



**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

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July 1, 2021

VIA Email

In reply, refer to: NASA_2021_0428_001

Mr. Jonathan Ikan
Center Cultural Resources Manager
NASA Ames Research Center
Mail Stop 213-8
Moffett Field, CA 94035

Subject: NASA Research Park Housing Lease and the Mountain View Housing Ventures LLC Housing Project, NASA Ames Research Center, Moffett Field, Santa Clara County, California

Dear Mr. Ikan:

The California State Historic Preservation Officer (SHPO) has received the April 27, 2021, letter initiating consultation regarding an undertaking at NASA Ames Research Center (ARC). NASA is consulting with the State Historic Preservation Officer (SHPO) to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. §306108), as amended, and its implementing regulations at 36 CFR Part 800.

Along with the letter, NASA submitted a report entitled *Cultural Resources Technical Report for the Mountain View Housing Ventures LLC Housing Project, NASA Ames Research Center, Moffett Field, Santa Clara County, California*, prepared by ASM Affiliates, Inc., and dated March 2021, that provides the Section 106 analysis, project maps, and photographs.

The proposed undertaking, as described, involves a long-term enhanced use lease between NASA as Landlord and Mountain View Housing Ventures LLC (MVHV) as Tenant for development of approximately 46 acres of land, where MVHV will have the right to design, construct, manage, and operate new housing, retail, and related facilities. MVHV plans to develop housing ranging from a minimum of 1,900 dwelling units up to a maximum of 2,078 dwelling units. The project may also include up to 250,000 square feet of ancillary uses and up to 100,000 square feet of retail, office, hospitality, and/or other non-residential uses. The project would include linear ground trenching for subterranean utilities that extend outside the housing area. Several billboards would be located along the southern edge and eastern edge of the Housing Project. NASA provided no design documents with the consultation package.

NASA identified the Area of Potential Effects (APE) for the undertaking encompassing the Housing Project footprint, linear utility corridors, and additional areas that may be affected visually. NASA defined the vertical APE as approximately 4 feet deep related to excavation for building foundations, 75 feet deep for closed boring or auguring for the Housing Project area, 4 to 6 feet for trenching utility corridors, and up to 20 feet for trenching sewers.

A Sacred Lands File search requested from the Native American Heritage Commission (NAHC) dated November 18, 2019, was negative. NASA contacted six non-federally recognized tribal representatives identified by the NAHC for additional information; the single response on November 24, 2019, was a request for a copy of the technical report.

Previous surveys indicate that the following archaeological sites may intersect with the utility corridors in the APE: CA-SCL-15, CA-SCL-16, CA-SCL-20/H, CA-SCL-21, and CA-SCL-24. Previous testing efforts were conducted within CA-SCL-20/H and -24 that did not reveal any remaining or intact cultural deposits. Previous survey and excavation activities associated with CA-SCL-21 did not reveal any evidence of the site. ASM conducted a pedestrian archaeological survey of all areas within the project area with ground surface visibility; no evidence of archaeological materials was found. Based on the previous studies and survey, CA-SCL-20/H, -21 and -24 do not appear intact within the APE. The current conditions, depth and extent of possible archaeological deposits or exact locations of CA-SCL-15 and -16 are unknown as no subsurface testing has been conducted to verify. NASA proposes to treat these sites as historic properties for the purposes of this Section 106 review.

CA-SCL-15 and CA-SCL-16 appear to be within a proposed utility corridor. Therefore, there is a potential for adverse effects to previously documented and undocumented archaeological resources, which may qualify as historic properties, during construction. NASA will impose the conditions to avoid adverse effects in accordance with 36 CFR 800.5(d)(2).

Previous surveys identified sixty-four extant built environment resources in the APE, including 26 contributors to the NAS Sunnyvale Historic District and 38 other previously evaluated resources. ASM conducted an intensive built environment survey of the APE and identified seven additional built environment resources. ASM reevaluated all extant resources identified; the 26 district contributors were still eligible for listing in the NRHP and the remaining 45 resources were not eligible.

The Housing Project poses the potential to cause adverse visual effects to the NAS Sunnyvale Historic District, specifically its contributors in the APE. Although there will be an effect to a character-defining view toward Hangar 1, that effect would not be adverse. NASA proposes to impose conditions to avoid adverse effects in accordance

with 36 CFR 800.5(d)(2) as the design of the Housing Project is developed to ensure continued conformance with the Secretary of the Interior's Standards. With implementation of the conditions listed below and taken from the Cultural Resources Technical Report, NASA determined that the Housing Project will not result in any adverse effects, including cumulative, to the NAS Sunnyvale Historic District or Hangar 1.

NASA's Conditions Imposed to Avoid an Adverse Effect

As the construction of the Housing Project poses the potential to cause visual effects to the contributing resources of the NAS Sunnyvale HD as well as previously documented and potential previously undocumented archaeological deposits that may exist within the area of subsurface disturbance, the below conditions will be imposed to avoid any potential for an adverse effect pursuant to 36 CFR 800.5(d)(2). Pursuant to 36 CFR 800.5(d)(2), the following measures will be incorporated into the NASA approval for the Housing Project in order to avoid any potential for an adverse effect to the NAS Sunnyvale HD and to any previously undocumented or underdocumented archaeological deposits that may exist within the area of subsurface disturbance:

- To ensure conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards), the project applicant will retain a qualified professional to consult on and evaluate project construction plans at three phases in design development: conceptual, 30-50%, and 90% design review phases. The qualified professional will meet the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR Part 61) for Architectural History or Historic Architecture. The analysis will be based on the extent of the architectural plans, including elevations/renderings, that are complete at the conceptual, middle (30-50%), and final (90%) phases of design as follows:
 1. The qualified professional will prepare and submit a memorandum (memo) to MVHV and NASA that documents and analyzes the **conceptual** design against the SOI Standards to establish conformance with the SOI Standards. NASA cultural resources staff will review the memo and, should NASA cultural resources staff disagree with any conclusions in the memo, they will notify MVHV within two weeks of NASA's receipt of the memo of proposed design changes. The plans will not be resubmitted, but those changes will be incorporated into the next plan submission.
 2. The qualified professional will prepare and submit a memo to MVHV and NASA that documents and analyzes the **30-50%** design to address any subsequent design changes (which may include proposed design changes from NASA and the design professional from the conceptual design submission) with the potential

to cause visual effects to the NAS Sunnyvale HD that occurred from the time the Housing Project was originally found in conformance. Should NASA cultural resources staff disagree with any conclusions in the memo, they will notify MVHV within two weeks of receipt of the memo of proposed design changes. The plans will not be resubmitted, but those changes will be incorporated into the next plan submission.

3. The qualified professional will prepare and submit a memorandum to NASA that documents and analyzes the **final (90%)** construction plans to address any subsequent design changes (which may include proposed design changes from NASA and the design professional from the 30-50% design submission) with the potential to cause visual effects to the NAS Sunnyvale HD that occurred from the time the Housing Project was originally found in conformance. NASA cultural resources staff must approve the memo that will confirm that final (90%) construction plans are in conformance with the SOI Standards prior to NASA's issuance of a building permit.
- Based on the documented archaeological sensitivity of portions of the Project area as well as findings of recent archaeological testing within the airfield (but outside of the Project area), ASM recommends avoidance of all ground-disturbing activities in the vicinity of previously documented archaeological sites CA-SCL-15 and CA-SCL-16 (see Confidential Appendix E), as well as the other areas of potential sensitivity for both prehistoric and historical-era subsurface resources that have been identified within the APE (Figure 17).
 - If project redesign cannot achieve full avoidance of the proposed utility corridor that crosses the airfield just south of the hangars that would have the potential to impact sites CA-SCL-15 and CA-SCL-16, utilities will be installed via underground directional boring rather than open trenching, to allow utility installation below the depth of archaeological sensitivity. Based on geoarchaeological data obtained from nearby airfield site CA-SCL-19, which is situated to the south of CA-SCL-15 and CA-SCL-16, the maximum depth of potential archaeological sensitivity for these two sites is anticipated to be approximately 5.5 feet below surface. Entry and exit pits for directional drilling will be excavated a minimum of 75 feet from the previously mapped boundaries of these two sites, and the drilling/utility installation will be undertaken at a minimum of 9 feet below ground surface.
 - Where ground disturbance within the proposed utility corridor segment that has the potential to impact sites CA-SCL-15 and CA-SCL-16 may take place due to an inability to redesign the project to achieve full avoidance, e.g., if manholes must be placed or vertical boring undertaken to advance an underground utility line as described above, the project applicant will retain a qualified professional

who meets the *Secretary of Interior's Professional Qualifications Standards* for Archeology to conduct a limited archaeological testing program. The extent of the testing protocol will be developed in consultation with NASA and will take place within each specific targeted manhole or boring location to ensure that no cultural resources are present prior to project construction.

- Where ground disturbance may take place due to an inability to redesign the project to achieve full avoidance within any of the areas of Heightened Prehistoric and Historic-era Archaeological Sensitivity within the APE (Figure 17), the project applicant will retain a qualified professional who meets the *Secretary of Interior's Professional Qualifications Standards* for Archeology to monitor any initial ground disturbance that extends beyond an existing building foundation or where soils subject to ground disturbance have surface visibility (e.g., mass-excavation, open trenching, drill cuttings, etc.). Monitoring shall be conducted within the areas of archaeological sensitivity within the Project area under the following conditions:
 1. The monitor shall be on-site at a pre-construction meeting to discuss monitoring protocols.
 2. The monitor shall be notified at least 48 hours in advance of reaching the estimated depths of previously undisturbed soil.
 3. Monitoring will not be required during underground directional boring activities during which no subsurface soils are visible for inspection.
 4. Monitors shall be empowered to temporarily halt construction or divert equipment to allow assessment and/or removal of archaeological resources.
 5. If any archaeological resources are identified during construction activities, the following shall occur:
 - The qualified archaeologist shall flag the immediate area of the discovery and notify the construction crew immediately. No further disturbance within at least 50 feet of the flagged area shall occur until the qualified archaeologist has cleared the area.
 - The qualified archaeologist shall quickly assess the nature and potential significance of the find. If the material is not significant, it shall be documented in the monitoring notes and the area cleared for construction to continue. Examples of such finds include isolated artifacts such as debitage, shell fragments, or other such materials that derive from disturbed soils or contexts of secondary deposition.

- If the discovery is potentially significant or requires further investigation, the qualified archaeologist shall notify NASA immediately, providing information about the find and recommendations for treatment. NASA will consult with SHPO as appropriate. Such discoveries include intact midden deposits, human remains, or potential grave goods.
- If there are future design plan changes (e.g., shift in off-site utility locations), MVHV will work with ASM and NASA to review the modifications. If NASA determines that the change is not material or would not necessitate material alterations to the conditions described above, the changes will be approved and no further consultation with the SHPO will be required.

By imposing the above conditions, NASA determined that the Housing Project will not cause an adverse effect on previously documented archaeological sites CA-SCL-15 and CA-SCL-16, any previously undocumented archaeological resources that may be identified during construction activities within areas of heightened sensitivity, or NRHP-listed NAS Sunnyvale HD nor any of its contributing resources including Hangar 1.

After reviewing the information submitted by NASA, the SHPO offers the following comments.

- This project qualifies as an undertaking with the potential to affect historic properties.
 - However, the letter and report do not specify what will happen to the existing buildings and structures within the project footprint.
 - Please clarify the scope of work in this regard, particularly if total or partial demolition of all buildings and structures is proposed.
 - If demolition is proposed, please specify the potential locations and depths of disturbance.
 - Additionally, it is unclear from the submitted documents and letter whether the project design was able to be refined to avoid the areas where CA-SCL-15 and CA-SCL-16 are suspected to be located. Please clarify and provide additional information regarding the latest project design, especially in relation to these two resources. If project design cannot avoid these areas, the SHPO recommends additional consultation on the feasibility and merit of additional subsurface archaeological testing.

- NASA stated that comments received during consultation with tribal representatives included a request for a copy of the technical report. Please verify that this request was granted, whether there was any follow up correspondence, and whether any additional comments were received.
- Because the properties potentially affected by the undertaking includes the NAS Sunnyvale Historic District and known archaeological sites, it would be appropriate to include the entire district and the entire site boundaries, as well as the project footprint, in the APE.
- The SHPO finds identification and evaluation efforts to be insufficient based upon the information submitted.
 - Based upon the technical report, NASA reaffirmed the status of 26 contributors to the NASA Sunnyvale Historic District. The SHPO concurs that these 26 properties retain their contributing status.
 - The technical report noted that 16 properties covered in a 1994 survey and recommended as not eligible for listing in the National Register could not be re-located and were presumed to have been demolished. (Refer to Table 6. Demolished Properties)
 - NASA should confirm this information from the technical report and revise the DPR 523 forms with a definitive conclusion rather than the consultant having to presume demolition.
 - This situation, along with restricted access during the survey, gives the impression that the consultant did not have NASA's cooperation in preparing the technical document.
 - The technical report noted 38 properties covered during a 1998/1999 survey of Cold War-era resources at Moffett Federal Airfield that were found ineligible for listing under Criteria Consideration G as properties less than 50 years old. (Refer to Table 4. Properties Previously Evaluated Under Criteria Consideration G)
 - The 1998 DPR 523 forms provided no historic context for the 38 properties beyond stating that they were support buildings found at Naval installations regardless of mission.
 - The current report provided update DPR 523 forms for most of these properties and concluded that none of the 30 properties that have become 50 or more years old are eligible. However, the

update forms also provided no historic context beyond noting the properties are support buildings. In many cases, the original use of the building was not provided.

- The update forms were also not clear if they were addressing individual eligibility or NAS Sunnyvale Historic District contributor status for these resources.
 - While the SHPO acknowledges that support buildings are unlikely to be found significant at Ames Research Center, these 30 update evaluations do not provide enough information to support their conclusions. It should be noted that some of these properties date to the updated period of significance for NAS Sunnyvale Historic District (1930 – 1961).
 - For the eight properties that are still less than 50 years old (or were when the evaluations were done), the update forms have the same issues. It is likely that the ineligible conclusion is accurate for these properties, but the forms do not provide enough information to support their conclusions.
- The technical report identified seven properties that were not included in any previous evaluation efforts. All but Building 104 are within the project footprint, and none are within the NAS Sunnyvale Historic District boundary. (Refer to Table 5. Properties Not Previously Evaluated)
 1. Building 77, South Gate Sentry House, constructed in 1944.
 2. Building 82, Athletic Storage, 1944.
 3. Building 104, Substation, 1943.
 4. Building 111, Transportation Storage, 1944.
 5. Building 380, Bus Shelter, 1957.
 6. Building 534, BBQ Shelter, 1971.
 7. Building 945, Athletic Field Dressing Rooms, 1940.
 - The SHPO concurs that none of these properties is individually eligible for listing in the National Register.
- Until the questions regarding the definition of the undertaking and identification and evaluation of historic properties are resolved, the SHPO is unable to comment on NASA's assessment of adverse effects.
 - Please note that the SHPO is unlikely to agree to the proposed condition that no further consultation with the SHPO is necessary while NASA and MVHV proceed

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with project design.

- The SHPO is also unlikely to agree to the proposed conditions regarding archaeological resources that treat unevaluated sites as eligible while also affecting them. It is not good Section 106 practice to resolve effects without an agreement that implements measures to reduce the level of adverse effects, which is a common approach under CEQA.

If there are any questions or concerns, please contact State Historian Mark Beason, at (916) 445-7047 or mark.beason@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be 'J Polanco', with a long horizontal line extending to the right.

Julianne Polanco
State Historic Preservation Officer