3.4 - Cultural Resources

3.4.1 - Introduction

This section describes the existing cultural setting and potential effects from project implementation on the site and its surrounding area. Descriptions and analysis in this section are based on a Phase I Cultural Resources Assessment prepared by FirstCarbon Solutions (FCS). The Cultural Resources Assessment is provided in Appendix D.

3.4.2 - Environmental Setting

Overview

The term "cultural resources" encompasses historic, archaeological, and paleontological resources, and burial sites. Below is a brief summary of each component:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State's history and are generally less than 200 years old.
- **Archaeological Resources:** Archaeology is the study of prehistoric human activities and cultures. Archaeological resources are generally associated with indigenous cultures.
- **Paleontological Resources:** Paleontology is the study of plant and animal fossils.
- **Burial Sites:** Burial sites are formal or informal locations where human remains, usually associated with indigenous cultures, are interred.

3.4.3 - Cultural Setting

Archaeological Background

Eighteen thousand years ago, the sea level was 120 meters lower and the shoreline was 19 miles off the coast. Many archaeologists believe that Paleoindian groups were responsible for the extinction of large game animals that inhabited most of the Americas, after the Late Pleistocene ice sheets began to recede. Paleoindian Period sites are known to occur in California but are exceedingly rare; some evidence for toolkits does exist in the earliest sites but the presence of Paleoindians is demonstrated by extremely old-looking points. It is generally thought that the economy of this early period was based on the exploitation of large game and ad hoc resource exchange. Later periods are better understood because of a better representation in the archaeological record.

The earliest part of the Lower Archaic Period (± 6000 Years Before Present [YBP]) appears to correspond with what is known in North America as the Altithermal, a rather sudden climate shift which for perhaps 1,000 to 2,000 years was a period of weather that was warmer and drier than that seen today. By 6,000 YBP, San Francisco Bay had been inundated with seawater and mudflats began to appear. Late Pleistocene pluvial lakes, most notably in the desert parts of California and the San Joaquin Valley were completely dried up by that time, leaving salty basins. The archaeological record shows that milling stones began to be used extensively in the toolkit, suggesting that plant foods were emphasized. Except for a reduction in tool manufacturing, little evidence for changes in

hunting technology is seen in the toolkit. It is assumed the Late Pleistocene big game animals had been eradicated by this period. Most of the lithic (stone tool) technologies are produced with local materials, with little evidence of trade. Populations during this period appear to be semi-sedentary rather than exclusively nomadic hunters.

The Middle Archaic Period begins about 5,000 to 3,000 YBP, and this period begins as the Altithermal ends. Here, the Altithermal climate returned to a cooler and wetter climate similar to that of today. Given the Millingstone technology of previous millennia, grinding stone technologies had become slightly more diverse, with new mortar and pestle use reflecting a more diverse economy. Lithic technologies now appear to reflect distant trading networks. Large game hunting technologies are once again seen in the toolkit. Populations may have become more sedentary, except those in extreme desert environments that retained their Archaic lifeways. The Windmiller Tradition*, a locally significant trend defined by archaeological deposits in and near the Sacramento Delta region, can be first defined at about 4,500 YBP. Windmiller peoples show signs of a lifeway where winters were spent in lowland villages, while spring through summer were spent in upper ecozones gathering acorns for processing. This type of lifestyle was seen throughout most of the rest of the State during the Upper Archaic and Emergent Periods. The Windmiller people may have mastered the art of acorn leaching, which expanded and stabilized winter food caches. Penutian speakers may have moved into the area from Oregon; this is often associated with the formation of the Windmiller tradition.

The Upper Archaic Period begins about 3,000 YBP and the number of sites dated to this period in central California increases remarkably, which to some archaeologists suggests a substantive population increase. Sociopolitical complexity appears to rise and distinctive wealth patterns are seen in burials. Exchange system complexity is clear, with coastal shell beads becoming status symbols in the interior. The Berkeley Pattern** replaced the Windmiller Tradition in the Delta region and characteristic artifacts include Excelsior projectile points (a type of large point with straight or convex sides and a large convex base). The Augustine Pattern is dated after about A.D. 500 to 1000 and is considered the last pattern to present itself before the Emergent Period developed. Characteristic artifacts from the Augustine Pattern include rattlesnake projectile points (a series or cluster of small corner-notched points). In some areas, the Augustine Pattern has been identified with the Patwin ethnolinguistic groups.

The Emergent Period, beginning about 1,500 years ago, may reflect a sociopolitical change in which the bow and arrow is introduced, replacing the less accurate dart and spear weapons. Further toolkit specializations appear and economic exchange over long distances is clear. The Hotchkiss Tradition represents the protohistoric cultures of the Delta region in central California. Although hard seeds, waterfowl, and other resources were part of the economic base, acorns and salmon achieved paramount importance as foods along with hunting. Villages were sited along the banks of the lower San Joaquin and Sacramento Rivers, and in the valleys of these rivers' westward-flowing tributaries. The larger sedentary communities were composed of many semi-subterranean houses. One Hotchkiss village in the Sacramento valley covered 11 acres, may have included up to 90 houses, and had a year-round population of 500 to 700 people. By the end of the prehistoric period, possibly 300,000 people lived in California.

Native American Background

The Ohlone were a people living from about the Carquinez Straight to Monterey Bay and portions of the Salinas River floodplain to the Big Sur. They were a linguistic and lifeway tribe comprising a group of eight dialect languages derived from the Utian language stock. One researcher estimates that in 1770 there were 50 distinct tribelets with one or more village sites: those groups near Mission Santa Clara were known as the Tamyen with four main villages, whereas the Chochenyo (centered at Hayward) exhibited at least six main villages. The village "*oroysom*" San Francisco Solano was the Chochenyo village nearest the plan area, although another researcher names a village in Niles Canyon along Alameda Creek *Causen* (also known as Patlens) and populated by Chochenyo dialect speakers. Because the Spanish rounded up many neophytes from Bay Area villages and moved them to the Missions, the original people were forcibly mixed 100 years before professional ethnographers could begin to study them, although the Spanish explorers (1769–1776) were good at accounting certain ethnographic practices and the geographic locations of important areas.

Like most California natives, at contact, the Ohlone lived in large primary villages near reliable water and foraged in outlying areas in small groups during the spring and summer. They practiced no agriculture, but hunter-gatherer activities enabled them to store foodstuffs for winter. Access to ocean and marsh foodstuffs led to the construction of tule boats, fishing, spearing, and trapping toolkits. Various groups lived near the shoreline, while others lived in the foothills and still others in the redwoods. At the time of contact, the Ohlone peoples exhibited a rich and varied cosmological lifeway; extensive personal adornment and the mild climate allowed for nakedness.

Historic Background

Spanish Period (A.D. 1769 to 1821)

Mission San José is a Spanish mission located in the present-day City of Fremont and was founded on June 11, 1797 by members of the Franciscan Order. It was the fourteenth Spanish mission established in California. Mission structures were built by local Ohlone-speakers who had been baptized at the Mission Santa Clara, and who were moved to the new Mission to eventually form the base population. Baptisms began in September of that year. By 1800, 277 neophytes were listed at the Mission, and by the end of 1805, most of the local Indians originally living in the South Bay were attached to the Missions. By 1825, over 1,700 neophytes were listed on Mission records.

Mexican Period (A.D. 1821 to 1848)

After years of political in-fighting and warfare, Mexico achieved its independence from Spain in 1821 and Alta California became the northern frontier of the State of Mexico in 1822. The Mission padres were forced to swear allegiance to Mexico in that year. In 1832, the Mission possessed about 12,000 cattle, 13,000 horses, and 12,000 sheep, all of which were grazed on Mission lands between present day Oakland and San Jose, and San José was considered one of the most prosperous of all of the California missions. An 1833 inventory prepared by Father José González Rubio lists a church, monastery, guardhouse, guesthouse, and a women's dormitory, in addition to thousands of acres of crops and grazing land. This prosperity was not to last long: on August 17 1833, the Mexican Congress passed an Act for the Secularization of the Missions of California, which divested control over Mission lands from the Franciscans to local political organizations, led by Catholics. Over the

next few years, lands were granted to politically connected Mexican families and soldiers who had either settled in the area or required rewards from Governor Juan Alvarado.

The Rancho Aqua Caliente (Higuera)

Rancho Agua Caliente was a 9,564-acre Mexican land grant by Governor Nicolás Gutiérrez to Antonio Suñol and Fulgencio Higuera in 1836. After a delay, the property was confirmed in 1839 by Governor Juan Alvarado to Fulgencio Higuera. The rancho title refers to the hot springs located in the foothills a short distance south of Mission San José. Higuera was the son of Jose Loreto Higuera, the grantee of Rancho Los Tularcitos, and the grandson of Ygnacio Anastacio Higuera, who came to California with the De Anza Expedition.

With the secession of California to the United States following the Mexican-American War, the 1848 Treaty of Guadalupe Hidalgo provided that the existing land grants would be honored if their locations could be proven with genuine documents and maps. Mexican ranchos of this period were typically sparsely populated. In order to encourage population growth, representatives in Congress created legislation that allowed the Californios (Californians of Mexican heritage) to hold onto their lands as long as proof of ownership could be supplied to officials as required by the Land Act of 1851. Entitlement often took 10 to 15 years to confirm. As required by the Land Act of 1851, a claim for Rancho Agua Caliente was filed with the Public Land Commission in 1852, and the grant was patented to Fulgencio Higuera in 1858. Like many Californios, Higuera soon sold off his holdings to immigrant Americans. An attorney, Abram Harris, purchased the southern portion of this land in 1858 and established what briefly became known as Harrisburg. In 1850, Clement Columbet bought 640 acres, and developed a resort and one of the State's first wineries. Thomas W. Millard, who had come from New York to California in 1853, bought a large portion of the Rancho in 1855.

Hides and tallow were produced on many of these ranchos from the herds and shipped to San Francisco to market. Lacking the modern surveying techniques that had been invented and refined in England (the Gunter's Chain method), the exact boundaries of these Ranchos were often no more defined than a rough drawing on a piece of parchment.

Warm Springs History

The following has been adapted from the City of Fremont General Plan EIR. The historic center of the Rancho Caliente settlement was located at what is now the intersection of Warm Springs Boulevard and Warren Avenue. That portion of the Rancho containing the hot springs was purchased by Clemente Columbet in 1850, and buildings for the resort were erected. From that time until the earthquake of 1868, Warm Springs was one of the most fashionable recreational and therapeutic places in the State. Columbet moved a house from San Jose to serve as a hotel at the springs, but in 1858, he leased the hotel to Alexander Beaty, who maintained its reputation for grand festivities.

Governor Leland Stanford soon purchased the estate and had it planted with orchards and vineyards. The Stanford winery is now operated by Weibel Vineyards, which uses some of the original brick buildings. The winery is located just east of Mission Boulevard on Stanford Avenue, and the old restored wooden hotel stands near the winery. An adobe is located south of and adjacent to the old hotel property, and although the adobe was actually the residence of Juan Criostomo Galindoof, it is

traditionally associated with the Higuera family. The Western Pacific Railroad opened the Warm Springs station in 1869; by 1900, local agriculture had largely shifted to producing vegetables to supply the canneries in the area.

Records Review

Railroads in California were constructed through Congressional oversight by giving land along the needed right-of-way to specified railroad companies so that raw materials (coal, water, wood) could be obtained for construction. Once the railway was built, the lands deeded to the railroad were sold for homesteading purposes. Because odd-numbered sections of public land were given to the railroads as incentive to build lines during that period (such as the Railroad Land Grants), persons could homestead the even-numbered sections with a railroad line nearby. Homesteaders eventually purchased railroad property once the railroad gained formal title, and the railroads quickly sold these assets off. The Bureau of Land Management General Land Office records do not disclose that certain section of land or portions of sections were owned by railroads or person after statehood. Because these properties were owned by private individuals when Alameda County was created (1853), railroad construction was probably privately financed and linked major towns within the six townships in the County. Once railroads arrived in the County, several sidings were built at Vallejo Mills (Niles), Newark, Decoto, and Warm Springs.

FCS staff reviewed historical aerials available online at the www.historicaerials.com website as part of this study. The 1946, 1948, and 1956 photos show that the whole of the project site was tilled farmland and farmers were growing a variety of crops, including hay, possibly alfalfa, and orchards consisting of non-citrus fruit trees that can do well in heavy soil (cherries, pears, apples, and plums, if well drained). The heavy soil, formerly marshland that was "reclaimed" when dikes were built in the late 1800s, was excellent for vegetables and pasturage, but these photographs show that different types of orchards had been planted as well as farm landscaping (such as eucalyptus rows) that was often planted along lot lines and in the yards of the farmhouses. Although a few roadways in these images are paved, most are not. Some of the farm complexes are quite large and contain residences, barns, garages, and small outbuildings and sheds. Railroad grades are clearly visible (the Western Pacific and the Southern Pacific had built parallel tracks in this area); these ran between primary freight and switching yards in Hayward and San Jose. In the 1946 to 1956 period observed in these images, little change in the project site could be observed except for a slight increase in structure count.

A 1966 photograph reveals construction of the General Motors (GM) auto manufacturing plant (opened 1960), which had been built to replace the 1913 Oakland GM facility. This plant built vehicles until 1982, when it closed and then reopened in 1984 as a GM-Toyota joint venture. Many of the farms near the plant were still producing agricultural goods because suburban tract development had not yet reached the outskirts. However, small industries were being developed near the GM plant in the form of small warehouses, commercial buildings, stores, shops, and restaurants. A 1979 photograph shows that most of the properties in the area had begun to be converted from agricultural use, but some farms remained in the district. Homes were being constructed east of Interstate 680, the suburbs of Milpitas were pushing northward, and numerous commercial developments had been constructed, especially north and northeast of the GM plant.

The aerial photograph set suggests that the Warm Springs District ceased to be a major agricultural provider in the early 1980s.

Topographic maps found on the www.historicaerials.com website were also examined. This showed that a single railroad grade had been built as of 1897. In that year, several straight wagon roads were plotted including Old Warm Springs Boulevard, which probably allowed commercial traffic to occur between the Fremont Mission District and the farm towns of Milpitas and San Jose. Agua Caliente Creek appears to flow unhindered into the lower Bay with culverts built beneath roadways by the 1909 topographic map production. The first 7.5-minute topographic map was published in 1955 and clearly mirrors the photographic images from 1956. Old Warm Springs Boulevard was identified as State Route 17[1] on the 1959 30-minute topographic map.

Community Plan Area

The plan area has a substantial job base of approximately 15,000 industrial and commercial jobs and one or two residential buildings and surrounds the Tesla Motors automobile manufacturing plant, a property that epitomizes the post-1950s environment of the Warm Springs region. The GM plant was opened on a farmer's field in 1960 and despite being enlarged to enclose approximately 100 acres, the plant was closed in 1982. In 1984, the plant was reopened as a GM-Toyota joint venture known as New United Motor Manufacturing, Inc. (NUMMI), but closed in 2010. Tesla Motors then acquired manufacturing space on a part of the NUMMI plant. During the periods in which these plants were producing vehicles, other supporting industries and businesses opened and thrived, which allowed the former farmland of the area to be redeveloped into a heavily industrialized sector. Traversed by railroad grades and highways, portions of the plan area are still vacant, with tilled soil from the farmer's field visible. A few farm buildings are still in use, but there are no crops grown.

Most of the vacant land exhibits weedy vegetation or disked farmland, with small areas of introduced vegetation used to create windbreaks. Remnant patches of introduced landscaping can be observed, but it is clear that most of the original native vegetation had been cleared long ago. The topsoil appears to be coarser toward the eastern side of the project site, but farming-related tilling is extensive in all lands. The fact that the land was tilled suggests that no intact buried and significant cultural resources will be found in any one section of the project site until the tilled zone (two to three feet below grade) has been removed.

3.4.4 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established the National Register of Historic Places (NRHP), which contains an inventory of the nation's significant prehistoric and historic properties. Under 36 CFR 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.

[1] SR-17 between Oakland and San Jose was ultimately re-designated Interstate 880.

- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

State

California Register of Historical Resources

As defined by Section 15064.5(a)(3)(A-D) of the CEQA Guidelines, a resource is considered historically significant if the resource meets the criteria for listing on the California Register of Historical Resources (CR). The California Register of Historical Resources and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model, since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets the NRHP criteria is clearly significant. In addition, a resource that does not meet the NRHP standards may still be considered historically significant at a local or state level.

California Environmental Quality Act

The CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. The CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine if they meet the criteria for listing in the California Register. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the California Register, potential adverse impacts to it must be considered. If an archaeological site is considered not to be an historical resource but meets the definition of a "unique archeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

Local

City of Fremont

General Plan

The City of Fremont General Plan establishes the following goal and policies in the Community Character Element associated with cultural resources that are relevant to the proposed project:

- Goals 4-6 and Policies 4.6-1, 4.6-2, 4.6-3, 4.6-4, 4.6-5, 4.6-6, 4.6-7, 4.6-8, 4.6-9, and 4.6-10 call for the identification, preservation, and protection of cultural resources including historic buildings, structures, objects, sites and districts and Native American artifacts and human remains.

Municipal Code

Fremont Municipal Code Section 18.175, Historic Resources, sets forth standards for review of structures and places over 50 years old. A list of existing Fremont historic resources is kept on a local register. Historic resources in the City potentially eligible for listing on the California register or the Fremont register may not have been identified, evaluated, or registered. In order to identify historic resources before their historic integrity is destroyed through demolition or relocation, no permit is issued for a building, structure, or object that is 50 years old or older until it has been screened for historic significance.

3.4.5 - Methodology

FCS prepared a Phase I Cultural Resources Assessment to evaluate potential impacts on cultural resources. The Phase I Cultural Resources Assessment is provided in Appendix D. The following is a summary of tasks associated with the assessment.

A cultural resource literature search of the whole of the project site was conducted at the Northwest Information Center (NWIC), which is located at Sonoma State University in Rohnert Park, California. Extensive online historical literature searches were conducted by FCS Senior Archaeologist Michael Dice in April and May 2013 in preparation of this document.

The Fremont Historic Resource Register was consulted and a street-side reconnaissance survey of the whole of the project site was undertaken by FCS's environmental analyst, Derrill Stepp. Photographs of all parcels located inside the plan area were taken, with special emphasis on those parcels that had been identified as possibly exhibiting structures that are more than 45 years old or older.

FCS contracted with University of California paleontologist Kenneth L. Finger Ph.D. of Castro Valley, California to perform a paleontological records search of the whole of the project site. Dr. Finger's paleontological review showed that the plan area rests entirely on two geological units: a Quaternary unit and a Holocene unit, both of which are considered sensitive for paleontological resources but only at depth. No fossil localities were reported for the project site. Paleontological monitoring is recommended during project-related excavations, but only at depth.

The reconnaissance survey and historical reviews suggested that most of the older structures in the plan area are not significant or unique. In contrast, the older structures on the Tesla Motors property are considered a potentially significant cultural resource at the local level. General mitigation measures associated with potential impacts to buried and otherwise not observable cultural and paleontological resources have been delineated herein.

3.4.6 - Thresholds of Significance

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, cultural resources impacts resulting from the implementation of the proposed project would be considered significant if the project would:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

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

3.4.7 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate.

Historic Resources

Impact CUL-1:	**Development and land use activities contemplated by the Community Plan have the potential to adversely impact historic resources.**

Impact Analysis

The following analysis assesses potential impacts to historic resources within the Community Plan area.

Record Search Results

At the request of FCS, the Northwest Information Center undertook a formal museum records search of the plan area and 0.5 mile around the plan area on April 18, 2013. To identify any historic properties, Information Center staff examined the current inventories of the NRHP, the California Register of Historical Resources, the California Historical Landmarks list (CHL), the California Points of Historical Interest list (CPHI), and the California State Historic Resources Inventory (HRI) list for Alameda County.

Additional documents FCS staff consulted as part of this search included those that were not available at the Information Center: the BART Warm Springs Extension EIR, the City of Fremont General Plan EIR, and a list of City historic resource properties. Staff also examined historic aerials and County Assessor's records to determine the potential ages of structures that might be located on parcels in the plan area. Table 3.4-1 lists previously recorded cultural resources and reports within and near the plan area.

Table 3.4-1: Previously Recorded Cultural Resources and Reports

Resource No.	Location	Type	>0.5 mile	>0.25 mile	Onsite?
P#01-001783	Linear	Southern Pacific Railroad Dumbarton Cutoff		•	Yes, but no direct effect is possible
P#01-002190	Linear	20th Century Western Pacific Railroad grade		•	Yes, but no direct effect is possible
None	Sect.15	Indian Village at Mission Boulevard and Curtner Road: CA-ALA-342/509	•		No

Table 3.4-1 (cont.): Previously Recorded Cultural Resources and Reports

Resource No.	Location	Type	>0.5 mile	>0.25 mile	Onsite?
None	Sect.15	44960 Old Warm Springs Road.		•	Yes, but no direct effect is possible.
Source: FirstCarbon Solutions, 2013.					

Three resources were identified in the plan area and one outside the plan area. Site Nos. 1783 and 2190 are railroad alignments that would not be directly affected by development in the plan area. The structure at 44960 Old Warm Springs Road was identified as having been built more than 45 years ago, but a Department of Parks and Recreation (DPR) 523 form set was not submitted to the Northwest Information Center. This structure was found to be not significant; therefore, potential impacts to the resource require no further technical research.

Northwest Information Center research efforts also involved identifying previously prepared studies for vacant land in the plan area. Studies have been filed with the Northwest Information Center since 1984. Many of the vacant parcels in the plan area have been surveyed by qualified cultural resource specialists in the past, with negative results. These studies are summarized in Table 3.4-2.

Table 3.4-2: Field Studies of Vacant Land in the Plan Area

Study No.	Location	Finds	Study Date
S-027290	Southeast corner of Grimmer Boulevard/Fremont Boulevard (BART analysis)	None	2002
S-017869	Southwest corner Interstate 680 overcrossing/Grimmer Boulevard	None	1995
S-037032	Portion of northwest corner of Old Warm Springs Boulevard/ Grimmer Boulevard.	None	2010
S-012504	Southeast corner of Reliance Way/Osgood Road	None	1990
S-031176	Due south of Tesla Motors Plant property	None	2000
Source: FirstCarbon Solutions, 2013.			

The largest vacant parcels that have not yet been surveyed by a qualified professional include three parcels located at the northwest corner of Osgood Road/Prune Avenue (10 to 15 acres) and a small (less than four acres) section of a parcel located at the southeast corner of Old Warm Springs Boulevard/Tavis Place.

Although State Historic Preservation Officer recommends that vacant land be surveyed for archaeological resources every five years to account for erosional change, the negative results from the previous studies suggests that the potential for impacting cultural resources exposed on the surface of the vacant parcels that have not yet been surveyed is "low." This data also suggests that surveys of vacant land should take place only after a project-level proposal for development is

submitted to the City. Archaeological surveys of land featuring prepared surfaces such as pavement or gravel need not occur.

Assessors Map Review
Two resources of information were used to identify those parcels in the plan area that might contain older buildings. The Alameda County online Assessor's GIS interactive file was examined for addresses and Assessor's Parcel Numbers (APNs), while the construction date of the structures carrying the address or APN was accessed through the parcel information page on the City of Fremont GIS website. Table 3.4-3 lists all those parcels in the plan area that exhibited structures built in 1968 and before. The Aerial Review Comment column details examination of the parcel using Google Earth.

Since evidence shows that these parcels exhibit potentially significant historical resources, each of these parcels was examined and photographed from the street side.

Table 3.4-3: Parcels Containing Structures Built in 1968 and Older

Assessor's Parcel Number	Address	Assessor Date	Aerial Review Comment	Phase I Cultural Resources Assessment Photos
519-1687-48	45976 Warm Springs Boulevard	1935	Two Structures	Photo 1 Photo 2
519-1687-69	45968 Warm Springs Boulevard	Before 1960	Most easterly parcel at this address exhibits older former house.	Photo 3
519-1687-46	45846 Warm Springs Boulevard	1955	Older farm complex converted to commercial	Photo 4
519-1310-13-6	2132 Prune Avenue	1940	Image suggests farmhouse and garage once located here.	N/A
519-1310-12-8	2160 Prune Avenue	1967	Two commercial structures	Photo 5
519-1310-12-6	2154 Prune Avenue	1967	Four commercial structures	Photo 6
519-1310-49	44960 Old Warm Springs Road	1962	Historicareals.com view suggests farm complex built here before 1946.	Photo 10
519-1351-8-3	2875 Prune Avenue	1961	One commercial structure	Photo 7 Photo 8
519-1352-7-4	44850 Warm Springs Boulevard	1957	One commercial structure	N/A
519-1352-52	44300 Warm Springs Boulevard	1965	Small commercial structure	Photo 9
519-900-7-3	44710 Fremont Boulevard	1955	Farm once located here	Photo 11

Table 3.4-3 (cont.): Parcels Containing Structures Built in 1968 and Older

Assessor's Parcel Number	Address	Assessor Date	Aerial Review Comment	Phase I Cultural Resources Assessment Photos
519-850-21-26	45055 Fremont Boulevard	1968	Two smaller commercial buildings	Photo 12
519-850-22-37	45201 Fremont Boulevard	1965	One commercial structure	Photo 13
519-1747-11	45500 Fremont Boulevard	1962	Elements of GM auto plant can be seen in 1962 era photo.	Photo 14
519-1310-3-4	44788 Old Warm Springs Boulevard	>1946	Structure shown to be older.	N/A
Source: FirstCarbon Solutions, 2013.				

Of the resources noted above, research by Jones and Stokes, Inc. indicated that the farm complex at 44960 Warm Springs Road was formally found not eligible for listing in the National Register, with concurrence on this finding by State Historic Preservation Officer in February 2006. The remaining resources are discussed below.

Field Survey
On April 18, 2013, FCS performed a reconnaissance survey of all parcels located in the plan area that contained structures believed to be more than 45 years old as identified in Table 3.4-3. Each of these structures was photographed from the street-side utilizing several angles where possible. Given the background information provided above, the purpose was to identify any elements of the photographed structures that could suggest some potential for national, state or local significance does exist. Vacant land parcels were also photographed, but most were covered with dense, weedy vegetation.

Of those structures and structure complexes listed in Table 3.4-3, only the structural elements of the Tesla Motors plant have the potential to be significant at the local level of analysis as of the date of this report. The Tesla Motors plant has a strong historical contextual presence within the City, and the fact that many of the buildings observed from the air appear to lie upon the footprint of structures built in the early 1960s suggests that buildings original to the historical period (1960–1964 Industrial Development Theme) do indeed exist. However, because the Community Plan does not contemplate any changes to the Tesla Motors plant, no impacts would occur.

The remaining structures located elsewhere in the plan area are considered to be non-unique commercial facilities associated with the post-War commercial development period. There are also a few remnant structures from the pre-industrialization farming period of the Warm Springs Community. Following CEQA and State Historic Preservation Officer guidelines, it is recommended that when a proposal for project-level development is submitted to the City, a qualified architectural historian evaluate the significance of all structures planned for demolition or substantial remodeling

if those resources are more than 45 years. This recommendation is reflected in Mitigation Measure CUL-1a.

Finally, ground-disturbing activities have the potential to yield undiscovered cultural resources. Mitigation Measure CUL-1b requires implementation of inadvertent discovery procedures in the event such resources are encountered.

With the implementation of these three mitigation measures, impacts on historical resources would be reduced to a level of less than significant.

Level of Significance Before Mitigation
Potentially significant impact.

Mitigation Measures
MM CUL-1a Prior to issuance of grading or building permits for development on vacant or unbuilt parcels within the Community Plan area, a qualified archaeologist shall undertake a field survey of the proposed project site following State Historic Preservation Officer guidelines associated with Phase 1 archaeological surveys. The results of the survey, a list of prehistoric discoveries made (if any), and proposed mitigation measures, must be incorporated into the conditions of approval for the development proposal.

MM CUL-1b If potentially significant cultural resources are encountered during subsurface earthwork activities for the project, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered resources found during construction shall be evaluated for significance in accordance with California Environmental Quality Act (CEQA) criteria by a qualified archaeologist and, if significant, recorded on appropriate California Department of Parks and Recreation forms. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive report and file it with the appropriate Information Center, and provide for the permanent curation of the recovered materials.

Level of Significance After Mitigation
Less than significant impact.

Archaeological Resources

Impact CUL-2: Development and land use activities contemplated by the Community Plan have the potential to adversely impact archaeological resources.

Impact Analysis

The Community Plan area contains undeveloped land and urban, built-up land uses. The urban, built-up properties were previously graded and soil engineered to support urban development; any archaeological resources that may have been present have likely already been removed. However, the undeveloped properties have the potential to contain previously undiscovered archaeological resources that could be damaged or destroyed during grading or excavation activities. This is a potentially significant impact. Mitigation Measure CUL-1b is proposed to reduce this potentially significant impact to level of less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement Mitigation Measure CUL-1b.

Level of Significance After Mitigation

Less than significant impact.

Paleontological Resources

Impact CUL-3: Development and land use activities contemplated by the Community Plan have the potential to adversely impact paleontological resources.

Impact Analysis

The Community Plan area contains undeveloped land and urban, built-up land uses. The urban, built-up properties were previously graded and soil engineered to support urban development; any paleontological resources that may have been present have likely already been removed. However, the undeveloped properties have the potential to contain previously undiscovered paleontological resources that could be damaged or destroyed during grading or excavation activities.

FCS retained Dr. Kenneth Finger to evaluate the potential for paleontological resources to occur within the Community Plan area. Dr. Finger's paleontological review (Appendix D) showed that the eastern majority of the project site is located on late Pleistocene alluvium (Qpa), while the western portion is Holocene alluvium (Qha). Within the plan area, these units are undifferentiated as Quaternary alluvium (Qa). Slightly older sediments (Qts) of Pleistocene or possibly Pliocene age occur in the northeast project vicinity, but these are probably buried deeply by Quaternary alluvia, which ranges up to 600 feet thick in central Fremont.

The University of California Museum of Paleontology database was searched for records from late Pleistocene alluvium in Alameda County, which is the only paleontologically sensitive unit likely to be impacted by future construction-related activities on the project site. The Museum of Paleontology collection contains 233 vertebrate (Rancholabrean) fossils in 58 localities in Alameda County. Several

of these specimens have been described and figured in professional publications, but none are located inside the project site.

Although Pleistocene alluvium in this region generally has a low paleontologic potential, and fossil occurrences in it are typically spotty and unpredictable, it should be considered as having a high paleontologic sensitivity. The results of the database search indicate that excavations into previously undisturbed late Pleistocene alluvium could impact significant paleontological resources. A professional paleontologist should be retained, especially when deep (greater than 10 feet) excavations take place during any one project, to inspect the excavations periodically. This will ensure that any unearthed paleontological resources will be assessed and, if deemed significant, properly recorded and salvaged.

Should any vertebrate fossil be encountered by construction crews, all work in the immediate vicinity of the find should cease until a paleontologist evaluates the find for its scientific value. If deemed significant, it should be salvaged and deposited in an accredited and permanent scientific institution (e.g., the University of California Museum of Paleontology) where it will be properly curated and preserved. This recommendation is reflected in Mitigation Measure CUL-3, which would reduce impacts to a level of less than significant.

Level of Significance Before Mitigation
Potentially significant impact.

Mitigation Measures
MM CUL-3 If the proposed project involves excavation activities at depths of more than 10 feet below ground surface, prior to issuance of grading permits, the project applicant shall retain a qualified paleontologist to prepare and submit a paleontologic mitigation monitoring program to the City of Fremont for review and approval. The program shall at a minimum contain the following elements: (1) require monitoring by a qualified paleontologist of excavation activities below 10 feet; (2) empower monitor(s) to temporarily halt or divert equipment to allow removal of abundant or large specimens; and (3) identify steps for fossil salvaging. For the latter item, salvaged specimens shall be appropriately preserved, including curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage, as appropriate. At the conclusion of monitoring, the paleontologist shall prepare and submit a report of findings to the City of Fremont with an appended, itemized inventory of specimens and confirmation of the curation of recovered specimens into an established, accredited museum repository. This mitigation measure does not apply if excavation activities are limited to no more than 10 feet below ground surface.

Level of Significance After Mitigation
Less than significant impact.

Human Remains/Burial Sites

Impact CUL-4: Development and land use activities contemplated by the Community Plan have the potential to adversely impact human remains or burial sites.

Impact Analysis

The Community Plan area contains undeveloped land and urban, built-up land uses. The urban, built-up properties were previously graded and soil engineered to support urban development; any human remains or burial sites that may have been present have likely already been removed. However, the undeveloped properties have the potential to contain previously undiscovered human remains or burial sites that could be damaged or destroyed during grading or excavation activities. This is a potentially significant impact. Mitigation Measure CUL-4 is proposed to reduce this potentially significant impact to level of less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-4 In the event of the accidental discovery or recognition of any human remains, all activities shall cease within 50 feet of the find and the following procedures shall be implemented, as applicable:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Alameda County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the County Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

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

   - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the NAHC.
   - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Level of Significance After Mitigation

Less than significant impact.