4.4 Cultural Resources

This section describes existing cultural resources within the Project Site and surroundings and existing regulations regarding those resources. It also identifies potential impacts that the Project may have on existing cultural and historical resources and recommends mitigation measures to reduce and/or avoid potentially significant impacts to those resources. Cultural and historical resources discussed in this section of the DEIR include:

- Prehistoric or historic-era archaeological sites,
- Properties of cultural or historic significance, and
- Paleontological resources.

Significance thresholds for impacts on these resources would generally be reached if redevelopment activity would disrupt or adversely affect the resources, further defined as alteration or destruction of the site or property, including both direct and indirect effects.

Environmental Science Associates (ESA) prepared a Cultural Resources Survey Report (CRSR) for the City on behalf of the Project Applicants because many of the buildings scheduled for demolition are over 50 years old. The CRSR is attached to this document as Appendix D.

4.4.1 Environmental Setting

Natural Environment

The City of Walnut Creek occupies a valley nestled between the Berkeley and Diablo Foothill Ranges, at the foot of Mount Diablo. Upland areas surround the City on three sides, including the Briones Hills and Lafayette Ridge to the northwest, Mount Diablo and the surrounding hills of Acalanes Ridge to the east, Shell Ridge to the southeast, and Las Trampas Ridge to the south.

The City and surrounding areas are underlain by Tertiary-age marine and non-marine sedimentary bedrock units that have been folded and faulted. Interlayered units range from erosion resistant, ridge-forming sandstones and conglomerates to relatively weak, soil-like, valley-forming siltstones and claystones. Erosion of the less-resistant units has produced a number of parallel valleys and linear ridges in which streams have deposited alluvium (gravel, sand, silt, and clay).

The urban core, including the Project Site, is situated on the broad alluvial plain deposited by Walnut Creek and its tributary streams (City of Walnut Creek, 2005).

Vegetation in the Project vicinity is dominated by a cover of suburban landscaping, bordered by the remaining undeveloped grasslands and woodlands of the surrounding hillsides, and traversed by the bands of riparian forest and scrub along the numerous creeks and drainages. The valley floor containing the Project Site been developed with urban and suburban uses, supporting a cover of primarily ornamental landscaping. Remnant native valley oaks and coast live oaks occur in scattered locations throughout the developed valley floor. Prior to development, this region would have supported extensive oak woodlands and native grasslands, which would have provided habitat
for a variety of birds, mammals, and reptiles. Salmon reportedly used tributaries of Walnut Creek for annual spawning, prior to modern creek modifications (City of Walnut Creek, 2005).

**Geoarchaeological Context**

In many places in the greater San Francisco Bay Area, the interfaces between older land surfaces and alluvial fans are marked by a well-developed buried soil profile, or paleosol. Paleosols preserve the composition and character of the earth’s surface prior to subsequent sediment deposition; thus, paleosols have the potential to preserve archaeological resources if the area was occupied or settled by humans prior to such deposition (Meyer and Rosenthal, 2007). Because human populations have grown since the arrival of the area’s first inhabitants, more recent paleosols (late Holocene) are more likely to yield archaeological resources than older paleosols (early Holocene or Pleistocene).

The Project Site and surroundings are mapped as marine and non-marine sedimentary bedrock overlain by Quaternary-age interbedded terrace deposits of gravel, sand, silt and clay on the valley floor (Dibblee, 1980; Saul, 1973). Saul (1973) notes that Pleistocene-age fossils have been found in association with the terrace deposits from 0 to 100 feet below the surface. Pleistocene-age sediments have a lower potential for containing deeply-buried paleosols with associated archaeological deposits when compared to more recent sediments (Meyer and Rosenthal, 2007).

**Prehistory**

Archaeologists have developed individual cultural chronological sequences tailored to the archaeology and material culture of each subregion of California. Each of these sequences is based principally on the presence of distinctive cultural traits and stratigraphic separation of deposits. A framework for the interpretation of the San Francisco Bay Area is provided by Milliken et al. (2007), who have divided human history in California into three broad periods: the Early Period, the Middle Period, and the Late Period. Economic patterns, stylistic aspects, and regional phases further subdivide cultural patterns into shorter phases. This scheme uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods, as described below.

The *Paleoindian Period* (13,500 to 10,000 before present [B.P.]) was characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during the *Paleoindian Period* has not yet been discovered in the San Francisco Bay Area. During the *Lower Archaic* of the *Early Period* (10,000 to 5500 B.P.), geographic mobility continued and is characterized by the millingslab and handstone as well as large wide-stemmed and leaf-shaped projectile points. The first cut shell beads and the mortar and pestle are documented in burials during the *Middle Archaic* of the *Early Period* (5500 to 2500 B.P.), indicating the beginning of a shift to sedentism. During the *Middle Period* (2500 to 950 B.P.), geographic mobility may have continued, although groups began to establish longer-term base camps in localities from which a more diverse range
of resources could be exploited. The first rich black middens\(^1\) are recorded from this period. By the Upper Middle Period, mobility was being replaced by the development of numerous small villages. During the Initial Late Period (Lower Emergent; 950 to 450 B.P.), social complexity developed toward lifeways of large, central villages with resident political leaders and specialized activity sites. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

**Archaeological Research in the Vicinity**

Archaeological sites that have been investigated in and around Walnut Creek represent an almost continuous period of nearly 4,000 years of habitation. Inadvertent discovery of sites during construction of buildings in downtown Walnut Creek in the early 1910s raised interest in the area’s past inhabitants, but no formal excavations were carried out until later in the 20th century. In the early 1960s, several archaeological sites in the Walnut Creek and Alamo areas of Contra Costa County were investigated. Excavations at four sites – La Serena (CA-CCO-30), Stone Valley (CA-CCO-308), Rossmoor (CA-CCO-309), and Alamo (CA-CCO-311) – identified seven different prehistoric components assignable to the Central California cultural sequence. Together, these sites represent an almost continuous chronological sequence extending from possibly 2000 B.C. to A.D. 1700 (Milliken et al., 2007).

Based on his assessment of the sites, Fredrickson (1965) suggests that cultural influences on Middle Horizon components in the Walnut Creek-Danville vicinity appear to have come from the lower Sacramento Valley, with some influence also from the Napa Valley. One of the striking characteristics of both Middle Horizon components at CA-CCO-308 was the vast area encompassed, estimated to cover approximately 200,000 square feet. During the Middle Horizon-Late Horizon Transition Phase, the cultural affiliation of the Walnut Creek-Danville vicinity appears to have been with the San Francisco Bay region rather than with the Sacramento Valley (Bennyhoff, 1968).

**Ethnography**

During the late prehistoric and early historic periods, the San Francisco Bay Area was occupied by scores of small independent tribal territories, dubbed ‘tribelets’ by famed U.C. Berkeley ethnologist and linguist Alfred Kroeber (1925). The tribes around San Francisco Bay spoke dialects of five distinct languages: Bay Miwok, Costanoan, Plains Miwok, Patwin, and Wappo (Shipley, 1978). Of these language groups, the Bay Miwok speakers occupied the eastern portions of Contra Costa County, from Walnut Creek east to the Sacramento-San Joaquin Delta, and including the northern slopes of Mount Diablo (Milliken, 1995). Their area of dominance was limited to the interior valleys of the East Bay, but may have included access to the bayshore in the present East Oakland area. The Bay Miwok believed that Mount Diablo was a sacred place, and the mountain featured prominently in their mythology (Bennyhoff, 1977).

\(^1\) A midden is a mound of domestic refuse generally containing culturally darkened soils, shells and animal bones, as well as other indices of past human life and habitation. Middens mark the site of an indigenous settlement, and may contain human burials related to that settlement.
The rich and diverse ecosystems of the San Francisco Bay and surrounding areas sustained a very small number of inhabitants by today’s standards, but the population was actually quite dense for a nonagricultural society. Direct estimates of Bay Miwok populations are limited to one account from April 3, 1776, in which members of the Anza expedition visited a village near Antioch and estimated the population to be 400 persons. Based on this figure and the known number of villages from which later mission neophytes hailed, the total Bay Miwok population circa 1776 has been roughly estimated at about 1,700 persons (Levy, 1978).

The Bay Miwok were the first of the Eastern Miwok to undergo missionization, with the first recorded Bay Miwok converts coming from the Saclan village in the Tice Valley to Mission San Francisco in 1794. The first baptisms of Bay Miwok occurred between 1805 and 1812. Many Bay Miwok tribelets disappeared completely due to the combined effects of missionization and epidemics of European diseases, which killed thousands in the first half of the nineteenth century (Milliken, 1995).

History

In 1772, the Spanish began exploring the inner coastal region of California. During these explorations, Captain Pedro Fages encountered the Bay Miwok-speaking Saclan people (discussed under Ethnology, above) in the area that now encompasses Walnut Creek. Other expeditions followed, and soon the Spanish established a permanent presence in the Bay Area. The Bay Miwok and other indigenous groups were gathered together in missions and converted, by agreement or by force, to Christian agriculturalists and laborers (Milliken, 1995).

When Mexico became independent from Spain in 1822, it secularized the Spanish missions and sold off their lands. Large parcels were developed into cattle ranches maintained by Mexican grantees. Four land grants were awarded in the Walnut Creek area: Rancho San Ramon (1826), Rancho Arroyo de las Nueces y Bolbones (1834), Rancho Cañada del Hambre (1842) and Rancho Las Juntas (1844). These four grants converged at what later became downtown Walnut Creek. They were sparsely settled by a few families, who used the land primarily for cattle pasture (Emanuels, 1991).

During the Gold Rush and following California statehood in 1850, Contra Costa County was settled as an agricultural area (Gudde, 1969). A commercial center began to develop at “The Corners,” where the two major crossroads leading to Oakland and Pacheco met. Today, “The Corners” is the intersection of Mt. Diablo Boulevard and Main Street, at the northwest corner of the Project Site (City of Walnut Creek, 2005).

In 1849, William Slusher became the first white settler to build a home along Nuts Creek, now known as Walnut Creek, in the area of Liberty Bell Plaza. The Walnut Creek House, the first hotel and store in Walnut Creek, opened in 1855 where the Broadway Plaza parking structure on South Main Street stands today. Between 1856 and 1860, Hiram Penniman subdivided the land at The Corners and realigned the road leading to Pacheco, which had previously followed Walnut Creek. The new Main Street became the town’s primary business thoroughfare. In 1858, Michael Kirsch arrived in Walnut Creek, and built a blacksmith shop and a home off Main Street, on the...
northwest corner of the Project Site. A U.S. Post Office was established in 1862 and The Corners was officially renamed Walnut Creek. The post office was housed in what is now the city’s oldest surviving commercial building, the Sherburne Brothers store at 1315 North Main Street near the corner of Mt. Diablo Boulevard, now La Fogata Mexican restaurant less than a block north from the Project Site. In 1917, Michael Kirsch’s blacksmith shop and home were purchased by James Symmons, who in 1932 rebuilt the blacksmith shop. The blacksmith operation continued until 1945 (Rovanpera, 1998).

The first railroad arrived in Walnut Creek in 1891. A portion of this Southern Pacific grade, now abandoned, forms the Iron Horse Regional Trail, nearly adjacent to the southeast side of the Project Site. A desire to pave the downtown streets led to a movement to incorporate the former rural crossroads as a city in 1914. Main Street was paved in 1921, and became part of State Highway 21 during the 1920s. In 1937, after multiple delays, the new Caldecott Tunnel officially opened, allowing quicker and easier trips between Walnut Creek and Oakland. Walnut Creek’s population boomed after the Second World War, spurred by the same factors that propelled suburban growth nationally. Farmland surrounding the old village was developed as tract houses, shopping centers, and highways. Traffic signals appeared in 1948 at the Mt. Diablo Boulevard/Main Street intersection. The City’s location at the junction of two major highways, Highway 24 and Highway 21 (later Interstate 680), made it an ideal location for retail development (City of Walnut Creek, 2005).

In November 1949, an agent for MacDonald Products Company of San Francisco chose an undeveloped parcel of land on South Main Street for the site of a commercial venture that would eventually transform Walnut Creek into a regional shopping destination. Edith Apgar was a representative of Graeme MacDonald, a developer who owned MacDonald Products Company. The J.C. Penney retail chain asked the firm to find a suitable location for its newest store in Walnut Creek. Ms. Apgar secured an option on a 30-acre tract of land as the ideal spot for a new shopping development (Rovanpera, 2009). The property was centrally located just southeast of The Corners intersection of Main Street and Mt. Diablo Boulevard, and would have easy access to two proposed freeways (future Highway 24 and I-680). A large portion of the site, located between Las Trampas and San Ramon Creeks, was locally known as “Botelho’s Island” after the original property owner, the Botelho family.

Construction of the new shopping center, known then as the “Broadway-Walnut Creek Shopping Center,” began in 1950 under the guidance of Ms. Apgar, who became one of the first female construction supervisors in the country. After MacDonald’s initial investment of $3.5 million, the center opened on October 11, 1951 with major stores including J.C. Penny, Sears, Joseph Magnin, Woolworth’s, and a Lucky supermarket. A total of 38 stores were initially constructed, making the shopping center one of the largest retail destinations in the region (see Figure 4.4-1, Plate 1, page 4.4-13). Opening-day celebrations featured comedian Harpo Marx and other entertainers, and attracted attention from all around the region (Oakland Tribune, 1951). The portions of both Las Trampas and San Ramon Creeks which ran through the Project Site were culverted and covered over during the initial construction of the shopping center, as well as during
Plate 1
1951 Aerial photograph of the newly completed Broadway-Walnut Creek Shopping Center
(SOURCE: Rovanpera, 2009)

Plate 2
Broadway-Walnut Creek Shopping Center, 1950s Postcard
SOURCE: City of Walnut Creek
later expansions. The center was expanded in 1954 to include a Capwell’s department store, which was eventually built and later converted into a Macy’s department store (Rovanpera, 2009).

The Modern style shopping center was not the country’s first auto-oriented, open air shopping district. That distinction belongs to Country Club Plaza, which opened in 1924 in Kansas City, Missouri. However, with its 1,500 parking spaces, Broadway Shopping Center was recognized as one of the country’s earliest examples of a post-war, automobile-oriented retail mall (Rovanpera, 2009). Other early post-war, auto-oriented, open-air malls include the Northgate Shopping Center which opened in Seattle in 1950, and was designed by renowned architect John Graham Jr. Also opening in 1951 were Valley Plaza in North Hollywood, California, and Shoppers World in Framingham, Massachusetts (ECSU, 2011). Numerous similar shopping malls were constructed throughout the country in the 1950s and 1960s, beginning a trend that culminated in the country’s largest, the Mall of America, which opened in 1992 in Bloomington, Minnesota.

With its many free parking spaces, the shopping center embraced the post-war automobile culture in a way that foreshadowed the next few decades of suburban retail design, as well as urban planning in general (see Figure 4.4-1, Plate 2, page 4.4-13). According to Walnut Creek historian Brad Rovanpera, “The debut of Broadway Shopping Center was the seminal moment in the modern history of Walnut Creek. Its singular effect on virtually every aspect of life in the tiny community cannot be overstated. In one broad stroke, the opening of the center changed the financial fortunes of a sleepy downtown that would one day become a major regional retail destination” Nearly all of the City’s estimated 1951–1952 sales-tax revenue ($202,186) was generated by the 38-store mall (Rovanpera, 2009). During the decades that followed, the population of Walnut Creek skyrocketed from 1,587 in 1940 to 53,643 in 1980 (City of Walnut Creek, 2011).

The original Lucky supermarket was demolished in the mid-1970s and replaced with Bullock’s Department Store, which was later remodeled and expanded to become Nordstrom in the mid-1980s. In 1985, the Macerich Company purchased most of the Broadway-Walnut Creek Shopping Center from its original developer, Graeme MacDonald. The Macerich Company renamed the shopping center Broadway Plaza and undertook a 10-year renovation. In addition to façade updates, a former horseshoe-shaped parking area was replaced with pedestrian pathways, shops and a restaurant, and a fountain. A five-level parking structure was constructed on South Main Street, and two more restaurants were added. Finally, “The Lane” was created adding boutique shops between Macy’s and Nordstrom, and screening some of the parking garage from pedestrians. Nordstrom undertook a major renovation and façade update in late 2010, and construction of the new Neiman Marcus store, opening in March, 2012, will complete the latest renovations to Broadway Plaza (Macerich, 2011).

**Paleontology**

Paleontological resources are the fossilized remains of plants and animals, including vertebrates (animals with backbones), invertebrates (e.g., starfish, clams, ammonites, and marine coral), and fossils of microscopic plants and animals (microfossils). The age and abundance of fossils depend on the location, topographic setting, and particular geologic formation in which they are found.
Fossil discoveries not only provide a historical record of past plant and animal life but can assist geologists in dating rock formations. Fossil discoveries can expand our understanding of the time periods and the geographic range of existing and extinct flora or fauna.

**Geologic and Paleontological Setting**

The regional bedrock underlying the entire Project Site and surroundings are Miocene-age marine sedimentary rock, described by Dibblee (1980) as “sandstone, locally pebbly, fossiliferous.” This is overlain in the Project Site by Quaternary-age alluvium and terrace deposits that have been noted by geologists to contain Pleistocene-age fossils (Saul, 1973).

### 4.4.2 Regulatory Setting

**Federal**

The National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470 et seq.), establishes the National Register of Historic Places (NRHP) as the authoritative list of significant historical resources, including districts, sites, buildings, structures and objects. For a property to be eligible for listing in the NRHP, it must be significant in American history, architecture, archaeology, engineering or culture, and must retain several of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association. Resources less than 50 years of age, unless of exceptional importance, are not eligible for the NRHP. Listing in the NRHP does not prohibit demolition or alteration of that property, but Project effects on properties listed in or eligible for the NRHP must be evaluated under applicable federal and state environmental regulations. Resources of potential significance must meet one or more of the following four criteria (36 CFR 60.4) to establish eligibility for the NRHP. Eligible resources are those that:

A. Are associated with events that have made a significant contribution to the broad patterns of our history;

B. Are associated with the lives of persons significant in our past;

C. 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

D. Have yielded, or may be likely to yield, information important in prehistory or history.

**State**

The State of California implements the NHPA of 1966 (as amended) through its statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation (OHP), as an office of the California Department of Parks and Recreation (DPR), implements the policies of the NHPA on a statewide level. The OHP also maintains the California Historical Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the state’s jurisdictions.
California Environmental Quality Act

CEQA, as codified in Public Resources Code (PRC) Sections 21000 et seq., is the principal statute governing the environmental review of projects in the state. CEQA requires lead agencies to determine if a proposed project would have a significant effect on historical resources, including archaeological resources. The CEQA Guidelines define a historical resource as: (1) a resource in the California Register of Historical Resources (CRHR); (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency’s determination is supported by substantial evidence in light of the whole record.

If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. If an archaeological site does not meet the CEQA Guidelines criteria for a historical resource, then the site may meet the threshold of PRC Section 21083 regarding unique archaeological resources. A unique archaeological resource is “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:

1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

3) Is directly associated with a scientifically recognized important prehistoric or historic event or person” (PRC Section 21083.2 [g]).

The CEQA Guidelines note that if a resource is neither a unique archaeological resource nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064[c][4]).

California Register of Historical Resources

The CRHR is “an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for eligibility to the CRHR are based on NRHP criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the CRHR, including California properties formally determined eligible for or listed in the NRHP.

To be eligible for the CRHR a historical resource must be significant at the local, state, and/or federal level under one or more of the following criteria:
1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;

2) Is associated with the lives of persons important in our past;

3) 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,

4) Has yielded, or may be likely to yield, information important in prehistory or history (PRC Section 5024.1[c]).

For a resource to be eligible for the CRHR, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. There are seven aspects or qualities of integrity, defined as location, design, setting, materials, workmanship, feeling, and association.

Forty-five years is the standard age threshold used by OHP for determining potential historical significance. As such, any property located on the Project Site built prior to 1966 could be eligible for listing in the CRHR if it meets any one of the four criteria listed above and retains sufficient integrity to convey its historical significance.

**Paleontological Assessment Standards**

CEQA also directs agencies to assess whether a project would have an adverse effect on unique paleontological resources. The Society of Vertebrate Paleontology (SVP) has established guidelines for the identification, assessment, and mitigation of adverse impacts on nonrenewable paleontological resources. Most practicing paleontologists in the United States adhere closely to the SVP’s assessment, mitigation, and monitoring requirements as outlined in these guidelines, which were approved through a consensus of professional paleontologists. Many federal, state, county, and city agencies have either formally or informally adopted the SVP’s standard guidelines for the mitigation of adverse construction-related impacts on paleontological resources. The SVP has helped define the value of paleontological resources and, in particular, indicates that geologic units of high paleontological potential are those from which vertebrate or significant invertebrate or plant fossils have been recovered in the past (i.e., are represented in institutional collections). Only invertebrate fossils that provide new information on existing flora or fauna or on the age of a rock unit would be considered significant. Geologic units of low paleontological potential are those that are not known to have produced a substantial body of significant paleontological material. As such, the sensitivity of an area with respect to paleontological resources hinges on its geologic setting and whether significant fossils have been discovered in the area or in similar geologic units.

**Local**

The Walnut Creek General Plan 2025 (General Plan) contains the following goals, policies and actions regarding cultural resources. These directives call for preservation, restoration, and compatible reuse of historically significant architectural resources, and require records searches and appropriate mitigation measures to identify and protect archaeological and paleontological
resources. The goals, policies and actions regarding cultural resources include the following, from the Built Environment Chapter of the General Plan:

- **Goal 16:** Maintain and enhance Walnut Creek’s identity and sense of place.
  - *Policy 16.1:* Foster the preservation, restoration and compatible reuse of architecturally significant structures and sites.
    - *Action 16.1.1:* Develop an inventory and map of architecturally significant properties and landmarks.

- **Goal 24:** Protect and conserve archaeological and paleontological resources.
  - *Policy 24.1:* Review the potential for the presence of archaeological and paleontological resources and remains in or near identified archaeological sites.
    - *Action 24.1.1:* Require (a) review by the California Archaeological Inventory, Northeast [sic] Information Center, Sonoma State University, of all major new projects and all projects of any size within 660 feet of a site identified on the City’s map of sensitive archaeological sites, and (b) add appropriate mitigations as conditions of project approval as may be recommended by the California Archaeological Inventory.
    - *Action 24.1.2:* Require developers to halt all work if cultural resources are encountered during a project, and to retain a qualified archaeologist to evaluate and make recommendations for conservation and mitigation.

- **Goal 25:** Maintain and enhance Walnut Creek’s historic resources.
  - *Policy 25.1:* Foster the preservation, restoration, and compatible reuse of historically significant structures and sites.
    - *Action 25.1.1:* Develop an inventory and map of historically significant properties.
    - *Action 25.1.2:* Develop a historic preservation plan and supporting ordinances.

### 4.4.3 Impacts and Mitigation Measures

**Significance Criteria**

The Project would have a significant impact on the environment if it were to:

1. Cause a substantial adverse change in the significance of a *historical resource* as defined in Sec. 15064.5.
2. Cause a substantial adverse change in the significance of a *unique archaeological resource* pursuant to Sec. 15064.5.
3. Directly or indirectly destroy a *unique paleontological resource* or site or unique geologic feature.
4. Disturb any human remains, including those interred outside of formal cemeteries.
Approach to Analysis

Impacts by Project Scenario

For all significance criteria relating to cultural resources, the impacts are the same for the Maximum Commercial Scenario and the Maximum Mixed-Use Scenario because the Area of Potential Effects (APE) would be the same under both scenarios. Therefore, both scenarios are discussed under a single Impact Statement for each criterion.

Areas of Potential Effects

The definition of the areas that could be affected by various project components is modeled after that of the federal APE defined in 36 CFR 800.16(d):

The APE is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historical properties [i.e., CRHR-eligible resources], if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

The area of potential direct impacts related to the Project would include all areas of proposed demolition and ground-disturbing activity. Construction equipment and materials staging areas would be accommodated mostly on the Project Site and are included in the area of potential direct impacts. Excavation related to construction of new underground parking would reach a maximum estimated depth below grade of 15 feet for foundations and 23 feet for footing excavations. This depth is included within a vertical APE component. Additional areas would be included for an area of potential indirect impacts; i.e., surrounding properties that are within the immediate viewshed of the Project. The areas of potential direct and indirect impacts are shown on Figure 4.4-2.

Research Methods

A qualified ESA archaeologist conducted a records search for the Project Site at the Northwest Information Center (NWIC) of the California Historical Resources Information System on October 10, 2011 (File No. 11-0409). The purpose of the records search was to (1) determine whether known cultural resources have been recorded within or adjacent to the Project Site; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources. The records search consisted of an examination of the following documents:

- NWIC base maps (U.S. Geological Survey [USGS] Walnut Creek 7.5-minute topographic maps), to identify recorded archaeological sites and studies within a ½-mile radius of the Project Site.
- NWIC base maps (USGS Walnut Creek 7.5-minute topographic maps), to identify recorded historic-period resources of the built environment (building, structures, and objects) within a ½-mile radius of the Project Site.
Figure 4.4-2
Areas of Potential Direct and Indirect Effects
• **Resource Inventories:** *California Inventory of Historical Resources, California Historical Landmarks, Historic Properties Directory Listing by City* (through August 15, 2011).


• **Historic Maps:** An extensive on-line historic map collection with over 300 maps and views of California and Contra Costa County is available online at [http://davidrumsey.com](http://davidrumsey.com); Sanborn Fire Insurance maps for 1891, 1897, 1908, and 1915 were also consulted from the online source [http://www.historicmapworks.com](http://www.historicmapworks.com).

• **Aerial Photos:** Aerial photographs of the Project Site just prior to its development in 1949, as well as during its initial stages of construction in 1951, are available in *Walnut Creek: An Illustrated History* (Rovanpera, 2009).

• **Environment:** Walnut Creek General Plan 2025 Draft Environmental Impact Report (2005).

**Records Search Results**

The records search indicated that 15 cultural resources studies have been completed within the Project Site or within a 0.5-mile surrounding radius (*Table 4.4-1*). Nineteen cultural resources have been recorded within the records search radius, including 17 historic-period resources and two prehistoric sites (*Table 4.4-2*).

The Project Site is located within an area that has been identified in the City’s General Plan as having a high potential for cultural resources. The two known prehistoric archaeological sites within the records search radius are both north of the Project Site, along the banks of Walnut Creek. These resources have been characterized as habitation mounds with burials, and contain midden soil with a variety of marine shell types (mussel, clam and oyster), faunal bone, flaked-stone and groundstone artifacts as well as human remains. The larger and more thoroughly documented of the two sites contained deposits at least as deep as 4.5 feet below the ground surface; at least 25 burials were removed in 1913 during construction of the First National Bank building. Both sites are presumed to have been destroyed by urban development and creek channelization (Fredrickson, 1980:30; Kandler and Rudo, 1980:7).

The historic-period resources within the records search radius include a segment of the former Southern Pacific Railroad grade (now the Iron Horse Recreational Trail), and various residential, commercial, and civic buildings and structures. Many of these are clustered in the historic downtown area of the City, north of Mt. Diablo Boulevard.
## TABLE 4.4-1
CULTURAL RESOURCES STUDIES WITHIN 0.5-MILE RADIUS OF THE PROJECT SITE

<table>
<thead>
<tr>
<th>Study No.</th>
<th>Title</th>
<th>Author</th>
<th>Year</th>
</tr>
</thead>
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<td>727</td>
<td>An Archaeological Reconnaissance of Two New Proposed Waste Water Pipeline Routes, Livermore-Amador Valley Water Management Agency, Alameda County, California</td>
<td>Holman, Miley and David Chavez</td>
<td>1977</td>
</tr>
<tr>
<td>1452</td>
<td>Report of a Cultural Resource Investigation of the South Broadway Extension Study Area- City of Walnut Creek</td>
<td>Milliken, Randall</td>
<td>1979</td>
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<tr>
<td>2231</td>
<td>Cultural Resource Survey- Walnut Creek Project Area, Contra Costa County, California</td>
<td>Kandler, Edward R., Mark O. Rudo</td>
<td>1980</td>
</tr>
<tr>
<td>2969</td>
<td>Archaeological Overview and Research Design for the Walnut Creek Project, Contra Costa County, California</td>
<td>Fredrickson, David A.</td>
<td>1980</td>
</tr>
<tr>
<td>11234</td>
<td>Archaeological Survey Report for a Proposed Commuter Bikepath from Rudgear Road in Walnut Creek to Monument Boulevard, Contra Costa County</td>
<td>Kelly, Marcia K.</td>
<td>1989</td>
</tr>
<tr>
<td>16729</td>
<td>Cultural Resource Evaluation: Kaiser Walnut Creek Phase III Expansion, County of Contra Costa</td>
<td>Archaeological Resource Management</td>
<td>1994</td>
</tr>
<tr>
<td>19798</td>
<td>EBMUD San Ramon Valley Water Master Plan EIR Contra Costa County, California</td>
<td>David Chavez &amp; Associates</td>
<td>1997</td>
</tr>
<tr>
<td>21158</td>
<td>Cultural Resources Monitoring Program: Bank of America Site, Broadway Pointe Project, City of Walnut Creek, Contra Costa County, California</td>
<td>Basin Research Associates, Inc.</td>
<td>1997</td>
</tr>
<tr>
<td>21183</td>
<td>Cultural Resources Records and Preliminary Literature Review, 1500 Botelho Drive, City of Walnut Creek, Contra Costa County, California</td>
<td>Basin Research Associates, Inc.</td>
<td>1997</td>
</tr>
<tr>
<td>23069</td>
<td>Cultural Resources Review and Monitoring Program, Simons Property Project, 1500 Botelho Drive (APN 184-440-019), City of Walnut Creek, Contra Costa County, California</td>
<td>Basin Research Associates, Inc.</td>
<td>1999</td>
</tr>
<tr>
<td>24951</td>
<td>Cultural Resources Assessment- 1501 Mt. Diablo Boulevard (APN 184-060-018), City of Walnut Creek, Contra Costa County</td>
<td>Basin Research Associates, Inc.</td>
<td>2000</td>
</tr>
<tr>
<td>28024</td>
<td>Cultural Resources Assessment- Talbot Site (APNs 184-44-16 and 184-44-06), 1201 S. Main Street, City of Walnut Creek, Contra Costa County</td>
<td>Basin Research Associates, Inc.</td>
<td>2003</td>
</tr>
<tr>
<td>35006</td>
<td>Archaeological Literature Review and Field Inspection of the Block C/1250 Locust Street Project, Walnut Creek, Contra Costa County, CA</td>
<td>Holman &amp; Associates</td>
<td>2008</td>
</tr>
<tr>
<td>N/A</td>
<td>Historic Resource Evaluation for the Walnut Creek Plan</td>
<td>Page &amp; Turnbull</td>
<td>2004</td>
</tr>
</tbody>
</table>

SOURCE: Northwest Information Center, 2011
### TABLE 4.4-2
CULTURAL RESOURCES WITHIN 0.5-MILE RADIUS OF THE PROJECT SITE

<table>
<thead>
<tr>
<th>Primary</th>
<th>Trinomial</th>
<th>HPD Number</th>
<th>Age</th>
<th>Description</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-07-000120</td>
<td>CA-CCO-238</td>
<td>N/A</td>
<td>Unknown</td>
<td>Prehistoric Habitation and burial site</td>
<td>Less than ¼ mile north of Project Site</td>
</tr>
<tr>
<td>P-07-000124</td>
<td>CA-CCO-242</td>
<td>N/A</td>
<td>Unknown</td>
<td>Prehistoric Habitation and burial site</td>
<td>Less than ¼ mile north of Project Site</td>
</tr>
<tr>
<td>P-07-000196*</td>
<td>CA-CCO-388H</td>
<td>N/A</td>
<td>1890</td>
<td>Southern Pacific Railroad Line; now Iron Horse Recreational Trail</td>
<td>Southeast of Project Site between Newell Avenue and Rudgear Road</td>
</tr>
<tr>
<td>P-07-001141</td>
<td>N/A</td>
<td>010681</td>
<td></td>
<td>Heritage Tree, Brubaker residence</td>
<td>30 Brubaker Road</td>
</tr>
<tr>
<td>P-07-001142</td>
<td>N/A</td>
<td>010682</td>
<td></td>
<td>Walnut Creek Women’s Club</td>
<td>Carmel Drive</td>
</tr>
<tr>
<td>P-07-001143</td>
<td>N/A</td>
<td>010683</td>
<td></td>
<td>Larrieu residence</td>
<td>196 El Camino Corto</td>
</tr>
<tr>
<td>P-07-001144</td>
<td>N/A</td>
<td>010684</td>
<td></td>
<td>Bronson residence**</td>
<td>210 El Camino Corto</td>
</tr>
<tr>
<td>P-07-001145</td>
<td>N/A</td>
<td>010685</td>
<td>1907</td>
<td>San Ramon Bank**</td>
<td>1332 Main Street</td>
</tr>
<tr>
<td>P-07-001146</td>
<td>N/A</td>
<td>010686</td>
<td>1883</td>
<td>Ye Old Yarn Shop/Dole House</td>
<td>1614 Mt. Diablo Boulevard</td>
</tr>
<tr>
<td>P-07-001148</td>
<td>N/A</td>
<td>010688</td>
<td>1910</td>
<td>Lawrence Meat Company</td>
<td>1432 N. Main Street</td>
</tr>
<tr>
<td>P-07-001149</td>
<td>N/A</td>
<td>010689</td>
<td></td>
<td>Leach home</td>
<td>1533 N. Main Street</td>
</tr>
<tr>
<td>P-07-001152</td>
<td>N/A</td>
<td>010692</td>
<td></td>
<td>Adams residence</td>
<td>2030 San Miguel Drive</td>
</tr>
<tr>
<td>P-07-001153*</td>
<td>N/A</td>
<td>010693</td>
<td>1891</td>
<td>Walnut Creek Southern Pacific Railroad Depot</td>
<td>Moved from Project Site to 850 South Broadway in 1973</td>
</tr>
<tr>
<td>P-07-001154</td>
<td>N/A</td>
<td>010694</td>
<td>1876</td>
<td>Stow residence</td>
<td>1721 Stow Avenue</td>
</tr>
<tr>
<td>P-07-001156</td>
<td>N/A</td>
<td>010696</td>
<td></td>
<td>Chapel of St. Paul’s Episcopal Church</td>
<td>1924 Trinity Avenue</td>
</tr>
<tr>
<td>P-07-001157</td>
<td>N/A</td>
<td>010697</td>
<td>1931</td>
<td>California Water Pumping Plant</td>
<td>Walker Avenue</td>
</tr>
<tr>
<td>P-07-001159</td>
<td>N/A</td>
<td>010699</td>
<td></td>
<td>Civic Park Bridge</td>
<td>Civic Park Drive N.</td>
</tr>
<tr>
<td>P-07-002641</td>
<td>N/A</td>
<td>N/A</td>
<td>1932</td>
<td>Casa Christina</td>
<td>1632 Live Oak Way</td>
</tr>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>154815</td>
<td>1955</td>
<td>Walnut Creek Armory</td>
<td>1800 Carmel Drive</td>
</tr>
</tbody>
</table>

NOTES: * resource is located at least partially within the C-APE. ** demolished.

SOURCE: Northwest Information Center, 2011

None of the recorded resources are located within the Project Site itself, although one of the historic buildings is adjacent to the Project Site; specifically, the 1891 Southern Pacific Railroad Depot at 850 South Broadway. Originally built within the Project Site in approximately the location now occupied by the parking structure on the west side of South Broadway, the depot was moved to its current spot on the east side of South Broadway in 1973 (Vic Stewart’s, 2011). A note in the Historic Resources Inventory states that this building appears to be eligible for the NRHP as an individual property, although a formal determination has not been conducted. The
4. Environmental Setting, Impacts and Mitigation Measures

4.4 Cultural Resources

depot currently houses Vic Stewart’s Famous for Steaks restaurant, and retains many of its historic features, including a Pullman rail car located behind the building. A segment of the Iron Horse Trail also passes through the area of potential indirect impacts, although this linear resource no longer conveys its historic appearance and use as a railroad because it has been converted to a bike and pedestrian path, and likely would not meet the criteria for inclusion on any federal, state, or local registers of historical resources. One other potentially historic building has been noted within the area of potential indirect effects: the First Commercial Building/Sherburne Brothers’ store (now La Fogata Restaurant) at 1315 North Main Street. An architectural assessment of this building in 2004 determined that it does not retain sufficient integrity for inclusion on the CRHR (Page & Turnbull, 2004).

Historic maps of the City of Walnut Creek show a blacksmith’s shop/wagon maker on the northwest corner of the Project Site, in the location of the Neiman Marcus store currently under construction (Sanborn Map 1891, 1897, 1908). Several additional buildings are shown within the Project Site on the 1915 Sanborn Map, including ones labeled “impl’t stge” and “auto,” and a 30-foot-high water tank.

Based on the results of the background research, no cultural resources have been recorded within the Project Site; however, prehistoric sites and historic-period resources could be present given the proximity to existing waterways. Prehistoric sites would most likely be found along the natural channels of Las Trampas and San Ramon Creeks, although the intensive earthwork that was performed in the 1950s to channelize these creeks may have destroyed or obscured evidence of early occupations. Potential subsurface features or artifacts indicative of Native American occupation could include, but would not be limited to: hearths or scatters of fire-affected rock, midden soils with or without shell deposits, lithic reduction flakes and cores, projectile points or other flaked-stone tools, and grinding or milling tools, such as mortars, pestles, and handstones. Human remains could also be associated with Native American sites, as was found at the two nearby prehistoric resources. Unreported historic-period archaeological remains could also occur, especially buried features such as structural foundations or footings, privies, refuse from the blacksmith’s forges (i.e., coal slag), or trash dumps.

**Historic Architectural Survey Results**

A reconnaissance-level architectural field survey completed by a qualified ESA architectural historian in October, 2011, found that although numerous buildings constructed prior to 1966 still exist in the Project Site, including many that date to the first phase of construction in 1951, extensive façade remodels, demolitions, and new construction within the last 45 years, especially in the 1980s and 1990s, has occurred. These changes over time have resulted in a near-total loss of integrity of the original Broadway-Walnut Creek Shopping Center (ESA, 2011). Street closures and newer in-fill construction, particularly around the former ‘horseshoe’ in the 1990s, have added to this loss of integrity. Exterior façade remodels and alterations include newer plaster parapet walls with ceramic tile details, steel and fabric awnings, replacement aluminum shop windows and pedestrian doors, and newer signage. In general, Broadway Plaza no longer retains the architectural appearance of post-war era outdoor shopping center. Any potential historical significance that Broadway Plaza might have had as one of the nation’s first post-war, auto-
oriented, open-air shopping malls no longer exists due to this loss of integrity. In addition, any
associations that the development once had with important local persons, such as Edith Apgar or
Graeme MacDonald, also no longer exist due to the loss of integrity. As such, none of the
individual buildings within Broadway Plaza, nor the shopping center as a whole, are eligible for
listing in the CRHR. Broadway Plaza is not considered a historical resource according to CEQA
Section 15064.5 (ESA, 2011).

**Organizational Contacts**

ESA submitted a sacred lands search request to the Native American Heritage Commission
(NAHC) on October 12, 2011. ESA received a response on October 18, 2011. A records search of
their sacred land file failed to indicate the presence of Native American cultural resources in the
immediate vicinity of the Project. A list of Native American individuals/organizations who might
have additional information or concerns was provided. Consultation letters to these individuals were
sent on October 19, 2011 by ESA on behalf of the City. No response from the representatives on the
NAHC’s list has been received as of publication of this report.

**Paleontological Search Results**

A search of the fossil collections database at the University of California Museum of
Paleontology (UCMP) reveals one potential vertebrate fossil locality within the greater Project
Site and surroundings. This find is listed as a now-extinct species of bison dating from the
Pleistocene, found at the “San Ramon Creek” locality (UCMP, 2011). Other invertebrate fossils
(notably mollusks) have been reported in the literature within the Miocene sandstone surrounding
and underlying the Project Site (Dibblee, 1980). The geologic units in the Project Site and
surroundings are therefore considered to have a moderate to high paleontological potential per

**Impacts**

**Impact CUL-1: The Project could result in a substantial adverse change in the significance
of a historical resource (Criterion 1). (Potentially Significant)**

As noted above, a *historical resource* can be a district, site, building, structure or object that
meets the eligibility criteria for the CRHR, or that is otherwise designated by a lead agency. The
potential for impacts to above-ground (architectural) and subsurface (archaeological) historical
resources is discussed separately.

**Historic-period Architectural Resources**

While many of the buildings on the Project Site that were constructed prior to 1966 would be
demolished to accommodate the Project, none of these buildings could be considered historical
resources under federal, state or local standards primarily due to a loss of integrity. As such, their
proposed demolition and replacement would have no impact on historical resources. The
alterations proposed for the remainder of the Project Site would not have significant impacts for
similar reasons. No direct impacts to historic architectural resources would occur as a result of the Project; therefore no mitigation measures are required.

The Project would have no indirect impact to the setting of nearby historical resources, including the former Southern Pacific Railroad Depot at 850 South Broadway (Vic Stewart’s Restaurant), due to the relatively large distance between the Project Site and this resource (about 100 feet) including the intervening, multi-lane arterial road of South Broadway. The setting of other historical resources within the historic downtown area would be similarly unaffected by the Project due to their distance from the Project Site and the many intervening modern buildings and roads such as Mt. Diablo Boulevard. No indirect impacts to historic architectural resources would occur as a result of the Project; therefore no mitigation measures are required.

**Archaeological Resources**

The developed nature of the Project Site, including previous construction of a basement level at the existing stores, and the fact that excavation and grading for the Neiman Marcus store revealed no significant archaeological resources, reduces the likelihood of encountering unknown archaeological resources that could qualify as *historical resources* under the definition provided in the CEQA Guidelines (Section 15064.5). However, given the location of the Project Site in an area designated in the General Plan as high sensitivity for archaeological resources, the historic use of portions of the Project Site as a blacksmith shop and other civic/industrial uses, and the lack of a pre-development cultural resources survey, there is a reasonable potential for archaeological resources within the Project Site. Project construction could potentially expose and damage or destroy as-yet undiscovered prehistoric and historic-period sites that could qualify as *historical resources*.

In the unlikely event that archaeological resources are uncovered during ground-disturbing activities, it would not be feasible to preserve the resources in place while still developing the Project. Mitigation measures designed to preserve resources in place would therefore have to focus on altering or reducing the location and/or amount of ground disturbance. The Relocated Parking alternative proposes to conduct the extensive excavation needed for an underground garage at a different onsite location. However, the low likelihood of encountering as-yet undiscovered prehistoric and historic-period archaeological sites is the same across the entire Project Site, such that relocating the garage excavation would not reduce the level of potential significance. Reducing the size of the Project would, by reducing the need for excavation and grading, allow a greater portion of any as-yet-undiscovered prehistoric or historic-period archaeological resource to be preserved in place. The feasibility of reducing the Project size is addressed in Chapter 5, *Alternatives* in connection with the reduced size alternatives, and decision-makers will address the feasibility of those alternatives. However, reducing the size of the Project would not reduce the potential for exposing and damaging as-yet undiscovered prehistoric and historic-period archaeological sites to a less-than-significant level.
The following mitigation measure is recommended to ensure that impacts resulting from an inadvertent discovery of archaeological resources would be less than significant:

**Mitigation Measure CUL-1:** If prehistoric or historic-period archaeological resources are encountered during earth-moving activities, all construction activities within 50 feet must stop and the City shall be notified. A qualified archaeologist shall inspect the findings within 24 hours of discovery. Cultural resources shall be recorded on California Department of Parks and Recreation (DPR) Form 523 (Historic Resource Recordation form). If it is determined that the proposed development could damage a *historical resource* or a *unique archaeological resource* (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Additionally, in accordance with Public Resource Code Section 5097.993, the Project Applicants shall inform project personnel that the collection of any Native American artifact is prohibited by law.

**Significance after Mitigation:** Less than Significant.

**Impact CUL-2:** The Project could result in a substantial adverse change in the significance of a unique archaeological resource (Criterion 2). (Potentially Significant)

As discussed above in Section 4.4.2 (Regulatory Setting), subsurface archaeological resources that do not qualify as *historical resources* under CEQA may still be considered significant as *unique archaeological resources*. The discussion of archaeological resources under Impact CUL-1 also applies to those potential unknown sites that could qualify as *unique archaeological resources* pursuant to the CEQA Guidelines, because such resources are likely to include similar elements and would be found in similar locations. Likewise, implementation of **Mitigation Measure CUL-1** would apply to those subsurface cultural sites that meet this definition.

**Mitigation Measure CUL-2:** Implement Mitigation Measure CUL-1.

**Significance after Mitigation:** Less than Significant.

**Impact CUL-3:** The Project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Criterion 3). (Potentially Significant)

As discussed above, at least one vertebrate fossil has been previously recovered in the vicinity of the Project from the same Quaternary-age terrace deposits that cover the Project Site. The underlying Miocene-age marine sandstone is also known to have yielded invertebrate fossils in the greater Project Site and surroundings. While this qualifies the local rock units as having a high paleontological potential under SVP criteria, the probability that earthwork would uncover significant vertebrate fossils is low. Much of the excavation would consist of foundation
excavation within surface soils or the zone of highly weathered bedrock where fractures, fissures
and chemical processes have damaged the integrity of the original, in-situ rock formation.

Activities of highest concern for impacts to paleontological resources typically consist of projects
that involve large-scale mining, tunneling, or deep trenching that excavate large volumes of
sensitive, unweathered rock units rather than the relatively shallow excavations for foundation
excavation that typify the Project. Nevertheless, Project-related grading and excavation would
disturb substantial quantities of soil, some of which may consist of “fresh” bedrock. As such,
inadvertent disturbance of unique or significant fossils cannot be ruled out. For this reason, and
because the significance of fossil resources cannot be known until assessed by a professional
paleontologist, any unanticipated discovery or disturbance of a fossil of unknown importance
would be a potentially significant impact. Implementation of the following mitigation measure
would reduce the potential impact to a less-than-significant level.

**Mitigation Measure CUL-3:** A qualified paleontologist shall be present during all
excavation of previously-undisturbed soils that a qualified geologist has determined are
unlikely to consist of highly weathered bedrock. If paleontological resources are discovered
during earthmoving activities, the construction crew shall immediately cease work within at
least 25 feet of the find. The paleontologist shall evaluate the resource and prepare a
proposed mitigation plan in conformance with SVP guidelines (1995). The proposed
mitigation plan, which shall be reviewed and approved by the City, may include a field
survey, construction monitoring, sampling and data recovery procedures, museum storage
coordination for any specimen recovered, and a report of findings. The applicant shall
implement the recommendations of the paleontologist before construction activities can
resume at the site where the paleontological resources were discovered.

**Significance after Mitigation:** Less than Significant.

**Impact CUL-4:** The Project could disturb human remains (Criterion 4). (Potentially
Significant)

While there is no indication that the immediate Project Site has been used for human burials, the
possibility cannot be discounted entirely. Although unlikely, the unearthing of human remains
during construction would be a significant impact. Implementation of the following mitigation
measure would reduce this impact to a less-than-significant level.

**Mitigation Measure CUL-4:** If human remains are discovered during construction, the
measures specified in Section 15064.5(e)(1) of the CEQA Guidelines shall be followed,
which are as follows:

In the event of the accidental discovery or recognition of any human remains in any
location other than a dedicated cemetery, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area
reasonably suspected to overlie adjacent human remains until:
4. Environmental Setting, Impacts and Mitigation Measures

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a. The Contra Costa County coroner is contacted to determine that no investigation of the death is required, and

b. If the coroner determines the remains to be Native American:
   i. The Coroner shall contact the NAHC within 24 hours;
   ii. The NAHC shall identify the person or persons it believes to be most likely descended from the deceased Native American;
   iii. The most likely descendent (MLD) may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

   a. The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 24 hours after being notified by the Commission;
   b. The MLD identified fails to make a recommendation; or
   c. The landowner or his authorized representative rejects the recommendation of the descendent, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Significance after Mitigation: Less than Significant.

Cumulative Impacts

Geographic Context

The cumulative geographic context for cultural resources includes the Project Site and surroundings, in addition to all parts of the City.

Impact CUL-5: The Project, combined with cumulative development, including past, present, and reasonably foreseeable future development, could result in a significant adverse cumulative cultural resources impact. (Potentially Significant)

The 31 approved and pending projects listed in Appendix B (Cumulative Projects) are relevant to the cumulative impact analysis for cultural resources, as is existing development, as they represent past projects. Most cumulative development has or will likely involve ground-disturbing activities, which have the potential to inadvertently impact unknown archaeological or paleontological resources or unmarked burials. Most cumulative development has or may likely involve demolition of one or more existing buildings to accommodate new construction, which could result in a significant impact if the buildings subject to demolition are more than 45 years old and are historic resources pursuant to CEQA Guidelines Section 15064.5.
Because the Project has no impact on above-ground historic resources, it would not contribute to a cumulative impact to any such resources. The Project, together with other past, present and reasonably foreseeable future development, could potentially cause a substantial adverse change in the significance of an archaeological resource that is a historical resource or a unique archaeological resource, or directly or indirectly destroy a unique paleontological resource, or inadvertently disturb human remains. Thus, a cumulative impact could result, and the Project (and other cumulative development) would contribute in some part to combined adverse impact.

However, as with past and present projects and the Project, all future cumulative projects would be subject to an environmental review process similar to the Project, and, if warranted, mitigation measures similar in effect to those identified for the Project would be required to reduce Project-related impacts to a less-than-significant level. Further, implementation of Walnut Creek General Plan policies, along with compliance with federal, state and local laws, regulations and policies addressing cultural resources, would also address potential adverse effects to these resources from cumulative projects. The implementation of Mitigation Measures CUL-1 through CUL-4 would reduce the Project’s contribution to the potential cumulative impact to cultural resources to a less-than-significant level.


Significance after Mitigation: Less than Significant.

4.4.4 References


Bennyhoff, J.A., Ethnogeography of the Plains Miwok, Center for Archaeological Research at Davis Publication No. 5, Davis, 1977


ESA, Broadway Plaza Long Range Master Plan Project, Cultural Resources Survey Report, Prepared for the City of Walnut Creek, October, 2011.


Fredrickson, David A., *Archaeological Overview and research Design for the Walnut Creek Project, Contra Costa County, California*. On file (S-2969), Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, 1980.


Kandler, Edward R., and Mark O. Rudo, *Cultural Resource Survey Walnut Creek Project Area, Contra Costa County, California*. On file (S-2231), Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, 1980.


Loud, L.L. (by A.R. Pilling), Site Record for CA-CCO-238. On file, Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, 1913a.

Loud, L.L. (by A.R. Pilling), Site Record for CA-CCO-242. On file, Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, 1913b.


Oakland Tribune. “Harpo Marx Lends Zany Touch to Walnut Creek Shopping Center Opening.” November 9, 1951.


Rovanpera, Brad. *Walnut Creek: A Look Back*. Published by the City of Walnut Creek, 1998.

Rovanpera, Brad. *Walnut Creek: An Illustrated History*. Published by the Walnut Creek Historical Society and the City of Walnut Creek. 2009.

Ross, Martha. Broadway Plaza Turns the Big 6-0. Online article for the *Walnut Creek Patch*. Published June 13, 2011 at http://walnutcreek.patch.com/articles/broadway-plaza-turns-the-big-6-0.


