

## MEMORANDUM

DATE October 24, 2016  
TO Deanna Chow, Principal Planner  
FROM Terri McCracken, Senior Associate  
SUBJECT ConnectMenlo EIR Errata #2

This errata provides edits that further clarify the requirements of the site-specific Baseline Biological Resources Assessment (BRA) required under Mitigation Measure BIO-1 as shown in Chapter 2, Executive Summary, and Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document. The primary confusion over revisions to Mitigation Measure BIO-1 stem from the specified distance (10 feet) applied from a site proposed for development when it is “adjacent” to undeveloped natural habitat, which would trigger the required preparation of a BRA. The intent of the recommendation was to ensure that a detailed specific baseline assessment would be required whenever sensitive biological resources could be directly or indirectly affected by proposed development. The distance for when a sensitive biological resource could be substantially affected varies based on a number of factors, including the nature of the proposed development and particular biological resource. These would be considered by the qualified biologist during preparation of the BRA, and appropriate recommendations made based on their professional judgment. As called for in Mitigation Measure BIO-1, an independent peer review of the BRA could be required to confirm its adequacy. Removing the specified distance for triggering a BRA and utilizing the term “adjacent” as is current practice in the City’s Municipal Code would better implement the recommended mitigation and ensure that assessments would be prepared any time sensitive biological resources could be affected.

To indicate when revisions have been made to Mitigation Measure BIO-1, underline text represents language that was added to the Response to Comments Chapter; text with ~~striketrough~~ has been deleted from the Response to Comments Chapter. As shown below **bold** text represents text that has been added to the EIR; and text with ~~striketrough~~ has been deleted from the EIR. None of the revisions constitutes significant new information as defined in CEQA Guidelines Section 15088.5; therefore, the Draft EIR does not need to be recirculated.

The following text on pages 2-12 through 2-14 of Chapter 2, Executive Summary, and pages 3-8 and 3-9 of Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document is hereby amended as follows:

The following text starting on page 3-36 and ending on page 3-37 of Chapter 3, Revisions to the Draft EIR, of the Response to Comments Document is hereby amended as follows:

Mitigation Measure BIO-1: ~~Prior to individual project approval, the City shall require project applicants to prepare and submit project-specific baseline biological resources assessments on sites containing natural habitat with features such as mature and native trees or unused structures that could support special status species and other sensitive biological resources, and common birds protected under Migratory Bird Treaty Act (MBTA). The baseline biological resources assessment shall be prepared by a qualified biologist. The biological resource assessment shall provide a determination on whether any sensitive biological resources are present on the property, including jurisdictional wetlands and waters, essential habitat for special status species, and sensitive natural communities. If sensitive biological resources are determined to be present, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, and applying bird safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. Where jurisdictional waters or federally and/or State listed special status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. An independent peer review of the adequacy of the biological resource assessment may be required as part of the CEQA review of the project, if necessary, to confirm its adequacy. As part of the discretionary review process for development projects on sites in the M-2 Area, the City shall require all project applicants to prepare and submit project-specific baseline biological resources assessments (BRA) if the project would occur on or within 10 feet of a site(s) or adjacent to a parcel containing natural habitat with features such as mature and native trees, or unused structures that could support special status bat species, and other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). Sensitive biological resources triggering the need for the baseline BRA may include: wetlands, occurrences or suitable habitat for special status species, sensitive natural communities, and important movement corridors for wildlife such as creek corridors and shorelines. The baseline BRA shall be prepared by a qualified biologist. The baseline BRA shall provide a determination on whether any sensitive biological resources are present on the site or within 10 feet of the property, including jurisdictional wetlands and waters, essential habitat for special status species, and sensitive natural communities. The baseline BRA shall include consideration of possible sensitive biological resources on any adjacent undeveloped lands that could be affected by the project within 10 feet of the property as well, particularly lands of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge). The baseline BRA shall incorporate guidance from relevant regional conservation plans, including, but not limited to, the then current *Don Edwards San Francisco Bay Northwest Regional Comprehensive Plan, South Bay Salt Pond Restoration Project, Tidal Marsh Recovery Plan*, for determining the potential presence or~~

absence of sensitive biological resources. If sensitive biological resources are determined to be present on the site or may be present on any adjacent parcel containing natural habitat, appropriate measures, such as preconstruction surveys, establishing no-disturbance zones during construction, **development setbacks and restrictions**, and applying bird-safe building design practices and materials, shall be developed by the qualified biologist to provide adequate avoidance or compensatory mitigation if avoidance is infeasible. **The qualified biologist shall make reasonable efforts to consult with the Refuge management for determining the potential presence or absence of sensitive biological resources and appropriate avoidance or compensatory mitigation measures, if required.** Where jurisdictional waters or federally and/or State-listed special-status species would be affected, appropriate authorizations shall be obtained by the project applicant, and evidence of such authorization provided to the City prior to issuance of grading or other construction permits. For ~~sites properties~~ that are **adjacent to** ~~within 10 feet of undeveloped lands, particularly permanent open space lands~~ of the Refuge, this shall include consideration of the potential effects of additional light, glare, and noise generated by the project, as well as the possibility for increased activity from humans and/or domesticated pets and their effects on the nearby natural habitats. The City of Menlo Park Planning Division may require an independent peer review of the adequacy of the baseline BRA as part of the review of the project to confirm its adequacy. Mitigation measures identified in the project-specific BRA shall be incorporated as a component of a proposed project and subsequent building permit, subject to the review and approval of the Community Development Department.