

## M. Cultural Resources

### Introduction

This section discusses existing cultural resources setting of the project site and the project vicinity, and analyzes the potential for the project to affect those resources. Cultural resources are defined as prehistoric archaeological resources, historic archaeological resources, historic architectural resources, and paleontological resources.

### Setting

#### Prehistoric Setting

Although the project area is urbanized with a history of industrial and maritime uses since the early twentieth century, prehistorically it was biologically rich upland and beach surrounded by intertidal flats and marsh. Natural marshland biotic communities along the edges of bays and channels were the principal source of subsistence and other activities from the middle Holocene (10,000 years ago to present) until the contact period in the San Francisco Bay region. With the increasing sea levels during the early Holocene and the fill development during the past century, many coastal and riparian sites have been largely destroyed or inundated.

Efforts to reconstruct prehistoric times into broad cultural stages, e.g., Early Period and Middle Period, allows researchers to describe a wide number of sites with similar cultural patterns and components during a given period of time, thereby creating a regional chronology. This section provides a brief discussion of this chronology for the project area.

Many of the original surveys of archaeological sites in the Bay region were conducted between 1906 and 1908 by N.C. Nelson. The surveys yielded the initial documentation of nearly 425 “earth mounds and shell heaps” along the littoral zone of the Bay (Nelson, 1909). From these beginnings, the most notable sites in the Bay region were excavated scientifically, like the Emeryville shell mound (designated as “Ala-309”), the Ellis Landing Site (Cco-295) in Richmond, and the Fernandez Site (CC0-259) in Rodeo Valley (Morrato, 1984). These dense midden sites are vast accumulations of domestic debris, which have been dated as 2,310 +/- 220 years old, such as Ala-309, but other evidence from around the Bay suggests that human occupation in the region is of greater antiquity or approximately around 5000 B.C. (Jones, 1992). While many interpretations exist as to the function of the shell mounds, much of the evidence suggests that they served as sociopolitical landmarks on the cultural landscape as well as ceremonial features.

The Early Period or the so-called “Berkeley Pattern” is characterized by almost exclusive use of cobble mortars and pestles, which is often associated with a heavy reliance on acorns in the economy (Moratto, 1984). Such unusually intensive reliance on one foodstuff indicates that a shift away from the earlier reliance on a broad spectrum of dietary sources to supply demand was

needed by around 1,000 Before Present (B.P.). The Late Pleistocene/Early Holocene profusion of food availability along lakeshores and estuaries likely led to an overexploitation of the resources that resulted in population increases, which may explicate the shift toward exploiting a readily available, yet lower ranked resource like acorns or seeds (Jones, 1991). Nevertheless, given the burgeoning size of Early Period settlements, it is probable that the populations were denser and more sedentary, yet continued to exploit a diverse resource base — from woodland to grassland and marshland, to Bay shore resources throughout the San Francisco Bay Area (King, 1974). Many of the Berkeley traits diffused throughout the region and spread to the interior areas of central California during this time period.

The population increases and larger, more complex settlements that began in the late-Early Period typify the Middle Period (ca. 500 BC – AD 1000) (Arnold et al., 2004). The sociopolitical landscape also appears to become more elaborate with clear differentiations in wealth. During the Late Period (ca. AD 1000 – 1700), however, there was a decline in the new sites and the large shell mounds were abandoned. The Late Period also showed population declines and concomitant changes in resource use, likely due to depletions in some terrestrial food sources caused by humans during the Middle Period (Broughton, 1994).

### ***Ethnographic Setting***

Prior to Euro-American contact, the area of present-day Alameda County was occupied by the Ohlone (also known by their linguistic group, Costanoan). Politically, the Costanoan were organized into groups called tribelets. A tribelet was a unit of linguistic and ethnic differentiation and constituted a sovereign entity that held a defined territory and exercised control over its resources. A large area of the East Bay is located within the territory of a people that spoke Chochenyo, one of several Costanoan languages.

The Ohlone economy was based on fishing, gathering, and hunting, with the land and waters providing a diversity of resources including acorns, various seeds, salmon, deer, rabbits, insects, and quail. The acorn was the most important dietary staple of the Costanoan. The Costanoan, like many other Native American groups in the Bay Area, likely lived in conical tule thatch houses.

In 1770, the Costanoan-speaking people lived in approximately 50 separate and politically autonomous nations or tribelets, and the number of Chochenyo speakers reached 2,000, substantially more than the typical size of a tribelet, which ranged from 40 to 200 members.

During the Mission Period (1770-1835), native populations, especially along the California coast, were brought, usually by force, to the missions by the Spanish missionaries to provide labor. The missionization caused the Costanoan people to experience cataclysmic changes in almost all areas of their life, particularly a massive decline in population due to introduced diseases and declining birth rate, resulting in large part from colonization by the Spanish missionaries. Following the secularization of the missions by the Mexican government in the 1830s, most Native Americans gradually left the missions and established rancherias in the surrounding areas. Native American archaeological sites that could shed light on the Costanoan ways of life in the pre-mission era tend to be situated near the historic extent of the Bay tidal marshland.

## Historic Setting

The project site is within the Rancho San Antonio land grant that was granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. The 43,000-acre rancho included the present-day 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 the title was honored when California entered the Union by treaty in 1848. Despite the title, by the middle of the 19th century, squatters had moved in to use portions of Peralta's undeveloped land. The Gold Rush and California statehood brought miners, businessmen, lumbermen and other speculators to the area in search of opportunities. Early settlers of that period include Edson Adams, Andrew Moon, and Horace Carpentier, who squatted on 480 acres of Vicente Peralta's (one of Luis Peralta's sons) land. Adams, Moon, and Carpentier subsequently hired Jules Kellersberger, an Austrian-educated Swiss military engineer, to plot a new city – Oakland, which was incorporated in 1852.

The city originally encompassed the area roughly bordered by the Oakland Estuary on the south, Market Street on the west, 14th Street on the north, and the Lake Merritt Channel on the east. Broadway served as the main street. The majority of the early city dwellers, numbering under one hundred, lived near the foot of Broadway in proximity to the estuary. From there, city development moved north along the street car lines of Broadway and Telegraph Avenue towards the Oakland Hills and ultimately towards East Oakland.

Once Oakland was established, newcomers began leasing or purchasing land from the Peraltas and settling in the surrounding area. Wealthy and retired individuals began moving to a region south of Clinton Basin known then as Fruit Vale, including San Francisco hardware merchant W. A. Bray, who purchased large tracts of land which extended on either side of Fruitvale Avenue, north of East 14<sup>th</sup> Street in 1859, and began to cultivate an Oak tree farm which became the center of the neighborhood (David Chavez & Associates, 1996). One of the earliest businesses in the area was started by John Turnbull, an English immigrant who established a nursery along East 14<sup>th</sup> Street. Throughout the 1860s, the wealthy continued to buy up property in the Fruitvale area, largely due to the rich soil's ability to support a variety of fruit farms and proximity to Oakland's markets.

The first trains to travel over the transcontinental railroad arrived in Oakland in 1869, and by the end of this year, the Central Pacific/Southern Pacific Railroad was running trains between Oakland and Fruitvale on tracks laid down just south of San Leandro Street (now International Boulevard). With the arrival of the railroad came tremendous growth in Oakland as well as the Fruitvale neighborhood, as many of the parcels near the railroad were quickly subdivided and developed with homes and businesses. By the early 1870s, the Oakland, Fruit Vale and Mills Seminary Railroad horse-drawn streetcars were running along East 14<sup>th</sup> Street. Once public transportation arrived in Fruitvale, many of the larger agricultural tracts of land were further subdivided for residential use. An 1878 Thompson and West map of the project area shows the project site under cultivation and entirely owned by E.M. Derby who was a large land owner in the Fruitvale area at the time, for whom Derby Street in the project area was named, (Thompson

and West, 1878). By the mid-1880s, the area's residents were still "principally retired merchants and persons raising fruit" (David Chavez & Associates, 1996). However by the 1890s, the horse-drawn railroad line had been electrified, and a train station was built at the intersection of East 14<sup>th</sup> Street and Fruitvale Avenue, from which Fruitvale's main commercial center grew.

Sanborn maps of the project site in 1911 show limited development at the site's western end between 25<sup>th</sup> and 26<sup>th</sup> Streets, comprised of a waterproof clothing manufacturer at 25<sup>th</sup> Street and have a dozen small dwellings along 26<sup>th</sup> Street, with the remainder of the site undeveloped or fallow agricultural land (Sanborn, 1911). By this time the Southern Pacific Railroad to the south of the project site had developed into a major railroad route, with five principal tracks through the area. Immediately north of the project was the smaller Western Pacific Railroad which ran along East 12<sup>th</sup> Street. In 1913, the large, Georgian Revival-style St. Joseph's Home for the Aged – Little Sisters of the Poor was completed on East 14<sup>th</sup> Street, one block northeast from the project site (OCHS, 1994).

During the 1920s and 1930s, commercial buildings began to appear along East 12<sup>th</sup> Street. By this time, Spark Stove Co., a manufacturer of gas ranges, had constructed a large factory and foundry on the project site along East 12<sup>th</sup> between 26<sup>th</sup> and 28<sup>th</sup> Streets, replacing all of the earlier commercial and residential uses which had existed in this location previously. Sanborn maps of the project site in 1951 identify Spark Stove, as well as the California Highway Commission's Equipment Yard and Warehouse (part of the current Caltrans property), as well as a number of smaller-scale commercial uses including a restaurant at the corner of East 12<sup>th</sup> Street and Derby Avenue (Sanborn, 1951). By the 1970s and 1980s, Sparks Stove had been replaced with the self storage containers and the Ace Hardware store which exists on the project site today, and a number of smaller, corrugated metal warehouse structures were added to the Caltrans property.

## **Regulatory Framework**

### ***State of California***

The following state public resource codes and CEQA regulations apply:

- CEQA: Public Resources Code Sections 5020.1, 5024.1, 21083.2, 21084.1, et seq.; requires analysis of potential environmental impacts of proposed projects and application of feasible mitigation measures.
- Title 14, Public Resources Code, Section 5020.1 defines several terms, including the following: (f) "DPR Form 523" means the Department of Parks and Recreation Historic Resources Inventory Form; (i) "historical resource" includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California; (j) "local register of historical resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution; (l) "National Register of Historic Places" means the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture as authorized by the National Historic

Preservation Act of 1966 (Title 16 United States Code Section 470 et seq.); (q) “substantial adverse change” means demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired.

- Title 14, Public Resources Code, Section 5024.1 – establishes a California Register of Historic Places; sets forth criteria to determine significance; defines eligible properties; lists nomination procedures.
- Title 14, Public Resources Code, Section 5097.5 – any unauthorized removal or destruction of archaeological, paleontological resources on sites located on public lands is a misdemeanor.
- Title 14, Public Resources Code, Section 5097.98 – prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn; sets penalties.
- Title 14, Public Resources Code, Section 21083.2 – the lead agency determines whether a project may have a significant effect on unique archaeological resources. If a potential for damage to unique archaeological resources can be demonstrated, such resources must be avoided; if they can’t be avoided, mitigation measures shall be required; discusses excavation as mitigation; discusses cost of mitigation for several types of projects; sets time frame for excavation; defines “unique and non-unique archaeological resources”; provides for mitigation of unexpected resources; sets limitation for this section.
- Title 14, Public Resources Code, Section 21084.1 – indicates that a project may have a significant effect on the environment if it causes a substantial change in the significance of a historic resource; the section further describes what constitutes a historic resource and a significant historic resource.
- *CEQA Guidelines*: Section 15064.5 – specifically addresses effects on historic and prehistoric archaeological resources, in response to problems that have arisen in the application of CEQA to these resources.
- Title 14, Penal Code, Section 622.5 – anyone who damages an item of archaeological or historic interest is guilty of a misdemeanor.
- *CEQA Guidelines*: California Code of Regulations, Sections 15000, et seq., Appendix G (j), specifically defines a potentially significant environment effect as occurring when the Proposed Project will “...disrupt or adversely affect...an archeological site, except as part of a scientific study.”
- Public Resources Code, Section 5097.5. Any unauthorized removal of archaeological resources on sites located on public lands is a misdemeanor. As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority or public corporation, or any agency thereof.

CEQA requires that public or private projects financed or approved by public agencies must assess the effects of the project on unique or significant historical resources. Historical resources are defined as buildings, sites, structures, objects or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance (Public Resources Code 21083.2; California Code of Regulations 15064.5).

Archaeological resources that are not “historical resources” according to the above definitions may be “unique archaeological resources” as defined in Public Resources Code section 21083.2, which also generally provides that “nonunique archaeological resources” do not receive any protection under CEQA. If an archaeological resource is neither a “unique archaeological” nor an “historical resource,” the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the EIR, but they need not be considered further in the CEQA process.

CEQA requires that if a project results in an effect that may cause a substantial adverse change in the significance of an historical resource, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed.

Therefore, prior to the assessment of effects or the development of mitigation measures, the significance of cultural resources must first be determined. The steps that are normally taken in a cultural resources investigation for CEQA compliance are as follows:

- Identify potential historical resources
- Evaluate the eligibility of historical resources
- Evaluate the effects of a project on all eligible historical resources

### ***City of Oakland***

The Oakland Cultural Heritage Survey (OCHS) uses a five-tier rating system for individual properties, ranging from “A” (highest importance), “B” (major importance), “C” (secondary importance), “D” (minor importance, and “E” (of no particular interest). This designation is termed the Individual Property Rating of a building and is based on the following criteria:

Visual Quality/Design: Evaluation of exterior design, interior design, materials and construction, style or type, supporting elements, feelings of association, and importance of designer.

History/Association: Association of person or organization, the importance of any event, association with patterns, and the age of the building.

Context: Continuity and familiarity of the building within the district.

Integrity and Reversibility: Evaluation of the building’s condition, its exterior and interior alterations, and any structural removals.

## Impacts and Mitigation Measures

### Significance Criteria

The project would have a significant impact on the environment if it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5. Specifically, a substantial adverse change includes 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 an 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 an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, 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 §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.

### Methodology

#### **Archival Methods**

A cultural resources records search of all pertinent survey and site data was conducted at the Northwest Information Center, Sonoma State University by ARS (2006). The records were accessed by utilizing the Oakland East USGS 7.5-minute quadrangle map and included the Proposed Project along with a quarter-mile buffer (the study area). The records search included a review of the *Directory of Properties in the Historic Property Data File for Alameda County* for information on sites of recognized historical significance within the *National Register of Historic Places*, the *California Register of Historic Resources*, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1996), and the *California Points of Historical Interest* (1992).

On February 10, 2005, ESA contacted the Native American Heritage Commission (NAHC) and requested a database search for sacred lands or other cultural properties of significance to local Native American peoples. On February 16, 2005, the NAHC provided a list of Native American organizations that should be contacted concerning locations of importance to Native Americans in the project area. ESA sent a letter to each organization on the NAHC list, providing information

about the proposed project and requesting information on locations of importance to Native Americans. No responses have been received to date.

### **Archival Results**

The results of the archival research indicated that no prehistoric resources have been recorded within the footprint of the proposed development (NWIC, 2005). One prehistoric site (CA-ALA-315) has been recorded within a half-mile of the project area, and a total of seven cultural resource studies have been conducted within a half-mile radius. No substantial information exists regarding ALA-315 and it has likely been destroyed by over a century of development in the area (Pilling, 1910). None of the previous studies identified any historical resources or unique archaeological resources. The *Archaeological Resources Investigations for the Fruitvale BART Transit Village Project* (Hupman, 1996) recommended that no additional measures to identify prehistoric remains were warranted given the lack of specific information on cultural resource sites within the BART Transit Village area and the heavy development currently built in the area.

The results of the archival research indicated that no historic resources have been recorded on the project site. None of the buildings on the project site are listed in the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHR), nor are any listed as a City of Oakland Designated or Potential Historic Property. No Oakland Preservation Districts or any buildings on Oakland's Preservation Study List were identified on the project site.

Buildings recorded by the Oakland Cultural Heritage Survey (OCHS) as part of a citywide inventory of unreinforced masonry (URM) buildings in 1994-1995 (represents the most comprehensive inventory of the project area (City of Oakland, 1995). The OCHS Survey recorded two properties within the project site boundaries:

- 3001-15 East 12th St. Watz (Charles) & Co. Fuel & Express Yard (currently vacant): Built 1939. This two-story, utilitarian warehouse has a flat roof with a stepped parapet, exterior walls of brick and hollow clay tile, and interior wood framing. The building was remodeled in 1951, and there are visible alterations on the front façade. OCHS gave this building a local rating of D3 (minor importance, not located in a historic district), and an NRHP rating of 6Z1 (ineligible for listing on the National Register through survey evaluation).
- 3027-31 East 12th St. Reminder Clock Co. / Bronzini Fruit Store (currently H/H Auto Collision): Originally built in 1917. This single-story, early 20<sup>th</sup> Century utilitarian building has a rectangular plan, a straight parapet, and exterior walls of stucco over hollow clay tile. Windows are metal sash, with visible alterations, due to a remodeling in 1957. OCHS gave this building a local rating of Ed3 (of no particular importance, not located in a historic district), and an NRHP rating of 6Z1 (ineligible for listing on the National Register through survey evaluation). The remaining buildings and structures on the project site were evaluated as part of an earlier "windshield survey" conducted by the Oakland Cultural Heritage Survey in 1986 (City of Oakland, 1986). These commercial

warehouse buildings consisting of steel frames on concrete foundations warehouses OCHS ratings of F (less than 45 years old or modernized), such as the retail store at 2783 East 12<sup>th</sup> Street (a remodeled, former salvage furnace warehouse) and the Ace Hardware building (a remodeled former building materials warehouse) at the end of 29<sup>th</sup> Avenue. The Caltrans buildings along Derby Avenue received no historical rating, and were therefore presumed to be of little or no local historical interest at the time of the survey. The structure at 2550 East 12<sup>th</sup> Street (Ronneberg-Lind & Kelly Auto Paint, built in 1928) is a recorded property located opposite East 12<sup>th</sup> Street from the project site and outside the project site boundary. This building was determined ineligible for the National Register and rated D3 (D, minor importance) through survey evaluation, and would not be considered a historic resource in the project vicinity.

The only recorded historic resource in the project vicinity is the 1913 St. Joseph's Home for the Aged – Little Sisters of the Poor located at 2647 East 14<sup>th</sup> Street (OCHS, 1994). This building is a City of Oakland Landmark with an OCHS rating of “A3” (highest importance). It is about 300 feet northeast and opposite the elevated BART tracks and East 12<sup>th</sup> Street from the project site.

### ***Field Survey Results***

A reconnaissance-level pedestrian survey was conducted by ESA archaeologist, Dean Martorana, RPA for the Initial Study prepared in 2005. Given the high level of urbanization in the project area, no substantive examination of the native surface was possible.

A supplemental reconnaissance-level survey of the project site buildings was completed by ESA in October, 2006, as part of this EIR to provide an update to the earlier survey efforts and to determine if any substantial changes to the project site buildings had occurred since the area was last surveyed. The results of the ESA reconnaissance survey indicate that the only substantial changes to the area since 1986 have been the addition of the self-storage containers in the center of the site. No substantial changes have occurred to the buildings evaluated in the 1994 URM survey for 3001-15 East 12th St. and 3027-31 East 12th St., or to the buildings in the 1986 survey, although all buildings appear generally more dilapidated. While some of the corrugated metal storage sheds on the Caltrans property may have passed the 50-year age threshold since the 1986 survey, no new historical information has come to light that would change the original OCHS ratings of F (or no rating). As such, the ratings given to the project site buildings in 1986 and 1994 would be appropriate.

In general, given the archival research and previous and current survey efforts, the buildings on the project site do not appear to exhibit sufficient historical or architectural significance to qualify as federal, state, or local historic resources, and would therefore not be considered historic resources under CEQA Guidelines Section 15064.5.

## Impacts

### ***Archaeological Resources***

#### **Impact CUL-1: The project could adversely affect unknown or undocumented historical resources or unique archaeological resources. (Potentially Significant)**

No prehistoric sites have been recorded within the project area and no specific sensitivities can be substantiated without substantial removal of buildings, pavement and soils in the area. The area has been subject to significant alteration, including railroad development for over 100-years, which has likely resulted in the destruction of any surface evidence of prehistoric activities (the top 15-20 feet of soils are alluvial and artificial soils that have layered over time above the native topography that existed at the time of primary occupation). Sausal Creek was located approximately a quarter-mile from the project area; however, the landscape has been substantially altered (indeed, the creek itself is now an underground culvert system). Given this proximity to a watercourse, there is a possibility that previously unknown archaeological sites, such as shell midden soils, stone artifacts, and historic trash scatters, may occur at the project site. Inadvertent damage to significant buried archaeological deposits during construction would be a significant impact.

**Standard Condition CUL-1a: Pursuant to CEQA Guidelines section 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 measure, 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 measure 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 measures 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.**

**Standard Condition CUL-1b: 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.**

**Significance after Implementation of Standard Condition:** Less than Significant.

---

### ***Paleontological Resources***

#### **Impact CUL-2: The project would adversely affect paleontological resources. (Potentially Significant)**

The proposed project sites are located in alluvial flats and historical flood plain soils, which tend to be considered of low potential for harboring paleontologic resources that would qualify as significant—in terms of scientific importance—for the purposes of CEQA (CEQA Guidelines 15064.5[a][3]). The project area contains recent (Holocene) Basin (Qhb) and Alluvial (Qhaf) deposits and some Artificial fill deposits (Helley & Graymer 1997). These types of sediments would not likely yield significant paleontologic remains because they are surface deposits that are not considered fossil-bearing rock units.

Because significant fossil discoveries can be made even in areas designated as having a low potential for such resources and could result from excavation activities related to the proposed project. Excavation activities can have a deleterious effect on such resources. This impact would

be reduced to a less-than-significant level with the incorporation of the following standard condition.

**Standard Condition CUL-2: 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.**

**Significance after Implementation of Standard Condition:** Less than Significant.

---

### ***Historic Resources***

**Impact CUL-3: The project would have an adverse impact to architectural resources or built historical resources. (Less than Significant)**

The proposed development would remove all of the extant buildings on the project site. As none of the project site building qualify as federal, state, or local historical resource due to a lack of historical and architectural significance, they would not be considered historic resources under Section 15065.4 of the CEQA Guidelines. The proposed project would additionally have no direct or indirect impacts on historic resources in the project vicinity, including the 1913 St. Joseph's Home for the Aged – Little Sisters of the Poor located at 2647 East 14<sup>th</sup> Street; a City of Oakland Landmark, given the distance of this property from the project site as well as the substantial intervening development (including elevated BART tracks). Therefore, their proposed project and demolition would be a less-than-significant impact to historic resources. No mitigation required.

**Mitigation:** None Required.

---

## Cumulative Impacts

### **Impact CUL-4: The proposed project could contribute to cumulative impacts on cultural resources. (Less than Significant)**

As discussed above, no cultural resources have been identified within the project area. This section includes several mitigation measures to reduce potential impacts to cultural resources during construction of the proposed project (i.e., accidental damage or destruction of previously unknown archaeological sites) to a less than significant level. The project region has undergone significant past removal of prehistoric and historic-era resources primarily due to urban development. Thus, there is the potential for future development project in the vicinity to disturb undeveloped or merely tilled landscapes that may contain known or unknown cultural resources. However, future projects with potentially significant impacts to cultural resources would be required to comply with federal, state, and local regulations and ordinances protecting cultural resources through implementation of similar mitigation measures during construction. Therefore, the potential construction impacts of the project in combination with other projects in the area would not contribute to a cumulatively significant impact on cultural resources.

**Mitigation:** None Required.

---

## References – Cultural Resources

- Broughton, J. M. *Declines in mammalian foraging efficiency during the late Holocene, San Francisco Bay, California*. *Journal of Anthropological Archaeology* 13: 371–401, 1994.
- Broughton, J. M. *Widening diet breadth, declining foraging efficiency, and prehistoric harvest pressure: Ichthyofaunal evidence from the Emeryville shell mound, California*. *Antiquity* 71: 845–862, 1997.
- Broughton, J. M. *Resource Depression and Intensification During the Late Holocene, San Francisco Bay: Evidence from the Emeryville Shell Mound Vertebrate Fauna*, University of California Anthropological Records No. 32, Berkeley, 1999.
- City of Oakland, Oakland Cultural Heritage Survey, *Final Project Report for the 1994-1995 Unreinforced Masonry (URM) Building Intensive Survey*, Betty Marvin, Author and Principal Investigator, 1995.
- David Chavez & Associates, *Archaeological Resources Investigation for the Fruitvale BART Transit Village Project, Oakland, California*, Prepared by Jan M. Hupman, Historian, and David Chavez, Archaeologist, July, 1996.
- Jones, T. L. *Marine-resource value and the priority of coastal settlement: A California perspective*. *American Antiquity* 56: 419–443, 1991.

Jones, T. L. *Settlement trends along the California coast*. In Jones, T. L. (ed.), *Essays on the Prehistory of Maritime California*, Center for Archaeological Research at Davis, Vol. 10, University of California, Davis, pp. 1–37, 1992.

King, T.F., *The evolution of status ascription around San Francisco Bay*. In *Antap*: California Indian Political and Economic Organization. Eds Bean, L.J. and King, T.F. Bellena Press Anthropological Papers. 2: 35-54, 1974.

Pilling, Archaeological Site Record, CA-ALA-315, On file at the Northwest Information Center, Rohnert Park, CA, 1910.

Moratto, M.J. *California Archaeology*. Smithsonian Press: San Diego, CA, 1984.

Northwest Information Center (NWIC), *Re: Records Search Results for Fruitvale Gateway*, File No. 04-670, February 7, 2005

Oakland Cultural Heritage Survey (OCHS), *3001-15 East 12th St. Watz (Charles) & Co. Fuel & Express Yard, 3027-31 East 12th St. Reminder Clock Co. / Bronzini Fruit Store, and 2647 E. 14<sup>th</sup> Street – St. Joseph’s Home/Little Sisters of the Poor*, Primary Record Forms, Prepared for the OCHS Completion Report, September 30, 1994.

Society of Vertebrate Paleontology, *Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources – Standard Guidelines*, Society of Vertebrate Paleontology News Bulletin, Vol. 163, p. 22-27, 1995.

### **Maps**

City of Oakland, Oakland Cultural Heritage Survey, OCHS Reconnaissance Survey Maps, *East 14<sup>th</sup> Street and Fruitvale Avenue* (Annotated copies of Sanborn Fire Insurance Co. Maps), May 19, 1986.

Sanborn Fire Insurance Company (Sanborn), 1903, 1911, 1951

Thompson and West, Oakland, Map No. Eight, 1878