

4.6 CULTURAL RESOURCES

This chapter describes the regulatory framework and existing conditions on the Project site related to cultural resources, and the potential impacts of the project on cultural resources. The information and analysis in this chapter is primarily based on the following document, which is included in Appendix E, Cultural Resources Data, of this Draft EIR:

- *A Cultural Resources Survey for The Landing at Walnut Creek*, prepared by Tom Origer & Associates, October 23, 2013.

4.6.1 ENVIRONMENTAL SETTING

4.6.1.1 REGULATORY FRAMEWORK

This section describes the policies and regulations that apply to cultural resources in Walnut Creek.

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 established the National Register of Historic Places (National Register) as the official designation of historical resources, including districts, sites, buildings, structures and objects. For a property to be eligible for listing in the National Register, it must be significant in American history, architecture, archaeology, engineering or culture, and must retain integrity in terms of location, design, setting, materials, workmanship, feeling and association. Resources less than 50 years in age, unless of exceptional importance, are not eligible for the National Register. Though a listing in the National Register does not prohibit demolition or alteration of a property, CEQA requires the evaluation of project effects on properties that are listed in the National Register.

State Regulations

California Environmental Quality Act

Section 15064.5 of the CEQA Guidelines states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant impact on the environment. The CEQA Guidelines define four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance:

- The resource is listed in or determined eligible for listing in the California Register of Historical Resources, as determined by the State Historical Resources Commission.

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- The resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code, or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- The lead agency determines the resource to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, as supported by substantial evidence in light of the whole record.
- The lead agency determines that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1 (CEQA Guidelines Section 15064.5) which means, in part, that it may be eligible for the California Register.

In addition, Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines specify lead agency responsibilities to determine whether a project may have a significant effect on archaeological resources. If it can be demonstrated that a project would damage a unique archaeological resource, the lead agency may require reasonable efforts for the resources to be preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. The Public Resources Code also details required mitigation if unique archaeological resources are not preserved in place.

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

California Register of Historic Resources

The California Register of Historic Resources (California Register) establishes a list of properties to be protected from substantial adverse change (Public Resources Code Section 5024.1). The State Office of Historic Preservation (OHP) has determined that buildings, structures and objects 45 years or older may be of historical value. A historical resource may be listed in the California Register if it meets any of the following criteria.

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- It is associated with the lives of persons important in California's past.
- It 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 value.
- It has yielded or is likely to yield information important in prehistory or history.

The California Register includes properties that are listed or have been formally determined eligible for listing in the National Register, State Historical Landmarks and eligible Points of Historical Interest. Other resources that

may be eligible for the California Register, and which require nomination and approval for listing by the State Historic Resources Commission, include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic surveys conducted in accordance with OHP procedures, historic resources or districts designated under a local ordinance consistent with the procedures of the State Historic Resources Commission, and local landmarks or historic properties designated under local ordinance.

California Historical Building Code

The California Historical Building Code (CHBC), defined in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code, provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings, structures and properties deemed by any level of government as having importance to the history, architecture, or culture of an area. The City of Walnut Creek has adopted the 2010 CHBC as part of its Municipal Code.

Local Regulations

Walnut Creek General Plan 2025

The Built Environment chapter of General Plan 2025 contains the following goals and policies related to the protection of cultural resources (Table 4.6-1). These policies require records searches for development projects recognizing the potential for discovery of archaeological resources, and call for preservation, restoration, and compatible reuse of historically significant structures and sites.

TABLE 4.6-1 GOALS AND POLICIES OF THE WALNUT CREEK GENERAL PLAN 2025

Goal/Policy/Action Number	Goal/Policy/Action Text
Chapter 4 Built Environment	
<i>Goal 16</i>	<i>Maintain and enhance Walnut Creek's identity and sense of place.</i>
Policy 16.1	Foster the preservation, restoration, and compatible reuse of architecturally significant structures and sites.
<i>Goal 24</i>	<i>Protect and conserve archaeological and paleontological resources.</i>
Policy 24.1	Review the potential for the presence of archaeological and paleontological resources and remains in or near identified archaeological sites.
<i>Goal 25</i>	<i>Maintain and enhance Walnut Creek's historic resources.</i>
Policy 25.1	Foster the preservation, restoration, and compatible reuse of historically significant structures and sites.

Source: Walnut Creek General Plan 2025.

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4.6.1.2 EXISTING CONDITIONS

This section provides an overview of the history of Walnut Creek and resources of historical significance that may be affected by the proposed Project.

Paleontological Resources

Paleontological resources (fossils) are the remains and/or traces of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and wood are found in the geologic deposits (rock formations) in which they were originally buried. Paleontological resources represent a limited, non-renewable, sensitive scientific and educational resource.

The potential for fossil remains at a location can be predicted through previous correlations that have been established between the fossil occurrence and the geologic formations within which they are buried. For this reason, knowledge of the geology of a particular area and the paleontological resource sensitivity of particular rock formations, make it possible to predict where fossils will or will not be encountered. Based on the result of pre-field research, it is possible that cultural resource could be found on the Project site. However, a field survey of the Project site did not uncover any paleontological resources.¹

Previous cultural resource investigations conducted for the Project area have not uncovered any paleontological resources within a quarter of a mile of the Project site.²

Archeological Resources

Linguistic evidence shows that between 8,000 and 6,000 B.C. inhabitants in the Walnut Creek area were Pre-Hokan speakers but by 4,000 B.C. Hokan languages had developed in the Walnut Creek area. Between 2000 B.C. and A.D. 1 Penutian speakers began to migrate into the area from the lower Sacramento Valley. Excavations in central Contra Costa County have found evidence of people living in the area as early as 2,500 B.C. Although the areas of Walnut Creek and Alamo where excavation of archaeological sites have taken place are closer to the San Francisco Bay (approximately 14 miles to the west), archaeological evidence at these sites shows that early in time site inhabitants had stronger ties to people living in the lower Sacramento Valley. By approximately A.D. 1, archaeological evidence shows that site inhabitants were more influenced by their neighbors to the west.

It appears that later in time site inhabitants developed their own culture that was distinct from their lower Sacramento Valley ancestors. This change in culture was likely evidence of the beginnings of the people known as the Saclan who lived in the Walnut Creek area when Europeans came to California. The Saclan belonged to the Bay Miwok branch of the Eastern Miwok. However, the Walnut Creek area is also near the boundary with the Costanoans. The Bay Miwok were hunter-gatherers who lived in a rich environment that allowed for dense populations. They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary villages were inhabited throughout the year while other sites were visited seasonally to obtain

¹ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 12.

² Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 8.

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particular resources. Sites were often established near fresh water sources and at ecotones where plant and animal life was diverse and abundant. The environmental setting enjoyed by the Bay Miwok provided abundant plant and animal resources for their use.

While initial European arrival to the Walnut Creek area occurred in 1772, with the Captain Pedro Fages Spanish exploration party, permanent non-native settlement was not until 1849 when William Slusher built a cabin near what is now the intersection of Mt. Diablo Boulevard and South Main Street, on what became known as Walnut Creek.

Walnut Creek was known as “The Corners” until 1862 when the United States Postal Service established a post office. At that time the name was permanently changed to Walnut Creek. In 1871, Homer Shuey laid out the parcels around the intersection of Mt. Diablo Boulevard and South Main Street, which at the time were the main thoroughfares between Oakland and Antioch and then continuing out to the San Joaquin Valley, Livermore, and Pacheco. A year later, Shuey subdivided an even bigger area and established a street pattern for Walnut Creek’s downtown area.

From this point on, Walnut Creek slowly began to grow as settlers purchased land to live and build business on. That being said, Walnut Creek remained a small farming community. Early farming consisted primarily of grain crops (wheat mostly). It was not until the 1890s that people began to plant orchards which were a much more profitable crop than grain and hay. In 1891 the railroad came to Walnut Creek. One could now travel from San Francisco to Walnut Creek in two hours and forty-five minutes. Also during the 1890s, telephone service was brought to Walnut Creek. It was during this time that Walnut Creek began to develop into a suburb of the metropolitan centers of San Francisco and Oakland.

Over the next 40 years, Walnut Creek slowly grew and improved. In 1912 a new, bigger, school was constructed, in 1916 a library, and in 1918 the first sewer line was run down Main Street. In 1914, residents voted to become incorporated.

Like much of the nation, the Great Depression affected Walnut Creek, but the town did not decline in terms of growth. This was partially due to two large-scale projects located nearby: the construction of the Bay Bridge and what is now known as the Caldecott Tunnel.

Other than the influx of military personnel, World War II did not affect Walnut Creek significantly. However, the War did seem to bring an increase in crime to the small town. This prompted the construction of the first jail in the city at the fire station that was on Bonanza Street. By the end of WWII Walnut Creek had approximately 2,000 residents.

The year of 1950 signaled the beginning of substantial growth for the small town. It was during this year that construction began of the Broadway Shopping Center. Between 1950 and 1970 new highways were constructed that brought more traffic to the city.

Since 1970, Walnut Creek has continued to grow, though not to the extent that it did between 1950 and 1970. Various developmental projects have continued to take place. Most significantly, BART constructed a station in

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1973 at the corner of Ygnacio Valley Road and North California Boulevard and Highway 680 was also constructed in the 1970s.³

Based on the result of pre-field research, it is possible that prehistoric and, to a lesser extent, historic-period archeological resources could be found on the Project site. Prehistoric archaeological site indicators expected to be found in the region include, but are not limited, to: obsidian and chert flakes and chipped stone tools, grinding and mashing implements, and locally darkened midden soils containing cultural resources. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; as well as structure and feature remains such as building foundations and discrete trash deposits. However, field survey of the Project site did not uncover any archeological resources.⁴

Previous cultural resource investigations conducted for the Project area have not uncovered any archaeological resources within 1/4-mile of the Project site.⁵

Historical Resources

A review of historical maps does not indicate the historical presence of any buildings or structure on the Project site. There are no local, State, or federally recognized historic properties on the Project site or in the immediate vicinity.⁶ The on-site structures were examined to consider their eligibility for inclusion in the California Register and determined that the buildings are not eligible because they lack architectural distinction. In addition, because all of the on-site structures date to the mid-20th century, it was considered whether they may comprise a district eligible for inclusion on the California Register. The buildings were found to not be eligible as a district because they do not embody cohesiveness of architecture, design, or plan.⁷

The nearest historical building is located on Locust Street, within a 1/4-mile of the Project site.⁸

4.6.2 STANDARDS OF SIGNIFICANCE

An Initial Study was prepared for the proposed Project (see Appendix A of this Draft EIR). Based on the analysis contained in the Initial Study it was determined that development of the proposed Project would not result in significant environmental impacts per the following significance standard and therefore, this standard is not discussed in this chapter.

- Disturb any human remains, including those interred outside of formal cemeteries.

³ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, pages 3 to 7.

⁴ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 12.

⁵ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 8.

⁶ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 8.

⁷ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 10.

⁸ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 8.

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Based on the Initial Study it was determined that the proposed Project would result in a significant cultural resources impact if it would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

4.6.3 IMPACT DISCUSSION

This section analyzes potential Project-specific and cumulative impacts to cultural resources.

CULT-1 **The proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.**

The proposed Project would demolish the existing residences on the Project site and redevelop the site with a new 178-unit apartment building. There are no local, State, or federally recognized historic properties on the Project site or in the immediate vicinity, and, although all of the on-site structures date to the mid-20th century, they are not eligible as a historic district.⁹ While as discussed above there is a historical building located on Locust Street, within a ¼-mile from the Project site, construction of the proposed Project would not affect this structure. Therefore, demolition of the existing buildings on the Project site would not affect any historic resources and the associated impact would be *less than significant*.

Significance Without Mitigation: Less than significant.

CULT-2 **The proposed Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**

A field survey of the Project site did not uncover any archeological resources. Additionally, previous cultural resource investigations conducted for the Project area have not uncovered any archaeological resources within ¼-mile of the Project site.¹⁰ Nevertheless, it is possible that unknown buried archaeological materials could be found during ground disturbing Project construction activities. Action 24.1.2 of the Walnut Creek General Plan requires 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. Accordingly, inadvertent

⁹ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, page 10.

¹⁰ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, pages 8 and 12.

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damage to unique, buried archaeological deposits during construction would result in a *significant* impact prior to mitigation.

Significance Without Mitigation: Significant.

CULT-3	The proposed Project would not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.
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A field survey of the Project site did not uncover any paleontological resources, and previous cultural resource investigations conducted for the Project area have not uncovered any paleontological resources within 1/4-mile of the Project site.¹¹ Nevertheless, it is possible that unknown buried paleontological materials could be found during ground disturbing Project construction activities. Action 24.1.2 of the Walnut Creek General Plan requires 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.

While fossils are not expected to be discovered during Project construction, it is possible that significant fossils could be discovered during excavation activities, even in areas with a low likelihood of occurrence. Fossils encountered during excavation could be inadvertently damaged. If a unique paleontological resource is discovered, the impact to the resource could be substantial. This would result in a *significant* impact without mitigation.

Significance Without Mitigation: Significant.

4.6.4 CUMULATIVE IMPACTS

CULT-4	The proposed Project, in combination with past, present and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to Cultural Resources.
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Cumulative impacts would occur when a series of actions leads to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative effect. This is most obvious in historic districts, where destruction or alteration of a percentage of the contributing elements may lead to a loss of integrity for the district overall. For example, changes to the setting or atmosphere of an area by adding modern structures on all sides of a historically significant building, thus altering the aesthetics of the streetscape, would create a significant impact. Destruction or relocation of historic buildings would also significantly impact the setting.

As there are no significant historic structures and no known archaeological resources, paleontological resources, or human remains on the Project site, development of the proposed Project would not create or contribute to a

¹¹ Tom Origer & Associates, 2013, *A Cultural Resources Survey for The Landing at Walnut Creek*, pages 8 and 12.

cumulative impact on cultural resources. Additionally, the existing federal, State, and local regulations and policies described throughout this chapter serve to protect any as-yet-undiscovered cultural resources in Walnut Creek. Continued compliance with these regulations and implementation of existing policies, including applicable General Plan 2025 policies, would preclude impacts to historical, archaeological, and paleontological resources and to human remains to the maximum extent practicable. Therefore, in combination with past, present, and reasonably foreseeable projects, the proposed Project would result in a *less-than-significant* cumulative impact with respect to cultural resources.

Significance Without Mitigation: Less than significant.

4.6.5 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

With implementation of Mitigation Measures CULT-2 and CULT-3, the proposed Project would not result in any significant or cumulative impacts with respect to cultural resources.

CULT-2	The proposed Project would cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
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No previously recorded archaeological sites exist within the Project site; however, inadvertent damage to unique buried archaeological deposits during construction would result in a significant impact.

Mitigation Measure CULT-2: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist would meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, Project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) would be instituted. Work may proceed on other parts of the Project site while mitigation for historical resources or unique archaeological resources is being carried out.

Significance with Mitigation: Implementation of Mitigation Measure CULT-2, described above, it would ensure that potential impacts resulting in a substantial adverse change in the significance of an archaeological resource from development of the Project would be less than significant.

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CULT-3	The proposed Project would directly or indirectly destroy a unique paleontological resource, site or unique geologic feature.
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While fossils are not expected to be discovered during Project construction, significant fossils could be discovered during excavation activities, even in areas with a low likelihood of occurrence. Fossils encountered during excavation could be inadvertently damaged. If a unique paleontological resource is discovered, the impact to the resource could be substantial.

Mitigation Measure CULT-3: In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project based on the qualities that make the resource important. The plan shall be submitted to the City for review and approval prior to implementation.

Significance With Mitigation: Implementation of Mitigation Measure CULT-3 would ensure that potential impacts related to direct or indirect destruction of a unique paleontological resource or site, or a unique geologic feature from development of the Project would be less than significant.