo Park Building Division. 1962–1997. Various building permits issued for the subject parcel.

County of San Mateo Clerk-Recorder. 1962–2016. Various deeds issued for the subject parcel.

Mozingo, Louise A. 2011. *Pastoral Capitalism: A History of Suburban Corporate Landscapes*. Cambridge, MA: MIT Press.

Nationwide Environmental Title Research, LLC. 2018. *Historic Aerials*. Available: www.historicaerials/.com/viewer. Accessed: March 9, 2018.

Palo Alto History.org. 2018. *Bloody Bayshore: A Dangerous Ride*. Available: http://www.paloaltohistory.org/bloody-bayshore.php. Accessed March 9, 2018.

Placeworks. 2016. *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update*. Public Review Draft EIR. Menlo Park, CA. Prepared for the City of Menlo Park, CA. June 1, 2016.

Poolmaster. 2018. *Contact Us.* Available: http://www.poolmaster.com/contact/. Accessed March 9, 2018.

State of California Department of Transportation Environmental Program. 2003. *Historic Context Statement: Roadway Bridges of California: 1936 to 1959*. Sacramento, CA. January. Prepared by JRP Historic Consulting Services. Davis, CA.

The Times San Mateo. 1957. "O'Donnell To Speak in Oakland" *The Times San Mateo.* October 23, 1957.

———. 1970a. "For Family Fun [Advertisement]." *The Times San Mateo.* May 9, 1970.

———. 1970b. "Housewares Firms Merge." *The Times San Mateo.* November 3, 1970.

Additional Photographs:

Figure 2.
View of north (primary) and east facades, facing southwest, 3/6/2018.

Figure 3.
View of east façade, facing southwest, 3/6/2018.

Figure 4.
View of west facade, facing southeast, 3/6/2018.

Figure 5.
View of south (rear) and east façades, facing west, 3/6/2018.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____
Other Listings _____
Review Code _____ **Reviewer** _____ **Date** _____

 ***Resource Name or #** (Assigned by recorder) 165 Jefferson Drive

P1. Other Identifier: 165 Jefferson Drive
***P2. Location:** ☐ **Not for Publication** ☑ **Unrestricted** ***a. County** San Mateo County
And (P2b and P2c or P2d. Attach a Location Map as necessary.)
***b. USGS 7.5' Quad** Palo Alto **Date** 1997 **T**; **R**; **of Sec** ____; **B.M.**
c. Address: 165 Jefferson Drive City Menlo Park Zip 94025
d. UTM: (give more than one for large and/or linear resources) Zone 10; 573211.12 mE/ 4148703.22 mN
e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) APN: 055-242-090

***P3a. Description:** (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

165 Jefferson Drive in a two-story, tilt-up concrete, utilitarian style light-industrial building located within the Bohannon Industrial Office Park, between U.S. Route 101 and the California 84 freeway in Menlo Park. The rectangular-plan building does not entirely fill its lot and is set back approximately 30 feet from the public sidewalk along Jefferson Drive. The building is constructed of concrete and is capped with a flat roof. A section of the roof is raised near the east façade of the building. The south (primary) façade (**Figures 1 and 2**) faces Jefferson Drive and is divided into seven structural bays by concrete columns. Fenestration at this façade is concentrated at the building's primary entrance in the furthest west bay (**Figures 3**). An aluminum frame window assembly and aluminum transoms encase the primary entrance, which has a single fully glazed door. A panel of pebbledash concrete surmounts primary entrance. An arbor in front of the primary entrance supports vegetation. The remaining bays at the south façade feature smooth concrete.

The west (**Figure 4**) and east (**Figure 5**) façades each face adjacent paved parking lots and feature similar designs. Both façades are clad in concrete with limited fenestration, are divided into eight structural bays, and have projecting loading docks near their centers. Excavated ramps lead to both loading docks, which sit on an exposed foundation. The building's concrete foundation is exposed adjacent to each ramp. The west façade's loading dock is an enclosed shed clad in corrugated metal with a flat roof. The east façade's loading dock is composed of a projecting canopy roof supported by metal posts. The north façade is divided into nine structural bays and does not feature any openings.

P5a. Photograph or Drawing (Photograph required for buildings, structures and objects)

Figure 1: View of South (primary) façade, facing north. Source: ICF.

***P3b. Resource Attributes:** (List attributes and codes) HP8 (Industrial building)
***P4. Resources Present:** ☑ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other

P5b. Description of Photo: (View, date, accession #) View looking north, 3/6/2018

***P6. Date Constructed/Age and Sources:**
☑Historic ☐ Prehistoric ☐ Both
c.1963-1965

***P7. Owner and Address:**
Frances B Nelson Trust & Robert L Webster Trust
165 Jefferson Drive
San Mateo, CA 94025

***P8. Recorded by:** (Name, affiliation, address)
Jon Rusch and Andrea Dumovich
ICF
201 Mission Street, Suite 1500
San Francisco, CA 94105

***P9. Date Recorded:** 3/6/2018
***P10. Survey Type:** (Describe) Intensive

***P11. Report Citation:**
***Attachments:** ☐NONE ☐ Location Map ☐ Sketch Map ☑ Continuation Sheet ☑ Building, Structure, and Object Record ☐ Archaeological Record ☐District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record

***NRHP Status Code** 6Z
***Resource Name or #** (Assigned by recorder) 165 Jefferson Drive

B1. Historic Name: The Wells Lamont Building
B2. Common Name: 165 Jefferson Drive
B3. Original Use: Warehouse and Administrative Office Building B4. Present Use: Warehouse and Administrative Office Building
***B5. Architectural Style:** Vernacular Industrial
***B6. Construction History:** (Construction date, alteration, and date of alterations)

The original building permit for 165 Jefferson Street was not located at the Menlo Park Building Division. However, a foundation investigation report and architectural plans dated 1963 indicate that construction of the building began that year and identify the architect as Simpson, Stratta & Associates. Constructed was completed by 1965, the first year that an occupant was listed at 165 Jefferson Drive in available city directories. According to the permit record, exterior parking was added in 1980, and the following year the interior was remodeled, involving the demolition and construction of partition walls. Additional interior remodeling and alterations took place in 1984. Building permits indicate that by 2000 the building underwent seismic upgrades, and a seismic roof diaphragm was installed in 2002. These seismic upgrades do not appear to have resulted in any visible changes to the exterior of the building but did involve seismic upgrades to the roof. Tenant improvements occurred in 2007 along with the addition of a high roof and roll-up doors, as well as the use of Exterior Insulation and Finish Systems (EIFS) for exterior cladding at the walls of the raised roof area.

***B7. Moved?** ☑ No ☐ Yes ☐ Unknown **Date:** n/a **Original Location:** n/a
***B8. Related Features:** n/a
B9a. Architect: Simpson, Stratta & Associates b. Builder: Unknown
***B10. Significance: Theme** N/A **Area** N/A
Period of Significance N/A **Property Type** N/A **Applicable Criteria** N/A
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

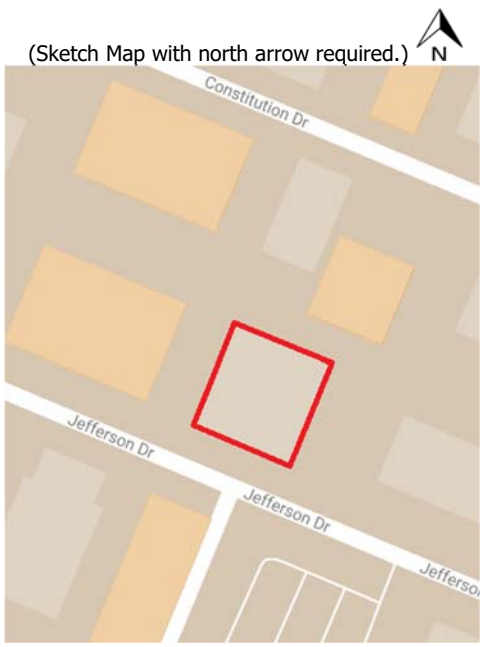
Historic Context: Menlo Park and Bohannon Industrial Office Park

In the 1850s, Irish immigrants Dennis Oliver and Daniel McGlynn bought 1,700 acres bordering County Road (today known as El Camino Real) on the San Francisco Peninsula. Oliver and McGlynn gave Menlo Park its name when they established Menlough, a series of local farms named after their ancestral community. Both Oliver and McGlynn constructed a gate bearing the name "Menlo Park." This gate symbolized the community until 1922, when it was destroyed as the result of a car accident.

A few years following Oliver and McGlynn's settlement, Menlo Park became a desirable vacation destination for San Francisco's upper class. Palatial houses were constructed on large parcels in the burgeoning community. El Camino Real served as a major thoroughfare, and historic downtown Menlo Park ultimately developed along this route. Completion of the Southern Pacific Railroad through Menlo Park in 1863, and its connection with San Jose one year later, exponentially increased Menlo Park's accessibility to city-dwellers seeking leisure in a rural environment. By 1874, Menlo Park incorporated in response to its rapid growth and infrastructure challenges. When initially incorporated (the first of its two incorporations), Menlo Park included the land that would later be known as Atherton (Placeworks 2016).

(See continuation sheet.)

(Sketch Map with north arrow required.)



B11. Additional Resource Attributes: (List attributes and codes)

***B12. References:** (See continuation sheet.)
B13. Remarks: n/a
***B14. Evaluator:** Andrea Dumovich, ICF
***Date of Evaluation:** 3/9/2018

(This space reserved for official comments.)

***B10. Significance (continued):**

Through the late 19th and early 20th centuries, Menlo Park underwent several transformative events. Stanford University opened in 1891 to the south of Menlo Park, dramatically altering Menlo Park and the San Francisco Peninsula. A new local economy formed as Stanford fostered its research and academic profile. Additionally, Menlo Park was chosen as the location for Camp Fremont, a military training ground for World War I that brought in thousands of temporary inhabitants; Menlo Park's population of fewer than 2,000 people increased to approximately 40,000 during World War I. Camp Fremont closed following the end of World War I and later became the Veterans Medical Center. Numerous new businesses opened, and city improvements were undertaken during the camp's operations. These improvements remained after the camp's closure to serve the growing city (Placeworks 2016).

In 1923, Atherton voted to secede from Menlo Park. When Menlo Park incorporated for the second time in 1927, Atherton was excluded. During the subsequent decades, Menlo Park developed from a small town to an important part of the increasingly urbanized San Francisco Peninsula region. Menlo Park's population rose from 2,414 residents in 1930 to 26,836 by 1970 (Placeworks 2016).

In the 1920s and 1930s Menlo Park's transportation infrastructure began to expand outward from downtown with the growth of its residential neighborhoods. By the late 1930s, El Camino Real expanded into four lanes, which caused the demolition, relocation, or closure of several Menlo Park businesses and structures. Simultaneously, the Belle Haven neighborhood, approximately four miles north of downtown Menlo Park and adjacent to San Francisco Bay, was developed by David D. Bohannon with two-bedroom homes priced for as little as $2,950. Belle Haven was Menlo Park's only major housing development managed locally during the Great Depression, and was fully developed in the 1950s (Placeworks 2016). Old Bayshore Highway provided a connection between San Jose and San Francisco starting in 1937, partially following the current path of U.S. Route 101 through the Peninsula. Without a center divider, the four-lane highway was the location of a high number of fatal accidents and obtained the nickname "Bloody Bayshore" (Palo Alto History.org 2018). After decades of political pressure to stop future fatalities, construction of the new Bayshore Highway began in 1947 to replace the Old Bayshore Highway. According to a history of the Bayshore Highway's construction, "Freeway development processed in segments as funding to acquire property abutting established highway alignments became available. Early disconnected segments of freeways followed an overall plan that were to be integrated into a regional system. The Bayshore Freeway, originally constructed as a highway along the bay side of the peninsula […] began its transition to a freeway in 1947 with the construction of a short section between Burlingame and San Mateo" (State of California Department of Transportation Environmental Program 2003). The new Bayshore Highway is now part of U.S. Route 101, a 1,540-mile highway first built in 1926 that connects Olympia, Washington and Los Angeles, California.

Development of the entire San Francisco Peninsula continued during the mid-twentieth century, and Menlo Park became a de facto suburb of San Francisco. During this period, Menlo Park became a major technology hub, both regionally and globally. The Stanford Research Institute was established in 1946 (known as SRI International by 1970), and remains headquartered in Menlo Park as of the completion of this record. By the late 1950s, a white-collar industrial development market sprouted throughout many of the nation's suburbs, including Menlo Park. Office and industrial parks—originally separate land uses—began to intertwine in the mid-1960s. By 1968, the development of industrial office parks steadily increased throughout the country when the Urban Land Institute (ULI), a real estate industry and development research organization, published the first planned unit development (PUD) ordinance relating to office parks (Mozingo 2011:179). PUDs had originally assisted residential suburban development through subdivision of land. An office park PUD thus enabled developers to subdivide their land for commercial land uses (Mozingo 2011:156). Soon, office parks began to develop in and around suburban developments across the country.

Bohannon Industrial Office Park is an early example of such industrial development in Menlo Park in the 1950s, when many industrial office parks developed across the U.S. Developer David D. Bohannon opened the 200-acre park in 1954, located adjacent to his previous suburban development Belle Haven and immediately south of the recently constructed new Bayshore Highway. Bohannon began his career in Peninsula real estate development much earlier, in 1928. He developed thousands of residential properties throughout San Mateo, Alameda, and Santa Clara Counties prior to developing Bohannon Industrial Office Park. His first commercial development projects include San Mateo's Hillsdale Shopping Center and Bohannon Industrial Office Park in 1954, and San Lorenzo Village Shopping Center (Bohannon 2016).

Bohannon Industrial Office Park's first tenant was Johnson and Johnson, whose plant opened on October 25, 1954 (*The Times* 1957:25). By 1957, the industrial park had six large-scale industrial plants with two additional national drug companies, Parke Davis and Upjohn, scheduled for future development (*The Times* 1957:25). However, a 1960 aerial photograph indicates that little was actually developed in the area surrounding the future site of 165 Jefferson Drive by this time (Nationwide Environmental Title Research 2018). The subject building was constructed c.1963-1965 to provide administrative and warehouse space to Wells Lamont Corporation, a glove manufacturer based in Minneapolis. By 1968, lots surrounding the subject building had been developed with industrial buildings that were mostly larger than 165 Jefferson Drive but maintained similar rectangular building footprints, perhaps indicating an increase in larger scaled industrial-office tenants moving into the park (Nationwide Environmental Title Research 2018). Following ULI's development trend of incorporating office zoning within industrial parks, in 1969 Bohannon Industrial Office Park began offering buildings that were exclusively for office use (Mozingo 2011:179).

Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity and housing costs. Today Menlo Park remains a highly sought after residential community. Facebook continues to expand as a major economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara county and southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.

Ownership and Occupant History

The building at 165 Jefferson Drive was constructed for David D. Bohannon, who has maintained ownership since. In 2011, the property was sold to the Frances B. Nelson, Robert L. Webster, and David E. Bohannon Trusts.

From 1965 to 1967, Wells Lamont Corporation operated out of 165 Jefferson Drive. Wells Lamont was and continues to be a high-quality glove manufacture company, which began in 1907 as the Wells Glove Company in South Dakota and later moved headquarters to Minneapolis (Wells Lamont 2015). The building's tenants are not listed in Criss-Cross Directories for most of the building's history. These directories indicate that Raychem wholesale company occupied 165 Jefferson Drive in 1977. Today, Raychem Corporation is a global producer of industrial electronic parts and components, which aids aerospace, construction, medical, automotive, telecommunications, and consumer electronic industries (Funding Universe 2018). From 1978 to 2009, the building's tenants are unknown as Criss-Cross directories did not list the building's address. Theme Part Productions, an event and props company, moved into 165 Jefferson Drive in 2010 and continues its operations there today.

The known occupants of 165 Jefferson Drive, based on available Menlo Park City Directories and Criss Cross Directories, are summarized in the table below:

Year	Details
1965-1967	Wells Lamont Corp (gloves)
1977	Raychem (wholesale)
2010-Present	Theme Party Productions

The known owners of 165 Jefferson Drive, based on available deed records held by the County of San Mateo Clerk-Recorder and building permits held by the City of Menlo Park Building Department, are summarized in the table below:

Year	Details
1963-2011	David D. Bohannon/Bohannon Development Organization
2000	Ophelia Bohannon (criss-cross directory 2000)
2011-present	Frances B. Nelson (trust), Robert L. Webster (trust), and David E. Bohannon (trust)

Architect: Simpson, Stratta & Associates

Based in San Francisco, Simpson, Stratta & Associates designed and engineered numerous buildings for corporate office parks in the Bay Area in the mid-to-late 1960s. Research did not uncover extensive information on the personnel involved in the firm or its body of work, and the firm is not mentioned in the *San Francisco Modern Architecture and Landscape Design 1935-1970 Historic Context Statement* (San Francisco Planning Department 2010). Available newspaper articles indicate that Simpson, Stratta & Associates was regionally active, and that its projects included the Fairchild Semiconductor Division Planting Facility in Mountain View, the Memorex Corporation Research Facility Building IV in Santa Clara County, and a building with office-warehouse units in the South San Francisco Industrial Park. The Memorex complex, consisting of corporate offices and warehouses, is considered to be Silicon Valley's first corporate campus and one of the first in the nation (Cruz 2013). The building designed by Simpson, Stratta & Associates in the South San Francisco Industrial Park was constructed as a condominium-style industrial building in which some of the building's units could be purchased by industrial companies. The condominium concept for industrial buildings was considered innovative for its time; however, this concept was credited to Utah Construction & Mining Company, who led development efforts in the park (*The Times San Mateo* 1965: 31). In 1975, Simpson, Stratta & Associates also designed a manufacturing plant for Digital Telephone Systems in Ignacio, Novato, in Marin County (*Daily Independent Journal* 1974: 35).Generally, Simpson, Stratta & Associates designed utilitarian style light industrial buildings with little to no ornament.

National Register of Historic Places/California Register of Historical Resources Evaluation of 165 Jefferson Drive

165 Jefferson Drive is not currently listed in, and has not been found eligible for listing in, the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). The following provides an evaluation of 165 Jefferson Drive under NRHP Criteria A-D/CRHR Criteria 1-4:

CRITERIA A/1 (Events):

165 Jefferson Drive is not associated with any event(s) of historical significance. The building is a typical product of mid-twentieth-century suburban industrial office park development in Menlo Park. While the broader Bohannon Industrial Office Park may be an early and somewhat notable example of this type of development, the subject building was constructed nearly a decade after the Bohannon Industrial Office Park opened and is a typical example of a suburban industrial office park building. While Bohannon Development Organization was the first and only long-term owner of 165 Jefferson Drive, the building is not directly associated with any potential significance of the Bohannon Industrial Office Park. Research conducted on the building's owners and occupants did not reveal that the building fostered early or remarkable business growth for any of its tenants, or for Menlo Park at large. The building's original tenant, the Wells Lamont Corporation, had established its business elsewhere and does not appear to have located its headquarters at 165 Jefferson Drive; none of the known tenants appears to have gone on to make substantial contributions to the local or regional economy. The building's tenants are not associated with any broad patterns of local or regional history or with the cultural heritage of California or the United States. Therefore, the building at 165 Jefferson Drive is not significant under NRHP/CRHR Criteria A/1.

CRITERIA B/2 (Person):

165 Jefferson Drive is not associated with any person(s) of historical significance. While David D. Bohannon was a prolific Peninsula developer, the Bohannon Industrial Office Park was not his first development project; he previously developed thousands of residential properties and continued to develop commercial and industrial office parks during much of the twentieth century. Additionally, the building at 165 Jefferson Drive was only loosely connected to the developer's career. Although Bohannon owned the building at 165 Jefferson Drive, his ownership and any associations with the building at 165 Jefferson Drive are not important to local, California or national history. A review of the other known owners and tenants of 165 Jefferson Drive does not indicate that any of these individuals would be considered significant in local, state, or national history for work associated with the building. Additional building tenants from the late 1960s to 2009 have not been identified. However, as a modest industrial office building located within an industrial office park in Menlo Park, the building at 165 Jefferson Drive is not the type of resource apt to represent the work or other activities for which a historically significant individual is primarily known. Therefore, 165 Jefferson Drive is not significant under NRHP/CRHR Criteria B/2.

CRITERIA C/3 (Design/Construction):

165 Jefferson Drive is an unremarkable utilitarian style industrial and office building designed by the San Francisco architecture and engineering firm of Simpson, Stratta & Associates. Simpson, Stratta & Associates designed numerous Bay Area industrial offices in the mid-to-late 1960s that articulate a generally Modernist style: 165 Jefferson Drive's exposed structural elements on the primary façade reference the basic tenets of Midcentury Modern architectural design, and the building also rejects any form of ornament or classical historicism and instead emphasizes its materials, utilitarian aesthetic, and box-like massing. However, the use of the basic characteristics of the Midcentury Modern architectural style for the design of a relatively modest industrial building was not innovative at the time of 165 Jefferson Drive's construction, and the building is an unremarkable example of a type of building that appears to have been commonplace in the South Bay in the mid-1960s. Research did not conclude that Simpson, Stratta & Associates appears to be a master architectural designer, as much of their work reflected the popular Modernist-indebted styles of the era without appearing to have made groundbreaking contributions to the field of architectural design. Furthermore, 165 Jefferson Drive appears to have been a minor and unexceptional project within the firm's body of work. Considering the building's undistinguished Modernist design, 165 Jefferson Drive does not embody the distinctive characteristics of a type, period, region, or method of construction to the extent necessary to be considered significant under NRHP/CRHR Criteria C/3.

CRITERIA D/4 (Information Potential):

The subject property does not appear to be a source, or likely source, of important historical information not already captured in the historic record. Therefore, it is not significant under NRHP/CRHR Criteria D/4.

Conclusion

Based on an evaluation of the building under NRHP Criteria A-D and CRHR Criteria 1-4, 165 Jefferson Drive is ineligible for individual listing in the NRHP and CRHR. The property is therefore not a historical resource for the purposes of the California Environmental Quality Act (CEQA) in accordance with Section 15064.5(a)(2)-(3) of the CEQA Guidelines, using the criteria outlined in Section 5024.1 of the California Public Resources Code.

***B12. References (continued):**

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Additional Photographs:

Figure 2.
View of south (primary) façade, facing north, 3/6/2018.

Figure 3.
Detail view of south façade facing north, 3/6/2018.

Figure 4.
View of west façade, facing northeast, 3/6/2018.

Figure 5.
Detail view of east façade facing northwest, 3/6/2018.