Appendix A

Biological Resources

Appendix A1 Biological Resources Assessment











H. T. HARVEY & ASSOCIATES

Ecological Consultants

50 years of field notes, exploration, and excellence

Biological Resources Assessment
985-1005 O'Brien Drive Project

Project #4534-01

Prepared for:

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List of Preparers

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Section 1. Introduction

H. T. Harvey & Associates has conducted a background review and field survey to assess the potential for sensitive biological resources identified in the *ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update Environmental Impact Report* (ConnectMenlo EIR) to occur on the 985-1005 O'Brien Drive project site, or close enough to the site to be affected by project activities. It is our understanding that the proposed project entails the development of two new multi-story office buildings and a parking garage, over the course of two construction phases, on the approximately 4.2-acre project site located at 1300-1320 Willow Road, 975-995 O'Brien Drive, and 1001-1015 O'Brien Drive in Menlo Park, California. The site is currently occupied by single-story commercial buildings and associated parking and access areas.

This report provides our assessment of biological resources on the project site, and identifies appropriate avoidance and minimization measures to comply with Mitigation Measure BIO-1 of the ConnectMenlo EIR. As such, this report meets the requirement for a project-specific baseline Biological Resources Assessment (BRA) for the 985-1005 O'Brien Drive project, as required by ConnectMenlo EIR Mitigation Measure BIO-1.

1.1 Background

In 2014, the City of Menlo Park initiated the process of updating its General Plan Land Use and Circulation Elements as well as its zoning for the M-2 area (also known as the Bayfront Area), which is located the northern portion of Menlo Park. Collectively, this update to the General Plan and zoning is known as *ConnectMenlo*. On November 29, 2016, the City Council certified the ConnectMenlo EIR and approved the General Plan Land Use and Circulation Elements. The 985-1005 O'Brien Drive project is located within the ConnectMenlo area and is therefore subject to the requirements of the ConnectMenlo EIR.

Mitigation Measure BIO-1 of the ConnectMenlo EIR requires all new construction and building addition projects, regardless of size, to have a qualified biologist prepare a project-specific baseline biological resources assessment if the project would occur on or adjacent to a parcel containing natural habitat with features such as mature and native trees, unused structures that could support special-status species, other sensitive biological resources, and/or active nests of common birds protected under the Migratory Bird Treaty Act (MBTA). The project site and neighboring parcels support suitable habitat that may contain active nests of common birds protected under the MBTA; hence, a baseline biological resources assessment is required for the project, and this report meets the requirement for a project-specific baseline BRA as required by ConnectMenlo EIR Mitigation Measure BIO-1.

1.2 Project Description

The project proposes to demolish the existing single-story buildings on the project site and construct a new four-story office building, a five-story office building, and a parking garage, over the course of two construction phases. Bioretention areas and landscaping will also be provided.

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 March 2021; aerial photos (Google Inc. 2021) and topographic maps; the *Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan* (U.S. Fish and Wildlife Service [USFWS] 2012); the *South Bay Salt Pond Restoration Project Final Environmental Impact Statement/Report* (EDAW et al. 2007); the *Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California* (USFWS 2013); the *Recovery Plan for the Pacific Coast Population of the Western Snowy Plover* (USFWS 2007); U.S. Fish and Wildlife Service species accounts, listing notices, and critical habitat notices; the California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDB) (2021); the Calflora database on special-status plant occurrences (2021); the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants of California (CNPS 2021); bird records from the project vicinity reported to the eBird database (Cornell Lab of Ornithology 2021), which has been established by the Cornell University Laboratory of Ornithology to archive records of birds seen worldwide; and other relevant scientific literature and technical databases in order to assess the current distribution of special-status plants and animals in the site vicinity. In addition, for plants, we reviewed all species currently ranked by the CNPS as California Rare Plant Rank (CRPR) 1A, 1B, 2, or 3 occurring in the *Palo Alto, California* 7.5-minute U.S. Geological Survey 7.5-minute quadrangle and eight surrounding quadrangles (*Woodside, San Mateo, Redwood Point, Newark, Mountain View, Cupertino,* and, *Mindego Hill*). We also considered the CNPS plant list for San Mateo County, as the CNPS does not maintain quadrangle-level records for CRPR 4 species.

2.2 Site Visit

Following our background review, H. T. Harvey & Associates ecologist Steve Rottenborn, Ph.D., conducted a reconnaissance-level survey of the project site on May 6, 2021. The purpose of this survey was to identify existing biological conditions and the site's potential to support special-status species of plants and animals, as well as sensitive/regulated habitats such as jurisdictional wetlands and other waters of the U.S. regulated under Section 404 of the Clean Water Act, potential waters of the state regulated under Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, and riparian habitats regulated under Section 1602 of the California Fish and Game Code. The survey included an assessment of sensitive/regulated habitats, as well as habitats for special-status species, both on the site and in adjacent areas (e.g., in developed and landscaped areas on adjacent properties) that could be impacted either directly or indirectly by proposed activities. The survey also included an assessment of adjacent habitats that could potentially support source populations of sensitive species that could then disperse onto the project site. Because the site is completely occupied by developed land uses, no suitable habitat for special-status plants is present. As a result, special-status plants are not expected to occur on the site, and a focused botanical survey was not warranted.

Section 3. Environmental Setting

3.1 General Project Area Description

The project site is located within an area of dense commercial and industrial development in Menlo Park. The project site is generally bordered by O'Brien Drive to the south, Willow Road to the west, commercial development to the east, and the Hetch Hetchy right-of-way to the north (Figures 1 and 2). Elevations on the project site range from approximately 11 to 13 feet above sea level. The Natural Resources Conservation Service (NRSC) has mapped two soil units on the project site: urban land-orthents reclaimed complex, 0–2% slopes, and urban land (NRCS 2021). In soil taxonomy, orthents are defined as young soils that lack horizon development due to either steep slopes or parent materials that lack weatherable minerals. Typically, these are very shallow soils. The urban land soil mapping unit refers to land cover that is lacking native soils and mostly covered by streets, parking lots, buildings, and other structures of urban areas (NRCS 2021).

3.2 Biotic Habitats

The project site and surrounding areas have been heavily modified by anthropogenic activities as a result of urbanization and the development of commercial buildings. The reconnaissance-level survey identified one habitat/land use type on the project site: developed/landscaped. This habitat/land use type is described below.

Vegetation. The site consists of several buildings, paved hardscape, and landscape vegetation that primarily incudes nonnative trees and shrubs (Photos 1 and 2). The few trees on the site include ash (*Fraxinus* sp.) trees lining O'Brien Drive, a pine (*Pinu*s sp.) and two eucalyptus (*Eucalyptus* sp.) trees along Willow Road, and scattered ornamental shrubs. Very little ground cover is present on the site, with some grasses and forbs growing in pavement cracks in a few areas, but the vast majority of the site is paved or contains buildings.



Photo 1. Developed/landscaped habitat along O'Brien Drive, on the southern edge of the project site.



Photo 2. Developed/landscaped habitat in the central part of the project site.



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Figure 1. Vicinity Map
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Figure 2. Project Site
985-1005 O'Brien Drive Biological Resources Assessment (4534-01)
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Wildlife. The developed/landscaped habitat on the project site is of relatively low value to wildlife, and no well-structured vegetation (e.g., with ground cover, understory, and canopy vegetation) providing higher-quality habitat is present on or adjacent to the site. Nevertheless, the project site provides nesting and foraging opportunities for some urban-adapted species of birds. Bird species that were observed on the site during the May 2021 site visit included the native house finch (*Haemorhous mexicanus*), American crow (*Corvus brachyrhynchos*), black phoebe (*Sayornis nigricans*), lesser goldfinch (*Spinus psaltria*), and Anna's hummingbird (*Calypte anna*), as well as the nonnative house sparrow (*Passer domesticus*). These species may use trees and buildings for nesting. For example, an unoccupied American crow nest was present in one of the eucalyptus trees along Willow Road, and several house sparrow nests were present in light fixtures on buildings on the site. No nests of raptors (e.g., hawks, owls, and falcons) were observed on the project site or in immediately adjacent areas during the reconnaissance-level survey.

During the survey, the ecologist inspected the exteriors of the buildings on and adjacent to the project site for signs of the presence of roosting bats (e.g., guano, urine staining, or visual or auditory detections of bats), but no such signs were observed. The occupied buildings on and adjacent to the site are unlikely to support roosting bats due to high levels of human disturbance, and no suitable roosting habitat for bats (e.g., cavities, crevices or exfoliating bark) was observed in the trees or buildings on the site.

Common urban-adapted mammal species that may occur on the project site (though none were observed during our field visit) include the native raccoon (*Procyon lotor*) and nonnative house mouse (*Mus musculus*), Norway rat (*Rattus norvegicus*), black rat (*Rattus rattus*), and eastern gray squirrel (*Sciurus carolinensis*). No amphibians are expected to occur on the project site due to the absence of suitable breeding habitat in the intensively urbanized surroundings, and the only reptile that could potentially occur there is western fence lizard (*Sceloporus occidentalis*).

3.3 Adjacent and Surrounding Areas

Surrounding areas are similar to the project site in being heavily urbanized, consisting mostly of hardscape and existing buildings with limited landscape vegetation. Vegetation in adjacent areas consists primarily of London plane trees (*Platanus x acerifolia*), pines, and ornamental shrubs such as rose (*Rosa* sp.), English ivy (*Hedera helix*), and ceanothus (*Ceanothus* sp.).

The Hetch Hetchy right-of-way, located adjacent to the northern boundary of the project site, contains parking and sports fields for the neighboring Mid-Peninsula High School, with several large Canary Island pines (*Pinus canariensis*). These pines provide potential nesting sites for common, urban-adapted species of raptors such as red-tailed hawks (*Buteo jamaicensis*) and Cooper's hawks (*Accipiter cooperii*), although no existing raptor nests were observed in these trees to indicate that raptors have nested here previously. This area does not otherwise provide important habitat for wildlife, and is not is expected to be used extensively by wildlife species. No sensitive wildlife species occur within this area.

Sensitive biological areas identified in the ConnectMenlo EIR are present in the site vicinity, but at greater distances from the project site (see Figure 1). The Don Edwards San Francisco Bay National Wildlife Refuge (NWR) is located well north of the project site; the nearest area of the NWR, salt pond R3, is approximately 0.45 miles to the north. Ravenswood Open Space Preserve is located approximately 1.05 miles east of the project site. These areas provide foraging habitat for waterbirds such as the American coot (*Fulica americana*), bufflehead (*Bucephala albeola*), American wigeon (*Mareca americana*), and northern shoveler (*Spatula clypeata*), which occur in flocks of varying size during winter and migration. In addition, the coastal salt marsh habitat, mudflats, and tidal channels provide important shorebird habitat. Many species of shorebirds such as the western sandpiper (*Calidris mauri*), black-bellied plover (*Pluvialis squatarola*), marbled godwit (*Limosa fedoa*), dunlin (*Calidris alpina*), long-billed curlew (*Numenius americanus*), and American avocet (*Recurvirostra americana*) forage in the mudflats in this area, often also in flocks. Special-status species such as the California Ridgway's rail (*Rallus obsoletus obsoletus*), salt marsh harvest mouse (*Reithrodontomys raviventris*), and others occur in these sensitive areas; however, as discussed in Section 4 below, these areas are isolated from the site by 0.45 miles to 1.05 miles of dense urban development, and special-status species that inhabit these areas are not expected to occur on or adjacent to the project site, or to be impacted by the project.

3.4 Assessment of Bird Use

Habitat conditions on the site and in immediately surrounding areas are of low quality for most native birds found in the region due to the scarcity of vegetation, the lack of any native vegetation, the absence of well-layered vegetation (e.g., with ground cover, shrub, and canopy tree layers in the same areas), the small size of the vegetated habitat patches, and the amount of human disturbance by vehicular traffic and occupants of buildings on and/or adjacent to the project site, which is developed as a commercial business district. Nonnative vegetation supports fewer of the resources required by native birds than native vegetation, and the structural simplicity of the vegetation further limits resources available to birds. Nevertheless, there is a suite of common, urban-adapted bird species that occur in such urban areas that are expected to occur on the site regularly. These include the native Anna's hummingbird, American crow, Bewick's wren (*Thryomanes bewickii*), bushtit (*Psaltriparus minimus*), and house finch, as well as the non-native rock pigeon (*Columba livia*), European starling (*Sturnus vulgaris*), and house sparrow. All of these birds are year-round residents that can potentially nest on or immediately adjacent to the project site. Several other species, primarily migrants or winter visitors (i.e., nonbreeders), are expected to occur occasionally on the site as well, including the white-crowned sparrow (*Zonotrichia leucophrys*), golden-crowned sparrow (*Zonotrichia atricapilla*), and yellow-rumped warbler (*Setophaga coronata*). For example, low numbers of migrants are expected to forage in the ornamental vegetation on the site. However, no bird species are expected to occur on the site in large numbers, and all of the species expected to occur regularly are regionally abundant species. No special-status birds (i.e., species of conservation concern) are expected to nest or occur regularly on the site.

The more natural habitats associated with the San Francisco Baylands, located well to the north and east of the project site, support much higher bird diversity and abundance. The managed ponds in Don Edwards NWR and tidal marsh of Ravenswood Open Space Preserve provide foraging habitat for a wide variety of waterfowl,

herons, egrets, and shorebirds. Numbers of waterbirds using these habitats are highest in winter and during migration, but a number of breeding waterbirds are present in these areas as well. These birds are closely tied to wetlands and aquatic habitats, and the sharp physical division between these aquatic habitats and the adjacent developed areas (i.e., Bayfront Expressway and the commercial properties to the south) is very obvious. As a result, these waterbirds are not expected to use the project site, or to move south of Bayfront Expressway toward the project site.

Section 4. Special-Status Species and Sensitive Habitats

Mitigation Measure BIO-1 requires an assessment of the effects of a project on "special-status" species. For the purpose of this report, special-status plants are considered plant species that are:

- Listed under the Federal Endangered Species Act as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under the California Endangered Species Act as threatened, endangered, rare, or a candidate species.
- Listed by the CNPS as CRPR 1A, 1B, 2, 3, or 4.

In addition, "special-status" animals are considered animal species that are:

- Listed under the Federal Endangered Species Act as threatened, endangered, proposed threatened, proposed endangered, or a candidate species.
- Listed under the California Endangered Species Act 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. Figures 3 and 4 depict CNDDB records of special-status plant and animal species in the general vicinity of the project site, respectively. These generalized maps show areas where special-status species are known to occur or have occurred historically. During the reconnaissance survey, the H. T. Harvey ecologist then evaluated habitat suitability on and adjacent to the project site for special-status plants and animals known or potentially occurring in the general vicinity to determine the potential for such species to occur on or adjacent to the project site.

4.1 Special-Status Plant Species

The CNPS (2021) and CNDDB (2021) identify a number of special-status plant species as potentially occurring in at least one of the nine U.S. Geological Survey 7.5-minute quadrangles containing or surrounding the project site for species in CRPR 1 and 2, or in San Mateo County for CRPR 3 and 4 species. However, the site is dominated by heavily disturbed anthropogenic habitat (i.e., developed/landscaped areas), which precludes the presence of special-status plant species that occur in more natural habitats in the region. All of the special-status plant species identified as potentially occurring in the region were determined to be absent from the project site

Legend

- Project Location
- 5-mile Radius

CNDDB Records

Wildlife

- Specific Location
- Approximate Location
- General Area

Aquatic

- General Area

Note: CTS = California Tiger Salamander, CRLF = California Red-legged Frog

Project Location

N 1.1 0.55 0 1.1 Miles

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Figure 3. CNDDB-Mapped Records of Special-Status Plants
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Figure 4. CNDDB-Mapped Records of Special-Status Animals

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for at least one of the following reasons: (1) absence of suitable habitat types; (2) lack of specific microhabitat or edaphic requirements, such as serpentine soils; (3) 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 region. In addition, the regional conservation plans identified in Section 2.1 above do not indicate that sensitive habitat for special-status plants is present on the project site. In conclusion, special-status plant species are determined to be absent from the project site.

4.2 Special-Status Animal Species

A number of special-status animal species are known to occur in the Menlo Park vicinity, including the western snowy plover (*Charadrius alexandrinus nivosus*), white-tailed kite (*Elanus leucurus*), northern harrier (*Circus hudsonius*), California Ridgway's rail, California black rail (*Laterallus jamaicensis coturniculus*), American peregrine falcon (*Falco peregrinus anatum*), loggerhead shrike (*Lanius ludovicianus*), Alameda song sparrow (*Melospiza melodia pusillula*), Bryant's savannah sparrow (*Passerculus sandwichensis alaudinus*), San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), salt marsh harvest mouse, salt marsh wandering shrew (*Sorex vagrans halicoetes*), San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), and others (CNDDB 2021). However, the dense urban surroundings and absence of specific habitat features favored by various special-status animal species make the site unsuitable for any of these species, as follows:

- The western snowy plover, federally listed as threatened, nests on dry, relatively homogenous salt pond bottoms surrounding the San Francisco Bay. Snowy plovers are known to nest in Don Edwards NWR, including at salt pond R3 located approximately 0.45 miles north of the project site and at salt pond RSF2 located approximately 0.8 miles to northeast of the project site (CNDDB 2021; see Figure 1). However, no suitable foraging or nesting habitat is present on or adjacent to the project site, and the site is separated from these nesting areas by dense urban development.

- The white-tailed kite, a California fully protected species, nests in tall shrubs and trees and forages in grasslands, marshes, and ruderal habitats. Tall Canary Island pines located along the Hetch Hetchy right of way north of the site provide ostensibly suitable nesting sites for white-tailed kites; however, sufficient open foraging habitat to support a nesting pair of this species is not present in the site vicinity. This species could occur as close to the site as the large brackish marsh located on the south side of the intersection of State Route 84 and University Avenue, approximately 0.5 miles northeast of the project site, but the nearest area of reported nesting activity of white-tailed kites is approximately 1.05 miles to the east in Ravenswood Open Space Preserve (Cornell Lab of Ornithology 2021; see Figure 1). Thus, white-tailed kites are not expected to nest on or adjacent to the site, and the site does not provide suitable foraging habitat for this species.

- The California Ridgway's rail, state and federally listed as endangered and a California fully protected species, is a secretive marsh bird that is endemic to marshes of the San Francisco Bay. California Ridgway's rails nest in salt and brackish marshes along the edge of the Bay, and are most abundant in extensive salt marshes and brackish marshes dominated by Pacific cordgrass (*Spartina foliosa*), pickleweed (*Salicornia* spp.),

and marsh gumplant (*Grindelia stricta*) and that contain complex networks of tidal channels. California Ridgway's rails are known to occur in the wider portions of Ravenswood Slough approximately 0.85 miles northeast of the site and in Ravenswood Open Space Preserve approximately 1.05 miles east of the project site (CNDDB 2021; see Figure 1). However, no suitable foraging or nesting habitat for this species is present on or adjacent to the project site, and the site is separated from suitable habitat areas by dense urban development.

- The California black rail, state listed as threatened and a California fully protected species, is a secretive marsh bird that nests in fresh, brackish, and tidal salt marshes. California black rails have been observed in the Faber-Laumeister Marsh, a coastal salt marsh located approximately 1.25 miles east of the project site (CNDDB 2021), and suitable habitat for this species is also present along wider portions of Ravenswood Slough approximately 0.85 miles northeast of the site and in Ravenswood Open Space Preserve approximately 1.05 miles east of the site (see Figure 1). However, no suitable foraging or nesting habitat for this species is present on or adjacent to the project site, and the site is separated from suitable habitat areas by dense urban development.

- The northern harrier, a California species of special concern, nests and forages in extensive fields, meadows, and vegetated wetlands. This species could occur as close to the site as the large brackish marsh located on the south side of the intersection of State Route 84 and University Avenue, approximately 0.5 miles northeast of the project site. No suitable marsh habitat or open fields to support nesting or foraging by this species occurs on or very close to the project site itself.

- The American peregrine falcon, a California fully protected species, nests on cliffs, tall buildings, and bridges and forages for birds in a variety of habitats, usually in open areas. This species is not known or expected to nest within several miles of the site due to the absence of suitable habitat; the nearest known nesting location is at Stanford University approximately 3.3 miles south of the project site. Although this species forages on waterbirds in baylands habitats in the Menlo Park area, potentially as close as approximately 0.5 miles from the site, it is unlikely to forage on or immediately adjacent to the project site itself due to the absence of sufficient open foraging habitat for the species.

- The loggerhead shrike, a California species of special concern, is typically associated with extensive open grassland, where it nests in trees or shrubs and forages in the open habitats. This species may nest in dense stands of coyote brush and other woody vegetation surrounding the large brackish marsh 0.5 miles northeast of the site. However, no suitable open habitats to support nesting or foraging by this species occurs on or very close to the project site itself.

- The Alameda song sparrow, a California species of special concern, is a subspecies of song sparrow that is endemic to the Central and South San Francisco Bay. This subspecies breeds in salt marsh habitats, primarily in marsh gumplant and cordgrass (*Spartina* sp.) along channels. Alameda song sparrows are known to breed in the coastal saltmarsh in Faber-Laumeister Marsh, approximately 1.25 miles east of the project site (CNDDB 2021), and suitable habitat for this species is also present along wider portions of Ravenswood Slough approximately 0.85 miles northeast of the site and in Ravenswood Open Space

Preserve approximately 1.05 miles east of the site (see Figure 1). However, no suitable foraging or nesting habitat is present on the project site or in adjacent areas.

- Bryant's savannah sparrow, a California species of special concern, nests in pickleweed-dominated salt marsh and adjacent ruderal grasslands along the edges of San Francisco Bay. This species likely nests and forages as close to the site as the large brackish marsh 0.5 miles northeast of the site. However, no suitable open habitats to support nesting or foraging by this species occurs on or very close to the project site itself.

- The San Francisco common yellowthroat, a California species of special concern, is a subspecies of common yellowthroat that nests in fresh and saltwater marshes near the edge of the Bay. San Francisco common yellowthroats have been observed in the coastal saltmarsh in Faber-Laumeister Marsh, approximately 1.2 miles east of the project site (CNDDB 2021), and suitable habitat for this species is also present along wider portions of Ravenswood Slough approximately 0.85 miles northeast of the site and in Ravenswood Open Space Preserve approximately 1.05 miles east of the site (see Figure 1). However, no suitable foraging or nesting habitat is present on the project site or in adjacent areas.

- The salt marsh harvest mouse, state and federally listed as endangered and a California fully protected species, and the salt marsh wandering shrew, a California species of special concern, are small mammals endemic to salt and brackish marshes and adjacent tidally influenced areas of the San Francisco Bay estuary. Salt marsh harvest mice are known to occur in tidal marshes in the vicinity of the project site, including the salt marshes of Ravenswood Open Space Preserve approximately 1.05 miles to the east and in Faber-Laumeister Marsh approximately 1.25 miles to the east (CNDDB 2021; see Figure 1). Suitable habitat for these species is also present in the brackish marsh approximately 0.5 miles northeast of the project site. However, no suitable habitat for these species is present on or adjacent to the project site, and the site is isolated from suitable habitat areas by dense urban development.

- No suitable aquatic habitat to support special-status fish species is present on or adjacent to the project site. Further, the site is not hydrologically connected to any suitable habitat for special-status fish. Thus, special-status fish species are determined to be absent from the site, adjacent areas, and downstream areas that would potentially be affected by the project.

- Although the Crotch bumble bee (*Bombus crotchii*) and western bumble bee (*Bombus occidentalis*) were historically found in the project vicinity, they are not expected to occur on the site or in nearby areas due to recent range contractions.

- The pallid bat (*Antrozous pallidus*), a California species of special concern, may forage aerially over habitats in the site vicinity, and several historical records of pallid bats are located in the site vicinity (CNDDB 2021). However, the buildings and trees on the site do not provide suitable roosting habitat for pallid bats, and the site does not provide suitable foraging habitat for this species.

- The California red-legged frog (*Rana draytonii*) is known to occur in less developed areas in San Mateo County, but is not known or expected to be present in valley-floor areas as heavily urbanized as the project site. Similarly, the San Francisco garter snake occurs in less developed portions of San Mateo County, but

it is not known or expected to occur within several miles of the project site due to the absence of suitable habitat and the intensive development in the Menlo Park area.

- The western pond turtle (*Emys pallida*) is known to occur approximately 6.5 miles to the southwest near Crystal Springs Reservoir and 6.6 miles to the east at Moffett Federal Airfield (CNDDB 2021). No suitable foraging habitat for western pond turtles is present on the site or along drainage ditch on the adjacent property. Further, the site is not hydrologically connected to any populations of western pond turtles in the region. This species is considered absent from the project site and the surrounding vicinity.

Special-status animals are therefore not expected to nest, roost, breed, or forage on or immediately adjacent to the project site, and are not expected to be affected by proposed site redevelopment. In addition, regional conservation plans do not indicate the presence of special-status animals on the project site.

4.3 Sensitive and Regulated Habitats

Sensitive and regulated habitats are rare, ecologically valuable, and/or protected by federal, state, regional, and/or local laws. Generally, such habitats require permits from regulatory agencies if they are to be disturbed, altered, or lost. The CDFW ranks certain rare or threatened plant communities, such as wetlands, tracked in the CNDDB. The most commonly regulated habitats are wetland and aquatic habitats including rivers, streams, ponds, and seasonal wetlands, which fall under the jurisdiction of the U. S. Army Corps of Engineers (USACE) via Section 404 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) via Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act, and/or the CDFW via Section 1602 of the California Fish and Game Code.

No potentially jurisdictional features or sensitive communities were identified on or adjacent to the project site during the reconnaissance-level survey. Thus, sensitive and regulated habitats are determined to be absent from the project site.

4.4 Wildlife Movement

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 patches of suitable habitat and that allow animals to move among suitable habitat patches. 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 the footprint of the existing development on the site, which is surrounded by a dense urban matrix of residential and commercial development. Therefore, the project would not result in the fragmentation of natural habitats. Any common, urban-adapted wildlife species that currently move through the project site would continue to be able to do so following project construction. Thus, the

project would not interfere 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.

Section 5. Project Impacts on Sensitive Biological Resources and Identification of Avoidance and Minimization Measures

Mitigation Measure BIO-1 requires consideration of a number of issues related to sensitive biological resources. Issues that do not apply to the project, along with explanations regarding why they do not apply, are as follows:

- As discussed in Section 4.3 above, no jurisdictional wetlands are present on the project site or are expected to be impacted by the project.
- No undeveloped lands that support sensitive biological resources are present on or adjacent to the site such that they could be affected by the project, and the project will have no effect on sensitive biological resources at the Don Edwards San Francisco Bay NWR.
- No regional conservation plans apply to the project site.
- No take of state or federally listed species, or California fully protected species, will occur due to redevelopment of the project site.
- No species protected under the Marine Mammal Protection Act or the Magnuson-Stevens Fishery Conservation and Management Act are present on or immediately adjacent to the project site, or will be impacted by the project.
- No areas subject to the jurisdiction of the San Francisco Bay Conservation and Development Commission are present on or immediately adjacent to the project site, or will be impacted by the project.
- Suitable habitat for, or occurrences of, special-status species are not present on or adjacent to the project site, and roosting bats are absent from the project site. Therefore, the project will not result in impacts to special-status species or roosting bats.
- No sensitive natural communities or jurisdictional habitats such as wetlands, streams, or riparian habitats are present on or immediately adjacent to the project site. Therefore, the project will not result in impacts to these sensitive resources.
- There are no important movement corridors for wildlife on the project site.

Sensitive biological resource issues that are required to be addressed under Mitigation Measure BIO-1 are related to the presence of common birds protected under the MBTA and California Fish and Game Code. The sections below provide discussions of project impacts on birds and identify appropriate avoidance and minimization measures to comply with Mitigation Measure BIO-1.

5.1 Demolition and Construction Impacts on Common Nesting Birds

Although no special-status birds are expected to nest on or near the site, several common, urban-adapted bird species could nest on the site. As mentioned in Section 3.2, several native bird species were observed on the site during the May 2021 site visit, including the house finch, American crow, black phoebe, lesser goldfinch, and Anna's hummingbird. Construction disturbance during the bird nesting season 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.

All native birds that may nest in vegetation or on structures on or immediately adjacent to the project site are protected under the MBTA and California Fish and Game Code. The removal of vegetation or demolition of structures supporting active nests of these species may cause the direct loss of eggs or young, while construction-related activities located near an active nest may cause adults to abandon their eggs or young. Therefore, per the requirements of ConnectMenlo Mitigation Measure BIO-1, measures to ensure that the project avoids impacts on nesting birds protected by the MBTA and California Fish and Game Code are required. Our recommended measures are provided below.

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

Measure 2. Pre-activity Surveys and Buffers. If it is not possible to schedule demolition and construction activities between September 1 and January 31, preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. These surveys shall be conducted no more than seven days prior to the initiation of demolition or construction activities, including tree removal and pruning. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and buildings) in and immediately adjacent to the impact areas for nests. Adjacent areas to be surveyed include areas within 300 feet of project activities for raptors and 100 feet for non-raptors. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species, but potentially lower depending on site-specific factors such as existing activity and screening of nests by existing vegetation or buildings), to ensure that no nests of species protected by the MBTA and California Fish and Game Code are disturbed during project implementation.

5.2 Impacts due to Bird-Building Collisions

Under existing conditions, terrestrial land uses and habitat conditions in areas surrounding the project consist primarily of developed areas such as commercial and residential buildings (primarily of one or two stories), parking lots, and roads. Vegetation in most of the surrounding areas is limited in extent, and consists primarily of nonnative landscape trees and shrubs. Nonnative 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 (Anderson et al. 1977, Mills et al. 1989). Thus, although some bird species will regularly use the vegetation in the project footprint and surrounding developed areas, they typically do so in low numbers, and particularly rare species or species of conservation concern are not expected to occur on the project site. As a result, the number of individual birds that inhabit and regularly use the site at any given time is low under existing conditions.

Approximately 0.5 miles to the north and northeast, and a mile to the east, the more natural habitats associated with the San Francisco Baylands support much higher bird diversity and abundance. The managed salt ponds located at Don Edwards San Francisco Bay NWR and tidal marsh habitat located in Ravenswood Open Space Preserve provide foraging habitat for a wide variety of waterfowl, herons, egrets, and shorebirds. Numbers of waterbirds using these habitats are highest in winter and during migration, but a number of breeding waterbirds are present in these areas as well. These birds are closely tied to wetlands and aquatic habitats, and the sharp physical division between these aquatic habitats and the adjacent developed areas (i.e., Bayfront Expressway and the commercial properties to the south) is very obvious. As a result, these waterbirds are not expected travel south of Bayfront Expressway and cross 0.5 miles of dense urban development to reach the project site. Therefore, birds occurring on the project site consist solely of terrestrial birds rather than waterbirds.

The project proposes to install landscaping and bioretention facilities in several areas, and it is expected that the site will support more vegetation, and therefore somewhat higher-quality habitat for landbirds, than existing conditions. However, the extent of vegetation will still be very limited, and bird use of the site is not expected to increase substantially following project implementation, as overall habitat conditions on and adjacent to the site will still be poor for most regionally occurring bird species. No water features that might attract waterbirds are proposed.

It has been well documented that glass windows and building façades can result in injury or mortality of birds due to birds' collisions with these surfaces (Klem 2009, Sheppard and Phillips 2015). 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 greatest risk of avian collisions with buildings occurs in the area within 40–60 feet of the ground because this is the area in which most bird activity occurs (San Francisco Planning Department 2011, Sheppard and Phillips 2015). Very tall buildings (e.g., buildings 500 feet 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 (San Francisco Planning Department 2011).

Based on site plans provided by DES Architects, the project proposes extensive glazing on the facades of the two proposed office buildings. As a result, some bird collisions with the proposed buildings are expected to occur. However, the project proposes to incorporate bird-friendly glazing with a ceramic dot frit spaced at 2x4-inch intervals on most glazing; only glazing in portions of the lower levels will not have bird-safe treatment.

We expect the frequency of bird collisions with the proposed buildings to be relatively low due to (1) the relatively low numbers of birds expected to occur in the immediate vicinity of the proposed project buildings due to low-quality habitat conditions; (2) the low numbers of birds expected to approach the project site from more natural habitats 0.5 miles or more to the north and east; (3) the absence of any features such as dense, native vegetation or water features on or immediately adjacent to the site that might otherwise attract birds to the vicinity; and (4) the incorporation of bird-safe glazing on the proposed office buildings.

Although building collisions by some migrant songbirds are likely to occur, we would expect that the majority of bird strikes would be by resident species, both because the low-quality habitat on the site is more conducive to use by urban-adapted resident birds than by migrants and because resident birds would spend far more time near the proposed buildings than would birds that are migrating through the region. The resident species occurring on the project site are all common, urban-adapted species that are widespread in urban, suburban, and (for many species) natural land use types throughout the San Francisco Bay area. As a result, these species have high regional populations, and the number of individuals that might be impacted by collisions with project buildings would represent a very small proportion of regional populations. Therefore, the project would not result in the loss of a substantial proportion of any species' Bay-area populations or any Bay-area bird community regardless of the implementation of bird-safe design measures related to glazing or lighting. Nevertheless, measures to ensure that the project reduces bird collisions with new buildings are required under ConnectMenlo Mitigation Measure BIO-1.

The project will comply with City of Menlo Park bird-safe design requirements provided in Municipal Code Section 16.45.130(6), which include appropriate measures to reduce bird collisions as follows:

- No more than 10% of facade surface area shall have non-bird-friendly glazing.
- 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. The 985-1005 O'Brien Drive project will use bird-safe glazing that has ceramic frit, and that is not highly reflective, over most of the facades of the proposed buildings.
- Occupancy sensors or other switch control devices 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.
- Placement of buildings avoids the potential funneling of flight paths towards a building facade.

- Glass skyways or walkways, free-standing (see-through) glass walls and handrails, and transparent building corners are typically not allowed per City bird-safe design requirements. The 985-1005 O'Brien Drive project does not include glass skyways, walkways, or handrails. The proposed building at 1005 O'Brien Drive includes some transparent glazing at the northeast and southeast building corners on the lower levels, and the proposed amenity space and office building at 1320 Willow Road would also have some transparent corners. However, glazing at all such transparent corners will have bird-friendly treatment to minimize bird collision risk, thereby meeting the City's requirements.
- Transparent glass is not proposed at the rooflines of buildings, including in conjunction with roof decks, patios and green roofs.
- Use of rodenticides shall not be allowed.

Compliance with the bird-safe design requirements of the Municipal Code will reduce the number of bird collisions with the new buildings. Therefore, project impacts resulting from bird collisions would not rise to the CEQA standard of having a substantial adverse effect, and this impact would not constitute a significant impact under CEQA.

Section 6. Additional Requirements

6.1 Coordination with Appropriate Agencies

Per ConnectMenlo 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.

As described above, no sensitive natural habitats are present on or adjacent to the project site or would be impacted by the project. No agency coordination (e.g., with the CDFW or USFWS) regarding potential effects of the project on sensitive species or habitats is necessary.

6.2 Obtain Necessary Permits/Authorizations

Per ConnectMenlo 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 will not result in impacts on sensitive habitats such as jurisdictional wetlands, other waters of the U.S./State, or riparian habitats, or any impacts on federally and/or state-listed species. Therefore, permits from the USACE, RWQCB, CDFW, USFWS, San Francisco Bay Conservation and Development Commission, or other agencies are not required.

6.3 Applicable Zoning Regulations

Per ConnectMenlo Mitigation Measure BIO-1, the project will comply with zoning regulations enacted by the following ordinances:

- 16.43 O-Office District.
- 16.43.080 Corporate housing.
- 16.43.140 Green and sustainable building.
- 16.44 LS-Life Science District.
- 16.44.130 Green and sustainable building.

Section 7. Conclusions

The proposed project complies with the requirements of Mitigation Measure BIO-1 by documenting sensitive biological and regulated resources associated with the 985-1005 O'Brien Drive project site, the effects of the proposed project on these resources and on sensitive lands in the vicinity (such as Don Edwards NWR), and measures that the project proponent will implement to avoid and minimize impacts on these resources.

Section 8. References

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