

## 4.4 CULTURAL RESOURCES

This chapter describes existing cultural resources in EA Study Area and evaluates the potential environmental consequences of future development that could occur by adopting and implementing the proposed Housing Element Update, General Plan Consistency Update, and associated Zoning Ordinances amendments, together referred to as the “Plan Components” on cultural resources. Cultural resources include historically and architecturally significant resources, as well as archaeological and paleontological resources.

### A. *Regulatory Framework*

#### 1. **Federal Laws and Regulations**

##### a. National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 established the National Register of Historic Places (National Register) as the official designation of historical resources, including districts, sites, buildings, structures, and objects. For a property to be eligible for listing in the National Register, it must be significant in American history, architecture, archaeology, engineering, or culture, and must retain integrity in terms of location, design, setting, materials, workmanship, feeling, and association. Resources less than 50 years in age, unless of exceptional importance, are not eligible for the National Register. Though a listing in the National Register does not prohibit demolition or alteration of a property, the California Environmental Quality Act (CEQA) requires the evaluation of project effects on properties that are listed in the National Register.

##### b. American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes as national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects shall be protected and preserved. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

##### c. Paleontological Resources Preservation Act

The federal Paleontological Resources Preservation Act of 2002 limits the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers who have obtained a permit from the appropriate state or federal agency. Additionally, it specifies these researchers must agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers. This Act incorporates key findings of a report, *Fossils on Federal Land and Indian Lands*, issued by the

Secretary of Interior in 2000, which establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.<sup>1</sup>

## **2. State Laws and Regulations**

### **a. California Register of Historical Resources**

California Code of Regulations (CCR) Title 14, Chapter 11.5, Section 4850 creates the California Register of Historical Resources (California Register). The California Department of Parks and Recreation Office of Historic Preservation (OHP) maintains the California Register. Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the California Register. State Landmarks and Points of Interest are also automatically listed. The California Register can also include properties designated under local preservation ordinances or identified through local historical resource surveys.

### **b. California Environmental Quality Act**

California State law also provides for the protection of cultural resources by requiring evaluations of the significance of prehistoric and historic resources identified in documents prepared consistent with CEQA. The CEQA Statute is contained in Public Resources Code (PRC) 21000–2117 and the CEQA Guidelines are contained in CCR, Title 14, Division 6, Chapter 3, Sections 15000–15387.

Under CEQA, a cultural resource is considered an “historical resource” if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. Criteria identified in the CEQA Guidelines are similar to those described under the NHPA. Under CEQA, the lead agency determines whether projects may have a significant effect on archaeological and historical resources. CEQA Guidelines Section 15064.5 defines what constitutes a historical resource, including: (1) a resource determined by the State Historical Resources Commission to be eligible for the California Register of Historical Resources (including all properties on the National Register); (2) a resource included in a local register of historical resources, as defined in Public Resources Code (PRC) Section 5020.1(k); (3) a resource identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) any object, building, structure, site, area, place, record, or manuscript that the City determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the City's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered to be historically significant if it meets the criteria for listing on the California Register.

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<sup>1</sup> U.S. Department of the Interior. Fossils on Federal & Indian Lands, Report of the Secretary of the Interior, May 2000. Accessed December 13, 2012 from [http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning\\_and\\_Renewable\\_Resources/coop\\_agencies/paleontology\\_library/paleon\\_legis.Par.15714.File.dat/fossil.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning_and_Renewable_Resources/coop_agencies/paleontology_library/paleon_legis.Par.15714.File.dat/fossil.pdf).

If the lead agency determines that a project may have a significant effect on a historical resource, the project is determined to have a significant effect on the environment, and these effects must be addressed. However, no further environmental review needs to be completed if, under the qualifying criteria, a cultural resource is not found to be a historical resource or unique archaeological resource.

The criteria for inclusion on the California Register (CCR Section 4852[a]) are listed below:

1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. Is associated with the lives of persons important to local, California, or national history.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important to the pre-history or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, eligibility for the California Register requires that a resource retains sufficient integrity to convey a sense of its significance or importance. Seven elements are considered key in considering a property's integrity: location, design, setting, materials, workmanship, feeling, and association.

c. State Historic Building Code

The State Historic Building Code provides alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. These regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and enable a cost-effective approach to preservation, and to provide for the safety of the building occupants.

d. Public Resources Code Section 5097.5

California PRC Section 5097.5 prohibits "knowing and willful" excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof.

e. State Laws Pertaining to Human Remains

Section 7050.5 of the California Health and Safety Code states 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 remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are determined to be of Native American origin, the county coroner must contact the California Native American Heritage Commission (NAHC) within 24 hours of this identification. A NAHC representative will then identify a Native American Most Likely Descendant<sup>2</sup> to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In addition, CEQA Guidelines Section 15064.5 specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

f. Senate Bill 18

Senate Bill (SB) 18, signed into law in September 2004, requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. This legislation, which amended Sections 65040.2, 65092, 65351, 65352, and 65560, and added Sections 65352.3, 653524, and 65562.5 to the Government Code; also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations.

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The consultation and notice requirements apply to adoption and amendment of both general plans (Government Code Section 65300 et seq.) and specific plans (Government Code Section 65450 et seq.). Specifically, Government Code Section 65352.3 requires local governments, prior to making a decision to adopt or amend a general plan, to consult with California Native American tribes identified by the NAHC for the purpose of protecting or mitigating impacts to cultural places. As previously discussed, the NAHC is the State agency responsible for the protection of Native American burial and sacred sites. The City of Menlo Park initiated this con-

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<sup>2</sup> "Native American Most Likely Descendant" is a term used in an official capacity in *CEQA Guidelines* Section 15064.5(e), and other places, to refer to Native American individuals assigned the responsibility/opportunity by NAHC to review and make recommendations for the treatment of Native American human remains discovered during project implementation. Section 5097.98 of the Public Resources Code and Section 7050.5 of the Health and Safety Code also reference Most Likely Descendants.

sultation process for the Plan Components and received the following list of tribes from the NAHC in a letter dated January 24, 2013. See Appendix C of this EA.<sup>3</sup>

- “ Amah/Mutsun Tribal Band
- “ Costanoan Rumsen Carmel Tribe
- “ Indian Canyon Mutsun Band of Costanoan
- “ Muwekma Ohlone Indian Tribe of the SF Bay Area
- “ The Ohlone Indian Tribe

### **3. Local Regulations and Policies**

#### **a. Menlo Park General Plan**

The City of Menlo Park General Plan includes goals, policies, and actions relevant to the environmental factors potentially affected by the Plan Components. Relevant policies are identified later in this chapter under Section D (Impact Discussion).

#### **b. Menlo Park Zoning Ordinance**

Title 16 of the City of Menlo Park Municipal Code sets forth the City's Zoning Ordinance. While the City maintains no local register of historic resources, Chapter 16.54 of the Zoning Ordinance provides for an Historic Site District (H) for protecting, enhancing, preserving the use of structures, sites and areas that are reminders of people, events or eras, or which provide significant examples of architectural styles and the physical surroundings in which past generations lived. This section of the ordinance allows the City Council to designate historical resources or sites, and restricts the Department of Community Development from approving or issuing a permit for any construction, alteration, removal or demolition of a designated structure, unless it is in keeping with various architectural controls provided in Section 16.68. For sites designated as historic landmarks, Section 16.68 requires that the Planning Commission make a finding that that the proposed work will preserve, enhance or restore, and not damage or destroy the exterior architectural features of the landmark.

## ***B. Existing Conditions***

### **1. Historical Resources**

Information about historic resources was obtained from the Menlo Park Historical Association,<sup>4</sup> and a Historic Resources Report was prepared by Knapp Architects in February 2013. The preparation of the Historic Re-

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<sup>3</sup> The Native American Heritage Commission, written correspondence from Debbie Pilas-Treadway (NAHC) to Justin Murphy (City), January 24, 2013.

sources Report included a windshield survey of the opportunity housing sites and a review of the National Register, California Historical Resources Information System (CHRIS) database, the Historic Property Data File for San Mateo County, the City's 1990 Historic Sites Survey and the Subdivision Maps and/or the 1925 Sanborn Fire Insurance Map (updated as late as 1968). This Historic Resources Report is included as Appendix C to this EA.

a. Historic Setting

The City of Menlo Park was originally the home of Ohlone Indians. The Ohlone lived off the land and due to the abundance of food they did not practice agriculture. Evidences of their civilization are still being unearthed on the Filoli estate in Woodside, and along San Francisquito Creek.

In 1769 Spanish rule was introduced to the area when the exploration party led by Don Gaspar de Portola camped near "El Palo Alto" after their momentous discovery of San Francisco Bay. The colonizing of the Peninsula began after the expedition of Juan Bautista DeAnza passed through Menlo Park on its way to establishing Mission Dolores and the Presidio of San Francisco in 1776. The mission padres, explorers, military personnel, travelers, and settlers occupied certain areas, developing and populating the land.

In 1854 Dennis J. Oliver and Daniel McGlynn purchased 1,700 acres from the Don Jose Dario Arguello family that had legally obtained the title to the land in 1853. Around this time Menlo Park received its official name when Oliver and McGlynn erected an arch with the words "Menlo Park" on it to honor their former home in Menlough, County Galway, Ireland. In 1863, the Southern Pacific Railroad was extended to the community of Menlo Park. In the late 1850s, the road between San Francisco and San Jose was completed. Wealthy families purchased large tracts of land and were more or less self-sufficient, producing their own food. Workers lived within the estate grounds. San Mateo County became independent of San Francisco County in 1856.

During this same period, the downtown area of Menlo Park began to develop along Oak Grove Avenue between the railroad station and El Camino Real. By 1870, twelve buildings situated between the railroad station and El Camino Real in the vicinity of Oak Grove Avenue were constructed, consisting of two general stores, three hotels, livery stables, saloons, and three blacksmith shops. The first store in Menlo Park was on the corner of Oak Grove Avenue and El Camino Real.

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<sup>4</sup> City of Menlo Park website, Early Days in Menlo Park, prepared by Menlo Park Historical Association, October, 1985, <http://www.menlopark.org/homepage/history.html>, retrieved December 14, 2012.

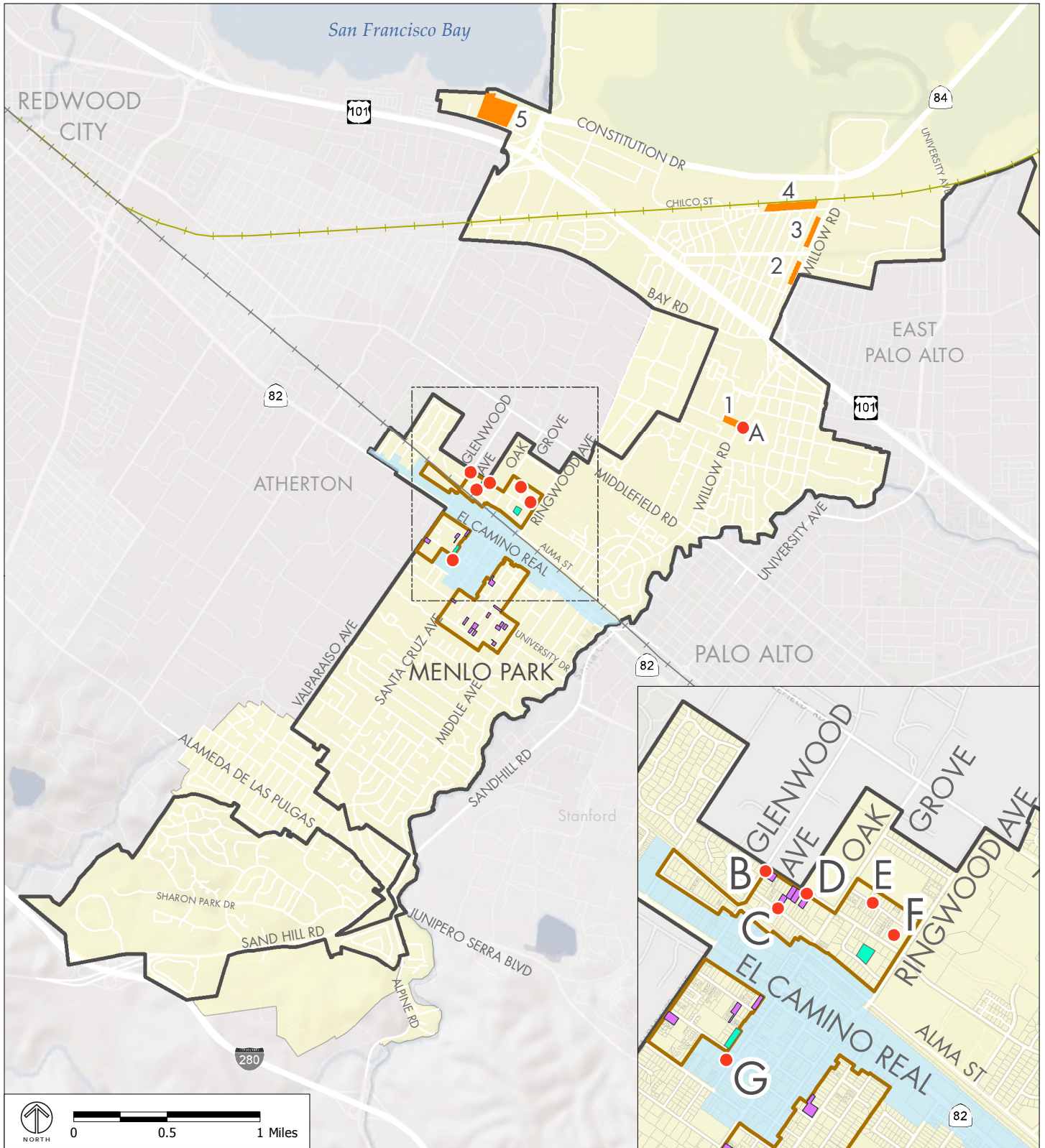
On March 23, 1874, Menlo Park became the second incorporated City in San Mateo County, although only for a short time. The purpose was to provide a quick way to raise money for road repairs. This incorporation, which included Fair Oaks (later Atherton) and Ravenswood (later East Palo Alto) lasted only until 1876. Churches were founded, schools were opened, and businesses were established. The first church in San Mateo County was built by Dennis Martin on his ranch in 1856. It was the only Catholic Church between Mission Dolores in San Francisco and Mission Santa Clara until St. Matthew's Church was built in 1863 and St. Matthew's Episcopal Church in 1865, both in San Mateo. The Church of the Nativity in Menlo Park was built in 1872.

Menlo Park's population increased slowly until World War I. In 1917, 27,000 soldiers were stationed at Camp Fremont in Menlo Park. The training camp covered approximately 25,000 acres adjacent to the EA Study Area and extending south along El Camino Real. Menlo Park's first gas and water services, its first paved streets, and an increase in businesses were a direct result of the transient military population. Following the closure of Camp Fremont in 1919, Menlo Park reverted to a small town with 2,300 residents.

The original Dumbarton Bridge opened in 1927, connecting the South Bay and East Bay. In 1931, the Bayshore Highway (now Highway 101) linked Menlo Park and San Francisco. In 1940, Menlo Park's population was 3,258. World War II brought about many changes in the small town. Between 1943 and 1946 another military installation, Dibble General Hospital, was built on the old Timothy Hopkins estate to care for the thousands of soldiers injured in the South Pacific in World War II. Following World War II, in the 1950s, the hospital campus became the site of the Menlo Park Civic Center, Stanford Research Institute (today's SRI International), and the United States Geological Survey. Today Menlo Park is a suburban residential community with a variety of businesses, including high-tech industries.

b. Historic Architectural Resources on or Near Potential Housing Sites and Infill Locations

The EA Study Area has many historic architectural resources; however, for the purposes of this EA the existing conditions are based on the proximity of known historic architectural resources to the opportunity housing locations. Table 4.4-1 shows the previously identified as historic resources or potential historic resources on or near the potential housing sites and infill areas as identified in the Historic Resources Report prepared for the Plan Components and Figure 4.4-1 illustrates their location to the potential housing sites and infill areas. With the potential future development under the Plan Components it is anticipated that 300 additional second units could be built by buildout year 2035. For the purposes of this EA it is assumed that these potential units would apply to all single-family lots in Menlo Park. Because it is unknown which of the single-family homeowners will ultimately develop a second unit, no locations are identified.



Source: City of Menlo Park; The Planning Center | DC&E, 2013; ESRI 2010; FHA 2002.

- Historic Resources
- Potential Sites to be Studied for Rezoning to Higher Density
- City Limits
- Historic Site District (H)
- Infill Areas around Downtown
- Sphere of Influence
- Lots with Additional Housing Unit Potential
- El Camino Real/Downtown Specific Plan

FIGURE 4.4-1

EXISTING HISTORIC RESOURCES ON OR NEAR POTENTIAL HOUSING LOCATIONS



TABLE 4.4-1 PREVIOUSLY IDENTIFIED HISTORIC RESOURCES ON OR NEAR POTENTIAL HOUSING LOCATIONS

Site	Name/Address	Criteria
<b>On Potential Housing Sites</b>		
A	Housing Site 1 Veterans Affairs Campus 795 Willow Road	National Register Criterion A Status Code 5S1: eligible for listing under an existing local ordinance
<b>On Potential Infill Housing Sites Around Downtown</b>		
B	Gale House 417 Glenwood Avenue	National Register Criterion A Status Code 3S: appears eligible for separate listing in the National Register or California Register
C	1320 Mills Street	National Register Criterion C Status Code 5S1: eligible for listing under an existing local ordinance
D	1257 Laurel Street	National Register Criterion C Status Code 5S3: appears to be individually eligible for local listing or designation through survey evaluation
<b>Near Potential Housing Locations</b>		
E	1108 Pine Street	National Register Criterion C Status Code 5S1: eligible for listing under an existing local ordinance
F	Holy Trinity Parish Home 330 Ravenswood Avenue	National Register Criterion A Status Code 5S1: eligible for listing under an existing local ordinance
G	1886 Nativity of the Holy Virgin Church (Holy Trinity Episcopal Church/Russian Orthodox Church) 1220 Crane Street	National Register Criterion A Status Code 3S: appears eligible for separate listing in the National Register or California Register Within the City's (H) Historic Site District Zone

Notes: Status Codes are from the California Historical Resources Information System (CHRIS).

Source: Historic Resources Report, Knapp Architects, February 2013.

## 2. Potential Historic Resources

The California Register recognizes several “property” types, of which two would apply to sites under consideration in the Plan Components update: buildings and districts. A district is a group of properties which when taken as a whole have historical significance, even if the individual components are not significant on their own.

The Historic Resources Report prepared for the Plan Components found that potential housing Site 1 (Veterans Affairs Campus) may be eligible for listing on the California Register. Table 4.4-2 provides a brief description of each of the five potential housing sites identified for higher density zoning and their current potential for listing on the California Register.

TABLE 4.4-2 HISTORIC RESOURCES WITHIN THE POTENTIAL HOUSING SITES

Site	Site Name/Address	Site Description	California Register
1	Veterans Affairs Campus 700 block of Willow Road	Vacant portion of Veteran's campus. Campus includes historically significant buildings.	Yes
2	MidPen's Gateway Apartments 1200 block of Willow Road	Existing buildings and landscape appear less than 50 years old.	No
3	MidPen's Gateway Apartments 1300 block of Willow Road	Existing buildings and landscape appear less than 50 years old.	No
4	Hamilton Avenue 700-800 blocks of Hamilton Avenue	Small industrial/commercial buildings which may in whole or in part be more than 50 years old. None appear to remain as either a cohesive historic complex or is architecturally significant in its own right.	No
5	Haven Avenue 3600 block of Haven Avenue	Existing buildings are less than 50 years old, except for possibly two. One is in severe disrepair. The other's original building cladding is unknown and appears to have been part of a larger complex which is no longer extant.	No

Source: Historic Report, Knapp Architects, February 2013.

*i. Housing Site 1 - 700 block of Willow Road*

Housing Site 1 has the potential to impact an area within Menlo Park that is potentially eligible for listing as a historic district. A detailed description of this location is included in Appendix C of this EA and is summarized as follows:

Site 1 is a 1.89-acre parcel at the south corner of the Veterans Affairs Palo Alto Health Care System Menlo Park Division just north of the intersection of Willow Road and Perimeter Drive South. The adjacent area outside the Veterans campus to the east across Willow Road is a variety of multi-family housing developments from the past three or four decades that do not appear to meet any of the California Register Criteria. Potential housing Site 1 has a parking lot on its northwest end and an open, landscaped area with large trees on its southeast end.

To the north-northeast of the site is Veterans campus Building 324, and to the north-northwest of the site is Building 321, both large psychiatric facilities constructed in recent decades and previously determined not to be eligible for listing in the National Register. Perimeter Road South forms the southwest side of the site.

The Veterans campus contains a wide-ranging mix of buildings, some of which are historically significant. The Veterans campus is associated with Camp Fremont, a World War I-era facility located mainly near what is now Downtown Menlo Park. In 1917, the facility was established on a leasehold of 25,000 acres with a main camp of 1,300 acres just west of El Camino Real between Alameda de las Pulgas and San Francisquito Creek. While the main camp was dismantled immediately after World War I with almost no remaining traces, the hospital remained in operation, under the Public Health Service from 1919-1922 and then operated and expanded by the Veterans Bureau and its successors.<sup>5</sup>

Although the Veterans campus is not listed in the 1990 Menlo Park survey, the Department of Veterans Affairs and its predecessors have completed historical studies and inventories as well as evaluations under Section 106 of the National Historic Preservation Act. According to a new historical inventory of the Veterans campus, currently being finalized for the Department of Veterans Affairs, the Personnel Quarters Historic District, a discontinuous historic district eligible to the National Register, has been identified. The period of significance for this District is 1922-1930. This District consists of 17 contributing buildings in four separate areas located on the perimeter of the 95-acre Veterans campus. These buildings are significant for their association with important historical events and for their design and construction, according to the National Register nomination form included in the historical inventory for the Veterans campus. The buildings in this District include houses of key hospital officials, multi-unit staff quarters, and garages. The nomination does not designate site or landscape elements, only buildings, for this District. Building 222 and its garage, Building 222G, adjacent to Site 1, make up one of the four separate areas that comprise this District. Building 222G is located between the potential housing Site 1 and Willow Road.

*ii. Infill Areas Around Downtown*

The infill housing would potentially occur in three sub-areas in the area surrounding the El Camino Real/Downtown Specific Plan. Infill sites around the downtown area and their relationship to the previously listed historic resources are shown on Figure 4.4-1.

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<sup>5</sup> Wickert, Linda, survey coordinator. *City of Menlo Park Historic Building Survey*. San Mateo County Historical Society. Menlo Park, 1990.

The first infill area is roughly parallel to the Southern Pacific right-of-way from Ravenswood Avenue northeast to Encinal Avenue. This area lies further northeast of the railroad at Ravenswood Avenue and closer to it at Encinal Avenue. Most of the properties in this area are single-family or multi-family residential. The infill parcels in this area are on Laurel Street, Glenwood Avenue, and Mills Street. As shown on Figure 4.4-1, this infill area is near a Historic Site District (H) property; however, none of the potential infill locations are adjacent to this zone.

The second infill area around downtown occupies most of the area between Valparaiso and Oak Grove Avenues from University Drive to Hoover Street, extending closer to Oak Grove on the northeast side of Crane than on University Drive. Two parcels on Hoover Street and one on Valparaiso Avenue are designated for infill housing. As shown on Figure 4.4-1, this infill area is near a Historic Site District (H) property; however, none of the potential infill locations are adjacent to this zone.

The third infill area is roughly bound by Santa Cruz Avenue, Arbor Road, and Middle Road up to University Drive, where it becomes narrower as it extends almost to El Camino Real. The lots identified for infill housing are distributed fairly evenly in the third area.

As previously described above, the infill lots around the downtown area include three individual properties previously designated as historical resources (417 Glenwood Avenue, 1320 Mills Street, and 1257 Laurel Street.) However, these the City does not have and areas designated historic districts. The Historic Resources Report prepared for the Plan Components found that some of the additional infill properties appear to be more than 50 years old and relatively little changed, so they, too, may be eligible to the California Register.

### *iii. Second Units*

With the potential future development under the Plan Components it is anticipated that 300 additional second units could be built by buildout year 2035. For the purposes of this EA it is assumed that these potential units would apply to all single-family lots 6,000 square feet or greater in Menlo Park. There are no single-family zoned lots within or adjacent to the two properties zoned Historic (H). However, as previously discussed, while a search of multiple sources was conducted for the Plan Components' Historic Resources Report, there is no complete and current inventory of all single-family houses in Menlo Park that are eligible to the California Register.

### **3. Archeological Resources**

Archaeological resources may be considered to be either "unique archaeological resources" or "historical resources" as defined by CEQA and described previously. CEQA Section 21083.2, defines a "unique archaeological resource" as 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:

- Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information;
- Has a special and particular quality, such as being the oldest of its type or the best available example of its type; and/or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

The Plan Components would occur on developed or highly disturbed sites throughout the EA Study Area; however, there is potential for archeological resources to exist.

### **4. Paleontological Resources**

Paleontological resources, or fossils, are any evidence of past life, including remains, traces, and imprints of once-living organisms preserved in rocks and sediments and provide information about the history of life on earth dating back billions of years ago. According to the Society of Vertebrate Paleontology, significant paleontological resources include fossils of identifiable vertebrate fossils, large or small, uncommon invertebrate, plant, and trace fossils. Fossils are nonrenewable paleontological resources that are afforded protection by federal, state, and local environmental laws and regulations (Paleontological Resources Preservation Act). Accordingly, the potential of a particular area to produce a valuable paleontological resource is largely dependent on the geologic age and origin of the underlying rocks.

The natural geology of the EA Study Area is comprised of Pleistocene-age (10,000 to 2.6 million years ago) alluvial fan deposits and Holocene-age (less than 10,000 years ago) levee deposits. These geologic deposits are likely to underlie the artificial fill or disturbed soil located directly under the urbanized and developed areas of the City, which is typical of urbanized areas. A summary of each of the three areas is described below.

#### **a. Artificial Fill**

Artificial fill is an engineered mixture of sand, silt and gravel used to prepare areas for urban development and are sourced from natural geologic deposits, but have been excavated, reworked, and transported to their present

location; Artificial fill would not comprise any significant fossil records that could contribute to science or natural history, and would not contain unique or significant paleontological resources.

b. Holocene Levee Deposits (Holocene: Recent to 10,000 years old)

Holocene levee deposits are loose, moderately to well-sorted sandy or clayey silt that border stream channels, usually both banks, and slope away to flatter flood plains and basins. Holocene-age (less than 10,000 years ago) deposits are considered too young to have fossilized the remains of organisms (fossilization processes take place over millions of years). These alluvial deposits contain vertebrate and invertebrate fossils of extant, modern taxa,<sup>6</sup> which are generally not considered significant paleontological resources.<sup>7</sup> In addition, there is no record of fossils from such young deposits within San Mateo County in the University of California Museum of Paleontology collections database.<sup>8</sup>

c. Pleistocene Alluvium (Pleistocene: 10,000 to 2.6 million years old)

Pleistocene alluvium is characterized by sequences of sand, silt, and gravel that form gently sloping surfaces. These deposits originated from modern stream courses, which now deposit their sediment loads closer to the bay and in narrow stream valleys. Stabilized alluvial fan deposits are old enough to have stiffened and preserved the remains of Pleistocene organisms; therefore, could have high potential for producing paleontologically significant resources.<sup>9</sup>

The University of California Museum of Paleontology database records show that similar deposits have yielded vertebrate fossils at eight different locations in San Mateo County.<sup>10</sup> These include fossils from a bison, mammoth, camel, horse, sloth and moose, as well as one bird species. The fossils were found in locations along the Pacific coast as well as along Skyline Drive in South San Francisco and along Middlefield Road in San Mateo

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<sup>6</sup> Helley, E.J, et al, 1979. *Flatland Deposits of the San Francisco Bay Region - Their Geology and Engineering Properties, and Their Importance to Comprehensive Planning*, Geological Survey Professional Paper 943, Washington, D.C.: U.S. Geological Survey and Department of Housing and Urban Development.

<sup>7</sup> Society of Vertebrate Paleontology, 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*.

<sup>8</sup> University of California Museum of Paleontology (UCMP), *Collections Database*. <http://www.ucmp.berkeley.edu/science/collections.php>, accessed December 14, 2012.

<sup>9</sup> Society of Vertebrate Paleontology, 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*.

<sup>10</sup> University of California Museum of Paleontology (UCMP), *Collections Database*. <http://www.ucmp.berkeley.edu/science/collections.php>, accessed December 14, 2012.

County. However, the database did not have specific information on the location of the non-coastal fossils, and the presence and extent of paleontological resources beneath the EA Study Area is unknown. Impacts to unknown paleontological resources are discussed below in Section D.3.

### *C. Standards of Significance*

Cultural resource impacts associated with the future development would be considered significant if they would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in CCR Section 15064.5.
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CCR Section 15064.5.
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
4. Disturb any human remains, including those interred outside of formal cemeteries.

### *D. Impact Discussion*

- 1. Cause a substantial adverse change in the significance of a historical resource as defined in CCR Section 15064.5.**

The types of cultural resources that meet the definition of historical resources under CEQA generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Commonly, the two main resource types that are subject to impact, and that may be impacted by development allowed under the Plan Components, are historical archaeological deposits and historical architectural resources, as discussed below. Human remains are addressed below in Section D.4 of the Impact Discussion.

#### *a. Historical Archaeological Deposits*

Historical and pre-contact archaeological deposits that meet the definition of historical resources under CEQA could be damaged or destroyed by ground-disturbing activities associated with development allowed under the Plan Components. Should this occur, the ability of the deposits to convey their significance, either as containing information important in prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

It is highly improbable that archaeological deposits associated with the historic period of Menlo Park exist in the EA Study Area as the locations identified as potential for future housing would be concentrated on sites either already developed, and/or in close proximity to existing residential and residential-serving development, where development will have a lesser impact on historical archeological resources. In addition, it is highly improbable that unrecorded Native American prehistoric archaeological sites exist in the areas identified for potential future housing, including those that are buried under alluvial or fill soils.

However, the implementation of the following existing and proposed General Plan goals and polices would provide for the identification of archaeological deposits prior to actions that may disturb such deposits; the preservation and protection of such deposits; the evaluation of unanticipated finds made during construction; and the protection and respectful treatment of human remains associated with archaeological deposits.

*i. Amended General Plan Housing, Open Space and Conservation, Noise and Seismic Safety and Safety Elements*

- ◆ Goal OSC-3: Protect and Enhance Historic Resources: Protect and enhance cultural and historical resources for their aesthetic, scientific, educational, and cultural values.
- ◆ 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 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 on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, 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. Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall 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.

Furthermore, this goal and policies would protect historical archaeological deposits in the EA Study Area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. Implementation of the goal and policies identified above, as well as compliance with federal and State laws, would reduce potential impacts to historical archaeological deposits to a *less-than-significant* level.

b. Historical Architectural Resources

Development planned for under the Plan Components could result in significant impacts to historical architectural resources. The Plan Components allow for the development of residential uses that have the potential of significantly impacting historical architectural resources. The following describes the impacts to historical architectural resources by potential housing location:

i. *Housing Site 1 - 700 block of Willow Road*

As discussed above the Personnel Quarters Historic District on the Veterans campus is made up of four discontinuous areas. One of the four historical resources that would be affected by future development on Site 1 (Veterans Affairs Campus) is located nearby the section containing Building 222 and Building 222G, and its garage, respectively. The other three areas of this District and the individually eligible historical resources on the Veterans campus are not visually connected with Site 1. In each case, non-historic buildings between Site 1 and the other three District components on the Veterans campus would make future development on Site 1 difficult or impossible to see from those portions of this District and impacts to those historic resources would be *less than significant*.

Future development on Site 1 could significantly impact Buildings 222 and 222G. The National Register nomination form prepared by the Department of Veterans Affairs cites the “park-like setting” of the Buildings 222 and 222G and their spatial relationship as important to their significance. For example, if future development on Site 1 eliminated the trees and placed buildings within the existing “park-like” zone that surrounds Buildings 222 and 222G, it could visually disrupt the spatial relationship cited in the National Register form and impair the integrity of setting, feeling, and association of the historical buildings. Because the development plans for Site 1 are unknown, impacts from future residential development on this site would be considered *significant*.

*ii. Housing Sites 2 through 5*

Because these potential housing sites and their immediate surroundings do not contain properties currently on the California Register or appear to be eligible for listing on the California Register, as described above, impacts from implementation of the Plan Components would result in *less-than-significant* impacts on historical resources at these sites.

*iii. Infill Housing around Downtown*

For sites where historical buildings are demolished to allow new housing, the infill program would cause *significant* impacts. Even if the historical resources were retained future development under the Plan Components permitted by the infill program could cause a significant impact on the historical resource in question if the new construction were incompatible with the site relationships that characterize the existing property (for example, new construction which extends to all property lines where the historical pattern is to have setbacks). There could also be impacts if the massing (height and bulk) of the new construction were incompatible with the historical resource. Lastly, the design characteristics and materials of the new construction could cause an impact on adjoining or nearby historical buildings (for example, a flat-roofed building with aluminum windows and rain-screen wall finish next to a gable-roofed building with period-revival stucco walls). Because the purpose of the infill program is to allow denser new housing and because the factors described above which could impair the historic integrity of resources are generally more important with larger and denser new construction, the impacts on historical resources would be *significant*.

*iv. Second Units*

The second unit program could cause significant impacts if it resulted in demolition of historical structures or permitted construction of additions incompatible with historical structures in scale or design and materials. Although it would be less likely to occur, there could also be impacts on historical structures if second units on adjacent lots destroyed spatial relationships and urban patterns important to historical resources. In historic districts, second units could similarly cause impacts by disrupting the prevailing scale or spatial relationships of the district or by introducing design characteristics or building materials incompatible with the character of the district. There are no single-family zoned lots within or adjacent to the City's two properties zoned Historic (H), thus no impacts to from potential second units to the Historic (H) zone would occur as a result of the Plan Components. However, as previously discussed, while a search of multiple sources was conducted for the Plan Components' Historic Resources Report, there is no complete and current inventory of all single-family houses in Menlo Park that are eligible to the California Register. Considering this and the fact that it is unknown where second units would ultimately be built, the impacts on historical resources associated with future second units would be considered *significant*.

The proposed General Plan policies would reduce potential impacts, as outlined in the goals, policies, and actions listed above under Impact Discussion D.1.a. and as follows:

*a)* Current General Plan Land Use and Circulation Element

- ◆ Policy I-A-2: New residential developments shall be designed to be compatible with Menlo Park's residential character.
- ◆ Policy I-A-7: Development of secondary residential units on existing developed residential lots shall be encouraged consistent with adopted City standards.
- ◆ Policy I-G-5: The City shall encourage the retention of at least 10 acres of open space on the St. Patrick's property through consideration of various alternatives to future development including rezoning consistent with existing uses, cluster development, acquisition of a permanent open space easement, and/or transfer of development rights.
- ◆ Policy I-H-11: Buildings, objects, and sites of historic and/or cultural significance should be preserved.

*b)* Amended General Housing and Plan Open Space and Conservation Elements

- ◆ 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.
- ◆ Policy OSC-1.15: Heritage Trees: Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).
- ◆ Program OSC-3.A: Evaluate Historic Resources Around the Downtown Specific Plan Area: Hire a cultural resources professional to conduct a Historic Resources Survey of potential infill sites around the Downtown Specific Plan to determine whether the designated infill housing sites, or adjacent lots, contain buildings eligible to the California Register and/or the historic zoning designation.
- ◆ Program OSC-3.B: Support a Study of Cultural Resources on the Veteran's Affairs **Clinic Site**: Work with the VA to ensure study and protection of cultural resources through oversight by a cultural resource professional of any proposed development on the vacant portion of the Veteran's Affairs Clinic site.
- ◆ Policy H-4.3: The City will review proposed new housing in order to achieve excellence in development design through an efficient process and will encourage infill development on vacant and underutilized sites that is harmonious with the character of Menlo Park residential neighborhoods. New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.

The City will also encourage innovative design that creates housing opportunities that are complementary to the location of the development. It is the City's intent to enhance neighborhood identity and sense of community by ensuring that all new housing will (1) have a sensitive transition with the surrounding area, (2) avoid unreasonably affecting the privacy of neighboring properties, or (3) avoid impairing access to light and air of structures on neighboring properties.

While implementation of the goals, policies, and programs identified above, as well as compliance with federal and State laws and the Zoning Ordinance, would reduce potential impacts to a *less-than-significant* level from adjacent construction and proposed modifications to historical architectural resources on potential housing Site 1 (Veterans Affairs Campus), the future development on potential infill sites around downtown and future second units could lead to:

- ◆ Demolition, which by definition results in the material impairment of a resource's ability to convey its significance.
- ◆ Inappropriate modification, which may use incompatible materials, designs, or construction techniques in a manner that alters character-defining features.
- ◆ Inappropriate new construction, which could introduce incompatible new buildings that clash with an established architectural context.

Any of these scenarios described above, but especially demolition and alteration, have the potential to change the historic fabric or setting of an architectural resource such that the resource's ability to convey its significance may be materially impaired, which would result in a *significant* impact.

## **2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CCR Section 15064.5.**

Archaeological deposits that meet the definition of unique archaeological resources under CEQA could be damaged or destroyed by ground disturbing activities associated with development planned for under the proposed Plan Components.<sup>11</sup> Should this occur, the ability of the deposits to convey their significance, either as contain-

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<sup>11</sup> If the cultural resource in question is an archaeological site, CEQA Guidelines Section 15064.5(c)(1) requires that the lead agency first determine if the site is a historical resource as defined in CEQA Guidelines Section 15064.5(a). If the site qualifies as a historical resource, potential adverse impacts must be considered through the process that governs the treatment of historical resources. If the archaeological site does not qualify as a historical resource but does qualify as a unique archaeological site, then it is treated in accordance with PRC Section 21083.2 (CEQA Guidelines Section 15064.5(c)(3)). In practice,

ing information important in prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired. In addition to the likely presence of unrecorded Native American archaeological sites, it is highly improbable that significant archaeological deposits exist in the EA Study Area.

However, as described in Section D.1.a, Historical Archaeological Deposits, the Plan Components include goals and policies that would address potential impacts to archaeological deposits. Any future development would provide for the identification of archaeological deposits prior to actions that may disturb such deposits; the preservation and protection of such deposits; the evaluation of unanticipated finds made during construction; and the protection and respectful treatment of human remains associated with archaeological deposits.

The Plan Components would provide for the protection of archaeological deposits in the EA Study Area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. Implementation of the goal and policies identified above, as well as compliance with federal and State laws, would reduce potential impacts to archaeological deposits to a *less-than-significant* level.

**3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

No known fossils or unique paleontological resources or unique geologic features are present in the EA Study Area; however, geological formations underlying Menlo Park have the potential for containing paleontological resources (i.e. fossils). There could also be fossils of potential scientific significance in other geological formations that are not recorded in the database. It is possible that ground-disturbing construction associated with development allowed under the proposed General Plan could reach significant depths below the ground surface. Should this occur, damage to, or destruction of, paleontological resources could result, which would prevent the realization of their scientific data potential through documentation and analysis.

The proposed Open Space and Conservation Element includes two policies that will provide for the mitigation of impacts to paleontological resources. Policy OSC-3.3 protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal and Policy OSC-3.4 requires that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

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most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.

The policies described above provide for the protection of paleontological resources in the EA Study Area by providing for work to stop to prevent additional disturbance of finds discovered during construction, and providing for the recovery of scientifically consequential information that would offset the loss of the resource. Implementation of the policies identified above, as well as compliance with federal and State laws, would reduce potential impacts to paleontological resources to a *less-than-significant* level.

#### **4. Disturb any human remains, including those interred outside of formal cemeteries.**

Human remains associated with pre-contact archaeological deposits could exist in the EA Study Area, and could be encountered during at the time potential future development occurs. The associated ground-disturbing activities, such as site grading and trenching for utilities, have the potential to disturb human remains interred outside of formal cemeteries. Descendant communities may ascribe religious or cultural significance to such remains, and may view their disturbance as an unmitigable impact. Disturbance of unknown human remains would be a significant impact.

However, any human remains encountered during ground-disturbing activities are required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. 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, who will, in turn, notify the person the NAHC identifies as the MLD of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 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, 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. Through mandatory regulatory procedures described above impacts to human remains would be *less than significant*.

#### **5. Cumulative Impacts**

Development planned for under the Plan Components, in conjunction with buildout of the City and the region, has the potential to cumulatively impact historical resources. Such impacts could result from more intensive

land uses, incompatible site designs that impact the historical integrity of nearby historical buildings and districts, and demolition of historical resources. For built environment historical resources, however, the proposed goals, policies, and actions described in Section D.1, Impact Discussion, are anticipated to mitigate or avoid most impacts to such resources that would occur from development and land use changes allowed by the Plan Components.

Development within the EA Study Area also has the potential to adversely affect archaeological resources, paleontological resources, and human remains through their destruction or disturbance. Therefore, before mitigation, development allowed by the Plan Components, in combination with other future development in the City and the region, has the potential to cause adverse cumulative impacts to cultural resources due to their destruction or loss of integrity. However, development proposals received by the City would, if necessary, undergo review by a cultural resources professional, as outlined in Program OSC-3.A of the Plan Components, and project-specific mitigations would be provided as a result of this review.

Therefore, the potential future development under the Plan Components is not expected to make a significant contribution to cumulative impacts to cultural resources. Implementation of the goals, policies, and actions of the existing and proposed General Plan, as well as compliance with federal and State laws, would reduce potential cumulative impacts to cultural resources to a *less-than-significant* level.

#### *E. Impacts and Mitigation Measures*

**Impact CULT-1:** Future development on potential infill sites around downtown and future second units could lead to demolition and alteration that has the potential to change the historic fabric or setting of historic architectural resources such that the resource's ability to convey its significance may be materially impaired.

Mitigation Measure CULT-1: At the time that individual projects are proposed for residential development on any infill or second unit housing sites around the downtown area with a building more than 50 years old or any site adjoining a property with a building more than 50 years old, the City shall require the project applicant to prepare a site-specific evaluations to determine if the project is subject to completion of a site-specific historic resources study. If it is determined that a site-specific historic resources study is required the study shall be prepared by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the study shall consist of a records search of the California Historical Resources Information System, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic

Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The study shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If applicable, the specific requirements for inventory areas and documentation format required by certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), shall be adhered to.

If the project site or adjacent properties are found to be eligible for listing on the California Register, the project shall be required to conform to the current *Secretary of the Interior's Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Restoring Historic Buildings*, which require the preservation of character defining features which convey a building's historical significance, and offers guidance about appropriate and compatible alterations to such structures.

Significance After Mitigation: Implementation of Mitigation Measure CULT-1 would ensure that impacts to historic resources from future development on potential infill sites around downtown and on single-family lots found appropriated for second units with would be *less than significant*.