

C. CULTURAL AND PALEONTOLOGICAL RESOURCES

This section evaluates the proposed project's potential impacts to cultural and paleontological resources. Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value due to their historical significance. Paleontological resources are the fossilized remains of prehistoric plant and animal life.

The first part of this section describes the methods used to conduct the cultural resources analysis, and is followed by a brief historical overview of the project area. The second section describes the methods used for the paleontological resources analysis, and is followed by a description of the existing paleontological setting in and around the project site. The third section describes the regulatory setting for cultural and paleontological resources. The final section presents the results of the impact analysis and, where feasible, provides mitigation measures to reduce such impacts to less-than-significant levels.

1. Cultural Resources

This section describes the methods used to identify the cultural resources setting and baseline conditions for the project area. Following this, a brief overview of the prehistoric, ethnographic, and historical setting of the project area and its vicinity is provided.

a. Methods. This cultural resources analysis includes a records search, literature review, field survey, and consultation with potentially-interested parties. This work was conducted to: (1) identify cultural resources or cultural resource studies within or adjacent to the project area; and (2) gather the archaeological, ethnographic, and historical information necessary to characterize the potential of the site to contain cultural resources.

(1) Records Searches. On May 21, 2007, a records search of the project site (File #06-1832) was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System, Sonoma State University, Rohnert Park. The NWIC, an affiliate of the State of California Office of Historic Preservation, is the official State repository of cultural resources records and reports for Alameda County.

A review of the NWIC database indicated that no archeological resource studies have been completed of the project area. No prehistoric or historical archaeological sites are recorded within or immediately adjacent to the project area. However, the California Office of Historic Preservation¹ assigned the Standard Beverages Limited building (the existing structure in the project area) a rating of "5S2" in 1995, indicating it is eligible for a local historical listing or designation.

On May 22, 2007, a records search was conducted by the Oakland Cultural Heritage Survey (OCHS) of the project area. The OCHS is a division of the Oakland Community and Economic Development Agency and has completed Historic Resources Inventory and/or California Department of Parks and Recreation 523 forms for numerous buildings and structures of historical interest within the City.

¹ Office of Historic Preservation, 2007. *Directory of Properties in the Historic Property Data File*. California Department of Parks and Recreation, Sacramento. March 28.

The OCHS has reviewed the Standard Beverages Limited building on the project site and recorded it on a State of California Department of Parks and Recreation 523 form (including a Primary Record and Building, Structure, and Object Record). On Department of Parks and Recreation 523 forms, buildings are assigned a National Register of Historic Places Status Code ranging from “1” (Listed in the National Register) to “7” (Undetermined). The National Register of Historic Places Status Code assigned to the building on the Building, Structure, and Object Record prepared by OCHS is “5S.” A Status Code of “5” indicates that a structure is ineligible for the National Register but is still of local interest. As already noted, the California Office of Historic Preservation assigned the building a rating of “5S2” in 1995, indicating it is eligible for a local historical listing or designation

The OCHS also assigned a local significance rating of “C3” to the building, indicating that it is considered a building of secondary importance and is not a contributor to a historic district under the Historic Preservation Element of the City of Oakland’s General Plan. The building is not classified as being on Oakland’s Local Register of Historic Resources, but is considered a Potentially Designated History Property (PDHP).

The OCHS file for the Standard Beverages Limited building includes a historical evaluation report of the Standard Beverages Limited building. A 2006 report prepared by Preservation Architecture concluded that although “the subject building generally characterizes Emeryville’s industrial past; overall the actual building has limited substance.”²

On May 21, 2007, a letter and map depicting the project area were faxed to the Native American Heritage Commission (NAHC) in Sacramento requesting a review of NAHC’s sacred lands file for any Native American cultural resources that might be affected by the proposed project. The NAHC is the official State repository of locational information on Native American sacred areas within California.

Katy Sanchez, NAHC Program Analyst, responded in a faxed letter on May 24, 2007, that a review of the sacred lands file did not indicate any “Native American cultural resources in the immediate project area.”

(2) Literature Review. LSA reviewed prehistoric, ethnographic, and historical data for information about the project area. Materials reviewed are listed in the Cultural Resources technical report, which is on-file at the City of Emeryville.

(3) Field Survey. An architectural historian with LSA conducted a field review to record and assess the integrity of the Standard Beverages Limited building in the project area on May 21, 2007. The existing building and parking lot obscure the native ground surface and precluded an effective archaeological survey of the site.

(4) Consultation. On May 21, 2007, a letter describing the project and a map depicting the project area was sent to the Alameda County Historical Society and Lori Fogarty, Executive Director

² Preservation Architecture, 2006. *3900 Adeline Street Existing Building Evaluation*. Preservation Architecture, Oakland.

of the Oakland Museum of California, requesting information or concerns regarding historical sites in the project area. A summary of these contacts is presented below:

Alameda County Historical Society. On June 6, 2007, a follow-up phone call was made to the Historical Society to determine if the organization had any information or concerns about historical sites in the project area. A Historical Society representative stated that the Society had no concerns or comments about the project.

Lori Fogarty, Executive Director, Oakland Museum of California. On June 6, 2007, a follow-up phone call was made to Lori Fogarty. Ms. Fogarty's assistant stated that Ms. Fogarty did not have any concerns regarding the project.

b. Cultural Resources Overview. The following cultural overview briefly describes: (1) the prehistoric and ethnographic background of the project area and its vicinity; (2) the general historical development of the project area vicinity; and (3) the focused historical background of the project area.

(1) Prehistory and Ethnography. The Paleo-Archaic-Emergent cultural sequence developed by Fredrickson³ is commonly used to interpret the prehistoric occupation of Central California. The sequence consists of three broad periods: the Paleoindian Period (10,000-6,000 B.C.); the three-staged Archaic Period, consisting of the Lower Archaic (6,000-3,000 B.C.), Middle Archaic (3,000-500 B.C.), and Upper Archaic (500 B.C.-A.D. 1,000); and the Emergent Period (A.D. 1,000-1,800).

The Paleo Period began with the first entry of people into California. These people probably subsisted mainly on big game, minimally processed plant foods, and had few or no trade networks. Current research, however, is indicating more sedentism, plant processing, and trading than previously believed. During the Lower Archaic, milling stones appear in abundance and hunting is less important than plants as a source of food. Artifacts are made predominantly from local materials, suggesting that few if any extensive trade networks were established at this time. During the Middle Archaic, the subsistence base began to expand and diversify with a developing acorn economy, as evidenced by the mortar and pestle, and the growing importance of hunting. Status and wealth distinctions also developed in the Upper Archaic archaeological record; regional exchange networks were well established at this time with exchange of goods and ideas, such as obsidian and Kuksu ceremonial practices involving spirit impersonations. Increasing social complexity continued during the Lower Emergent. Territorial boundaries were well established by this time with regularized inter-group exchanges involving greater quantities and variations of goods, people, and ideas. Bow and arrow technology was also introduced. By the Upper Emergent, a monetary system based on the exchange of clamshell disk beads was established. Native population reached its zenith during this time, as evidenced by high site densities and large village sites in the archaeological record.

Historically, archaeological excavations in the East Bay have focused on shellmounds. These sites contain a rich, diverse assemblage of dietary remains, artifacts, and human remains. Excavations at two major shellmounds near the project area—the Emeryville Shellmound, CA-ALA-309, and the West Berkeley Shellmound, CA-ALA-307—have helped refine our understanding of the Bay Area's

³ Fredrickson, David A., 1974. Cultural Diversity in Early Central California: A View from the North Coast Ranges. *Journal of California Anthropology* 1(1):41-53.

earliest inhabitants. Excavations at the Emeryville Shellmound^{4, 5, 6} have identified hundreds of human burials, groundstone (e.g., mortars, pestles, and “charmstones”), flaked stone (e.g., obsidian and chert projectile points and flaking debris), bone tools, and dietary debris, including clams, mussels, oysters, and land and sea mammal bones. Uhle,⁷ Nelson,⁸ and Bennyhoff⁹ have identified temporal changes in artifact types, dietary refuse, and human internments in multiple strata at the site. Excavations at the West Berkeley Shellmound¹⁰ have identified an assemblage as diverse as the Emeryville Shellmound’s, with two cultural components at the site. The oldest component at the West Berkeley Shellmound is believed to predate 2,000 B.C. and the earliest known occupation of the Emeryville Shellmound.¹¹

The project area is situated within territory occupied by Costanoan—also commonly referred to as Ohlone—language groups. Ohlone territories comprised one or more land holding groups that anthropologists refer to as “tribelets.” The tribelet, a nearly universal settlement throughout native California, consists of principal village, which was occupied year round, and a series of smaller hamlets and resource gathering and processing locations occupied intermittently or seasonally.¹² Population densities of tribelets ranged between 50 and 500 persons, which were largely determined by the carrying capacity of a tribelet’s territory. According to Milliken,¹³ the *Huchium* tribelet occupied the Emeryville-Oakland area at the time of Spanish contact.

By the late eighteenth century, Spanish exploration and settlement of the Bay Area transformed Ohlone culture. Spanish settlers moved into northern California and established the mission system. Mission records indicate that the first *Huchium* was baptized in 1787 with the first large group from that tribelet arriving at Mission San Francisco in the fall of 1794.¹⁴ Following the secularization of the missions in 1834, many Ohlone worked as manual laborers on ranchos.¹⁵

⁴ Nelson, Nels C., 1996. *Excavation of the Emeryville Shellmound, 1906: Nels C. Nelson’s Final Report*, transcribed and prefaced by Jack M. Broughton. Contributions of the University of California Archaeological Research Facility, Number 54. Berkeley.

⁵ Schenck, W. Egbert, 1926. The Emeryville Shellmound Final Report. *University of California Publications in American Archaeology and Ethnology* 23(3):147-282. Berkeley.

⁶ Uhle, Max, 1907. The Emeryville Shellmound. *University of California Publications in American Archaeology and Ethnology* 7(1):1-106. Berkeley.

⁷ Ibid.

⁸ Nelson, Nels C., 1996.

⁹ Bennyhoff, James A., 1986. *The Emeryville Site, Viewed 93 Years Later*. In *Symposium: A New Look at Some Old Sites: Papers from the Symposium Organized by Francis A. Riddell*. Coyote Press Archives of California Prehistory 6:65-74. Coyote Press, Salinas, California.

¹⁰ Wallace, William J., and Donald W. Lathrap, 1975. *West Berkeley (CA-ALA-307): A Culturally Stratified Shellmound on the East Shore of San Francisco Bay*. Contributions of the University of California Archaeological Research Facility, Number 29. Berkeley.

¹¹ Wallace, William J., and Donald W. Lathrap, 1975:55, 58.

¹² Kroeber, Alfred L., 1955. Nature of the Land-Holding Group. *Ethnohistory* 2:303-314.

¹³ Milliken, Randall, 1995:243. *A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area, 1769-1810*. Ballena Press, Menlo Park, California.

¹⁴ Milliken, Randall, 1995:243.

¹⁵ Levy, Richard, 1978:486.

(2) Project Area Vicinity History. The project area is located entirely within the Rancho San Antonio land grant, originally granted to Luis Maria Peralta on August 3, 1820 for his service to the Spanish government. His 44,800-acre rancho included what are now the cities of Emeryville, Oakland, Berkeley, Alameda, Piedmont, and a part of San Leandro. Peralta's land grant was confirmed after Mexico's independence from Spain in 1822, and this title was honored when California entered the Union by treaty in 1848. In 1842, Peralta's son Vicente received the southwestern portion of the rancho lands, which included today's Emeryville, central and north Oakland, and Piedmont.

In 1859, Joseph Emery, for whom Emeryville is named, purchased 185 acres of an unincorporated tract north of Oakland that would become the city of Emeryville. At that time, Emeryville contained two major highways, Park and San Pablo avenues, and a section of the Southern Pacific railroad that paralleled the shoreline of San Francisco Bay. Emery built a Victorian mansion on the corners of San Pablo and Park avenues, and then subdivided and sold the remainder of his land. In 1871, Emery built the San Pablo Avenue Horse Car Railroad which connected Oakland with Emeryville, drawing new residents and development to Emeryville.¹⁶

Emeryville's first major development was the construction of the Oakland Trotting Park in 1871. The popularity of the race track drew supporting businesses, including saloons, restaurants, hotels and bordellos to the surrounding area. By 1874, the Northern Railway connected Oakland to Martinez, through Emeryville. The same year, Shell Mound Park, a picnic area and resort with a dance hall, was developed on top of the Emeryville Shellmound, a substantial prehistoric archaeological site adjacent to the race track. The park drew local residents and weekend visitors from around the Bay. Emery Station, at the foot of Park Avenue, and Shellmound Station provided rail access to the park and to the race track.¹⁷ In 1896, the Oakland Trotting Park was replaced by the California Jockey Club.

Business investors and concerned citizens, including Joseph Emery, proposed incorporating Emeryville in 1896. The group was interested in maintaining control of profits and taxes related to its investment. Local voters agreed and the city of Emeryville was established.¹⁸

Despite the closure of the race track in 1911 and Shell Mound Park in 1924, Emeryville continued to develop and prosper. In the 1920s, the City's Board of Trustees promoted Emeryville's prime location on San Francisco Bay as an excellent location for business enterprises, and its proximity to major cities, ports, and transportation. Coupled with the offer of reduced taxes, Emeryville became the home of industrial businesses. By 1935, 100 manufacturing plants operated within the city.¹⁹ The construction of the Bay Bridge connected Emeryville with San Francisco in 1939 and led to further industrial growth. Paint factories, steel mills, and other heavy industries continued to thrive during and after World War II.

¹⁶ Hausler, Donald, 1992:1. The History of Park Avenue, Emeryville, California. *Journal of Emeryville Historical Society*.

¹⁷ Hausler, Donald, 1994:6-13. The Emeryville Horse Race Track: 1871-1915. *Journal of Emeryville Historical Society* V(1):3-14.

¹⁸ Ibid.

¹⁹ Walker, Richard A., 2004. *Industry Builds out the City: The Suburbanization of Manufacturing in the San Francisco Bay Area, 1850-1940*. Department of Geography, University of California, Berkeley.

Currently, Emeryville is less reliant on industry and has moved towards restoring former factories and converting them into work/live spaces. Service, shopping facilities, educational, entertainment, and biological and other high tech uses are the new industries of Emeryville.

Oakland experienced a similar trajectory of growth, although with significant setbacks immediately after World War II. The City originally grew up around its waterfront, with development limited by the available modes of transportation. Steam ferry service to San Francisco was established in 1850, and by 1869 the first horse-car followed a route from the Oakland Estuary up Telegraph Avenue to 40th Street, northeast of the project site. The horse-car lines were gradually replaced by electric streetcars. The devastation of the 1906 earthquake and fire in San Francisco prompted the development of new residential areas in Oakland to accommodate displaced San Francisco residents. Older neighborhoods became more densely populated and new apartment buildings and related growth became part of Oakland's residential fabric. Vestiges of this densification can be seen today in the vicinity of the project area.

Unlike Emeryville, Oakland as a whole experienced significant economic losses after World War II, as the inner core of the City began a multi-decade decline. The massive suburbanization of the East Bay in the post-War period was followed by high unemployment, racial tension, and reduced economic opportunity in Oakland. However, this trend began to reverse itself in the 1980s as reinvestment and redevelopment helped invigorate portions of Oakland.

(3) Project Area History and Background. The 1902-1903 Sanborn Fire Insurance map indicates that the project area was a vacant lot at the turn of the 20th century. Parcels in the immediate vicinity were occupied predominately by dwellings, with some businesses, including a bank and machine shop directly across from the project site on Adeline Street and a hardware store, warehouse, and feed and fuel shop south and across the street from the project site at 39th Street and Adeline Street.

According to County Assessor's records reviewed by Preservation Architecture, the main corner building at 39th and Adeline was constructed in 1917, with a garage occupying the first floor and a residence on the second floor.²⁰ These records also indicate that a shop addition was made to the northwest portion of the building at 3908 Adeline Street in 1924. Preservation Architecture's research did not identify the original architect of the building, nor was the original occupant(s) determined. The Standard Beverages Limited Company, which blended and bottled Nehi, Royal Crown, Coca Cola, and Par-T-Pak sodas occupied the building from approximately 1930 until 1950. Currently, the Standard Beverages Limited building is occupied by an Oriental Spa, a T-shirt silk-screener, a hair studio/salon, and a vintage automobile restoration service.

²⁰ Preservation Architecture, op. cit.

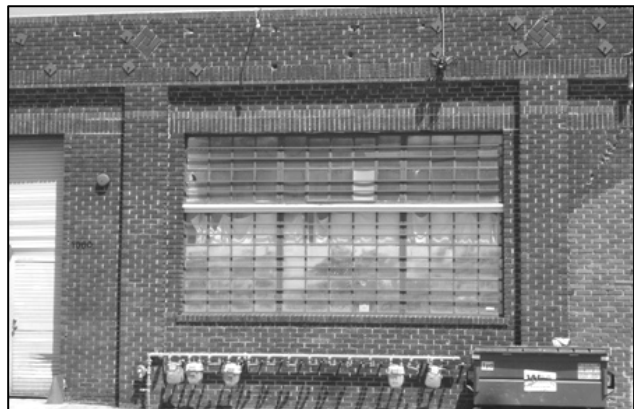
The Standard Beverages Limited building has been evaluated to determine its eligibility for listing in the California Register of Historical Resources or status as an “historical resource” pursuant to *CEQA Guidelines* Section 15064.5(a). The building qualifies as a “significant structure” under Emeryville Ordinance 06-013, but is not considered by Emeryville to be a significant *historical* resource. However, the structure is considered a historical resource for the purposes of CEQA because the National Register of Historic Places Status Code for the building on a Department of Parks and Recreation 523 form is “5S,” meaning that it is a building of local interest (but is not eligible for the National Register of Historic Places). The City of Oakland considers buildings with Status Codes of 1 through 5 to be considered historic resources for the purposes of CEQA. The building’s Status Code and the significance of this rating are also evaluated in the discussion of the project’s potential cultural resources impacts.



The parapet contains decorative features, including a cartouche that may have contained the Standard Beverages Ltd. insignia.

The Standard Beverages Limited building is a single story, three-cornered industrial block with a two-story central office section containing the main entrance on the corner of 39th Street and Adeline Street. This structure is a good example of a light industrial masonry building. The building is of composite masonry construction, with concrete blocks behind decorative and varied face brick veneer and sits on an undetermined type of foundation, most likely concrete. The decorative face brick veneer displays a repeating and interesting stylistic banding and diamond shaped motifs all along street-facing façades. The decorative masonry features include a band of rowlock bricks above the general common bond style of masonry with a repeating diamond-shaped motif every 10 to 12 feet. The upper band of common-bond brickwork is a band of soldier bricks, which rest above a band of header brick. Below the header brick the wall recesses and the masonry returns to a common bond style, which in turn rests on a band of stretcher brick. The stretcher brick rests on a band of rowlock bricks that are placed above a band of soldier bricks. Below the band of soldier bricks are the window casements.

The windows are metal framed and consist of three main windows divided into twenty small panes each divided by metal muntins and are of fixed, non-opening design. Below the window is a band of semi-exposed rowlock bricks forming the window sill. The multi-paned windows appear to be in their original metal sash design with the later installation of flat-iron bars, presumably for security purposes. From the sill to ground level, the common band masonry style resumes.



The multi-paned windows appear to be in their original metal sash design. Flat-iron bars were installed after construction of the original windows, probably for security purposes.

This unique masonry/fenestration pattern on the south facade repeats itself ten times and is divided into sections by brick pilasters. The five roll-up door sections are minimal in decorative masonry expression. The masonry/fenestration pattern is not featured on the west facade of the structure, suggesting the primary facade at the time of construction was 39th Street.

The principal entrance is in the Emeryville portion of the property and is a two story office block that now is occupied by a spa. The roofline of the two-story portion is concealed by a parapet that is part staggered corbie gable and curved fractable gable under a crowning band of rowlock bricks. The gable face features the decorative diamond-shaped motifs which flank an elaborate cast stone cartouche²¹ that may at one time have contained the Standard Beverages Ltd. insignia. Below the decorative cartouche, common bond bricks give way to a band of painted or cast dripstone that wraps around the three-cornered second story portion. Below the dripstone, common bond bricks are broken by a band of rowlock bricks that form part of the window casement. The windows on the second story portion are a mix of original wooden double-hung sash windows on the west facade and more modern aluminum sash slider type windows on the main entrance façade and the south facade. The windows appear to be in their original location and possess their original casement size. They have narrow surrounds and are recessed into the walls. A row of semi-exposed rowlock bricks form the window sill which in turn, rests on a band of soldier bricks. The soldier bricks are above a single band of header bricks that rest on common bond bricks. The main entrance is enframed by three rows of rowlock bricks above a recessed area for the oriental spa signage and is flanked by flush common bond walls. The main entrance is of modern metal framed glass swing-out double door design. The entryway is under a curved awning with brick planter boxes flanking it.



The principal entrance of the building is a two-story office block.

2. Paleontological Resources

This section presents the results of a paleontological resources analysis of the project area. A description of the research methods used is followed by a description of the project area's physical characteristics as they relate to fossils.

a. Methods. Background research consisted of a fossil locality search and a literature review. Background research was conducted to: (1) identify fossils found within or adjacent to the project area; and (2) identify the geological formations within and adjacent to the project area and determine whether such formations may contain fossils.

²¹ A cartouche is an oval or oblong, slightly convex surface, usually surrounded by ornamental scrollwork, for receiving a painted or low-relief decoration. See photo on previous page.

(1) Fossil Locality Search. A fossil locality search was conducted on May 8, 2007, by the staff at the University of California Museum of Paleontology (UCMP), Berkeley. The locality search identified 20 fossil localities within a 10-mile radius of the project area. These localities contain a wide variety of specimens from the Pleistocene, such as giant ground sloths, horses, bison, deer, mammoths, mastodons, short-faced bears, camels, rodents, reptiles, amphibians, birds, and fish. None of these localities are within or adjacent to the project area.

(2) Literature Review. LSA reviewed paleontological and geological literature relevant to the project area and its vicinity. This review identified the project area as being underlain by Holocene-aged (present to 10,000 years old) alluvial fan deposits. In the vicinity of the project are the Merritt Sands, which are Holocene and Pleistocene in age, as well as Pleistocene alluvial fan deposits.²² The Pleistocene alluvial fan deposits are sensitive for significant paleontological resources, and underlie the Holocene-aged alluvial fan deposits present in the project area, but at an unknown depth. The paleontological and geological literature reviewed is listed in the technical report, which is available for review at the City of Emeryville.

b. Paleontological Setting. The project area is situated on Holocene-aged (present to 10,000 years old) alluvial deposits. This alluvium is not sensitive for paleontological resources. Underlying the Holocene alluvium, but at an unknown depth, is Pleistocene-aged (10,000 to 1.5 million years old) alluvium, which is sensitive for significant paleontological resources. The Franciscan Assemblage, which composes much of the hills east of Oakland, is probably the project area's deepest formation. The geologic formations, from youngest to oldest, are described below.

(1) Soils. The project area is covered by urban land soils of the Clear Lake Complex.²³ The soils are at least 60 inches in depth. Soil material in urban complexes has been heavily altered or mixed during construction activities. Clear Lake soil is formed in alluvium derived mainly from sedimentary sources and tends to be very deep and poorly drained.

(2) Holocene Alluvial Fan Deposits (present to 10,000 years old). These deposits are brown to tan, dense gravelly sands that grade upward to silty clay. These surficial deposits cover the majority of the Oakland metro area, and are too young to contain significant paleontological resources.

(3) Pleistocene Alluvial Fan Deposits (10,000 to 1.5 million years old). This very thick layer of alluvium is present in much of the East Bay, including the project area, but at an unknown depth. Nearby studies have shown it to be at least 150 feet thick,²⁴ but there is no data on the depth and thickness of this deposit in the project area. This alluvium is weakly consolidated and irregularly

²² Graymer, R.W., 2000. *Geologic Map and Map Database of the Oakland Metropolitan Area, Alameda, Contra Costa, and San Francisco Counties, California*. U.S. Geological Survey, Miscellaneous Field Studies MF-2342. U.S. Geological Survey, Washington D.C.

²³ Welch, Lawrence E., 1981:25. *Survey of Alameda County, California, Western Part*. United States Department of Agriculture, Soil Conservation Service, Washington D.C.

²⁴ Graymer, R.W., op. cit.

inter-bedded with clay, silt, sand, and gravel, and can locally contain fossils of fresh water gastropods and bivalves, and such Pleistocene mega-fauna as horse, camel, bison, sloth, and mammoth.^{25, 26, 27, 28}

(4) Franciscan Assemblage. The Franciscan Assemblage is a formation of various igneous and sedimentary rocks formed in the Cretaceous period, and forms the bedrock of the project area. It is buried under hundreds of feet of sediments. It has been known to contain radiolarian fossils in its chert layers, and can contain marine invertebrate fossils and trace fossils in other sedimentary layers.^{29, 30, 31, 32} It is not known for containing vertebrate fossils.^{33, 34}

3. Regulatory Setting

The following section describes CEQA historical resource guidelines, Emeryville's Municipal Code sections 9-4.67.1 to 67.9, and regulatory and policy requirements for cultural and paleontological resources in the Historic Preservation Element of the Oakland General Plan.

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

"Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engine-

²⁵ Bell, C.J., E.L. Lundelius, Jr., A.D. Barnosky, R.W. Graham, E.H. Lindsay, D.R. Ruez, Jr., H.S. Semken, Jr., S.D. Webb, and R.J. Zakrzewski, 2004. The Blancan, Irvingtonian, and Rancholabrean Mammal Ages. In *Late Cretaceous and Cenozoic Mammals of North America*, edited by M.O. Woodburne, pp. 232-314. Columbia University Press, New York.

²⁶ Helley et al., op. cit.

²⁷ Savage, D.E., 1951. *Late Cenozoic Vertebrates of the San Francisco Bay Region*. University of California Bulletin of the Department of Geological Science 28(10):215-314. Berkeley.

²⁸ Stirton, R.A., 1951. Cenozoic Mammal Remains from the San Francisco Bay Region. University of California Bulletin of the Department of Geological Science 24, Berkeley.

²⁹ Armstrong, C.F., and Kathy Gallagher, 1977. Fossils from the Franciscan Assemblage Alcatraz Island. *California Geology* 30:134-135.

³⁰ Little, Crispin T.S., Richard J. Herrington, Rachel M. Haymon, Taniel Danelian, 1999. Early Jurassic Hydrothermal Vent Community from the Franciscan Complex, San Rafael Mountains, California. *Geology* 27(2):167-170.

³¹ Miller III, William, 1989. Paleontology of Franciscan Flysch at Point Saint George, Northern California. In *Geologic Evolution of the Northernmost Coast Ranges and Western Klamath Mountains, California: 28th International Geological Congress, Field Trip Guidebook T308*, edited by K.R. Aalto and G.D. Harper, pp. 47-52. American Geophysical Union, Washington D.C.

³² Schlocker, Julius, 1974. *Geology of the San Francisco North quadrangle, California*. U.S. Geological Survey Professional Paper 782. U.S. Geological Survey, Washington D.C.

³³ Armstrong and Gallagher, op. cit.

³⁴ Camp, C.L., 1942. Ichthyosaur Rostra from Central California. *Journal of Paleontology* 16(3):362-371.

ering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.... Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" *CEQA Guidelines* Section 15064.5(a)(3).

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

CEQA requires a Lead Agency to determine if an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the Lead Agency must determine whether an archaeological cultural resource meets the definition of a historical resource in *CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, then it must be treated like any other type of historical resource in accordance with *CEQA Guidelines* Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the lead agency must determine if it meets the definition of a unique archaeological resource as defined at CEQA Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource.³⁵ Should the archaeological cultural resource meet the definition of a unique archaeological resource, then it must be treated in accordance with CEQA Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, then effects to the resource are not considered significant effects on the environment (*CEQA Guidelines* Section 15064.5(c)(4)).

California Health and Safety Code (HSC) Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

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

c. Ordinance 06-013. In September 2006, the Emeryville City Council adopted ordinance 06-013, which included an amendment to the Municipal Code (Sections 9-4.67.1 through 9-4.67.9). The purpose of the amendment is to require City Council approval prior to moving, removal, or demolition of a "significant structure." A significant structure is one that is at least 50 years old and is "a

³⁵ Bass, Ronald E., Albert I. Herson, and Kenneth M. Bogdan, 1999:105. *CEQA Deskbook: A Step-by-Step Guide on how to Comply with the California Environmental Quality Act*. Solano Press Books, Point Arena, California.

prominent structure that is emblematic of Emeryville and important to the history of Emeryville” or a structure that has five of the following features in its street façade(s).³⁶

- Predominantly brick, poured-in-place concrete or wood;
- Windows and doors covering at least 30 percent of a street façade;
- Repetitive rhythm or symmetry as defined by window and door openings on most of a façade;
- Multi-paned windows (at least half of the windows having panes measuring no more than 3 feet by 4 feet);
- Window sills protruding from walls;
- Window frames at least 4 inches wide on more than half of the windows (such as wood frames or brick pattern on all sides of windows);
- Roofline with varied heights or angled or curved shapes at street front;
- Decorative bas relief, concrete inlays, ironwork, stained glass, tiles or other decorative features;
- Walls with horizontal articulation such as columns, curves or recesses of at least 1 foot;
- Walls with vertical articulation such as cornices;
- Varied patterns in the predominant cladding material;
- Major entrance on the street; and
- Arches or angles over the main entrance.

If a non-residential structure meets the above criteria, the City Planning Commission is required to review a proposed project that may affect the significant structure and recommend that the project be approved, conditionally approved, or denied. The Planning Commission is then required to forward its recommendation to the City Council, to make a final determination on a proposed application for demolition or removal of the significant structure.

This ordinance also provides for the creation of an inventory of Significant Structures. Under the authority of the Planning Director, structures that meet the criteria listed above that reside outside of the Park Avenue District (located northwest of the project area) shall comprise the inventory. Any structure that meets the criteria, regardless of whether it has been inventoried, shall be subject to the ordinance.

The Standard Beverages Limited building contains all of the features indicative of “significant” buildings, pursuant to Ordinance 06-013. Thus the building is considered “significant.” However, as noted above, Ordinance 06-013 is not a historic preservation ordinance. Therefore, the significance designation of the building does not in and of itself make the Standard Beverages Limited building a historic resource.

³⁶ Although Ordinance 06-013 provides an added layer of protection to certain buildings over 50 years old, it is not a historic preservation ordinance.

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

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

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

The HPE includes other policies that seek to encourage the preservation of Oakland's significant historic resources while allowing for continued development and growth. These policies are presented below.

- Policy 3.1: Avoid or Minimize Adverse Historic Preservation Impacts Related to Discretionary City Actions. The City will make all reasonable efforts to avoid or minimize adverse effects on the Character-Defining Elements of existing or Potential Designated Historic Properties which could result from private or public projects requiring discretionary actions.
- Policy 3.4: City Acquisition of Historic Preservation Where Necessary. Where all other means of preservation have been exhausted, the City will consider acquiring, by eminent domain if necessary, existing or Potential Designated Historic Properties, or portions thereof, in order to preserve them. Such acquisition may be in fee, as conservation easements, or a combination thereof.
- Policy 3.5: Historic Preservation and Discretionary Permit Approvals. For any project involving the complete demolition of Heritage Properties or Potential Designated Historic Properties requiring discretionary City permits, the City will make a finding that: 1) the design quality of the proposed project is at least equal to that of the original structure and is compatible with the character of the neighborhood; or 2) the public benefits of the proposed project outweigh the benefit of retaining the original structure; or 3) the existing design is undistinguished and does not warrant retention and the proposed design is compatible with the character of the neighborhood.
- Policy 3.7: Property Relocation Rather than Demolition. As a condition of approval for all discretionary projects involving demolition of existing or Potential Designated Historic Properties, the City will normally require that reasonable efforts be made to relocate the properties to an acceptable site.

Table IV.C-1: Oakland Cultural Heritage Survey Significance Ratings

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

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

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

- **Policy 4.1: Archaeological Resources.** To protect significant archaeological resources, the City will take special measures for discretionary projects involving ground disturbances located in archaeologically sensitive areas. This policy entails that mitigation measures are typically incorporated into the project as part of the environmental review process, which can include a surface reconnaissance by an archaeologist to identify archaeological deposits; monitoring of ground disturbance during construction to identify archaeological resources and stopping work if necessary to provide recommendations for the treatment of uncovered archaeological materials; and performing limited pre-construction archaeological excavations to determine whether archaeological materials are present.

Although the Standard Beverage Limited building is a Potential Designated Historic Property (PDHP), it is not a formally designated historic property. The PDHP label is "a category based on

Survey Ratings, and the ratings simply report what the Survey has found throughout Oakland.” All buildings meeting a minimum of significance thresholds (i.e., 50 years and older) are labeled as PDHPs.

4. Impacts and Mitigation Measures

This section analyzes the impacts related to cultural and paleontological resources that could result from implementation of the proposed project, and begins with criteria of significance, which establish the thresholds for determining whether a project impact is significant. The latter part of this section presents the potential cultural and paleontological impacts associated with the proposed project. Mitigation measures are provided as appropriate.

a. Criteria of Significance. Implementation of the project would have a significant impact on cultural and/or paleontological resources if it would:

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

b. Less than Significant Impacts. Implementation of the proposed project would result in no less-than-significant impacts to cultural resources. .

c. Significant Impacts. The following discussion describes the significant impacts to cultural and paleontological resources that would result from implementation of the proposed project.

Impact CULT-1: The proposed project would demolish a building considered to be a historical resource. (S)

The Standard Beverages Limited building is considered a historic resource pursuant to CEQA, based on the criteria of significance described above. As discussed in the regulatory setting subsection, a historical resource is a resource which meets one or more of the following criteria: 1) is listed in or eligible for listing in the California Register; 2) is listed in a local register of historic resources; 3) is identified as significant in a historical resource survey; or 4) is determined to be a historical resource

by the project's lead agency. The existing building's relationship to each of these criteria is summarized below:

1. *Listed in or Eligible for Listing on the California Register or National Register.* The Standard Beverages Limited building is not currently listed on any register of historic resources, including the California Register or National Register. In addition, the building is not eligible for listing on the California Register or National Register because the structure and its surrounding area do not possess sufficient integrity to convey historic significance. The building has been substantially altered since its original construction. Major alterations to the building include new windows, and new doors at the main entrance to the building and along adjoining street facades. In addition, the neighborhood surrounding the former bottling plant has undergone a radical change from the early twentieth century. Once part of a bustling industrial and distribution area, the neighborhood surrounding the project site now displays a residential and light industrial feeling. Because the Standard Beverages Limited building is isolated from other historic structures and is missing key original structural features, it is not eligible for listing on the California Register or National Register.
2. *Listed in a Local Register.* The City of Emeryville does not maintain a local register of historic resources. In addition, the Standard Beverages Limited building is not listed on Oakland's Local Register (the structure is not a Designated Historic Property, a PDHP with a rating of A B, or a PDHP located within an Area of Primary Importance). Also, the structure is not an Oakland Landmark, or an S-7 Combining Zone property, and is not on the City's Preservation Study List.
3. *Identified as Significant in a Historic Resource Survey.* The City of Emeryville has not undertaken a survey of historic buildings in Emeryville. OCHS has surveyed the Standard Beverages Limited building, but has determined that the structure is a building of secondary importance, which is not considered "significant."
4. *Identified as a Historical Resource by the Lead Agency.* As noted in the setting section, the building is considered "significant" pursuant to City of Emeryville Ordinance 06-013. However, this ordinance is not a historic preservation ordinance; therefore, the Standard Beverages Limited building is not considered a historic resource by the City of Emeryville. The City of Oakland considers a project to have a significant impact on a historic resource if "a project demolishes or materially alters, in an adverse manner, those physical characteristics of the resource that convey its historical significance and that justify its inclusion on, or eligibility for inclusion on an historical resource list (including the California Register of Historical Resources, the National Register of Historical Resources, Local Register, or historical resources survey form (DPR Form 523) with a rating of 1-5)." As discussed in the setting section, the Standard Beverages Limited Building was assigned a National Register of Historic Properties Status Code of "5S" by OCHS, meaning that the building is not eligible for the National Register, but is of local interest. The proposed project would demolish the Standard Beverages Limited building and would thus result in a significant impact to a historic resource.

Implementation of the following mitigation measure would reduce the significance of the impact, but not to a less-than-significant level. Therefore, even after mitigation, the impact would remain significant and unavoidable.

Mitigation Measure CULT-1: The building shall be documented to Historic American Buildings Survey (HABS) Level 3 standards, according to the Outline Format described in the *Historic American Buildings Survey Guidelines for Preparing Written Historical Descriptive Data*.³⁷ Photographic documentation shall follow the *Photographic Specifications – Historic American Building Survey*, including 15-20 archival quality large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details shall be documented, especially noting the measurements of structural members, hardware, and other features that tie the architectural elements to a specific date. A copy of the documentation, with original photo negatives and prints, shall be placed in a historical archive or history collection accessible to the general public. Five copies of the documentation with archival photographs shall be produced for distribution to local and regional repositories. One copy shall be provided to the Northwest Information Center of the California Historical Resources Information System, Sonoma State University, Rohnert Park, California. A brochure shall also be prepared that includes a brief historical overview and photographs of the buildings and is made available for distribution to local libraries, museums, and schools.

In addition, the project applicant shall make a good faith effort to relocate the building located at 3900 Adeline Street to a site acceptable to the City. Good faith efforts include, at a minimum, the following:

- a) Advertising the availability of the building by: (1) posting of large visible signs (such as banners, at a minimum of 3'x 6' size or larger) at the site; (2) placement of advertisements in Bay Area news media acceptable to the City; and (3) contacting neighborhood associations and for-profit and not-for-profit housing and preservation organizations;
- b) Maintaining a log of all the good faith efforts and submitting that along with photos of the subject building showing the large signs (banners) to the City of Oakland Planning and Zoning Division;
- c) Maintaining the signs and advertising in place for a minimum of 90 days; and
- d) Making the building available at no or nominal cost (the amount to be reviewed by the Oakland Cultural Heritage Survey) until removal is necessary for construction of a replacement project, but in no case for less than a period of 90 days after such advertisement. (SU)

Impact CULT-2: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb archaeological deposits. (S)

Although no prehistoric or historical archaeological sites are recorded within or immediately adjacent to the project site, the possibility of such resources in the project area cannot be ruled out. Implemen-

³⁷ Pacific Coast Basin Regional Office, U.S. National Park Service 1993.

tation of Condition of Approval CULT-2 would ensure that, should archaeological deposits be identified during construction activities, impacts to such deposits would be avoided or mitigated.

Condition of Approval CULT-2: Pursuant to *CEQA Guidelines* Section 15064.5 (f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore, in the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified archaeologist would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards.

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

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

Impact CULT-3: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb human remains, including those interred outside of formal cemeteries. (S)

Condition of Approval CULT-3: In the event that human skeletal remains are uncovered at the project site during construction or ground-breaking activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and follow the procedures and protocols pursuant to Section 15064.5 (e)(1) of the *CEQA Guidelines*. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with

specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously. (LTS)

Impact CULT-4: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect paleontological resources within Pleistocene deposits that underlie the project area. (S)

The geotechnical study prepared for the project site indicates that the Pleistocene alluvial deposits may begin at approximately 30 feet in depth,³⁸ although this is just an estimate. These alluvial deposits may contain fossils, and contact with these fossils during the construction period could result in a significant environmental impact. Implementation of Mitigation Measure CULT-4 would ensure that impacts to fossils that may underlie the project area are mitigated.

Mitigation Measure CULT-4: Due to the presence of several Pleistocene-aged fossil localities in proximity to the project area, and the uncertain depth of Pleistocene-aged sediments, a paleontologist shall be present to monitor initial project ground disturbing activities at or below 30 feet from the original ground surface. A sample of sediment below this depth shall be taken for presence-absence testing of microvertebrate fossils. Subsequent to the initial monitoring and sediment sampling, the paleontologist shall determine if further monitoring, periodic site reviews, or no further monitoring for paleontological resources is appropriate. If significant paleontological resources are discovered, all work within a 25 foot radius shall be stopped until a qualified paleontologist has been able to evaluate the find and make recommendations for the protection, excavation, and mitigation of the find. Mitigation for significant paleontological resources shall include monitoring of ground-disturbing activities, data recovery and analysis, preparation of a data recovery report or other reports, and conveying recovered fossil material to an accredited paleontological repository, such as the University of California Museum of Paleontology.

Upon project completion, a report shall be prepared documenting the methods and results of monitoring. This report shall be submitted to the project proponents. (LTS)

Impact CULT-5: Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely affect paleontological resources within the soil/fill layer that underlies the project area. (S)

In the unlikely event that paleontological resources are encountered in the fill/soil layer that underlies the project area or if a paleontological monitor is not present, implementation of Condition of Approval CULT-5 would ensure that impacts to fossils would be avoided or mitigated to a less-than-significant level.

Condition of Approval CULT-5: In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate

³⁸ Cuellar, Daniel, Scott R. Huntsman, and Jay T. Sunderwala, 2006. *Geotechnical Investigation, 3900 Adeline Street, Oakland, California*. TRC Lowney, Oakland.

Paleontology standards (SVP 1995,1996)). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in Section 15064.5 of the *CEQA Guidelines*. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval. (LTS)