

3705 Haven Avenue
EIR Scoping Comments

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From: Olson, Brian@DOC <Brian.Olson@conservation.ca.gov>
Sent: Thursday, December 28, 2023 1:56 PM
To: Khan, Fahteen N
Cc: OLRA@DOC; OPR State Clearinghouse; Gomez, DarylAnne@DOC
Subject: 3705 Haven Avenue Project - City of Menlo Park NOP Comments

Categories: 3705 Haven

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Lead Agency

City of Menlo Park

Document Title

3705 Haven Avenue Project

Document Type

NOP - Notice of Preparation of a Draft EIR

Received

12/1/2023

Hello Fahteen,

Thank you for providing the City's Notice of Preparation (NOP) of an EIR for our review. This email conveys the following recommendations from CGS concerning geologic and seismic hazard issues within the planned project:

1. Liquefaction Hazards

- The EIR should discuss liquefaction as a potential seismic hazard for the proposed project. The City should include a discussion of Earthquake Zones of Required Investigation (EZRI) for liquefaction and consider providing a map of these zones.
- CGS Seismic Hazard Zone maps and data are available here:
<https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-liquefaction-zones-1/about>
<https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-landslide-zones-doc-hosted/about>
<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>
<https://maps.conservation.ca.gov/cgs/EQZApp/app/>
- Cities and counties affected by EZRIs must regulate certain development projects within them. The Seismic Hazards Mapping Act (1990) also requires sellers of real property (and their agents) within a mapped hazard zone to disclose at the time of sale that the property lies within such a zone.

2. Earthquake Ground Motion Hazards

- The EIR should provide a discussion of the probability of large earthquakes in the region. This discussion may include earthquake probabilities from the third Uniform California Earthquake Rupture Forecast (UCERF3). A non-technical discussion of this model is available here: <https://pubs.usgs.gov/fs/2015/3009/pdf/fs2015-3009.pdf>

3. Fault Hazards

- The EIR should consider providing maps depicting the locations of Alquist-Priolo Earthquake Fault Zones in the region. The City might also consider referring readers to the CGS website for a map that is continually updated: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>
- CGS maps of Alquist-Priolo Earthquake Fault Zones and data are available here: <https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-fault-traces/about>
<https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-alquist-priolo-fault-hazard-zones-1/about>
<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>

4. Tsunami Hazards

- The EIR should also consider and discuss potential tsunami hazards. The CGS has mapped a Tsunami Hazard Area (THA) near the proposed project. The purpose of a THA is to assist public agencies in identifying their exposure to tsunami hazards. It is intended for local jurisdictional, coastal evacuation planning uses only. Additional information can be found at the links below: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>
<https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami Hazard Area Map Napa County a11y.pdf>
<https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami Hazard Area Map Solano County a11y.pdf>
<https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami Hazard Area Map Sonoma County a11y.pdf>
- The City should also check to see if the proposed project includes a Tsunami Design Zone within the California Building Code (CBC). The CBC requires certain design standards for essential/critical or larger structures. The following website provides additional information regarding Tsunami Design Zones: <https://asce7tsunami.online/>.

Please let me know if you have any questions.



@CAgeosurvey

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14 Years of Public Service

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A team is a group of people who trust each other.” – Simon Sinek*

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January 9, 2024

Fahteen Khan
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Community Development, City of Menlo Park Mail:
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By email to: fnkhan@menlopark.gov

Subject: Comments on Notice of Preparation for 3705 Haven EIR

Dear Ms. Khan:

The Sequoia Audubon Society (SAS) respectfully submits the following scoping comments regarding the Notice of Preparation (NOP) for the 3705 Haven EIR. SAS, the San Mateo County chapter of the National Audubon Society, has a strong interest in protecting the birds and their habitats in the nearby shoreline, Baylands, Bedwell Bayfront Park and in Don Edwards National Wildlife Refuge. It is also important to minimize bird collision hazards for resident and migrating birds and minimize night lighting and noise projecting towards the Bay habitats spanning the NE, N to SE directions from the Project site and light projecting up into the night sky. The EIR should address these concerns which are not adequately considered in the current project plans.

The ConnectMenlo EIR requires a Biological Assessment and appropriate mitigations for the 3705 Haven Project EIR. The Project area is within 1000 feet of sensitive tidal marsh habitat and salt ponds providing suitable habitat for a diverse group of birds and endangered species. The Federally Endangered Species, Ridgway's Rail has been observed, and there is likely habitat for Salt Marsh Harvest Mouse. In the eBird database, Steven Rottenborn reported two Ridgway's Rails on 29 Jan 2020: "one foraging at the edge of marsh and swimming in the tidal channel to circumvent some ducks along the shoreline; another called while this bird was visible. These birds were just north of the "bulb" formed where Flood Slough is enlarged at its southern/upper end."¹

¹ <https://ebird.org/checklist/S65620888>

Sequoia Audubon is asking that the scope of the EIR include the following:

1. **Evaluate Measures to Minimize Bird Collisions with Building Surfaces:** Require the EIR to specify alternatives and design requirements to minimize bird collisions. As stated in bird-safe planning guidelines²:

“Birds strike transparent windows as they attempt to access potential perches, plants, food or water sources and other lures seen through the glass or reflected in glass. Design traps such as glass balcony walls, glass walls around planted atria and windows installed at building corners are dangerous because birds perceive an unobstructed route to the other side.” “Night-time lighting also interferes with avian migrations by attracting birds to the buildings.” “Night-migrating songbirds—already imperiled by habitat loss and other environmental stressors—are at double the risk, threatened both by illuminated buildings when they fly at night and by daytime glass collisions as they seek food and shelter.”

A recent news article highlights how communities are preventing bird deaths by minimizing impacts of night lighting and making sure that glass is marked with opaque patterns to prevent collisions.³

Mitigation Measure BIO-1 of the ConnectMenlo EIR requires measures to ensure that the project reduces bird collisions with new buildings. These requirements are as follows:

- A. No more than 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 fenestrations, frit or etching patterns, and external screens over non-reflective glass. Highly reflective glass is not permitted.
- C. Occupancy sensors or other switch control devices with an astronomic time clock shall be installed on nonemergency lights and shall be programmed to shut off during non-work hours and between 10:00 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, free-standing (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 roof decks, patios and roofs with landscape vegetation.
- G. Use of rodenticides shall not be allowed.

² Adapted from guidelines at sfplanning.org

³ “Cities jump into action to mitigate bird deaths”, Joseph Howlett, The Mercury News, https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=1a75c1d2-63f3-4e12-8345-4826695770c1&appcode=SAN252&eguid=927031d1-d597-4c89-ab04-f3a43df8cce7&pnum=26

Item E prohibits clear panels on the roof deck, such as those shown in the photos in the current Project plan.⁴ Require that the plan use opaque, non-reflective panels on decks

2. **Minimize artificial lighting:** Require that the EIR consider the Project's artificial lighting threat to birds.

SAS recommends that the Biological Assessment and EIR consider measures to reduce lighting impacts. Interior lights should be blocked by shades after dark in residences and opaque glass or motion sensors in common areas. Perhaps built in automatic shades and timers would make it easy for residents to reduce night light emissions. This will help prevent birds from being attracted to the lights. Plans for exterior lights on buildings, and lights for parking lots and walkways should follow these principles: Lights on buildings, and lights for parking lots and walkways, should be down - lighted with fully shielded fixtures.

- Only be on when needed
- Only light the area that needs it
- Be no brighter than necessary
- Minimize blue light emissions, by using fixtures with a color temperature of 3,000 Kelvin or less.
- Eliminate upward or outward directed light
- Prohibit outdoor blinking, flashing, or rotating lights, flood lights, and spotlights.

Revise the project plans to eliminate high-intensity lighting and avoid light pollution of the Baylands to the extent possible. For example, the plan proposes 4,000 K LED street lights without full shielding. Lights this bright are bad both for the environment and for human health.

Since the project proposes roof decks, including a lighted social activity facility in a residential building, it may be impossible to eliminate light transmission skyward or bayward, nor will it be likely that noise can be controlled. Given these uncontrollable risks, eliminate the 8th floor roof deck with social facilities. Housing is given special privilege in CEQA analysis, but the roof decks are optional and not required to provide residential units.

Limit night lighting on the exposed terraces by requiring low intensity lights, directed downward, off when not in use, and with low reflectance to the sky. Provide illustrations of the expected nighttime glow from the project overhead and from various viewing angles and explain how that glow is minimized.

The installation of lighting in new development, streets and parking lots may result in potential impacts on animal species. Many animals, both special-status and common species, are sensitive to light cues, which influence their physiology and shape their behaviors, particularly during the breeding season.

⁴ See picture on Page 69 of the September 2023 Project Plans (3705 Haven plng_5_dwgs-rev3-project-plans-sb330-3705-haven)

“Artificial light has been used as a means of manipulating breeding behavior and productivity in captive birds for decades and has been shown to influence the territorial singing behavior of wild birds. While it is difficult to extrapolate results of experiments on captive birds to wild populations, it is known that photoperiod (the relative amount of light and dark in a 24-hour period) is an essential cue triggering physiological processes as diverse as growth, metabolism, development, breeding behavior, and molting. This holds true for mammals and other taxa as well, suggesting that increases in ambient light may interfere with these processes across a wide range of species, resulting in impacts on wildlife populations. Artificial lighting may also indirectly affect animals by increasing the nocturnal activity of predators such as owls, hawks, and mammalian predators.”⁵

3. Other Comments on the Scope of the EIR:

- Require the developer to use replacement trees that are California native species rather than those suggested in the plan, which are all exotic species. Native trees provide better habitat for birds and use less water. Preservation of the native heritage oak trees would be a public benefit and amenity.
- Require that qualified biologists are used to accomplish the Biological Assessment, Mitigation Plans, Adaptation plans. Indicate what inspection of materials, monitoring and adaptation will occur.
- Aesthetics is another important issue. Consider the blockage of view of the natural Baylands and skies, and the effect of night glow back onto inland neighborhoods.
- The cumulative impacts of this project should be considered in the EIR. Has ConnectMenlo already over-committed, resulting in long term significant environmental impacts from glass hazards, lighting impacts, noise, excessive places for predator perches, and spoiling views and night skies?

SAS is concerned with the health of the ecosystems and wildlife, and access for appreciation of these natural resources. Addressing these concerns will benefit both 3705 Haven residents and wildlife. We appreciate your including these comments in the scope of the EIR.

Thank you.
Sincerely,

Chris MacIntosh
conservation@sequoia-audubon.org
Sequoia Audubon Society Conservation Committee

⁵ Page. 4896-7 of the Willow Village FEIR <https://menlopark.gov/files/sharedassets/public/v/1/community-development/documents/projects/under-review/willow-village/final-eir/willow-village-master-plan-final-eir-appendices.pdf>



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January 10, 2024

By Email and U.S. Mail: fnkhan@menlopark.org

Fahteen Khan
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Re: Response of Sequoia Union High School District to Notice of Preparation of the Environmental Impact Report for the 3705 Haven Avenue Housing Project

Dear Ms. Khan:

This office represents Sequoia Union High School District (“District”). The District appreciates the opportunity to provide comments and input regarding the Notice of Preparation of the Environmental Impact Report (“EIR”) for the 3705 Haven Avenue Housing Project (“Project”).

As the District has expressed in scoping and comment letters recently submitted to the City regarding other projects, the District is very concerned about the numerous large residential and commercial development projects proposed in the City. The District’s TIDE Academy is approximately 0.8 miles from the Project. The District’s Menlo-Atherton High School and Sequoia High School are each located approximately four miles from the Project. The Project is anticipated to result in extensive impacts on student safety, among other impacts. **As in the District’s prior letters, the District requests that all direct and indirect impacts related to the Project’s proximity to District schools, especially TIDE Academy, be thoroughly reviewed, analyzed, and mitigated.**

The Project sponsor, 3705 Haven LLC, proposes to demolish the existing 10,361-square foot commercial building and redevelop the project site with an eight-story (approximately 93 feet tall), 99-unit residential apartment building with approximately 1,550 square feet of ground floor commercial space and structured parking. The ground floor commercial space would be located at the southeast corner of the building where Haven Avenue curves. The Project includes a total of approximately 11,730 square feet of common open space, including approximately 4,670 square feet of publicly accessible outdoor space. Within the proposed building, the Project includes three common outdoor spaces for residents, located on the third floor (podium level), fifth floor, and rooftop. In addition, the Project would include standard mechanical equipment (such as heating, ventilation, and air conditioning equipment) and would potentially include a battery-powered electric emergency generator. The Project also includes utility and other public

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right-of-way improvements including undergrounding of overhead electrical lines and new utility lateral connections, driveways, sidewalks, curbs, and gutters. As explained further below, the Project has the potential to cause severe detriment to the District and its students.

The Notice of Preparation (“NOP”) prepared for the Project concludes that the Project may have numerous impacts on the environment, including potential impacts on Public Services, Population and Housing, Transportation, Noise and Vibration, Air Quality and Utilities. The NOP thus correctly concludes that a subsequent full-scope EIR is required.

Preliminarily, the District notes that it is willing to participate in meetings or study sessions with City Staff and the applicant to discuss the proposed Project. The District is hopeful that opening the door to these discussions will yield solutions that benefit the District, the City, and the community as a whole. The District therefore requests that the following topics be analyzed and considered in the Draft EIR for the Project.

A. Transportation/Circulation/Traffic Analysis

- 1. Describe the existing and the anticipated vehicular traffic and student pedestrian movement patterns to and from school sites, including movement patterns to and from Menlo-Atherton High School, TIDE Academy, and Sequoia High School, and including consideration of bus routes.**
- 2. Assess the impact(s) of increased vehicular movement and volumes caused by the Project, including but not limited to potential conflicts with school pedestrian movement, school transportation, and bussing activities to and from Menlo-Atherton High School, TIDE Academy, and Sequoia High School.**
- 3. Estimate travel demand and trip generation, trip distribution, and trip assignment by including consideration of school sites and home-to-school travel.**
- 4. Assess cumulative impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the City.**
- 5. Discuss the direct, indirect, and cumulative impacts on the circulation and traffic patterns in the community as a result of traffic generated by the transportation needs of students to and from the Project and schools throughout the District during and after the Project build-out.**
- 6. Assess the impacts on the routes and safety of students traveling to school by vehicle, bus, walking, and bicycles.**

The District has significant concerns about the traffic, transportation, and circulation impacts that the Project may have on the District, including the District’s staff, parents, and students that

attend TIDE Academy. The foregoing categories of information are critical for determining the extent of those impacts.

(a) The City Must Consider All Traffic and Related Impacts, Including Impacts of Traffic on Student Safety, Caused by the implementation of the Project.

Any environmental analysis related to the Project must address potential effects related to traffic, noise, air quality, and any other issues affecting schools. (Pub. Resources Code, §§ 21000, *et seq.*; Cal. Code Regs., tit. 14, §§ 15000, *et seq.*; *Chawanakee Unified School District v. County of Madera, et al.*, (2011) 196 Cal.App.4th 1016.) Additionally, specifically regarding traffic, there must be an analysis of safety issues related to traffic impacts, such as reduced pedestrian safety, particularly as to students walking or bicycling to and from TIDE Academy; potentially reduced response times for emergency services and first responders traveling to the school; and increased potential for accidents due to gridlock during school drop-off and pick-up hours. (See, *Journal of Planning Education and Research*, “Planning for Safe Schools: Impacts of School Siting and Surrounding Environments on Traffic Safety,” November 2015, Chia-Yuan Yu and Xuemei Zhu, pg. 8 [Study of traffic accidents near Austin, Texas schools found that “[a] higher percentage of commercial uses was associated with more motorist and pedestrian crashes” around schools].)

The State Office of Planning and Research has developed new CEQA Guidelines which set forth new criteria for the assessment of traffic impacts, and now encourages the use of metrics such as vehicle miles traveled (“VMT”), rather than level-of-service (“LOS”), to analyze project impacts on traffic. (14 Cal. Code Regs. § 15064.3.) However, local agencies may still consider impacts on traffic congestion at intersections where appropriate, and must do so where, as here, such traffic congestion will cause significant impacts on air quality, noise, and safety issues caused by traffic. (Pub. Res. Code § 21099(b)(3).)

The City has experienced a drastic increase in traffic over the last ten to fifteen years as the City has continued to approve newer corporate campuses and mixed biotechnology, commercial, office, and residential land uses. **The construction resulting from and traffic generated by the Project will severely exacerbate the already stifling traffic in the downtown area, and the safety issues posed thereby. These impacts will severely inhibit the District’s ability to operate its educational programs, including at TIDE Academy.**

The proposed Project is anticipated to impede circulation in the Project area, and clog the access roads to, from, and around the District’s TIDE Academy. (See, 5 Cal. Code Regs. § 14010(k), which requires that school facilities be easily accessible from arterial roads.) The District’s TIDE Academy is located approximately 0.8 miles from the Project. Both TIDE Academy and the proposed Project would be accessed by the same roads, including those mentioned above. In addition to drawing a large number of new residents to the area, the Proposed Project will draw thousands of daily office commuters, visitors, and emergency access vehicles from around the Bay Area. The immediate roads surrounding TIDE Academy will bear the burden of the increased traffic patterns. Such increases to traffic in the area will not only make it much more difficult for students and staff to travel to and from TIDE Academy, but will also **drastically**

increase the risk of vehicular accidents to District families, students, and staff traveling to and from school.

In addition to increased risks of vehicular accidents, the traffic and parking impacts posed by the Project may severely impact the safety and convenience of TIDE Academy students who walk or bike to school. Title 5 of the California Code of Regulations requires that school sites be located within a proposed attendance area that encourages student walking and avoids extensive bussing. (5 Cal. Code Regs. § 14010(1).)

The EIR must analyze and mitigate all of the above traffic and related impacts, including those impacts related to student safety and ability to get to school, the District's ability to implement its transportation and safety mitigation measures for TIDE Academy, and the District's ability to promote alternative modes of transportation to and from TIDE Academy. It is important that these traffic impacts are not only assessed through a VMT analysis, but also through an LOS analysis, as traffic congestion surrounding the District's TIDE Academy caused by the proposed Project will in turn cause significant issues related to safety, noise, and air quality. It is anticipated that these impacts will extend far beyond the Project area. Rather, the District requests that all intersections that could be impacted by the Project, including those within and outside of the Project area, be analyzed for LOS and related safety impacts. The District further suggests that the lead agency consult with the District's own traffic engineering company regarding the placement of driveways to service the proposed Project, so as to achieve a plan that minimizes, to the greatest extent possible, the risk of potential injuries to students walking and biking to school in the downtown area.

(b) City Must Consider Cumulative Traffic and Related Impacts.

Environmental impact reports must address cumulative impacts of a project when the project's effects on the environment, viewed in conjunction with impacts of other past, present, or reasonably foreseeable future projects, is cumulatively considerable. (14 CCR 15130(a).) (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 CA4th 713, 720, finding that piecemeal approval of several projects with related impacts could lead to severe environmental harm.) While a lead agency may incorporate information from previously-prepared program EIRs into the agency's analysis of a project's cumulative impacts, the lead agency must address all cumulative impacts that were not previously addressed in the program EIR. (Pub. Res. Code § 21083.3(c); 14 CCR 14183(b)(3).)

The Project's above- and below-discussed anticipated impacts on the District, combined with the anticipated impacts of the vast number of development projects that have recently been approved and are being considered for approval in the City are cumulatively considerable. All of these impacts are exacerbated by the volume of projects that the City is considering and approving, as the District will be unable to accommodate the influx of students through facilities, infrastructure, and related improvements. When considered together, the collective impacts on traffic, safety, and air quality in the neighborhood will be devastating. **These cumulative impacts on the District's Menlo-Atherton High School, TIDE Academy, and Sequoia High School must be analyzed and mitigated.**

B. Air Quality

- 7. Identify and assess the direct and indirect air quality impacts of the Project on sensitive receptors, such as the District's TIDE Academy.**
- 8. Identify and assess cumulative air quality impacts on schools and the community in general resulting from increased vehicular movement and volumes expected from additional development already approved or pending in the downtown area.**

The Bay Area Air Quality Management District's ("BAAQMD") CEQA Guidelines (May 2017) impose numerous limitations on the exposure of "sensitive receptors," such as schools, to odors, toxins, and pollutants, including pollutants from vehicular exhaust.

It is anticipated that the Project, including when viewed in conjunction with all of the other developments being considered and approved in the vicinity of TIDE Academy, will have a significant impact on the air quality of the neighborhood due to extensive construction activities and increases in vehicular traffic. Even more pressing, the proposed Project is anticipated to result in significant impacts to sensitive receptors as an increased number of vehicles enter and exit the Project area, creating increased levels of air toxins and particulate matter that could negatively impact student health. These impacts, as they relate to the District's students at TIDE Academy, must be analyzed in the Draft EIR. This analysis also dovetails with the discussion above regarding the necessity of LOS analysis. Decreased levels of service at intersections generally mean lengthier amounts of time for cars to idle, including near schools, resulting in decreased air quality and the potential for substantial impacts on students.

C. Noise

- 9. Identify any noise sources and volumes which may affect school facilities, classrooms and outdoor school areas.**

It is expected that noise from construction stemming from the implementation of the proposed Project will cause impacts on the District's educational programs at TIDE Academy. Request No. 9 is intended to clarify that the EIR's consideration of noise issues take into account all of the various ways in which noise may impact schools, including increases in noise levels in the immediate vicinity of TIDE Academy.

D. Population

- 10. Describe historical, current, and future population projections for the District.**
- 11. Assess the impacts of population growth within the District on the District's ability to provide its educational program.**

In addition to 99 anticipated residential units, it is anticipated that the proposed Project's 1,500 square feet of ground floor commercial space and structure parking will draw thousands of

residents into the area on a permanent, or at least a daily basis. As the Project proposes the development of a residential apartment building, the District believes that the student generation rate for multifamily units will apply. Using the District's multifamily student generation rate of 0.1, 99 anticipated residential units are likely to generate approximately 10 new high school students to the District. TIDE Academy is currently close to or over capacity.

The District, therefore, specifically demands that historic, current, and future population projections for the District be addressed in the EIR. Population growth or shrinkage is a primary consideration in determining the impact that development may have on a school district, as a booming population can directly impact the District and its provision of educational services, largely because of resulting school overcrowding, while a district with declining enrollment may depend on new development to avoid school closure or program cuts. Overcrowding can constitute a significant impact within the meaning of CEQA. (See, 14 Cal. Code Regs. §§ 15064(e).) This is particularly true where the overcrowding results in unsafe conditions, decreased quality of education, the need for new bus routes, and a need for new school construction. The same can hold true for potential school closures or program cuts resulting from a declining population.

E. Housing

12. Describe the type and number of anticipated dwelling units indirectly resulting from the Project.

13. Describe the average square footage for anticipated dwelling units, broken down by type of unit, indirectly resulting from the Project.

14. Estimate the amount of development fees to be generated by development in accordance with implementation of the Project.

The foregoing categories of information are critical for determining the extent of both physical and fiscal impacts on the District caused by increased population growth.

California school districts are dependent on developer fees authorized by the provisions of Government Code sections 65995, *et seq.*, and Education Code sections 17620, *et seq.*, for financing new school facilities and maintenance of existing facilities. The developer fees mandated by Section 65995 provide the District a significant portion of its local share of financing for facilities needs related to development.

The adequacy of the statutory development fees to offset the impact of new development on local school districts can be determined only if the types of housing and average square footage can be taken into consideration. For instance, larger homes often generate approximately the same number of students as smaller homes. At the same time, however, a larger home will generate a greater statutory development fee, better providing for facilities to house the student being generated. It is for these reasons that the Government Code now requires a school district to seek – and presumably to receive – such square footage information from local planning departments. (Gov. Code § 65995.5(c)(3).)

While the foregoing funding considerations raise fiscal issues, they also translate directly into physical, environmental impacts, in that inadequate funding for new school construction results in overcrowding of existing facilities. Without funding to build new facilities or land on which to expand, students may need to attend schools outside their attendance boundaries, creating significant traffic impacts, among others. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); 14 Cal. Code Regs. §§ 15021(b), 15131(a)-(c), 15142 & 15382.)

Phasing of development is also a crucial consideration in determining the extent of impacts on schools, which is especially relevant considering the volume of development occurring in the downtown area. The timing of the development will determine when new students are expected to be generated, and therefore is an important consideration particularly when considering the cumulative impact of a project in conjunction with other approved or pending development.

F. Public Services

- 15. Describe existing and future conditions within the District, on a school-by-school basis, including size, location and capacity of facilities.**
- 16. Describe the adequacy of both existing infrastructure serving schools and anticipated infrastructure needed to serve future schools.**
- 17. Describe the District's past and present enrollment trends.**
- 18. Describe the District's current uses of its facilities.**
- 19. Describe projected teacher/staffing requirements based on anticipated population growth and existing State and District policies.**
- 20. Describe any impacts on curriculum as a result of anticipated population growth.**
- 21. Identify the cost of providing capital facilities to properly accommodate students on a per-student basis, by the District (including land costs).**
- 22. Identify the expected shortfall or excess between the estimated development fees to be generated by the Project and the cost for provision of capital facilities.**
- 23. Assess the District's present and projected capital facility, operations, maintenance, and personnel costs.**
- 24. Assess financing and funding sources available to the District, including but not limited to those mitigation measures set forth in section 65996 of the Government Code.**

25. **Identify any expected fiscal impacts on the District, including an assessment of projected cost of land acquisition, school construction, and other facilities needs.**
26. **Assess cumulative impacts on schools resulting from additional development already approved, pending, or anticipated.**
27. **Identify how the District will accommodate students from the Project who are not accommodated at current District schools, including the effects on the overall operation and administration of the District, the students and employees.**

CEQA Guidelines, Appendix G, states that a project may have public services impacts on schools if the project would “result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives” for the provision of school services.

There are myriad ways in which large residential and commercial development projects can impact a school district’s need for new or physically altered facilities in order to maintain performance objectives. The Draft EIR’s examination of the Project should analyze all potential impacts under this standard, including but not limited to: (1) whether the influx of students would require “physically altered” school facilities unrelated to the accommodation of additional enrollment; (2) whether other impacts of the Project, such as increased traffic, noise, or air pollutants in the neighborhood surrounding TIDE Academy, could impact the District’s need for new or physically altered school facilities; and (3) whether other impacts of the Project could otherwise interfere with the District’s ability to accomplish its own performance objectives. Consideration of the above-listed categories of information is essential to properly making these determinations.

Lead agencies often cite to SB 50 (specifically, Government Code sections 65995(h) and 65996(a)), for the proposition that the payment of school impact fees (commonly referred to as “developer fees”) excuses them from their obligations to analyze and mitigate impacts posed on school districts by development. This, however, is a misstatement of the law related to developer fees and CEQA. While SB 50 does declare that the payment of the developer fees authorized by Education Code section 17620 constitutes “full and complete mitigation of the impacts of any legislative or adjudicative act on the provision of adequate school facilities,” (Gov. Code § 65995(h)), SB 50 does not excuse lead agencies from analyzing such impacts on school facilities in the first place. Further, **California courts have since acknowledged that developer fees do not constitute full and complete mitigation for school-related impacts other than school overcrowding.** (*Chawanakee Unified Sch. Dist. v. County of Madera* (2011) 196 Cal.App.4th 1016.) Thus, the payment of fees does not constitute full mitigation for all impacts caused by development related to traffic, noise, biological, pedestrian safety, and all other types of impacts related to the District and its educational program. The District expects the City to analyze and mitigate all such impacts in the EIR for the Project.

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Conclusion

The District does not oppose development within District boundaries, and recognizes the importance of housing on the health and welfare of the community. However, the District maintains that the community can only thrive if the District's educational program and its facilities are viable and sufficient, and District staff, families, and students are safe. Accordingly, the needs of the District must be appropriately considered in the environmental review process for all proposed new development that will impact the District, such as the very large project under consideration.

We request that all notices and copies of documentation with regard to the Project be mailed both to the District directly, and also to our attention as follows:

Crystal Leach, Superintendent
Sequoia Union High School District
480 James Avenue
Redwood City, CA 94062

Kelly M. Rem, Esq.
Lozano Smith
2001 North Main Street, Suite 500
Walnut Creek, CA 94596

Please feel free to contact us directly if we can be of any assistance in reviewing the above issues. Thank you.

Sincerely,

LOZANO SMITH



Kelly M. Rem

KMR/mg

cc: Crystal Leach, Superintendent (cleach@seq.org)



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

2825 Cordelia Road, Suite 100

Fairfield, CA 94534

(707) 428-2002

www.wildlife.ca.gov

GAVIN NEWSOM, Governor

CHARLTON H. BONHAM, Director



December 22, 2023

Mr. Fahteen Khan

City of Menlo Park, Community Development Department

701 Laurel Street

Menlo Park, CA 94025

Fnkhan@menlopark.gov

Subject: 3705 Haven Avenue Project, Notice of Preparation of an Environmental Impact Report, SCH No. 2023120023, City of Menlo Park, San Mateo County

Dear Mr. Khan:

The California Department of Fish and Wildlife (CDFW) reviewed the City of Menlo Park's Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the City of Menlo Park (City) 3705 Haven Avenue Housing Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802). For purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting these comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. Likewise, to the extent the Project may result in "take," as defined by state law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

¹CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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PROJECT DESCRIPTION AND LOCATION

Proponent: 3705 Haven LLC

The Project site is approximately 0.66-acre at 3705 Haven Avenue and is currently developed with a one-story commercial building and parking lot. The Project site is located to the west of the intersection of Marsh Road/Bayfront Expressway (State Route 84) and Haven Avenue (APN 055-170-240).

The Project proposes the redevelopment of an existing parcel, to demolish the existing commercial building, and redevelop the Project site with an eight-story (approximately 93 feet tall), 99-unit residential apartment building with approximately 1,550 square feet of ground floor commercial space. Also, the Project includes a total of approximately 11,730 square feet of common open space and 4,670 square feet of publicly accessible outdoor space.

The Project also proposes changes to infrastructure including undergrounding of overhead electrical lines and new utility lateral connections, driveways, sidewalks, curbs, and gutters.

The Project includes the removal of 13 trees, three of which are heritage trees. The Project proposes to plant a total of 15 new trees (four silver linden, six African fern pine, and five Saratoga laurel trees) to compensate for the removal of the three heritage trees. In addition, the Project proposes 24 new trees would be located on the podium courtyard and rooftop deck.

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description including, but not limited to, the below information.

- Land use changes resulting from, for example, rezoning certain areas;
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes;
- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems;
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features; and

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- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information for meaningful review regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the EIR (CEQA Guidelines, §§ 15125 & 15360). CDFW recommends the EIR provide baseline habitat assessments for special-status plant, fish, and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or state, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:

<https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>), and any stream or wetland set back distances the [City or County] may require. Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur, in or near the Project site include, but are not limited to:

Common Name	Scientific Name	Status
salt-marsh harvest mouse	<i>Reithrodontomys raviventris</i>	FE, SE, SP
California least tern	<i>Sternula antillarum browni</i>	FE, SE, SP
California Ridgway's rail	<i>Rallus obsoletus obsoletus</i>	FE, SE, SP
Nesting birds Bats		
Notes: FE = listed as endangered under the federal Endangered Species Act; SE = listed as endangered under CESA; SP = state listed as fully protected.		

Habitat descriptions and species profiles included in the EIR should include robust information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDDB). Only with sufficient data and

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information from the habitat assessment can the City adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to special-status plants available at: <https://wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines necessitate the EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Potential for “take” of special-status species;
- Loss or modification of breeding, nesting, dispersal, and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g. snags, roosts);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence;
- Water quality impacts resulting from construction and operation of the Project;
- Impacts both from construction and operation of the Project; and
- Impacts to bed, channel, bank, and riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitat.

The EIR should also identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project’s contribution to each impact (CEQA Guidelines, § 15355). Although a project’s impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g.,

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reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the Lead Agency, to consider and describe in the EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This should include discussion of take avoidance and minimization measures for special-status species, which should be developed in consultation with the USFWS, the National Marine Fisheries Service, and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species, such as California Ridgway's rail (*Rallus obsoletus obsoletus*), may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the CEQA document should include measures to completely avoid take of fully protected species.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, “take” means “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish & G. Code, § 86). If the Project will impact CESA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. Issuance of an ITP is subject to CEQA and to facilitate permit issuance, any such Project modifications and mitigation measures must be incorporated into the EIR’s analysis, discussion, and mitigation monitoring and reporting program.

CEQA requires a mandatory finding of significance if a Project is likely to substantially impact threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065). In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent’s obligation to comply with the Fish and Game Code.

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Lake and Streambed Alteration Agreement

CDFW requires a Lake and Streambed Alteration (LSA) Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory non-game bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

Issue: The Project includes the removal of 13 trees, three of which are heritage trees. The Project proposes to plant a total of 15 new trees (four silver linden, six African fern pine, and five Saratoga laurel trees) to compensate for the removal of the three heritage trees. In addition, the Project proposes 24 new trees would be located on the podium courtyard and rooftop deck.

Removal of heritage and other trees can cause impacts to roosting bats and nesting birds. Planting new trees as proposed may not be sufficient to offset impacts to wildlife resources.

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Bat species may also occur within and surrounding the Project site, including in existing buildings. Bats are considered non-game mammals and are protected by state law from take and/or harassment (Fish and Game Code §4150, CCR §251.1). Several bat species are also considered Species of Special Concern.

Recommendations: CDFW recommends the Project avoid heritage tree removal to the greatest extent feasible. Where heritage tree removal is unavoidable, CDFW recommends Project mitigation focus on using native tree species such as regionally adapted native oak trees for replacements.

CDFW encourages that Project implementation occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February through early-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the MBTA or Fish and Game Codes.

Evidence: The comprehensive ecological benefits associated with the healthy urban forests have been extensively documented (Tyrväinen, Pauleit, Seeland, & De Vries, 2005; Pawlak et al., 2023), so there is a strong scientific rationale for selecting native trees for and preserving the canopy cover of urban forests. Indigenous tree species within urban settings play a pivotal role in supporting local wildlife and fostering biodiversity (Burghardt et al., 2009). For instance, McPherson's study (1998) showed how Sacramento County's urban forest reduces greenhouse gas emissions and sequesters substantial amounts of carbon dioxide. Additionally, several scientific inquiries have emphasized the importance of native trees in urban forest inventories because they are critical habitat for of avian, bat, and insect populations (Wood and Esaian, 2020).

Urban development activities in California significantly contribute to the decline of native tree species, an overall reduction in urban tree cover, as well as an increase in non-native and invasive tree varieties (Pawlak et al., 2023). Although California's urban forests yield numerous ecological advantages, they predominantly feature non-native species potentially poorly suited for a changing climate (Conway and Vecht, 2015; Pawlak et al., 2023). In contrast, native species are often better adapted to local environmental conditions, necessitating less water and fewer pesticides to persist (Pawlak et al., 2023), native species selection is therefore critical to mitigate the loss of existing trees.

Species selection for urban forest cultivation involves multiple factors, encompassing site-specific conditions like soil quality, available space, and tree-specific attributes such as native status, susceptibility to pests, water needs, and the overall species diversity within the area (Conway and Vecht, 2015; Pawlak et al., 2023). A resilient urban forest is comprised of a diverse array of native tree species, serves as critical habitat for

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numerous birds, bats, and insects, encompassing both common and protected species (Burghardt et al., 2009; Ordóñez & Duinker, 2013). Choosing appropriate tree species becomes crucial to boost the presence of native species in urban forests to optimize ecosystem services and uphold regional ecological integrity (Ordóñez and Duinker, 2013). Numerous scientific studies provide evidence that native trees are often best species to propagate in the urban forest to support healthy regional ecosystems and local wildlife (Conway and Vecht, 2015; Pawlak et al., 2023):

- *Biodiversity Preservation*: Research often indicates that native trees support local biodiversity better than non-native species. Native trees have evolved within specific ecosystems, providing food, shelter, and support to a variety of native wildlife, such as insects, birds, and mammals;
- *Ecosystem Functioning*: Studies show that native trees contribute significantly to the overall health and functioning of ecosystems. They often have complex relationships with other species, including soil microbes, fungi, and other plants, which can be disrupted by introducing non-native species;
- *Resilience to Climate Change*: Native trees are generally better adapted to local environmental conditions, making them more resilient to climate change impacts like drought, extreme temperatures, and pests. They may require less water and fewer resources to thrive, reducing maintenance efforts;
- *Invasive Species Control*: Planting native trees helps to suppress the proliferation of invasive species that might outcompete or negatively impact native flora and fauna, thereby preserving the integrity of the ecosystem; and
- *Soil Health and Nutrient Cycling*: Native trees may have symbiotic relationships with soil microorganisms, aiding in nutrient cycling and maintaining soil health. Introducing non-native species can negatively impact overall soil quality and nutrient cycling.

Recommended Mitigation Measure 1: Nesting Bird Surveys

CDFW recommends that a qualified avian biologist conduct pre-activity surveys for active nests no more than seven (7) days prior to the start of ground or vegetation disturbance and every fourteen (14) days during Project activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. Prior to initiation of ground or vegetation disturbance, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends

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having the qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

Recommended Mitigation Measure 2: Nesting Bird Buffers

If continuous monitoring of identified nests by a qualified avian biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified avian biologist advise and support any variance from these buffers.

Recommended Mitigation Measure 3: Bat Habitat Assessment

To evaluate Project impacts to bats, a qualified bat biologist should conduct a habitat assessment for bats at the site seven (7) days prior to the start of Project activities. The habitat assessment shall include a visual inspection of features within 50 feet of the work area for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked.

Recommended Mitigation Measure 4: Bat Habitat Monitoring

If any habitat features identified in the habitat assessment will be altered or disturbed by Project construction, the qualified bat biologist should monitor the feature daily to ensure bats are not disturbed, impacted, or fatalities are caused by the Project.

Recommended Mitigation Measure 5: Bat Project Avoidance

If bat colonies are observed at the Project site, at any time, all Project activities should stop until the qualified bat biologist develops a bat avoidance plan to be implemented at the Project site. Once the plan is implemented, Project activities may recommence.

Recommended Mitigation Measure 6: Bat Roosting Structures

If active bat roosts or signs of bat presence are observed at the Project site within habitat or structures (i.e., trees or buildings) that will be impacted as a result of Project, permanent bat roosting structures shall be incorporated into the design of the Project in consultation with CDFW. Temporary structures shall also be installed to provide habitat

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from the timeframe to when the old structure is demolished, and the new structure is complete.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent EIRs or to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subds. (d) & (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB online field survey form and other methods for submitting data can be found here: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found here: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

CDFW anticipates that the proposed Project will have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to provide comments on the proposed Project to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jason Teichman, Environmental Scientist at (707) 210-5104 or Jason.Teichman@wildlife.ca.gov, or Wesley Stokes, Senior Environmental Scientist (Supervisory), at (707) 944-5554 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
Erin Chappell
Regional Manager
Bay Delta Region

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ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023120023)
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov

REFERENCES

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