

4.4 CULTURAL RESOURCES

This chapter describes the regulatory framework and existing conditions in the study area related to cultural resources, and the potential impacts of the proposed project on cultural resources. Cultural resources include historically and architecturally significant resources, as well as archaeological, paleontological, and tribal cultural resources.

4.4.1 ENVIRONMENTAL SETTING

4.4.1.1 REGULATORY FRAMEWORK

This section describes the existing federal, State, and local policies and regulations that apply to cultural resources in the city of Menlo Park.

Federal Regulations

National Historic Preservation Act

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

American Indian Religious Freedom Act and Native American Graves and Repatriation Act

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

Paleontological Resources Preservation Act

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

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Indian Lands, issued by the Secretary of Interior in 2000, which establishes that most vertebrate fossils and some invertebrate and plant fossils are considered rare resources.¹

State Regulations

California Register of Historic Resources

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

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

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

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

California Environmental Quality Act

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

Under CEQA, a cultural resource is considered a “historical resource” if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. Criteria identified in the CEQA Guidelines are similar to those described under the NHPA. Under CEQA, the lead agency determines whether projects may have a

¹ U.S. Department of the Interior. *Fossils on Federal & Indian Lands, Report of the Secretary of the Interior*, May 2000. http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning_and_Renewable_Resources/coop_agencies/paleontology_library/paleon_legis.Par.15714.File.dat/fossil.pdf, accessed February 26, 2015.

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

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

State Historical Building Code

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

Public Resources Code Section 5097.5

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

State Laws Pertaining to Human Remains

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are determined to be of Native American origin, the county coroner must contact the California Native American Heritage Commission (NAHC) within 24 hours of this identification. A NAHC representative will then identify a Native American Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. In addition, CEQA Guidelines Section 15064.5

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specifies the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

Senate Bill 18

Senate Bill (SB) 18, signed into law in September 2004, requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning. This legislation, which amended Sections 65040.2, 65092, 65351, 65352, and 65560, and added Sections 65352.3, 65352.4, and 65562.5 to the Government Code; also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations.

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

Assembly Bill 52

The Native American Historic Resource Protection Act (Assembly Bill 52 or AB 52), which went into effect July 1, 2015, sets forth a proactive approach intended to reduce the potential for delay and conflicts between Native American and development interests. AB 52 adds "tribal cultural resources" (TCR) to the specific cultural resources protected under CEQA, and requires lead agencies to notify relevant tribes about development projects. It also mandates lead agencies to consult with tribes if requested by the tribe, and sets the principles for conducting and concluding consultation.

Projects subject to AB 52 are those that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2015. The Governor's Office of Planning and Research (OPR) has until July 1, 2016, to develop guidelines, and the NAHC has until then to inform tribes which agencies are in their traditional area. In absence of the adopted guidelines, OPR suggests addressing if the project would cause a substantial adverse change in the significance of a TCR as defined in Public Resources Code 21074.

Under AB 52, a TCR is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. Or the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.²

² Public Resources Code (PRC) Sections 21074(a)(1) and (2).

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Local Regulations

Menlo Park General Plan

The City of Menlo Park General Plan includes goals, policies, and programs relevant to the environmental factors potentially affected by the proposed project. Applicable goals, policies, and programs are identified and assessed for their effectiveness later in this chapter under Section 4.4.3, Impact Discussion.

Menlo Park Municipal Code

The City of Menlo Park Municipal Code, organized by title, chapter, and section, contains all ordinances for Menlo Park. Title 16, Zoning, includes regulations relevant to cultural resources in Menlo Park as discussed below.

Chapter 16.54, Historic Site District

This chapter outlines the requirements for protecting, enhancing, and preserving the use of structures, sites and areas that are reminders of people, events or eras, or which provide significant examples of architectural styles and the physical surroundings in which past generations lived. Under Section 16.54.030, the City Council can designate a structure, feature, or natural landscape elements, identified as having a special character or historical, architectural, or aesthetic interest, as a landmark.

Chapter 16.68, Buildings

This chapter outlines the requirements for attaining a building permit for the construction, alteration or remodeling of any building other than a single family dwelling, duplex and accessory building, or for any structure on land designated as a historic landmark site. Under Section 16.68.020, request for building permits to do work on a historic landmark site shall be granted by the planning commission if the proposed work is consistent with the historic landmark site district and if the proposed work will preserve, enhance or restore, and not damage the exterior and interior architectural features of the landmark.

4.4.1.2 EXISTING CONDITIONS

Historic Setting

Pre-Western and European Settlement Periods

Prior to the arrival of European missionaries and immigrants, the area surrounding San Francisco Bay, including what would become Menlo Park, was populated by Native Americans, specifically the Ohlone People. The Ohlone People lived a seasonal hunter gatherer lifestyle, relying on the abundant foodstuffs and natural resources provided by the San Francisco Bay ecosystem and trading with neighboring Native American groups. Artifacts from the lives of these early residents of what is now Menlo Park are still being discovered today. As recently as 2012, Native American remains were found at a construction site along

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Willow Road, in Menlo Park.³ Additionally, Native American remains were found at the Prologis commercial development site in the Bayfront Area.

Arrival of Spanish missionaries in the Bay Area disrupted the lifestyle and culture of the Ohlone People, and few Ohlone remained when California became a part of Mexico and later the United States. During California's periods of Spanish and Mexican rule, what would become the Rancho de Las Pulgas was granted to José Argüello and later his son, Luís Argüello. San Francisquito Creek, which served as the boundary of the Rancho, now forms nearly the entirety of the boundary between Menlo Park and Palo Alto. In ensuing battles over ownership, the Argüello family lost much of the original Rancho, opening the door to others who would eventually put down the roots that would establish Menlo Park.

Menlo Park was first given its name when Irish immigrants Dennis Oliver and Daniel McGlynn established farms in the area in the 1850s and named their new home after their Irish home community of Menlough. A distinctive gate, built by Oliver and McGlynn, bore and popularized the name Menlo Park. The gate stood as an important symbol of the town until an automobile crashed into the local landmark in 1922.

Incorporation as a City

In the years after McGlynn and Oliver settled in Menlo Park, the area became a vacation destination for the upper class of San Francisco, with palatial houses on sprawling estates. The arrival of the railroad in 1863 and its connection to San Jose in 1864 dramatically cut the time it took to travel the Peninsula and cemented Menlo Park's role as an easily accessible rural getaway from San Francisco. In response to early infrastructure problems that emerged in the growing town, Menlo Park incorporated in 1874. This first incorporation, which included what would later become Atherton, was undertaken to bring about improvements such as the surfacing of Middlefield Road. Once the desired improvements were completed, however, local leaders ceased to meet and the incorporation lapsed in 1876.

The late 19th century and the early part of the 20th century witnessed a number of events that transformed Menlo Park. The opening of Stanford University in 1891 changed the course of history for Menlo Park and the San Francisco Peninsula. The growth of the University itself and the research and business it generated would become integral to the economy and character of Menlo Park. Perhaps just as transformative was the opening of Camp Fremont, a training ground for US Soldiers to be sent off to World War I, which temporarily increased Menlo Park's population, previously less than 2,000 people, by as much as 40,000 according to some estimates. After the end of WWI, Camp Fremont closed and later became the Veterans Medical Center. The closure of the camp returned the town to more incremental growth, but left behind a number of new businesses and city improvements.

The Modern Era

The modern era brought considerable change and growth to Menlo Park, taking it from a small town to a major player in an increasingly urbanized region. Menlo Park's population marched steadily upward,

³ Eslinger, Bonnie, 2012. San Jose Mercury News. *Native American Remains Found at Menlo Park Construction Site*, November 14. http://www.mercurynews.com/ci_21991249/native-american-remains-found-at-menlo-park-construction, accessed February 26, 2015.

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increasing from 2,414 in 1930 to 26,826 in 1970. In 1923, the citizens of Atherton voted to effectively secede from Menlo Park, formally incorporating as Atherton in 1923. Efforts to bring Atherton into a broader reincorporation of Menlo Park were unsuccessful, and in 1927, Menlo Park voted to incorporate as a municipality independent of Atherton.^{4,5}

The 1920s and 1930s saw the expansion of both Menlo Park's transportation infrastructure and its residential neighborhoods. In 1927, the same year as Menlo Park's official incorporation, the original Dumbarton Bridge opened, creating a new link between the East Bay and the Peninsula. Between 1929 and 1931 the Bayshore Highway (now US 101) was constructed and expanded to Menlo Park. Even then, the new bridges and freeways were subject to traffic and agitated drivers, especially when roads leading to the bridge proved inadequate and football games brought traffic to a standstill. Other roadways underwent similar expansions. In the late 1930s, El Camino Real was paved and widened from two lanes to four. This change meant the closure, demolition, or relocation of many Menlo Park businesses and structures. This time period also saw the beginnings of the Belle Haven neighborhood, with two-bedroom homes in the new development selling for as low as \$2,950 (\$50,000 in 2015 dollars).⁶ Belle Haven was the only major housing development undertaken locally during the worst of the Great Depression, and it was not fully built out until the 1950s.⁷

The mid-twentieth century witnessed Menlo Park becoming a major regional and global leader in technology and the broader economy. In 1946, the Stanford Research Institute was established, making Menlo Park a center of research and innovation. Although the Stanford Research Institute separated from Stanford University and changed its name to SRI International in 1970, this institution is still headquartered in Menlo Park and has contributed to innovations ranging from the computer mouse to the 9-1-1 emergency call system. The 1950s brought increased industrial development to Menlo Park near the San Francisco Bay. Job opportunities in the study area led to an increasingly diverse population in Menlo Park, especially in the areas between US 101 and the Bay. Today, the Belle Haven neighborhood is a focal point for Menlo Park's Latino, African American, and Pacific Islander communities. The expansion of the Silicon Valley economy in the 1980s and 1990s made Menlo Park and the entire San Francisco Peninsula increasingly popular and expensive places to live. The "Dot-Com Boom" in the late 1990s drove up demand for housing in Menlo Park and similar areas with good schools, convenient access to job centers, and high quality of life. Although the recessions that began in 2001 and more recently in 2008 slowed or even temporarily reversed regional job growth, Menlo Park has remained a highly desired community. The latest and ongoing economic expansion has brought new growth and real estate demand to Menlo Park. The bayside campus that once hosted Sun Microsystems is now occupied by Facebook, one of the world's leading technology firms, which continues to grow its headquarters and build

⁴ Svanevik, Michael and Shirley Burgett, 2000, *Menlo Park California Beyond the Gate*, San Francisco: Custom & Limited Editions.

⁵ US Department of Commerce Economics and Statistics Administration Bureau of the Census, 1990. *CPH-2-1 1990 Census of Population and Housing Population and Housing Unit Counts United States*.

⁶ Bureau of Labor Statistics CPI Inflation Calculator. http://www.bls.gov/data/inflation_calculator.htm, accessed February 26, 2015.

⁷ Svanevik, Michael and Shirley Burgett, 2000. *Menlo Park California Beyond the Gate*, San Francisco: Custom & Limited Editions.

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additional office facilities in the city. In addition, the Venture Capital Corridor along Sand Hill Road hosts a number of large employers.

Historical Resources

Information about existing historic resources was obtained from archival research that included a review of the Menlo Park Historical Association,⁸ a *Historic Resources Report* prepared by Knapp Architects in February 2013 for the *City of Menlo Park Housing Element Update, General Plan Consistency Update, and Zoning Ordinance Amendments Environmental Assessment*. The Environmental Assessment included a review of the National Register, California Historical Resources Information System (CHRIS) database, the Historic Property Data File for San Mateo County, the City’s 1990 Historic Sites Survey and the Subdivision Maps and the 1925 Sanborn Fire Insurance Map (updated as late as 1968). In addition, a review of current listings of properties on the National Register, California Historical Landmarks, California Register, and California Points of Historical Interest as listed in the 2012 Office of Historic Preservation’s Historic Property Directory was conducted in preparation of the 2015 *ConnectMenlo Existing Conditions Report*.⁹ The city contains two H-zoned sites (Historic Site District), the AAGP (Allied Arts Guild Preservation District) and the study area includes several designated historic resources. These are listed in Table 4.4-1 and shown on Figure 4.4-1.

TABLE 4.4-1 DESIGNATED HISTORIC RESOURCES IN THE STUDY AREA

Site	Name/Address	Status	Year Built
1	Flood Park 215 Bay Road	California Points of Historical Interest	1930s, 1950s
2	James Valentine Coleman Home 920 Peninsula Way ^a	California Points of Historical Interest	1880
3	Church of the Nativity 210 Oak Grove Avenue	National Register of Historic Places ^b California Points of Historical Interest	1872, 1879, 1888
4	Bright Eagle Mansion 1040 Noel Drive	Menlo Park H-Zoning	1869
5	Barron-Latham-Hopkins Gate Lodge 555 Ravenswood Avenue	National Register of Historic Places California Points of Historical Interest	1864, 1897
6	Menlo Park Railroad Station 1100 Merrill Street	National Register of Historic Places California Historical Landmarks	1867, 1890s
7	Alma Street/East Creek Drive at San Francisquito Creek Portola Journey’s End	California Historical Landmarks	November 6-10, 1769 (occurrence)
8	Nativity of the Holy Virgin Russian Orthodox Church (Holy Trinity Episcopal Church) 1220 Crane Street	Menlo Park H-Zoning	1886, 1957

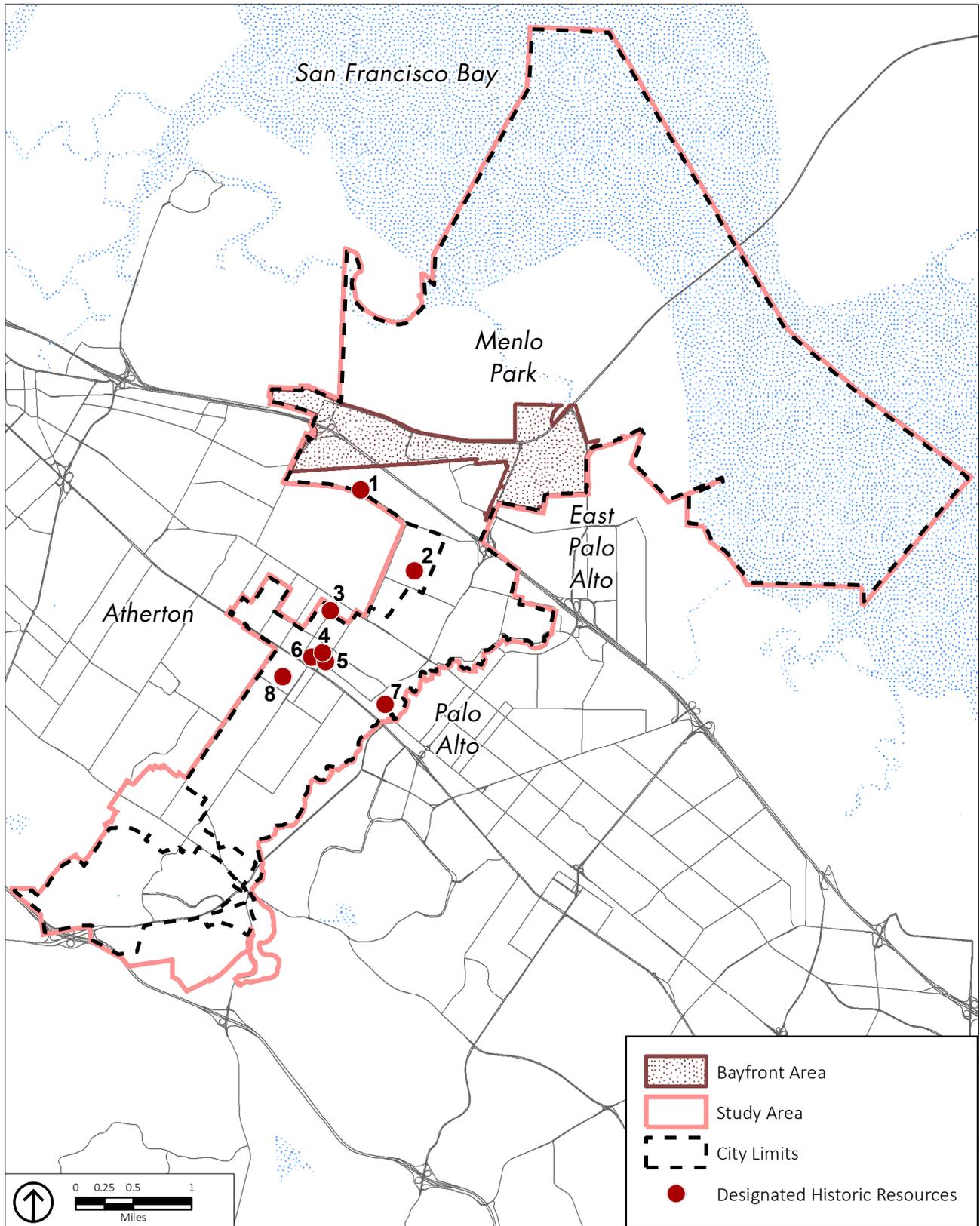
a. This property is not located in Menlo Park, but it is within the Menlo Park General Plan’s Sphere of Influence.

b. Properties listed in the National Register of Historic Places are automatically listed in the California Register of Historical Resources.

Source: Knapp Architects, December 2015.

⁸ Menlo Park Historical Association, <https://sites.google.com/site/mphistorical/home>, retrieved on November 30, 2015.

⁹ City of Menlo Park, ConnectMenlo, Background Information, Maps and Graphics, Existing Conditions Reports, <http://www.menlopark.org/879/Background-Information-Maps-and-Graphics>.



Source: City of Menlo Park; PlaceWorks, 2015

Figure 4.4-1
Designated Historic Resources in Menlo Park

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Archeological Resources

Archaeological resources may be considered to be either “unique archaeological resources” or “historical resources” as defined by CEQA and described previously under subheading “California Environmental Quality Act.” CEQA Section 21083.2, defines a “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

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

Future development under the proposed project would occur on developed or highly disturbed sites in the study area; however, there is potential for archeological resources to exist.

Paleontological Resources

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

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

Artificial Fill

Artificial fill is an engineered mixture of sand, silt and gravel used to prepare areas for urban development and are sourced from natural geologic deposits, but have been excavated, reworked, and transported to their present location; Artificial fill would not comprise any significant fossil records that could contribute to science or natural history, and would not contain unique or significant paleontological resources.

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

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10,000 years ago) deposits are considered too young to have fossilized the remains of organisms (fossilization processes take place over millions of years). These alluvial deposits contain vertebrate and invertebrate fossils of extant, modern taxa,¹⁰ which are generally not considered significant paleontological resources.¹¹ 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.¹²

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. Stabilized alluvial fan deposits are old enough to have stiffened and preserved the remains of Pleistocene organisms; therefore, could have high potential for producing paleontologically significant resources.¹³

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.¹⁴ 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 study area is unknown.

Native American Resources

As previously discussed under the subheading “Pre-western and European Settlement Periods,” Native American remains were found in the study area at a construction site along Willow Road in Menlo Park as recently as 2012.¹⁵

In compliance with SB 18, a letter was sent to the State of California’s Native American Heritage Commission seeking information from the sacred lands files, which track Native American cultural resources, and the names of Native American individuals and groups that would be appropriate to contact regarding the proposed project. The NAHC replied with a letter dated February 11, 2016 in which they

¹⁰ Helley, E.J, et al, 1979. *Flatland Deposits of the San Francisco Bay Region - Their Geology and Engineering Properties, and Their Importance to Comprehensive Planning*, Geological Survey Professional Paper 943, Washington, D.C.: U.S. Geological Survey and Department of Housing and Urban Development.

¹¹ Society of Vertebrate Paleontology, 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*.

¹² University of California Museum of Paleontology (UCMP), *Collections Database*. <http://www.ucmp.berkeley.edu/science/collections.php>. accessed February 26, 2015.

¹³ Society of Vertebrate Paleontology, 2010. *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources*.

¹⁴ University of California Museum of Paleontology (UCMP), *Collections Database*. <http://www.ucmp.berkeley.edu/science/collections.php>, accessed February 26, 2015.

¹⁵ Eslinger, Bonnie, 2012. San Jose Mercury News. Native American Remains Found at Menlo Park Construction Site, November 14. http://www.mercurynews.com/ci_21991249/native-american-remains-found-at-menlo-park-construction, accessed February 26, 2015.

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indicated that the sacred land file has no information about the presence of Native American cultural resources in the study area, and provided a list of Native American contacts (groups and individuals) who may have information regarding known and recorded sites. Letters were sent to the following contacts:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- The Ohlone Indian Tribe

A log of contact efforts is provided in Appendix F, Cultural Resources Data, of this Draft EIR, along with copies of correspondence. No responses or comments from any Tribes have been received as of the date of this Draft EIR.

In response to AB 52, the City has not received any request from any Tribes in the geographic area with which it is traditionally and culturally affiliated with or otherwise to be notified about projects in the city of Menlo Park. Nonetheless, the evaluation of potential impacts to TCRs is addressed below in Section 4.4.3, Impact Discussion, of this chapter.

4.4.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant impact to cultural resources if it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5.
2. Cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
4. Disturb any human remains, including those interred outside of formal cemeteries.
5. Cause a substantial adverse change in the significance of a tribal cultural resources as defined in Public Resources Code 21074.

4.4.3 IMPACT DISCUSSION

This section analyzes potential project-specific and cumulative impacts to cultural resources.

CULT-1	Implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource.
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The types of cultural resources that meet the definition of historical resources under CEQA Section 21084.46 generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Under CEQA, both prehistoric and historic-period

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archaeological sites may qualify based on historical associations.¹⁶ As such, the two main historical resources that are subject to impact, and that may be impacted by development allowed under the General Plan, are historical archaeological deposits and historical architectural resources. The following impact discussion focuses on impacts to historical architectural resources. Impacts to archaeological resources are discussed under CULT-2, and human remains are addressed in impact discussion CULT-4.

As listed in Table 4-4.1 and shown on Figure 4.4-1 under Section 4.4.1.2, Existing Conditions, there are several recognized historic properties in Menlo Park. While none of these sites are within the Bayfront Area, where the new development potential would occur under the proposed land uses changes, future development throughout the 2040 buildout horizon could have the potential to impact historical architectural resources. For sites where historical buildings are demolished or materially altered to allow new development, implementation of the General Plan would cause significant impacts.

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

The proposed Land Use (LU) Element, which would be adopted as part of the proposed project, and existing Section II, Open Space/Conservation (OSC) of the Open Space/Conservation, Noise and Safety Elements and Housing (H) Element, contain general goals, policies and programs. These would require local planning and development decisions to consider impacts to cultural resources, including historic resources. The following General Plan goals and policies would serve to minimize potential adverse impacts on historic resources:

- **Goal LU-2:** Maintain and enhance the character, variety and stability of Menlo Park’s residential neighborhoods.
 - **Policy LU-2.1: Neighborhood Compatibility.** Require new residential development to possess high-quality design that is compatible with the scale, look, and feel of the surrounding neighborhood and that respects the city’s residential character.
 - **Policy LU-2.4: Second Units.** Encourage development of second residential units on single family lots consistent with adopted City standards.

¹⁶ California Code of Regulations (CCR), Title 14, Chapter 3, Section 15064.5(c), Determining the Significance of Impacts on Historical and Unique Archaeological Resources.

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- **Goal LU-4:** Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.
 - **Policy LU-4.5: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- **Goal LU-7:** Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
 - **Policy LU-7.8: Cultural Resource Preservation.** Promote preservation of buildings, objects, and sites with historic and/or cultural significance.
- **Goal OSC-3:** Protect and enhance historic resources.
 - **Policy OSC-3.6: Identification of Potential Historic Resources.** Identify historic resources for the historic district in the Zoning Ordinance and require design review of proposals affecting historic buildings.
- **Goal OSC-1:** Maintain, protect and enhance open space and natural resources.
 - **Policy OSC-1.15: Heritage Trees.** Protect Heritage Trees, including during construction activities through enforcement of the Heritage Tree Ordinance (Chapter 13.24 of the Municipal Code).
- **Goal H-4: New Housing:** Use land efficiently to meet housing needs for a variety of income levels, implement sustainable development practices and blend well-designed new housing into the community.
 - **Policy H-4.3 Housing Design.** Review proposed new housing in order to achieve excellence in development design through an efficient process and will encourage infill development on vacant and underutilized sites that is harmonious with the character of Menlo Park residential neighborhoods. New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.

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

While implementation of the policies and programs identified above, as well as compliance with federal and State laws and the Zoning Ordinance, would minimize potential impacts to historical architectural resources, future development in Menlo Park that is on or adjacent to historical architectural resources could lead to:

- Demolition, which by definition results in the material impairment of a resource's ability to convey its significance.

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- Inappropriate modification, which may use incompatible materials, designs, or construction techniques in a manner that alters character-defining features.
- Inappropriate new construction, which could introduce incompatible new buildings that clash with an established architectural context.

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

Impact CULT-1: Future development in Menlo Park could lead to demolition and alteration that has the potential to change the historic fabric or setting of historic architectural resources such that the resource's ability to convey its significance may be materially impaired.

Mitigation Measure CULT-1: At the time that individual projects are proposed on a site with a building more than 50 years old or any site adjoining a property with a building more than 50 years old, the City shall require the project applicant to prepare a site-specific evaluation to determine if the project is subject to completion of a site-specific historic resources study. If it is determined that a site-specific historic resources study is required, the study shall be prepared by a qualified architectural historian meeting the Secretary of the Interior's Standards for Architecture or Architectural History. At a minimum, the study shall consist of a records search of the California Historical Resources Information System, an intensive-level pedestrian field survey, an evaluation of significance using standard National Register Historic Preservation and California Register Historic Preservation evaluation criteria, and recordation of all identified historic buildings and structures on California Department of Parks and Recreation 523 Site Record forms. The study shall describe the historic context and setting, methods used in the investigation, results of the evaluation, and recommendations for management of identified resources. If applicable, the specific requirements for inventory areas and documentation format required by certain agencies, such as the Federal Highway Administration and California Department of Transportation (Caltrans), shall be adhered to.

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

Significance With Mitigation: Less than significant.

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CULT-2 Implementation of the proposed project would not cause a substantial adverse change in the significance of an archeological resource pursuant to 15064.5.

Archaeological deposits that meet the definition of historical resource under CEQA Section 21084.1 or CEQA Guidelines Section 15064.5 could be present within the study area and could be damaged or destroyed by ground-disturbing construction activities (e.g., site preparation, grading, excavation, and trenching for utilities) associated with development allowed under the General Plan. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

Archival research did not uncover any archeological resources within the city; however, as described in Section 4.5.1.2, Existing Conditions, Native American remains have been found in the study area. Impacts to human remains are discussed below under CULT-4.

While it is highly improbable that archaeological deposits associated with the historic period of Menlo Park and Native American prehistoric archeological sites exist on the locations identified for future development, because these locations are concentrated on sites either already developed, and/or in close proximity to existing development, where development will have a lesser impact on historical archeological resources, the proposed project includes goals, policies and programs to protect impacts to archeological resources. The proposed Land Use (LU) Element, which would be adopted as part of the proposed project, and existing Section II, Open Space/Conservation (OSC) of the Open Space/Conservation, Noise and Safety Elements contain general goals and policies that would require local planning and development decisions to consider impacts to cultural resources, including archeological resources. The following General Plan goals and policies would serve to minimize potential adverse impacts on archeological resources:

- **Goal LU-4:** Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.
 - **Policy LU-4.5: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- **Goal LU-6:** Preserve open-space lands for recreation; protect natural resources and air and water quality; and protect and enhance scenic qualities.
 - **Policy LU-6.11: Baylands Preservation.** Allow development near the Bay only in already developed areas.
- **Goal LU-7:** Promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.
 - **Policy LU-7.8: Cultural Resource Preservation.** Promote preservation of buildings, objects, and sites with historic and/or cultural significance.

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- **Goal OSC-3: Protect and Enhance Historic Resources.** Protect and enhance cultural and historical resources for their aesthetic, scientific, educational, and cultural values.
 - **Policy OSC-3.1: Prehistoric or Historic Cultural Resources Investigation and Preservation.** Preserve historical and cultural resources to the maximum extent practical.
 - **Policy OSC-3.2: Prehistoric or Historic Cultural Resources Protection.** Require significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation, and to ensure compliance with local, state and federal regulations.
 - **Policy OSC-3.3: Archaeological or Paleontological Resources Protection.** Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.
 - **Policy OSC-3.4: Prehistoric or Historic Cultural Resources Found During Construction.** Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.
 - **Policy OSC-3.5: Consultation with Native American Tribes.** Consult with those Native American tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments and land use policy changes.
 - **Policy OSC-3.6: Identification of Potential Historic Resources.** Identify historic resources for the historic district in the Zoning Ordinance and require design review of proposals affecting historic buildings.

Compliance with existing federal, State, and local laws and regulations, and the General Plan goals and policies listed above would protect recorded and unrecorded archaeological deposits in the study area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. However, where future projects require substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred, which could disturb unidentified subsurface materials that have the potential to contain prehistoric archaeological resources, including unrecorded Native American prehistoric archaeological sites, and without proper consultation with Native American Tribes impacts to archeological resources would be *significant*.

Impact CULT-2a: Implementation of the proposed project could have the potential to cause a significant impact to an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CULT-2a: If a potentially significant subsurface cultural resource is encountered during ground disturbing activities, all construction activities within a 100-foot radius of the find shall cease until a qualified archeologist determines whether the resource requires further study. All

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developers in the study area shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction activities shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of the California Environmental Quality Act (CEQA) criteria by a qualified archeologist. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also perform appropriate technical analyses; prepare a comprehensive report complete with methods, results, and recommendations; and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Menlo Park, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

Impact CULT-2b: Future development in Menlo Park could impact archeological resources without proper consultation with Native American Tribes.

Mitigation Measure CULT-2b: As part of the City's application approval process and prior to project approval, the City shall consult with those Native American Tribes with ancestral ties to the Menlo Park city limits regarding General Plan Amendments and land use policy changes. Upon receipt of an application for proposed project that requires a General Plan amendment or a land use policy change, the City shall submit a request for a list of Native American Tribes to be contacted about the proposed project to the Native American Heritage Commission (NAHC). Upon receipt of the list of Native American Tribes from the NAHC, the City shall submit a letter to each Tribe on the provided list requesting consultation with the Native American Tribe about the proposed project via the via the City's preferred confirmation of receipt correspondence tracking method (e.g., Federal Express, United States Postal Service Certified Mail, etc.).

Significance With Mitigation: Less than significant.

CULT-3	Implementation of the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
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No known fossils or unique paleontological resources or unique geologic features are present in the study area; however, geological formations underlying Menlo Park have the potential for containing paleontological resources (i.e., fossils). There could also be fossils of potential scientific significance in other geological formations that are not recorded in the database. It is possible that ground-disturbing construction associated with development allowed under the General Plan could reach significant depths below the ground surface. Should this occur, damage to, or destruction of, paleontological resources could result, which would prevent the realization of their scientific data potential through documentation and analysis.

The existing Land Use (LU) Element, which would be adopted as part of the proposed project, and Section II, Open Space/Conservation (OSC) of the Open Space/Conservation, Noise and Safety Elements, contain general goals, policies, and programs that would require local planning and development decisions to

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consider impacts to cultural resources, including paleontological resources. The following General Plan goals and policies would serve to minimize potential adverse impacts on paleontological resources:

- **Goal LU-4:** Promote the development and retention of business uses that provide goods or services needed by the community that generate benefits to the City, and avoid or minimize potential environmental and traffic impacts.
 - **Policy LU-4.5: Business Uses and Environmental Impacts.** Allow modifications to business operations and structures that promote revenue generating uses for which potential environmental impacts can be mitigated.
- **Goal OSC-3: Protect and Enhance Historic Resources.** Protect and enhance cultural and historical resources for their aesthetic, scientific, educational, and cultural values.
 - **Policy OSC-3.3: Archaeological or Paleontological Resources Protection.** Protect prehistoric or historic cultural resources either on site or through appropriate documentation as a condition of removal. Require that when a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the City identifies superior mitigation. If resources are documented, undertake coordination with descendants and/or stakeholder groups, as warranted.
 - **Policy OSC-3.4: Prehistoric or Historic Cultural Resources Found During Construction.** Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.

Compliance with existing federal, State, and local laws and regulations, and the aforementioned General Plan policies listed above would protect unrecorded paleontological resources or unique geological features in the study area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of paleontological resources or unique geological features to convey their significance through excavation or preservation. However, where future development requires substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred, unrecorded fossils of potential scientific significance and other unique geologic features could exist. Should this type of construction occur, damage to, or destruction of, unknown paleontological resources or unique geologic features could result and impacts would be *significant*.

Impact CULT- 3: Implementation of the proposed project would have the potential to directly or indirectly affect a unique paleontological resource or site, or unique geologic feature.

Mitigation Measure CULT-3: In the event that fossils or fossil bearing deposits are discovered during ground disturbing activities, excavations within a 50-foot radius of the find shall be temporarily halted or diverted. Ground disturbance work shall cease until a City-approved qualified paleontologist determines whether the resource requires further study. The paleontologist shall document the discovery as needed (in accordance with Society of Vertebrate Paleontology standards [Society of Vertebrate Paleontology 1995]), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify

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the appropriate agencies to determine procedures that would be followed before construction activities are allowed to resume at the location of the find. If avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of construction activities on the discovery. The excavation plan shall be submitted to the City of Menlo Park for review and approval prior to implementation, and all construction activity shall adhere to the recommendations in the excavation plan.

Significance With Mitigation: Less than significant.

CULT-4	Implementation of the proposed project would not disturb any human remains, including those interred outside of formal cemeteries.
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Human remains associated with pre-contact archaeological deposits could exist in the study area and could be encountered at the time potential future development occurs. The associated ground-disturbing activities, such as site grading and trenching for utilities, have the potential to disturb human remains interred outside of formal cemeteries. Any human remains encountered during ground-disturbing activities are required to be treated in accordance with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. Descendant communities may ascribe religious or cultural significance to such remains, and may view their disturbance as an unmitigable impact. Disturbance of unknown human remains would be a *significant* impact.

Impact CULT-4: Ground-disturbing activities as a result of future development in Menlo Park could encounter human remains the disturbance of those remains could result in a significant impact under CEQA.

Mitigation Measure CULT-4: Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The San Mateo County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC.

Significance With Mitigation: Less than significant.

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CULT-5 Implementation of the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074.

As previously described in Section 4.4.1.1, Regulatory Framework, under the subheading “Native American Historic Resources Protection Act,” a TCR is defined under AB 52 as a site, feature, place, cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that are either included or eligible for inclusion in the California Register or included in a local register of historical resources, or if the City of Menlo Park, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR.¹⁷

As discussed under CULT-2 and CULT-4, impacts from future development in the study area could impact unknown archeological resources including Native American artifacts and human remains. Impacts would be reduced to less-than-significant impacts with implementation of Mitigation Measures CULT-2a and CULT-2b, and CULT-4.

Therefore, compliance with existing federal, State, and local laws and regulations, and the General Plan goals and policies listed under CULT-2 above, would protect unrecorded TCR’s in the study area by providing for the early detection of potential conflicts between development and resource protection, and by preventing or minimizing the material impairment of the ability of archaeological deposits to convey their significance through excavation or preservation. Furthermore, implementation of these Mitigation Measures CULT-2a and CULT-2b, and CULT-4 would reduce any impacts to TCR discovered in the study area as a result of future development under the proposed project.

Impact CULT-5: Ground-disturbing activities as a result of future development in Menlo Park could encounter TCRs the disturbance of which could result in a significant impact under CEQA.

Mitigation Measure CULT-5a: Implement Mitigation Measures CULT-2a.

Mitigation Measure CULT-5b: Implement Mitigation Measures CULT-2b.

Mitigation Measure CULT-5c: Implement Mitigation Measures CULT-4.

Significance With Mitigation: Less than significant.

¹⁷ Public Resources Code (PRC) Sections 21074(a)(1) and (2).

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4.4.4 CUMULATIVE IMPACTS

CULT-6	Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would result in a significant cumulative impacts with respect to cultural resources.
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Cumulative impacts would occur when a series of actions leads to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative effect. This is most obvious in historic districts, where destruction or alteration of a percentage of the contributing elements may lead to a loss of integrity for the district overall. For example, changes to the setting or atmosphere of an area by adding modern structures on all sides of a historically significant building, thus altering the aesthetics of the streetscape, would create a significant impact. Destruction or relocation of historic buildings would also significantly impact the setting.

Future development planned for under the General Plan would be located within the developed portions of the study area, this, in conjunction with buildout of the city and the region, has the potential to cumulatively impact historical resources. As previously mentioned, impacts to historic architectural resources would be mitigated with implementation of Mitigation Measure CULT-1. Impacts to archaeological resources, paleontological resources, human remains, or TCR's identified within the areas of potential development in the study area and implementation of Mitigation Measures CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c would reduce these impacts to a less-than-significant level; thus, future development set to occur under the General Plan would not create or contribute to a cumulative impact on known cultural resource. Additionally, the existing federal, State, and local regulations and General Plan goals, policies and programs described throughout this chapter serve to protect cultural resources in Menlo Park. For example, development proposals received by the City would, if necessary, undergo review by a cultural resources professional, as outlined in Program OSC-3.A, and project-specific mitigations would be provided as a result of this review. Continued compliance with these regulations and mitigation measures would avoid impacts to historical, archaeological, paleontological resources, human remains, and TCR's to the maximum extent practicable. Therefore, in combination with past, present, and reasonably foreseeable projects, the project would result in a *less-than-significant* cumulative impact with respect to cultural resources.

Impact CULT-6: Implementation of the proposed project, in combination with past, present, and reasonably foreseeable projects, could result in a significant cumulative impact with respect to cultural resources.

Mitigation Measure CULT-6: Implement Mitigation Measures CULT-1, CULT-2a, CULT-2b, CULT-3, CULT-4, and CULT-5a through CULT-5c.

Significance With Mitigation: Less than significant.