

4.4 CULTURAL RESOURCES

This chapter describes existing cultural resources in the Specific Plan Area and evaluates the potential cultural resource impacts associated with future development that could occur by adopting and implementing the proposed Specific Plan Update, and approval and development of the proposed Transit-Oriented Developments (TOD) #1 and #2 (together referred to as the “proposed Project”). Cultural resources include historically and architecturally significant resources, as well as archaeological and paleontological resources.

The analysis in this chapter is based on a cultural resources report prepared by Tom Origer & Associates (TOA) on September 22, 2014. The cultural resources report is included in this Draft EIR as Appendix C, Cultural Resources Data.

4.4.1 ENVIRONMENTAL SETTING

4.4.1.1 REGULATORY FRAMEWORK

This section describes the policies and regulations that apply to cultural resources in the Specific Plan Area, and specifically on the TOD #1 and TOD #2 project sites.

Federal Regulations

National Historic Preservation Act

The National Register of Historic Places (National Register) established by the National Historic Preservation Act (NHPA) of 1966, as amended, recognizes properties that are significant at local, State, and national levels. Officially designated historical resources include districts, sites, buildings, structures, and objects.

Properties that are eligible for listing in the National Register are afforded the same protection given to properties that are listed in the National Register.

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

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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 codifies the generally accepted practice of limited vertebrate fossil collection and limited collection of other rare and scientifically significant fossils by qualified researchers. 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.

State Regulations

California Environmental Quality Act

Public Resources Code Section 21083.2 provides for protection of unique archaeological resources. Preservation of unique archaeological sites is the preferred treatment (21083.2[b]). However, if sites are not to be preserved in place, mitigation measures shall be required as provided in 21083.2(c).

Section 21084.1 addresses the issue of historical resources, which includes prehistoric Native American resources, historical-era archaeological deposits, buildings, structures, objects, and districts. Historical resources are defined as resources that are listed in or determined to be eligible for listing in the California Register of Historical Resources. It also includes resources included in a local register of historical resources or otherwise determined to be historically significant under Section 5024.1.

Section 15064.5 of the CEQA Guidelines states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. The CEQA Guidelines define four ways that a property can qualify as a historical resource for purposes of CEQA compliance:

- The resource is listed in or determined eligible for listing in the California Register of Historical Resources, as determined by the State Historical Resources Commission.
- The resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code, or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- The lead agency determines the resource to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, as supported by substantial evidence in light of the whole record.
- The lead agency determines that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1 (CEQA Guidelines Section 15064.5) which means, in part, that it may be eligible for the California Register.

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In addition, Public Resources Code Section 21083.2 and Sections 15064.5(c), 15064(f), and 15126.4(b) of the CEQA Guidelines specify lead agency responsibilities to determine whether a project may have a significant effect on unique archaeological resources. If it can be demonstrated that a project will damage a unique archaeological resource, the lead agency may require reasonable efforts for the resources to be preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. The Public Resources Code also details required mitigation if unique archaeological resources are not preserved in place.

Section 15064.5(d) and (e) of the CEQA Guidelines specifies procedures to be used in the event of a discovery of Native American human remains on non-federal land. Section 15064.5(d) addresses procedures when an initial study identifies the existence or probable likelihood of Native American human remains within a project area. Section 15064.5(e) provides guidance for accidental discovery of any human remains after a project is already under way. These provisions protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to identify the Most Likely Descendant (MLD) and mediate any disputes regarding disposition of such remains.

California Register of Historical Resources

The California Register of Historical Resources (California Register) establishes a list of properties to be protected from substantial adverse change (Public Resources Code Section 5024.1). The Office of Historic Preservation (OHP) advocates that all historical resources over 45 years old be recorded for inclusion in the OHP filing system, although the use of professional judgment is urged in determining whether a resource warrants documentation. A historical resource may be listed in the California Register if it meets any of the following criteria.

- It 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.
- It is associated with the lives of persons important to local, California, or national history.
- It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic value.
- It has yielded, or may be likely to yield, information important in the pre-history or history of the local area, California, or the nation.

In addition to meeting one or more of the four criteria listed above, a property must possess “integrity,” defined as the ability to convey its significance. Seven elements are considered key in considering a property’s integrity: location, design, setting, materials, workmanship, feeling, and association.

The California Register includes properties that are listed or have been formally determined eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest. Other resources that may be eligible for the California Register, and which require nomination and approval for listing by the State Historic Resources Commission, include:

- Resources contributing to the significance of a local historic district;
- Individual historical resources;
- Historical resources identified in historic surveys conducted in accordance with OHP procedures;

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- Historic resources or districts designated under a local ordinance consistent with the procedures of the State Historic Resources Commission; and
- Local landmarks or historic properties designated under local ordinance.

Additionally, for a resource to be eligible for the California Register of Historical Resources, it must retain sufficient integrity to be recognizable as a historical resource and to convey its significance.

2010 California Historical Building Code, California Code of Regulations, Title 24, Part 8

The California Historical Building Code (CHBC) (as set forth in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code and as subject to the rules and regulations set forth in 24 CCR Part 8), provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings, structures, and properties deemed by any level of government as having importance to the history, architecture, or culture of an area.

Health and Safety Code Sections 7052 and 7050.5

Section 7052 of the Health and Safety Code states that the disinterment of remains known to be human, without authority of law, is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.

California State Senate Bill 18

Senate Bill (SB) 18, which went into effect January 1, 2005, set forth requirements for local governments (cities and counties) to consult with Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning.¹ The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy prior to individual site-specific, project level land use designations are made by a local government.

Public Resources Code Section 5097

Public Resources Code Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on non-federal public lands. The disposition of Native American burials fall within the jurisdiction of the NAHC, which prohibits willfully damaging any historical, archaeological, or vertebrate paleontological site or feature on public lands.

¹ SB 18 amends Government Sections (GC) 65040.2, 65092, 65351 and 65560, while adding GC sections 65352.3, 65352.4, and 65562.5.

Local Regulations

Millbrae 1998-2015 General Plan

The City of Millbrae General Plan, adopted in 1998, includes goals and policies related to cultural resources and historic preservation. Specifically, the Land Use Element includes a policy aimed at protecting cultural resources. The policy relevant to the proposed Project is listed in Table 4.4-1.

TABLE 4.4-1 GENERAL PLAN POLICIES RELEVANT TO CULTURAL RESOURCES

Number	Policy
Land Use (LU) Element	
LU2.5	Historic Preservation. Identify and protect sites and structures of architectural, historical, archaeological, and cultural significance, including significant trees and other plant materials. Require new development in historic areas to complement the character of nearby historic structures.

Source: City of Millbrae General Plan 1998-2015, adopted 1998.

4.4.1.2 EXISTING CONDITIONS

Methodology

The cultural resources analysis conducted by Tom Origer & Associates on September 22, 2014, included as Appendix C, Cultural Resources Data, of this Draft EIR, consists of archival research at the Northwest Information Center (NWIC) at Sonoma State University, examination of the library and files, field inspection, and contact with the Native American community. As stated in the Cultural Resources Study for the proposed Project, approximately 35 percent of the land within the Specific Plan Area has been surveyed for cultural resources.

Record Searches

Records searches were conducted to identify cultural resources within the Specific Plan Area. Records searches were conducted at the NWIC of the California Historical Resources Information System, Sonoma State University, Rohnert Park (File No. 14-0205); the California NAHC, Sacramento; and the University of California Museum of Paleontology (UCMP), Berkeley. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resources records and reports for San Mateo County. The NAHC maintains the Sacred Lands File, which includes the locations of sites with cultural significance to Native American groups. The UCMP's database includes information on locations where fossils have been identified, the taxa of fossils found at a particular location, and the geological formations associated with a fossil locality.

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Field Surveys

On September 18, 2014 a survey was made of buildings within the Specific Plan Area. This survey was conducted to look at previously documented resources, and to look at the built environment to see if there were any distinctive individual buildings, or groups of buildings that could represent a district, within the Millbrae Station Area. As the Specific Plan Area is a highly developed and urbanized area, no archaeological survey was completed for this Project.

Native American Consultation

In compliance with SB 18, as part of the preparation of this EIR the NAHC was contacted in writing in April 2014 and the Amah Mutsun Tribal Band of Mission San Juan Bautista, the Costanoan Rumsen Carmel Tribe, the Indian Canyon Mutsun Band of Costanoan, the Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, the Ohlone Indian Tribe, the Trina Marine Ruano Family, Jakki Kehl, and Linda G. Yamane were contacted in writing in July 2014. A response was received from Anne Marie Sayers of the Indian Canyon Mutsun Band of Costanoan in July 2014 that requested notification when projects in the Specific Plan Area are proposed. Copies of correspondence letters are included in Appendix C, Cultural Resources Data, of this Draft EIR.

Setting

Environmental Setting

Soils mapped for the Specific Plan Area are a combination of Orthents and Urban land. Orthents soils are very shallow to very deep, well-draining soils, formed on alluvial fans, costal terraces, and hills and derived from sandstone. Urban land is formed when 85 percent of the soil surface is covered with asphalt, concrete, buildings, and other structures. Most locations in San Mateo County containing Orthents soils are used for home site development, urban development, or recreation.

Green Hills Creek, Millbrae Creek and several unnamed drainages once flowed into and near the Millbrae Station Area and would have supplied fresh water to the area. In addition, the edge of San Francisco Bay once lay just northeast of where the Peninsula Corridor Joint Powers Board Rail line runs through the Specific Plan Area.

Prehistory and Ethnography

The human occupation of California began at least 11,000 years ago, and the greater San Francisco Bay Area dates back to 7,000-8,000 BC, although sites dating to this time period have not yet been found in the west Bay Area. In Millbrae, various different linguistic evidences exist, which shows that the Millbrae area was occupied by inhabitants since 8,000 BC. The Costanoans were hunter-gatherers who lived in rich environments and settled in large, permanent villages. They often settled near fresh water sources and locations where plant and animal life were diverse and abundant. Bay shore sites that date to this time would not likely be found due to the rise in sea level and the likelihood that these older sites would be buried under five meters or more of sediments. No ethnographic villages or camps are reported within or near the Specific Plan Area.

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General History

Millbrae was still under the jurisdiction of Mission San Francisco de Asis or Mission Dolores when Spanish settlers began to arrive in the late 1760s. In 1835, the land containing Millbrae was granted to Jose Antonio Sanchez, and it was divided equally to his ten children after his death. The name Millbrae comes from the estate name “Mill brae” or “Mill’s rolling hills,” which was the land bought by a California Gold Rush pioneer Darius Ogden Mills. During the early development of the Millbrae area, it was predominantly occupied by farmers and other agriculturalists. Along with the Darius Ogden Mills’ business ventures, small businesses were encouraged and the town became more industrialized and business-centered, especially with the transportation system available and developed in the area.

Millbrae’s central location in the middle of the San Francisco Peninsula allowed the city to be well connected with other neighboring cities. The Southern Pacific Railroad line was built in the 1860s. In 1906, the current train depot was built at the location that is currently Millbrae Train Museum. Other transportation systems, including the #40 interurban streetcar line that connected San Francisco and San Mateo counties, were built in 1890s. The street car lines were dismantled after Millbrae’s incorporation.

The intersection of what is now known as Millbrae Avenue and El Camino Real served as a hub for the early beginnings of Millbrae and there have been buildings within the Millbrae Station Area since 1835 when Jose Antonio Sanchez constructed two adobe buildings.

Archaeological Resources

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

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

No archaeological resources have been discovered within the Specific Plan Area. Known resources within a half-mile radius of the Specific Plan Area include buildings and structures and not buried resources. No pre-historic resources have been recorded in the vicinity and no ethnographic villages or camps are reported within or near the Specific Plan Area. The NWIC has no record of pre-historic or historical archaeological sites with the Specific Plan Area; however, only approximately 35 percent of the Specific Plan Area has been surveyed for the presence of archaeological resources.

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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 that 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 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.

A specimen search of the University of California's Museum of Paleontology collections catalog revealed paleontological specimens within San Mateo County.² The Specific Plan Area is underlain by deposits of the Holocene age (11,700 years ago to present), too recent to contain fossils, and Pleistocene-age alluvial deposits (126,000 – 11,700 years ago), which commonly contain non-marine deposits.³

Historical Architectural Resources

The Southern Pacific Train Depot (Depot) is located on California Drive south of the California Drive/South Irwin Place intersection. The original Depot burned down on two separate occasions and was rebuilt each time. The second time it was rebuilt was in 1906. This building still stands today and was opened as the Millbrae Train Museum by the Millbrae Historical Society in October of 2004. This building has been listed on the National Register of Historic Places. Two sections of the Southern Pacific Railroad (originally known as the San Francisco and San Jose Railway) were recorded as cultural resources; however, due to reconstruction of the railroad in the 1950s and 1990s they were determined to have no historical integrity.

There are three other properties listed on the Office of Historic Preservation's *Historic Property Directory*. These properties are located at 100 El Camino Real and within the TOD #1 project site at 190 El Camino Real (Millbrae Cabinet Shop) and 150 Serra Avenue (Convalescent Home). These properties all have a status code of 6Y, which means that they have been, "Determined ineligible for National Register by consensus through Section 106 process – Not evaluated for California Register or Local Listing." While there are no other local, state, or federally recognized historic properties within or near the Specific Plan Area, several buildings within the Specific Plan Area date to the mid-20th century with a few older individuals, and substantial more modern infill.

² UC Museum of Paleontology Localities, http://ucmpdb.berkeley.edu/cgi/ucmp_query2?stat=BROWSE&query_src=ucmp_BrowseUSstates&table=ucmp_loc2&where-state_prov_std=California&where-county_std=San+Mateo+County&orderby=county_std, accessed on February 27, 2015.

³ U.S. Department of the Interior | U.S. Geological Survey, <http://tin.er.usgs.gov/geology/state/sgmc-lith.php?text=alluvium>, accessed February 27, 2015.

4.4.2 STANDARDS OF SIGNIFICANCE

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

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

4.4.3 IMPACT DISCUSSION

CULT-1	The proposed Project would not have the potential to cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
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The types of cultural resources that meet the definition of historical resources under CEQA generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Under CEQA, both prehistoric and historic-period archaeological sites may qualify as historical resources.⁴ As such, future development under the proposed Project could impact two main types of historical resources: historical architectural resources and historical archaeological deposits.⁵ Historic archaeological deposits are addressed in CULT-2, and human remains are addressed below in impact discussion CULT-4, below.

Specific Plan Update

As described in Section 4.4.1.2, Existing Conditions, there are known historic resources identified within the Specific Plan Area, including the Southern Pacific Depot that is listed on the National Register of Historic Places. However, future development under the Specific Plan Update would not destroy or redevelop this site. The proposed Specific Plan Update includes Land Use Policy 7, which calls for the City to preserve the historic Millbrae depot for public-oriented uses. Potential future development adjacent to the Depot would be required to comply with General Plan Policy LU2.5, which requires new development in historic areas to complement the character of nearby historic structures. Therefore, impacts to the historic Depot would be *less than significant* and no mitigation measures are required.

As described in Section 4.4.1.2 Environmental Setting, several buildings within the Specific Plan Area date to the mid-20th century and have the potential to meet criteria for inclusion on the California Register of Historical Resources. Potential future development, including site preparation, grading, demolition, and construction activities, allowed under the Specific Plan Update could have the potential to result in the physical demolition,

⁴ California Code of Regulations, Title 14, Chapter 3, Section 15064.5(c), Determining the Significance of Impacts on Historical and Unique Archaeological Resources.

⁵ Public Resources Code Section 21083.2(g) defines historical archaeological deposits.

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destruction, relocation or alteration of these potential resources; thus, adversely impacting buildings and structures that may be historical resources.

Several existing regulations would ensure that development and redevelopment activities associated with the Specific Plan Update do not cause a substantial adverse change to a historic resource. As described in Section 4.4.1.1, Regulatory Framework, the California Historical Building Code provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of historical buildings, structures, and properties deemed by any level of government as having importance to the history, architecture, or culture of an area. Potential future development in the Specific Plan Area would also be required to comply with General Plan Policy LU2.5, which requires the City to identify and protect sites and structures of architectural, historical, archaeological, and cultural significance, including significant trees and other plant materials. Under this policy, future development in historic areas would be required to complement the character of nearby historic structures.

Existing regulations and policies would protect historically significant structures and protect structures that have been officially designated as being historically significant. However, the resources that have been identified in the Specific Plan Area as potentially eligible for inclusion on the California Register have not yet been listed by any local governments. Therefore, implementation of the proposed Specific Plan Update could have a *significant* impact on historical resources.

Impact CULT-SP-1: Implementation of the Specific Plan Update could adversely affect current and future historical resources.

Mitigation Measure CULT-SP-1: Prior to the entitlement phase, on a project-by-project basis, buildings and structures over 50 years of age that would be affected by future alteration or demolition should be assessed by a qualified professional that is approved by the Community Development Director, or his/her designee, to determine if further evaluation for potential historical significance is necessary. This initial assessment shall include a review of any future historical resource surveys of the Specific Plan Area, a consideration of the property's architectural integrity and notable features, and other available information. If, based on this preliminary assessment, it is determined that further assessment would be required to determine the property's historical significance as defined by CEQA, an evaluation should be carried out by a professional who meets the Secretary of the Interior's Standards for Architectural History, and the results of the evaluation should be submitted as report of findings to the City. Once the report is reviewed and approved by the City, a copy of the report should be submitted to the Northwest Information Center (NWIC).

CEQA Guidelines Section 15064.5(b)(3) states that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant. Therefore, if, under the project-by-project review described above, a structure is determined to be a historical resource as defined by CEQA, the Secretary of the Interior's guidelines referenced above shall be followed. The documentation should be submitted to the City and the NWIC.

Significance With Mitigation: Significant and Unavoidable.

TOD #1 Project

As described in Section 4.4.1.1, Existing Conditions, there are two properties at 190 El Camino Real (Millbrae Cabinet Shop) and 150 Serra Avenue (Convalescent Home) that have been determined ineligible for the National Register; however, these sites have not been evaluated for listing on the California Register. While the likelihood of these properties to be listed under the California Register is very low given the ineligible listing for the National Register, impacts to historical architectural resources on the TOD #1 project site would be *significant*.

Impact CULT-TOD#1-1: The TOD #1 project could adversely affect historical resources.

Mitigation Measure CULT-TOD#1-1: Prior to the entitlement phase, an evaluation of the two properties at 190 El Camino Real (Millbrae Cabinet Shop) and 150 Serra Avenue (Convalescent Home) shall be carried out by a professional who meets the Secretary of the Interior's Standards for Architectural History, and the results of the evaluation should be submitted as report of findings to the City of Millbrae. Once the report is reviewed and approved by the City, a copy of the report should be submitted to the Northwest Information Center (NWIC).

CEQA Guidelines Section 15064.5(b)(3) states that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant. Therefore, if, under the project-by-project review described above, a structure is determined to be a historical resource as defined by CEQA, the Secretary of the Interior's guidelines referenced above shall be followed. The documentation should be submitted to the City of Millbrae and the NWIC.

Significance With Mitigation: Less than significant.

TOD #2 Project

The TOD #2 project site includes surface parking lots and the current BART parking structure, which would not be altered under the proposed Project; thus, does not include any structures that have been determined eligible for

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the National Register or California Register. Therefore, *no impact* to a known historical architectural resource would occur.

Significance Without Mitigation: No impact.

CULT-2	The proposed Project would have the potential to cause substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
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Historical archaeological deposits that meet the definition of historical resources under CEQA could be damaged or destroyed by ground-disturbing activities associated with future development allowed under the proposed Project. Should this occur, the ability of the deposits to convey their significance, either as containing information important in prehistory or history, or as possessing traditional or cultural significance to Native American or other descendant communities, would be materially impaired.

Specific Plan Update

As described above in Section 4.4.1.2, Existing Conditions, of this chapter, no archaeological resources have been discovered within the Specific Plan Area. Therefore, *no impact* to known historic archeological resources would occur through implementation of the Specific Plan Update and no mitigation measures are required.

Although the locations identified as potential for future development would be concentrated on sites and in areas either already developed where development would have a lesser impact on historical archeological resources, the potential remains that historic archaeological deposits could be discovered where future development under the Specific Plan Update would result in development on, or within the vicinity of, identified cultural resources described in Section 4.4.1.2, Existing Conditions; therefore, uncovering subsurface historic materials (e.g. fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains, such as building foundations and discrete trash deposits). In addition, the Specific Plan Area in its entirety has not been systematically surveyed, leaving approximately 65 percent of the land within the Specific Plan Area unsurveyed for cultural resources. Therefore, it is probable that future projects allowed under the proposed Specific Plan Update that occur where known cultural resources existing or require substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred, could disturb unidentified subsurface materials that have the potential to contain prehistoric archaeological resources, including unrecorded Native American prehistoric archaeological sites. Therefore, impacts to unknown historical archeological resources would be *significant*.

Impact CULT-SP-2: Implementation of the Specific Plan Update would have the potential to cause a significant impact to an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CULT-SP-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 developers in the Specific Plan 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 Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of 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 Millbrae, Northwest Information Center (NWIC), and State Historic Preservation Office (SHPO), if required.

Mitigation Measure CULT-SP-2b: The Community Development Director, or his/her designee, shall notify the Indian Canyon Mutsun Band of Costanoan tribe at the time final applications for future projects under the Specific Plan Update where future development requires substantial excavation that could reach significant depths below the ground surface where no such excavation has previously occurred.

Significance With Mitigation: Less than significant.

TOD #1 Project

As described above in CULT-2 under the Specific Plan Update discussion, no known archaeological resources have been discovered within the Specific Plan Area. Therefore, *no impacts* to known historic archeological resources would occur as a result of the proposed TOD #1 project's development and no mitigation measures are required.

The proposed TOD #1 project would occur on previously disturbed land that is currently highly developed. As described in Chapter 3, Project Description, of this Draft EIR, the proposed TOD #1 project would include two levels of subterranean parking, therefore requiring extensive excavation where no such excavation has previously occurred. Accordingly, development of the proposed TOD #1 project could disturb unidentified subsurface materials that have the potential to contain prehistoric archaeological resources, including unrecorded Native American prehistoric archaeological sites and impacts would be *significant*.

Impact CULT-TOD#1-2: The proposed TOD #1 project would have the potential to cause a significant impact to an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CULT-TOD#1-2a: Implement Mitigation Measure CULT-SP-2a.

Mitigation Measure CULT-TOD#1-2b: Implement Mitigation Measure CULT-SP-2b.

Significance With Mitigation: Less than significant.

TOD #2 Project

As described above in CULT-2 under the Specific Plan Update discussion, no known archaeological resources have been discovered within the Specific Plan Area. Therefore, *no impacts* to known historic archeological resources would occur as a result of the proposed TOD #2 project's development and no mitigation measures are required.

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The proposed development under the proposed TOD #2 project would occur on previously disturbed land that is currently highly developed. As described in Chapter 3, Project Description, of this Draft EIR, the proposed TOD #2 project would not include subterranean levels; however, would include buildings up to six stories tall requiring extensive excavation where no such excavation has previously occurred. Accordingly, development of the proposed TOD #2 project could disturb unidentified subsurface materials that have the potential to contain prehistoric archaeological resources, including unrecorded Native American prehistoric archaeological sites and impacts would be *significant*.

Impact CULT-TOD#2-2: The proposed TOD #2 project would have the potential to cause a significant impact to an archaeological resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measure CULT-TOD#2-2a: Implement Mitigation Measure CULT-SP-2a.

Mitigation Measure CULT-TOD#2-2b: Implement Mitigation Measure CULT-SP-2b.

Significance With Mitigation: Less than significant.

CULT-3	The proposed Project would have the potential to directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
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Specific Plan Update

As discussed in Section 4.4.1.1, Existing Conditions, while paleontological specimens have been identified within San Mateo County, the Specific Plan Area is underlain by deposits of the Holocene age, too recent to contain fossils, and Pleistocene-age, which commonly contain non-marine deposits.⁶ Therefore, it is highly unlikely paleontological resources would be uncovered through ground disturbing activities associated with new development under the Specific Plan Update. 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-SP-3: Implementation of the Specific Plan Update would have the potential to directly or indirectly affect a unique paleontological resource or site, or unique geologic feature.

Mitigation Measure CULT-SP-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

⁶ U.S. Department of the Interior | U.S. Geological Survey, <http://tin.er.usgs.gov/geology/state/sgmc-lith.php?text=alluvium>, accessed February 27, 2015.

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 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 Millbrae 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.

TOD #1 Project

As discussed in CULT-2, the proposed TOD #1 project would include two levels of subterranean parking, therefore requiring extensive excavation where no such excavation has previously occurred. Accordingly, development of the proposed TOD #1 project could disturb unrecorded fossils of potential scientific significance and other unique geologic features could exist, thus, subsequently causing damage to, or destruction of, unknown paleontological resources or unique geologic features could result and impacts would be *significant*.

Impact CULT-TOD#1-3: The proposed TOD #1 project would have the potential to directly or indirectly affect a unique paleontological resource or site, or unique geologic feature.

Mitigation Measure CULT-TOD#1-3: Implement Mitigation Measure CULT-SP-3.

Significance With Mitigation: Less than significant

TOD #2 Project

The proposed TOD #2 project would include buildings up to six stories tall requiring extensive excavation where no such excavation has previously occurred. Accordingly, development of the TOD #2 project could disturb unrecorded fossils of potential scientific significance and other unique geologic features could exist, thus, subsequently causing damage to, or destruction of, unknown paleontological resources or unique geologic features could result and impacts would be *significant*.

Impact CULT-TOD#2-3: The proposed TOD #2 project would have the potential to directly or indirectly affect a unique paleontological resource or site, or unique geologic feature.

Mitigation Measure CULT-TOD#2-3: Implement Mitigation Measure CULT-SP-3.

Significance With Mitigation: Less than significant.

CULTURAL RESOURCES

CULT-4	The proposed Project would not have the potential to disturb any human remains, including those interred outside of formal cemeteries.
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Specific Plan Update

As described in Section 4.4.1.2, Existing Conditions, no known buried resources, pre-historic resources, or ethnographic villages or camps have been reported within or near the Specific Plan Area. However, since only 35 percent of the Specific Plan Area has been surveyed, the potential exists that construction requiring substantial excavation, could result in the disturbance of unknown human remains. Since the proposed Specific Plan Update would allow taller buildings than existing development, which would require substantially greater excavation of the area that has previously occurred, unknown resources could be found within previously developed sites. Therefore, future projects under the Specific Plan Update would have the potential to disturb human remains.

In the event that any human remains are discovered during activities associated with the implementation of the proposed Specific Plan Update, such resources would be treated in accordance with applicable federal and State regulations and guidelines for disclosure, recovery, relocation, and preservation, including Public Resources Code Section 5097, which specifies procedures to be followed in the event of the unexpected discovery of human remains on non-federal public lands. In addition, Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the County Coroner can determine whether the remains are those of a Native American. Section 7050.5(b) outlines the procedures to follow should human remains be inadvertently discovered in any location other than a dedicated cemetery. The section also states that the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. Section 15064.5 of the CEQA Guidelines also specifies procedures to be used in the event of an unexpected discovery of Native American human remains on nonfederal land.

Applicable regulations and procedures described above would ensure that any human remains discovered during construction would be handled appropriately. Therefore, impacts associated with the disturbance of human remains would be *less than significant*.

TOD #1 Project

As described in CULT-4 under the Specific Plan Update, in the event that any human remains are discovered during construction of the proposed TOD #1 project, such resources would be treated in accordance with applicable federal and State regulations and guidelines, ensuring proper handling and preservation of discovered resources. Therefore, impacts associated with the disturbance of human remains would be *less than significant*.

Significance Without Mitigation: Less than significant.

TOD #2 Project

As described in CULT-4 under the Specific Plan Update, in the event that any human remains are discovered during construction of the proposed TOD #2 project, such resources would be treated in accordance with applicable federal and State regulations and guidelines, ensuring proper handling and preservation of discovered resources. Therefore, impacts associated with the disturbance of human remains would be *less than significant*.

Significance Without Mitigation: Less than significant.

4.4.4 CUMULATIVE IMPACTS

CULT-5	The proposed Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to cultural resources.
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The methodology used for the cumulative impact analysis is described in Chapter 4.0, Environmental Analysis, of this Draft EIR. This section analyzes potential cumulative impacts on cultural resources that could occur from development allowed by the proposed Project in combination with other cumulative projects in the regional vicinity of Millbrae.

There is the possibility of encountering buried archaeological and paleontological deposits and human remains throughout Millbrae. Impacts to those resources would need to be assessed on a case-by-case basis. Future projects in Millbrae would be required to comply with General Plan Policy LU2.5, which requires the identification and protection of sites and structures of architectural, historical, archaeological and cultural significance. Furthermore, with implementation of Mitigation Measures identified under CULT-1 through CULT-3, shown above, in combination with applicable federal and State regulations, would help to reduce impacts to cultural resources as a result of the proposed Project. However, due to the potential to impact future unknown historic resources, the proposed Project could contribute to a significant cumulative impact on such resources. Additionally, it is anticipated that other cumulative projects would similarly be required to comply with all applicable existing regulations, procedures, and policies that are intended to address cultural resources impacts. Therefore, the proposed Project's contribution to cultural resource impacts is considered cumulatively considerable, and cumulative cultural resources impacts would be *significant*.

Significance With Mitigation: Significant and unavoidable.

CULTURAL RESOURCES

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