

4.10 CULTURAL AND PALEONTOLOGICAL RESOURCES

This section considers and evaluates the potential impacts of the proposed project on cultural and paleontological resources within the General Plan Update (GPU) Planning Area. Cultural resources include historic buildings and structures, historic districts, historic sites, prehistoric and historic archaeological sites, and other prehistoric and historic objects and artifacts as a result of implementation of the proposed General Plan Update and its associated project components. Paleontological resources include vertebrate, invertebrate, or plant fossils. This Draft Environmental Impact Report (DEIR) utilizes technical information and analyses from previous studies which are supported by the State California Environmental Quality Act (CEQA) Guidelines (see Sections 15148 [Citation] and 15150 [Incorporation by Reference]).

CONCEPTS AND TERMINOLOGY FOR EVALUATION OF CULTURAL RESOURCES

The following definitions are common terms used to discuss the regulatory requirements and treatment of cultural resources:

- *Cultural resources* is the term used to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.
- *Historic properties* is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.
- *Historical resource* is a California Environmental Quality Act (CEQA) term that includes buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance, and is eligible for listing or is listed in the California Register of Historical Resources (CRHR).
- *Paleontological resource* is defined as including fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil bearing rock strata.

4.10.1 EXISTING SETTING

ETHNOGRAPHY

At the time of Euroamerican contact (ca. 1769), Native Americans identified as Costanoans occupied the area from San Francisco Bay to southern Monterey Bay and the lower Salinas River. The name Costanoan, however, is a linguistic term that designates a language family consisting of eight separate and distinct languages (Levy, 1978). Costanoan speakers were organized in approximately 50 tribelets (Levy, 1978). Speakers of Karkin, one of the eight Costanoan languages, formed a tribelet and primarily occupied the Carquinez Strait area. Unfortunately, Costanoan culture was dramatically affected by missionization, and information (e.g., mission records and travelers logs) regarding its pre-contact organization is incomplete and inconsistent.

Costanoans lived in an area extending from San Francisco Bay to the Salinas Valley. This large area was subdivided among several individual tribelets occupying specific territories. Each tribelet, such as the Karkin, consisted of approximately 200 individuals who were grouped into clans and moieties. A headman controlled the clans and moieties (Harrington, 1933, 1942; Levy, 1978). The position of headman was usually passed from father to son, with succession being

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subject to approval by the community. If no suitable male heir was available, a woman could also assume the role of headman. Tribelet political organization also included a council of elders, official speakers, and shamans (Levy, 1978).

Costanoan tribelets experienced both friendly and hostile relations with each other and with neighboring cultural groups. Interaction between Costanoans and other groups involved marriage and trade. Inter-marriage usually occurred between adjacent tribelets, and was rare between tribelets at greater distances. Trade was a regular activity among the tribelets, with resources such as shell, piñon, and obsidian moving between coastal and inland groups.

Costanoans usually moved between several semi-permanent camps and villages to take full advantage of seasonally available resources. Indeed, a wide variety of ecological zones, such as valleys, sloughs, and coastal areas, were exploited by Costanoans to obtain subsistence resources. These resources included various seeds, nuts (e.g., acorn, buckeye, laurel, and hazelnuts), berries, grasses, corms, roots, insects, birds (e.g., geese, mallard, and coot), fish (e.g., steelhead, salmon, and sturgeon), shellfish (e.g., abalone, mussel and clam), and both marine and terrestrial mammals (e.g., sea otter, sea lion, harbor seal, deer, elk, grizzly bear, rabbits, antelope, raccoon, and squirrels) (Levy, 1978). Dwellings at Costanoan camps and villages were dome-shaped, with pole frameworks and thatch for roof and walls. Other structures typically found in a Costanoan village included acorn granaries, sweat-houses, menstrual houses, and dance and/or assembly houses, generally located in the center of a village (Broadbent, 1972).

Costanoan technology highlights exploitation of both marine and terrestrial resources. Tule balsams were used for transportation, fishing, and hunting (Levy, 1978). Hunting weaponry and facilities included sinew-backed and self-bows, wooden arrow shafts, projectile points and other flaked stone tools made from locally available chert or obsidian obtained through trade, and nets (Levy, 1978). Costanoan utilitarian tools and facilities included baskets, primarily twined, for food and water collection, food storage, and food preparation; portable stone mortars and bedrock mortars; pestles; metates; soaproot brushes; stone bowls; and bone awls (Levy, 1978). Clothing, robes, and blankets were made of various animal skins, and steatite, serpentine, bone, and abalone were used for personal ornaments. In addition, *olivella* and other shell were cut and ground into beads. Some Costanoans also decorated themselves with pigment and tattoos (Levy, 1978).

The City of Pinole is within the boundaries of Karkin territory, but it is also near other Native American groups that inhabited the area. The Bay Miwok are located immediately to the east and Coast Miwok are located north of San Pablo Bay. Miwok are linguistic relatives of Costanoans. In addition, Patwin inhabit the area north of the Carquinez Strait. Patwin also speak a language in the same family as Costanoan. These groups also share many of the same cultural traits with Costanoans.

The arrival of the Spanish in the San Francisco Bay area in 1775 initiated a rapid decline of native populations in the area. The disruption of Native American culture was due in part to factors such as the introduction of diseases, a declining birth rate, and missionization. The decline of both Native American populations and culture was exacerbated by the discovery of gold in California in 1848 and the subsequent influx of large numbers of Euroamericans into the project area and California in general. Costanoan populations, which historically were small, experienced dramatic reductions in the latter half of the 19th century through the early 20th century. Costanoan languages were probably extinct by 1935 (Levy, 1978). Remaining Costanoan descendants united in 1971 as a corporate entity identified as the Ohlone Indian Tribe.

HISTORY

Juan Rodríguez Cabrillo sailed along the entire length of the California coast in 1542 and provided the first known description of the California coastline, including the area around the mouth of San Francisco Bay (Beck and Haase, 1974). Subsequently, from 1565 to 1584 a few Spanish galleons traveling from the Philippines to New Spain reached the California coast, probably in the area of Cape Mendocino, and then headed south along the coast of California (Beck and Haase, 1974). Sir Francis Drake, the English sea captain, also sailed along the California coast in 1579 looking for Spanish ships to attack. He stopped at Drakes Bay just north of San Francisco Bay to repair his ships and replenish his supplies of food and water (Beck and Haase, 1974). The Spanish became concerned over the appearance of an English ship along the California coast and became concerned that the English might attempt to establish a base in the area. Consequently, in 1595 a Spanish galleon commanded by Sebastian Rodríguez Cermenho sailing from the Philippines to New Spain was ordered to explore the California coast (Beck and Haase, 1974). Cermenho reached California near Eureka and sailed south to Bahía de San Francisco or Drakes Bay. He stopped at Drakes Bay to take on supplies and explore the area, but his ship was driven ashore and its cargo lost. This tragedy nearly brought an end to Spanish exploration of the California coast. Dutch encroachment into the area, however, revived Spanish exploration of the California coast to locate a safe harbor for their galleons traveling from the Philippines, and in 1602 Sebastian Vizcaíno was chosen to command a mapping voyage along the California coast (Beck and Haase, 1974). Vizcaíno sailed from Acapulco to Pointe Reyes and provided accurate maps of the area that remained in use for years.

The Spanish did not begin to explore and occupy Alta (Upper) California until the 1760s. From 1769 to 1776, a number of Spanish expeditions passed through the San Francisco Bay region, including those led by Portola, Fages, Fages and Crespí, Anza, Rivera, and Moraga (Beck and Haase, 1974; Levy, 1978; Hoover et al., 2002). The goal of many of these expeditions was not only exploration, but also the establishment of missions. The precise routes of these early explorers are not known, but the Fages-Crespí expedition in 1772 appears to be the earliest overland exploration of Contra Costa County. This expedition originated at the Monterey presidio and proceeded north, traveling through what are now Milpitas, Oakland, Berkeley, Martinez, and Pinole. The expedition explored east San Francisco Bay and the south shoreline of the Carquinez Strait, and viewed the eastern end of Suisun Bay and the Central Valley, which lay beyond it.

In 1775, Juan Manuel de Ayala became the first European to sail into and explore San Francisco Bay, including Suisun Bay. His expedition charted the bay and identified Native American settlements along both the north and south shores of the Carquinez Strait. The following year, 1776, Juan Bautista de Anza and Fray Pedro Font led an expedition from Monterey to the San Francisco Bay area to select a site for a mission and presidio. The Anza-Font Expedition followed a route similar to that of the earlier Fages-Crespí expedition and reached the East Bay Hills in March of 1776 (Milliken, 1995). On their return journey, the Anza-Font party traveled along the south shore of the Carquinez Strait and Suisun Bay before heading across country to Monterey (Beck and Haase, 1974). Other early explorations in the Carquinez Strait area include Father Fray Jose Viader's first expedition in 1810 and Father Fray Ramon Abella in 1811 (Cook, 1957; Bennyhoff, 1977).

Between 1769 and 1823, the Spanish established 21 missions along the California coast between San Diego and Sonoma. The first task of the missions, such as Mission San Francisco de Asis (1776), Mission Santa Clara (1777), Mission San José (1797), and San Francisco Solano (1823), was to Christianize the Native Americans, but they also became a major economic force in the development of Spanish California. Mission San José had the greatest effect on the Costanoan

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speakers of Karkin (Gudde, 1969; Levy, 1978; Hart, 1987). The Spanish mission system forced many Native Americans to convert to Catholicism and work for the various missions. Many Native Americans, however, were not willing converts, and there are numerous accounts of them fleeing missions. In addition, Native American culture began to decline due to disease and relocation to missions such as Mission San José. In contrast to the missions, only three presidios were established, including one at San Francisco, because of the difficulty of recruiting soldiers for these remote outposts. Regardless, the presidios served as a token line of defense for the missions (Hart, 1987).

The Mexican period (ca. 1821–1848) in California is an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the mission system. The missions were secularized in 1833 and their lands divided among the *Californios* as land grants called *ranchos*. The ranchos facilitated the growth of a semi-aristocratic group that controlled larger ranchos. Owners of ranchos used local populations, including Native Americans, essentially as forced labor to accomplish work on their large tracts of land. Consequently, Costanoans, and other Native American groups across California, were forced into a marginalized existence as *peons* or *vaqueros* on the large ranchos. Ranchos in the project area include Rancho San Pablo and Rancho El Pinole (Beck and Haase, 1974).

The end of the Mexican-American War and the signing of the Treaty of Guadalupe Hidalgo in 1848 marked the beginning of the American period (ca. 1848–Present) in California history. The onset of this period, however, did nothing to change the economic condition of the Native American populations working on the ranchos. The rancho system generally remained intact until 1862–1864, when a drought forced many landowners to sell off or subdivide their holdings. Regardless of a change in economic focus, the plight of Native American populations remained, at best, relatively unchanged (e.g., the U.S. Senate rejected treaties between the government and Native Americans in 1851 and 1852, and military reserves were established to maintain various groups) (Heizer, 1974).

City of Pinole

The history of the city dates back to the early 1700s when Don Pedro Fages led an exploration through Contra Costa. With a small band of soldiers and an Indian guide, Fages left Monterey and traveled northward until he reached the area known today as the City of Pinole. According to some accounts, the soldiers ran out of provisions on their march and found a village of Native Americans who gave them food. This food consisted of a form of meal, made from acorns, seeds, and wild grain, which they called *pinole* (derived from the Aztec word *pinolli* meaning ground and toasted grain or seeds). Thus, the soldiers named their camp “El Pinole,” and the city received its name (City of Pinole, 2010).

In 1823, Don Ignacio Martinez, commandant of the Presidio of San Francisco, received a land grant known as El Pinole from the Mexican government comprising over 17,000 acres. The following year, in 1824, Don Ignacio Martinez built his first adobe hacienda in Pinole Valley about 3 miles from San Pablo Bay on what is now Pinole Valley Park. By the 1850s, Bernardo Fernandez started a trading facility at the bay and built the Fernandez Mansion, which still stands today at the end of Tennent Avenue. From these early beginnings, the small but thriving community of Pinole grew into the current city. Many of these early structures still stand and serve as time capsules of the city's colorful past.

One of the earliest Anglo-American settlers in Contra Costa County was Dr. Samuel J. Tennent, who married Rafaela, the daughter of Ignacio Martinez. In 1851, the Tenents built their home

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with lumber that had been imported from Maine. Tennent, through his wife Rafaela, owned much of the acreage in the area.

California Powder Works moved into the waterfront at Hercules following the arrival of the Southern Pacific Railroad in 1878. The company built both the plant and its houses and became the largest producer of dynamite in the world by the turn of the century. During World War I, the plant manufactured more TNT than any other plant in the country. The town of Pinole became the service center for the plant, and the success of the plant had a direct relationship with the development of the city. Twenty of the homes built by the company for worker housing have been rehabilitated and relocated to a historic district receiving area adjacent to the Pinole city limits.

Edward M. Downer came to the city in late 1889 and went to work a year later as a dispatcher and station agent at the Southern Pacific train depot. During the last decade of the 19th century and the early part of the 20th century, Downer was one of the most influential and prominent business figures in Pinole and the surrounding areas including Rodeo, Crockett, Port Costa, Richmond, El Cerrito, and Albany. His success was due in part to the chain of banking houses that he and his family established in these cities, as well as his civic efforts and achievements.

Upon incorporation in 1903, the city was bustling with waterfront activity at the wharf, including a post office, newspaper (*The Pinole Weekly Times*), school, several hotels, saloons, stores and two churches. By 1915 the city boasted the Pinole Opera House, the Pinole Theatre, the Bank of Pinole, and numerous other commercial businesses including a bakery and butcher shop. Several of these buildings, such as the Bank of Pinole building, are still standing today and are a testimony to the rich history of Old Town Pinole.

The history and architectural character of the city was very much influenced by the commercial activity that took place there, including the Gold Rush, agricultural shipping (about 1854 to 1885), railroad shipping, California Powder Works Company (1879 to the 1970s), the growth in automobile travel, World War II to the 1940s, and the construction of Interstate 80. Despite rapid growth since the 1950s, the city's downtown has retained a great deal of historic and architectural character. A large number of historic residences, primarily Queen Anne and Italianate cottages, remain in good condition, and many of the old commercial buildings still remain.

The first Bank of Pinole was organized in 1905 by E. M. Downer, Sr. and located in the George Fraser building on San Pablo Avenue between Tennent and Fernandez avenues. A new limestone neoclassical structure was built across the street in 1915 and remained in use as a bank until the 1960s, when it was sold to the Pinole-Hercules Youth Memorial. In 1975 the building was purchased by the City of Pinole for \$1, with the stipulation that it continue to be used as a youth facility. The building was again sold in 1992 to the Pinole Redevelopment Agency after it was deemed structurally unsafe due to damage from the 1989 Loma Prieta earthquake. The \$250,000 received by the City for the transaction was placed in a fund earmarked specifically for youth purposes. In 1995 the Redevelopment Agency funded the retrofit and renovation of the Old Bank building, which reopened for commercial use in 1996.

A large number of historic residences, all of which were built for individuals who worked in the city or at the Hercules powder plant, remain in good condition throughout the old town area of Pinole. Due to the stability of the powder plant until the 1970s, the city's residential neighborhoods were not exposed to major changes created by land development or speculation. These homes, which can be categorized as Queen Anne Cottages (1880–1905),

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Hip Roof Cottages (1870–1910), and Bungalows (1915–1930), are simple in character and gain their importance by their neighborhood groupings.

The majority of the historic buildings in the GPU Planning Area are located throughout the Old Town Pinole area along San Pablo Avenue, encompassing the intersection at Tennent Avenue and Pinole Valley Road. A number of historic buildings have also been identified along side streets such as Quinan Street and Tennent Avenue, although fourteen historic buildings have been distinguished from the others. These buildings include residences and businesses of some of the more influential early leaders of the community, as well as some of the best examples of their style in the city. A mural also depicts some of the earlier buildings in the city, as well as examples of Native American lodgings and Mexican land grant ranches.

KNOWN CULTURAL RESOURCES IN THE PINOLE GENERAL PLAN UPDATE PLANNING AREA

Over 40 archaeological and historical investigations, covering approximately 60 percent of the Pinole GPU Planning Area, have been conducted (Northwest Information Center, 2007). **Table 4.10-1** presents a list of known historic properties and archaeological sites within the Planning Area.

TABLE 4.10-1
LIST OF HISTORIC PROPERTIES AND ARCHAEOLOGICAL SITES WITHIN THE GPU PLANNING AREA

OHP/ Site Number	Description	Eligibility	Location
136787	H, 1948	Ineligible for NR	2319 Granada Court
066607	Historic	Ineligible for NR	759 John Street
066608	Historic	Ineligible for NR	769 John Street
150364	1960 – Historic	Ineligible for NR	335 Leroy Avenue
071193 065032	1922 – Historic	Ineligible for NR	2533 Samuel Street
06609	Historic	Ineligible for NR	2699 Samuel Steet
102032	1915 – Historic Bank of Pinole	Listed on NR & CR	2361 San Pablo Avenue
010558	1905 – Historic Home of Edward Downer, Sr.	Eligible for NR & CR	2711 San Pablo Avenue
010556	1894 – Historic Fernandez House	Listed on NR and CR	100 Tennent Avenue
010559	Pinole Waterfront	Eligible for LR	Tennent Avenue
CA-CCo-22	Prehistoric Site	Not yet determined	Confidential
CA-CCo-260	Prehistoric Site	Not yet determined	Confidential
CA-CCo-261	Prehistoric Site	Not yet determined	Confidential
CA-CCo-262	Prehistoric Site	Not yet determined	Confidential
CA-CCo-263	Prehistoric Site	Not yet determined	Confidential
CA-CCo-355	Prehistoric Site	Not yet determined	Confidential
CA-CCo-356	Prehistoric Site	Not yet determined	Confidential
CA-CCo-367	Prehistoric Site	Not yet determined	Confidential
CA-CCo-413	Prehistoric Site	Not yet determined	Confidential

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OHP/ Site Number	Description	Eligibility	Location
CA-CCo-421	Prehistoric Site	Not yet determined	Confidential
CA-CCo-439	Prehistoric Site	Not yet determined	Confidential

Source: Northwest Information Center Report Detail Records, 2007; Office of Historic Preservation, 2006.

Notes: NR = National Register; CR = California Register; LR = Local Register

PALEONTOLOGICAL RESOURCES

Paleontology is defined as a science dealing with the life of past geological periods as known from fossil remains. Paleontological resources include fossil remains, as well as fossil localities and formations, which have produced fossil material in other nearby areas. This resource can be an important educational resource for the reasons mentioned before and is non-renewable once destroyed. CEQA offers protection for these sensitive resources and requires that they be addressed during the DEIR process.

A search of the University of California Museum of Paleontology (UCMP) collections database did not identify any evidence of significant paleontological resources within the Pinole GPU Planning Area.

4.10.2 REGULATORY FRAMEWORK

FEDERAL

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's master inventory of known historic resources. The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historic resources. However, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP. The criteria for listing in the NRHP include resources that:

- 1) Are associated with events that have made a significant contribution to the broad patterns of history;
- 2) Are associated with the lives of persons significant in our past;
- 3) Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- 4) Have yielded or may likely yield information important in prehistory or history.

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STATE

California Register of Historical Resources

The State Historical Resources Commission has designed the California Register of Historic Resources (CRHR) for use by state and local agencies, private groups and citizens to identify, evaluate, register, and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archeological resources. This program encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords certain protections under the California Environmental Quality Act. Criteria for designation to the CRHR are described below.

California Environmental Quality Act

Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to Public Resources Code Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

"Historical resource" is a term with a defined statutory meaning (Public Resources Code Section 21084.1 and State CEQA Guidelines, Section 15064.5[a], [b]). The term embraces any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (Public Resources Code Section 5024.1 and California Code of Regulations, Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process (Public Resources Code Section 5024.1 [g]), lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources (Public Resources Code Section 21084.1 and State CEQA Guidelines, Section 15064.5 [a][3]). Following CEQA Guidelines Section 21084.5(a) and (b), a historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that:

- 1) Is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political or cultural annals of California; and
- 2) Meets any of the following criteria:

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- a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- b. Is associated with the lives of persons important in our past;
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

Archaeological resources may also qualify as historical resources, and Public Resources Code Section 5024 requires consultation with the Office of Historic Preservation when a project may impact historical resources located on state-owned land.

For historic structures, State CEQA Guidelines Section 15064.5, subdivision (b)(3), indicates that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995) shall mitigate impacts to a level of less than significant. Potential eligibility also rests upon the integrity of the resource. Integrity is defined as the retention of the resource's physical identity that existed during its period of significance. Integrity is determined through considering the setting, design, workmanship, materials, location, feeling, and association of the resource.

As noted above, CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. Public Resources Code Section 21083.2, subdivision (g), states that " 'unique archaeological resource' means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

Treatment options under Section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

Advice on procedures to identify cultural resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to, museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In

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addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains.

Section 7050.5(b) of the California Health and Safety code specifies protocol when human remains are discovered. The code states:

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 adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

State CEQA Guidelines Section 15064.5, subdivision (e), requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the Native American Heritage Commission. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

In addition to the mitigation provisions pertaining to accidental discovery of human remains, the State CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5, subdivision (f), these provisions should include "an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."

Senate Bill (SB) 18 (Gov. Code, Sections 65352.3 and 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The City of Pinole initiated the consultation process as required under these provisions of the Government Code on December 19, 2006.

Paleontological resources are classified as non-renewable scientific resources and are protected by state statute (Public Resources Code Chapter 1.7, Section 5097.5, Archeological, Paleontological, and Historical Sites, and Appendix G of the CEQA guidelines). No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency

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requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earth moving on state or private land in a project site.

4.10.3 IMPACTS AND MITIGATION MEASURES

SIGNIFICANCE CRITERIA

Following Public Resources Code Sections 21083.2 and 21084.1, and Section 15064.5 and Appendix G of the State CEQA Guidelines, cultural resource impacts are considered to be significant if implementation of the project considered would result in any of the following:

- 1) Cause a substantial adverse change in the significance of an archaeological resource or an historical resource as defined in Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5, respectively.
- 2) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- 3) Disturb any human remains, including those interred outside of formal cemeteries.

State CEQA Guidelines Section 15064.5 defines "substantial adverse change" as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource is materially impaired.

METHODOLOGY

Over 40 archaeological and historical investigations, covering approximately 60 percent of the GPU Planning Area, have been conducted. Current investigations included a records search completed by the Northwest Information Center, Sonoma State University, Rohnert Park on January 18, 2007; a sacred lands search conducted by the Native American Heritage Commission (NAHC) on December 21, 2006; and consultation (including SB 18) with the Native American community. The sacred lands search did not identify any sensitive Native American cultural resources either within or near the proposed Planning Area. All Native American groups identified by the NAHC were contacted by letter regarding the proposed project. All relevant documentation on the SB 18 consultation and the sacred lands search is provided in **Appendix F**. Archaeological and historical investigations for the Planning Area are adequate to identify typical prehistoric and historic resources that would likely be present in the area.

A search of the University of California Museum of Paleontology collections database for proposed project did not identify any paleontological resources within the area.

PROJECT IMPACTS AND MITIGATION MEASURES

Prehistoric Resources, Historic Resources, and Human Remains (Standards of Significance 1, and 3)

Impact 4.10.1 Implementation of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the potential disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains. This would be a **potentially significant** impact.

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General Plan Update

The central portion of lands within the existing city limits is largely built out with retail and commercial businesses and residential uses. The proposed GPU allows for the intensification of retail, office, and residential uses in the downtown core area, as well as new residential and commercial development in other areas within the existing city limits. The city has been subject to archaeological and historic investigations, and there are a number of known cultural resources within the city limits; however, the entire area has not been subject to investigation and undiscovered cultural resources could exist. Therefore, implementation of the proposed General Plan Land Use Map could result in a substantial adverse impact on known cultural resources and could also adversely impact undiscovered cultural resources or human remains. This is a **potentially significant** impact.

Three Corridors Specific Plan

Implementation of the proposed Three Corridors Specific Plan would consist of the revitalization of the San Pablo Avenue, Pinole Valley Road, and Appian Way corridors, which could include new development and/or redevelopment of various urban uses. The Specific Plan areas contain approximately 300 acres of predominantly developed land. In order to accommodate the projected demand for development and invite further capital investment within the city, the Specific Plan would change land uses in order to replace single-use commercial zoning with various mixed-use zones, eliminate commercial floor area ratio (FAR) as a development constraint, increase opportunities for residential development, and increase residential density. As the Specific Plan area is nearly built out and future development would likely occur in previously disturbed areas, it is unlikely that cultural resources or human remains would be present in the Specific Plan area. However, as the entire area has not been subject to cultural and historical resource investigation, the potential exists for impacts to previously undiscovered cultural resources or previously unidentified historical resources. In addition, redevelopment activities have the potential to impact historic properties located along San Pablo Avenue, in the Old Town area of Pinole. This is a **potentially significant** impact.

Zoning Code Update

Adoption of the updated General Plan would require amendments to the Zoning Code for consistency with the General Plan land use designations and various GPU policies. These updates would involve the deletion, addition, and modification of certain zoning districts and development standards in order to make the Zoning Code consistent with the updated General Plan (see Section 3.0, Project Description, for more details). These updates would not result in any development activities beyond those analyzed for the proposed GPU. Therefore, the Zoning Code Update would have an impact similar to that for the General Plan Update as discussed above.

Proposed General Plan Policies and Action Items that Address Prehistoric Resources, Historic Resources, and Human Remains

The proposed GPU incorporates the following policies and actions that provide mitigation to minimize the impacts to known prehistoric resources, historic resources, and human remains.

- Policy CC.1.4 The historic and urban character of Old Town Pinole shall be revitalized through the density and intensity of new construction, as well as through the use of building materials, architecture and other design elements that reflect the city's past.

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- Policy CC.4.2 Establish and promote programs that identify, maintain and protect buildings, sites or other features of the landscape possessing historic or cultural significance.
- Action CC.4.2.1 Pursue recognition of eligible historic properties by the National Register of Historic Places and California Register of Historical Resources, and consider a variety of ways to identify and document historic buildings and properties throughout the city.
- Action CC.4.2.2 Maintain an up-to-date inventory of existing historic resources, including artifacts, structures, sites, areas and natural phenomena. Map the location of historic districts and historic and natural resources.
- Action CC.4.2.3 Establish a program to identify historical structures, places and events in recognition of their status. This program may include the use of signs, monuments, public art and interpretive exhibits.
- Policy CC.4.3 The City shall take all possible precautions to ensure that no action by the City results in the loss of the irreplaceable archaeological record present in Pinole's planning jurisdiction and shall work with the County toward that end.
- Action CC.4.3.1 Establish review procedures for development projects that recognize the history of the area in conjunction with state and federal laws.
- Action CC.4.3.2 Establish a Historic Preservation Ordinance to provide for the appropriate development and maintenance of historic resources and their environment.
- Policy LU.3.4 Identify and protect sites and structures of architectural, historical, archaeological and cultural significance, including significant biological resources. Require new development in historic areas to complement the character of nearby historic structures. (See also the Community Character Element.)
- Action LU.3.4.1 Formulate design guidelines that include standards to protect and enhance the historic character and historic buildings of Old Town Pinole.

Additionally, Land Use Policy 10 and design guidelines specified in the Three Corridors Specific Plans as well as regulations incorporated in the Zoning Code Update further address protection of cultural and historic resources in the City. The following mitigation measure is additionally being proposed to further address protection of historic and cultural resources within the city.

Mitigation Measures

- MM 4.10.1a** The City shall include the following as an action in the Community Character Element of the General Plan Update. Cultural resources studies (i.e., archaeological and historical investigations) shall be required for all applicable discretionary projects, in accordance with CEQA regulations, for areas not previously surveyed and/or that are sensitive for cultural resources. The studies should identify cultural resources (i.e., prehistoric sites, historic sites, and historic buildings/structures) in the project area, determine their eligibility for inclusion in the California Register of Historical Resources, and provide feasible and appropriate measures for the protection of any historical

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resources or unique archaeological resources to maximum extent feasible. Cultural resources studies should be completed by a professional archaeologist or architectural historian that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology.

MM 4.10.1b

The City shall include the following as an action in the Community Character Element of the General Plan Update. Should any cultural resources such as structural features, unusual amounts of bone or shell, artifacts, or architectural remains be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Community Development Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with an appropriate specialist (e.g., archaeologist or architectural historian). The project proponent shall be required to implement any mitigation necessary for the protection of cultural resources.

The City of Pinole and the project applicant shall consider mitigation recommendations presented by a qualified archaeologist or other appropriate technical specialist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

MM 4.10.1c

The City shall include the following as an action in the Community Character Element of the General Plan Update. If human remains are discovered, all work must halt within 50 feet of the find, the City of Pinole Community Development Department shall be notified, and the County Coroner must be notified according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

Implementation of the above policy provisions and mitigation measures would ensure protection and preservation of significant cultural resources by identifying resources and avoiding or mitigating the impact. Thus, this impact would be **less than significant**.

Undiscovered Paleontological Resources (Standard of Significance 2)

Impact 4.10.2 Adoption of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update) could result in the potential damage or destruction of undiscovered paleontological resources. This is considered a **potentially significant** impact.

General Plan Update

A search of the University of California, Berkeley Museum of Paleontology collections database and pedestrian surface survey across the GPU Planning Area did not identify any paleontological resources within project boundaries. Regardless, there is a possibility of unanticipated and accidental paleontological discoveries during ground-disturbing project-

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related activities. Unanticipated and accidental paleontological discoveries during project implementation have the potential to affect significant paleontological resources. Therefore, this impact is considered **potentially significant**.

Three Corridor Specific Plan

The Three Corridors Specific Plan area contains approximately 300 acres of predominantly developed land. In order to accommodate the projected demand for development and invite further capital investment within the city, the Specific Plan would change land uses in order to replace single-use commercial zoning with various mixed-use zones, eliminate commercial floor area ratio (FAR) as a development constraint, increase opportunities for residential development, and increase residential density. As previously discussed, the Specific Plan area is nearly built out and future development would likely occur in previously disturbed areas. Therefore, it is unlikely that construction activities would unearth paleontological resources. However, as the entire area has not been subject to cultural resource investigation, the potential exists for impacts to previously undiscovered paleontological resources. As the Specific Plan areas have the potential to contain undiscovered paleontological resources, impacts resulting from the implementation of the Three Corridors Specific Plan could be **potentially significant**.

Zoning Code Update

Adoption of the updated General Plan would require amendments to the Zoning Code for consistency with the General Plan land use designations and various GPU policies. These updates would involve the deletion, addition, and modification of certain zoning districts and development standards in order to make the Zoning Code consistent with the updated General Plan (see Section 3.0, Project Description, for more details). These updates would not result in any development activities beyond those analyzed for the proposed GPU. Therefore, the Zoning Code Update would have an impact similar to that for the General Plan Update as discussed above.

Proposed General Plan Policies and Actions that Provide Address Undiscovered Paleontological Resources

The proposed GPU incorporates the following policy that provides mitigation to minimize the impacts to undiscovered prehistoric resources.

Policy CC.4.3 The City shall take all possible precautions to ensure that no action by the City results in the loss of the irreplaceable archaeological record present in Pinole's planning jurisdiction and shall work with the County toward that end.

The following mitigation measure is proposed to further address protection of paleontology resources within the city.

Mitigation Measures

MM 4.10.2 The City shall include the following as an action in the Community Character Element of the General Plan Update. Should any potentially unique paleontological resources (fossils) be encountered during development activities, work shall be suspended within 50 feet of the discovery and the City of Pinole Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist. The project proponent shall be required to

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implement any mitigation necessary for the protection of paleontological resources.

The City and the project applicant shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries. The City and the project applicant shall consult and agree upon implementation of a measure or measures that the City and project applicant deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Implementation of mitigation measure **MM 4.10.2** would reduce impacts on paleontological resources to a **less than significant** level.

4.10.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting associated with the proposed GPU, Three Corridors Specific Plan, and Zoning Code Update includes proposed, planned, reasonably foreseeable, and approved projects and development in the GPU Planning Area as proposed land uses would not contribute to potential conflicts with cultural and paleontological resources outside of the Planning Area. As previously discussed, archaeological and historical investigations have covered approximately 60 percent of the Pinole GPU Planning Area and have identified 21 known historic properties and archaeological sites within the Planning Area (see **Table 4.10-1**).

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative impacts to Prehistoric Resources, Historic Resources, and Human Remains

Impact 4.10.3 Adoption of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update,) along with foreseeable development in the region, could result in the disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains. This contribution is considered **cumulatively considerable**.

Archaeological and historical investigations have identified cultural resources in the Planning Area. However, archaeological and historical investigations have not been conducted within all areas encompassed by the GPU Planning Area. Based on the results of previous archaeological and historical investigations within the Planning Area, it is possible that development in these areas could discover previously unidentified cultural resources and human remains. Consequently, development within the GPU Planning Area under the proposed project could impact known and undiscovered cultural resources and human remains and could contribute to the cumulative loss of cultural resources. The contribution of development under the GPU could be considerable, when combined with other past, present, and foreseeable development. Therefore impacts from the destruction or damage to known and undiscovered historic and prehistoric resources and human remains are considered to be **cumulatively considerable**.

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Proposed General Plan Policies and Action Items that Address Cumulative Impacts to Prehistoric Resources, Historic Resources, and Human Remains

The proposed GPU contains several goals, policies, and action items that would assist in reducing the potential impact to prehistoric resources, historic resources, and human remains. The following list contains those policies and action items that contain specific, enforceable requirements and/or restrictions and corresponding performance standards that assist in reducing (though not eliminating) this impact. Since these policies and action items have been described in detail in prior impact discussions for this section, the following is limited to only listing the policy and action item numbers.

Community Character Element

Policy CC.1.4; Policy CC.4.2; Action CC 4.2.1; Action CC.4.2.2; Action CC.4.2.3; CC.4.3; CC.4.3.1; CC.4.3.2

Land Use and Economic Development Element

Policy LU.3.4; Action LU.3.4.1

Additionally, Land Use Policy 10 and design guidelines specified in the Three Corridors Specific Plans as well as regulations incorporated in the Zoning Code Update further address cumulative impacts to cultural and historic resources in the City.

Mitigation Measures

Implementation of mitigation measures **MM 4.10.1a, 4.10.1b, 4.10.1c, and 4.10.2** and the above policies would reduce this impact to **less than cumulatively considerable**.

Cumulative Impacts to Paleontological Resources

Impact 4.10.4 Adoption of the proposed project (General Plan Update, Three Corridors Specific Plan, and Zoning Code Update), along with any foreseeable development in the region, could result in the potential disturbance of paleontological resources (i.e., fossils and fossil formations). This contribution is considered **cumulatively considerable**.

A search of the University of California, Berkeley Museum of Paleontology collections database for the GPU Planning Area did not identify any known paleontological resources within project boundaries. Future development allowed under the proposed project could expand development and thus result in impacts to undiscovered paleontological resources in all areas encompassed by the GPU Planning Area. Therefore impacts from the destruction or damage to known and undiscovered paleontological resources are considered to be **cumulatively considerable**.

Proposed General Plan Policies and Action Items that Address Cumulative Impacts to Paleontological Resources

The proposed GPU contains several goals, policies, and action items that would assist in reducing this potential impact to prehistoric resources, historic resources and human remains. The following list contains those policies and action items that contain specific, enforceable requirements and/or restrictions and corresponding performance standards that assist in

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reducing (though not eliminating) this impact. Since these policies and action items have been described in detail in prior impact discussions for this section, the following is limited to only listing the policy and action item numbers.

Community Character Element

Policy CC.4.3

Mitigation Measures

Implementation of mitigation measure **MM 4.10.2** and the above policy would reduce impacts on undiscovered paleontological resources to **less than cumulatively considerable**.

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