

4.4 Cultural Resources

This section presents a summary of the prehistory and history of the Menlo Park Specific Plan area and an overview of known cultural resources. Cultural resources include historic-era architectural and structural resources, archaeological resources, paleontological resources, and human remains.

In order to identify the types and quantity of cultural resources within the Plan area, a records search was conducted at the Northwest Information Center of the California Historical Resources Information System (NWIC) at Sonoma State University on April 23, 2009 (File No. 08-1300). The records were accessed by utilizing the Palo Alto, California, U.S. Geological Survey 7.5-minute quadrangle base map. Also reviewed were the *California Inventory of Historical Resources*,¹ *California Historical Landmarks*,² *California Points of Historical Interest*,³ and *Historic Properties Directory Listing*.⁴ The Historic Properties Directory includes listings of the National Register of Historic Places and the California Register of Historical Resources, and the most recent listings of California Historical Landmarks and California Points of Historical Interest.

4.4.1 Environmental Setting

Historical and Archeological Resources

The CEQA Guidelines define a historical resource as: (1) a resource in the California Register; (2) a resource included in a local register of historical resources, as defined in Public Resources Code (PRC) Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

If a lead agency determines that an archaeological site is a historical resource, the provisions of CEQA Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. These CEQA-related sections refer to the California Register of Historic Resources criteria for determining historical significance and are described in more detail in the section of this chapter titled *California Register of Historic Resources*. If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, then the site may meet the threshold of CEQA Section 21083 regarding unique archaeological resources.

¹ California Department of Parks and Recreation (DPR), *California Inventory of Historical Resources*. California Department of Parks and Recreation, Sacramento, 1976.

² California Office of Historic Preservation (OHP), *California Historical Landmarks*. State of California Department of Parks and Recreation, Sacramento, 1990.

³ California Office of Historic Preservation (OHP), *California Points of Historical Interest*. State of California Department of Parks and Recreation, Sacramento, 1992.

⁴ California Office of Historic Preservation (OHP), *Directory Properties in the Historic Resources Database for San Mateo County* (through February 5, 2009). State Office of Historic Preservation, Sacramento, 2009.

As defined in CEQA Section 21083.2, a “unique” archaeological resource is 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.

Prehistoric Overview

Categorizing prehistoric times into broad cultural stages allows researchers to describe a wide number of archaeological sites with similar cultural patterns and components during a given period of time, thereby creating a regional chronology. This section provides a brief discussion of the chronology for the Plan area.

A framework for the interpretation of the San Francisco Bay Area, including San Mateo County, is provided by Milliken et al.,⁵ who have divided human history in California into three broad periods: the Early Period, the Middle Period, and the Late Period. Economic patterns, stylistic aspects, and regional phases further subdivide cultural patterns into shorter phases. This scheme uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods.

The Paleoindian Period (11,500 to 8000 B.C.) was characterized by big-game hunters occupying broad geographic areas – evidence for this period has not yet been discovered in the San Francisco Bay. During the Early period, consisting of the Early Holocene (8000 to 3500 B.C.) and Early Period (3500 B.C. to 500 B.C.), geographic mobility continued and is characterized by the millingslab and handstone as well as large wide-stemmed and leaf-shaped projectile points. The first cut shell beads and the mortar and pestle are first documented in burials during this period, indicating the beginning of a shift to sedentism. During the Middle period, which includes the Lower Middle Period (500 B.C. to A.D. 430) and Upper Middle Period (A.D. 430 to 1050), geographic mobility may have continued, although groups began to establish longer-term base camps in localities from which a more diverse range of resources could be exploited. The first rich black middens are recorded from this period. The addition of milling tools, obsidian and chert concave-base points, and the occurrence of sites in a wider range of environments suggest that the economic base was more diverse. By the Upper Middle Period, mobility was being replaced by the development of numerous small villages. Around A.D. 430 a “dramatic cultural disruption” occurred evidenced by the sudden collapse of the *Olivella* saucer bead trade network. During the Initial Late period (A.D. 1050 to 1550), social complexity developed toward lifeways

⁵ Milliken, Randall, Richard T. Fitzgerald, et al., “Punctuated Culture Change in the San Francisco Bay Area,” In *Prehistoric California: Colonization, Culture, and Complexity*. Edited by T.L. Jones and K.A. Klar, pp. 99–124, AltaMira Press. 2007.

of large, central villages with resident political leaders and specialized activity sites. Artifacts associated with the period include the bow and arrow, small corner-notched points, and a diversity of beads and ornaments.

Ethnographic Setting

The Menlo Park area was settled by native Californians between 12,000 and 6,000 years ago. 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.⁶

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. 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.

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.

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

⁶ Levy, Richard, "Costanoan" In *California*, edited by Robert F. Heizer, pp. 485–495. Handbook of North American Indians, Vol. 8, William C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C., 1978.

Prehistoric Archaeological Resources

The 2009 review of the records and literature on file at the NWIC indicates that no prehistoric archaeological resources have been recorded within the Plan area. However, numerous prehistoric archaeological sites have been discovered all along the San Francisquito Creek corridor just outside of the Plan area. Historic-era development within the Plan area may have covered and/or disturbed prehistoric archaeological materials. Types of prehistoric materials that would indicate Native American use and occupation in the vicinity of Menlo Park might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally-darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones.

Historic Overview

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 Francisquito 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.

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. In the late 1850s, the road between San Francisco and San Jose was completed.⁷ 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. Workers lived within the estate grounds. During this same period, the downtown area of Menlo Park, which includes the Plan area, 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. The first hotel, Menlo Park Hotel, was also on Oak Grove Avenue, adjacent to the railroad tracks.

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 Plan 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

⁷ San Mateo County became independent of San Francisco County in 1856. By this time, the County Road had been laid for horse and carriages, wagons and stagecoaches from San Francisco to Belmont, and was soon extended past Menlo Park to San Jose. This County Road opened the entire Peninsula and Menlo Park to the residents of San Francisco and San Jose.

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.

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

Historic-era Architectural Resources in the Plan Area

The 1863 Southern Pacific Railroad Station (now the Menlo Park Caltrain Station) at 1100 Merrill Street within the Plan area is the oldest railroad station in continuous operation in California. The station is designated California State Landmark Number 955, and was listed in the National Register of Historic Places in 1974 (status code "1S").

An historical resources survey of Menlo Park in 1990 found two buildings in the Plan area individually eligible for listing in the National Register at the federal level (status code "3S"); the 1899 John Duff House at 849 El Camino Real, and the 1917 Oasis at 241 El Camino Real. This survey also identified the following three buildings in the Plan area to be individually eligible for listing in the National Register at the local level (status code of "5S1"): 1) the 1910 Doughty's Meat Market/Kate Taylor Interiors at 1162 El Camino Real; 2) the 1905 Martin J. McCarthy Groceries at 1170 El Camino Real; and 3) the 1925 K.L. Plumbing/ Guy Plumbing at 1265 El Camino Real.

Although not currently listed as an historic resource, many community members consider the Park Theater at 1275 El Camino Real between Oak Grove and Valparaiso Avenues to be a local historic resource. Built in 1947, this Art Deco style, single-screen movie theater was evaluated for its potential historical significance in 2004 by an architectural consultant who found that, "The Park Theater appears to be eligible for the National Register of Historic Places at the local level under Criterion C for its embodiment of a new type of building, a 1940s neighborhood theater. Characteristic of neighborhood theaters, the Park Theater is small (seats about 700) and combines the Art Deco and Art Moderne styles frequently used for theaters of the period" (ARG, 2004). The theater is currently closed. Similarly, the Guild Theater at 949 El Camino Real two blocks south of Santa Cruz Avenue, built in 1924 as a burlesque house and converted in the 1940s to exhibit movies, may also be considered a local historical resource. It is currently operated by Landmark Cinemas and is one of the oldest standing theatres on the San Francisco Peninsula.

Other older buildings in the Plan area that were either determined ineligible for listing during the 1990 survey, or have not been evaluated for listing, include the 1920 Menlo Clock Works at 961 El Camino Real, the 1905 Both Electric at 1047 El Camino Real, and the 1926 American Trust Company at 1090 El Camino Real.

Historic-era Architectural Resources Adjacent to the Plan Area

Located east of the Plan area is the Barron-Latham-Hopkins Gate Lodge, or “The Gatehouse,” at 555 Ravenswood Avenue. This building is the oldest existing structure in Menlo Park and the last surviving gatehouse in the state of California. It was listed on the National Register of Historic Places in 1986 and is important as a last remnant of the many country estates that were built in the area during the 1860s. The Gatehouse was built in 1864 by William Eustace Barron who was a leading capitalist during California’s formative days. It was the entrance to a 280-acre estate that extended from the Caltrain Railroad tracks to Middlefield Road and from Ravenswood Avenue to the San Francisquito Creek. There were several outbuildings on the estate that supported a 40-room mansion. The mansion no longer exists, but the gatehouse was restored in 1996 by its current tenant, the Junior League of Palo Alto-Mid Peninsula. Located across the railroad tracks and also east of the plan area boundaries is the Edgar Mills Estate/Bright Eagle building at 1040 Noel Drive. This 1880s Italianate mansion was converted to commercial uses, and is within the City’s Historic (H) zoning district. It is also eligible for listing in the National Register (status code “3S”).

Two other recorded historic resources are also located outside of the Plan area: the 1872 Church of the Nativity at 210 Oak Grove Avenue (listed in the National Register), and the 1886 Holy Trinity Episcopal Church/Russian Orthodox Church at 1220 Crane Street (eligible for listing in the National Register). Finally, Portola’s Journey’s End, at the intersection of East Creek Drive and Alma Street just east of the Plan area, is a California State Landmark Site No. 2. This was the campsite and terminus point of the de Portolá Expedition from November 6 through 10, 1769. The Portolá expedition of 1769 included 63 men and 200 horses and mules which had traveled from San Diego in search of Monterey, but instead discovered San Francisco Bay. Finding the Bay too large to go around, and deciding that Monterey had been bypassed, they ended the search at this site in today’s Menlo Park, and returned to San Diego.

Historic-era Archaeological Resources

The 2009 review of the records and literature on file at the NWIC indicates that no historic-era archaeological resources have been recorded within the Plan area. However, given the intensive use of the area during the early American period, there is the potential for finding historic-era archaeological sites within the Plan area. Historic-era archaeological materials could include stone, concrete, or adobe footings and walls; artifact-filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

Paleontological Resources

Paleontology is a multidisciplinary science that combines elements of geology, biology, chemistry, and physics in an effort to understand the history of life on earth. Paleontological resources, or fossils, are the remains, imprints, or traces of once-living organisms preserved in rocks and sediments. These include mineralized, partially mineralized, or unmineralized bones and teeth, soft tissues, shells, wood, leaf impressions, footprints, burrows, and microscopic remains. The fossil record is the only evidence that life on earth has existed for more than 3.6 billion years. Fossils are considered nonrenewable resources because the organisms they represent no longer exist. Once destroyed, a fossil can never be replaced. The following subsection discusses existing conditions with respect to paleontological resources in the Plan area.

Paleontological Assessment Standards

The Society of Vertebrate Paleontology (SVP) has established guidelines for the identification, assessment, and mitigation of adverse impacts on nonrenewable paleontological resources.^{8,9} Most practicing paleontologists in the nation adhere closely to the SVP’s assessment, mitigation, and monitoring requirements as outlined in these guidelines, which were approved through a consensus of professional paleontologists and are the standard against which paleontological monitoring and mitigation programs are judged.

The SVP (1995) outlined criteria for screening the paleontological potential¹⁰ of rock units and established assessment and mitigation procedures tailored to such potential. **Table 4.4-1** lists the criteria for high-potential, undetermined, and low-potential rock units.

**TABLE 4.4-1
 PALEONTOLOGICAL POTENTIAL CRITERIA**

| Paleontological Potential | Description |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| High | Geologic units from which vertebrate or significant invertebrate or plant fossils have been recovered. Only invertebrate fossils that provide new information on existing flora or fauna or on the age of a rock unit would be considered significant. |
| Undetermined | Geologic units for which little to no information is available. |
| Low | Geologic units that are not known to have produced a substantial body of significant paleontological material. |

SOURCE: SVP, 1995.

⁸ Society of Vertebrate Paleontology (SVP), Assessment and mitigation of adverse impacts to nonrenewable paleontologic resources: standard guidelines, Society of Vertebrate Paleontology News Bulletin, Vol. 163, pp. 22-27, 1995.

⁹ Society of Vertebrate Paleontology (SVP), *Conditions of Receivership for Paleontologic Salvage Collections*, Society of Vertebrate Paleontology News Bulletin, Vol. 166, pp. 31–323, February 1996.

¹⁰ Paleontological potential refers to the likelihood that a rock unit will yield a unique or significant paleontological resource.

Paleontological Resource Potential

The fossil yielding potential of a particular area is highly dependent on the geologic age and origin of the underlying rocks. The project area is directly underlain by a variable thickness of artificial fill or disturbed soil which is typical of an urbanized area. However, the natural geology of the area consists of Pleistocene-age (10,000 to 1.8 million years ago) alluvial fan deposits and Holocene-age (less than 10,000 years ago) levee deposits.¹¹ The Pleistocene alluvium underlies the majority of the project area whereas the natural levee deposits border San Francisquito Creek. These geologic deposits are likely to underlie the disturbed soils within short depths. The paleontological potential of these three units is discussed below.

Artificial Fills

Artificial fills are engineered mixtures 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. If artificial fills contain fossilized remains, they would be severely damaged and fragmented, unidentifiable, and could not be placed within the fossil record. Artificial fills and disturbed soils would thus be unable to yield fossils that could contribute to science or natural history, and thus would not contain unique or significant paleontological resources.

Pleistocene Alluvium

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. Thus, these “stabilized” alluvial fan deposits are old enough to have stiffened and preserved the remains of Pleistocene organisms. In fact, Pleistocene alluvium in California is well known for yielding fossils of extinct vertebrate mammals. Geologic mapping indicates that the unit locally contains fresh-water mollusks and extinct late Pleistocene vertebrate fossils.¹¹ In addition, 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.¹² 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 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 Plan area is unknown.

For these reasons, Pleistocene alluvium is considered as a unit of high paleontological potential, per SVP criteria (Table 4.4-1).

¹¹ United States Geological Society (USGS), *Geologic map and map database of the Palo Alto 30' X 60' quadrangle, California*, Prepared by Brabb E.E., Graymer R.W., and Jones D.L., USGS Miscellaneous Field Studies, Map MF-2332, Version 1.0, 2000.

¹² University of California Museum of Paleontology (UCMP), *Collections Database*. Accessed Online August 20, 2009 at: <http://www.ucmp.berkeley.edu/science/collections.php>.

Holocene Levee Deposits

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). However, early-Holocene sediments may contain organisms in the early stages of fossilization, but such organisms are unlikely to be extinct and are usually abundant in similar deposits. 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.¹³

For these reasons, Holocene levee deposits are considered as a unit of low paleontological potential, per SVP criteria (Table 4.4-1).

4.4.2 Regulatory Setting

Federal

National Historic Preservation Act

Cultural resources are protected through the National Historic Preservation Act (NHPA) of 1966, as amended,¹⁴ and its implementing regulations. Prior to implementing an “undertaking” (e.g., issuing a federal permit for a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal assistance, those requiring a federal permit, license or approval; and subject to state or local regulation administered pursuant to a delegation or approval by a federal agency), Section 106 of the NHPA requires federal agencies to consider the effects of the undertaking on historic properties and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on any undertaking (“find”) that would adversely affect properties eligible for listing in the National Register. Under the NHPA, a “find” is considered significant if it meets the National Register listing criteria at 36 CFR 60.4, as stated below:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

- a) That are associated with events that have made a significant contribution to the broad patterns of our history, or
- b) That are associated with the lives of persons significant in our past, or
- c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction, or

¹³ UCMP, 2009.

¹⁴ U.S. Code. National Historic Preservation Act of 1966 as amended, Public Law 102-575, Section 106 (16 U.S. Code 470f).

- d) That have yielded, or may be likely to yield, information important in prehistory or history.

Federal review of projects is normally referred to as the Section 106 process. This process is the responsibility of the federal lead agency. The Section 106 review normally involves a four-step procedure, which is described in detail in the implementing regulations (36 CFR Part 800):

- Identify historic properties in consultation with the State Historic Preservation Officer and interested parties;
- Assess the effects of the undertaking on historic properties;
- Consult with the State Historic Preservation Officer, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the Advisory Council on Historic Preservation; and finally,
- Proceed with the project according to the conditions of the agreement.

Paleontological Resources Preservation Act

The federal Paleontological Resources Preservation Act (PRPA) of 2002 was enacted to codify the generally accepted practice of limiting the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers; these researchers must obtain a permit from the appropriate state or federal agency and agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers. The act also establishes penalties for illegal salvage of paleontological resources on public lands. This act incorporates key findings of a report, *Fossils on Federal Land and Indian Lands*, issued by the Secretary of Interior in 2000 which included input from staff of the Smithsonian Institution, United States Geological Society (USGS), various federal land management agencies, paleontological experts, and the public. The report establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.¹⁵

State

The State of California implements the National Historic Preservation Act (NHPA) through its statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation (OHP), as an office of the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level. The OHP also maintains the California Historic Resources Inventory. The State Historic Preservation Officer is an appointed official who implements historic preservation programs within the state's jurisdictions.

California Public Resources Code

Several sections of the California Public Resources Code (PRC) protect paleontological resources. Section 5097.5 prohibits "knowing and willful" excavation, removal, destruction, injury, and defacement of any paleontological feature on public lands (lands under state, county,

¹⁵ U.S. Department of the Interior. *Fossils on Federal & Indian Lands*, Report of the Secretary of the Interior, May 2000.

city, district, or public authority jurisdiction, or the jurisdiction of a public corporation), except where the agency with jurisdiction has granted permission.

California Register of Historical Resources

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code [PRC] Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally eligible for or listed in the National Register.

To be eligible for the California Register as a historical resource, a prehistoric or historic-period resource must be significant at the local, state, and/or federal level under one or more of the following criteria:

- a) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- b) Is associated with the lives of persons important in our past;
- c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; and/or
- d) Has yielded, or may be likely to yield, information important in prehistory or history [14 CCR Section 4852(b)].

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register.

Senate Bill (SB) 18

Effective January 2005 and in conformance with SB 18, which was signed into law by the Governor of California in September 2004, starting on March 1, 2005 local governments are required to consult with tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent 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”.¹⁶

¹⁶ State of California. Senate Bill 18, *Traditional Tribal Cultural Places*, September 30, 2004.

According to the Tribal Consultation Guidelines: Supplement to General Plan Guidelines (2005), the following identifies the contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the Native American Heritage Commission [NAHC]) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Local Regulations

City of Menlo Park

Section 16.54 of the City of Menlo Park Zoning Ordinance provides for an Historic Site District (H) for "the protection, enhancement, perpetuation and 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.

The City of Menlo Park maintains no local register of historic resources, but does have two historic properties protected by the (H) Historic Site District Zone. These are the 1886 Holy Trinity Episcopal Church/Russian Orthodox Church at 1220 Crane Street, and the circa 1870 Edgar Mills/Bright Eagle Estate at 1040 Noel Drive. Both of these properties are located outside of, but near, the Plan area boundaries.

The Land Use Element of the City of Menlo Park General Plan (1994) contains the following applicable policy with regard to the protection of cultural resources:

- *Policy I-H-11*: Buildings, objects, and sites of historic and/or cultural significance should be preserved.

The Open Space and Conservation Element of the City of Menlo Park General Plan (1973) also contains the following applicable goal with regard to the protection of cultural resources.

- *Policy 8*: To preserve historic buildings, objects, and sites of historic and cultural significance.

4.4.3 Impacts and Mitigation Measures

Significance Criteria

Implementation of the Plan would be considered to have significant cultural resources impacts if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines;
- Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

Impacts

Impact CUL-1: The proposed Specific Plan could have a significant impact on historic architectural resources. (Potentially Significant)

Archival research in the project area has identified numerous historic-period structures located within the project area, including resources found eligible for listing in the National Register of Historic Places (such as the 1899 John Duff House), California Register of Historic Resources (the 1863 Southern Pacific Railroad Station, CHL 955), and the H (Historic) zoning district (1910 Doughty's Meat Market/Kate Taylor Interiors).

The Historic Site District designates historically, architecturally, or aesthetically significant buildings within the City of Menlo Park as designated landmark sites. The City's Municipal Code states that the City shall not approve or issue a permit for any construction, alteration, removal or demolition of a structure, feature or site, or for a change in use of a structure, site or area within this district, except in conformity with Chapter 16.54 (Historic Site District) and the provisions of Chapter 16.68 (Buildings) of the municipal code. If historic sites in the Plan area were identified in the future and rezoned to fall under the existing Historic Site Zoning District, they would continue to be protected within Menlo Park. No changes to the existing Historic Site Zoning District are anticipated under the proposed Specific Plan.

In addition to recorded architectural resources, the Specific Plan area contains other buildings dating older than 50 years that have not been comprehensively surveyed and evaluated, and may

be eligible for the California or National Registers upon further review. The proposed intensification of development could result in the demolition of regulated historical structures and historic structures not yet registered or deemed eligible for the National Register of Historic Places, but are sites of local historical importance. Upon future review and evaluation, and depending on their physical integrity, some older buildings may be eligible for federal, State, and/or local historic designation, either individually or as an historic district. Implementation of the Specific Plan could result in the demolition or alteration of these potential historical resources, which would be considered a significant impact.

The following mitigation measures would reduce impacts to historic architectural resources to a less-than-significant level.

Mitigation Measure CUL-1: Site Specific Evaluations and Treatment in Accordance with the Secretary of the Interior's Standards:

Site-Specific Evaluations: In order to adequately address the level of potential impacts for an individual project and thereby design appropriate mitigation measures, the City shall require project sponsors to complete site-specific evaluations at the time that individual projects are proposed at or near buildings that are at least 50 years old to determine if the project is subject to completion of a site-specific historic resources study. The following are steps typically taken to assess and mitigate potential impacts to architectural resources for the purposes of CEQA:

When individual projects are proposed at or immediately adjacent to a building or structure that is in excess of 50 years old at the time of the proposal, the project sponsor shall be required to complete a site-specific historic resources study performed by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the evaluation shall consist of a records search, 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 evaluation shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. Certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), have specific requirements for inventory areas and documentation format.

Treatment in Accordance with the Secretary of the Interior's Standards. Any future proposed project in the Plan Area that would affect previously recorded historic resources, or those identified as a result of site-specific surveys and evaluations, shall conform to the *Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995). The *Standards* 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. Individual projects that would demolish or substantially alter historic resources would be required to undergo separate CEQA environmental review.

Significance after Mitigation: Less than Significant.

Archaeological Resources

Impact CUL-2: The proposed Specific Plan could impact currently unknown archaeological resources. (Potentially Significant)

The review of records and literature on file at the NWIC indicates that no prehistoric or historic-period archaeological resources have been previously recorded within the Plan area; however, numerous archaeological sites have been discovered all along the San Francsiquito Creek corridor just outside of the Plan area. No site-specific archaeological studies have been completed in the Plan area and there is a high potential for obscured or deeply buried archaeological resources. Implementation of **Mitigation Measure CUL-2a** and **Mitigation Measure CUL-2b** below would reduce potential impacts to archaeological resources to a less-than-significant level.

Mitigation Measure CUL-2a: When specific projects are proposed that involve ground disturbing activity, a site-specific cultural resources study shall be performed by a qualified archaeologist or equivalent cultural resources professional that will include an updated records search, pedestrian survey of the project area, development of a historic context, sensitivity assessment for buried prehistoric and historic-period deposits, and preparation of a technical report that meets federal and state requirements. If historic or unique resources are identified and cannot be avoided, treatment plans will be developed in consultation with the City and Native American representatives to mitigate potential impacts to less than significant based on either the Secretary of the Interior's Standards described in Mitigation Measure CUL-1 (if the site is historic) or the provisions of Public Resources Code Section 21083.2 (if a unique archaeological site).

Mitigation Measure CUL-2b: Should any archaeological artifacts be found during construction, all construction activities within 50 feet shall immediately halt and the City must be notified. A qualified archaeologist shall inspect the findings within 24 hours of the discovery. If the resource is determined to be a historical resource or unique resource, the archaeologist shall prepare a plan to identify, record, report, evaluate, and recover the resources as necessary, which shall be implemented by the developer. Construction within the area of the find shall not recommence until impacts on the historical or unique archaeological resource are mitigated as described in Mitigation Measure CUL-2a above. Additionally, Public Resources Code Section 5097.993 stipulates that a project sponsor must inform project personnel that collection of any Native American artifact is prohibited by law.

Significance after Mitigation: Less than Significant.

Paleontological Resources

Impact CUL-3: The proposed Specific Plan may adversely affect unidentifiable paleontological resources. (Potentially Significant)

Impacts to paleontological resources would depend on both the degree of excavation that may occur as a result of a construction project allowable under the Specific Plan as well as the paleontological sensitivity of the area. The depth of excavation required to construct foundations for mixed-use, medium density structures is likely to be greater than the depth of existing fills and disturbed soils. While no information exists to refute or confirm the presence of fossils beneath the Plan area, because the majority of the Plan area is underlain by a geologic unit (Pleistocene alluvium) with high paleontological potential, subsurface excavations beyond previously disturbed soils could disturb or destroy paleontological resources. Therefore, impacts to paleontological resources would be potentially significant.

Mitigation Measure CUL-3 would reduce this impact to a less-than-significant level by educating earth moving crews on the appearance of fossils, procedures to follow if any are discovered, and ensuring that a paleontologist assess the significance of any fossil find, and recovers it, if appropriate.

Mitigation Measure CUL-3: Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology (SVP),¹⁷ who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and will follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who will evaluate its significance. Training on paleontological resources will also be provided to all other construction workers, but may involve using a videotape of the initial training and/or written materials rather than in-person training by a paleontologist. If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards.¹⁸

Significance after Mitigation: Less than Significant.

Human Remains

Impact CUL-4: Implementation of the Plan may cause disturbance of human remains including those interred outside of formal cemeteries. (Potentially Significant)

Based upon the records search, no human remains are known to exist within the Plan area. However, the potential exists that construction could result in the disturbance of human remains, including those interred outside of formal cemeteries. Therefore, **Mitigation Measure CUL-4**,

¹⁷ SVP, 1995.

¹⁸ SVP, 1996.

below, is required. Mitigation Measure CUL-4 would reduce impacts to human remains to a less-than-significant level.

Mitigation Measure CUL-4: If human remains are discovered during construction, CEQA Guidelines 15064.5(e)(1) shall be followed, which is as follows:

- In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
 - 1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a) The San Mateo County coroner must be contacted to determine that no investigation of the cause of death is required; and
 - b) If the coroner determines the remains to be Native American:
 1. The coroner shall contact the Native American Heritage Commission within 24 hours;
 2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
 3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
 - 2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - a) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the Commission.
 - b) The descendant identified fails to make a recommendation; or
 - c) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Significance after Mitigation: Less than Significant.

Cumulative Impacts

The geographic context considered for the cumulative cultural resources impacts consists of the area surrounding the Plan area, which, when combined with the Plan area, could result in cumulative impacts. Given the nature of the potential impacts analyzed for this topic, the geographic scope would generally include projects within the Plan area and specifically those listed in Table 4-1.

Historic Architectural Resources

Impact CUL-5: The Specific Plan, in combination with past, present, existing, approved, pending, and reasonably foreseeable future development in the vicinity of the Plan area that would involve demolition of historical resources, could form a significant cumulative impact to historical resources. (Less than Significant)

Development under the Specific Plan could result in the demolition of historical resources for CEQA purposes. Other past, present, existing, approved, pending, and reasonably foreseeable future projects in Menlo Park that have, or will have, resulted in the demolition of historical resources could combine with the Specific Plan projects to form a significant cumulative impact to historical resources. However, there are no past, present, existing, approved, pending, and reasonably foreseeable future projects in the project vicinity that would demolish historical resources, or have the potential to form a significant cumulative impact. In addition, continuation of existing General Plan policies which call for the protection of historic resources, as well as the continued application of the (H) Historic Site District, would further reduce the potential for significant cumulative impacts to historic resources, should such resources be threatened in the future.

Mitigation: None required.

Archaeological and Paleontological Resources

Impact CUL-6: Construction under the Specific Plan in combination with construction from other past, present, existing, approved, pending, and reasonably foreseeable future development in the vicinity could cause a significant cumulative impact to currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries, as well as paleontological resources. (Less than Significant)

Although neither the Plan area nor any of the projects in Table 4-1 has the potential to impact known archaeological or paleontological resources, and because such resources may exist anywhere in Menlo Park, accidental damage to previously unknown resources may occur due to ground-disturbing activities from any or all of the construction projects. In the unlikely event that such impacts were to occur with all of these projects, they could combine to form a significant cumulative impact to archaeological and paleontological resources. However, Mitigation Measures CUL-2a and CUL-2b, CUL-3, and CUL-4, or similar, would be (or are currently

being) implemented by these cumulative setting projects to reduce such impacts to a less-than-significant level. Therefore, cumulative impacts to archaeological or paleontological resources are anticipated to be less than significant.

Mitigation: None required.
