

## J. CULTURAL AND PALEONTOLOGICAL RESOURCES

This section evaluates the proposed project's potential impacts to cultural and paleontological resources. Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or historical significance. Paleontological resources, as a subset of cultural resources, are the fossilized remains of prehistoric plant and animal life.

CEQA defines a "historical resource" as a resource which is listed in or determined eligible for listing on the California Register of Historical Resources (California Register), listed in a local register of historical resources (as defined in Public Resources Code Section 5020.1(k)), identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, or determined to be a historical resource by a project's lead agency. A historical resource consists of "[a]ny object, building, structure, site, area, place, record, or manuscript which 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. Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources." *CEQA Guidelines* Section 15064.5 states that a substantial adverse change in the significance of a historical resource is a significant effect on the environment.

CEQA also applies to effects on archaeological sites. The lead agency must apply a two-step screening process to determine if an identified archaeological site meets the definition of a historical resource or a unique archaeological resource. Prior to considering potential impacts, the Lead Agency must determine whether the archaeological material meets the definition of a historical resource in *CEQA Guidelines* Section 15064.5(a). If the archaeological resource meets the definition of a historical resource, then it must be treated like any other type of historical resource in accordance with Section 15126.4. If the cultural resource does not meet the definition of a historical resource, then the Lead Agency must determine if the resource meets the definition of a unique archaeological resource as defined in CEQA Section 21083.2(g). If the archaeological site meets the definition of a unique archaeological resource, then it must be treated in accordance with Section 21083.2. If the archaeological site does not meet the definition of a historical resource or a unique archaeological resource, then effects to the site are not considered significant effects on the environment.

Public Resources Code Section 5097.5 also provides for the protection of cultural and paleontological resources. Section 5097.5 prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of State or local authorities.

Paleontological resources are fossilized remains of plants and animals, and associated deposits. CEQA requires that a determination be made as to whether a project could directly or indirectly destroy a unique paleontological resource or site or unique geological feature. If an impact is significant, CEQA requires the identification of feasible measures to minimize the impact. California Public Resources Code Section 5097.5 also applies to paleontological resources. The Society of Vertebrate Paleontology has identified vertebrate fossils, the conditions in which these materials became fossilized and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources. Botanical and invertebrate fossils and assemblages may also be considered significant resources.

The first section below describes the methods used to conduct the cultural resources analysis of the proposed project, and is followed by a brief historical overview of the project site. The second section describes the methods used for the paleontological resources analysis, and is followed by a brief discussion of paleontological conditions in the site. The third section presents the results of the impacts analysis and provides mitigation measures to reduce all impacts to a less-than-significant level.

## 1. Cultural Resources

This section describes the methods used to identify the cultural resources setting and baseline conditions for the project site. Following this is a brief overview of the prehistoric, ethnographic, and historical setting of the project site and its vicinity. The overview provides context for the project's baseline cultural resource conditions.

**a. Methods.** This cultural resources analysis included records searches (initial and supplemental), a literature review, a field survey, and consultation with potentially-interested parties. This work was done to: (1) identify cultural resources or cultural resource studies within or adjacent to the project site and (2) gather the archaeological, ethnographic, and historical information necessary to describe the existing cultural resources setting.

**(1) Records Search.** The initial records search for the project site and its surroundings (#05-1038) was conducted on May 3, 2006, at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, in Rohnert Park. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resources records and reports for San Mateo County.

The records search identified eight cultural resource studies that had been conducted adjacent to the project site. None of the studies identified significant cultural resources within the project site.<sup>1,2,3,4,5,6,7,8</sup> Two potentially historic buildings were identified adjacent to the project site. However,

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<sup>1</sup> California Department of Transportation, 1979. *Historic Properties Survey Report of Proposed Channelization and Signalization on El Camino Real, City of Menlo Park*. Caltrans District 04. Oakland, California.

<sup>2</sup> BioSystems Analysis, Inc., 1989. *Technical Report of Cultural Resources Studies for the Proposed WTG-West, Inc. Los Angeles to San Francisco and Sacramento, California Fiber Optic Cable Project*. Santa Cruz, California.

<sup>3</sup> Hatoff, Brian, Barb Voss, Sharon Waechter, and Stephen Wee, 1995. *Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project*. Woodward-Clyde Consultants, Oakland, California.

<sup>4</sup> Science Applications International Corporation, 2000. *Phase I Archaeological Survey Along Onshore Portions of the Global West Fiber Optic Cable Project*. Science Applications International Corporation, Santa Barbara, California.

<sup>5</sup> Holson, John, Cordelia Sutch, and Stephanie Pau, 2002. *Cultural Resources Report for San Bruno to Mountain View Internodal Level 3 Fiber Optics Project in San Mateo and Santa Clara Counties, California*. Pacific Legacy, Albany, California.

<sup>6</sup> Nelson, Wendy J., 2002. *Archaeological Inventory for the CalTrain Electrification Program Alternative in San Francisco, San Mateo, and Stan Clara Counties, California*. Far Western Anthropological Research Group, Inc., Davis, California.

<sup>7</sup> Groza, Randy, Andrew Pulcheon, and Benjamin Matzen, 2005. *A Cultural and Paleontological Resources Study for the Derry Lane Mixed-Use Development Project, Menlo Park, San Mateo County, California*. LSA Associates, Inc., Point Richmond, California.

<sup>8</sup> Architectural Resources Group, 2004. *Park Theater Historical Evaluation, Menlo Park, California*. San Francisco, California.

only one of the buildings, the Park Theater, is a historical resource under CEQA, and the vicinity of the project site does not comprise a historic district. No other cultural resources were identified within or adjacent to the project site, and the closest recorded cultural resource is a historical rail crossing approximately 1/5-mile to the northwest.

A supplemental records search (#07-539) was conducted on October 9, 2007 at the NWIC. The purpose of the supplemental records search was to identify any changes in the existing conditions of the project area or vicinity that would affect the validity of the previous impact analysis (e.g., a previously unknown historical building identified since the initial analysis). No changes in the project area's existing conditions for cultural resources were identified by the records search.

**(2) Literature Review.** LSA reviewed prehistoric, ethnographic, and historical literature and maps for information about the project site. Materials reviewed are listed in the Cultural Resources technical report, which is available for review at the City of Menlo Park Community Development Department.

**(3) Field Survey.** A field survey of the project site was conducted by LSA on April 26, 2006. The survey is described in detail in the Cultural Resources technical report.

**(4) Consultation.** LSA sent letters and maps to potentially-interested parties to solicit concerns regarding any cultural resources that may be affected by the proposed project. No concerns were expressed about the project site. The parties contacted and the results of the contacts are provided below.

- On April 24, 2006, LSA sent a letter and map depicting the project site to the Native American Heritage Commission (NAHC) in Sacramento requesting a review of its sacred lands file for any Native American cultural resources that might be affected by the proposed project. Ms. Debbie Pilas-Treadway, NAHC Environmental Specialist III, responded in a faxed letter dated April 27, 2006, that the sacred lands file showed no known Native American sites "in the immediate project area."
- On April 24, 2006, LSA sent a letter and map depicting the project site to the San Mateo County Historical Association and Museum (Museum), requesting any information or concerns about the project site. LSA placed a follow-up call on May 26, 2006, and a voice-mail message was left for Mitch Postel, President of the Museum. Mr. Postel returned the call on May 26, 2006 and stated that neither he nor the historical association has any concerns regarding the project.
- On April 24, 2006, LSA sent a letter and map depicting the project site to the Menlo Park Historical Association (Association), requesting any information or concerns about the project site. On May 5, 2006, Frank Helfrich, President of the Association, responded that he and the Association Board had discussed the project at their meeting on May 2, 2006. Mr. Helfrich stated that the project site was the location of Central School from 1892 until 1966. The Association Board requested that the project include a plaque commemorating the site of the school.

**b. Cultural Resources Overview.** The following cultural resources overview summarizes Menlo Park's history from about 12,000 years ago when Native Americans first entered the area, to modern times. Following the overview, a brief summary of the project site's archaeological sensitivity is provided.

**(1) Prehistory and Ethnography.** The Menlo Park area was probably settled by native Californians between 12,000 and 6,000 years ago.<sup>9</sup> Penutian peoples migrated into central California around 4,500 years ago and were firmly settled around San Francisco Bay by 1,500 years ago. The descendants of the native groups who lived between the Carquinez Strait and the Monterey area are the Ohlone, although they are often referred to by the name of their linguistic group, Costanoan.<sup>10</sup> Approximately 40 Ohlone tribelets were documented ethnographically. The Puichon, a Costanoan linguistic group, resided in the area of today's cities of Menlo Park, Mountain View, and Palo Alto.<sup>11</sup>

An Ohlone household was made up of about 15 individuals. Households, in turn, grouped together to form villages, which in turn comprised tribelets. A tribelet was a politically independent land holding group that exercised control of its own resources. Most California tribelets consisted of 200 to 250 people.<sup>12</sup>

In the Menlo Park area, Ohlone villages and temporary campsites were located along waterways near sources of fresh water. Villages were also located adjacent to the marshlands that formerly bordered San Francisco Bay.

For the Ohlone, like many other Native Americans in California, the acorn was the dietary staple. Acorns were knocked from trees with poles, then leached to remove bitter tannins and eaten as mush or bread. The Ohlone used a range of other plant resources, including buckeye, California laurel, elderberries, strawberries, manzanita berries, goose berries, toyon berries, wild grapes, wild onion, cattail, amole, wild carrots, clover, and chuchupate. Larger animals hunted by the Ohlone and their neighbors included black-tailed deer, Roosevelt elk, antelope, and marine mammals. Smaller animals such as dog, skunk, raccoon, rabbit, squirrel, geese and ducks, salmon, sturgeon, and mollusks were also harvested. In addition to sustenance, the Bay Area's flora and fauna provided the Ohlone with raw materials for clothing, shelter, and boats.<sup>13</sup>

Intensive Hispanic exploration and settlement of the Bay Area began in the late eighteenth century. Ohlone culture was radically transformed when European settlers moved into northern California. These settlers established the mission system and exposed the Ohlone to diseases to which they had no immunity. Mission San Francisco was founded in 1776, and drew Ohlone from the entire Bay Area. Mission Santa Clara, just outside of San Jose, was founded in 1777. The distance between Menlo Park and these two missions is similar, suggesting that Menlo Park-area Ohlone may have visited both. Mission records list the Puichon at Mission San Francisco between 1781 and 1794 and at

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<sup>9</sup> Moratto, Michael J., 1984. *California Archaeology*. Academic Press, Orlando.

<sup>10</sup> Margolin, Malcolm, 1978. *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area*. Heyday Books, Berkeley, California.

<sup>11</sup> Milliken, Randall, 1995:252. *A Time of Little Choice, The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810*, p. 252.. Ballena Press Anthropological Papers No. 43. Menlo Park, California.

<sup>12</sup> Kroeber, Alfred L., 1962:30. The Nature of Land-Holding Groups in Aboriginal California. In, *Two Papers on the Aboriginal Ethnography of California*. *University of California Archaeological Survey*, 56. Department of Anthropology, University of California, Berkeley.

<sup>13</sup> Levy, Richard, 1978. Costanoan. In *California*, edited by Robert F. Heizer, pp 491-492. Handbook of North American Indians, Volume 8; William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C..

Mission Santa Clara between 1781 and 1805.<sup>14</sup> Following the secularization of the missions in 1834, native people in the Bay Area moved to ranchos, where they worked as manual laborers.<sup>15</sup>

**(2) Project Vicinity History.** In 1795, Jose Dario Arguello, the *commandante* of the San Francisco Presidio, was granted Rancho de las Pulgas by Governor Diego de Borica. The 35,260-acre land grant extended from San Francisco Bay between San Mateo Creek in the north and San Francisco Creek in the south. The western boundary was disputed for decades. After the Arguello family obtained legal title in 1853, they subdivided the lands which became several cities, including Menlo Park.<sup>16</sup>

In 1854, Dennis J. Oliver and Daniel McGlynn purchased 1,700 acres from the Arguello family. Their property bordered El Camino Real, which was also known as County Road. 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 and the name “Menlo Park” was chosen for the railroad station. Today, that station, approximately 450 feet southeast of the project site, is the oldest railroad station in continuous operation in California and designated as California State Landmark Number 955.<sup>17</sup> Caltrain currently runs on the former Southern Pacific Railroad tracks.

In the late 1850s, the road between San Francisco and San Jose was completed. San Franciscans were drawn to Menlo Park’s mild climate and built grand estates for their summer residences. Wealthy families purchased large tracts of land and were more or less self-sufficient, producing their own food and, in one case, heat and electricity. Workers lived within the estate grounds. During this same period, the downtown area of Menlo Park, which includes the project site, began to develop and consisted of two general stores, three hotels, livery stables, saloons, and three blacksmith shops.<sup>18</sup>

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 project site 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.<sup>19</sup>

Menlo Park incorporated twice. In 1874, the City incorporated for two years to raise road repair funds, disincorporated, and incorporated again in 1927, which coincided with increased development on the San Francisco peninsula that brought new residents to Menlo Park. The Dumbarton Bridge

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<sup>14</sup> Milliken, 1995, p. 252.

<sup>15</sup> Levy, Richard, 1978, pp. 462-470.

<sup>16</sup> Hoover, Mildred Brooke, Hero Eugene Rensch, Ethel Rensch, and William N. Abeloe, 1990. *Historic Spots in California*. Fourth edition, revised by Douglas E. Kyle. Stanford University Press, Stanford, California.

<sup>17</sup> Ibid.

<sup>18</sup> City of Menlo Park, 2002. Early days in Menlo Park. Website: [www.menlopark.org](http://www.menlopark.org).

<sup>19</sup> The California State Military Museum, 2004. Historic California Posts: Camp Fremont. Website: [www.militarymuseum.org/cpfremont.html](http://www.militarymuseum.org/cpfremont.html).

opened in 1927, connecting the South Bay and East Bay. In 1931, the Bayshore Highway linked Menlo Park and San Francisco.<sup>20</sup>

In 1940, Menlo Park's population was 3,258. World War II brought about many changes in the small town. Dibble General Hospital treated 16,000 soldiers during the war. 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.<sup>21</sup>

Today Menlo Park is a suburban residential community with a variety of businesses, including high-tech industries.

**(3) Project Area Historical Background.** This section provides historical information about the project site and is organized by street addresses and road features. The following discussion is based on the records search literature review, historical map analysis, and information gathered through consultation with potentially interested parties.

The project site is just northwest of the site where a group of buildings was first constructed in Menlo Park. These buildings were within walking distance of the new 1863 railroad station. Buildings were situated adjacent to the railroad tracks on Oak Grove Avenue. By 1870, twelve buildings were situated between the railroad station and El Camino Real, in the vicinity of Oak Grove Avenue. The first store in Menlo Park was on the corner of Oak Grove Avenue and El Camino Real, approximately 280 feet southeast of the project site. The first hotel, Menlo Park Hotel, was also on Oak Grove Avenue, adjacent to the railroad tracks.<sup>22</sup>

The 1888 Sanborn Insurance Map depicts a one-story dwelling in the central portion of the project site, and a one-story vacant building on El Camino Real (County Road at that time) in the southwest corner of the project site. The same buildings are depicted on the 1891 Sanborn Insurance Map.

The original Central Grammar School was built within the project site in 1892. By 1897, there were also four dwellings within the project site, all of which had multiple out-buildings.<sup>23</sup> The area surrounding the school continued to be rural; the land across the street, on the south side of El Camino, was farmland until after 1908.<sup>24, 25</sup>

A fire destroyed the Central Grammar School in 1911. The new school, Central Elementary School, was rebuilt in 1914 at the same location.<sup>26</sup> By 1925, three single-story dwellings were located in the southwestern portion of the site on El Camino Real.<sup>27</sup>

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<sup>20</sup> Hoover et al., 1990.

<sup>21</sup> The Almanac, 2000. At last: "Menlo Park: Beyond the Gate." November 15.

<sup>22</sup> Svanevik, Michael, and Shirley Burgett, 2000. *Menlo Park, California: Beyond the Gate*. Custom & Limited Editions, San Francisco, California.

<sup>23</sup> Sanborn-Perris Map Co. Limited, 1897. *Menlo Park*. New York.

<sup>24</sup> Sanborn Map Company, 1904. *Menlo Park*. New York.

<sup>25</sup> Sanborn Map Company, 1908. *Menlo Park*. New York.

<sup>26</sup> *Palo Alto Times*, 1966. Central School Razed. *Palo Alto Times*, November 7.

<sup>27</sup> Sanborn Map Company, 1925. *Menlo Park*. New York.

During World War II, two Quonset huts were on the Central School property.<sup>28</sup> Research does not indicate how long the buildings were within the school grounds, their location, or the buildings' functions.<sup>29</sup> By 1941, a detached auditorium was added just northwest of the school.<sup>30</sup> Also by 1941, one of the three dwellings within the project site was replaced with a building that contained two stores, and a dwelling was built behind and northeast of the stores.<sup>31</sup>

After Central Elementary School was condemned for use as a school in 1954, the Menlo Park School District Administration offices occupied the structure until 1959. Claude T. Lindsay, a local building contractor, purchased the property, and the former school was razed in 1966 for the new Shepard Cadillac dealership.<sup>32</sup>

The Shepard Cadillac dealership was completed in 1967. The original building plans depict the current configuration of five buildings, which were designed by architect Paul J. Huston. The City of Menlo Park Building Division's records indicate the dealership's name changed through the years and that alterations have been made to the buildings. Shepard Cadillac's name appears on a 1981 permit, but 1983 and 1987 permits list Penske Cadillac as the owner. A 1990 permit lists Stanford Cadillac, and a 1997 permit lists Anderson Cadillac. Anderson Cadillac closed in 2005 and the buildings have been vacant since that time.<sup>33</sup>

**(4) Archaeological Sensitivity.** The project site's high archaeological sensitivity is indicated by the numerous buildings depicted on historical Sanborn maps. While none of these buildings currently exist in the project site, associated subsurface archaeological deposits may be present. Such deposits may include privies, trash pits, or structural remains associated with businesses and homes, that may contain important information about distinct periods in Menlo Park's historical development. Additionally, Menlo Park Police Department personnel reported that, during the repair of a sinkhole in Derry Lane just east of the project site, bones and ceramic and glass fragments were encountered.<sup>34</sup> These materials may date from 19th or early 20th century development of the site.

**(5) Architectural Resources Adjacent to the Project Area.** Two buildings over 50 years old on the south side of El Camino Real are across the street from the project site: the Guy Plumbing building at 1265 El Camino Real; and the Park Theatre at 1275 El Camino Real.

The Guy Plumbing building was included in the 1990 San Mateo County Historical Association *Menlo Park Historical Building Survey*, and its condition is essentially as recorded at that time. The

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<sup>28</sup> Helfrich, Frank, 2006. Menlo Park Historical Society President. Personal communication with LSA Associates, Inc. April 26.

<sup>29</sup> Ibid.

<sup>30</sup> Sanborn Map Company, 1941. *Menlo Park*. New York.

<sup>31</sup> Ibid.

<sup>32</sup> *Palo Alto Times*, 1966. Central School Razed. *Palo Alto Times*. November 7.

<sup>33</sup> The Almanac, 2005. Cadillac of Menlo Park closing down. The Almanac, March 9. Website: [www.almanacnews.com/morgue/2005/2005\\_03\\_09.cadillac.shtml](http://www.almanacnews.com/morgue/2005/2005_03_09.cadillac.shtml).

<sup>34</sup> City of Menlo Park Police Department, 2004. Menlo Park Police Department Daily Log for May 11, 2004. Menlo Park, California.

building was included in this survey as a representative of Menlo Park's 20th century downtown business district, evaluated for the National Register of Historic Places, and was given a status code of "5S1." The code indicates that the building is not eligible for the National Register. Due to similar eligibility requirements, the building is also not eligible for the California Register of Historical Resources. Status code "5S1" also indicates that the building is of local interest because the resource is separately listed or designated under an existing local ordinance, or is eligible for such listing or designation.<sup>35</sup> Even though the building is *eligible* for listing as a local resource, it has not been listed by the City of Menlo Park.<sup>36</sup>

The Park Theatre, at 1275 El Camino Real, is an Art Moderne building constructed in 1947. The building has been vacant since 2002 and its neon sign and marquee have been removed. Architectural Resources Group (2004) conducted a historical evaluation of the Park Theater and concluded that it appears eligible for listing in the National and California registers. Therefore, the Park Theater is considered a historical resource under CEQA.

It is LSA's opinion that the project site vicinity is not a historic district nor is it a potential district. This northern edge of Menlo Park, concentrated on El Camino Real, comprises buildings of various ages, most dating from the 1920s onward, with many of more recent construction. The buildings also have various architectural designs. This area does not possess a significant concentration or continuity of sites, buildings, structures or objects unified by past events or aesthetically by plan or physical development, and therefore, does not meet the California Public Resources Code definition of a historic district.<sup>37</sup> The area east of the project site, the Derry Lane Mixed-Use Project, is also proposed for development, and no significant indirect impacts to the historic integrity of the surrounding neighborhood were identified by the EIR analyzing the environmental effects of that project.<sup>38</sup>

**(6) Heritage Trees.** There are three heritage trees on the project site and five heritage trees within the Garwood Way right-of-way adjacent to the project site. The City of Menlo Park Heritage Tree Ordinance defines heritage trees as: 1) any tree or group of trees specifically designated by the City Council for protection because of its historical significance, special character or community benefit; 2) any oak tree native to California, with a circumference of 31.4 inches (diameter of 10 inches) or more measured at 54 inches above natural grade; and 3) any tree having a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more measured at 54 inches above natural grade. Refer to Chapter III, Project Description, for a discussion of the specific species of on- and off-site heritage trees.

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<sup>35</sup> In August 2003, the California State Historic Preservation Officer issued revised status codes for resources included in the California Historical Resources Information System. Those resources formerly assigned "5S1" continue to be identified as "5S1," which means "Eligible for local listing only; listed or eligible separately under Local Ordinance."

<sup>36</sup> Fisher, Megan, 2006. Menlo Park Assistant Planner. Personal communication with LSA Associates, Inc. May 31.

<sup>37</sup> California Office of Historic Preservation, 2001:83. California State Law and Historic Preservation: Statutes, Regulations and Administrative Policies Regarding Historic Preservation and Protection of Cultural and Historical Resources. Technical Assistance Series 10. California Department of Parks and Recreation, Sacramento.

<sup>38</sup> Groza, Randy, Andrew Pulcheon, and Benjamin Matzen, 2005. *A Cultural and Paleontological Resources Study for the Derry Lane Mixed-Use Development Project, Menlo Park, San Mateo County, California*. LSA Associates, Inc., Point Richmond, California.

## 2. Paleontological Resources

This section presents the results of a paleontological resources analysis of the project site. A description of the research methods used is followed by a description of the project site's paleontological setting.

**a. Methods.** Background research was conducted to determine if paleontological resources (fossils) or geologic units known to contain fossils are within or adjacent to the project site. This research, which consisted of a fossil locality search and a literature review, was conducted to identify geologic units, paleontological studies, fossil localities (i.e., a location at which paleontological resources have been documented), and the types of fossils that may be within or adjacent to the project site.

A fossil locality search was conducted on April 13, 2006, using the Berkeley Natural History Museums (BNHM) online database, specifically the data from the University of California Museum of Paleontology (UCMP) in Berkeley. The locality search identified four fossil localities within 5 miles of the project site.

One of the vertebrate localities identified by the locality search is Pleistocene in age. This locality was recorded within the Santa Clara Formation, which mostly comprises fluvial conglomerate and sandstone.<sup>39</sup> Pleistocene sedimentary deposits, such as the Santa Clara Formation and the alluvium underlying the project site, commonly contain fossil resources.<sup>40,41,42,43,44,45</sup> Vertebrate fossils from such sediments may include mammoth, bison, deer, horse, camel, ground sloth, saber-toothed cats, dire wolves, bear, rodents, birds, and reptiles. The Santa Clara Formation, which may be encountered by construction activities, also contains abundant invertebrate fossils.<sup>46</sup>

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<sup>39</sup> Page, Benjamin M. and Lawrence L. Tabor, 1967. *Chaotic Structure and Décollement in Cenozoic Rocks near Stanford University, California*. Geological Society of America Bulletin 78:1-12.

<sup>40</sup> Chaney, Ralph W., 1951. *Prehistoric Forests of the San Francisco Bay Region*. In *Geology Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*, prepared by Olaf P. Jenkins, pp. 193-202. State of California Department of Natural Resources, Division of Mines Bulletin 154, San Francisco, California.

<sup>41</sup> Hertlein, Leo George, 1951. *Invertebrate Fossils and Fossil Localities in the San Francisco Bay Area*. In *Geology Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*, prepared by Olaf P. Jenkins, pp. 187-192. Bulletin 154, State of California, Division of Mines. Sacramento, California.

<sup>42</sup> Savage, Donald, 1951. *Late Cenozoic Vertebrates of the San Francisco Bay Region*. University of California Publications Bulletin of the Department of Geological Sciences 28(10):215-314.

<sup>43</sup> Stirton, R.A., 1951. Prehistoric Land Animals of the San Francisco Bay Region. In *Geology Guidebook of the San Francisco Bay Counties: History, Landscape, Geology, Fossils, Minerals, Industry, and Routes to Travel*, prepared by Olaf P. Jenkins, pp. 177-186. Bulletin 154, State of California, Division of Mines. Sacramento, California.

<sup>44</sup> Helley, E.J., K.R. La Joie, W.E. Spangle, and M.L. Blair, 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. U.S. Geological Survey and Department of Housing and Urban Development, Washington, D.C.

<sup>45</sup> Bell, C.J., E.L. Lundelius, Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez, Jr., H.S. Semken, Jr., S.D. Webb, and R.J. Zakrzewski, 2004. The Blancan, Irvingtonian, and Rancholabrean Mammal Ages. In *Late Cretaceous and Cenozoic Mammals of North America*. Edited by M.O. Woodburne, pp. 232-314. Columbia University Press, New York.

<sup>46</sup> Glen, William, 1960. *Pliocene Fresh-Water Gastropods from San Mateo County, California*. Journal of Paleontology 34(6):1207-1209.

The other two fossil localities near the project site are from the Miocene Briones Formation, from which abundant invertebrate fossils, as well as occasional vertebrate fossils, have been recovered.<sup>47,48,49</sup> One such vertebrate fossil is an important specimen of a newly-identified species of extinct Desmostylian, *Paleoparadoxia* (a large herbivorous marine animal), which was exposed during the construction of the Stanford Linear Accelerator.<sup>50</sup> The Briones Formation lies far below the project site's alluvium and is exposed above-ground only in areas of high topographic relief. The Briones Formation is unlikely to be encountered during construction activities.

Paleontological and geological literature and maps on file were reviewed at: 1) the University of California, Berkeley, Earth Science and Map Library, and the Marian Koshland Bioscience and Natural Resources Library; 2) the Stanford University Branner Earth Sciences Library and Map Collections; and 3) the LSA offices in Point Richmond. No paleontological resources were identified in or adjacent to the project site. The paleontological and geological literature reviewed is listed in the technical report on file at the Menlo Park Community Development Department.

**b. Paleontological Resources Setting.** The sediments of the project site are Pleistocene age (deposited between 1.8 million years (ma) ago and 10 thousand years (ka) ago) alluvial fan deposits below the average project soil and fill depth of 5 feet.<sup>51</sup> Locally, the Pleistocene alluvium is referred to as the Santa Clara Formation.<sup>52,53,54,55</sup> The alluvium is generally brown, dense, gravelly and clayey sand or clayey gravel and is as much as 50 meters deep.<sup>56,57,58</sup> These Pleistocene sediments are known to contain fossil resources. The Miocene age (5 – 24 million years ago) Briones Formation, located southwest of the project site,<sup>59,60</sup> is also known to contain fossil resources.

<sup>47</sup> Clark, Bruce L., 1915. *Fauna of the San Pablo Formation*. University of California Publications Bulletin of the Department of Geological Sciences 8(22):358-572.

<sup>48</sup> Trask, Parker D., 1922. *The Briones Formation of Middle California*. University of California Publications Bulletin of the Department of Geological Sciences 13(5):133-174.

<sup>49</sup> Hertlein, 1951.

<sup>50</sup> Clark, James M., 1991. *A new early Miocene species of Paleoparadoxia (Mammalia: Desmostylia) from California*. Journal of Vertebrate Paleontology 11(4):490-508.

<sup>51</sup> Kashigawa, James H. and Lisa A. Hokholt, 1991. *Soil Survey of San Mateo County, Eastern Part, and San Francisco County, California*. United States Department of Agriculture in Cooperation with the University of California Agricultural Experiment Station, Washington, D.C.

<sup>52</sup> Wagner, D.L., E.J. Bortugno, and R. D. McJunkin, 1990. *Geologic Map of the San Francisco-San Jose Quadrangle, California*, 1:250,000. San Francisco-San Jose Quadrangle-Map No. 5A., Regional Geologic Map Series. California Division of Mines and Geology, Sacramento.

<sup>53</sup> Helley, E.J., R.W. Graymer, G.A. Phelps, P.K. Showalter, and C.M. Wentworth, 1994. Preliminary Quaternary Geologic Maps of Santa Clara Valley, Santa Clara, Alameda, and San Mateo Counties, California: A Digital Database. United States Geological Survey Open-File Report 94-231. Washington, D.C.

<sup>54</sup> Page, Benjamin M., 1993. *Geologic Map of Stanford Lands and Vicinity*. Stanford Geological Survey, Palo Alto, California.

<sup>55</sup> Brabb, E.E., R.W. Graymer, and D.L. Jones, 2000. *Geologic map and map database of the Palo Alto 30'x60' quadrangle, California*. United States Geological Survey, Menlo Park, California.

<sup>56</sup> Helley et al., 1979.

<sup>57</sup> Helley et al., 1994.

<sup>58</sup> Brabb et al., 2000.

<sup>59</sup> Wagner et al., 1990.

### 3. Impacts and Mitigation Measures

Implementation of the proposed project has the potential to affect cultural and paleontological resources. Significance criteria, the potential impacts of the proposed project, and recommended mitigation measures are described below.

**a. Criteria of Significance.** The first four criteria below are derived from the *CEQA Guidelines* Environmental Checklist. The last criterion was added to reflect the City's Heritage Tree Ordinance. Because the protection of heritage trees is codified in an ordinance, heritage trees are considered historic resources pursuant to *CEQA Guidelines* Section 21084.1. Implementation of the proposed project would have a significant impact on cultural and/or paleontological resources if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5. Specifically, substantial adverse changes include 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 (*Cultural Criterion A*);
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5 (*Cultural Criterion B*);
- Directly or indirectly destroy a unique paleontological resource or site (*Cultural Criterion C*);
- Disturb any human remains, including those interred outside of formal cemeteries (*Cultural Criterion D*);
- Result in the removal of heritage trees, as defined by the City of Menlo Park Heritage Tree Ordinance (*Cultural Criterion E*).

**b. Less-Than-Significant Cultural and Paleontological Resources Impacts.** Less-than-significant impacts of the proposed project are discussed below.

The five buildings of the former Shepard Cadillac dealership, all of which are less than 50 years old, are proposed for demolition as part of the project. None of the buildings meet the definition of a historical resource pursuant to *CEQA Guidelines* Section 15064.5, and as such the proposed project would result in no impacts to historical buildings that require mitigation (Criterion A).

**(1) Adjacent Architectural Resources (Criterion A).** There are two historical buildings across the street from the project site: the Guy Plumbing building at 1265 Camino Real and the Park Theatre at 1275 El Camino Real. Only the Park Theater appears to be a historical resource under CEQA. The project site vicinity does not appear to comprise a historic district. The Park Theater would not be directly affected by project construction, nor would project construction result in indirect impacts due to the theater's already-compromised architectural setting. The project would not compromise the Park Theater's ability to convey its significance, nor would it jeopardize those qualities that justify the theater's eligibility for listing on the California Register. Therefore, since there would be no substantial adverse change in the Park Theater's historical significance, no significant impact would occur.

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<sup>60</sup> Brabb et al., 2000.

(2) **Trees (Criterion E).** Project implementation would result in the removal of two heritage trees within the project site and three heritage trees within the Garwood Way right-of-way adjacent to the project site. Heritage trees are considered cultural resources for the purpose of this EIR because the focus of the City's Heritage Tree Ordinance is on tree size (which typically reflects tree age). Thus many heritage trees date from the period typically considered "historic" (i.e., more than 50 years ago). The City of Menlo Park's Heritage Tree Ordinance contains procedures for the permitted removal of heritage trees. The procedures allow for tree removal provided that the removal's impacts (including effects to the City's historical character) are weighed against potential benefits. If the project applicant secures the necessary permits to remove the heritage trees, then the removal would not result in a significant impact under CEQA. Heritage Tree Removal Permits would be requested as part of the project; therefore, the project is not expected to result in a significant impact to cultural resources associated with the removal of heritage trees.

c. **Significant Cultural and Paleontological Resources Impacts.** Significant impacts to cultural and paleontological resources of the proposed project are discussed below.

(1) **Archaeological Deposits (Criterion B).** The project site is highly sensitive for archaeological deposits. This sensitivity is indicated by: 1) historical archaeological materials identified adjacent to the project site; 2) documented historical activity in and adjacent to the project site; and 3) the lack of evidence to indicate substantial historical subsurface disturbance of the project site (i.e., activity that may have damaged or destroyed existing archaeological deposits).

**Impact CULT-1: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect archaeological cultural resources. (S)**

Because the project site was the location of historical uses, it has a high likelihood of containing historical archaeological deposits that may meet the definition of historical resources under CEQA. Subsurface project construction may result in damage to such deposits, which may result in a significant impact to cultural resources. Implementation of Mitigation Measure CULT-1 would reduce this impact to a less-than-significant level.

Mitigation Measure CULT-1: Following demolition and prior to excavation, grading, or other construction-related activities on the site, a qualified professional archaeologist shall conduct a subsurface examination to determine the presence, nature, extent, and potential significance of archaeological deposits that may be encountered by project activities. If such deposits exist, and cannot be avoided by project activities, they shall undergo a California Register eligibility assessment. If such deposits are California Register-eligible, project impacts to these deposits shall be mitigated through archaeological data recovery, in accordance with *CEQA Guidelines* Section 15126.4(b)(3)(C). If such deposits are not California Register-eligible, no further study, report, or protection is warranted.

If archaeological data recovery is conducted, feasible efforts shall be made to publicly display the interpretive findings of the investigation. The Menlo Park Historical Society shall be consulted regarding the potential use of the archaeological findings for interpretive opportunities. Such opportunities may include, but are not limited to, museum, library, or Menlo Park Historical Society interpretive displays.

If archaeological materials have been found, a report shall be prepared to document the methods, findings, and recommendations of the archaeologist conducting the work. The report shall be submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University. (LTS)

**(2) Paleontological Resources (Criterion C).** The project site has a high likelihood of containing paleontological resources. Four fossil localities have been identified within 5 miles of the project site. In addition, other locations with geological formations similar to those of the project site have produced significant vertebrate fossil deposits. For these reasons, project construction personnel may encounter paleontological resources.

**Impact CULT-2: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect paleontological resources. (S)**

There is a high potential that ground-disturbing construction activities in the project site could affect paleontological resources. Implementation of the following mitigation measure would reduce this impact to a less-than-significant level.

**Mitigation Measure CULT-2:** A qualified paleontologist shall conduct a paleontological assessment to determine if monitoring during construction activities for paleontological resources is necessary. The assessment shall include: 1) the results of any geotechnical investigation conducted for the project site; 2) specific details of the construction plans for the project site; 3) background research; and 4) limited subsurface investigation within the project site. If the possibility of paleontological resources is confirmed, a paleontological monitoring plan shall be prepared in conjunction with this evaluation. Upon completion of the paleontological assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City, the project applicant, and the Northwest Information Center at Sonoma State University. (LTS)

**(3) Disturb any Human Remains (Criterion D).** Construction of the proposed project would require soil excavation and grading for building foundations and utilities. This project activity has the potential to disturb human remains.

**Impact CULT-3: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb human remains, including those interred outside of formal cemeteries. (S)**

Implementation of the following mitigation measure would reduce this impact to a less-than-significant level:

**Mitigation Measure CULT-3:** Should human remains be encountered during project construction activities, construction activities shall be halted and the County Coroner notified immediately. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours of this identification, and a qualified archaeologist shall be contacted to evaluate the situation. The NAHC will identify a Native American Most

Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD.

Upon completion of such analysis and/or recovery, the archaeologist shall prepare a report documenting the methods and results of the investigation. This report shall be submitted to the City, the project applicant, and the NWIC. (LTS)