

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

A. PROJECT SUBJECT TO DTSC APPROVAL

PROJECT TITLE: Removal Action Workplan, Proposed Willow Village Residential District		SITE CODING: 202169
PROJECT ADDRESS: Willow Road and Hamilton Avenue	CITY: Menlo Park	COUNTY: San Mateo
PROJECT SPONSOR: Peninsula Innovation Partners, LLC	CONTACT: Brian Zubradt	PHONE/ EMAIL: (650) 521-6415 zubradt@fb.com
Approval Action Under Consideration by DTSC:		
<input checked="" type="checkbox"/> Removal Action Workplan <input type="checkbox"/> Interim Removal <input type="checkbox"/> Initial Permit Issuance <input type="checkbox"/> Permit Re-Issuance <input type="checkbox"/> Corrective Measure Study/Statement of Basis <input type="checkbox"/> Permit Modification <input type="checkbox"/> Closure Plan <input type="checkbox"/> Remedial Action Plan <input type="checkbox"/> Regulations <input type="checkbox"/> Other (specify):		
STATUTORY AUTHORITY:		
<input type="checkbox"/> California H&SC, Chap. 6.5 <input checked="" type="checkbox"/> California H&SC, Chap. 6.8 <input type="checkbox"/> Other (specify):		
<p>PROJECT DESCRIPTION: The project activities involve excavation and offsite disposal of approximately 1,500 cubic yards (cy) of contaminated soils. In addition, project activities will involve installation of vapor intrusion mitigation systems (e.g., vapor barriers combined with passive sub-slab venting) for management of residual contaminants in soil vapor. A land use covenant will be established to ensure that no structures intended for human occupancy may be built without an engineered vapor intrusion mitigation system approved by DTSC, except where it can be shown through additional evaluation that there is no unacceptable risk to human health. Project activities are detailed in the Removal Action Workplan, Proposed Willow Village Residential District (RAW), for the impacted soils and soil vapor.</p> <p><u>Background:</u> The project site consists of a portion of the approximately 59-acre Menlo Science & Technology Park (formerly known as Lincoln Willow Business Park and also referred to as the "Technology Park") located at the southeast intersection of Willow Road and Hamilton Avenue in the City of Menlo Park. The Technology Park currently contains 20 commercial buildings with employee amenities/support services and a mix of office, research and development, and warehousing uses. The existing buildings at the Technology Park were constructed between 1956 and 1996.</p> <p>The project site owner proposes to redevelop the Technology Park as a multi-phase, mixed-use development known as the Willow Village Master Plan Project. The Willow Village Master Plan project would demolish existing buildings and landscaping and construct new buildings, open space, and infrastructure within a Residential/Shopping District, Town Square District, and Campus District. The RAW focuses on the approximately 17.7-acre Residential/Shopping District that would be in the southwestern portion of the Technology Park.</p> <p>Prior environmental studies performed at the Technology Park include Phase I Environmental Site Assessments (ESAs) along with soil, soil vapor, and groundwater quality investigations. Based on data obtained from the prior studies, residual contaminants at low concentrations remain in soil, soil vapor, and groundwater at the site. The primary cause of the contamination reportedly was the placement of solvents into a subgrade concrete sump, associated with a metal plating shop, that subsequently leaked into the soil and groundwater. Previously completed cleanup or remedial actions at the Technology Park included removing the concrete sump in 1992, excavating soils surrounding the sump, and installing a soil vapor extraction (SVE) and groundwater extraction system. The SVE system was successful at treating elevated volatile organic compound (VOC) concentrations in soil near the former sump, and VOC concentrations in groundwater have been significantly reduced. No Further Action was granted by the Water Board in 1999. Because a change in land use from commercial to residential is planned, subsequent studies at the site were completed and</p>		

concluded that site contaminants have significantly reduced in concentration with time and that the Water Board’s (1999) No Further Action status is appropriate for continued commercial use. However, further mitigation measures have been recommended to safely develop the site for residential use.

Project Activities: Project activities will involve the excavation of soil where elevated concentrations of contaminants (i.e., total petroleum hydrocarbons as diesel (TPHd)) were detected at the site. Approximately 1,500 cy of contaminated soil will be transported offsite for disposal at a permitted landfill. The offsite disposal of the contaminated soil will require approximately 90 truck trips.

A Vapor Intrusion Mitigation System (VIMS) will also be constructed and operated beneath each on-grade residential structure as a removal action alternative for addressing contaminants of concern in soil vapor (i.e., cis-1,2-dichloroethene (cDCE), tetrachloroethene (PCE), trichloroethene (TCE), and vinyl chloride (VC)). The VIMS will use vapor barriers combined with passive sub-slab venting to reduce the potential for exposure of future occupants to contaminants via vapor intrusion.

In addition, a land use covenant will be established to ensure that no structures intended for human occupancy may be built without an engineered VIMS approved by DTSC, except where it can be shown through additional evaluation that there is no unacceptable risk to human health.

Soil sampling, evaluation, and management procedures will be presented in a soil management plan (SMP) that will establish appropriate management practices for handling soil vapor or groundwater that may be encountered during construction activities. Because residual VOC concentrations remain in groundwater, existing land use covenants for the site will remain in effect and will continue to restrict pumping of groundwater, along with requiring the preparation of a health and safety plan (HSP) and agency approval prior to the start of any subsurface activities.

Although unlikely, potential short-term risks to onsite workers could result from exposure to contaminants during construction activities. These risks will be mitigated using personal protective equipment for onsite workers and engineering controls along with implementing appropriate risk-reduction measures identified in a SMP and HSP.

As mentioned previously, it is estimated that the project activities will excavate approximately 1,500 cy of contaminated soil. Overall redevelopment of the 59-acre Technology Park will generate up to approximately 407,000 cubic yards of excavated soil, of which approximately 171,000 cy of would be disposed of offsite. In addition, approximately 123,000 cy of demolition waste would be disposed of offsite at a landfill. Excavation of the contaminated soil is considered a part of the anticipated earthwork for the overall redevelopment activities and, therefore, will not substantially increase the amount of soil to be disposed of offsite.

DTSC utilized information and analysis in the Final Willow Village Master Plan Project Environmental Impact Report (EIR) to support a final determination about the type of environmental document required to be prepared for the Removal Action Workplan, Proposed Willow Village Residential District, as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the Final EIR analyzed potential impacts related to contaminated soils in Section 3.12 (Hazards and Hazardous Materials) and potential impacts related to grading and construction in Section 3.4 (Air Quality), Section 3.6 (Greenhouse Gas Emissions), Section 3.7 (Noise), Section 3.8 (Cultural and Tribal Cultural Resources), Section 3.10 (Geology and Soils), and Section 3.11 (Hydrology and Water Quality).

B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED

Lead Agency: City of Menlo Park
Lead Agency’s Environmental Document: Willow Village Master Plan Project Environmental Impact Report
Date Certified: December 6, 2022
State Clearinghouse Number: 2019090428

C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT

Using its independent judgment, DTSC makes the following findings:

- The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision
- The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.
- DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.
- Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project.

<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Air Quality	Mitigation Measure: AQ-1.1 (refer to Environmental Impact Report, Mitigation Monitoring and Reporting Program (April 2022), see Attachment A)
<input type="checkbox"/> Agricultural Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Biological Resources	Mitigation Measure: BIO-5.1 (refer to Environmental Impact Report, Mitigation Monitoring and Reporting Program (April 2022), see Attachment A)
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measure: CR-2.1 and CR-2.2 (refer to Environmental Impact Report, Mitigation Monitoring and Reporting Program (April 2022), see Attachment A)
<input type="checkbox"/> Energy	Mitigation Measure: None
<input checked="" type="checkbox"/> Geology / Soils	Mitigation Measure: PALEO-1 (refer to Environmental Impact Report, Mitigation Monitoring and Reporting Program (April 2022), see Attachment A)
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measure: None
<input type="checkbox"/> Hazards / Hazardous Materials	Mitigation Measure: None
<input checked="" type="checkbox"/> Hydrology / Water Quality	Mitigation Measure: HY-1.1 (refer to Environmental Impact Report, Mitigation Monitoring and Reporting Program (April 2022), see Attachment A)
<input type="checkbox"/> Land Use / Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Noise	Mitigation Measure: NOI-1.1, NOI-1.2, and NOI-2.2 (refer to Environmental Impact Report, Mitigation Monitoring and Reporting Program (April 2022), see Attachment A)
<input type="checkbox"/> Population / Housing	Mitigation Measure: None
<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input type="checkbox"/> Transportation / Traffic	Mitigation Measure: None
<input type="checkbox"/> Tribal Cultural Resources	Mitigation Measure: None
<input type="checkbox"/> Utilities / Service Systems	Mitigation Measure: None
<input type="checkbox"/> Wildfire	Mitigation Measure: None

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and will be implemented to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.

Such changes or alterations are within the responsibility and jurisdiction of the City of Menlo Park not DTSC.

Such changes have been adopted by this public agency or can and should be adopted by this public agency.

Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons: N/A

BASED ON THE ABOVE FINDINGS, DTSC CONCLUDES:

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:

<input type="checkbox"/> Air Quality	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Noise
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services
<input type="checkbox"/> Energy	<input type="checkbox"/> Recreation
<input type="checkbox"/> Geology/ Soils	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Utilities/ Service Systems
<input type="checkbox"/> Hydrology/ Water Quality	<input type="checkbox"/> Wildfire

Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons: The DTSC remedial actions reduce the exposure of contaminated soil, soil gas, and groundwater in order to render it safe for Site occupants. The DTSC remedial project also serves to protect human health and the environment, which are DTSC’s responsibilities under the California Health and Safety Code.

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., tit. 14 Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor’s Office of Planning and Research / State Clearinghouse.

D. CERTIFICATION

Stuart St Clair

12/14/2022

Project Manager’s Signature

Date

Stuart St. Clair
Project Manager’s Name

Hazardous Substances Engineer
Title

(559) 297-3905
Phone #

Ed Walker

12/14/2022

Branch Chief’s Signature

Date

Edward Walker, P.E.
Branch Chief’s Name

Supervising Hazardous Substances Eng II
Branch Chief

(916) 255-4988
Phone #

Attachment A

The following mitigation measures are included in the Lead Agency Final Environmental Document would be implemented as applicable for activities described in the Removal Action Workplan, Proposed Willow Village Residential District.

AQ-1.1: Use Clean Diesel-powered Equipment during Construction to Control Construction-related Emissions. The Project Sponsor shall either:

- Ensure all off-road construction equipment with greater than 25 horsepower and operating for more than 20 hours total over the entire duration of construction activities have engines that meet or exceed either EPA or ARB Tier 4 Final off-road emission standards. The exception to this requirement allows a cumulative total of 618,028 horsepower-hours over the duration of construction activities before residents move onsite and 34,716 horsepower-hours over the duration of construction activities after residents move onsite from the operation of off-road construction equipment that meets standards less than Tier 4 Final; or
- Prior to issuance of building permits, provide supplemental analysis prepared by a qualified air quality specialist to the City for approval that shows that emissions of ROG and NOX, the excess lifetime cancer risk, and the PM_{2.5} concentration would not exceed the thresholds from the 2017 BAAQMD CEQA Air Quality Guidelines using the mix of equipment proposed by the applicant.

NOI-1.1: Construction Noise Control Plan to Reduce Construction Noise. The Project applicant and/or the contractor(s) shall obtain a permit to complete work outside the exempt/standard construction hours outlined in the City of Menlo Park Municipal Code, which may be incorporated into the conditional development permit for the Proposed Project. In addition, the applicant and/or contractor(s) shall develop a construction noise control plan to reduce noise levels and comply with Municipal Code daytime (during non-exempt hours) and nighttime noise standards to the extent feasible and practical, subject to review and determination by the Community Development Department. The plan shall also include measures to reduce noise levels such that a 10-dB increase over the ambient noise level does not occur at nearby noise-sensitive land uses, such as schools and residences to the extent feasible and practical (as determined by the City). Finally, the plan shall include measures to reduce pile driving noise such that noise from this equipment does not exceed 85 dBA Leq at a distance of 50 feet, as feasible.

The plan shall demonstrate that, to the extent feasible and practical, noise from construction activities that occur daily between 7:00 and 8:00 a.m. or between 6:00 p.m. and 10:00 p.m. will comply with the applicable City of Menlo Park noise limit of 60 dBA at the nearest existing residential or noise-sensitive land use, and construction activities that occur between 10:00 p.m. and 7:00 a.m. will comply with the applicable City noise limit of 50 dBA at the residential or noise-sensitive land use. The plan shall also demonstrate that, to the extent feasible and practical (as determined by the City), noise from construction activities during all hours will not result in a 10 dB increase over the ambient noise level at the nearest noise-sensitive land uses, and that pile driving noise would not exceed 85 dBA Leq at a distance of 50 feet. This Noise Control Plan shall be approved by the City prior to the issuance of building permits to confirm the precise noise minimization strategies that will be implemented and to document that strategies will be employed to the extent feasible and practical. Measures to help reduce noise from construction activity to these levels shall be incorporated into this plan and may include, but are not limited to, the following:

- To the extent feasible and practical, plan for the noisiest construction activities to occur during daytime hours when the quantitative standards are less stringent, existing ambient noise levels are generally louder, and when people are less sensitive to noise.
- Require all construction equipment be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) that are in good condition (at least as effective as those originally provided by the manufacturer) and appropriate for the equipment.
- Maintain all construction equipment to minimize noise emissions.
- Locate construction equipment as far as feasible from adjacent or nearby noise-sensitive receptors.
- Require all stationary equipment be located to maintain the greatest possible distance to the nearby existing buildings, where feasible and practical.
- Require stationary noise sources associated with construction (e.g., generators and compressors) in proximity to noise-sensitive land uses to be muffled and/or enclosed within temporary enclosures and shielded by barriers, which can reduce construction noise by as much as 5 dB.
- Install noise-reducing sound walls or fencing (e.g. temporary fencing with sound blankets) around noise-generating equipment, to the extent feasible and practical, where no perimeter wall is provided pursuant to Mitigation Measure NOI-1.2.
- Prohibit idling of inactive construction equipment for prolonged periods during nighttime/non-standard hours (i.e., more than 2 minutes).

- Provide advance notification in the form of mailings/deliveries of notices to surrounding land uses regarding the construction schedule, including the various types of activities that would be occurring throughout the duration of the construction period.
- Provide the name and telephone number of an on-site construction liaison through on-site signage and on the notices mailed/delivered to surrounding land uses. If construction noise is found to be intrusive to the community (i.e., if complaints are received), the construction liaison shall take reasonable efforts to investigate the source of the noise and require that reasonable measures be implemented to correct the problem.
- Use electric motors rather than gasoline- or diesel-powered engines to avoid noise associated with compressed air exhaust from pneumatically powered tools during nighttime hours, to the extent feasible and practical (as determined by the City). Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust could be used; this muffler can lower noise levels from the exhaust by about 10 dB. External jackets on the tools themselves could be used, which could achieve a reduction of 5 dB.

NOI-1.2: Construction of Temporary Noise Barrier along Project Perimeter. The Project contractor(s) shall install an 8-foot-high temporary noise barrier along the complete length of the western and southern perimeter (e.g., areas near residential and school land uses), and along the southernmost 500 feet of the eastern perimeter of the main Project Site. As project buildout occurs, removal and/or adjustment in the location of the perimeter noise barrier may occur because either the construction of project buildings (completion of core and shell) or streets requires barrier realignment, or the perimeter barrier is not needed, as shown by preparation of an acoustical analysis that indicates the balance of the construction activities will not result in construction noise that exceeds the allowable limits.

Regarding the Hamilton Avenue Parcel South, a similar noise barrier shall be installed around the complete length of the southern, western and northern perimeters as well as the southernmost 100 feet of the eastern perimeter of the Hamilton Avenue Parcel South, unless the Project Sponsor can demonstrate, through an acoustical analysis, that construction noise at this site would not exceed the allowable limits. The decision regarding the necessity of this barrier and location(s) shall be subject to review and approval of the City based on evidence and analyses providing by the applicant team.

Regarding the Hamilton Avenue Parcel North, a similar noise barrier shall also be constructed along the complete length of the southern and western perimeters, along with the eastern most 100 feet of the northern perimeter of the Hamilton Avenue Parcel North, unless the Project Sponsor can demonstrate, through an acoustical analysis, that construction noise at this site would not exceed the allowable limits. The decision regarding the necessity of this barrier and location(s) shall be subject to review and approval of the City based on evidence and analyses providing by the applicant team.

The barriers shall be constructed of material that has an acoustical rating of at least 26 STC (Sound Transmission Class). This can include a temporary barrier constructed with plywood supported on a wood frame, sound curtains supported on a frame, or other comparable material.

NOI-2.2: Vibration Control Measures for Annoyance from Daytime Construction Activities Excluding Pile Driving. During daytime hours, construction activity involving a vibratory roller shall take place no closer than 90 feet from residential land uses, 60 feet from office or school land uses, and 35 feet from workshops or retail land uses, to the extent feasible and practical, subject to review and approval by the Community Development Department. In addition, equipment that generates vibration levels similar to a large bulldozer shall take place no closer than 50 feet from residential land uses, 35 feet from office or school land uses, and 20 feet from workshops or retail land uses, to the extent feasible and practical, subject to review and approval by the Community Development Department. Maintaining these distances between equipment and the nearest residential, school/office, or workshop land uses would ensure vibration levels would be below 0.032 PPV in/sec at the nearest residences, 0.063 PPV in/sec at the nearest school or office, and 0.126 PPV in/sec at the nearest workshop, per the requirements in ConnectMenlo Mitigation measure NOISE-2a.

When construction would require the use of these equipment types at distances closer than these to nearby sensitive uses, reduction measures shall be incorporated to the extent feasible and practical, such as the use of smaller or less vibration-intensive equipment. For example, the vibration level from a large bulldozer at 10 feet would be approximately 0.352 PPV in/sec, whereas the vibration level from a large bulldozer at the same distance would be approximately 0.012 PPV in/sec. The vibration level from a small bulldozer at 10 feet would be below all daytime vibration thresholds from ConnectMenlo Mitigation Measure Noise-2a. The feasibility of reduction measures shall be subject to review and determination by the Community Development Department.

In addition, the construction contractor shall appoint a Project vibration coordinator who will serve as the point of contact for vibration-related complaints during Project construction. Contact information for the Project vibration coordinator will be posted at the Project Site and on a publicly available Project website. Should complaints be received, the Project vibration coordinator shall work with the construction team to adjust activities (e.g., drilling instead of driving piles in closer proximity to certain land uses) to the extent feasible and practical to reduce vibration or to reschedule activities for a less sensitive time. The Project vibration coordinator shall notify the Community Development Department of all vibration-related complaints and actions taken to address the complaints.

CR 1.1. Remove, Store, and Reinstall Dumbarton Cutoff Line Tracks. The Project Sponsor shall remove the Dumbarton Cutoff Line tracks, store them during construction of the Proposed Project, and reinstall them in their historic location without irreparable damage to their character-defining historic fabric. The Project Sponsor will prepare a preservation plan specifying the practices to be employed to preserve the historical integrity of the tracks during their removal, storage, and reinstallation. These methods may include the following: using straps to lift rails rather than chains or other “metal on metal” methods, marking or numbering the track components so they can be replaced in their original sequence, and ensuring secure storage onsite or in a lay-down area. Following tunnel construction, the rail segments will be returned to their preconstruction location in Willow Road on new ballast and ties or other appropriate material for the rail crossing. The preservation plan shall be reviewed and approved by the City and Samtrans prior to the issuance of demolition permits related to construction activities within Willow Road, and the Project Sponsor will incorporate the recommended protective measures into construction specifications.

CR 2.1. Avoidance, Monitoring, and Treatment.
Avoidance and Minimization of Ground-Disturbing Activities

The Project Sponsor shall avoid or minimize ground-disturbing excavation in CA-SMA-160/H to the extent feasible in both the high-sensitivity area⁶ (1.77 acres) and revised site boundary (7.03 acres), as detailed below. The City of Menlo Park will review and confirm implementation of mitigation measures with each construction phase.

- The Project Sponsor shall note on any plans that require ground-disturbing excavation that there is potential for exposing buried cultural resources, including Native American burials. Any archaeological site information supplied to the contractor shall be considered and marked confidential.
- The Project Sponsor shall install a culturally sterile engineered cap to cover the archaeological deposit within the Hiller Mound Core and preserve the resource in place. The 4 to 7 feet of engineered fill will function as a protective cover for cultural deposits within the Hiller Mound Core and raise the grade to accommodate future sea-level-rise above the 100-year
- flood elevation, consistent with surrounding areas where buildings will be constructed.
- Onsite soil material is suitable as fill material provided it is processed to remove concentrations of organic material, debris, and particles greater than 6 inches in maximum dimension; oversized particles shall either be removed from the fill or broken down to meet the requirement. Imported fill material shall meet the above requirements and have a plasticity index of less

than 20. Material used for engineered fill shall meet appropriate Department of Toxic Substances Control (DTSC) Environmental Screening Levels (ESLs), as determined by the environmental engineer.

Fill Placement within the Hiller Mound Core Boundary

Construction activities shall be conducted in a manner that protects against penetration of the core area and reduces the potential for disturbance from concentrated surface loads. The following measures shall be implemented within the Hiller Mound Core during fill placement and any subsequent construction to reduce potential impacts on subsurface archaeological materials.

- An elevation contour plan shall be created to guide the surface preparation necessary to place the fill cap within the Hiller Mound Core boundaries. The plan shall show the top of the primary midden elevation, based on archaeological GeoProbe data, to establish a 6-inch-thick buffer zone above the primary midden layer, below which soil disturbance or penetration shall not be permitted.
- Tree root balls from trees removed within the Hiller Mound Core boundary that have roots extending within an area 24 inches from the primary midden layer shall be left in place. Stumps may be ground flat with the existing grade.
- Clearing of surface vegetation within the Hiller Mound Core boundary shall be performed through hand grubbing.
- Ground surface preparation prior to fill placement within the Hiller Mound Core boundary shall use a walk-behind sheepsfoot roller to densify the 6-inch-thick buffer-zone material. The use of relatively light equipment (typical equipment weight of 3,000–5,000 pounds), such as a walk-behind roller, reduces potential for densification below the buffer zone.

- A layer of geogrid reinforcement shall be placed over the prepared ground surface within the Hiller Mound Core boundary. Geogrid shall consist of a triaxial grid (e.g., TX140 or approved equivalent). A second layer of geogrid shall be placed to reinforce the engineered fill approximately 24 inches above the base geogrid layer. Geogrid shall be installed in accordance with the manufacturer's specifications.
- Once the 6-inch-thick buffer zone has been prepared and reinforcement grid placed within the Hiller Mound Core boundary, engineered fill may be placed in 8-inch lifts and compacted using a single-drum ride-on sheepsfoot roller. The roller shall not be parked or left stationary on the Hiller Mound Core overnight. If yielding subgrade is encountered in the buffer zone, the geotechnical consultant may recommend placement of additional layers of reinforcement within the engineered fill. This determination will be based on field observations during preparation of the ground surface.
- In order to protect against construction damage to the primary midden, construction and construction vehicle traffic (with the exception of equipment necessary to place and compact engineered fill) shall not be permitted to rest on or pass over the Hiller Mound Core boundary until after the engineered fill placement is complete to provide a buffer between mound material and the concentrated vehicle loads. Once the fill placement is complete, the primary midden will be protected, but construction equipment and construction vehicle traffic within the Hiller Mound Core nonetheless shall continue to be limited to the minimum necessary to complete construction of the Proposed Project. Vehicles shall not be stationary or parked on the Hiller Mound Core overnight. The contractor shall ensure that vehicles and equipment do not leak fuel or other liquids when operating on the Hiller Mound Core. Leaking vehicles and equipment shall be promptly removed from the Hiller Mound Core area and repaired before use is resumed on the Hiller Mound Core.

Temporary Construction Loading – Installation of Temporary Scaffolding within the Hiller Mound Core Boundary

The following measures shall be implemented within the Hiller Mound Core boundary during scaffold erection to reduce potential impacts on subsurface archaeological materials.

- Scaffolds within the Hiller Mound Core boundary shall be installed no earlier than 3 months after the engineered fill placement related to sea-level rise.
- Scaffolds within the Hiller Mound Core boundary shall use 16-foot square bases on the engineered fill cap. Minor leveling of the fill cap shall be allowed at each scaffold installation, but excavation or other penetrations into the fill surface shall not be permitted. If equipment or the temporary auxiliary structures needed to install the atrium frame and associated glass would disturb more than 12 inches below the surface of the fill, the archeological consultant shall determine whether protective measures shall be required, including the installation of a wood or plastic mat around each scaffold.
- Scaffolds within the Hiller Mound Core boundary shall be removed promptly after installation and inspection of the framework and glass within the atrium to remove pressure from the engineered fill over the Hiller Mound Core.

CR 2.2. Train Workers to Respond to the Discovery of Cultural Resources and Prepare an Archaeological Monitoring Plan and Archeological Treatment Plan. If avoidance or preservation in place are not possible, the following measures will be followed:

- Prior to the start of fill placement and other ground-disturbing construction, the archaeological consultant shall conduct archaeological resources sensitivity training and Native American tribal representatives shall conduct tribal cultural sensitivity training for workers and construction superintendents. Training shall be required for all construction personnel participating in ground-disturbing construction to alert them to the archaeological sensitivity of the area and provide protocols to follow in the event of a discovery of archaeological materials. The principal archaeological consultant and project archaeologist shall develop and distribute for job site posting a document ("ALERT SHEET") summarizing potential finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery. The ALERT SHEET and protocols shall be presented as part of the training. The contractor shall be responsible for ensuring that all workers requiring training are in attendance. Training shall be scheduled at the discretion of the Project Sponsor in consultation with the City. Worker training shall be required for all contractors and sub-contractors and documented for each permit and/or phase of permit that requires ground disturbing activities on-site. For work in the Hiller Mound Core, worker training shall also be included for workers who will work on the surface or who will drive across the Hiller Mound Core.
- The archaeological consultant shall review, identify, and evaluate cultural resources that may be inadvertently exposed during construction to determine if a discovery is a historical resource and/or unique archaeological resource under CEQA. Significant resources shall be subject to treatment/mitigation that prevents an adverse effect on the resource, in accordance with PRC Section 15064.5. Mitigation could include avoidance, preservation in place, or the scientific removal, analysis, reporting, and curation of any recovered cultural materials. If the discovery

constitutes a tribal cultural resource, consultation shall be undertaken with the person the NAHC identifies as the MLD to determine appropriate treatment.

- The Project Sponsor and archaeological consultant shall develop an Archaeological Monitoring Plan (AMP)⁷ to guide archaeological and tribal monitoring of ground-disturbing construction and protect any cultural materials and tribal cultural resources exposed during construction from further damage so they can be identified and evaluated for their potential eligibility for listing in the California Register and properly treated. The AMP's monitoring plan for tribal cultural resources shall be developed in consultation with Native American tribal representatives. The AMP will be submitted to the City of Menlo Park for review and approval prior to issuance of a building permit and/or implementation.

The AMP shall include, at a minimum:

- Background information and context data on the Project and cultural resource;
- Monitoring requirements, including worker awareness training; a discussion of specific locations and the intensity of the monitoring effort for areas with potential for the discovery of unexpected cultural materials; and anticipated personnel, including retention of local Native American tribal representative(s) from lists maintained by the NAHC; Protocols for unexpected discoveries during construction, consistent with Modified ConnectMenlo EIR MM CULT-2a;
- Pre-historic research design, identifying pertinent archaeological research issues and questions; anticipated property types; and data requirements for addressing each research issue to be used for significance evaluation;
- Detailed procedures regarding unexpected significant discoveries made during construction, including a discussion of field and artifact analysis methods to be used.
- Treatment of human remains (consistent with state burial law and recommendations of the NAHC MLD and Modified ConnectMenlo EIR MM CULT-4);
- Laboratory methods, including artifact cataloging and special analyses.
- The plan shall outline provisions for reporting (e.g., Monitoring Closure Report), artifact curation, and potential public outreach in the event of significant finds.
- A formal Archaeological Treatment Plan (ATP), which may include data recovery, shall be prepared prior to any grading or ground-disturbing activity.
- The ATP, similar to the AMP, shall detail the appropriate procedures, analytical methods, and reports to be completed if data recovery of significant archaeological Native American cultural materials, including Native American burials, is undertaken. Curation at an appropriate repository of recovered archaeological and Native American cultural materials shall be arranged once the extent of the collected materials is known. The ATP will be developed and implemented by the project archaeologist; while the precise treatment for identified resources determined in consultation with the City and, for tribal cultural resources, Native American tribal representatives.
- The ATP may be included within the AMP for a combined Archaeological Monitoring and Treatment Plan at the discretion of the archaeological consultant.

BIO-5.1: Avoidance and Pre-construction Surveys for Nesting Migratory Birds. The Project Sponsor shall implement the following measures to reduce impacts on nesting migratory birds:

- To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.
- If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no nests of migratory birds will be disturbed during Project implementation. Surveys shall be conducted no more than 7 days prior to the initiation of construction activities for each construction phase. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, California annual grasslands, buildings) in and immediately adjacent to the impact areas for migratory bird nests.
- If an active nest is found within trees or other potential nesting habitats that would be disturbed by construction activities, a construction-free buffer zone (typically 300 feet for raptors and 100 feet for other species) will be established around the nest to ensure that species that are protected under the MBTA and California Fish and Game Code will not be disturbed during Project implementation. The ornithologist shall determine the extent of the buffer.
- If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the Proposed Project may be removed prior to the start of the nesting season (i.e., prior to February 1). This would preclude the initiation of

nests in this vegetation and prevent any potential delay for the Proposed Project because of the presence of active nests in these substrates.

PALEO-1: Conduct Worker Awareness Training. Before the start of any excavation or grading activities, the construction contractor will retain a qualified paleontologist, as defined by the SVP, who is experienced in teaching non-specialists. The qualified paleontologist will train all construction personnel who are involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils that are likely to be seen during construction, and proper notification procedures should fossils be encountered. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who will evaluate the significance.

The qualified paleontologist will also make periodic visits during earthmoving in high sensitivity sites to verify that workers are following the established procedures.

HY-1.1: Implement Construction Dewatering Treatment (if necessary). If dewatering is needed to complete the Proposed Project, and if water from dewatering is discharged to a storm drain or surface water body, dewatering treatment may be necessary if groundwater exceeding water quality standards is encountered during excavation. Because there is potential for groundwater to be contaminated with VOCs or fuel products at the Project Site, the Project Sponsor would be required to comply with the San Francisco Bay Regional Water Board's VOC and Fuel General Permit (Order No. R2-2018-0050) if groundwater exceeding water quality standards is encountered.

If dewatering requires discharges to the storm drain system or other water bodies, the water shall be pumped to a tank and tested using grab samples and sent to a certified laboratory for analysis. If it is found that the water does not meet water quality standards, it shall be treated as necessary prior to discharge so that all applicable water quality objectives (as noted in Table 3.11-2) are met or it shall be hauled offsite instead for treatment and disposed of at an appropriate waste treatment facility that is permitted to receive such water. The water treatment methods selected shall remove contaminants in the groundwater to meet discharge permit requirements while achieving local and state requirements, subject to approval by the San Francisco Bay Regional Water Board. Methods may include retaining dewatering effluent until particulate matter has settled before discharging it or using infiltration areas, filtration techniques, or other means. The contractor shall perform routine inspections of the construction area to verify that water quality control measures are properly implemented and maintained, observe the water (i.e., check for discoloration or an oily sheen), and perform other sampling and reporting activities prior to discharge. The final selection of water quality control measures shall be submitted in a report to the San Francisco Bay Regional Water Board for approval prior to construction. If the results from the groundwater laboratory do not meet water quality standards and the identified water treatment measures cannot ensure that treatment meets all standards for receiving water quality, then the water shall be hauled offsite instead for treatment and disposal at an appropriate waste treatment facility that is permitted to receive such water.