

G. CULTURAL RESOURCES

This section describes the cultural resources setting and evaluates potential impacts of the Measure DD Project to those cultural resources that would result from project construction and implementation. Mitigation measures are recommended to avoid or reduce potentially significant impacts.

Cultural resources are sites, buildings, structures, objects, and districts that have traditional or cultural value for the historical significance they possess. Cultural resources thus include a broad range of resources ranging from archaeological materials, to historic roadways and railroad tracks, to buildings of architectural significance. CEQA requires that effects to cultural resources be considered in the planning process for discretionary projects.

The following section includes a description of the methods used to conduct the cultural resources analysis, and is followed by a brief historical overview of the project sites and surroundings. The section also describes the methods used for the cultural resources analysis, provides a description of the legislative context for the protection of cultural resources, and discusses whether the existing structures in the project site are considered historic resources.

1. Setting

This section presents the methods used to describe the cultural setting and existing conditions for the project. The prehistoric, ethnographic, and historical setting of the component areas and vicinity are then described.

a. Methods. Background research was conducted to: (1) identify previously recorded or otherwise known cultural resources and cultural resource studies in or adjacent to the project areas; and (2) obtain information about the archaeology, ethnography, and history of the project areas. Field visits were made to some of the component areas to assess the general cultural resources sensitivity of those areas and potential impacts to resources. Consultation was conducted with organizations that may have information on cultural resources in the project areas.

(1) Records Searches. On January 12, 2007, a records search of the project component areas and a ¼-mile radius around them was conducted at the Northwest Information Center (NWIC) (File #06-1083) of the California Historical Resources Information System, Sonoma State University, Rohnert Park. The NWIC, an affiliate of the State of California Office of Historic Preservation (OHP), is the official State repository of cultural resource records and reports for Alameda County. On December 20, 2006 and January 24, 2007, records searches were conducted at the Oakland Cultural Heritage Survey (OCHS) for the project areas. The OCHS is a division of the Oakland City Planning Department and has completed Historic Resources Inventory and/or California Department of Parks and Recreation 523 forms for numerous buildings and structures of historical interest within the City.

(2) Literature Review. LSA reviewed publications and maps for archaeological, historical, ethnographic, and environmental information about the project areas and vicinity.

(3) Field Review. Field reviews of portions of the Lake Merritt and Lake Merritt Channel group and Waterfront Trail group were completed on December 12 and 20, 2006. Field reviews were

undertaken to determine the existing conditions and general cultural resource sensitivity of the project areas.

(4) Consultation. Consultation with the Native American Heritage Commission, Alameda County Historical Society, and Oakland Heritage Alliance occurred as follows:

Native American Heritage Commission. On January 17, 2007, a letter and maps depicting the project component areas were sent to the Native American Heritage Commission (NAHC) in Sacramento requesting a review of their sacred lands file for any Native American cultural resources that might be affected by the proposed project. Debbie Pilas-Treadway, NAHC Environmental Specialist III, responded in a faxed letter on January 22, 2007, that a review of the sacred land file did not indicate any "Native American cultural resources in the immediate project area."

Alameda County Historical Society. On January 17, 2007, a letter and maps depicting the project areas was sent to the Alameda County Historical Society (Society), requesting information or concerns regarding historical sites in the project areas. On February 2, 2007, LSA contacted the Society via e-mail to determine if it has any concerns or information on historical sites in the project areas. No response from the Society has been received to date.

Oakland Heritage Alliance. On January 17, 2007, a letter and maps depicting the project areas were sent to Naomi Schiff of the Oakland Heritage Alliance (Alliance) requesting information or concerns regarding historical sites in the project areas. On February 2, 2007, LSA contacted Ms. Schiff via e-mail to determine if the Alliance has any concerns or information on historical sites in the project areas. Ms. Schiff responded on February 2, 2007 via e-mail. Ms. Schiff provided input on issues that she would like covered by the EIR but did not provide specific information or concerns on historical sites within the scope of the EIR.¹

b. Cultural Overview. The prehistoric, ethnographic, and historical contexts for the project and vicinity are described below.

(1) Prehistory and Ethnography. The Paleo-Archaic-Emergent cultural sequence developed by Fredrickson² is commonly used to interpret the prehistoric occupation of Central California. The sequence consists of three broad periods: the Paleoindian (Paleo) Period (10,000-6000 B.C.); the three-staged Archaic Period, consisting of the Lower Archaic (6000-3000 B.C.), Middle Archaic (3000-500 B.C.), and Upper Archaic (500 B.C.-A.D. 1000); and the Emergent Period (A.D. 1000-1800).

The Paleo Period began with the first entry of people into California. These people probably subsisted mainly on big game, minimally processed plant foods, and had few or no trade networks. Current research, however, is indicating more sedentism, plant processing, and trading than previously believed. During the Lower Archaic, milling stones appear in abundance and hunting is less important

¹ Ms. Schiff stated in regards to the historical Lakeside Park Bandstand that "A number of people have been advocating that the city fix the access elevator mechanism rather than build an unattractive ramp." No modifications or repairs to the Lakeside Park Bandstand are included in Measure DD funding and this action is outside of the scope of this EIR.

² Fredrickson, David A., 1974. Cultural Diversity in Early Central California: A View from the North Coast Ranges. *Journal of California Anthropology* 1(1):41-53.

than plant foods. Artifacts are made predominantly from local materials, suggesting that few if any extensive trade networks were established at this time. During the Middle Archaic, the subsistence base begins to expand and diversify with a developing acorn economy, as evidenced by the mortar and pestle, and the growing importance of hunting. Status and wealth distinctions are evidenced in the Upper Archaic archaeological record; regional exchange networks are well established at this time with exchange of goods and ideas, such as obsidian and Kuksu ceremonial practices involving spirit impersonations. Increasing social complexity continued during the Lower Emergent. Territorial boundaries were well established by this time with regularized inter-group exchanges involving more and varied goods, people, and ideas. Bow and arrow technology was also introduced. By the Upper Emergent, a monetary system based on the exchange of clamshell disk beads was established. Native population reached its zenith during this time, as evidenced by high site densities and large village sites in the archaeological record.

Historically, archaeological excavations along the eastern San Francisco bayshore have focused on shellmounds. These sites contain a rich, diverse assemblage of dietary remains, artifacts, and human remains. Excavations at two major shellmounds near the project area—the Emeryville Shellmound, CA-ALA-309, and the West Berkeley Shellmound, CA-ALA-307—have helped refine our understanding of the Bay Area’s earliest inhabitants. Excavations at the Emeryville Shellmound^{3, 4, 5} have identified hundreds of human burials, groundstone (e.g., mortars, pestles, and “charmstones”), flaked stone (e.g., obsidian and chert projectile points and flaking debris), bone tools, and dietary debris, including clams, mussels, oysters, and land and sea mammal bones. Uhle,⁶ Nelson,⁷ and Bennyhoff⁸ have identified temporal changes in artifact types, dietary refuse, and human internments in multiple strata at the site. Excavations at the West Berkeley Shellmound⁹ have identified an assemblage as diverse as the Emeryville Shellmound’s, with two cultural components at the site. The oldest component at the West Berkeley Shellmound is believed to predate 2000 B.C. and the earliest known occupation of the Emeryville Shellmound.¹⁰

A shellmound, CA-ALA-5, was recorded in or near the Lake Merritt and Lake Merritt Channel group around 1910 by archaeologists Nels Nelson and Arnold Pilling. Little is known about this site,

³ Nelson, Nels C., 1996. *Excavation of the Emeryville Shellmound, 1906: Nels C. Nelson’s Final Report*, transcribed and prefaced by Jack M. Broughton. Contributions of the University of California Archaeological Research Facility, Number 54. Berkeley.

⁴ Schenck, W. Egbert, 1926. The Emeryville Shellmound Final Report. *University of California Publications in American Archaeology and Ethnology* 23(3):147-282. Berkeley.

⁵ Uhle, Max, 1907. The Emeryville Shellmound. *University of California Publications in American Archaeology and Ethnology* 7(1):1-106. Berkeley.

⁶ Ibid.

⁷ Nelson, Nels C., 1996.

⁸ Bennyhoff, James A., 1986. *The Emeryville Site, Viewed 93 Years Later*. In *Symposium: A New Look at Some Old Sites: Papers from the Symposium Organized by Francis A. Riddell*. Coyote Press Archives of California Prehistory 6:65-74. Coyote Press, Salinas, California.

⁹ Wallace, William J., and Donald W. Lathrap, 1975. *West Berkeley (CA-ALA-307): A Culturally Stratified Shellmound on the East Shore of San Francisco Bay*. Contributions of the University of California Archaeological Research Facility, Number 29. Berkeley.

¹⁰ Wallace, William J., and Donald W. Lathrap, 1975:55, 58.

including its specific location. There is a general lack of study of prehistoric sites in Oakland, and the prehistory of the city is poorly understood.

The project area is situated within territory occupied by Costanoan (also commonly referred to as Ohlone) language groups. Ohlone territories were comprised of one or more land holding groups that anthropologists refer to as “tribelet.” The tribelet, a nearly universal characteristic throughout native California, consists of a principle village, which was occupied year round, and a series of smaller hamlets and resource gathering and processing locations occupied intermittently or seasonally.¹¹ Population densities of tribelets ranged between 50 and 500 persons, which were largely determined by the carrying capacity of a tribelet’s territory. According to Milliken,¹² the *Huchium* tribelet occupied the Oakland area at the time of Spanish contact.

By the late eighteenth century, Spanish exploration and settlement of the Bay Area transformed Ohlone culture. Spanish settlers moved into northern California and established the mission system. Mission records indicate that the first *Huchium* was baptized in 1787 with the first large group from that tribelet arriving at Mission San Francisco in the fall of 1794.¹³ Following the secularization of the missions in 1834, many Ohlone worked as manual laborers on ranchos.¹⁴

(2) General Historical Background. The project components are entirely within the Rancho San Antonio land grant, which was originally granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. His 43,000-acre rancho included what are now the cities of Oakland, Berkeley, Alameda, and parts of San Leandro and Piedmont. Peralta’s land grant was confirmed after Mexico’s independence from Spain in 1822, and this title was honored when California entered the Union by treaty in 1848. Despite this acknowledged title, squatters moved in to use the vast amounts of Peralta’s undeveloped land. Cattle were stolen and slaughtered, and trees were removed by squatters and people traveling to and from the gold fields.¹⁵ Peralta Hacienda Historical Park at 34th Avenue in Oakland incorporates the headquarters of Luis Maria Peralta’s Rancho San Antonio.

In 1850, Andrew Moon, Horace W. Carpentier, and Edson Adams built a house on Peralta’s property at the foot of Broadway, near the banks of an estuary. This house site was in what is now Jack London Square. Vicente Peralta attempted to legally evict the group, but eventually relented and allowed them to lease the land. Instead of complying with the terms of their lease, Moon, Carpentier, and Adams hired Julius Kellersberger, a Swiss engineer, to survey the land and lay out the town that became Oakland. The area was encompassed by Fallon, Market, First, and Fourteenth streets. The City of Oakland was incorporated in 1852, and officially recognized by the state in 1854.¹⁶

¹¹ Kroeber, Alfred L., 1955. Nature of the Land-Holding Group. *Ethnohistory* 2:303-314.

¹² Milliken, Randall, 1995:243. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area, 1769-1810*. Ballena Press, Menlo Park, California.

¹³ Milliken, Randall, 1995:243.

¹⁴ Levy, Richard, 1978:486.

¹⁵ Hoover, Mildred, Hero E. Rensch, Ethel G. Rensch, and William N. Abeloe, 1990:18-19. *Historic Spots in California*. Stanford University Press, Stanford, California.

¹⁶ *Ibid.*

Oakland grew around its waterfront, with development limited only by the available modes of transportation. Steam ferry service to San Francisco was established in 1850, and by 1869 the first horse-car followed a route from the estuary up Telegraph Avenue to 40th Street. On November 8, 1869, the transcontinental railroad's first west bound trip rolled through Oakland along Central Pacific tracks, which terminated at the new 7th Street station. By 1891, Oakland's first street car ran along Broadway to the City of Berkeley.¹⁷

Subsequent to the devastation of the 1906 earthquake and fire in San Francisco, numerous refugees lived for months in tents set up in Lakeside Park on the shores of Lake Merritt. The influx of people to Oakland escaping the devastation from across the bay prompted the development of new residential areas in Oakland to accommodate displaced San Francisco residents. Older neighborhoods became more densely populated as new apartment buildings and related growth became part of Oakland's residential fabric.¹⁸

Throughout the 20th century, commercial enterprises and industrial development, particularly the Port of Oakland and the Oakland Municipal Airport, played a vital role in Oakland's growth. During World War II, the Port provided land and facilities to the Army and Navy. By 1943, Oakland had become the largest shipping center on the West Coast and within two decades was the largest container terminal on the West Coast. As suburbs grew outward during the 1950s, the inner core of the City began to decline as residents left for the outlying areas. The perception of Oakland, as with many large cities during the 1960s and 1970s, was that of a neglected urban core with high unemployment, racial tension, and reduced economic opportunity.¹⁹ This trend began to reverse in the 1980s as reinvestment and redevelopment helped to invigorate the City's image and prospects. In 1995, California's "Golden Triangle," which included Oakland, San Jose and San Francisco, was named by *Fortune Magazine* as the best place to do business in the United States.²⁰

(3) Group-Specific Historical Background. The following section describes the historical background of each group of project components.

Lake Merritt and Lake Merritt Channel (Group 1). When the City of Oakland was incorporated in 1852, what is now Lake Merritt consisted of a creek-fed tidal slough which opened to the Bay.²¹ In 1854 Dr. Samuel Merritt purchased land around the estuary and, in an attempt to increase the value of his land and allow for its future development,²² funded the construction of a dam north of the original 12th Street bridge in 1869 across the tidal canal to create a lake. Governor Henry

¹⁷ Oakland History Room of the Oakland Public Library, 2003. *Oakland History Timeline*, revised by the City of Oakland Community and Economic Development Agency <www.oaklandnet.com/celebrate/historytimeline.htm>. Website accessed 9 January 2007.

¹⁸ Woodbridge, Sally, 1984:11-12. Historical and Architectural Resources. In *Oakland Central District Development Program*. City of Oakland Planning Department, Oakland, California.

¹⁹ Bagwell, Beth, 1982. *Oakland, Story of a City*. Presidio Press, Novato, California.

²⁰ Oakland History Room of the Oakland Public Library, 2003.

²¹ U.S. Coast Survey, 1852. U.S. Coast Survey, San Francisco Bay, Contra Costa No. V. map, A.D. Bache, Superintendent. U.S. Coast Survey, Washington D.C.

²² Camron-Stanford House Museum, 2003. *Lake Merritt* <http://www.cshouse.org/Pages/lake_merritt.html>. Website accessed 9 January 2007.

Haight signed a bill the following year designating Lake Merritt a wildlife refuge, the first one in the United States.

During the 19th century, the Lake Merritt Channel project area and points around Lake Merritt consisted of tidal marshland.²³ These areas were filled and developed during the early decades of the 20th century.

By 1903 the Lake Merritt Channel was crossed by the Southern Pacific and the Western Pacific railroads and the 8th and 12th Street bridges. The land between the channel banks was labeled “Marsh. To be city farm.”²⁴ By 1911 the “city farm” had become Peralta Park. The Great Western Power Station, boatyards, lumber yards, and residences were constructed in the area south of the park.

The City Beautiful movement influenced the development of Lake Merritt and surrounding area into the urban park residents and visitors enjoy today. This Progressive movement, popular at the turn of the previous century, sought to use beautification and monumental architecture to rectify the perceived social decay of urban centers. Oakland Mayor Frank K. Mott, a proponent of the City Beautiful movement, wanted to create parkland surrounding Lake Merritt. To this end, the City purchased and removed private residences surrounding the lake, save for the Camron-Stanford House²⁵ constructed on the western shore of Lake Merritt in 1879. Between 1907 and 1915 the road around Lake Merritt was paved and some the lake’s distinctive buildings and structures, including the Pergola (1913), East 18th Street Boat Landing (1914), Pumping Station/Municipal Boathouse (1908-1909, 1914-1917), and Canoe/Sailboat House (1915), were constructed.

During the 1920s and 1950s, other improvements were made in the Lake Merritt project area. In 1923 the Lake was dredged and its fill used to create the first of five “bird islands” at the northern end of the Lake. That same year, the Cleveland Cascade, an Art Deco inspired waterfall that plunged from Cleveland Heights to Lakeshore Avenue, was built based on a design of noted landscape architect and engineer Howard Gilkey. Two years later, the Necklace of Lights, consisting of 126 Florentine light standards surrounding Lake Merritt, was completed.

During World War II, an area north of the Southern Pacific Railroad tracks, near the mouth of the Lake Merritt Channel, was the site of Auditorium Village, a federal housing project for white defense workers for the Moore and Kaiser shipyards. It was one of several segregated housing projects on the bay flats. Federal law required the removal of these housing projects after the war.

The 1950s witnessed more notable additions and alterations to the Lake Merritt project area. Construction of Children’s Fairyland in Lakeside Park was completed in 1950. Children’s Fairyland was purportedly an inspiration to Walt Disney, who visited Children’s Fairyland for ideas for Disneyland. Children’s Fairyland includes several storybook themed sets, including Pinocchio’s Castle, Thumbelina, and the Three Little Pigs, and is home to the Open Storybook Puppet Theater, the oldest continuously operating puppet theater in the United States. The Frickstad Viaduct was built

²³ Sowers, Janet M., 2000. *Creek & Watershed Map of Oakland & Berkeley*. Oakland Museum of California, Oakland.

²⁴ Sanborn Map Company, 1902. Oakland.

²⁵ Camron-Stanford House Museum, 2003. *The City Beautiful Movement* <http://www.cshouse.org/Pages-/city_beautiful.html>. Website accessed 9 January 2007.

in the early 1950s across the Lake Merritt dam at 12th Street to relieve traffic congestion at the southern end of the Lake. In 1954 the Canoe (Sailboat) House in Lakeside Park was renovated, obscuring much of the building's original Mediterranean style design.

Waterfront Trail (Group 2). Oakland Harbor terminated west of the present site of the Park Street Bridge in 1878 and Alameda was attached to the mainland.²⁶ Prior to 1892, most of the proposed Waterfront Trail project area was under water or on mud flats. Gradually the mudflats were covered with fill, the shoreline was extended into the Oakland Harbor and the San Francisco Bay, and a ship channel was dredged around the southern part of Alameda, opening Brooklyn Basin to San Leandro Bay. Today the ship channel has been widened and is a tidal canal.

The western part of the Estuary Park site was filled tidal marsh by 1878.²⁷ As early as 1903, the land between the Southern Pacific Railroad tracks and bay had been subdivided but undeveloped except for a few boathouses on the shore. Seven years later the eastern three-quarters had been filled and coal industry buildings occupied the land. In 1949 the area that was to become Estuary Park was the site of a lumber yard.

The project areas on the Brooklyn Basin were inundated until the second decade of the 20th century. Filled land begins to appear on the 1915 U.S. Geological Survey topographic quadrangle *Concord, Calif.* Embarcadero Cove was a boatyard and marina prior to its transformation into an office and restaurant complex in 1969-1973. At that time three 1870s houses, the 1900s East Oakland train station, and the 1903 Oakland Harbor Lighthouse were relocated to Embarcadero Cove. Other existing boat and lumber yard buildings were remodeled and landscaping was installed to create a historical nautical setting. In November 1909, Oakland voters approved a \$2.5 million bond measure for construction of a municipal port. Livingston Pier, completed in 1912, was the first construction associated with Oakland municipal port improvements and was used as a pier for lumber and general cargo. Livingston Pier first appears on the 1911 Sanborn Insurance Map as "Municipal Pier," extending to the limit of the US Pierhead Line opposite Government (now Coast Guard) Island in the Brooklyn Basin.

The Cryer Site Waterfront Trail segment includes the site of the former Cryer and Sons Boatyard that, among other activities, maintained and repaired Coast Guard yachts during and after World War II.²⁸

The original High Street, Park Street and Fruitvale Avenue bridges were built by the U.S. Government between 1892 and 1894 in exchange for permission and rights-of-way to dredge the channel between San Antonio Creek and San Leandro Bay. The present High Street and Park Street bridges were constructed in 1939 and 1935, respectively. The current Fruitvale Avenue Bridge was completed in 1974.

Recreational Facilities (Group 3). The project area located at 365 45th Street includes the Studio One Art Center. The Ladies' Relief Society constructed a children's home (now the Studio

²⁶ Thompson & West, 1878. *Official Historical Atlas Map of Alameda County*. Thomopson and West, Oakland, California

²⁷ Ibid.

²⁸ Tibbets, Ross, 2003. Yachts a Way of Life for this Dane. *The Log: SoCal's #1 Boating and Fishing Newspaper*. <http://www.thelog.com/news/newsview.asp?c=84998>. Accessed February 1, 2007.

One Art Center) in 1906-1907 to replace the previous home which was partially destroyed by fire in April 1906. The rebuilt Shingle Style building retained many of the elements of the previous children's home that stood at that location since 1894, including the basic footprint, foundation, and first-story brickwork. The Ladies' Relief Society operated the children's home until about 1940, when it was used during World War II as a military police facility, and was acquired by the City in 1948 for recreation programs. Today, the City owned property is considered historically significant within the historical contexts of children's homes and community recreation and arts programs.²⁹

The East Oakland Sports Complex project area located at Edes and Jones Avenues includes the Brookfield School, an International Style building constructed around 1951 during the post-war population boom. The construction boom at this time coincided with a shift in American architecture, which was moving away from classical and medieval revival styles and toward modernism, as evidenced by Brookfield School. Considering the large number of post-war schools built, relatively few remain intact today. The building is "a superior example of [a] postwar school building in Oakland."³⁰

City-wide Creeks (Group 4). Prior to 1852 and the founding of the City of Oakland, all creeks in Oakland ran free in their natural courses, and although Oakland was surveyed and subdivided very rapidly throughout the remainder of the 19th century, maps published during the early period show the creeks flowing in a relatively natural setting. According to Sanborn Map Company insurance maps, by 1902 there was sufficient infrastructure in the flatlands of Oakland to bury, reroute, drain, and channelize creeks flowing under streets and developed land.

Creeks in the Oakland hills flowed unchecked on ranch lands until 1867 when watersheds began to be channelized and dammed for municipal water supply. Reservoir construction continued until the mid-1960s.

There are recorded resources adjacent to the proposed creek restoration sites. Peralta Hacienda Historical Park, which includes the locations of Peralta family residences constructed in 1821, 1840, and 1870 between Sausal and Peralta Creeks, as well as historical archaeological sites related to the Peralta rancho. The small adobe Boy Scout Hut in Dimond Park is reportedly constructed of bricks from the original Antonio Maria Peralta home built in 1821. The restoration sites include or are adjacent two historical resources, the ca. 1860s J. Mora Moss Cottage in Mosswood Park, and Glen Echo Creek Park, dating to c. 1905. The Gothic Revival-style J. Mora Moss Cottage is an Oakland City Landmark and is on the National Register of Historic Places. A natural stretch of Glen Echo Creek runs through the center of Oak Glen Park. As early as 1913, neighbors and the city have been cooperating to maintain the pastoral quality of the creek. Landscape architect Oscar Prager envisioned the park to be one link in a series of creekside parks as part of the City Beautiful movement in the early years of the twentieth century.³¹

²⁹ English, John S., 2005. National Park Service form 10-900, *National Register of Historic Places Registration Form* for the Ladies' Relief Society Children's Home.

³⁰ Oakland Cultural Heritage Survey, 1997. California Department of Parks and Recreation form DPR 523 records for the Brookfield School.

³¹ Oakland Cultural Heritage Survey, 1981. California Department of Parks and Recreation form DPR 523 records for Oak Glen Park (Glen Echo Creek Park).

c. **Existing Conditions.** The existing conditions for each project group, as they relate to cultural resources, are described below.

(1) **Lake Merritt and Lake Merritt Channel (Group 1).** Three recorded prehistoric cultural resources are within the Lake Merritt and Lake Merritt Channel project areas (see Table IV.G-1). The location of one of these archaeological resources, CA-ALA-5/P-01-000026, a prehistoric shellmound recorded by Nels Nelson and Arnold Pilling around 1910 in the Lake Merritt project area, is uncertain. Nelson and Pilling noted buildings on CA-ALA-5, which was described as being “on SW side of Lake Merritt, near outlet.” As currently mapped at the NWIC, however, CA-ALA-5 is plotted on the southeast side of Lake Merritt near Lakeshore Avenue. In December 2004 Suzanne Baker and Michael Smith of Archaeological/Historical Consultants visited the mapped location of CA-ALA-5 and did not identify surface evidence of an archaeological site. Baker and Smith did note, however, the possibility of a subsurface deposit. Baker and Smith also recorded P-01-010693 and P-01-010694, shell scatters within the Lake Merritt Channel and 12th Street project areas. It is possible that P-01-010693 and P-01-010694 represent fill or redeposited archaeological materials.³² P-01-010693 is in the Lake Merritt Channel area and its location was once a wetland (based on a review of historical literature and shoreline maps) that was filled in during the early 20th century. P-01-010693 is, therefore, believed to be a fill deposit and not a significant archaeological resource. Formal study, however, would be required to verify this. None of the prehistoric or putatively prehistoric resources in the Lake Merritt and Lake Merritt Channel group have been evaluated for their eligibility for listing in the California Register of Historical Resources (California Register).

A historical archaeological site, P-01-010532, was identified at the intersection of 20th and Harrison streets during subsurface monitoring for a fiber optic cable conduit. This site, which consisted of historical refuse intermixed with demolition debris and dredging materials, lacks integrity and does not appear to be eligible for the California Register.

Significant historical cultural resources have been identified in the Lake Merritt area. The Lake Merritt Wild Duck Refuge, recognized as the first designated wildlife refuge in the United States, is listed within the National Register of Historic Places (NRHP), is a National Historic Landmark (NHL), and a City Landmark. In 1986, the OCHS recorded the Lake Merritt District, which consists of Lake Merritt, adjacent parklands, and buildings and structures within and adjacent to lake parklands over 50 years old. Included in the district are components analyzed by the current EIR: Lakeside and Snow parks, the Municipal Boathouse, the Sailboat house, Pergola and Colonnade, the Cleveland Cascade, and the East 18th Street Pier. The OCHS considers the district to be an “Area of Primary Importance” (API), a designation that indicates a district that appears eligible to the National Register. Renovation work on the Municipal Boathouse and Pergola and Colonnade is at or near completion, while restoration of the Cleveland Cascade and East 18th Street Pier will begin soon. The Sailboat House was renovated in the 1950s, which greatly compromised its historical integrity. Project funds may be used to restore its appearance and integrity to approximate its historical façade, although there are no specific plans for renovating the building at this time. The project would have a beneficial effect on the historical Lake Merritt District by restoring and repairing some of its most prominent contributors.

³² Baker, Suzanne, and Michael Smith, 2004. California Department of Parks and Recreation form DPR 523 records for P-01-010693 and P-01-010694.

Table IV.G-1. Recorded Cultural Resources within the Project Areas

Resource	Period	Resource Description	Current Status ^a
Lake Merritt and Lake Merritt Channel (Group 1)			
CA-ALA-5/ P-01-000026	Prehistoric	Shellmound	Not evaluated
P-01-003685	Historic	Lake Merritt Wild Duck Refuge	NRHP, NHL, City Landmark
P-01-010532	Historic	Historical refuse intermixed with demolition debris and dredging spoils	Not eligible to CRHR
P-01-010693	Prehistoric?	A mussel and clam scatter; possibly fill	Not evaluated
P-01-010694	Prehistoric?	A shell scatter; possibly fill	Not evaluated
Lake Merritt District	Historic	Lake Merritt; parklands; and buildings within lake parklands and adjacent buildings over 50 years old	Appears eligible to CRHR
Waterfront Trail (Group 2)			
Park St. Bridge	Historic	Bascule pony truss bridge	Appears eligible to CRHR
High St. Bridge	Historic	Bascule pony truss bridge	Appears eligible to CRHR
Embarcadero Cove	Historic	Historic district consisting of nine major buildings and several accessory structures	Not evaluated
Livingston Pier	Historic	Reinforced concrete pier	Not evaluated
Cryer & Son Building ^b	Historic	Cryer & Son Boat Builder building	Not evaluated
Recreational Facilities (Group 3)			
P-01-001275	Historic	Ladies' Relief Society Children's Home (Studio One)	NRHP
Brookfield School	Historic	International Style building at 401 Jones Ave.	Not evaluated
City-wide Creeks^c (Group 4)			
CA-ALA-585H/ P-01-002244	Historic	Rancho San Antonio headquarters	NRHP; State Landmark; City Landmark
P-01-004668	Historic	J. Mora Moss House	City Landmark
Oak Glen Park ^d	Historic	Glen Echo Creek Park, bridge, pergola, native trees, Richmond Blvd. residences	Appears eligible to CRHR

Notes:

- ^a NRHP = National Register of Historic Places; NHL = National Historic Landmark; CRHR = California Register of Historical Resources.
- ^b The Cryer & Son Builder building was identified as a building of "secondary importance" (rating C3) by the OCHS and is, therefore, a "Potential Designated Historic Property." The Cryer building was not evaluated for its eligibility for inclusion in the California Register of Historical Resources by the current study.
- ^c At the time of writing, project specific maps and project descriptions for the creek acquisition and restoration sites are unavailable. It is not known at this time if cultural resources will be directly affected by the proposed project, and the City-wide Creeks group of projects will be analyzed at a program level in this EIR.
- ^d OCHS has assigned Oak Glen Park and its associated elements a rating of A+.

(2) Waterfront Trail (Group 2). The proposed Oakland Waterfront Trail development areas include cultural resources that appear eligible for listing in the California Register and/or warrant consideration under the Historic Preservation Element of the City's General Plan. The proposed waterfront trail intersects the High Street (33C0026) and Park Street (33C0027) bridges, built in 1939 and 1935, respectively, which are the longest bascule span bridges in California. In 1999, the California Department of Transportation (Caltrans) completed a historical evaluation of these bridges

and assigned both a “Category 2” designation: “determined eligible for the National Register”.³³ The proposed Trail segments at High Street and Park Street would not have a significant effect on these resources as the Trail would not substantially affect the bridges’ setting or original construction. The preferred alignment for the Trail at these locations would route the path beneath the bridges and would remove and replace the existing fender system. The existing fender system of both bridges replaced the previous timber fender system in the 1970s and, therefore, does not date to, nor contribute to, the bridges’ period of significance.^{34, 35, 36, 37}

The Embarcadero Cove Waterfront Trail segment includes a “future ASI” (“Area of Secondary Importance”), as noted on the OCHS survey maps, and is of local importance as an early adaptive reuse and moving project, a predecessor of downtown Oakland’s Preservation Park.³⁸ At the southern end of Embarcadero Cove is Livingston Pier, a C3 rated structure of “secondary importance” that is not within an historic district. According to the Historic Preservation Element of the Oakland General Plan, properties of secondary importance have visual, architectural, or historical value that warrant recognition but do not appear to be individually eligible for the National Register. Some may be eligible as City landmarks and/or for addition to the California Register, however, and properties with “C” ratings are considered “Potential Designated Historic Properties” under the City’s Historic Preservation Element (refer to section G-C(2) below for a discussion of the City’s historical property ratings system). The 1912 pier was the first Oakland—and possibly entire East Bay—waterfront pier constructed of reinforced concrete.³⁹ The Cryer development area includes the “Cryer & Son Boat Builder” at 1899 Dennison Street, an early 1900s building rated C3.

(3) Recreational Facilities (Group 3). The Studio One Art Center at 365 45th Street was recently listed in the National Register due to its association with The Ladies’ Relief Society Children’s Home. At the time of writing this section, renovation of the Studio One Art Center, which consists of seismic reinforcement, new heating, ventilating, lighting, plumbing systems, and interior and exterior finish work, has been permitted by the City and is nearing completion. Seismic renovations at Studio One have been done in accordance with the Secretary of the Interior’s *Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings*⁴⁰ and, pursuant to *CEQA Guidelines* Section 15331, are categorically exempt.

³³ Caltrans Inventory of Metal Truss, Movable, and Steel Arch Bridges.

³⁴ Busby, Colin I., and Melody E. Tannam, 2000. *Historic Property Survey Report, High Street Bridge (#33C026), Seismic Retrofit Project, Alameda County, California*. Basin Research Associates, Inc., San Leandro, California.

³⁵ Hill, Ward, 2000. *Finding of Effect (No Adverse Effect), High Street Bridge (#33C026), Seismic Retrofit Project, Alameda County, California*. Basin Research Associates, Inc.

³⁶ Busby, Colin I., and Melody E. Tannam, 2000. *Historic Property Survey Report, Park Street Bridge (#33C027), Seismic Retrofit Project, Alameda County, California*. Basin Research Associates, Inc., San Leandro, California.

³⁷ Hill, Ward, 2000. *Finding of Effect (No Adverse Effect), Park Street Bridge (#33C027), Seismic Retrofit Project, Alameda County, California*. Basin Research Associates, Inc.

³⁸ Oakland Cultural Heritage Survey, 1998. State of California Department of Parks and Recreation form DPR 523 records for the Embarcadero Cove District.

³⁹ Minor, Woodruff, 2000:21. *Pacific Gateway: An Illustrated History of the Port of Oakland*. Port of Oakland.

⁴⁰ Weeks, Kay D., and Anne E. Grimmer, 1995. *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings*. National Parks Service, Washington, D.C.

The East Oakland Sports Complex project area includes Brookfield Elementary School, which the OCHS assigned a rating of C3 to in 1997.

(4) City-wide Creeks (Group 4). A creek restoration site along Peralta Creek includes the Rancho San Antonio headquarters at Peralta Hacienda Historical Park. This resource is listed in the National Register and has Landmark status at the State and City level. The resource includes the locations of Peralta residences constructed in 1821, 1840, and 1870 as well as historical archaeological deposits that appear eligible for listing in the California Register.⁴¹

The Glen Echo Creek restoration sites include, or are adjacent to, two historical resources. The J. Mora Moss Cottage, a ca. 1860s Gothic Revival cottage in Mosswood Park, is a City Landmark which has also been assigned a rating of 3S—"appears eligible to the National Register as an individual property"—in the *Directory of Properties in the Historic Property Data File*.⁴² Oak Glen Creek Park along Richmond Boulevard has been assigned a rating of A+ by the OCHS. As recorded by the OCHS, Glen Echo Creek Park includes the ca. 1905 park, bridge, pergola, paths, native riparian vegetation, and buildings along Richmond Boulevard.

Archaeological studies have been done of portions of the creeks proposed for restoration, including Temescal Creek and associated tributaries,^{43, 44, 45} Glen Echo Creek,^{46, 47} Courtland Creek,⁴⁸ San Leandro Creek,⁴⁹ and Sausal Creek.^{50, 51} None of these studies identified historical resources at the

⁴¹ Costello, Julia G., and Charlene Duval, 2001. *Historical Archaeology at the Peralta Hacienda Historical Park (P-01-002244). Phase 3 Plan Update, Oakland, California*. Foothill Resources, Ltd., Mokelumne Hill, California.

⁴² California Office of Historic Preservation, September 18, 2006. *Directory of Properties in the Historic Property Data File*. California Office of Historic Preservation, Sacramento.

⁴³ Chavez, David, 1981. *Caldecott Heights Development Area*. David Chavez, Consulting Archaeologist, San Francisco, California.

⁴⁴ Dietz, Stephen A., 1978. Letter report to Steven D. Billington, City Planning/Environmental Research re: archaeological survey of the Lands of Varney, Oakland, California. Archaeological Consulting and Research Services, Inc., Santa Cruz, California.

⁴⁵ Garaventa, Donna M., 1991. *Emergency Culvert Clearance in the Oakland Hills, City of Oakland, Alameda County, California*. Basin Research Associates, San Leandro, California.

⁴⁶ Busby, Colin I., 1998. *Cultural Resources Assessment, Glen Echo Creek (Zone 12, Line B) Drainage Improvement Project from about 28th to 30th Streets, City of Oakland, Alameda County, California*. Basin Research Associates, San Leandro, California.

⁴⁷ Busby, Colin I., 2004. *Archaeological Assessment Report, Glen Echo Creek Restoration Project (Zone 12, Line B), 235 30th Street, City of Oakland, Alameda County, California*. Basin Research Associates, San Leandro, California.

⁴⁸ Banks, Peter, 1984. *An Archaeological Reconnaissance of Nine Parcels along Courtland Creek, Line G, in Oakland, Alameda County, California*. California Archaeological Consultants, Inc., Oakland, California.

⁴⁹ Banks, Peter, and David A. Fredrickson, 1977. *An Archaeological Investigation of a Portion of Line P, San Leandro Creek, Alameda County, California*. Archaeological Laboratory, California State College, Sonoma. Rohnert Park.

⁵⁰ Banks, Peter, and David A. Fredrickson, 1977. *An Archaeological Investigation of Sausal Creek, between East 15th and Logan Streets, Oakland, Alameda County, California*. Archaeological Laboratory, California State College, Sonoma. Rohnert Park.

⁵¹ Young, Bertrand T., and George R. Miller, 1982. *An Archaeological Reconnaissance of Sausal Creek between Leimert and Hyde Streets in the City of Oakland*. Institute of Cultural Resources, California State University, Hayward.

locations proposed for restoration. Studies near Peralta Creek at Peralta Hacienda Historical Park have identified historical archaeological deposits, recorded as CA-ALA-585H.⁵²

d. Regulatory Context. The following describes CEQA's and the City's Historic Preservation Element of the General Plan regulatory and policy requirements for cultural resources.

(1) CEQA Requirements. CEQA defines a "historical resource" as a resource which meets one or more of the following criteria: 1) listed in, or determined eligible for listing, in the California Register of Historical Resources (California Register); 2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k); 3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or 4) determined to be a historical resource by a project's lead agency (Public Resources Code Section 21084.1 and *CEQA Guidelines* Section 15064.5(a)). A historical resource consists of:

"Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.... Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" *CEQA Guidelines* Section 15064.5(a)(3).

In accordance with *CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment.

CEQA requires a Lead Agency to determine if an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the Lead Agency must determine whether an archaeological cultural resource meets the definition of a historical resource in *CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, then it is treated like any other type of historical resource in accordance with *CEQA Guidelines* Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the lead agency determines if it meets the definition of a unique archaeological resource as defined at CEQA Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.⁵³ Should the archaeological cultural resource meet the definition of a unique archaeological resource, then it must be treated in accordance with CEQA Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, then effects to the resource are not considered significant effects on the environment (*CEQA Guidelines* Section 15064.5(c)(4)).

California Health and Safety Code (HSC) Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adja-

⁵² See Costello and Duval, 2001 for a summary of previous archaeological work done at the Peralta Hacienda Historical Park.

⁵³ Bass, Ronald E., Albert I. Herson, and Kenneth M. Bogdan, 1999:105. *CEQA Deskbook: A Step-by-Step Guide on how to Comply with the California Environmental Quality Act*. Solano Press Books, Point Arena, California.

cent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Public Resources Code (PRC) Section 5097.5 provides for the protection of cultural and paleontological resources. This PRC section prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of State or local authorities.

(2) Historic Preservation Element. The Historic Preservation Element (HPE) of the Oakland General Plan presents goals, policies, and objectives that guide historic preservation efforts in Oakland. HPE policies define the criteria for legal significance that must be met by a resource before it is listed in Oakland's local register of historical resources, and would, therefore, be considered a historical resource under CEQA. Based on a city-wide preliminary architectural inventory completed by the OCHS, pre-1945 properties have been assigned a significance rating of A, B, C, D, or E and assigned a number (1, 2, or 3) which indicates its district status. The ranking system indicates a property's status as a historical resource and identifies those properties warranting special consideration in the planning process and is described in Table IV.G-2.

The HPE also establishes the following policy with respect to historical resources under CEQA:

- **Policy 3.8:** For the purposes of environmental review under CEQA, the following properties will constitute the City of Oakland's Local Register:
 - All "Designated Historic Properties," i.e., those properties that are City Landmarks, which contribute to or potentially contribute to Preservation Districts, and Heritage Properties;
 - Those "Potential Designated Historic Properties" that have an existing rating of "A" or "B" or are located within an "Area of Primary Importance;"
 - Until complete implementation of Action 2.1.2 (Redesignation), the "Local Register" will also include the following designated properties: Oakland Landmarks, S-7 Preservation Combining Zone properties, and Preservation Study List properties.

The HPE includes other policies that seek to encourage the preservation of Oakland's significant historic resources within the context of balanced development and growth. These policies are presented below.

- **Policy 3.1:** Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions. The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary actions.
- **Policy 3.4:** City Acquisition of Historic Preservation Where Necessary. Where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or Potential Designated Historic Properties, or portions thereof, in order to preserve them. Such acquisition may be in fee, as conservation easements, or a combination thereof.
- **Policy 3.5:** Historic Preservation and Discretionary Permit Approvals. For any project involving the complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: 1) the design quality of the proposed project is at least equal to that of the original

Table IV.G-2 Oakland Cultural Heritage Survey Significance Ratings

Rating Level	Description
A: Properties of Highest Importance	This designation applies to the most outstanding properties, considered clearly eligible for individual National Register and City Landmark designation. Such properties consist of outstanding examples of an important style, type, or convention, or intimately associated with a person, organization, event, or historical pattern of extreme importance at the local level or of major importance at the state or national level.
B: Properties of Major Importance	These are properties of major historical or architectural value but not sufficiently important to be rated "A." Most are considered individually eligible for the National Register, but some may be marginal candidates. All are considered eligible for City Landmark designation and consist of especially fine examples of an important type, style, or convention, or intimately associates with a person, organization, event, or historical pattern of major importance at the local level or of moderate importance at the state or national level.
C: Properties of Secondary Importance	These are properties that have sufficient visual/architectural or historical value to warrant recognition but do not appear individually eligible for the National Register. Some may be eligible as City Landmarks and are superior or visually important examples of a particular type, style, or convention, and include most pre-1906 properties
D: Properties of Minor Importance	These are properties which are not individually distinctive but are typical or representative examples of an important type, style, convention, or historical pattern. The great majority of pre-1946 properties are in this category.
E, F, or *: Properties of No Particular Interest.	Properties that are less than 45 years old or modernized.
District Status	Description
1	A property in an Area of Primary Importance (API) or National Register quality district. An API is a historically or visually cohesive area or property group identified by the OCHS which usually contains a high proportion of individual properties with ratings of "C" or higher.
2	A property in an Area of Secondary Importance (ASI) or a district of local significance. An ASI is similar to an API except that an ASI does not appear eligible for the National Register.
3	A property not within a historic district.

Note: Properties with ratings of "C" or higher or are contributors to or potential contributors to an API or ASI are considered Potential Designated Historic Properties (PDHP) that may warrant consideration for preservation by the City.

structure and is compatible with the character of the neighborhood; or 2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or 3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.

- Policy 3.7: Property Relocation Rather than Demolition. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.

Although the HPE focuses primarily on built environment resources, prehistoric and historical archaeological resources are considered under the following policy:

- Policy 4.1: Archaeological Resources. To protect significant archaeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas. This policy entails that mitigation measures are typically incorporated into the project as part of the environmental review

process, which can include a surface reconnaissance by an archaeologist to identify archaeological deposits; monitoring of ground disturbance during construction to identify archaeological resources and stopping work if necessary to provide recommendations for the treatment of uncovered archaeological materials; and performing limited pre-construction archaeological excavations to determine whether archaeological materials are present.

(3) City of Oakland's Standard and Uniformly Applied Conditions of Approval. The City of Oakland's Standard and Uniformly Applied Conditions of Approval that would apply to the proposed project are listed below. Implementation of these Conditions of Approval would ensure that a project's potential cultural resource impacts would be reduced.

Condition 40: Archaeological Resources. *Ongoing throughout demolition, grading, and/or construction.* Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation, with the ultimate determination to be made by the City of Oakland. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

In considering any suggested measure proposed by the consulting archaeologist in order to mitigate impacts to historical resources or unique archaeological resources, the project applicant shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for historical resources or unique archaeological resources is carried out.

Should an archaeological artifact or feature be discovered on-site during project construction, all activities within a 50-foot radius of the find would be halted until the findings can be fully investigated by a qualified archaeologist to evaluate the find and assess the significance of the find according to the CEQA definition of a historical or unique archaeological resource. If the deposit is determined to be significant, the project applicant and the qualified archaeologist shall meet to determine the appropriate avoidance measures or other appropriate measure, subject to approval by the City of Oakland, which shall assure implementation of appropriate measure(s) recommended by the archaeologist. Should archaeologically-significant materials be recovered, the qualified archaeologist would recommend appropriate analysis and treatment, and would prepare a report on the findings for submittal to the Northwest Information Center.

Condition 41: Human Remains. *Ongoing throughout demolition, grading, and/or construction.* In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

Condition 42: Paleontological Resources. *Ongoing throughout demolition, grading, and/or construction.* In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on

the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

Condition 45: Vibrations Adjacent Historic Structures. *Prior to issuance of a demolition, grading or building permit.* The project applicant shall retain a structural engineer or other appropriate professional to determine threshold levels of vibration and cracking that could damage historic buildings or structures (such as East 18th Street Pier—a component of the Lake Merritt District) and design means and methods of construction that shall be utilized to not exceed the thresholds.

2. Impacts and Mitigation Measures

This section discusses potential impacts to cultural resources that could result from implementation of the Measure DD Project. The section begins with the significance criteria, which establish the thresholds used to determine whether an impact is significant. The latter part of this section presents project impacts and identifies mitigation measures as appropriate.

a. Criteria of Significance. Implementation of the Measure DD project components would have a significant impact on cultural resources if they would:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5. Specifically, substantial adverse changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be “materially impaired.” The significance of a historical resource is “materially impaired” when a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on a historical resource list (including the California Register of Historical Resources, the National Register of Historic Places, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5);
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5;
- 3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature or;
- 4) Disturb any human remains, including those interred outside of formal cemeteries.

The level of impact to cultural resources is discussed in the following section and summarized in Table IV.G-2.

b. Impacts and Mitigation Measures Applicable to all Project Components. The following describes potential significant impacts to cultural resources that may occur in all four project groups by implementing Measure DD. These impacts are defined below for each of the criterion of significance outlined above.

(1) Substantial Adverse Change in the Significance of a Historical Resource. Historical resources, which include archaeological sites, buildings, and structures, are present in all project groups (see Table IV.G-1). The differing types of resources present in each project group preclude a single mitigation that would adequately address all possible project effects (i.e., mitigation of project impacts to an archaeological site would not necessarily be applicable to a historical building).

Table IV.G-3: Summary of Potential Impacts – Cultural Resources

Would the Project:	Project Group ^a			
	Group 1 Lake Merritt	Group 2 Waterfront Trail	Group 3 Recreational Facilities	Group 4 City-wide Creeks
1. Cause a substantial adverse change in the significance of a historical resource as defined in <i>CEQA Guidelines</i> Section 15064.5.?	○ CULT-1	○	○	○ CULT-2
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to <i>CEQA Guidelines</i> 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?	○	○	○	○

^a The Lake Merritt and Waterfront Trail groups are analyzed at the project level. The Recreational Facilities and City-wide Creeks groups are analyzed at the program level. The level of impact and the proposed mitigation measure, if any, are identified as follows:

== No impact

○ Less-than-Significant or Less-than-Significant with standard Conditions of Approval

● Reduced to Less-than-Significant after recommended mitigation

● Significant

NA Not Applicable

CULT-1, etc. identifies the mitigation measure, if any, that addresses the impact and reduces it to a level that is less than significant.

Source: LSA Associates, 2007

Potential impacts to historical resources are discussed below in Section IV.G.2.c according to individual project components.

(2) Substantial Adverse Change in the Significance of an Archaeological Resource.

Archaeological sites are reported in the Lake Merritt group (CA-ALA-5, P-01-010693, and P-01-010694) and City-wide Creeks group (CA-ALA-585H). No archaeological sites were identified for the Waterfront Trail and Recreational Facilities groups. Implementation of the City’s Standard Conditions of Approval (Condition 40: Archaeological Resources) would ensure that, should an archaeological site be accidentally discovered as a result of project implementation, impacts to the resource would be reduced to a less-than-significant level. Potential impacts to archaeological resources in the Lake Merritt and City-wide Creeks groups are discussed below in Section IV.G-2c according to individual project components.

(3) Destroy a Unique Paleontological Resource. The geologic units that underlie project area soils and fill may contain significant, non-renewable paleontological resources. Implementation of the City’s Standard Conditions of Approval (Condition 42: Paleontological Resources) would

ensure that, should significant paleontological resources be accidentally discovered as a result of project implementation, impacts to such resources would be reduced to a less-than-significant level.

(4) Disturb Human Remains. This study did not identify human remains in any of the component groups, although the presence of such remains cannot be ruled out. Native American skeletal and cremated remains are often interred in shellmounds and at sites used for habitation. A shellmound (CA-ALA-5) was recorded around 1910 by Nels Nelson and Arnold Pilling in the Lake Merritt group. Several of the proposed City-wide Creeks restoration and acquisition properties were conducive to prehistoric occupation given the presence of a reliable water source and important riparian resources. Implementation of the City's Standard Conditions of Approval (Condition 41: Human Remains) would ensure that, should human remains be accidentally discovered as a result of project implementation, impacts would be reduced to a less-than-significant level. Potential impacts to prehistoric resources in the Lake Merritt and City-wide Creeks groups are discussed below in Section IV.G.2.c according to individual project components.

c. Impacts and Mitigation Measures Unique to Specific Project Components. This section describes potential impacts to cultural resources that are unique to individual project components. Potential impacts are associated with one of the three significance criteria described in Section IV.G.2.a.

(1) Substantial Adverse Change in the Significance of a Historical Resource. Potential site-specific impacts to historical resources are discussed below.

There are two structures, the Livingston Pier and the Cryer Boatworks, within the Waterfront Trail group and one building, Brookfield Elementary School, within the Recreational Facilities group that have been assigned ratings of "C" by the OCHS. According to HPE Policy 3.8, only buildings with a rating of "A" or "B" or those buildings located within an "Area of Primary Importance" would be considered properties on the City of Oakland's Local Register. The Livingston Pier is categorized as a C3 structure by the OCHS and may contribute to the Embarcadero Cove District, a "future Area of Secondary Importance." The "Cryer & Son Boat Builder" building at 1899 Dennison Street, an early 1900s building, and the Brookfield Elementary School, which was constructed ca. 1951, have been categorized as C3 structures by the OCHS. Thus, projects effects on these buildings (either demolition or modification) would be less than significant because they are not considered significant under the City's CEQA guidelines.

Impact CULT-1 (Group 1): Project activities within the Lake Merritt and Lake Merritt Channel group may impact subsurface prehistoric archaeological materials that may qualify as historical resources under CEQA. (S)

CA-ALA-5, a prehistoric shellmound recorded around 1910, may be within the Lake Merritt area. The location of CA-ALA-5 is uncertain. Nelson and Pilling described CA-ALA-5 as being "on SW side of Lake Merritt, near outlet." As currently mapped at the NWIC, however, CA-ALA-5 is plotted on the southeast side of Lake Merritt near Lakeshore Avenue and outside of the 12th Street reconstruction area where the most substantial ground disturbing activities are proposed. In December 2004 Suzanne Baker and Michael Smith of Archaeological/Historical Consultants visited the mapped location of CA-ALA-5 and did not identify surface evidence of an archaeological site. Baker and Smith did note, however, the possibility of a subsurface deposit. Baker and Smith also identified P-

01-010694, a possible prehistoric site which consisted of “shell and dark sand” but no artifactual materials, in the 12th Street reconstruction area approximately 200 meters from the mapped location of CA-ALA-5. P-01-010694 is recorded in a road median in a “highly disturbed” area and is unlikely to qualify as a historical resource. In fact, Baker believed the P-01-010694 is likely to be imported fill and not an archaeological deposit.⁵⁴ Nonetheless, Baker believes that the areas of CA-ALA-5 and P-01-010694 are of high archaeological sensitivity, and the possibility exists for significant subsurface archaeological materials in the 12th Street reconstruction area.

While there is inadequate information available to determine whether CA-ALA-5 or P-01-010694 would be archaeological resources pursuant to *CEQA Guidelines* Section 15064.5 or unique archaeological resources pursuant to Section 21083.2, they may nevertheless be historical resources. Implementation of Mitigation Measure CULT-1 would ensure that impacts to archaeological sites in the 12th Street reconstruction area would be reduced to a less-than-significant level.

Mitigation Measure CULT-1 (Group 1): A qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards CFR 66, Appendix C, (48 FR 44738-9) and the certification requirements of the Register of Professional Archaeologists shall monitor initial project construction ground disturbing activities, such as trenching or excavating with a backhoe or bulldozer, in the 12th Street reconstruction area. The protocols for monitoring and data recovery outlined in the *Archaeological Monitoring and Discovery Plan, 12th Street Reconstruction Project (AMDP)*⁵⁵ shall be implemented. Monitoring shall continue as deemed necessary by the monitor based on the initial observations. If the monitor observes subsurface prehistoric archaeological materials during excavation, such as those associated with CA-ALA-5 or P-01-010694, the monitor shall ensure that appropriate actions are taken as described in the following paragraphs.

In the event that archaeological materials are identified (e.g., obsidian, heat-affected rock, faunal bone, and midden), the archaeologist will immediately notify the Construction Manager, who will temporarily stop construction to permit an examination of the find. Should the monitoring archaeologist determine that the cultural object or feature is significant (i.e., appears eligible for listing in the California Register of Historical Resources), a determination will be made as to the areal extent of the find, and the time required to mitigate (i.e., record and remove or collect all or part of) the discovery. Once the archaeological monitor has made a determination as to the time required to mitigate the find, and has sufficient supporting information, the monitor will take the following steps: 1) record, but not remove materials if non-cultural or non-significant, and allow work to progress, or 2) record and remove the isolated or limited cultural materials and permit work to progress.

If the above steps do not apply (i.e., in those instances where the cultural materials are significant and not isolated or spatially limited), then the Construction Manager shall be notified and recovery of the materials shall occur. Diagnostic artifacts, as well as those classes of artifacts for which an adequate sample has not yet been recovered, shall be collected and

⁵⁴ Baker, Suzanne, 2005. *Positive Archaeological Survey Report for the Alameda-Contra Costa Transit District’s East Bay Rapid Transit Project in Berkeley, Oakland, and San Leandro*. Archaeological/Historical Consultants, Oakland, California.

⁵⁵ William Self Associates, Inc., 2005:4-9. *Archaeological Monitoring and Discovery Plan, 12th Street Reconstruction Project*. William Self Associates, Inc., Orinda, California.

bagged following photographing and recording of provenience. Mapping of deposits would be coordinated using existing engineering survey controls, and elevation accuracy will be maintained during the excavation to permit provenience controls for artifact recording. All information needed, including soil color or type, elevation, location, photographs, and sketch maps will be gathered as quickly as conditions permit to allow resumption of construction activities. All recovered cultural materials shall be cleaned as appropriate, preserved if necessary, bagged, and tagged or marked so as to permit its identification in an acceptable record system, and in accordance with recognized professional standards. All recovered cultural material shall be analyzed sufficiently to permit identification in accordance with recognized professional standards and submitted to a curation facility, as appropriate. A Final Monitoring Report shall be prepared, describing the results of monitoring, data recovery, and analysis. (LTS)

Impact CULT-2 (Group 4): Project activities associated with the City-wide Creeks group may impact historical resources. (S)

This EIR has identified historical resources within or near creeks proposed for restoration that are City Landmarks and appear eligible to the California Register. These consist of the Rancho San Antonio Headquarters, which includes buildings and archaeological deposits associated with the Peralta family, adjacent to Peralta Creek; the ca. 1860s J. Mora Moss House in Mosswood Park adjacent to Glen Echo Creek; and Oak Glen Park along Richmond Boulevard, including its bridge, pergola, paths, native riparian vegetation, and buildings along Richmond Boulevard. Several of the City-wide Creeks project component areas appear sensitive for prehistoric archaeological materials since these areas, with a reliable water source and important riparian resources, would have been suitable for occupation. At the time of preparing this EIR, descriptions for each of the City-wide Creeks components are unavailable and, therefore, require that these components be addressed at a program level. Implementation of Mitigation Measure CULT-2 will ensure that if cultural resources are identified within City-wide Creeks groups that impacts to these resources would be reduced to a less-than-significant level.

Mitigation Measure CULT-2 (Group 4): A preconstruction cultural resources study by a qualified person shall be done for the City-wide Creeks project sites, unless the proposed activities at the site would involve minimal (or no) ground disturbance, such as weeding, hand planting, sign placement, or pruning. For this non-intrusive or minimally intrusive work no mitigation would be needed. For all other work, the preconstruction study will be used to determine whether cultural resource(s) will be adversely affected by project activities and will ensure that, if a cultural resource(s) is present within a City-wide Creek restoration site, impacts to this resource will be avoided or mitigated.

The first phase of the study will assess the prehistoric and historical sensitivity for each City-wide Creeks restoration site (or group of sites) and will review project plans to assess the potential for project activities to impact cultural resources at a creek restoration site. The study will include a literature review and a records search at the Northwest Information Center, Rohnert Park, and a site visit to determine the likelihood of recorded or surface-exposed cultural resources at a creek restoration site. A brief letter report shall be prepared for the City that includes the results of the background research and, based on the results of the background research, a determination of whether additional study for cultural resources at a given location

will be necessary. If no cultural resources that would be disturbed by the project activities are identified in this phase, the City's Standard Conditions of Approval, which address accidental discoveries, shall be implemented and would reduce the impact to a less-than-significant level. If cultural resources that could be disturbed by the project activities are tentatively identified, additional study, construction monitoring, and mitigation, as appropriate, shall be performed.

If cultural resources that could be disturbed by the project activities are tentatively identified, a field survey shall be conducted to identify the cultural resources and an archaeological excavation shall be performed, as necessary, to determine whether archaeological deposits are present. The excavation phase may be conducted during the initial ground disturbing work at the site(s). If the excavation phase is conducted during the initial ground disturbing work, the monitoring protocols described in CULT-1 shall be followed. If no cultural resources are identified in this phase, the City's Standard Conditions of Approval, which address accidental discoveries, shall be implemented and would reduce the impact to a less-than-significant level. If cultural resources are identified, the cultural resources shall be preserved, mapped and otherwise documented as described in CULT-1. Implementation of these measures will reduce the impact to a less-than-significant level. (LTS)

(2) Substantial Adverse Change in the Significance of an Archaeological Resource. No impacts were identified unique to select project components to archaeological resources pursuant to *CEQA Guidelines* Section 15064.5 or unique archaeological resources pursuant to Section 21083.2. Nevertheless, implementation of CULT-1 and CULT-2 and the City's Standard Conditions of Approval (Condition 40) will ensure that, should an archaeological resource be identified during project implementation, impacts to such resources will be reduced to a less-than-significant level.

(3) Disturb Human Remains. No impacts were identified unique to select project components for human remains. The City's Standard Conditions of Approval (Condition 41) will ensure that, should human remains be identified during project implementation, impacts to such resources will be reduced to a less-than-significant level.