3.8 Cultural and Tribal Cultural Resources

This section describes the affected environment and regulatory setting for cultural and tribal cultural resources. The term "cultural resources" refers to built-environment resources (e.g., buildings, structures, objects, districts), archaeological resources, and human remains. Tribal cultural resources can include cultural resources and sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe.

Included in this section are brief descriptions of the environmental, pre-European contact, ethnographic, and historic setting of the Project Site. Applicable state and local regulations are identified, followed by impact analyses and mitigation measures to reduce the impacts to less-than-significant levels.

This section relies on information from a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System, and studies provided by the Project Sponsor, as peer reviewed by ICF. The studies include the following:

- *Menlo Science and Technology Park, Department of Parks and Recreation Forms 523A, 523B, 523L*, by JRP Historical Consulting, LLC (2019, revised 2021);
- *Expanded Study Area for the Willow Village Project*, by JRP Historical Consulting, LLC (2020);
- *Historic Evaluation of Two Additional Built Resources Adjacent to the Expanded Study Area for the Willow Village Project, Menlo Park, California*, by JRP Historical Consulting, LLC (2021);
- *Request for Determination of Eligibility*, by P.S. Preservation Services (1996);
- *Southern Pacific Railroad, Dumbarton Cutoff Linear Historic District*, by JRP Historical Consulting, LLC (2008);
- *Dumbarton Cutoff, Department of Parks and Recreation Form 523L*, by JRP Historical Consulting, LLC (2017); and
- *Cultural Resources Assessment Report for Meta Willow Campus Project, City of Menlo Park, San Mateo County*, by Basin Research Associates (Basin) (2019, revised 2022).[1]

Issues identified in response to the Notice of Preparation (Appendix 1) were considered during preparation of this analysis. The applicable issues pertain to documentation of an archaeological records search and Native American consultation pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18.

Existing Conditions

The setting for the Proposed Project considers existing as well as relevant historical conditions within the Study Area. The Study Area for cultural resources comprises the main Project Site, Hamilton Avenue Parcels North and South, and Willow Road Tunnel site as well as all adjoining parcels. The Study Area was

[1] This report contains confidential information regarding the location of archaeological resources. Such resources are nonrenewable, and their scientific, cultural, and aesthetic values can be significantly impaired by disturbance. To deter vandalism, artifact hunting, and other activities that can damage such resources, this study is not included in Appendix 3.8. The legal authority to restrict cultural resources information is in Section 304 of the National Historic Preservation Act of 1966, as amended. Furthermore, California Government Section Code 6254.10 exempts archaeological sites from the California Public Records Act, which requires that public records be open to public inspection.

delineated to consider potential impacts on built-environment, archaeological, tribal, and other cultural resources caused by Project activities, including ground disturbance, alteration, relocation, and building and/or structure demolition, which could result in a substantial adverse change in the significance of such resources. The inclusion of adjacent parcels in the Study Area acknowledges the potential for Project activities to diminish setting characteristics that may contribute to the historical integrity of nearby significant built-environment resources.

This section provides 1) a brief overview of the environmental, pre-European contact, and historical setting of the Project Site and surrounding area; 2) describes the methods used to establish baseline conditions for cultural and tribal cultural resources at the Project Site; and 3) describes the cultural resources identified on the Project Site and in the vicinity as well as their significance under the California Environmental Quality Act (CEQA).

Information pertaining to archeological resources is based on the *Cultural Resources Assessment Report for Meta Willow Campus Project, City of Menlo Park, San Mateo County,* herein referred to as the Cultural Resources Assessment Report, prepared by Basin on behalf of Pacific Innovation Partners, LLC (Project Sponsor) in 2019 (revised in 2022).

Environmental Setting

The Project Site is located along the southwest edge of San Francisco Bay. Natural habitats on the San Francisco Peninsula prior to historic development included grasslands and pockets of oak woodland that were populated by a variety of mammals, shorebirds and marine invertebrates, including the native California oyster (*Ostrea lurida*), bay mussel (*Mytilus edulis*), and bent-nosed clam (*Macoma nasuta*), among others.[2] The Project Site and vicinity would have included small freshwater marshes, tidal sloughs, and salt marshes along the bay margin.

The local climate is characterized as Mediterranean, with mild, rainy winters and dry, warm summers. The cold water of the bay creates fog, and relative humidity is high year-round.[3]

The past or current presence of moist grasslands and riparian forest/willow groves, coupled with tidal marshes in association with existing and former stream channels, appears to be a key element for predicting pre-European contact sites. Researchers have noted that pre-contact archaeological resources are often within 0.25 mile of flowing water in the Bay Area.

Pre-European Contact Setting

Human occupation in Northern California extends back at least 9,000 to 11,500 years, with Native occupation and use of the Bay Area extending back more than 5,000 to 8,000 years and possibly longer. Rising sea levels about 5,000 to 7,000 years ago and marshland infilling along estuary margins from about 7,000 years ago onward have obscured evidence of early occupation. The extent of shorelines and the locations of marshlands and creeks within the Project area have changed over the past 6,000 years because of both natural factors and urban development, particularly flood control.

[2] Broughton, J.M. 1999. Resource Depression and Intensification during the Late Holocene, San Francisco Bay: Evidence from the Emeryville Shellmound Vertebrate Fauna. In *Anthropological Records* 32:22.

[3] META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Schoenherr, Allan A. 1992. *A Natural History of California*. University of California Press, Berkeley, CA, p. 627.

Archaeological research in the Bay Area has been interpreted with use of several chronological schemes, based on stratigraphic differences and cultural traits. The initial classification sequence used three horizons, Early, Middle and Late, to designate both chronological periods and social change, based on stratigraphic patterns and an analysis of grave goods to explain local and regional cultural change from about 4,500 years ago to European contact. This classification scheme has been revised, although the prior nomenclature (Early, Middle, and Late Horizon) is still in common use. [4] Moratto suggests that the Early Horizon dates from circa 3,000/3,500 to 4,500 years ago, the Middle Horizon dates from circa 1,500 to 3,500 years ago, and the Late Horizon dates from circa 250 to 1,500 years ago.[5]

Hylkema has presented a four-period chronological framework for the northern Santa Clara Valley/southern Bay Area and provided details regarding the environment and chronology for selected archaeological sites from the southern Bay Area and peninsula.[6]

Early Native American use of the Study Area was heavily influenced by the presence of various seasonal creeks and marshlands around San Francisco Bay as well as the foothills to the east. Creeks provided a year-round source of freshwater and riparian resources, while the foothills provided access to nuts, seeds, game, tool stones, and other resources. San Francisco Bay and seasonal bodies of water would have been sources of fish, waterfowl and riparian vegetation.

Pre-European contact archaeological sites in the general vicinity represent habitation sites, including villages; temporary campsites; stone tool and other manufacturing areas; quarries for stone procurement; cemeteries, typically associated with large villages; isolated burial sites; rock art locations; bedrock mortars or other milling feature sites; and trails. Sites in the general area appear to have been selected for relative accessibility, protection from seasonal flooding, and proximity to a diversified resource base. Most of the prehistoric shellmounds and associated sites in the area are situated at the ecotone (boundary) between salt marsh and alluvial plain ecozones.

Archaeological information suggests a gradual steady increase in the population over time, with a growing focus on large permanent settlements in later periods. The transition from hunter-collectors to villages with a greater sedentary lifestyle was due to more efficient resource procurement as well as a focus on the exploitation food staples, greater ability to store food at village locations, and development of increasing complex social and political systems, including long-distance trade networks.

Ethnographic Setting

Menlo Park is situated within territory once occupied by the Costanoan, also commonly referred to as Ohlone. Eight Ohlone languages were spoken in the area, from the southern edge of the Carquinez Strait to portions of the Big Sur and Salinas Rivers south of Monterey Bay as well as areas approximately 50 miles inland from the coast. Menlo Park lies on the approximate ethnolinguistic boundary between the Tamyen and Ramaytush languages. Tamyen, or Santa Clara Costanoan, was spoken around the south end of San Francisco Bay and in the lower Santa Clara Valley; it seems to have had about 1,200 speakers. Ramaytush, or San Francisco Costanoan, was spoken by about 1,400 people in San Mateo and San Francisco Counties.[7]

---

[4] Fredrickson, D.A. 1994. Spatial and Cultural Units in Central California Archaeology. In *Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson*. Richard E. Hughes (ed.), pp. 25–47. Contributions of the University of California Archaeological Research Facility 52.

[5] Moratto, Michael J. 1984. *California Archaeology*. Academic Press, New York, NY.

[6] Hylkema, Mark G. 2002. Tidal Marsh, Oak Woodlands, and Cultural Florescence in the Southern San Francisco Bay Region. In *Catalysts to Complexity: Late Holocene Societies of the California Coast*. J.M. Erlandson and T.L. Jones, (eds.) Perspectives in California Archaeology 6:233–262.

[7] Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, pp. 398–413. W.C. Sturtevant (ed.). Smithsonian Institution, Washington, DC.

Ohlone territories were composed of one or more land-holding groups that anthropologists refer to as *tribelets*. The tribelet consisted of a principal village that was occupied year-round; smaller hamlets and resource gathering and processing locations were occupied intermittently or seasonally.[8] The Puichon tribelet was on the western shore of San Francisco Bay, between lower San Francisquito Creek and lower Stevens Creek, now the areas where Menlo Park, Palo Alto, and Mountain View are located.[9]

Seven Spanish missions were founded in Ohlone territory between 1776 and 1797. While living within the mission system, the Ohlone commingled with other groups, including the Yokuts, Miwok, and Patwin. Members of the Puichon tribelet went to Mission San Francisco between 1781 and 1794 and Mission Santa Clara from 1781 to as late as 1805. Mission life was devastating to the Ohlone population.[10] When the first mission was established in Ohlone territory in 1776, the Ohlone population was estimated to be 10,000. By 1832, the Ohlone numbered less than 2,000 as a result of introduced disease, harsh living conditions, and reduced birth rates.[11,12,13]

Ohlone recognition and assertion began to move to the forefront during the early 20th century. This movement was enforced by legal suits brought against the United States government by the Indians of California (1928–1964) for reparation due to them for the loss of traditional lands. The Ohlone participated in the formation of political advocacy groups, which brought attention to the community and resulted in a re-evaluation of the rights due to its members.[14] In recent years, the Ohlone have become increasingly organized as a political unit and developed an active interest in preserving their ancestral heritage. Many Ohlone are active in maintaining their traditions and advocating for Native American issues.

Historic-Era Development

Spanish Period

The Spanish Period in the San Francisco Bay Area began in 1769 with initial historic exploration of the region and ended in 1821 when the area became part of newly independent Mexico. Between 1769 and 1776, several Spanish expeditions passed through Ohlone territory in the region, including the Fages (1770 and 1772) and Juan Bautista de Anza (1775/1776) expeditions. The route of Anza's 1776 exploration followed the baylands from San Francisquito Creek north to San Mateo Creek, passing through four Ohlone villages in the general vicinity of the Proposed Project.[15] A village with about 25 huts was

8 Kroeber, A.L. 1955. Nature of the Land-Holding Group. In *Ethnohistory* 2:303–314.

9 Milliken, R. 1995. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769–1810.* (Ballena Press Anthropological Papers No. 43.) Ballena Press, Novato, CA.

10 Ibid.

11 Cook, S.F. 1943a. The Conflict between the California Indians and White Civilization, I: The Indian Versus the Spanish Mission. In *Ibero-Americana* 21. Berkeley, CA.

12 Cook, S.F. 1943b. The Conflict between the California Indians and White Civilization, II: The Physical and Demographic Reaction of the Non-Mission Indians in Colonial and Provincial California. In *Ibero-Americana* 22. Berkeley, CA.

13 Levy, R. 1978. Costanoan. In *Handbook of North American Indians*, Chapter 8, California, pp. 398–413. W.C. Sturtevant (ed.). Smithsonian Institution, Washington, DC.

14 Bean, L.J. 1994. *The Ohlone Past and Present: Native Americans of the San Francisco Bay Region*. Ballena Press, Menlo Park, CA.

15 A designated a National Historic Trail (National Park Service 1995).

noted on the banks of San Francisquito Creek, to the south [*Ssiputca*], near present-day Middlefield Road.[16] Government policy in northwestern New Spain focused on the establishment of *presidios* (forts), missions, and *pueblos* (secular towns). No known Spanish Period structures or features are known to have been present in or adjacent to the Project Site.[17]

Mexican Period

The Mexican Period in the San Francisco Bay Area began in 1822 when Mexico gained control of the region from Spain and ended in 1848 with the conclusion of the Mexican-American War. During the Mexican Period, the present location of Menlo Park was within the former Rancho Los Cochintos, or *Cachanigtac*, later known as Rancho Las Pulgas. Rancho Las Pulgas was granted to José D. Arguello by Governor Diego de Borica in 1820 as well as Governor Pablo Vincente Sola in 1820 or 1821. On November 27, 1835, a formal grant was made to Luis Antonia Arguello, son of the presidio commandante, by Governor José Castro. On October 2, 1857, Arguello patented Rancho Las Pulgas to his second wife, Maria de la Soledad, et. al. In the intervening years, the property expanded from the original 17,754 acres (4 square leagues) to approximately 35,240.47 acres. It was bounded by San Mateo Creek on the north and San Francisquito Creek on the south. No known Mexican Period structures or features are known to have been present in or adjacent to the Project Site.[18]

American Period

California became a United States territory following the conclusion of the Mexican American War in 1848 and the Treaty of Guadalupe Hidalgo. California was admitted as a state in 1850. The gold rush, beginning in 1848, brought a massive influx of immigrants to California, with the estimated population of the territory increasing from less than 14,000 (exclusive of Native populations) to 224,000 between 1848 and 1852. San Mateo County was created in 1856 from the southern portion of San Francisco County. The county was expanded in 1868 through annexation of part of Santa Cruz County.

In the periods following the initial gold rush and later completion of the transcontinental railroad in 1869, many migrant laborers settled in California as farmers and ranchers, creating a new domestic market for agricultural products. This agricultural market was later broadened through railroad construction and development of the refrigerator railroad car in the 1880s.

---

[16] META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Bolton, H. 1930. *Anza's California Expeditions. Volume IV: Font's Complete Diary of the Second Anza Expedition*. University of California, Berkeley, CA, pp. 325 and 326; Hoover, M.B., H.E. Rensch, and E.G. Rensch. 1966. *Historic Sports in California*. Third edition. Revised by William N. Abeloe. Stanford University Press, Stanford, CA; Milliken, R.T. 1983. *The Spatial Organization of Human Population on Central California's San Francisco Peninsula at the Spanish Arrival*. Unpublished M.A. thesis, Department of Inter-Disciplinary Studies, Sonoma State University, Rohnert Park, CA; A.K. 1973–1974. Indians of San Mateo County. In *La Peninsula: Journal of San Mateo County Historical Association* 17(4).

[17] META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Hendry, G.W., and J.N. Bowman. 1940. *The Spanish and Mexican Adobe and Other Buildings in the Nine San Francisco Bay Counties, 1776 to about 1850.* MS on file, Bancroft Library, University of California, Berkeley, CA; Hoover et al. 1966. *Historic Sports in California*; Beck, W.A., and Y.D. Haase. 1974. *Historical Atlas of California.* Third printing. University of Oklahoma Press, Norman, OK.

[18] META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Hendry and Bowman. 1940. *The Spanish and Mexican Adobe and Other Buildings in the Nine San Francisco Bay Counties, 1776 to about 1850*; Hoover et al. 1966. *Historic Sports in California*; Beck and Haase. 1974. *Historical Atlas of California.* Third printing.

Construction of the San Francisco & San José Railroad (SF&SJRR) between 1861 and 1864 was a significant impetus to the development of towns on the San Mateo Peninsula. The SF&SJRR reached Redwood City in September 1863 and began regular service between San Francisco and Mayfield (now Palo Alto) on October 18, 1863. Service was extended to San José in January 1864. In 1869, SF&SJRR was consolidated into the Southern Pacific Railroad, which was acquired by the Central Pacific in 1870. The Caltrain commuter route, located southwest of the Project Site in downtown Menlo Park, follows the alignment of the original SF&SJRR line.

Increased settlement in the Bay Area led to construction and expansion of local and regional transportation systems during the latter 19th and early 20th centuries. These connected San Francisco to towns in San Mateo County. Notable transportation routes and systems in the Study Area included El Camino Real, former tolls roads, the San Francisco Railroad (1863) (later Southern Pacific Railroad [1906–1907]), the electric streetcar service in 1903, and the Bayshore Highway. [19]

City of Menlo Park

In the 1850s, Irish immigrants Dennis Oliver and Daniel McGlynn bought 1,700 acres along County Road, known today as El Camino Real, on the San Francisco Peninsula, approximately 20 miles south of current-day San Francisco. Oliver and McGlynn gave Menlo Park its name when they established "Menlough," a series of local farms named after their ancestral community. A few years later, Menlo Park became a desirable vacation destination for San Francisco's upper class. Palatial houses were constructed on large parcels in the burgeoning community. El Camino Real served as a major thoroughfare. Historic downtown Menlo Park ultimately developed along this route. Completion of the Southern Pacific Railroad (SPRR) through Menlo Park in 1863, and its connection to San José one year later, exponentially increased Menlo Park's accessibility to city dwellers who were seeking leisure in a rural environment. By 1874, Menlo Park incorporated in response to its rapid growth and infrastructure challenges.[20]

Through the late 19th and early 20th centuries, Menlo Park underwent several transformative events. Stanford University opened in 1891 south of Menlo Park, which strengthened the local economy. From 1907 to 1910, the SPRR constructed the Dumbarton Cutoff Line through northern Menlo Park, which provided a 16.4-mile freight connection from the SPRR San Francisco Peninsula mainline to the Alameda County mainline. A bridge built to carry the Dumbarton Cutoff across San Francisco Bay was the earliest structure to span the Bay. Furthermore, Menlo Park was chosen as the location for Camp Fremont, a World War I–era military training ground that brought in thousands of temporary inhabitants; Menlo Park's population of approximately 2,000 increased to approximately 40,000 during World War I. Numerous new businesses opened, and city improvements were undertaken during camp operations. These improvements remained to serve the growing city after the camp closed.[21]

---

[19] Hoover et al. 1966. *Historic Sports in California*; Fickewirth, A.A. 1992. *California Railroads: An Encyclopedia of Cable Car, Common Carrier, Horsecar, Industrial Interurban, Logging, Monorail, Motor Road, Short Lines, Streetcar, Switching and Terminal Railroad in California (1851–1992)*. Golden West Books, San Marino, CA; Hart, J.D. 1987. *A Companion to California.* Revised and expanded. Oxford University Press, New York, NY.

[20] Placeworks. 2016. *ConnectMenlo: General Plan Land Use and Circulation Elements and M-2 Area Zoning Update.* June 1. Public review Draft EIR. Prepared for City of Menlo Park, CA.

[21] Placeworks. 2016. *ConnectMenlo*; P.S. Preservation Services. 1996. *Request for Determination of Eligibility for Inclusion in the National Register of Historic Places, Southern Pacific Railroad Dumbarton Cutoff, Southern Pacific Railroad Dumbarton Bridge, and Southern Pacific Railroad Newark Slough Bridge.* December. Sacramento, CA. Prepared for U.S. Coast Guard.

During the subsequent decades, Menlo Park developed from a small town to an important part of the increasingly urbanized San Francisco Peninsula region. Menlo Park's population rose from 2,414 residents in 1930 to 26,836 by 1970. In the 1920s and 1930s, Menlo Park's transportation infrastructure began to expand outward from downtown with the growth of its residential neighborhoods. By the late 1930s, El Camino Real expanded to four lanes, which resulted in the demolition, relocation, or closure of several Menlo Park structures and businesses. Simultaneously, the Belle Haven neighborhood, approximately 4 miles north of downtown Menlo Park and adjacent to San Francisco Bay, was developed by David D. Bohannon, with two-bedroom homes selling for as little as $2,950.[22]

Development of the entire San Francisco Peninsula continued during the mid-20th century, and Menlo Park became a de facto suburb of San Francisco. During this period, Menlo Park became a major technology hub, both regionally and globally. The Stanford Research Institute was established in 1946. By 1970, it was known as SRI International; it remains headquartered in Menlo Park. By the late 1950s, a white-collar industrial development market sprouted in Menlo Park, as in many of the nation's suburbs. Beginning in the 1980s, the rapid expansion of the technology sector increased Menlo Park's popularity. Menlo Park remains a highly sought-after residential community today. Meta Platforms, Inc. (Meta) continues to expand as a major economic presence in the city, while Silicon Valley, the region that includes northwest Santa Clara County and the southern portions of the San Francisco Peninsula, houses numerous major employers in the information technology industry.[23]

As presented previously, the Study Area for cultural resources comprises the main Project Site, Hamilton Avenue Parcels North and South, Willow Road Tunnel site, and all adjacent parcels. The following sections describe historical development patterns that took place specifically within the Study Area, as organized by subarea.

Main Project Site

The area immediately surrounding the main Project Site was settled first in the American Period by Irish immigrant Samuel Carnduff, who arrived in Ravenswood, California, in 1862 with his second wife and children. Carnduff first leased and later purchased 50 acres of the former Rancho Las Pulgas in 1865. Carnduff farmed wheat and hay and operated a dairy. Together with neighbor Samuel Nash, Carnduff also leased land and farmed additional crops. When Samuel Carnduff died in 1884, the property passed to his widow Anne and son William. In 1905, Anne Carnduff deeded a lineal easement for the Hetch-Hetchy aqueduct along part of the southern edge of the main Project Site to the Spring Valley Water Company.[24]

Anne Carnduff died in September 1917. Most of her estate, including the Carnduff farm, was transferred to William Carnduff. The Carnduff farm was sold to the United Helicopter Corporation (later Hiller Helicopters [currently Hiller Aircraft]) in 1947.

Hiller Aircraft began to construct facilities east of Menlo Park's Belle Haven neighborhood during the mid-1940s. After construction of its primary plant, Hiller Aircraft produced helicopters for the consumer market and, in the early 1950s, was one of a number of helicopter manufacturers that provided aircraft to the United States military for use in the Korean War. Later in the decade, the company placed greater emphasis on research and development and expanded its campus through construction of the Advanced Research Division

[22] Placeworks. 2016. *ConnectMenlo*.

[23] Ibid.

[24] The Spring Valley Water Company was later purchased by the City and County of San Francisco; it evolved into a municipal agency, the San Francisco Public Utilities Commission.

facility at 1390 Willow Road.[25] Hiller Aircraft continued to build new facilities for various support purposes during the 1950s and 1960s, accounting for the construction of the five additional buildings within the Menlo Science and Technology Park. By the late 1960s, ownership of Hiller Aircraft passed to larger companies. Several research- and industry-related tenants subsequently leased space within the development.[26]

From the late 1950s to the late 1960s, Lockheed Corporation, as a contractor to the U.S. Central Intelligence Agency, oversaw development of the CORONA surveillance satellite program within three leased buildings at Hiller Aircraft's Menlo Park campus. The program's primary aim was to develop a satellite that could be used for photographic reconnaissance over the Soviet Union. The Hiller Aircraft campus housed all aspects of the program, including technology development, assembly, and testing. The first successful launch of a satellite developed in Hiller Aircraft facilities took place in 1960; CORONA satellite deployment continued through the following decade. Lockheed relocated its CORONA development facilities to nearby Sunnyvale in 1969, and the program was discontinued in 1971.[27] More details on the history of Hiller Aircraft and the CORONA satellite program are available in the California Department of Parks and Recreation (DPR) form set for the Menlo Science and Technology Park included in Appendix 3.8-1, *Historical Resource Evaluations*.

In 1964, the Maryland-based Fairchild Stratos Corporation (Fairchild) purchased the main Project Site, with the intention of continuing helicopter manufacturing operations. However, by 1974, Fairchild ceased making helicopters and began leasing properties to various tenants. In 1979, Lincoln Properties purchased the site and began to redevelop it as the Lincoln Willow Business Park. In the following years, former Hiller helicopter buildings were demolished, and new buildings were constructed. By 1991, Hamilton Avenue and Hamilton Court extended to the main Project Site.[28] In 1998, AMB Property Corporation purchased the main Project Site from Lincoln and renamed it the Menlo Science and Technology Park. In 2015, Peninsula Innovation Partners, LLC (a subsidiary of Meta), purchased the main Project Site. Since then, the main Project Site has been used primarily as office space for Meta; several tenants with existing uses have continued to operate onsite.[29]

Hamilton Avenue Parcels North and South

Hamilton Avenue Parcel North previously consisted of undeveloped land that was used for hay cultivation, cattle grazing, and other agricultural operations. This site was developed with residential uses in the 1940s. By the 1960s, the site included a contractor's storage yard and commercial buildings. The Lefholz Construction Company occupied the site from at least 1969 to 1971. The Menlo Park City Housing Department occupied Hamilton Avenue Parcel North from 1973 to 1977. A Youth Service Center was located at the site from 1976 to 1980. The Big Six Domino Club was located at the site from 1988 to 1996.[30,31] In 2000, Hamilton Avenue Parcel North was developed with approximately 16,000 square feet of retail space, which currently includes the Belle Haven Retail Center and a Jack in the Box restaurant.

---

25 U.S. Geological Survey. 1953. *Palo Alto, California-Nevada.* Map, 1:24000, 15-minute series. Denver, CO.

26 JRP Historical Consulting, LLC. 2019. *Menlo Science and Technology Park*. Department of Parks and Recreation forms 523A, 523B, 523L, March 27.

27 JRP Historical Consulting, LLC. 2019. *Menlo Science and Technology Park*.

28 U.S. Geological Survey. 1991. *Palo Alto, California-Nevada.* Map, 1:24000, 15-minute series. Denver, CO.

29 Cornerstone Earth Group. 2019. *Phase I Environmental Site Assessment, Menlo Science and Technology Park, Willow Road, Hamilton Avenue, and Hamilton Court, Menlo Park, California*. August 16.

30 Cornerstone Earth Group. 2019. *Phase I Environmental Site Assessment, Belle Haven Retail Center, 871–899 Hamilton Avenue, Menlo Park, California*. June 16.

31 Cornerstone Earth Group. 2018. *Phase I Environmental Site Assessment, 1401 Willow Road, Menlo Park, California*. April 23.

Hamilton Avenue Parcel South previously consisted of undeveloped land that was used for hay cultivation, cattle grazing, and other agricultural operations. The site was developed by the late 1930s with several small structures, providing church, retail, grocery, restaurant, and residential uses in the following decades. By 1991, the prior structures were removed; the site remained undeveloped until 2000.[32] At that time, a service station was constructed, including approximately 4,500 square feet of retail space and a car wash.

Willow Road Tunnel Site

Willow Road, adjacent to the west side of the main Project Site, was a private road by 1857 or 1858. By 1864, it was known as "Willow Road," a descriptor of the willows at the edge of the marsh.[33] In 1889, Willow Road proceeded a short distance east to the Carnduff farmstead. The Dumbarton Cutoff Line was completed in 1909 along the northern edge of the main Project Site; it was bisected by the Carnduff farm and Willow Road.[34] Willow Road was reportedly under construction when Dumbarton Bridge, the first automobile crossing on San Francisco Bay, approximately 1.75 miles northeast of the main Project Site, opened on January 15, 1927.[35] Upon the bridge's construction, Willow Road served as the primary automobile link to the west end of the bay crossing until the Bayfront Expressway was completed during final decades of the twentieth century. Historic aerial photographs indicate Willow Road has had an at-grade crossing with the Dumbarton Cutoff Line since the rail line was built.[36]

Built-Environment Resources

The following section presents details regarding built-environment resources within and adjacent to the Project Site with the potential to qualify as historical resources under CEQA. A property is considered a historical resource under CEQA if it is listed in or formally determined eligible for listing in the California Register of Historical Resources (California Register), included in an adopted local register, identified as significant in a qualifying historical resource survey, or otherwise determined by the CEQA lead agency to be historically significant. Table 3.8-1 summarizes the built-environment resources within the Study Area, their associated assessor's parcel numbers (as applicable), dates of construction, and a determination as to whether each resource qualifies as a significant historical resource under CEQA, based on previous evaluations.

[32] Cornerstone Earth Group. 2020. *Phase I Environmental Site Assessment, 1399 Willow Road, Menlo Park, California*. October 13.

[33] META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Brown, A.K. 1975. *Place Names of San Mateo County*. San Mateo County Historical Association, College of San Mateo Campus, San Mateo, CA (see Sowers, J. 2005. *Creek and Watershed Map of Palo Alto and Vicinity.* Oakland Museum of California, Oakland, CA).

[34] META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. William Self Associates. 2009. *Final Archaeological Research Design and Evaluation Plan: Bay Division Pipeline Reliability Upgrade Project*. Prepared on behalf of ENTRIX-Ward JV for U.S. Army Corps of Engineers and San Francisco Public Utilities Commission:2-27.

[35] META Willow Village Project. 2022. Cultural Resources Assessment Report. Prepared for Pacific Innovation Partners, LLC. Svanevik, Michael, and Shirley Burgett. 2000. *Menlo Park California: Beyond the Gate.* Second facsimile edition. Menlo Park Historical Association, Menlo Park, CA, p. 119.

[36] Nationwide Environmental Title Research, LLC. 1948, 1956, 1982, 1991. *Aerial Photograph of Willow Road, Menlo Park, California*. Available: https://www.historicaerials.com. Accessed: March 7, 2022.

Table 3.8-1. Historic-Aged Built-Environment Resources within the Study Area

Address/Name	APN	Date Constructed	Evaluation	CEQA Historical Resource
Main Project Site				
Main Project Site (all buildings evaluated collectively as a potential historic district)	Numerous	1956–1962	Not eligible for listing	No
1205–1275 Hamilton Court	055-440-010	1979	N/A (not of historic age)	No
1200–1240 Hamilton Court	055-440-020	1979	N/A (not of historic age)	No
1105–1195 Hamilton Court	055-440-030	1980	N/A (not of historic age)	No
1100–1190 Hamilton Court	055-440-040	1980	N/A (not of historic age)	No
1003–1005 Hamilton Avenue	055-440-050	1996	N/A (not of historic age)	No
927–953 Hamilton Avenue	055-440-090	1988	N/A (not of historic age)	No
959–967 Hamilton Avenue	055-440-090	1988	N/A (not of historic age)	No
1374–1376 Willow Road	055-440-110	1959–1962	Not eligible for listing	No
1390 Willow Road	055-440-130	1956	Not eligible for listing	No
925 Hamilton Avenue	055-440-190	1988	N/A (not of historic age)	No
1370 Willow Road	055-440-210	1962	Not eligible for listing	No
940 Hamilton Avenue	055-440-230	1962	Not eligible for listing	No
960 Hamilton Avenue	055-440-230	1982	Not eligible for listing*	No
980 Hamilton Avenue	055-440-260	1962	Not eligible for listing	No
1380 Willow Road	055-440-300	1982	N/A (not of historic age)	No
1010–1042 Hamilton Avenue	055-440-310	1981	N/A (not of historic age)	No
1050–1098 Hamilton Avenue	055-440-320	1981	N/A (not of historic age)	No
990–998 Hamilton Avenue	055-440-330	1982	N/A (not of historic age)	No
1360 Willow Road	055-440-340	1982	N/A (not of historic age)	No
1350 Willow Road	055-440-350	1985	N/A (not of historic age)	No
Hamilton Avenue Parcels North and South				
871–883 Hamilton Avenue	055-398-270	2000	N/A (not of historic age)	No
1401 Willow Road	055-398-280	2000	N/A (not of historic age)	No
1399 Willow Road	055-395-090	2000	N/A (not of historic age)	No
Offsite Parcels				
1385 Willow Road	055-383-560	1953	Not eligible for listing	No
1396 Carlton Avenue	055-395-060	1952	Not eligible for listing	No
777 Hamilton Avenue	055-398-290	2017	N/A (not of historic age)	No
1340 Willow Road	055-432-150	c. 1980–1982	N/A (not of historic age)	No
1305 O'Brien Drive/ 1350 Adams Court	055-472-030	1988/2016	N/A (not of historic age)	No
1355/1365 Adams Court	055-471-050	1985	N/A (not of historic age)	No
Dumbarton Cutoff Linear Historic District (containing the contributing Dumbarton Cutoff Line)	N/A	1907–1910	Eligible for National Register of Historic Places listing	**Yes**

Address/Name	APN	Date Constructed	Evaluation	CEQA Historical Resource

Sources: JRP Historical Consulting, LLC. 2021. *1385 Willow Road, Menlo Park, California*. June 2. Department of Parks and Recreation forms 523A, 523B, 523L; JRP Historical Consulting, LLC. 2021. *1396 Carlton Avenue, Menlo Park, California*. June 2. Department of Parks and Recreation forms 523A, 523B, 523L; JRP Historical Consulting, LLC. 2017, *Dumbarton Cutoff*. February 1. Department of Parks and Recreation form 523L; JRP Historical Consulting, LLC. 2021. *Menlo Science and Technology Park, Menlo Park, California.* Department of Parks and Recreation forms 523A, 523B, 523L; Nationwide Environmental Title Research, LLC. 1980, 1982*. Aerial Photograph of 1340 Willow Road, Menlo Park, California*. Available: https://www.historicaerials.com. Accessed: February 19, 2021; ParcelQuest. 2021. *Property Detail Report, 828 Hamilton Avenue, 777 Hamilton Avenue, and 1355 Adams Court, Menlo Park, CA.* Available: http://www.parcelquest.com. Accessed: February 19 and May 21, 2021; Peninsula Innovation Partners, LLC. 2020.

"*" denotes a resource that is not of historic age, based on City of Menlo Park property data, but the resource received a National Register of Historic Places and California Register of Historical Resources evaluation in JRP Historical Consulting, LLC, 2021, *Menlo Science and Technology Park, Menlo Park, California*, DPR forms 523A, 523B, 523L.

Main Project Site

The main Project Site is developed with 20 buildings, of which five are historic-aged buildings (i.e., more than 50 years old, the age above which built-environment resources generally have the potential to become eligible for listing in the California Register and therefore qualify as CEQA historical resources). The remaining 15 buildings have construction dates of 1979 or later, which is 50 years prior to the date the NOP was released.

Between 2019 and 2021, JRP Historical Consulting, LLC (JRP), prepared a DPR form set for the main Project Site to document evaluation of historic-aged buildings as well as the property as a whole. JRP's evaluation found that three buildings—1390 Willow Road, 940 Hamilton Avenue, and 960 Hamilton Avenue[37]—met the significance requirements of National Register of Historic Places (National Register)/California Register Criteria A/1 (i.e., significant events) for their associations with the CORONA surveillance satellite program. The remaining three historic-aged buildings within the main Project Site were not associated historically with the CORONA program, and no other tenants on the site (including Hiller Aircraft) appear to have made significant contributions to local, regional/state, or national history to the extent necessary to support Criteria A/1 significance.

Although the three buildings used for the CORONA program appear to have historical significance, JRP evaluated the buildings' integrity relative to their proposed period of significance, 1958–1969, and found that 1390 Willow Road, 940 Hamilton Avenue, 960 Hamilton Avenue, as well as their immediate environment, have been altered to such a degree that the buildings have diminished integrity of setting, design, materials, workmanship, feeling, and association. Because of these diminished aspects of integrity, JRP found that the overall integrity of the resources has been compromised and that they no longer reflect their character from the time when they were used for the CORONA program. As a result, the JRP evaluation concluded that the three buildings do not convey their historical significance and are not eligible for listing in the National Register or California Register. Furthermore, JRP determined that none of the historic-aged buildings in the Menlo Science and Technology Park, nor the property as a whole, meets the significance thresholds established by National Register/California Register

[37] Note that JRP also evaluated 960 Hamilton Avenue, despite the fact that the City of Menlo Park property data indicate that the building was constructed in 1982 and therefore was not yet 50 years old when the NOP was released.

Criteria B/2 (i.e., significant persons), C/3 (i.e., significant architecture, design, engineering), and D/4 (i.e., significant information potential).[38] The DPR form set documenting JRP's evaluation of the Menlo Science and Technology Park is available in Appendix 3.8, *Historical Resource Evaluations*.

Hamilton Avenue Parcels

The buildings on Hamilton Avenue Parcels North and South are not of historic age.

Offsite Parcels

The main Project Site and Hamilton Avenue Parcels North and South lie adjacent to several residential, commercial, and institutional buildings. None of the buildings adjacent to the main Project Site appear to be more than 50 years old; however, two residential buildings adjacent to Hamilton Avenue Parcels North and South were constructed during the early 1950s. These two buildings, 1385 Willow Road and 1396 Carlton Avenue, received National Register/California Register evaluations, as documented on DPR form sets, in 2021 to establish their historical resource status. The 2021 evaluations found that neither building meets the eligibility requirements of the National Register or California Register and neither qualifies as a CEQA historical resource.[39, 40]

Offsite Improvements

Offsite improvement locations include the roundabout at the Hetch-Hetchy right-of-way; areas along Hamilton Avenue, Bayfront Expressway, and a portion of Willow Road and University Avenue for underground utility lines; the Pacific Gas and Electric Company Ravenswood substation and associated utility line locations; and various intersections. All locations are within urbanized areas that have been previously disturbed and do not contain built-environment resources (e.g., buildings, structures, objects, districts) that would qualify as historical resources. In addition, Willow Road Tunnel, proposed as part of the Project, would extend northward from the main Project Site under the Dumbarton Cutoff Line at Willow Road. Originally constructed from 1907 to 1910, the Dumbarton Cutoff Line consists of tracks that were first recorded by P.S. Preservation Services on a DPR form set in 1996. According to this recordation, the 16.4-mile Dumbarton Cutoff Line, including features between Redwood City in San Mateo County to the west and Niles in Alameda County to the east, contributes to the Dumbarton Cutoff Linear Historic District.

The 1996 P.S. Preservation Services study found the district eligible for listing in the National Register under Criterion A and identified 1909–1945 as its period of significance. JRP subsequently updated the district documentation in 2008 through a DPR update sheet that, in addition to confirming the Dumbarton Cutoff Linear Historic District's eligibility for listing in the National Register, added three contributing culverts. JRP again updated the district's documentation in 2017 by reiterating its National Register eligibility and clarifying information regarding the historic property boundary and character-defining features of the resource. In 2019, the California State Historic Preservation Officer (SHPO) concurred with the findings of the 2017 DPR recordation through the Section 106 process. As a result of SHPO concurrence, the Dumbarton Cutoff Linear Historic District—inclusive of the rail corridor—is

[38] JRP Historical Consulting, LLC. 2021. *Menlo Science and Technology Park*.

[39] JRP Historical Consulting, LLC. 2021. *1385 Willow Road, Menlo Park, California*. June 2. Department of Parks and Recreation forms 523A, 523B, 523L; JRP Historical Consulting, LLC. 2021. *1396 Carlton Avenue, Menlo Park, California*. June 2. Department of Parks and Recreation forms 523A, 523B, 523L.

[40] The properties at 1385 Willow Road and 1396 Carlton Avenue were evaluated pursuant to Mitigation Measure CULT-1 of the ConnectMenlo EIR, which requires an individual project proposed on *or adjacent to* a site with a building that is more than 50 years old to prepare a site-specific evaluation of the historic-aged resources.

formally listed in the California Register pursuant to Public Resources Code (PRC) Section 5024.1(d)(1). Furthermore, it qualifies as a historical resource under CEQA per Section 15064.5(a)(1) of the CEQA Guidelines.

As established in the 1996, 2012, and 2017 recordations, the contributing elements of the Dumbarton Cutoff Linear Historic District are the following: Dumbarton Cutoff Line, Dumbarton Bridge, Newark Slough Bridge, Henderson Underpass, University Culvert, and Newark Culvert. Located immediately adjacent to the Project Site, the Dumbarton Cutoff Line consists of a single set of standard-gauge steel tracks on wooden ties and stone ballast along a low earthen berm; only the track is visible at the surface where the linear resource crosses Dumbarton Road. The segment of the Dumbarton Cutoff Line adjacent to the Project Site is assumed to date to the historical resource's period of significance, although appurtenant features such as crossing signals were installed at a later date.[41]

Archaeological Resources

Records Search and Literature Review

The Cultural Resources Assessment Report prepared by Basin includes archival record searches and literature reviews conducted at the Northwest Information Center (NWIC); Bancroft Library at the University of California, Berkeley; and Basin Research Associates, San Leandro, as described below.

Main Project Site and Hamilton Avenue Parcels North and South

The records search and literature review identified one previously recorded multi-component (historic and pre-European contact) archaeological resource within the Project Site, CA-SMA-160/H (P-41-000160), also referred to as the Hiller Mound. The historic component of CA-SMA-160/H consists of the remains of the Carnduff farm. Samuel Carnduff originally purchased 50 acres in 1865, then eventually expanded his holdings to 180 acres. The pre-European contact component of this resource has been subject to multiple phases of archaeological investigation since 1949. More recently, archaeological material was identified during infrastructure improvements and other development in 2012 and 2017. Discoveries encountered during construction-related ground disturbance in 2012 and 2017 were overseen by the Native American Heritage Commission– (NAHC-) appointed Most Likely Descendant (MLD).[42] The NAHC-appointed Most Likely Descendent was a member of the Amah Mutsun Band of Mission San Juan Bautista.

The archeological component of the Hiller Mound has several parts, the most culturally sensitive of which is referred to as the Hiller Mound Core. Although CA-SMA-160/H has not been formally evaluated for eligibility for listing in the California Register, it has been assumed eligible under Criterion 4 for its potential to contribute to regional research questions, given its age and the significance of the data that it contains. Furthermore, it was subsequently assumed eligible for listing in the National Register under Criterion D. According to the Cultural Resources Assessment Report, the resource also appears eligible for the California Register under Criterion 1 because of its importance to Ohlone culture, as ascribed by the MLD.[43]

---

41 P.S. Preservation Services. 1996. *Request for Determination of Eligibility*; JRP Historical Consulting, LLC. 2008. *Southern Pacific Railroad, Dumbarton Cutoff Linear Historic District*. Department of Parks and Recreation form 523L. June 4; JRP Historical Consulting, LLC. 2017. *Dumbarton Cutoff*. February 1. Department of Parks and Recreation form 523L.

42 Basin Research Associates, Inc. 2019, revised 2022. *Cultural Resources Assessment Report*. Meta Willow Campus Project, City of Menlo Park, San Mateo County, CA. Prepared for Pacific Innovation Partners, LLC.

43 Ibid.

An Enhanced Identification Program (EIP) was implemented by Basin in 2017 and reported in 2019. The purpose of the EIP was to identify the horizontal and vertical extent of subsurface cultural deposits associated with CA-SMA-160/H within the main Project Site. Qualified archaeologists and Native American monitors were present during all identification activities.[44]

Offsite Parcels

One additional archaeological resource was identified in the vicinity of the Project Site. This resource consists of the structural remains of Schilling's Arden Salt Works at the Ravenswood and Alviso salt ponds (P-41-002351). The site, located 0.3 mile from the Project Site, was previously evaluated for its significance and determined not eligible for listing in the National Register. This is the only offsite known archaeological resource identified in the Cultural Resources Assessment Report.

Assembly Bill 52 and Senate Bill 18 Consultation

To identify additional archaeologically sensitive areas and potential tribal cultural resources within the Project area, the City of Menlo Park (City) contacted seven individuals who represent five local California Native American tribes. Letters with Project details, a map, and a request for consultation were sent on December 23, 2020. The letters solicited responses from each contact, including questions, comments, or concerns regarding the Proposed Project. The letters were sent to the following local California Native American tribes:

- Amah Mutsun Tribal Band
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- The Ohlone Indian Tribe

In July 2021, the City requested an updated AB 52 and Senate Bill (SB) 18 consultation list from the NAHC. On July 23, 2021, the City received a tribal consultation list, including nine contacts from the following California Native American tribes:

- Amah Mutsun Tribal Band
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- The Ohlone Indian Tribe
- Wuksache Indian Tribe/Eshom Valley Band
- Tamien Nation

Consistent with the requirements of PRC Section 21080.3.1, the City mailed letters on December 23, 2020, to the original seven tribal contacts and on September 9, 2021, to the additional tribal contacts who were identified by the NAHC, notifying them of their opportunity to consult for the Proposed

[44] Ibid.

Project and identify and mitigate the Proposed Project's potential impacts on tribal cultural resources. To date, the City has received requests for consultation from the Amah Mutsun Tribal Band, Tamien Nation, and Muwekma Ohlone Tribe. Consultation efforts are ongoing.

Regulatory Setting

Federal

National Historic Preservation Act, Section 106

Although the Proposed Project is not anticipated to require compliance with Section 106 of the National Historic Preservation Act, the National Register and federal guidelines related to the treatment of cultural resources are relevant for the purposes of determining whether significant cultural resources, as defined under CEQA, are present and guiding the treatment of such resources.

National Historic Preservation Act and National Register of Historic Places

Built-environment and archaeological resources are protected through the National Historic Preservation Act (16 United States Code 470f). The National Historic Preservation Act requires project review of effects on historic properties only when projects involve federal funding or permitting or occur on federal land; therefore, it is not applicable to discretionary actions at the municipal level. However, the National Historic Preservation Act establishes the National Register, which provides a framework for resource evaluation and informs the process for determining impacts on historical resources under CEQA.

The National Register is the nation's official comprehensive inventory of historic resources. Administered by the National Park Service, the National Register includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. Typically, a resource that is more than 50 years of age is eligible for listing in the National Register if it meets any one of the four eligibility criteria *and* retains sufficient historical integrity. A resource less than 50 years old may be eligible if it can be demonstrated that it is of "exceptional importance" or a contributor to a historic district. National Register criteria are defined in *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*.

Properties that are listed in the National Register, as well as properties that are formally determined to be eligible for listing in the National Register, are automatically listed in the California Register, described below, and therefore considered historical resources under CEQA.

State

California Environmental Quality Act (other than sections added by AB 52)

CEQA, as codified in PRC Section 21000 et seq. and implemented by the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.), is the principal statute governing environmental review of projects in California. CEQA defines a historical resource as a property listed in, or eligible for listing in, the California Register; included in a qualifying local register; or determined by a lead agency to be historically significant. In order to be considered a historical resource, a property must be old enough to allow an understanding of the historic importance of the resource and obtain a scholarly perspective on the events or individuals associated with the resource, which is generally at least 50 years. Section 21084.1 of the PRC and Section 15064.5 of the CEQA Guidelines define a historical resource for purposes of CEQA as the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register (PRC Section 5024.1).

2. A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g). Such resources will be presumed to be historically or culturally significant. Public agencies must treat such resources as significant, unless the preponderance of evidence demonstrates that they are not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the California Register (PRC Section 5024.1).

4. The fact that a resource is not listed in or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource, as defined in PRC Sections 5020.1(j) or 5024.1.

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. PRC Section 21083.2(g) states that "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

2. Has a special and particular quality, such as being the oldest of its type or the best available example of its type.

3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

CEQA requires lead agencies to determine if a project would have a significant effect on historical resources or unique archaeological resources. If a resource is neither a unique archaeological resource nor a historical resource, the CEQA Guidelines note that the effects of a project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064.5[c][4]). In addition, projects that comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties benefit from a regulatory presumption under CEQA that they would have a less-than-significant impact on a historical resource (14 California Code of Regulations 15126.4[b][1]). Projects that do not comply with the Secretary's standards may or may not cause a substantial adverse change in the significance of a historical resource and may be subject to further analysis to assess whether they would result in material impairment of a historical resource's significance.

Under CEQA, a substantial adverse change in the significance of a historical resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Actions that would materially

impair the significance of a historical resource are any actions that would demolish or adversely alter the physical characteristics that convey the property's historical significance and qualify it for inclusion in the California Register, the National Register, or in a local register or survey that meets the requirements of PRC Sections 5020.1(k) and 5024.1(g).

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and indicating which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). The California Register criteria are based on the National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by CEQA to be automatically included in the California Register, including California properties that were formally eligible for or listed in the National Register. To be eligible for the California Register as a historical resource, a resource must be significant at the local, state, and/or federal level under one or more of the following evaluative criteria, as defined in PRC Section 5024.1(c):

1. The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. The resource is associated with the lives of persons important in our past.
3. The resource embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
4. The resource has yielded, or may be likely to yield, information important in prehistory or history.

As with the National Register, a significant historical resource must possess integrity in addition to meeting the significance criteria to be considered eligible for listing in the California Register. Consideration of integrity for evaluation of California Register eligibility follows the definitions and criteria from National Park Service *National Register Bulletin 15*.

California Native American Historic Resources Protection Act

The California Native American Historic Resources Protection Act of 2002 imposes civil penalties, including imprisonment and fines of up to $50,000 per violation, for persons who unlawfully and maliciously excavate, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed or may be listed in the California Register.

Assembly Bill 52

Tribal cultural resources were originally identified as a distinct CEQA environmental category with the adoption of AB 52 in September 2014. For all projects that are subject to CEQA that received a notice of preparation, notice of negative declaration, or mitigated negative declaration on or after July 1, 2015, AB 52 requires the lead agency for a proposed project to consult with the geographically affiliated California Native American tribes. The legislation creates a broad, new category for environmental resources, "tribal cultural resources," which must be considered under CEQA. AB 52 requires a lead agency to not only consider the resource's scientific and historical value but also whether it is culturally important to a California Native American tribe.

AB 52 defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are included in or determined to be eligible for inclusion in the California Register; included in a local register of historical resources, as defined in PRC Section 5020.1(k); or determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to the criteria of PRC Section 5024.1(c) (CEQA Section 21074). A cultural landscape that meets the definition of a tribal cultural resource is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. A historical resource described in PRC Section 21084.1; a unique archaeological resource, as defined in subdivision (g) of PRC Section 21083.2; or a "nonunique archaeological resource," as defined in subdivision (h) of PRC Section 21083.2 may also be a tribal cultural resource if it conforms to the definition of a tribal cultural resource.

AB 52 also sets up an expanded consultation process. For projects initiated after July 1, 2015, lead agencies are required to provide notice of the proposed projects to any tribe that is traditionally and culturally affiliated with the geographic area that requested to be informed by the lead agency, following PRC Section 21018.3.1(b). If, within 30 days, a tribe requests consultation, the consultation process must begin before the lead agency can release a draft environmental document. Consultation with the tribe may include discussion of the type of review necessary, the significance of tribal cultural resources, the significance of a project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The consultation process will be deemed concluded when either (a) the parties agree to mitigation measures or (b) any party concludes, after a good-faith effort, that an agreement cannot be reached. Any mitigation measures agreed to by the tribe and lead agency must be recommended for inclusion in the environmental document. If a tribe does not request consultation, or otherwise assist in identifying mitigation measures during the consultation process, a lead agency may still consider mitigation measures if the agency determines that a project will cause a substantial adverse change to a tribal cultural resource.

Senate Bill 18

SB 18, established in September 2004, requires local governments to consult with California Native American tribes prior to preparing or amending both general plans (as defined in California Government Code Section 65300 et seq.) and specific plans (as defined in Government Code Section 65450 et seq.). The purpose of this consultation is to include California Native American tribes early in the planning process to allow for the identification and protection of cultural resources. This process also allows cultural resources to be considered during the broad-scale local and regional planning process rather than at a project level. The following includes a sequential list of local government responsibilities:

- Local governments must notify appropriate tribes, as identified by the NAHC, prior to the adoption or amendment of a general plan or specific plan.
- Tribes have 90 days from the receipt of notification to request consultation (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, local governments must refer the proposed action to the appropriate tribes, as identified by the NAHC, regardless of whether previous consultation has taken place.
- Local governments must allow a 45-day comment period (Government Code Section 65352).
- Local governments must provide notice of a public hearing to all tribes that filed a written request for such notice at least 10 days prior to the hearing (Government Code Section 65092).

Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the coroner determines that the remains are not subject to his or her authority and recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact by telephone within 24 hours the NAHC.

Public Resources Code Section 5097.98

Section 5097.98 of the PRC stipulates that whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The decedents may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and recommend to the owner or the person responsible for the excavation work means for treating or disposing of, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the NAHC. The recommendation may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Local

Menlo Park General Plan

The City General Plan consists of Open Space/Conservation, Noise, and Safety Elements, adopted May 21, 2013; the 2015–2023 Housing Element, adopted by the City on April 1, 2014; and the Circulation and Land Use Elements, adopted November 29, 2016. The following goals and policies from the Land Use Element that have been adopted to avoid or mitigate environmental impacts are relevant to cultural and tribal resources and the Proposed Project:

Goal LU-7: Sustainable Services. Promote the implementation and maintenance of sustainable development, facilities, and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

> **Policy LU-7.8: Cultural Resource Preservation**. Promote preservation of buildings, objects, and sites with historic and/or cultural significance.[45]

The following goals and policies from the Open Space/Conservation Element that have been adopted to avoid or mitigate environmental impacts are relevant to cultural resources and the Proposed Project:

Goal OSC-3: Protect and Enhance Historic Resources. Protect and enhance cultural and historical resources for their aesthetic, scientific, educational, and cultural values.

[45] City of Menlo Park. 2016. *ConnectMenlo: Menlo Park Land Use and Mobility Update*, *City of Menlo Park General Plan.* Adopted: November 29. Available: https://www.menlopark.org/DocumentCenter/View/15014/Land-Use-Element_adopted-112916_final_figures?bidId=. Accessed: March 17, 2022.

Policy OSC-3.1: Prehistoric or Historic Cultural Resources Investigation and Preservation. Preserve historical and cultural resources to the maximum extent practical.

Policy OSC-3.2: Prehistoric or Historic Cultural Resources Protection. Require significant historic or prehistoric artifacts to be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation and to ensure compliance with local, state, and federal regulations.

Policy OSC-3.3: Archaeological or Paleontological Resources Protection. Protect prehistoric or historic cultural resources either onsite or through appropriate documentation as a condition of removal. When a development project has sufficient flexibility, require avoidance or preservation of the resources as the primary form of mitigation, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.

Policy OSC-3.4: Prehistoric or Historic Cultural Resources Found during Construction. If cultural resources, including archaeological or paleontological resources, are uncovered during grading or other onsite excavation activities, require construction to stop until appropriate mitigation is implemented.

Policy OSC-3.5: Consultation with Native American Tribes. Consult with those Native American tribes with ancestral ties to the Menlo Park city limits regarding General Plan amendments and land use policy changes.

Policy OSC-3.6: Identification of Potential Historic Resources. Identify historic resources for the historic district in the Zoning Ordinance and require design review of proposals affecting historic buildings.[46]

Environmental Impacts

This section describes environmental impacts related to cultural and tribal cultural resources that could result from implementation of the Proposed Project. The section begins with criteria of significance that establish the thresholds for determining whether an impact would be significant. It then presents impacts associated with the Proposed Project and identifies mitigation measures to address the impacts as needed.

Thresholds of Significance

In accordance with Appendix G of the CEQA Guidelines, the Proposed Project would have a significant effect on cultural or tribal cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical resource, pursuant to CEQA Guidelines Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5;
- Disturb any human remains, including those interred outside of dedicated cemeteries; or
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:

[46] City of Menlo Park. 2013. *Open Space/Conservation, Noise, and Safety Elements, at Home in Menlo Park*, *City of Menlo Park General Plan.* Adopted: May 21. Available: https://www.menlopark.org/DocumentCenter/View/234/Open-Space-and-Conservation-Noise-and-Safety-Elements?bidId=. Accessed: April 28, 2021.

- Listed or eligible for listing in the California Register or in a local register of historical resources, as defined in PRC Section 5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

A discussion of each of these criteria is included in the impact analysis below. If an impact on a historical, archaeological, or tribal cultural resource would be significant, CEQA requires feasible measures to minimize the impact (14 California Code of Regulations Section 15126.4[a][1]).

Methods for Analysis

The following section analyzes potential impacts on built-environment, archaeological, and tribal cultural resources, as well as human remains, that may be caused by the Proposed Project. Impacts of the Proposed Project are analyzed for built-environment resources within or adjacent to the Project Site that meet the definition of historical resources, as outlined in PRC Section 21084.1 and CEQA Guidelines Section 15064.5 and described in the *Environmental Setting*, above. Per CEQA Guidelines Section 15064.5(b)(2), the analysis considers the potential for Project activities to materially impair the significance of a historical resource by causing direct changes to the physical characteristics of that resource as well as by causing changes in its immediate setting. To assess the Proposed Project's potential to create a significant impact on archaeological and tribal resources, ICF peer reviewed the following report provided by the Project Sponsor:

- *Cultural Resources Assessment Report: Meta Willow Campus Project, City of Menlo Park, San Mateo County* by Basin (2019, revised 2022).

Summary of Analysis in the ConnectMenlo EIR

The ConnectMenlo EIR analyzed the following impacts that would result from implementing the updates to the Land Use and Circulation Elements and the M-2 Area Zoning Update.[47]

- Impacts related to historical resources were analyzed in the ConnectMenlo EIR as Impact CULT-1 (pages 4.4-12 to 4.4-15). It was determined that impacts on historical resources would be significant if they would lead to demolition or alteration with the potential to change the historic fabric or setting of historic architectural resources. Mitigation Measure CULT-1 (page 4.4-15) requires an individual project that is proposed on or adjacent to a site with a building that is more than 50 years old to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study and, if necessary, conformance with the current Secretary of the Interior's Standards for the Treatment of Historic Properties, with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings. The ConnectMenlo EIR did not identify any historical resources within the vicinity of the Project Site.
- Impacts related to archaeological resources were analyzed in the ConnectMenlo EIR as Impact CULT-2 (pages 4.4-16 to 4.4-18). It was determined that impacts would be less than significant with implementation of Mitigation Measures CULT-2a and CULT-2b. Mitigation Measure CULT-2a, which would be applied if archeological resources are found during construction, would require cessation of proximate

[47] City of Menlo Park. 2016. *ConnectMenlo: General Plan Land Use and Circulation Elements and M-2 Zoning Update for the City of Menlo Park*. June 1. Prepared by Placeworks, Berkeley, CA. Menlo Park, CA. Available: https://www.menlopark.org/1013/Environmental-Impact-Report. Accessed: March 19, 2021.

construction (i.e., within a 100-foot radius from the find), evaluation by a qualified archaeologist, recordation on DPR forms, preparation of an archeological data recovery plan if the resource is significant, and curation and reporting. Mitigation Measure CULT-2b requires Native American tribes to be consulted in connection with general plan amendments or land use policy changes.

- Impacts related to human remains were analyzed in the ConnectMenlo EIR as Impact CULT-4 (page 4.4-20). It was determined that impacts would be less than significant with implementation of Mitigation Measure CULT-4. This mitigation measure requires compliance with relevant state statutes and regulations if human remains are encountered during ground disturbance.
- Impacts related to tribal cultural resources, as defined by PRC Section 21074, were analyzed in the ConnectMenlo EIR as Impact CULT-5 (pages 4.4-21). Impacts were determined to be less than significant with implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4 from the ConnectMenlo EIR.

Impacts and Mitigation Measures

Impact CR-1. Historical Resources. The Proposed Project would cause a substantial adverse change in the significance of a historical resource, pursuant to Section 15064.5 (LTS/M).

Built-environment resources within and adjacent to the Project Site were assessed for CEQA historical resource status pursuant to ConnectMenlo Mitigation Measure CULT-1. The buildings or structures on or adjacent to the main Project Site and Hamilton Avenue Parcels North and South, as well as offsite parcel locations, do not qualify as historical resources under CEQA.

Although not part of the main Project Site, the Dumbarton Cutoff Line would be affected as part of the Proposed Project because of construction of Willow Road Tunnel. The Dumbarton Cutoff Line qualifies as a historical resource for the purposes of CEQA because it is identified as a contributor to the Dumbarton Cutoff Linear Historic District, which has previously been determined eligible for listing in the National Register, with SHPO concurrence, and is listed in the California Register. The Dumbarton Cutoff Line comprises at-grade railroad tracks on wooden ties and stone ballast in the vicinity of Willow Road. This segment of track is assumed to date to the historical resource's period of significance (1909–1945), thereby contributing to the significance of the resource.

The Proposed Project would construct a 50-foot-wide tunnel under the current Dumbarton Cutoff Line corridor at Willow Road to facilitate tram, service vehicle, bicycle, and pedestrian traffic between the main Project Site and the Meta West Campus and Bay Trail. Willow Road Tunnel would involve cut-and-cover construction, which would remove a section of Willow Road surface pavement as well as the steel tracks belonging to the Dumbarton Cutoff Line within the Willow Road right-of-way. It is anticipated that no more than 100 feet of the Dumbarton Cutoff Line (approximately the length of the segment of track currently within the Willow Road right-of-way) would be removed during construction as a result of the Proposed Project. The Proposed Project would not physically alter the track, ties, ballast, or berm surrounding Willow Road, and the track would be returned to its original location after construction.

Removal of a 100-foot-long segment of track within the Willow Road crossing/right-of-way could, if the removed rail is damaged or not returned to its original location, hinder the historical resource's ability to convey the significance of the Dumbarton Cutoff Linear Historic District; therefore, rail removal has the potential to cause a substantial adverse change in the significance of the resource. This activity would cause a break in the Dumbarton Cutoff Line, which spans 16.4 miles between Redwood City in San Mateo County and Niles in Alameda County, and may diminish the linear resource's integrity of materials, workmanship, feeling, and association when viewed from within the vicinity of Willow Road.

Regarding the resource's integrity of setting, the Project proposes construction of numerous new features immediately adjacent to the Dumbarton Cutoff Line. These include new office buildings, the Elevated Park, and public realm improvements, along with roadway reconfiguration and the Willow Road Tunnel construction described above. The tallest proposed feature immediately adjacent to the Dumbarton Cutoff Line, a glass atrium, would reach a maximum height of up to approximately 120 feet. Although this represents an increase in height compared with the one-story buildings currently at this location, the Proposed Project would not alter any features within the setting of the Dumbarton Cutoff Line that contribute to its historical significance. The Project Site has been substantially developed since the resource's period of significance, as have most areas adjacent to the Dumbarton Cutoff Line in San Mateo County. The Proposed Project represents a continuation of the development that has occurred since the immediate post–World War II period. It would not limit the Dumbarton Cutoff Linear Historic District's ability to express its era of construction or early use, its physical characteristics, or its significant transportation role as the first transbay rail link. However, as a result of the Proposed Project's temporary removal of a segment of track from the Dumbarton Cutoff Line, which currently crosses Willow Road, the resource could lose a portion of the historic material that expresses the significant historic character of the Dumbarton Cutoff Linear Historic District if the material is damaged or not properly returned to its original location. This activity could discernibly alter the resource's historical integrity and the public's ability to understand its historic character, as observed from Willow Road. Therefore, the Proposed Project could constitute material impairment of the significance of the Dumbarton Cutoff Line. The Proposed Project's impact on historical resources is considered significant.

MITIGATION MEASURE. Implementation of Project Mitigation Measure CR 1.1 would require the Project Sponsor to remove the tracks belonging to the Dumbarton Cutoff Line in a sensitive manner, store them during construction, and reinstall them in their historic location following completion of Project construction. This measure would ensure that the resource's overall physical characteristics and extant alignment would remain intact; following the Proposed Project, the Dumbarton Cutoff Line and the historic district to which it contributes would retain all aspects of historical integrity as well as the physical characteristics that support inclusion in the National Register and California Register. With implementation of Project Mitigation Measure CR 1.1, the Dumbarton Cutoff Line and the Dumbarton Cutoff Linear Historic District would still convey their historical significance and continue to qualify as historical resources for the purposes of CEQA. Impacts on built-environment resources would therefore be ***less than significant with mitigation***.

CR 1.1. Remove, Store, and Reinstall Dumbarton Cutoff Line Tracks.

> The Project Sponsor shall remove the Dumbarton Cutoff Line tracks, store them during construction of the Proposed Project, and reinstall them in their historic location without irreparable damage to their character-defining historic fabric. The Project Sponsor will prepare a preservation plan that specifies the practices to be employed to preserve the historical integrity of the tracks during their removal, storage, and reinstallation. These methods may include the following: using straps to lift rails rather than chains or other "metal on metal" methods, marking or numbering the track components so they can be replaced in their original sequence, and ensuring secure storage onsite or in a lay-down area. Following tunnel construction, the rail segments will be returned to their preconstruction location in Willow Road on new ballast and ties or other appropriate material for the rail crossing. The preservation plan shall be reviewed and approved by the City and the San Mateo County Transit District (SamTrans) prior to the issuance of demolition permits related to construction activities within Willow Road, and the Project Sponsor will incorporate the recommended protective measures into construction specifications.

Impact CR-2. Archaeological Resources. The Proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (LTS/M).

A stated above, one multi-component archaeological resource (CA-SMA-160/H) was identified within the main Project Site. No archaeological resources were identified at Hamilton Avenue Parcels North and South, the Willow Road Tunnel site, or offsite parcel locations within the Study Area. CA-SMA-160/H has been subject to multiple phases of archaeological study and is assumed eligible for listing in the California Register.

A project that may cause a substantial adverse change in the significance of a historic or unique archeological resource may have a significant effect on the environment. Substantial adverse change in the significance of a cultural resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired.

CEQA allows lead agencies to require reasonable efforts to permit any unique archeological resources to be preserved in place or left in an undisturbed state (PRC Section 21083.2[a]). Examples of treatment include, in no order of preference:

- Planning construction to avoid archeological sites;
- Deeding archeological sites into permanent conservation easements;
- Capping or covering archaeological sites with a layer of soil before building on the sites; and
- Planning parks, greenspace, or other open space so as to incorporate archeological sites (PRC Section 21083.2[b]).

Excavation as mitigation is restricted to those parts of the unique archaeological resources that would be damaged or destroyed by a project (PRC Section 21083.2[d]). According to the Office of Historic Preservation, "[a]voidance and preservation in place are the preferable forms of mitigation for archeological sites."[48]

The Proposed Project would avoid known archaeological resources in the Hiller Mound Core by means of preservation in place. Improvements on the main Project Site would include grading and filling to elevate the property above the adopted Federal Emergency Management Agency (FEMA) base flood elevation (BFE), thereby complying with the City's sea-level rise requirements of the zoning ordinance, and, outside the Hiller Mound Core, creating buildable pads and constructing a new vehicular circulation network. Once completed, the fill would establish a protective cover over the potential archeological resources at the main Project Site, thereby reducing the risk of damage from flooding, unintentional disturbance, or unauthorized excavation. In addition, the Proposed Project would incorporate the Hiller Mound Core into open space, thereby avoiding the construction of buildings or other substantial structures in this area. Collectively, these Proposed Project features would be consistent with the appropriate treatment measures established by CEQA Section 20183.2, including avoidance, capping and covering, and incorporating archaeological sites into parks, greenspace, or other open space. Nonetheless, given the relatively shallow depth of the archaeological deposits associated with CA-SMA-160/H, as well as the dispersal of deposits from past disturbance associated with natural drainage, agriculture, and construction, the Proposed Project would most likely disturb known resources. In addition, it is possible that the Proposed Project could disturb unknown deposits during construction activities, such as grading or demolition. Construction of the Proposed Project would require temporary erection of an estimated 40 scaffolding towers for construction of a glass atrium within the Hiller Mound Core. Geotechnical models of stresses induced by the gravity load

[48] Office of Historic Preservation. n.d. *Technical Assistance Series #1*. Available: https://ohp.parks.ca.gov/pages/1054/files/ts01ca.pdf.

of the proposed fill cap and the existing soil (i.e., the cumulative stress of proposed fill and existing soil) indicate that the proposed fill cap would result in uniform pressure across the underlying primary midden and alluvial soil profile. Additional modeling suggests that the temporary scaffolding, with its 16-foot square base, would reduce the concentrated pressure on the mound and result in a relatively minor increase in stress at the primary midden layer due to the load transfer through the layer of new engineered fill. Project-related ground disturbance would have the potential to disturb both known and as-yet undocumented archaeological deposits associated with CA-SMA-160/H and other archeological resources. The impact would be potentially significant.

MITIGATION MEASURES. Compliance with federal, state, and local laws and regulations, including applicable ConnectMenlo EIR mitigation measures, City General Plan goals and policies, and Project-specific mitigation measures, would protect significant archaeological resources within the Project Site by providing archaeological resources sensitivity training to workers; ensuring preservation in place or, if infeasible, archaeological data recovery when significant archaeological resources are encountered and cannot be avoided; and allowing early detection of potential conflicts between development and resources. The Proposed Project has implemented ConnectMenlo EIR Mitigation Measure CULT-1 by completing the site-specific historical and archeological resource studies referenced in this Draft EIR. The Proposed Project would implement ConnectMenlo EIR Mitigation Measure CULT-2a, as modified to avoid redundancy with Project-specific mitigation, if a potentially significant subsurface cultural resource is encountered during ground-disturbing activities. In addition, the Project Sponsor would implement Project Mitigation Measures CR-2.1 and CR-2.2, which would reduce impacts on CA-SMA-160/H and unknown archeological resources to a less-than-significant level. These measures would be implemented on the main Project Site. ConnectMenlo EIR Mitigation Measure CULT-2a (as modified) and Mitigation Measure CR 2.2 apply to Hamilton Avenue Parcels North and South and the Willow Road Tunnel site, areas where Project-related ground disturbance would have the potential to affect elements of CA-SMA_160/H and unknown archaeological resources. Impacts on archaeological resources would be ***less than significant with mitigation***.

CR 2.1. Avoidance, Monitoring, and Treatment

Avoidance and Minimization of Ground-Disturbing Activities

The Project Sponsor shall avoid or minimize ground-disturbing excavation in CA-SMA-160/H to the extent feasible in both the high-sensitivity area[49] (1.77 acres) and revised site boundary (7.03 acres), as detailed below. The City will review and confirm the implementation of mitigation measures with each construction phase.

- The Project Sponsor shall note on any plans that require ground-disturbing excavation that there is potential for exposing buried cultural resources, including Native American burials. Any archaeological site information supplied to the contractor shall be considered and marked confidential.
- The Project Sponsor shall install a culturally sterile engineered cap to cover the archaeological deposit within the Hiller Mound Core and preserve the resource in place. The 4 to 7 feet of engineered fill will function as a protective cover for cultural deposits within the Hiller Mound Core and raise the grade to accommodate future sea-level-rise above the 100-year flood elevation, consistent with surrounding areas where buildings will be constructed.

[49] Defined here as the Hiller Mound Core.

- Onsite soil material is suitable as fill material provided it is processed to remove concentrations of organic material, debris, and particles greater than 6 inches in maximum dimension; oversized particles shall either be removed from the fill or broken down to meet the requirement. Imported fill material shall meet the above requirements and have a plasticity index of less than 20. Material used for engineered fill shall meet appropriate Department of Toxic Substances Control (DTSC) Environmental Screening Levels (ESLs), as determined by the environmental engineer.

Fill Placement within the Hiller Mound Core Boundary

Construction activities shall be conducted in a manner that protects against penetration of the core area and reduces the potential for disturbance from concentrated surface loads. The following measures shall be implemented within the Hiller Mound Core during fill placement and any subsequent construction to reduce potential impacts on subsurface archaeological materials.

- An elevation contour plan shall be created to guide the surface preparation necessary to place the fill cap within the Hiller Mound Core boundaries. The plan shall show the top of the primary midden elevation, based on archaeological GeoProbe data, to establish a 6-inch-thick buffer zone above the primary midden layer, below which soil disturbance or penetration shall not be permitted.
- Tree root balls from trees removed within the Hiller Mound Core boundary that have roots extending within an area 24 inches from the primary midden layer shall be left in place. Stumps may be ground flat with the existing grade.
- Clearing of surface vegetation within the Hiller Mound Core boundary shall be performed through hand grubbing.
- Ground surface preparation prior to fill placement within the Hiller Mound Core boundary shall use a walk-behind sheepsfoot roller to densify the 6-inch-thick buffer-zone material. The use of relatively light equipment (typical equipment weight of 3,000–5,000 pounds), such as a walk-behind roller, reduces potential for densification below the buffer zone.
- A layer of geogrid reinforcement shall be placed over the prepared ground surface within the Hiller Mound Core boundary. Geogrid shall consist of a triaxial grid (e.g., TX140 or approved equivalent). A second layer of geogrid shall be placed to reinforce the engineered fill approximately 24 inches above the base geogrid layer. Geogrid shall be installed in accordance with the manufacturer's specifications.
- Once the 6-inch-thick buffer zone has been prepared and reinforcement grid placed within the Hiller Mound Core boundary, engineered fill may be placed in 8-inch lifts and compacted using a single-drum ride-on sheepsfoot roller. The roller shall not be parked or left stationary on the Hiller Mound Core overnight. If yielding subgrade is encountered in the buffer zone, the geotechnical consultant may recommend placement of additional layers of reinforcement within the engineered fill. This determination will be based on field observations during preparation of the ground surface.
- To protect the primary midden, construction vehicles and construction equipment (with the exception of the equipment necessary to place and compact the engineered fill) shall not be permitted to rest on or pass over the Hiller Mound Core boundary until after engineered fill placement is complete to provide a buffer between mound material and concentrated vehicle loads. Once fill placement is complete, the primary midden shall be protected, but construction

vehicles and construction equipment within the Hiller Mound Core nonetheless shall continue to be limited to the minimum number necessary to complete construction of the Proposed Project. Vehicles shall not be left stationary or parked on the Hiller Mound Core overnight. The contractor shall ensure that vehicles and equipment will not leak fuel or other liquids when operating on the Hiller Mound Core. Leaking vehicles and equipment shall be promptly removed from the Hiller Mound Core area and repaired before use is resumed on the Hiller Mound Core.

Temporary Construction Loading – Installation of Temporary Scaffolding within the Hiller Mound Core Boundary

The following measures shall be implemented within the Hiller Mound Core boundary during scaffold erection to reduce potential impacts on subsurface archaeological materials.

- Scaffolds within the Hiller Mound Core boundary shall be installed no earlier than 3 months after the engineered fill placement related to sea-level rise.
- Scaffolds within the Hiller Mound Core boundary shall use 16-foot square bases on the engineered fill cap. Minor leveling of the fill cap shall be allowed at each scaffold installation, but excavation or other penetrations into the fill surface shall not be permitted. If equipment or the temporary auxiliary structures needed to install the atrium frame and associated glass would disturb more than 12 inches below the surface of the fill, the archeological consultant shall determine whether protective measures shall be required, including the installation of a wood or plastic mat around each scaffold.
- Scaffolds within the Hiller Mound Core boundary shall be removed promptly after installation and inspection of the framework and glass within the atrium to remove pressure from the engineered fill over the Hiller Mound Core.

CR 2.2. Train Workers to Respond to the Discovery of Cultural Resources and Prepare an Archaeological Monitoring Plan and Archeological Treatment Plan.

If avoidance or preservation in place is not possible, the following measures will be followed:

- Prior to the start of fill placement and other ground-disturbing construction, the archaeological consultant or project archaeologist shall conduct archaeological resources sensitivity training and Native American tribal representatives shall conduct tribal cultural sensitivity training for workers and construction superintendents. Training shall be required for all construction personnel participating in ground-disturbing construction to alert them to the archaeological sensitivity of the area and provide protocols to follow in the event of a discovery of archaeological materials. The principal archaeological consultant and project archaeologist shall develop and distribute, for job-site posting, a document ("ALERT SHEET") that summarizes the potential finds that could be exposed, the protocols to be followed, and the points of contact to alert in the event of a discovery. The ALERT SHEET and protocols shall be presented as part of the training. The contractor shall be responsible for ensuring that all workers requiring training are in attendance. Training shall be scheduled at the discretion of the Project Sponsor in consultation with the City. Worker training shall be required for all contractors and sub-contractors and documented for each permit and/or phase of a permit that requires ground-disturbing activities onsite. For work in the Hiller Mound Core, worker training shall also be included for workers who will work on the surface or who will drive across the Hiller Mound Core.

- The archaeological consultant shall review, identify, and evaluate cultural resources that may be inadvertently exposed during construction to determine if a discovery is a historical resource and/or unique archaeological resource under CEQA. Significant resources shall be subject to treatment/mitigation that prevents an adverse effect on the resource, in accordance with PRC Section 15064.5. Mitigation could include avoidance, preservation in place, or the scientific removal, analysis, reporting, and curation of any recovered cultural materials. If the discovery constitutes a tribal cultural resource, consultation shall be undertaken with the person the NAHC identifies as the MLD to determine appropriate treatment.
- The Project Sponsor and archaeological consultant shall develop an Archaeological Monitoring Plan (AMP)[50] to guide archaeological and tribal monitoring of ground-disturbing construction and protect any cultural materials and tribal cultural resources exposed during construction from further damage so they can be identified and evaluated for their potential eligibility for listing in the California Register and properly treated. The AMP's monitoring plan for tribal cultural resources shall be developed in consultation with Native American tribal representatives. The AMP shall be submitted to the City of Menlo Park for review and approval prior to issuance of a building permit and/or Project implementation.

  The AMP shall include, at a minimum:

  - Background information and context data on the Project and cultural resource;
  - Monitoring requirements, including worker awareness training; a discussion of specific locations and the intensity of the monitoring effort for areas with potential for the discovery of unexpected cultural materials; and anticipated personnel, including retention of local Native American tribal representative(s) from lists maintained by the NAHC;
  - Protocols for unexpected discoveries during construction, consistent with modified ConnectMenlo EIR Mitigation Measure CULT-2a;
  - Pre-historic research design, identifying pertinent archaeological research issues and questions; anticipated property types; and data requirements for addressing each research issue to be used for significance evaluation;
  - Detailed procedures regarding unexpected significant discoveries made during construction, including a discussion of field and artifact analysis methods to be used.
  - Treatment of human remains (consistent with state burial law and recommendations of the NAHC MLD and Modified ConnectMenlo EIR Mitigation Measure CULT-4);
  - Laboratory methods, including artifact cataloging and special analyses.
  - The plan shall outline provisions for reporting (e.g., Monitoring Closure Report), artifact curation, and potential public outreach in the event of significant finds.
  - A formal Archaeological Treatment Plan (ATP), which may include data recovery, shall be prepared prior to any grading or ground-disturbing activity.

[50] *Archaeological monitoring r*efers to the controlled observation and regulation of construction operations on or in the vicinity of a known or potentially significant cultural resource to prevent or minimize impacts on the resource.

- The ATP, similar to the AMP, shall detail the appropriate procedures, analytical methods, and reports to be completed if data recovery of significant archaeological Native American cultural materials, including Native American burials, is undertaken. Curation at an appropriate repository of recovered archaeological and Native American cultural materials shall be arranged once the extent of the collected materials is known. The ATP will be developed and implemented by the project archaeologist, with the precise treatment for identified resources determined in consultation with the City and, for tribal cultural resources, Native American tribal representatives.
- The ATP may be included within the AMP, for a combined Archaeological Monitoring and Treatment Plan, at the discretion of the archaeological consultant.

CULT-2a (Modified ConnectMenlo EIR) Stop Work if Archaeological Material or Features Are Encountered during Ground-Disturbing Activities.

- If a potentially significant subsurface cultural resource is encountered during ground-disturbing activities on any parcel in the city, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All developers in the Study Area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria by a qualified archeologist in accordance with Project Mitigation Measure CR 2.2.

Impact CR-3. Human Remains. The Proposed Project could disturb human remains, including those interred outside of dedicated cemeteries. (LTS/M)

Native American human remains could be exposed and disturbed during ground-disturbing activities. A Native American archaeological site (CA-SMA-160/H) was identified within the main Project Site. This resource has the potential to contain human remains interred outside of formal cemeteries. Native American burial locations within the main Project Site could be affected by ground-disturbing construction due to their location within areas proposed for subsurface improvements. Excavation activities associated with the Proposed Project would not affect any known reburial locations. Other ground-disturbing construction activities at Hamilton Avenue Parcels North and South and the Willow Road Tunnel site could also encounter unknown deposits. This impact would be ***potentially significant***.

MITIGATION MEASURES. The Proposed Project would implement ConnectMenlo EIR Mitigation Measure CULT-4, as modified, based on the Project's cultural resources assessment report, if human remains are encountered at the Project Site during ground-disturbing activities. The Project Sponsor would also implement Mitigation Measures CR 2.1 and CR 2.2 within the main Project Site, given the presence of CA-SMA-160/H, and Mitigation Measure CR 2.2 within Hamilton Avenue Parcels North and South and the Willow Road Tunnel site. Mitigation Measures CR 2.1 and CR 2.2 include measures to avoid or minimize ground-disturbing excavation near CA-SMA-160/H, to the extent feasible, and preparation of an AMP and ATP that details the appropriate procedure if remains are encountered. Therefore, the Project Project's impact on human remains would be ***less than significant with mitigation***.

CR-2.1. Avoidance, Monitoring, and Treatment.

CR-2.2. Train Workers to Respond to Discovery of Cultural Resources and Prepare an Archeological Monitoring Plan and Archaeological Treatment Plan.

CULT-4: (Modified ConnectMenlo EIR) Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site.

Procedures of conduct following the discovery of human remains citywide have been mandated by Health and Safety Code Section 7050.5, PRC Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The coroner shall then determine whether the remains are Native American. If the coroner determines the remains are Native American, the coroner shall notify the NAHC within 24 hours, which will, in turn, notify the person the NAHC identifies as the MLD in connection with any human remains. Further actions shall be determined, in part, by the desires of the MLD. The Project Sponsor, the Project archaeologist, and the MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects, including those associated with known and unknown Native American burial locations (CEQA Guidelines Section 15064.5[d]). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The MLD will have 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, or the owner does not accept the recommendation of the MLD in accordance with Public Resources Code 5097.98(e), the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Impact CR-4. Tribal Cultural Resources. The Proposed Project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is:

a) Listed or eligible for listing in the California Register or a local register of historical resources, as defined in PRC Section 5020.1(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (LTS/M)

To identify tribal cultural resources within the Project Site, the City initially contacted seven individuals who represent five local California Native American tribes. Letters with Project details, a map, and a request for consultation were sent to all seven individuals on December 23, 2020. In July 2021, the City requested an updated AB 52 and SB 18 consultation list from the NAHC. On July 23, 2021, the City received the tribal consultation list, which included nine contacts. The City mailed letters on September 9, 2021, to the two additional tribal contacts who were identified by the NAHC, notifying them of their opportunity to consult for the Project and identify and mitigate the Project's potential impacts on tribal cultural resources. In response to the consultation letters, prior to publication of the Draft EIR, the City received requests for consultation from the Amah Mutsun Tribal Band, Tamien Nation and Muwekma Ohlone Tribe. Consultation efforts are ongoing.

A cultural site that can also be considered a tribal cultural resource was identified within the main Project Site (CA-SMA-160/H). Project-related ground disturbance has the potential to encounter both known and as-yet undocumented Native American deposits associated with CA-SMA-160/H. Other ground-disturbing construction activities at Hamilton Avenue Parcels North and South and the Willow Road Tunnel site could also encounter unknown Native American deposits. This impact would be potentially significant.

MITIGATION MEASURES. The Proposed Project would implement Mitigation Measure CR 2.2 and ConnectMenlo EIR Modified Mitigation Measures CULT-2a and CULT-4 if potentially significant subsurface cultural resource or human remains are encountered during ground-disturbing activities. In addition to these mitigation measures, the Project Sponsor would implement Project Mitigation Measure CR 2.1 within the main Project Site. The measures require worker training prior to construction to allow early identification of inadvertent archaeological and tribal cultural resource discoveries, as well as archeological and tribal monitoring, thereby reducing impacts on precontact archaeological resources, which have the potential to be considered tribal cultural resources. These mitigation measures also require working with the three tribes that requested consultation on the appropriate treatment when a tribal cultural resource is encountered. Therefore, impacts related to tribal cultural resources would be ***less than significant with mitigation incorporated***.

CR-2.1. Avoidance, Monitoring, and Treatment

CR-2.2. Train Workers to Respond to Discovery of Cultural Resources and Prepare an Archeological Monitoring Plan and Archaeological Treatment Plan

CULT-2a (Modified ConnectMenlo EIR) Stop Work if Archaeological Material or Features Are Encountered during Ground-Disturbing Activities.

CULT-4: (Modified ConnectMenlo EIR) Comply with State Regulations Regarding the Discovery of Human Remains at the Project Site.

Cumulative Impacts

Impact C-CR-1: Cumulative Impacts on Cultural and Tribal Cultural Resources. Cumulative development would result in a less-than-significant cumulative impact on cultural and tribal cultural resources, and the Proposed Project would not be a cumulatively considerable contributor to any significant cumulative impact on cultural and tribal cultural resources. (LTS)

Summary of Analysis in the ConnectMenlo EIR

As stated in Section 4.4, Cultural Resources, of the ConnectMenlo EIR, the geographic context for cumulative impacts associated with cultural and tribal cultural resources considers growth projected in the ConnectMenlo study area in combination with buildout of the City and the region.

Development of past, current, and future projects within the ConnectMenlo study area, City, and region has the potential to result in development-related impacts on cultural and tribal cultural resources. However, new development would be subject to existing federal, state, and local regulations as well as general plan goals, policies and programs, which would, to the maximum extent practicable, reduce cumulative development-related impacts on cultural and tribal cultural resources.

The ConnectMenlo EIR found that, with mitigation, development consistent with ConnectMenlo would not make a cumulatively considerable contribution to significant cumulative impacts on cultural and tribal cultural resources. Specifically, the ConnectMenlo EIR concluded that the potential contribution to significant cumulative impacts on historic architectural resources would be mitigated to less than cumulatively considerable with implementation of Mitigation Measure CULT-1. The ConnectMenlo EIR also concluded that potentially cumulatively considerable contributions to significant cumulative impacts on identified archaeological resources and tribal cultural resources, as well as human remains, would be mitigated with implementation of Mitigation Measures CULT-2a, CULT-2b, and CULT-4.[51] In addition, the ConnectMenlo EIR noted that existing federal, state, and local regulations, as well as general plan goals, policies, and programs, would serve to protect cultural resources in Menlo Park. Therefore, the ConnectMenlo EIR determined that cumulative impacts associated with cultural and tribal cultural resources under ConnectMenlo would be ***less than significant.***

Cumulative Impacts with the Proposed Project

Consistent with the ConnectMenlo EIR, the geographic context for the cumulative impacts associated with cultural and tribal cultural resources considers growth projected by ConnectMenlo within the Study Area in combination with buildout in the city and the region.

As noted in Chapter 3, *Environmental Impact Analysis*, of this EIR, in addition to the buildout projections considered in the ConnectMenlo EIR, the cumulative scenario for the EIR also includes the additional unrestricted units from the 123 Independence Drive and East Palo Alto projects. As with the Proposed Project, the additional unrestricted units from the 123 Independence Drive and East Palo Alto projects, as well as other projects in the vicinity, would be required to comply with existing federal, state, and local regulations as well as general plan goals, policies and programs.

The Proposed Project would not result in a substantial change in the ConnectMenlo project. Therefore, with Project-level and applicable ConnectMenlo mitigation measures, along with Project modifications, as applicable, the Proposed Project would not be a cumulatively considerable contributor to a significant cumulative impact on cultural and tribal cultural resources and would not cause new or substantially more severe significant impacts related to cultural and tribal cultural resources than those analyzed in the ConnectMenlo EIR. Therefore, consistent with the conclusions in the ConnectMenlo EIR, the Proposed Project would not make a cumulatively considerable contribution to significant cumulative impacts with respect to cultural and tribal cultural resources.

[51] Note that the ConnectMenlo EIR analyzed cumulative impacts on paleontological resources in the cultural resources section and identified Mitigation Measure CULT-3 to reduce impacts. Paleontological resources are discussed in Section 3.10, *Geology and Soils*, of this EIR.