

---

## 3.3 BIOLOGICAL RESOURCES

---

### Introduction

---

This section identifies biological resources present within the project area including special status plant and animal species that could be affected by implementation of the proposed project. Included in the discussion is a summary of applicable laws and regulations related to biological resources and agencies responsible for their implementation.

The Initial Study prepared for the project determined that the project would not affect riparian or other sensitive habitats including wetlands, interfere with wildlife movement, or conflict with the provisions of an adopted Habitat Conservation Plan or Natural Communities Conservation Plan (see Appendix B).<sup>1</sup> The Initial Study also concluded that, because of measures built into the City's Heritage Tree ordinance, the proposed project would not conflict with the City's ordinance (Menlo Park Municipal Code Chapter 13.24) and the removal of heritage trees would be done in compliance with the ordinance by planting sufficient replace trees in terms of both quantity and species. Therefore, potential impacts to riparian or wetlands or heritage trees were determined to be less than significant and are not further evaluated in this section.<sup>2</sup>

Two comments were received related to biological resources in response to the Notice of Preparation (Appendix C). The first comment requested that the EIR evaluate impacts to migratory wildlife species with regard to proximity to a wildlife refuge and questioned if the proposed building size/height would affect flight patterns. The proposed project includes a zoning change that would allow structures of up to 140 feet in height. While most avian species could simply fly over any new structure at this height, several corridors between the buildings are available through which any avian species could pass. In addition, the project area does not currently provide prime avian nesting/foraging habitat, nor does the proposed project serve as a major avian destination. It is anticipated that avian species would simply go through, around, or over the proposed buildings. Therefore, this issue is not further addressed in the section. The second comment requested that the EIR evaluate the potential impact of lights and building height and mass on wildlife in the nearby Bedwell Bayfront Park, marshes, salt flats, and Don Edwards National Wildlife Refuge. As discussed above, building heights would not adversely affect birds flying in the area. With regard to potential impacts associated with an increase in lights, please see Section 3.1, Aesthetics, for more information on potential impacts associated with proposed lighting and feasible mitigation measures. Lights for the project are designed to minimize spillover light, and due to the distance to Bayfront Park and the Don Edwards National Wildlife Refuge and the urban environment that currently exists, it is not anticipated that any wildlife would be adversely affected by the addition of project lights. Therefore, this issue is not further addressed in this section.

---

<sup>1</sup> City of Menlo Park, Community Development Department. *Independence/Constitution General Plan Amendment and Rezoning Project, Initial Study*. May 24, 2007.

<sup>2</sup> Ibid.

## Setting

---

To describe the biological resources in the project area, a PBS&J biologist conducted a reconnaissance level field survey of the project area on August 16, 2005. During this site visit, all the roads were driven and all observed species of plants and animals were noted. In addition, a query of the California Natural Diversity Database (CNDDDB) was performed to identify special status species known to occur in the project vicinity, see Figure 3.3-1. This database includes a list of plant and wildlife species maintained by the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (DFG), and the California Native Plant Society (CNPS).

## Vegetation

Vegetation found within the project area largely consists of commercial landscape plantings, cultivars, and other commonly used horticultural varieties of plant species. Most of the project area has been developed. In fact, the only bare ground is associated with the eastern portions of both the Constitution and the Independence sites. Plant species observed within the project area are typical landscaping species, including trees like blue gum (*Eucalyptus* spp.), western sycamore (*Platanus racemosa*), coast redwood (*Sequoia sempervirens*), Monterey pine (*Pinus radiata*), poplar (*Populus fastigiata*), carob (*Ceratonia siliqua*), ornamental plum (*Prunus* spp.), and camphor (*Cinnamomum camphora*). Smaller landscaping plants include turf grasses, English and German ivy (*Hedera helix* and *Delairea odonata*), oleander (*Nerium oleander*), juniper (*Juniper* spp.), and iceplant (*Mesembryanthemum crystallinum*).

The preliminary arborist report prepared for the project indicates there are a total of 228 trees within the project area and approximately 90 trees could qualify as “Heritage Trees” under the City’s Heritage Tree Ordinance (see definition below under “Regulatory Setting.”)<sup>3</sup>

## Wildlife

Animal species observed within the project area are those typically found in urban environments. All of the observed species were birds. Observed species include bushtit (*Psaltriparus minimus*), Brewer’s blackbird (*Euphagus cyanocephalus*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), American crow (*Corvus brachyrhynchos*), house finch (*Carpodacus mexicanus*), rock pigeon (*Columba livia*), and western scrub-jay (*Aphelocoma californica*). Common mammals such as feral cats (*Felis catus*), raccoons (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), Norway rats (*Rattus norvegicus*), and black rats (*Rattus rattus*) are likely to be found within the project area.

## Sensitive Species

A query of the CNDDDB for the U.S. Geological Survey (USGS) Palo Alto, Redwood Point, Newark, and Mountain View 7.5-minute quadrangles resulted in 48 occurrences of sensitive plants, animal

---

<sup>3</sup> Preliminary Arborist Report, May 14, 2009.

species, and habitats.<sup>4</sup> This database includes species listed as rare, threatened, endangered, or proposed for listing as such, under the California and Federal Endangered Species Acts, species of special concern to the DFG and the USFWS, and plants on the CNPS list 1 or 2 (considered rare or endangered within California and elsewhere). It also included habitats considered to be threatened. A separate 9-quadrangle search on the CNPS electronic inventory resulted in 38 species of plants reported from the Palo Alto, Redwood Point, Newark, Mountain View, Woodside, La Honda, San Mateo, Mindego Hill, and Cupertino USGS 7.5-minute quadrangles.<sup>5</sup> In general, the extensive species lists generated by the CNDDDB and CNPS queries are the result of:

1. Populations of sensitive species associated with extensive freshwater wetlands and undisturbed native grasslands, and serpentine soils found within the region (primarily north and east of the project area); and
2. Species associated with the extensive sloughs, coastal scrub, and associated brackish and freshwater habitats of the south San Francisco Bay (across Bayfront Expressway, just north of the Constitution site).

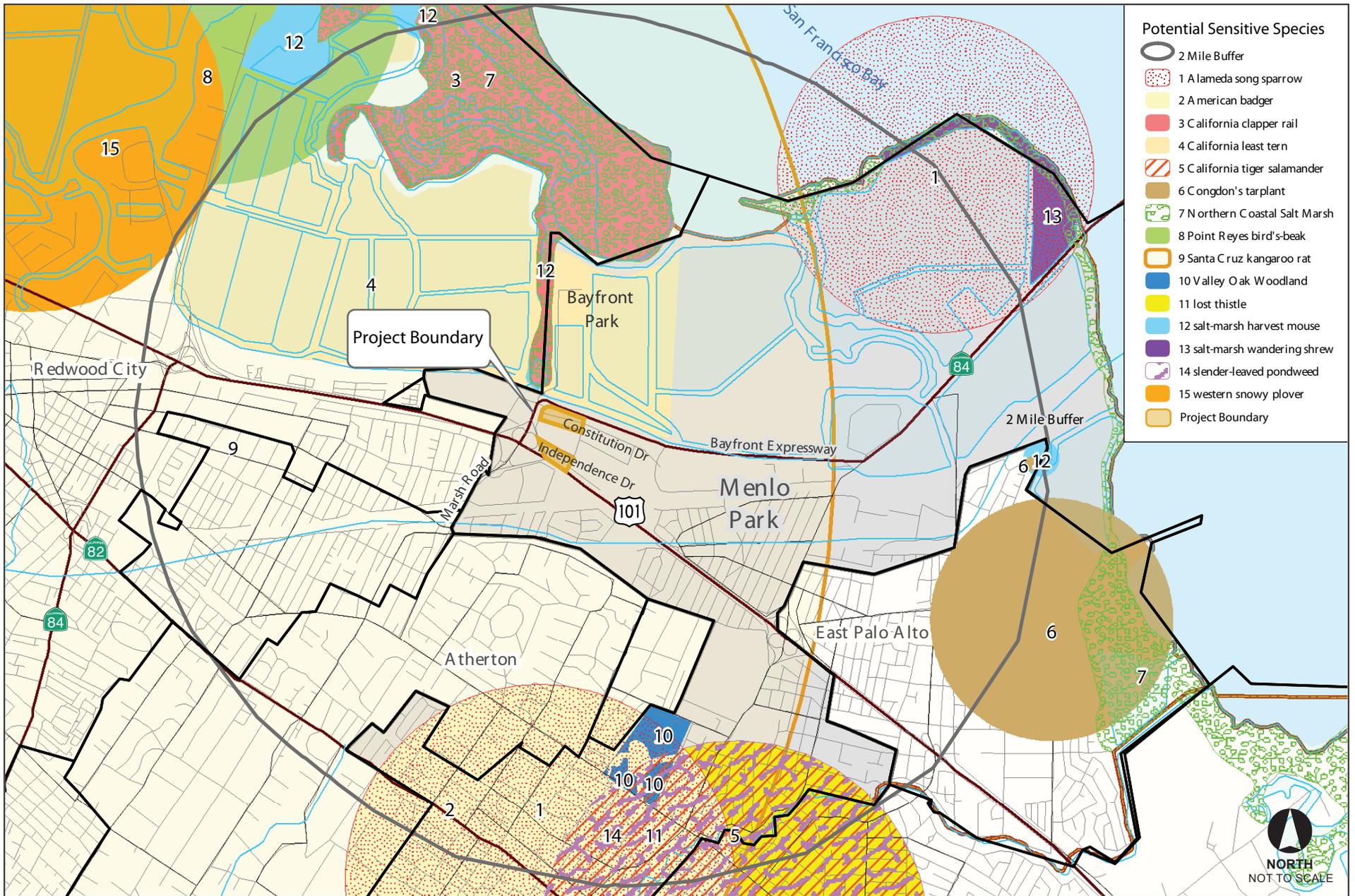
According to the CNDDDB data, eleven plant and animal species and two sensitive natural communities are reported within a 2-mile radius of the project area (Figure 3.3-1). Table 3.3-1 includes those species that have the potential to be present within the project area. The project area does not support any nesting, cover, or foraging habitat for any of these species. Special-status plant species are either restricted to grassland, salt marsh, or salt pond habitats, none of which are found in the urbanized project area, or are considered extinct. Although minor portions of some parcels are undeveloped within the project area, the original plant communities have been eliminated by previous development.

The special status wildlife species adjacent to the project area are restricted to specific habitats, like the California least tern (*Sterna antillarum browni*), which nests on nearby salt ponds, the salt marsh harvest mouse (*Reithrodontomys raviventris*), which is found only in relatively high quality coastal salt marsh habitats, or the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) that occurs in grasslands and immediately adjacent wetlands, ponds, marshes, or sloughs. As a result, development of the project area, which does not include this habitat, would not disturb or adversely affect habitat for any special-status species. The record for Santa Cruz kangaroo rat (*Dipodomys venustus venustus*) is based on a 1933 collection record that has no site-specific information other than “Redwood City.” This species requires soft, well-drained sandy soils not present within the project area and is therefore presumed absent.

---

<sup>4</sup> California Department of Fish and Game, California Natural Diversity Database, *RareFind* Commercial v3.0.5. Information dated July 1, 2005. Accessed September 19, 2005 and June 2009.

<sup>5</sup> California Native Plant Society, *Inventory of rare and endangered plants*. V6.05c 7-9-05. <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>, accessed September 19, 2005.



**FIGURE 3.3-1**  
**Sensitive Species Occurrences**

Source: California Department of Fish and Game, 2005



D411048.01

Menlo Gateway Draft EIR

**Table 3.3-1**

**Special-Status Species<sup>1</sup> Potentially Occurring within the Project Area**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status<sup>2</sup> Fed/CA/other</b>	<b>Habitat and Seasonal Distribution in California</b>	<b>Likelihood of Occurrence Within the Project Site<sup>3</sup></b>
<b>PLANTS</b>				
Congdon's tarplant	<i>Centromadia parryi</i> ssp. <i>congdonii</i>	--/--/1B.2	Valley and foothill grassland; alkaline soils; sometimes described as heavy white clay. 0-230 meters; blooms May-Nov.	<b>Low.</b> While the habitat is not ideal, there is potential for occurrence with known occurrence within two miles.
Point Reyes bird's-beak	<i>Cordylanthus maritimus</i> ssp. <i>palustris</i>	--/--/1B.2	Coastal salt marsh and swamp habitats ranging from 0 – 10 meters; blooms June – October.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
Slender-leaved pondweed	<i>Potamogeton filiformis</i>	--/--/2.2	Assorted shallow freshwater marshes and swamps ranging from 300 – 2150 meters; blooms May – July.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
<b>AMPHIBIANS/REPTILES</b>				
San Francisco garter snake	<i>Thamnophis sirtalis tetrataenia</i>	FE/SE/--	Utilizes a variety of habitats, preferring grasslands or wetlands near ponds, marshes, and sloughs. May overwinter in upland areas away from water.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
<b>BIRDS</b>				
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>	FT/CSC/--	(Nesting). Federal listing applies only to the Pacific coastal population. Found on sandy beaches, salt pond levees, and shores of large alkali lakes. Requires sandy, gravelly or friable soils for nesting.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
Saltmarsh common yellowthroat	<i>Geothlypis trichas sinuosa</i>	--/CSC/--	Inhabits salt marsh and adjacent riparian habitats.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.

**Table 3.3-1**

**Special-Status Species<sup>1</sup> Potentially Occurring within the Project Area**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status<sup>2</sup> Fed/CA/other</b>	<b>Habitat and Seasonal Distribution in California</b>	<b>Likelihood of Occurrence Within the Project Site<sup>3</sup></b>
California black rail	<i>Laterallus jamaicensi scotorniculus</i>	--/ST;CFP/--	Occurs most commonly in tidal emergent wetlands dominated by pickleweed, or in brackish marshes supporting bulrushes in association with pickleweed. In freshwater, usually found in bulrushes, cattails, and saltgrass. Usually found in immediate vicinity of tidal sloughs.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
Alameda song sparrow	<i>Melospiza melodia pusillula</i>	--/CSC/--	Found in marshland within the San Francisco Bay.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
California clapper rail	<i>Rallus longirostris obsoletus</i>	FE/SE;CFP/--	Saltwater and brackish marshes often crossed by tidal sloughs in the San Francisco Bay. Closely associated with pickleweed ( <i>Salicornia virginica</i> ).	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
<b>MAMMALS</b>				
pallid bat	<i>Antrozous pallidus</i>	--/CSC/--	Daytime roosts in buildings and crevices; less often in caves, mines, and hollow trees. Nighttime roosts in buildings, caves, mines and cliff overhangs.	<b>Moderate.</b> While there are no known occurrence within two miles of the project site, they could roost in buildings on the project site.
salt-marsh harvest mouse	<i>Reithrodontomys racicentris</i>	FE/SE/--	Found only in saline emergent wetlands of San Francisco Bay and its tributaries. Primary habitat is pickleweed-dominated, saline emergent marshes. Requires adjacent, upland areas for escape during high tides.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.
salt-marsh wandering shrew	<i>Sorex vagrans halicoetes</i>	--/CSC/--	Inhabits salt marshes of the southern end of San Francisco Bay; prefers marsh habitat where abundant driftwood is scattered among pickleweed.	<b>Unlikely.</b> While there are known occurrence within two miles, the absence of suitable habitat precludes the species from occurring on the project site.

**Table 3.3-1**

**Special-Status Species<sup>1</sup> Potentially Occurring within the Project Area**

<b>Common Name</b>	<b>Scientific Name</b>	<b>Status<sup>2</sup> Fed/CA/other</b>	<b>Habitat and Seasonal Distribution in California</b>	<b>Likelihood of Occurrence Within the Project Site<sup>3</sup></b>
<b>SENSITIVE NATURAL COMMUNITIES</b>				
Northern Coastal Salt Marsh		CDFG Sensitive Habitat		No sensitive habitat exists on the site.

*Source:* California Natural Diversity Database, 2007.

*Notes:*

**1-Special Status Species:** Animals that were included in this table have a ranking of CSC or higher. Special-status plants that were included in this table have a ranking of List 2 or higher.

**2-Status:**

Federal

FE Federally listed as Endangered

FT Federally listed as Threatened

FC Federally listed as a candidate species

State

SE State listed as Endangered

ST State listed as Threatened

CR California rare

CFPCalifornia Department of Fish and Game designated “Fully Protected” or “Protected” – Permit required for “take.”

CSCCalifornia Department of Fish and Game designated “Species of Special Concern”

**Other**

1B California Native Plant Society (CNPS) Ranking. Defined as plants that are rare, threatened, or endangered in California and elsewhere.

0.2: Fairly endangered in California

2 California Native Plant Society (CNPS) Ranking. Defined as plants that are rare, threatened, or endangered in California, but more common elsewhere.

0.3: Not very endangered in California

**3-Likelihood of Occurrence:** CDFG Natural Diversity Database (CNDDDB)

Likelihood of occurrence evaluations:

A rating of “known” indicates that the species has been observed on the site.

A rating of “high” indicates that the species has not been observed, but sufficient information is available to indicate suitable habitat and conditions are present on-site and the species is expected to occur on-site.

A rating of “moderate” indicates that it is not known if the species is present, but suitable habitat exists on-site.

A rating of “low” indicates that species may not be expected given the species’ known regional distribution or the quality of habitats located on the site.

A rating of “unlikely” indicates that there is no suitable habitat on the site.

## Regulatory Setting

There are a number of State and federal regulations that relate specifically to the protection and conservation of biological resources. However, many of these concern special status species (Federal and State Endangered Species Acts) or habitats (Clean Water Act, Porter-Cologne Water Quality Control Act) that are not found within the project area. The following regulations and ordinances are relevant to the project area.

**Migratory Bird Treaty Act of 1918.** The federal Migratory Bird Treaty Act (MBTA) makes it unlawful to “take” (kill, harm, harass, etc.) any migratory bird listed in 50 CFR 10, including their nests, eggs, or products. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many others. Most of the birds that commonly occur within the project area, like Brewer’s blackbird, western scrub-jay, house finch, and American crow, are protected under the MBTA.

**Sections 3503, 3503.5, 3800 of the Fish and Game Code.** These sections of the Fish and Game Code prohibit the “take, possession, or destruction of birds, their nests or eggs.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a “take.” Removal of vegetation is the most common action that can lead to a violation of these code sections.

**City of Menlo Park Municipal Code Chapter 13.24.** The proposed project would be subject to the Menlo Park Municipal Code Chapter 13.24, which establishes regulations for the preservation of Heritage Trees. The proposed project could result in a loss of trees protected by Chapter 13.24. The Menlo Park Municipal Code, Chapter 13.24 establishes regulations for the preservation and removal of Heritage Trees, which are defined as:

- A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council;
- An oak tree (*Quercus* sp.) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section; and
- All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are less than twelve (12) feet in height, which will be exempt from this section. (Ord. 928 Section 1 (part), 2004).

A discussion of impacts to Heritage Trees is included in the Initial Study (see Appendix B, pages 10 and 11). As required by the City’s Municipal Code, a tree survey shall be conducted by a certified arborist, and a tree report and map shall be prepared showing the locations of all pertinent trees within the project envelope prior to initiation of construction activities. Any work performed within an area ten times the diameter of the tree (i.e., the tree protection zone) shall require submittal of a tree protection plan for review and approval by the Community Development Director or his/her designee prior to issuance of any permit for grading or construction, and shall be prepared by a certified arborist. Removal of heritage trees requires obtaining an appropriate permit from the Director of Public Works and payment of a fee. In keeping with the general intent of Chapter 13.24 to preserve and maintain trees, the project sponsor shall retain as many of the native trees as feasible.

Based on the preliminary arborist report a total of 35 trees were identified on the Constitution site that would be protected under the City’s Heritage Tree Ordinance. Of those trees, a total of approximately

32 are slated for removal. On the Independence site a total of 55 heritage trees were identified, with approximately 40 slated for removal.

**City of Menlo Park General Plan.** Goals and policies contained in the City's Open Space and Conservation Element would also apply to future development in the project area.

**Goal 2: To encourage the enhancement of boulevards, plazas, and other urban open spaces in residential, commercial and industrial neighborhoods.**

**Policy 2:** Include landscaping and plazas on public and private lands and well-designed pedestrian facilities in areas of intensive pedestrian activity. Require greater landscaping in extensive parking areas.

Landscaping, open space, an amphitheater, and public areas are proposed for the project area and will be reviewed by the City during the project review phase to ensure compliance with this policy. In addition, this issue is addressed in greater detail in Section 3.1, Aesthetics, of this DEIR.

## **Impacts and Mitigation Measures**

---

### **Standards of Significance**

Although there are several significance criteria typically used in evaluating a project's potential impact on biological resources, most of these were adequately addressed in the Initial Study and require no further discussion. The only criterion that applies to this project relates to potential disturbance to sensitive bird species.

The proposed project would result in a significant impact if it would result in:

- **Impact Criterion #1:** A substantial adverse effect either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS.

### **Project Evaluation**

The following analysis discusses the potential impacts of the proposed project that would be allowed under the GPA/ZOA and the Menlo Gateway project.

***Impact BR-1:** Removal of trees, shrubs, or woody vegetation within the project area could result in impacts to nesting birds. This would be a potentially significant impact. (PS)*

Any project-related activities that result in the removal of existing trees, shrubs, or woody vegetation could potentially impact nesting birds. Such impacts could include loss of young birds or the abandonment of an active nest. No protected species were observed onsite during the biological reconnaissance survey for this EIR; however, in the future, at the time of site development, there could be a violation of Fish and Game Code Sections 3503, 3503.5, or 3800 and the federal MBTA when trees and other vegetation would be removed and there are active nests. Because the project could

result in the loss of nesting birds that are protected by State and federal laws, this impact is considered potentially significant.

Due to the project area's location between two major roadways and its highly urbanized and developed environment, it is unlikely that any special status animal species would use any of the project area for nesting, cover, or foraging habitat. Special-status plant species are either restricted to grassland habitats or are considered extinct. Although a parcel on both the Independence and Constitutions sites is undeveloped, the native plant communities have been eliminated due to grading/scraping activities or varying degrees of disturbance by previous development. Vegetation found within the project area largely consists of commercial landscape plantings, cultivars, and other commonly used horticultural varieties of plant species. In addition, the project area contains no wetlands or ponded water associated with wetlands or "other waters of the United States."

**MITIGATION MEASURE.** If the pre-construction survey finds nesting bird species in the project area, the following mitigation measure would ensure that any protected species of nesting birds are not impacted by the proposed project. Implementation of this mitigation measure would reduce this potentially significant impact to a less-than-significant level. *(LTS)*

**BR-1.1** *Pre-construction nesting bird surveys.* To facilitate compliance with State and federal law (Fish and Game Code and the MBTA) and prevent impacts to nesting birds, the project sponsor shall avoid the removal of trees, shrubs, or weedy vegetation between February 1 through August 31 during the bird nesting period. If no vegetation or tree removal is proposed during the nesting period, no surveys are required. If it is not feasible to avoid the nesting period, a survey for nesting birds shall be conducted by a qualified wildlife biologist no earlier than seven days prior to the removal of trees, shrubs, weedy vegetation, buildings, or other construction activity.

- A) Survey results shall be valid for 21 days following the survey. The area surveyed shall include all construction areas as well as areas within 150 feet outside the boundaries of the areas to be cleared or as otherwise determined by the biologist.
- B) In the event that an active nest for a protected species of bird is discovered in the areas to be cleared, or in other habitats within 150 feet of construction boundaries, clearing and construction shall be postponed for at least two weeks or until the biologist has determined that the young have fledged (left the nest), the nest is vacated, and there is no evidence of second nesting attempts.

**Impact BR-2:** *Demolition of buildings within the project area could result in impacts to bats that may roost in buildings. This would be a potentially significant impact. (PS)*

As noted in Table 3.3-1, the pallid bat is a California Species of Special Concern and may be present within the project area. The pallid bat is common in arid regions with rocky outcroppings, particularly near water, but also likes to roost in buildings.

No bat surveys have been conducted for the project. However, buildings within the project area and some trees may represent potentially suitable roosting habitat for a variety of regionally occurring bat species. The only special-status bat species that has the potential to occur within the project area is the pallid bat. The pallid bat is commonly found roosting in buildings, under bridges, and in trees.

Removal of buildings and trees associated with the Menlo Gateway project could impact roosting sites for this species. These roosting sites can also be used as maternal roosts. Disturbance of roosting sites during the maternity season (May 1st – October 1st) could result in a potentially significant impact.

**MITIGATION MEASURE.** If the pre-construction survey finds bats in the project area, the following mitigation measure would ensure that any protected species are not impacted by the proposed project. Implementation of this mitigation measure would reduce this potentially significant impact to a less-than-significant level. (LTS)

*BR-2.1 Conduct bat and bat roosting site surveys.* Prior to building demolition or tree removal activities, the project sponsor or developer shall retain a qualified biologist to conduct a focused survey for bats and potential roosting sites within buildings to be demolished or trees to be removed. The surveys can be conducted by visual identification and can assume presence of pallid bats or the bats can be identified to a species-level with the use of an “Anabat” unit. If no roosting sites or bats are found, a letter report confirming absence shall be sent to the California Department of Fish and Game and no further mitigation is required.

*BR-2.2 Monitoring and Exclusion Measures.*

- A) If bats are found roosting outside of nursery season (May 1<sup>st</sup> through October 1<sup>st</sup>), then they shall be evicted as described under (b) below. If bats are found roosting during the nursery season, then they shall be monitored to determine if the roost site is a maternal roost. This could occur by either visual inspection of the roost bat pups, if possible, or monitoring the roost after the adults leave for the night to listen for bat pups. If the roost is determined to not be a maternal roost, then the bats shall be evicted as described under (b). Because bat pups cannot leave the roost until they are mature enough, eviction of a maternal roost cannot occur during the nursery season. A 250-foot (or as determined in consultation with the Department of Fish and Game) buffer zone shall be established around the roosting site within which no construction shall occur.
- B) Eviction of bats shall be conducted using bat exclusion techniques, developed by Bat Conservation International (BCI) and in consultation with the Department of Fish and Game, that allow the bats to exit the roosting site but prevent re-entry to the site. This would include, but not be limited to, the installation of one way exclusion devices. The devices shall remain in place for seven days and then the exclusion points and any other potential entrances shall be sealed. This work shall be completed by a BCI recommended

exclusion professional. The exclusion of bats shall be timed and carried concurrently with any scheduled bird exclusion activities.

## **Cumulative Impacts**

The geographic context for cumulative analysis of loss of biological resources is the City of Menlo Park. Because the project area is located in a developed environment and very few natural resources exist within the project area, using the City of Menlo Park as the cumulative context is reasonable. This cumulative analysis examines the effects of the proposed project, in combination with other current projects, probable future projects, and projected future growth within the City in the next 20 years.

***Impact BR-1CM:** Removal of buildings, trees, shrubs, or other woody vegetation associated with construction of the proposed project and other cumulative development within the City could result in impacts to nesting birds and bats. This would be a potentially significant cumulative impact. (PS)*

As described above under Impact BR-1 and BR-2, activities that result in the removal of existing buildings, trees, shrubs, or other woody vegetation could adversely affect nesting birds or bats, either by causing the loss of young birds/bats or the abandonment of an active nest or roosting area. With future development in the City, it is reasonable to expect there would be a loss of buildings, trees and other woody vegetation that provide nesting and roosting habitat. Disturbance to these habitats in combination with the potential loss of similar habitat in the project area would result in a potentially significant cumulative impact.

MITIGATION MEASURE. Implementation of Mitigation Measures BR-1.1, BR-2.1 and BR-2.2 would mitigate the project's contribution to this potentially significant cumulative impact to less than cumulatively considerable. Moreover, the same mitigation measure, or an equivalent measure, would likely be imposed on other development projects, since this measure is recommended as a means to comply with existing state and federal laws. Therefore, the cumulative impact on nesting birds and bats would be reduced to less than significant. (LTS)