

BIOLOGICAL RESOURCES

4.3 BIOLOGICAL RESOURCES

Biological resources include the plant and animal species in the natural environment, including the urban forest. Biological resources benefit the residents by providing ecosystem services, such as pollination, decomposition, water purification, erosion and flood control, carbon storage and climate regulation, and recreational enjoyment.

This section evaluates the potential impacts of Scenarios 5 and 6 on biological resources. This analysis is based on the Regulatory Framework and Existing Conditions information provided in the February 2016 Draft Environmental Impact Report (EIR), with the exception of the revisions noted below.

4.3.1 ENVIRONMENTAL SETTING

No revisions are required to the Regulatory Framework and Existing Conditions information presented in the February 2016 Draft EIR except for the following changes regarding the Federal Endangered Species Act, Stanford Habitat Conservation Plan, San Francisco garter snake, Western pond turtle, and American badger (deletions are shown in ~~strike through~~ and additions are shown in underlined).

4.3.1.1 REGULATORY FRAMEWORK

Federal Regulations

Federal Endangered Species Act

The United States Endangered Species Act (federal ESA) is administered and implemented by the US Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries whereby the USFWS is responsible for all species ~~but except marine species and anadromous fish~~, and NOAA Fisheries is responsible for fish-marine species, including anadromous fish such as salmon and steelhead. The federal ESA provides protection for species listed as threatened or endangered by the federal government, including their habitat. "Endangered" species, subspecies, or distinct population segments are those that are in danger of extinction through all or a significant portion of their range, and "threatened" species, subspecies, or distinct population segments are likely to become endangered in the near future.

In particular, the federal ESA has specific sections that regulate projects based on effects to listed species. Section 7 mandates that if a proposed project that is funded by or has a permit from a federal agency may affect listed species or its habitat, then that federal agency must consult with USFWS and/or NOAA Fisheries (depending on the species involved). The aim of the consultation is to ensure that the project does not jeopardize the existence of a listed species, or destroy or adversely modify critical habitat for the species. Section 9 of the federal ESA prohibits the take of any fish or wildlife species listed as endangered, including the destruction of habitat that prevents the species' recovery. "Take" is defined by the ESA as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect a federally listed, endangered species of

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wildlife, or to attempt to engage in any such conduct.” Federal regulations also define take to include the incidental destruction of animals in the course of an otherwise lawful activity, such as habitat loss due to development. Under those rules, the definition of take includes significant habitat modification or degradation that actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR Section 17.3).

Take may be allowed under a permit by either Section 7 or Section 10(a) of the ESA. The permit is issued under Section 7 if another federal agency funds or issues a permit for the project (US Army Corps of Engineers [USACE] for example). The permit is issued under Section 10(a) if there is no federal involvement in the project.

Local Regulations

Stanford University Habitat Conservation Plan

An Incidental Take Permit (ITP) was issued to Stanford University by the USFWS for impacts to federally listed species that occur as a result of lawful operation of the University. The University prepared a Habitat Conservation Plan (HCP) to address protection and management of five federally listed, and one special status, species that occur/potentially occur on Stanford lands. These species—these species, which are the California tiger salamander, California red-legged frog, and San Francisco garter snake, steelhead and western pond turtle.¹ They are also known as the Covered Species. The HCP includes measures to minimize the impacts of University activities on federally protected species—the Covered Species and protect and enhance the habitat of these species on Stanford lands. The HCP was a required element for the University’s application to the USFWS and NOAA Fisheries for the (ITP) under the federal ESA. The ITPs authorizes take of federally listed species caused the Covered Species by otherwise lawful activities, such as those associated with normal operation of the University. These are also known as the Covered Activities, and they are specifically described in the HCP.

On December 6, 2012, Stanford University asked NOAA Fisheries and the USFWS to temporarily suspend processing the San Francisquito and Los Trancos creeks portions of the Section 10(a) permit applications to allow a faculty and staff committee to complete its study of the future of Searsville Dam and Reservoir. A revised HCP was published in March 2013. The revised version addresses three species: California tiger salamander, red-legged frog, and San Francisco garter snake.

As shown in Figure 4.3-1 of the February 2016 Draft EIR, the plan area identified in the HCP includes some lands that fall within the Palo Alto city limits, including Page Mill Road from El Camino Real to approximately Interstate 280, as well as lands that fall within the City of Palo Alto’s Sphere of Influence

¹ Section 2.4.3 of the HCP explains that Stanford is within the intergrade zone between the rare San Francisco garter snake subspecies populations and the more common red-sided garter snake populations. As a result, the snakes that may occur on Stanford lands have not been proven to be the SFGS sub-species, and existing science indicates that they are not the SFGS subspecies. The HCP covers them, regardless, including measures to protect them.

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(SOI), including Stanford lands between El Camino and Junipero Serra Boulevard and open space and business park land uses west of Foothill Expressway, extending south of Page Mill Road to Arastradero Road. The HCP includes the biological goals shown in Table 4.3-2.

TABLE 4.3-2 STANFORD UNIVERSITY HABITAT CONSERVATION PLAN BIOLOGICAL GOALS

Goal #1	Maintain and enhance natural communities so that they benefit the Covered Species.
Goal #2:	Stabilize the local California tiger salamander population and increase its chance of long-term persistence at Stanford.
Goal #3	Maintain ponds to promote California tiger salamander reproduction in the Foothills.
Goal #4	Increase the local California red-legged frog population and increase its chance of long-term persistence at Stanford.
Goal #5	Maintain or improve habitat that could support the San Francisco garter snake and continue to contribute to the body of information about garter snakes at Stanford.

Source: Stanford University Habitat Conservation Plan, ~~2012~~ March 2013.

The broad Biological Goals are supported by more specific Biological Objectives that provide measurable ways of determining whether a goal is being met. The goals and objectives provide the framework for the conservation program described in the HCP and identify specific management and minimization actions.

There are 24 Biological Objectives listed in the HCP. Examples include:

- Protect 3.5 contiguous miles of riparian vegetation and creek along Matadero Creek (2 miles), and Deer Creek (1.5 miles).
- Protect 300 acres of grassland and seasonal ponds by establishing a no-build zone south of Junipero Serra Boulevard.
- Implement a site-specific management and monitoring plan for the protected land to survey for Covered and non-native species, limit recreational activities, and provide vegetation management.
- Move temporary structures and roads to areas more than 150 feet from the top of the creek bank, and revegetate vacated areas.

The HCP Study Area is divided into four management zones, according to habitat value to the Covered Species. Zone 1 lands support one or more of the Covered Species or provide critical resources for a Covered Species. Zone 2 lands are occasionally occupied by a Covered Species and provide some of the resources used by the Covered Species. Zone 3 lands are generally undeveloped open space lands that have some biological value, but provide only limited and indirect benefit to the Covered Species. Zone 4 lands do not support or cannot sustain the Covered Species. This zone includes urbanized areas that have been developed by the University or its ground lessees and those areas that are completely surrounded by urban development and/or roads, or are otherwise isolated from areas that support a Covered Species.

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Most of the HCP Study Area that is in Palo Alto is in Zone 4. The exceptions are the ~~Lagunita Reservoir at Stanford, and the undeveloped lands west-south of Foothill Expressway near Deer Creek, which~~ contain Management Zones 1, and 2, and 3 in the “Dish” area and around Deer Creek and Matadero Creek.

4.3.1.2 EXISTING CONDITIONS

Natural Communities in Palo Alto

Special-Status Wildlife Species

The natural plant communities that occur in Palo Alto provide habitat for diverse wildlife species, including mammals, birds, amphibians, reptiles, and insects. The natural grassland and chaparral plant communities in the foothills and saltmarsh in the baylands, in particular, provide habitat for special-status wildlife species. Some of the species that occur in Palo Alto and its SOI are listed in the California Natural Diversity Database (CNDDDB) as California Species of Special Concern (uncommon but not threatened or endangered) or are State/federally listed as threatened or endangered. The result of the CNDDDB search for animal species is shown on Table 4.3-4 of the February 2016 Draft EIR. ~~A description-complete listing of the species that are known to occur, or could occur in habitats present in the city follows the table in the February 2016 Draft EIR. Revisions to the descriptions of the San Francisco garter snake, Western pond turtle, and American badger are shown below.~~

- **San Francisco garter snake** (SFGS) occurred historically in scattered wetland areas on the San Francisco Peninsula from approximately the San Francisco County line south along the eastern and western bases of the Santa Cruz Mountains, at least to the Upper Crystal Springs Reservoir, and along the coast south to Año Nuevo Point and Waddell Creek in Santa Cruz County.² The species currently appears to be limited to small areas within this historic range; primarily along the San Mateo County Coast and near the San Francisco International Airport.

SFGS is a highly aquatic sub-species of garter snake found in or near densely vegetated freshwater ponds with adjacent open hillsides where they can bask, feed, and find cover in rodent burrows. Temporary ponds and other seasonal freshwater bodies are also used. Emergent and bankside vegetation such as cattails (*Typha* spp.), bulrushes (*Scirpus* spp.) and rushes (*Juncus* spp. and *Eleocharis* spp.) are preferred and used for cover. The area between stream and pond habitats and grasslands or bank sides is used for basking, while nearby dense vegetation or water often provides escape cover. A critical component for San Francisco garter snake is the presence of suitable prey, including Pacific tree frog (*Pseudacris regilla*) and ranid frogs (California red-legged frog and/or bullfrog). Urbanization destroyed the majority of prime habitat for the snake, and continues to fragment remaining habitat and eliminate habitat linkage corridors. Suitable habitat for this species is very limited in the area. ~~An intergrade form occurs in Woodside just north of Searsville Reservoir. It is unknown if the intergrade is more closely related~~

² U.S. Fish and Wildlife Service, 2014, http://www.fws.gov/sacramento/es_species/Accounts/Amphibians-Reptiles/Documents/sf_garter_snake.pdf, accessed on June 10, 2014.

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~~genetically to the common garter snake or to the SFGS. It, and although~~ habitat for SFGS is present at Boronda Lake in Foothills Park and along riparian corridors in Palo Alto, ~~but SFGS has never been found there, and~~ the likelihood of occurrence is low.

- **Western pond turtle** ranges in size from 3.5 to 7 inches and is the only freshwater turtle native to the San Francisco Bay Area. It occurs in ponds, small lakes, marshes, streams and irrigation ditches with abundant vegetation. It is also found in marshes, streams, rivers, reservoirs and occasionally brackish water. Females deposit their eggs in nests in banks or in the case of foothill streams, in upland areas away from the stream. Nests have been observed in many soil types, from sandy to very hard, and have been found up to 400 meters (1300 feet) from the water. Certain fish species, bullfrogs, garter snakes, wading birds and some mammals prey on hatchlings and juveniles. Creeks and ponds in the city, as well as adjacent upland areas, provide habitat for western pond turtle. Western pond turtle has been found in San Francisquito Creek, Felt Reservoir, and Searsville Reservoir.
- **American badger** is found in western and central United States, northern Mexico and south-central Canada. It inhabits open grasslands where it preys on small mammals. A fossorial animal, the badger constructs a den, also known as a sett, in well-drained soil. It is a California Species of Special Concern, threatened by loss of habitat and collisions with vehicles. Suitable habitat for American badger occurs in the Palo Alto foothills, but has not been mapped in the area since 1997 when it was observed near Searsville Reservoir.

4.3.2 STANDARDS OF SIGNIFICANCE

The proposed Plan would result in a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, including federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Chapter 8.10).
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

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4.3.3 IMPACT DISCUSSION

The remaining sections of this chapter provide an analysis of the potential project impacts, including impacts from growth expected to occur during the life of the proposed Plan, as well as cumulative biological resource impacts that could occur as a result of the implementation of the proposed Plan when combined with projects outside of Palo Alto.

The conclusions below are based on the same analytical approach used in the impact discussions in the February 2016 Draft EIR. The characteristics of Scenarios 5 and 6 are described in detail in Section 3.4 of Chapter 3, Project Description, of this Supplement to the Draft EIR.

BIO-1 The proposed Plan would not have a substantial adverse effect, either directly or through habitat modifications, on special-status species. (Less than Significant – Scenarios 5 and 6)

February 2016 Draft EIR Findings: Less than significant for Scenarios 1 through 4.

Summary of Supplemental Analysis: The impact would be less than significant for Scenarios 5 and 6.

The Comp Plan Update would substantially affect special-status species if it would allow development that would remove their habitat, which includes: wetlands; areas designated as management zones 1 or 2 in the Stanford HCP; or riparian vegetation along non-channelized creeks. Because neither Scenario 5 nor Scenario 6 propose specific development projects that would directly or indirectly impact the habitat of special-status species, these scenarios will have no significant direct impact on special-status species. Both Scenarios 5 and 6 include a grade separation project at the intersection of the Caltrain tracks with Alma Street and Palo Alto Avenue. This project is within HCP Management Zone 4. The HCP recognizes that Zone 4 does not contain habitat for the Covered Species (California red-legged frog, California tiger salamander, and SFGS). While no significant impacts are anticipated, this location is close to San Francisquito Creek, and it is recommended that the Stanford HCP Conservation Plan Manager be consulted during the design phase of a grade separation project at this particular location.

All of the six scenarios may have indirect impacts to biological resources in general, and possibly to special-status species, as a result of the job and residential (population) growth projected under each scenario. The indirect impacts would be the result of increased human activity, particularly increased traffic and increased use of park and open space resources. Based on information provided in the City of Palo Alto Comprehensive Plan Fiscal Study, increased park and open space use is primarily caused by increased residential development. The concerns regarding traffic impacts relate to increased traffic on Junipero Serra Boulevard, which could result in loss of California tiger salamanders. The potential impacts to California tiger salamander as a result of increased traffic on Junipero Serra Boulevard generated by the scenarios are addressed through specific measures that are being implemented in the Stanford HCP.

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Goal #3 of the Stanford HCP is to maintain ponds to promote California tiger salamander reproduction in the foothills. Objective 3.1 in the HCP is to “Reduce the California tiger salamanders’ reliance on Lagunita [Reservoir] by constructing and maintaining a complex of a minimum of ten seasonal ponds in the foothills to provide additional breeding location opportunities, and achieve California tiger salamander reproductive success in no less than 75 percent of the ponds.” To date, Stanford has built eight ponds and has observed eggs and larvae in five of them.^{3,4} In addition, the HCP specifies a number of activities that will be directed by the Conservation Program Manager to protect California tiger salamander. These activities are reported to the USFWS on an annual basis. Examples include providing education programs to all personnel working in the California tiger salamander habitat; timing maintenance activities to avoid impacts; best management practices to protect California tiger salamander during construction (e.g., covering trenches daily); a biological monitor present during construction; monitoring of specific stormwater detention basins for presence of California tiger salamander if water is present for a certain period; restricted use of the ball collector on the Stanford Golf Course Driving Range from November to April when California tiger salamanders could be present; restricted ground animal control measures in certain areas so that the burrows used by California tiger salamanders are available and maintained by ground squirrels; restricted vegetation management activities in the California Tiger Salamander Basin; and review of any development proposed in the California Tiger Salamander Basin by the Conservation Program Manager for structures that could adversely affect California Tiger Salamander movement and survival.

With regard to indirect impacts caused by increased use of open space by residents, Scenario 6 introduces the most (6,000 new housing units) of all six scenarios and would therefore have the potential for greater indirect impacts on wildlife and wildlife habitat. Scenario 5 introduces fewer new housing units (3,545 new housing units). However, both scenarios would primarily involve redevelopment and job growth in areas of the city that are already developed. None of the scenarios propose higher-density development adjacent to City parks or open space preserves.

Increased use of open space preserves by additional residents would result in more opportunity for human disturbance to wildlife, both through direct impacts to the habitat and indirect impacts that disrupt natural breeding or forage activities. Because the open space preserves are distant enough to require access by vehicle, the higher density development scenarios could result in more traffic near the open space preserves which may result in more traffic impacts on wildlife.

The potential impacts to special-status species are the same for both scenarios. Neither scenario would directly impact special-status species or remove the habitat of special-status species. Both scenarios would have a *less-than-significant* impact on special-status species.

³ Stanford University, 2015, Stanford University Habitat Conservation Plan Annual Report 2014/2015.

⁴ Stanford University, 2013, California Natural Diversity Database California Native Species Survey Form.

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Applicable Regulations:

- Federal Endangered Species Act
- Stanford HCP

Significance before Mitigation: Scenarios 5 and 6 would not adversely affect special-status species; therefore, the impact is less than significant for Scenarios 5 and 6.

BIO-2 **The proposed Plan would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, including federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. (Less than Significant – Scenarios 5 and 6)**

February 2016 Draft EIR Findings: Less than significant for Scenarios 1 through 4.

Summary of Supplemental Analysis: The impact would be less than significant for Scenarios 5 and 6.

The Comp Plan Update would substantially affect riparian habitat, wetlands, or other sensitive natural communities if it would allow development that would result in the direct removal of these vegetation communities, or that would indirectly affect them by increasing pollution.

Scenarios 5 and 6 do not propose development of open space areas, creeks, or wetlands that would result in impacts to these resources. As reported in the February 2016 Draft EIR, these resources are also protected by water quality regulations enforced by the Regional Water Quality Control Board (RWQCB) that would be imposed on future development under all scenarios. Riparian resources are protected by the City's tree preservation and management regulations, the Urban Forest Master Plan, and California Fish and Game Code requiring authorization for any projects that affect the bed, bank, or channel of a creek or stream, which is where riparian vegetation is located. Wetlands are protected by the federal Clean Water Act, and any impacts to wetlands as a result of future development allowed by the proposed Plan would require a permit from the USACE (acting under the Environmental Protection Agency) and the RWQCB. Compliance with these existing federal, State, and local regulations and procedures would reduce potential impacts to a *less-than-significant* level.

Applicable Regulations:

- Federal Clean Water Act
- California Fish and Game Code
- City of Palo Alto Urban Forest Master Plan

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Significance before Mitigation: Scenarios 5 and 6 would not adversely affect riparian zones, wetlands; or any other sensitive natural community. Therefore, this impact is less than significant for Scenarios 5 and 6.

BIO-3 **The proposed Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant – Scenarios 5 and 6)**

February 2016 Draft EIR Findings: Less than significant for Scenarios 1 through 4.

Summary of Supplemental Analysis: The impact would be less than significant for Scenarios 5 and 6.

As described in the February 2016 Draft EIR, the Comp Plan Update would substantially affect wildlife movement and rearing if it would allow development that would result in the physical alteration of creeks, riparian zones, or large areas of natural open space, effectively inhibiting the movement of wildlife that travels on the ground (e.g., reptiles, amphibians, mammals). An example would be a residential or commercial development in the foothills and a new road network that provided access to that development. None of the scenarios propose development in open space or development that would require riparian zones or creeks to be modified. An increase in population and traffic levels can impact wildlife, but such increases would not necessarily prevent wildlife movement as long as wildlife corridors remain available.

Scenarios 5 and 6 both involve redevelopment of areas already affected by development, and neither calls for development that would block or remove wildlife corridors or interfere with fish or wildlife migration or rearing sites. It is unlikely that future development in Scenario 5 or 6 would be proposed in the open space areas of Palo Alto in the foothills, or in wetlands adjacent to the Bay, because these areas are protected as parks and open space. Future project effects on wildlife corridors in Palo Alto would be assessed and mitigated during project-specific review under the California Environmental Quality Act (CEQA). In addition, any future projects that impact creek bed, bank, or channel would require authorization from State and federal agencies, including the CDFW, RWQCB, U.S. Army Corps of Engineers, USFWS, and NOAA Fisheries, as applicable. Therefore, impacts for Scenarios 5 and 6 of the proposed Comp Plan Update on wildlife corridors would be *less than significant*.

Applicable Regulations:

- Federal Clean Water Act
- Federal Endangered Species Act
- California Fish and Game Code
- California Environmental Quality Act

Significance before Mitigation: Scenarios 5 and 6 would not interfere with wildlife movement. Therefore, this impact is less than significant for Scenarios 5 and 6.

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BIO-4 The proposed Plan would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Chapter 8.10). (Less than Significant – Scenarios 5 and 6)

February 2016 Draft EIR Findings: Less than significant for Scenarios 1 through 4.

Summary of Supplemental Analysis: The impact would be less than significant for Scenarios 5 and 6.

As described in the February 2016 Draft EIR, the Comp Plan Update would substantially conflict with local policies and ordinances protecting biological resources if it would allow development that would significantly impact open space, woodland, or the urban forest protected by local policies and ordinances.

Santa Clara County General Plan

The Santa Clara County General Plan governs areas outside of the Palo Alto city limit but within the SOI. Development allowed by the proposed Comp Plan Update would be within the city limit and therefore would be subjected to the City's Comp Plan rather than the County's General Plan. Until or unless land in the SOI is annexed to the City, it would remain under the County's jurisdiction. Therefore, within the SOI the County General Plan would continue to guide new development. In addition, neither Scenario 5 nor Scenario 6 proposes specific improvements that would conflict with County policies.

Scenario 5 proposes transportation improvements on Page Mill Road expressway between Foothill Expressway and Interstate 280. In addition, intersection/crossing improvements would be completed at the Page Mill Road-Foothill Expressway intersection (full or partial grade separation) and the Arastradero Road – Foothill Expressway intersection (full grade separation). These projects are included in planning documents prepared by Santa Clara County, which oversees expressway improvements, and these improvements will be required to undergo separate review under CEQA. While Scenario 5 assumes that these improvements would occur in Palo Alto, the City of Palo Alto is not the responsible agency for these improvements and any potential impacts resulting from these improvements are beyond the scope of this EIR.

City of Palo Alto Municipal Code

Scenarios 5 and 6 do not explicitly propose the removal of trees; however, development allowed under the Comp Plan Update under either scenario could result in the removal of existing trees on private or public properties. The City of Palo Alto's Tree Preservation and Management Regulations are summarized in Section 4.3.1.1 of the February 2016 Draft EIR. They protect specific types of trees on public and private property for the purpose of avoiding their removal or disfigurement without first being reviewed and permitted by the City's Planning and Community Environment or Public Works departments. In all cases,

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the Urban Forest Master Plan, Policy 1.A, instructs development review to strive for “No new loss of tree resource benefits, habitat, human health and social benefits.”

Trees removed under Scenario 5 as a result of the County expressway projects would likely be required to be replaced at a higher ratio as mitigation under the CEQA review process. The CDFW is a Trustee Agency under CEQA, and currently requires that non-native trees be replaced with native trees at a 1:1 ratio, and that native trees greater than 4 inches diameter at breast height be replaced at a 6:1 ratio with native trees, and requires monitoring for tree survival. In particular, the Foothill Expressway–Arastradero Road intersection improvement project, and widening of Page Mill Road (if required), could affect mature oaks and landscape trees that provide nesting habitat for birds. This type of mitigation measure, which could be made one of the conditions of project approval, is intended to protect habitat values over the long term. These projects would be subject to County review, with City input.

It is assumed that development under each scenario would comply with Municipal Code sections that protect Regulated trees (Title 8 and 18), protect plants and animals in open space and parks (Title 22), and prohibit the use of plastic bags by retail establishments (Title 5). Scenarios 5 and 6 do not include any activities that would affect or violate these sections of the Municipal Code.

Urban Forest Plans

The management plans and programs for trees in the city consist of the Urban Forest Master Plan, approved in 2015; the Street Tree Management Plan; and the Line Clearing and Right Tree, Right Place Programs. These plans would remain in place under Scenarios 5 and 6, and future development under the Comp Plan would need to comply with these plans and programs. Therefore, Scenarios 5 and 6 would not interfere with the City’s management of the urban forest.

San Francisquito Creek Joint Powers Authority

The Comp Plan Update does not identify any development under Scenarios 5 and 6 that would directly impact riparian corridors or creeks, and does not conflict with projects implemented by the Joint Powers Authority for San Francisquito Creek, of which the City is a member.

Because of the existing regulations and future CEQA review, future development projects would be required to avoid and protect biological resources in the EIR Study Area, including existing open space and parks, creeks and riparian corridors, wetlands and baylands, and the urban forest. Future projects subject to CEQA are likely to be required to replace trees removed during redevelopment, thus replacing existing habitat. Therefore, the impact would be *less than significant* for Scenarios 5 and 6.

Applicable Regulations:

- Santa Clara County General Plan
- City of Palo Alto Municipal Code
- City of Palo Alto Urban Forest Master Plan

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- City of Palo Alto Street Tree Management Plan
- City of Palo Alto Line Clearing Program
- City of Palo Alto Right Tree, Right Place Program
- San Francisquito Creek Joint Powers Authority

Significance before Mitigation: Buildout under Scenarios 5 and 6 would involve redevelopment in areas that have already been impacted and would have a less-than-significant impact on local policies protecting biological resources. These scenarios do not conflict with local ordinances or policies that protect biological resources; therefore, the impact for scenarios 5 and 6 is less than significant.

BIO-5 The proposed Plan would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. (Less than Significant– Scenarios 5 and 6)

February 2016 Draft EIR Findings: Less than significant for Scenarios 1 through 4

Summary of Supplemental Analysis: The impact would be less than significant for Scenarios 5 and 6.

The Comp Plan Update would substantially affect a HCP or Natural Communities Conservation Plan (NCCP) if it would allow development that would conflict with goals or policies in an HCP/NCCP or prevent implementation of HCP/NCCP activities. The Stanford HCP and the Santa Clara Valley HCP/NCCP overlap with the Comp Plan Update area.

Although Palo Alto is not in the Santa Clara Valley HCP/NCCP Plan Area, lands in the baylands area of Palo Alto have been identified in the Santa Clara Valley HCP/NCCP as suitable mitigation lands for impacts to the western burrowing owl caused by development in the Santa Clara Valley HCP/NCCP Plan Area. The Comp Plan does not propose changes to the protection of the Palo Alto Baylands under any scenario, including Scenarios 5 and 6, and would not conflict with the Santa Clara Valley HCP/NCCP.

The Stanford HCP identifies four management zones according to habitat value for the Covered Species. Zones 1 and 2 are important to the Covered Species and management of these lands is inherent to the success of the HCP. Zone 3 land does not support the Covered Species, but may provide some indirect benefit. Zone 4 consists of developed land that has no value to the Covered Species. Most of Stanford's lands in Palo Alto are in Zone 4. Scenarios 5 and 6 include development activities that would occur in Stanford HCP Management Zone 4, and would not conflict with measures identified in the HCP or prevent Stanford's implementation of the HCP. The grade separation project that is proposed under both scenarios at Alma Street and Palo Alto Avenue is adjacent to San Francisquito Creek and lies within HCP Management Zone 4. While it is not anticipated to impact the Covered Species, it is recommended that the City verify this with the Stanford Conservation Plan Manager when specific plans for this project are being developed.

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Scenarios 5 and 6 would allow redevelopment of areas that are already developed and do not contain species protected under the Stanford HCP. Neither scenario would prevent implementation of the Stanford HCP. The Santa Clara Valley HCP/NCCP identifies areas in the Palo Alto Baylands that could be accepted as mitigation sites for impacts to burrowing owl within the HCP/NCCP’s Plan Area. Because the Baylands would remain protected under all scenarios, there will be no impacts to the Santa Clara Valley HCP/NCCP. Scenarios 5 and 6 would have a *less-than-significant* impact on the implementation of a conservation plan.

Applicable Regulations:

- Stanford HCP
- Santa Clara Valley HCP/NCCP

Significance before Mitigation: Neither Scenarios 5 nor 6 would impact a HCP, NCCP, or other conservation planning document; therefore, this impact is less than significant for Scenarios 5 and 6.

4.3.4 CUMULATIVE IMPACTS

BIO-6 Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in a significant cumulative impact with respect to biological resources. (Less than Significant – Scenarios 5 and 6)

February 2016 Draft EIR Findings: Less than significant for Scenarios 1 through 4.

Summary of Supplemental Analysis: The impact would be less than significant for Scenario 5 and 6.

Scenarios 5 and 6 would not impact sensitive habitats (e.g., wetland, riparian, or other sensitive communities), wildlife corridors, or conflict with adopted regulations pertaining to biological resources, and these two scenarios would not contribute to a significant cumulative effect on these biological resources. Increases in jobs and housing that result in increased human activity in regional open space could affect wildlife, and this would contribute to a cumulative effect from similar growth in other municipalities in the region.

As reported in the February 2016 Draft EIR, the City of Palo Alto Comprehensive Plan Fiscal Study concluded that about 45 percent of the park and open space cost burden is attributable to residents, 18 percent is attributable to workers, and that the remaining 37 percent is attributable to visitors.⁵ Increased park and open space use, therefore, is primarily caused by increased residential development. Increased human use of open space preserves results in more opportunity for human disturbance to wildlife, both through direct impacts to the habitat and indirect impacts caused by changes in breeding or forage activities.

⁵ City of Palo Alto, 2015, Draft Fiscal Analysis of the City of Palo Alto 2030 Comprehensive Plan.

BIOLOGICAL RESOURCES

Because the open space preserves are distant enough to require access by vehicle, population growth in the region could result in more traffic near the open space preserves which may result in more traffic impacts on wildlife.

The proposed Comp Plan Update would allow new development through redevelopment, rather than development of previously undisturbed lands, and it would protect the existing open spaces in the baylands and the foothills. Although Scenarios 5 and 6 would result in increased housing and job growth, they also avoid existing wildlife habitat and maintain existing protections of wildlife habitat. As a result, the contribution to the cumulative effect of regional growth on wildlife would be *less than significant* for all Scenarios 5 and 6.

Applicable Regulations:

- None

Significance before Mitigation: Neither Scenario 5 nor Scenario 6 would contribute to significantly cumulative biological resource impacts; therefore the impacts are less than significant.