

## 4.4 Cultural Resources

This section discusses the potential for the Proposed Project to adversely affect cultural and paleontological resources. Cultural resources include built environment, architectural and cultural landscape resources, historic-era and prehistoric archaeological resources, and human remains. Paleontological resources include fossilized remains of vertebrate and invertebrate organisms, fossil tracks, and plant fossils.

In response to the NOP (see Appendix A), the United Auburn Indian Community (UAIC) and Shingle Springs Band of Miwok Indians (SSBMI) commented on issues related to development within their ancestral territory. The UAIC requested that they be involved in the planning process, and the SSBMI requested formal consultation in identifying Traditional Cultural Properties (TCPs). This consultation between the City and Tribes is ongoing, and is discussed below under Native American Consultation in Section 4.4.3, with the most complete record to date provided in Appendix G. Additionally, the Sacramento Old City Association commented regarding impacts on properties located near the project area along 8th and between J and K Streets, including the Bel-Vue Apartments, the underground sidewalks along 8th and K Streets, the structures at 805 and 815 L Street, and the Feldhusen Building (8<sup>th</sup> and L Streets). These buildings are located outside of the project area and immediate vicinity, so no additional analysis on these buildings was conducted. Section 4.4.3 below discusses impacts on historic resources.

The cultural resources findings described in this section are based on the ESA archaeological resources analysis and the JRP Historical Consulting technical report (Appendix G) completed for the Proposed Project.<sup>1</sup>

The following terms are used to refer to the project area:

- *Downtown project site*: The entire project area, including the ESC site and project mixed use sites, but exclusive of the digital billboard sites.
- *ESC site*: The area in which the ESC Arena and practice facilities/office building would be located.
- *PUD area*: The portion of the project site where the mixed use development would be located. Does not include the ESC site.
- *Project vicinity*: The area surrounding and near the project site.
- *Digital billboard sites*: The ten potential sites where offsite digital billboards could be located.

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<sup>1</sup> JRP, 2013. *Historic Resource Evaluation Report for the Sacramento Entertainment and Sports Center, Prepared for the City of Sacramento*. November 2013.

## 4.4.1 Environmental Setting

### Paleontological Setting

The Society of Vertebrate Paleontology (SVP) has established guidelines for the identification, assessment, and mitigation of adverse impacts on nonrenewable paleontological resources.<sup>2</sup> Most practicing paleontologists in the United States adhere closely to the SVP's assessment, mitigation, and monitoring requirements as outlined in these guidelines, which were approved through a consensus of professional paleontologists and reflect the currently accepted standard practices. Many federal, state, county, and city agencies have either formally or informally adopted the SVP's standard guidelines for the mitigation of adverse construction-related impacts on paleontological resources. The SVP has helped define the value of paleontological resources and, in particular, indicates the following:

- Vertebrate fossils and fossiliferous (fossil-containing) deposits are considered significant nonrenewable paleontological resources and are afforded protection by federal, state, and local environmental laws and guidelines.
- A paleontological resource is considered to be older than recorded history, or 5,000 years before present, and is not to be confused with an archaeological resource.
- Invertebrate fossils are not significant paleontological resources unless they are present within an assemblage of vertebrate fossils or they provide undiscovered information on the origin and character of the plant species, past climatic conditions, or the age of the rock unit itself.
- A project paleontologist, special interest group, lead agency, or local government can designate certain plant or invertebrate fossils as significant.

In accordance with these principles, the SVP (1995) outlined criteria for screening the paleontological potential of rock units and established assessment and mitigation procedures tailored to such potential. Table 4.4-1 lists the criteria for high-potential, undetermined, and low-potential rock units.

Per the City of Sacramento 2030 General Plan Master EIR (Geology, Soils, and Mineral Resources), the City of Sacramento is not highly sensitive for paleontological resources present in fossil-bearing soils and rock formations. Most of the Downtown project site has been excavated and filled. Although not discussed in the SVP standards, artificial fills, surface soils, and high-grade metamorphic rocks do not contain paleontological resources. While such materials were originally derived from rocks, they have been altered, weathered, or reworked such that the

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<sup>2</sup> Society of Vertebrate Paleontology, 1995. *Assessment and Mitigation of Adverse Impacts to Nonrenewable Paleontologic Resources – Standard Guidelines*, *Society of Vertebrate Paleontology News Bulletin*, Vol. 163. pp. 22-27; Society of Vertebrate Paleontology, 1996. *Conditions of receivership for paleontologic salvage collections: Society of Vertebrate Paleontology News Bulletin*, Vol. 166. pp. 31-32.

discovery of intact fossils would be rare. Therefore, there is little potential for the project area to contain fossils.

**TABLE 4.4-1  
 CRITERIA FOR DETERMINING PALEONTOLOGICAL POTENTIAL**

Paleontological Potential	Description
High	Geologic units from which vertebrate or significant invertebrate or plant fossils have been recovered. Only invertebrate fossils that provide new information on existing flora or fauna or on the age of a rock unit would be considered significant.
Undetermined	Geologic units for which little to no information is available.
Low	Geologic units that are not known to have produced a substantial body of significant paleontological material.

SOURCE: Society of Vertebrate Paleontology, 1995 and 1996.

## Prehistoric Setting

Archaeologists have developed individual cultural chronological sequences tailored to the archaeology and material culture of each subregion of California. Each of these sequences is based principally on the presence of distinctive cultural traits and stratigraphic separation of deposits. In 1974, D.A. Fredrickson initially divided human history in central California into three periods: the Paleoindian period, the Archaic period, and the Emergent period.<sup>3</sup> This scheme used sociopolitical complexity, trade networks, population, and the introduction and variations of artifact types to differentiate between cultural units. New radiocarbon dates are used by Rosenthal et al., who have divided human history in central California into five periods: Paleoindian (11,550 to 8500 B.C.), Lower Archaic (8550 to 5550 B.C.), Middle Archaic (5550 to 550 B.C.), Upper Archaic (550 B.C. to A.D. 1100), and Emergent (A.D. 1100 to the historic-period).<sup>4</sup> Economic patterns, stylistic aspects, and regional phases further subdivide cultural periods into shorter phases. This scheme uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods. The five periods are described below.

The **Paleoindian Period** (11,550 to 8,550 B.C.), characterized by big-game hunters occupying broad geographic areas, is represented in the Central Valley region by only three locations in the San Joaquin Valley where early concave base points have been found at scattered surface sites. These points have been compared to Clovis points, the distinctive projectile points that have been dated to approximately 11,550 and 9,550 B.C. At the Tulare Lake site in the southern San Joaquin Valley, uranium series dates were obtained on human bone fragments producing

<sup>3</sup> Fredrickson, D. A., 1974. *Cultural Diversity in Early Central California: A View from the North Coast Ranges*. Journal of California Anthropology 1:41-53.

<sup>4</sup> Rosenthal, Jeffrey S., Gregory G. White, and Mark Q. Sutton. 2007. *The Central Valley: A View from the Catbird's Seat*. In California Prehistory: Colonization, Culture, and Complexity. pp. 147-163.

uncalibrated dates ranging from 11,379 to 15,802 RCYBP.<sup>5</sup> However there is no solid association between the bones and the points at this location.

During the **Lower Archaic Period** (8550 to 5550 B.C.), geographic mobility continued from the Paleolithic Period. The era is characterized by large wide-stemmed and leaf-shaped projectile points. One Lower Archaic archaeological site has been identified in the Central Valley and includes a small lithic artifact assemblage and a small amount of faunal remains that includes fish, waterfowl, mussels, and a few fragments of artiodactyl (deer/elk) bone. Despite the lack of abundant large mammal remains from the site, the size of the projectile points has led to the interpretation that hunting big game was predominant during the Lower Archaic. Analysis dated the bulk of artifacts recovered from the New City Hall site in Sacramento to a period between 7,750 and 3,500 years before present.<sup>6</sup> Evidence from the adjacent Sierra Nevada and Coast Range foothills also implies a reliance on plant foods, including acorns and pine nuts.

At the beginning of the **Middle Archaic Period** (5550 to 550 B.C.) climate change, including warmer, drier conditions and rising sea levels, ultimately led to the development of the Sacramento-San Joaquin Delta. As a result of initial deposition and later stabilization, alluvial landforms buried many Middle Holocene-aged surfaces. Subsequently, many sites from the Middle Archaic have been located in a buried context especially in the foothills of central California. Deposits associated with early-Middle Archaic sites include artifact assemblages of flaked and ground stone tools used for resource procurement and processing; few beads or ornaments have been found. However by the later Middle Archaic there is a recognizable shift towards sedentism as reflected by more developed material assemblages such as the mortar and pestle, non-utilitarian artifacts, and numerous trade goods including the first cut shell beads. Plant and animal remains as well as unique burial practices indicate year-round occupation at selected locations.

During the **Upper Archaic Period** (550 B.C. to A.D. 1100) geographic mobility may have continued, although groups began to establish longer-term base camps in locations from which a more diverse range of resources could be exploited. The first rich black middens<sup>7</sup> are recorded from this period. The addition of milling tools, obsidian and chert concave-base projectile points, and the occurrence of sites in a wider range of environments suggest that the economic base was more diverse. Widespread goods such as *Olivella* beads, *Haliotis* ornaments, obsidian bifacial points, and ceremonial blades indicated specialized technologies. By the later Upper Archaic, mobility was being replaced by the development of numerous small villages.

The **Emergent Period** (A.D. 1100 to the historic-period) included social complexity developing toward lifeways of large, central villages with resident political leaders and specialized activity

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<sup>5</sup> Radio Carbon Years Before the Present

<sup>6</sup> Tremaine & Associates, 2008. *Investigations of a Deeply Buried Early and Middle Holocene Site (CA-SAC-38) for the City Hall Expansion Project, Sacramento, California*. August, 2008. p. 102.

<sup>7</sup> Culturally darkened soil ("midden") containing heat-affected rocks, baked clay fragments, or faunal food remains (bone and shell).

sites. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments.

## Ethnographic Setting

The Miwok are one of the largest ethnographic groups in California, comprising three geographical groups extending from the Pacific Ocean to the Sierra Nevada - the Coast Miwok, Lake Miwok, and Interior Miwok. While traditional anthropological literature portrayed the Miwok peoples as having a static culture, today it is better understood that many variations of culture and ideology existed within and between villages. While these “static” descriptions of separations between native cultures of California make it an easier task for ethnographers to describe past behaviors, this masks Native adaptability and self-identity. California’s Native Americans never saw themselves as members of larger “cultural groups,” as described by anthropologists. Instead, they saw themselves as members of specific villages, perhaps related to others by marriage or kinship ties, but viewing the village as the primary identifier of their origins.<sup>8</sup>

Within the interior valley, there were four regional and linguistic sub-divisions of the Interior Miwok, known to ethnographers as Valley or Plains Miwok, Northern Sierra Miwok, Central Sierra Miwok, and Southern Sierra Miwok. The Valley Miwok occupied the lower reaches of the Mokelumne, Cosumnes, and Sacramento rivers, including the area of south Sacramento County surrounding the project area. The Eastern/Plains Miwok represent one of the two main divisions of the Miwok subgroup of the Utian language family. Several large villages are known in the region. On the east bank of Sacramento River below Sacramento was the village of *Hulpu-mni*. Sites mapped on the Cosumnes River include *Chuyumkatat*, *Lulimal*, *Mayeman*, *Mokos-umni*, *Sukididi*, *Supu*, *Tukui*, and *Yomit*. Near the Sacramento River, mapped villages include *Umucha*, and *Yumhui*; and on the Mokelumne River there was *Lel-amni*, *Mokel (-umni)*, and *Sakayak-umni*.

At the time of contact, the Plains Miwok occupied a large area covering the banks of the Sacramento River from Rio Vista to Freeport and the lower drainages of the Mokelumne and Cosumnes Rivers. Arguably, their territory extended as far north as the American River or the Yuba River, but this cannot be confirmed from Powers’ linguistic data and the boundary conflicts described above.<sup>9</sup>

Permanent Miwok villages tended to be constructed on high ground along seasonal and permanent waterways. Several villages would be organized into political units, called triblets, which were administered by a headman. Settlement size is unknown. For the region, Kroeber notes that roughly 9,000 may be a liberal population estimate, with the Plains Miwok accounting for at least 2,000 individuals. By 1910 the census counted only 670 full or half-blood Miwok individuals.<sup>10</sup>

<sup>8</sup> Powers, Stephen. 1877. *The Tribes of California, Contributions of North American Ethnology, Vol. III*. pp. 346-360.

<sup>9</sup> Powers, Stephen. 1877. *The Tribes of California, Contributions of North American Ethnology, Vol. III*. pp. 346-360; Kroeber, A.L. 1925. *Handbook of the Indians of California*. p. 443.

<sup>10</sup> Kroeber, A.L. 1925. *Handbook of the Indians of California*. p. 445.

The Valley Miwok who inhabited the fertile plains and delta between Sacramento and Stockton were uprooted by Euro-Americans who desired the rich agricultural region. As the Europeans encroached upon their lands, surviving Miwok people tended to migrate to the foothills and mountains. Many Miwok now live on the Wilton, Shingle Springs, Jackson, Buena Vista, Sheep Ranch, Tuolumne, and Chicken Ranch Rancherias.

The Downtown project site is located within a contact area that was inhabited ethnographically by the Valley Nisenan, also known as Southern Maidu. The Valley Nisenan occupied the area encompassing the drainages of the American, Yuba, and Bear Rivers, along with the lower reaches of the Feather River. Permanent villages were usually located on low rises along major watercourses, and size ranged from 3 houses to up to 40 or 50. Larger villages often had semi-subterranean dance houses, which were covered in earth and tule or brush and had a central smokehole at the top and an entrance which faced east. Another common village structure was a granary, which was used for storing acorns. The Nisenan occupied permanent settlements from which specific task groups set out to harvest the seasonal bounty of flora and fauna that the valley environment provided, with the Valley Nisenan economy predominantly including riverine resources.<sup>11</sup>

## Historic Setting

The following discussion summarizes the historic setting information provided in the Historic Resource Impact Analysis Report completed by JRP for the Sacramento ESC and PUD sites, and found in Appendix G.

Europeans did not enter the Sacramento area until 1808, when Gabriel Moraga's expedition reached the junction of the Sacramento and American rivers. By the late 1820s, English, American, and French fur trappers, attracted by the valley's abundance of animal life, began operations throughout the Sacramento Valley. Native Americans still predominantly occupied the region, with only the occasional Spanish expedition into the interior to search for mission sites or escaped neophytes (Native Americans who had entered the mission system).<sup>12</sup>

Permanent non-native settlement in the Sacramento Valley began in the 1830s when Spanish and Mexican governors issued large land grants to various individuals, often in return for military or other services rendered to the government. Swiss immigrant John Augustus Sutter, upon receipt of a land grant from Mexican Governor Juan Alvarado, first settled the Sacramento area in 1839. Sutter established a fort away from the low-lying rivers area and Sutter's Fort served as an agricultural station and destination for immigrants into California until January 1848.<sup>13</sup> The small

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<sup>11</sup> Wilson and Towne, 1978. *Nisenan*. In *California*, edited by R. F. Heizer, *Handbook of North American Indians*, vol. 8, W. C. Sturtevant, general editor. Smithsonian Institution, Washington, D.C. pp. 387–397.

<sup>12</sup> Hoover, Mildred B., Hero E. and Ethel G. Rensch, William Abeloe, revised by Douglas E. Kyle, 2002. *Historic Spots in California*. pp. 302-304.

<sup>13</sup> Jackson, W. Turrentine, Rand F. Herbert, Stephen R. Wee (Jackson Research Projects), 1983. *The Old Courthouse Block: H-1-6-7 Streets, Sacramento, 1848-1983*. November 1983. p. 1; Hoover, Mildred B., Hero E. and Ethel G. Rensch, 1966. *Historic Spots in California*. pp. 298-302; Bean, Walton, 1978. *California, an Interpretive History* (New York: McGraw Hill). pp. 67-68; Reys, John W., 1975. *Cities of the American West: A History of Frontier Urban Planning* (Princeton, NJ: Princeton University Press). p. 195.

riverside settlement quickly took on the role of bustling port as ocean going ships and riverboats used the Sacramento River to transport goods and gold-seeking passengers to the mine fields in the slopes of the Sierra Nevada after the discovery of gold in 1849. John Sutter, Jr. laid out a grid of streets extending from the waterfront and named the nascent town Sacramento, establishing numbered streets running north to south and lettered streets, east of Front Street along the Sacramento River, running east to west, with each block divided into eight 80 foot x 150-foot lots with four lots on either side of a east/west oriented central alley.

The new town was centered on the embarcadero, or Front Street, and continued inland to the east along J Street.<sup>14</sup> Downtown Sacramento developed rapidly after 1850. The blocks fronting on J Street were heavily developed, owing to the street's use as the main road leading east out of the city, with slightly less development on the parallel streets of I and K. By 1851, J Street was substantially occupied from Front Street eastward beyond 10<sup>th</sup> Street with stores, saloons, hotels, grocery stores, stables, and other concerns vying for the business of visitors and residents.

During the mid-1800s, the City faced severe flooding issues. The majority of flooding stemmed from the American River, where, during heavy rains, segments of the river north of I Street would experience severe flooding. The flood of 1861/62 left portions of the City under 20 feet of water. To address this problem, the City dug a new mouth for the American River, rerouting it north to better regulate flow, and elevated the city streets between I Street and L Street, from Front Street to 12<sup>th</sup> Street, approximately four to fifteen feet. The City completed this enormous undertaking in 1873, and this action has shaped the current downtown grid since that time.<sup>15</sup> The thirteen-year process resulted in gaps between the street and the business fronts. These were covered with new sidewalks leaving "hollow sidewalks" below the new street grade. Known segments of hollow sidewalks remain in the study area along J Street at the corners of 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> streets around the California Fruit Building, the Travelers' Hotel, and the Ramona Hotel.<sup>16</sup>

With the reduction of flood risk, downtown businesses grew steadily. The Downtown project site is located in the area historically referred to as the West End (roughly located between the Sacramento River to the State Capitol building at 10<sup>th</sup> Street, and the Southern Pacific Railroad yard north of I Street to Y Street [now Broadway] at the south), specifically within the area's commercial core. The Golden Eagle Hotel (built in 1867, demolished in 1963)<sup>17</sup> at the corner 7<sup>th</sup> and K Street, the Hotel Marshall (1910), the Travelers' Hotel (1914), and the Ramona Hotel (1930) served businessmen and travelers, as well as provided permanent residence for downtown office workers. The bottom floor of many hotels had separate shops, cafes, and offices with hotel

<sup>14</sup> Hoover, Mildred B., Douglas E. Kyle. 2002. *Historic Spots in California*. p. 303; Center for Sacramento History, Sacramento County Assessor, 1849. *Assessor's Map Book*; Capt. Warner, Capt. William Horace, 1969. *Map of Sacramento, Plan of Sacramento City, 1848* (Ithaca, NY: Historic Urban Plans); Brienes, West, and Schultz, 1981. *Overview of Cultural Resources in the Central Business District, Sacramento, California*. p. 46-47.

<sup>15</sup> City of Sacramento, 2009. City of Sacramento 2030 General Plan Master Environmental Impact Report. Certified March 3, 2009. p. 6.4-8.

<sup>16</sup> City of Sacramento Department of Public Works, 2004. *Locations of Hollow Sidewalks in Sacramento Central Business District*. June 30, 1994, updated January 2004; Page & Turnbull, 2009. *Survey Report: Raised Streets and Hollow Sidewalks, Sacramento, California, prepared for the City of Sacramento*. July 20, 2009. p. 25.

<sup>17</sup> Praetzellis, Mary, Adrian Praetzellis, and Marley R. Brown III, 2010. *Historical Archaeology at the Golden Eagle Site*. July 1980, reissued August 2010. p. i.

rooms above. Sacramento's tallest building at the time of its construction was the California Fruit Building (1914) at the corner of 4<sup>th</sup> and J streets. Half of the building was occupied by the California Fruit Company and the other half rented as offices.<sup>18</sup> Modern apartment buildings constructed in the mid-twentieth century also followed the same model with businesses on the first story, including the Venice Apartments (also referred to as the Jade Apartments, circa 1931).

Up until the turn of the twentieth century, the West End was the focus of Sacramento's river and rail transportation and shipping, local economy, and residential growth. Many factors contributed to the West End's economic and physical decline, particularly during the 1920s and 1930s, which eventually lead to the redevelopment / urban renewal projects in the post-World War II era. The shift of the industrial economy from the railroads and river to trucking and newly developed areas and growth of the surrounding suburbs led to a steep decline in property values. The decline in value discouraged property owners from maintaining or improving their properties, resulting residential blight and decline through the West End.<sup>19</sup> The West End became a focal point for city planning officials and municipal reformers after World War II, and it became the subject of the first post-World War II-era "urban renewal" project in California. Eventually three federally supported redevelopment phases were carried out. In addition to redevelopment, the West End was subject to zoning changes and the final redevelopment project intertwined the modernization of state and interstate highway development that brought Interstate 5 (I-5) through the West End.

Sacramento's plans for redevelopment were underway in 1956, and as demolition in the West End began the City's plans caught the attention of land developers and businessmen who proposed a Macy's department store to anchor a new commercial project. Construction of the Macy's in downtown Sacramento began in 1962 by the Dinwiddie Construction Company at the former site of the Weinstock's & Lubin Department Store. Macy's downtown presence expanded in 1996 when the department store took over the Weinstock's building that had been constructed in 1979 at 7<sup>th</sup> and L streets.<sup>20</sup>

The opening of the Macy's store for the Christmas shopping season in 1963 was just the beginning of the Commercial Complex plan along K Street. Envisioned as the central feature in the reconstruction of the western section of the downtown business district, the Sacramento Redevelopment Agency (SRA) drafted a preliminary plan to exclude traffic along K Street for a pedestrian mall during the initial stages of the "slum clearance program" as far back as the late 1940s and early 1950s. The SRA constructed the 5<sup>th</sup> Street Underpass as part of its agreement

<sup>18</sup> Burg, William, 2012. *Sacramento's K Street: Where Our City Was Born* (Charleston, SC: The History Press). pp. 53-56, 70; State of California Department of Parks and Recreation, 1996. DPR 523 form, California Fruit Building, recorded by Napoli/Todd Consultants, 1994-1996; National Parks Service, 1978. *National Register of Historic Place Inventory - Nomination Form, Travelers' Hotel, PH0680478*; Sacramento Directory Company, 1931. *Sacramento City Directory 1931*; Avella, Steven M. 2003. *Sacramento Indomitable City* (Charleston, SC: Arcadia Publishing). pp. 90-92; California State Library, California Room, 1930. *Sacramento 1930 dated map*.

<sup>19</sup> U.S. Department of Commerce, Bureau of the Census, 1950. *1950 Census, Vol. III, Selected Population and Housing Characteristics, Ch. 46, Sacramento, California*; Sacramento City Planning Commission, 1950. *Sacramento Urban Redevelopment: Existing Conditions in Blighted Areas*. October 1950. Table 14, pp. 4, 29-30; Lastufka, Ken. "Redevelopment of Sacramento's West End, 1950-1970: A Historical Overview with an Analysis of the Impact of Relocation." M.A. thesis, California State University, Sacramento, 1985. p. 17.

<sup>20</sup> Insight, 2012. *JMA Buys Sacramento's Downtown Plaza*. November 2012. p. 9.

with Macy's, which was an important element of the design to accommodate the proposed K Street Pedestrian Mall, separating pedestrians from vehicular traffic.<sup>21</sup> The K Street Pedestrian Mall, which extended to 13<sup>th</sup> Street, was completed in several phases, moving west to east between 1967 and 1970.

Among the multiple real estate and construction redevelopment contracts SRA awarded in the 1960s for projects on 3<sup>rd</sup> to 7<sup>th</sup> and J and L streets was the large project that became the Downtown Plaza Shopping Center. By the middle of 1968, the developer, Downtown Plaza Properties (DPP), was approved for a \$50 million commercial complex spanning the remaining eight cleared blocks in the West End commercial redevelopment area. Built in two phases, the initial portion of the Downtown Plaza Shopping Center was the southern building (535 L Street and 570 K Street) and 579 K Street completed in 1972. The northwest corner of 579 K Street was designed around the Ramona Hotel at 600 J Street, which was not razed during the demolition phase of redevelopment in this area. The north side of 579 K Street was a subterranean parking garage until 1978 when a three-story addition was added, which became 560 J Street.<sup>22</sup>

In the late 1970s additional parking and buildings were constructed north and east of the Downtown Plaza Shopping Center. A parking garage was constructed west of the Macy's at the corner of 3<sup>rd</sup> and L Streets around 1977 and the Holiday Inn was built soon thereafter just north of the garage. Additional construction in the study area included the two-level underground parking structure at the block bound by "J," "K," and 7<sup>th</sup> streets with a one-story building above at 660 J Street in 1978. Two years later a second and third floor was added to this building. To the south and facing K Street along 7<sup>th</sup> Street, the two-story I. Magnin store (later Liberty House) was built over the parking garage. In 1979, Weinstocks opened its new three-story, 205,000 square-foot store and company headquarters on L Street, next to the Hotel Marshall. Macy's took over this Weinstocks in 1996.<sup>23</sup>

In the late 1980s and early 1990s, the K Street Pedestrian Mall was remodeled to become the Downtown Plaza.<sup>24</sup> Based on new suburban designs for shopping malls, the project added 250,000 square feet with an additional second story, a food court, various upscale shops, and a movie theater with seven screens. The renovation enclosed the K Street Pedestrian Mall from 3<sup>rd</sup> to 7<sup>th</sup> Street removing the original landscape and hardscape elements from the late 1960s and early 1970s development. Opened in 1993, the renovated Downtown Plaza connected

<sup>21</sup> Center for Sacramento History, Sacramento Housing and Redevelopment Agency Collection, 1962. *Amendment Agreement, May 1962, Macy's May 1962-Dec. 31, 1962*; Sacramento Redevelopment Agency, 1969. *A New Sacramento: Progress and Promise*. pp. 16-17; Center for Sacramento History, Sacramento Bee Photo Morgue, 1967. *New Perch*. July 20, 1967.

<sup>22</sup> Burg, William, 2012. *Sacramento's K Street: Where Our City Was Born* (Charleston, SC: The History Press). p. 137; Sacramento Union, 1967. *Tishman Co. Pulls Out of Mall Project*. September 19, 1967. p. 1; Sacramento Union, 1968. *Redevelopment Unit OKs West End Job*. June 18, 1968. pp. 1, 3; Sacramento Redevelopment Agency, 1969. *A New Sacramento: Progress and Promise*. p. 17.

<sup>23</sup> CYS Structural Engineers, 2012a. *Phase I Structural Assessment Sacramento Downtown Plaza. Attachment, 560 J Street Phases*; CYS Structural Engineers, 2012b. *Phase I Structural Assessment Sacramento Downtown Plaza, 660 J Street Construction Phases*. December 3, 2012: p. 2; Insight, 2012. *JMA Buys Sacramento's Downtown Plaza*. November 2012. p. 9.; Avella, Steven M., 2008. *The Good Life: Sacramento's Consumer Culture* (Charleston, SC: Arcadia Publishing). pp. 144-145; Kassis, Annette, 2012. *Weinstocks: Sacramento's Finest Department Store* (Charleston, SC: History Press). pp. 110-114.

<sup>24</sup> Sacramento Bee, 1992. *Ernest Hahn built malls and helped save a city*. January 24, 1992. pp. K1, K10.

Old Sacramento through a pedestrian tunnel under I-5, which linked the two providing more access to the riverfront area that had been somewhat cut off from the city by the freeway.<sup>25</sup>

## **Analysis Methodology and Results**

The investigation of cultural resources included archival research, consultation with Native American tribes and individuals, coordination with City Historic Preservation staff, and an intensive field survey.

### **Archival Research Methods**

ESA staff conducted a records search at the North Central Information Center (NCIC) of the California Historical Resources Information System at Sacramento State University on August 13 and 14, 2013 (File No.SAC-13-91) and September 12, 2013 (File No.SAC-13-108). Records were accessed by reviewing the Sacramento East and Sacramento West 7.5-minute U.S. Geological Survey topographic quadrangle base maps. The records search included a 1/4-mile radius around the project area in order to: (1) determine whether known cultural resources had been recorded within or adjacent to the project area; (2) assess the likelihood of unrecorded cultural resources based on historical references and the distribution of environmental settings of nearby sites; and (3) develop a context for identification and preliminary evaluation of cultural resources.

Included in the review were the *California Inventory of Historical Resources* (California Department of Parks and Recreation 1976), *California Historical Landmarks* (1990), *California Points of Historical Interest* (1992), the Office of Historic Preservation *Historic Properties Directory Listing* (April 2012) and *Archaeological Determinations of Eligibility* (April 2012), and the *City of Sacramento Register of Historic & Cultural Resources* (2011). The Historic Properties Directory includes listings of the National Register and the California Register of Historical Resources, and the most recent listing of the California Historical Landmarks and California Points of Historical Interest.

Historic-period maps were also reviewed, including GLO Plat maps (1867), historic USCOE maps (1849, 1887-1888), historic USGS topographic maps (1911, 1916, 1948, 1949, 1954, and 1967), as well as historic Sanborn Company Fire Insurance maps (1895, 1915, 1951, and 1952).

The results of the records search indicate that fifty-one cultural resources studies have been previously conducted within the 1/4-mile records search radius around the Downtown project site, including six investigations intersecting portions of the project area. Fifty-five cultural resources have been previously recorded within the records search radius for the Downtown project site. The records search identified 79 cultural resource studies previously completed within the records search radius of the ten potential offsite digital billboard locations. Thirty-four cultural resources have been recorded within a 1/4-mile radius of the ten potential offsite digital billboard locations. Table 4.4-2 and Table 4.4-3 list the studies and resources identified within the project area. Complete versions of these tables, including resources not located within the project area, are included in Appendix G. Table 4.4-4 summarizes the findings of the archaeological surveys.

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<sup>25</sup> Insight, 2012. *JMA Buys Sacramento's Downtown Plaza*. November 2012. p. 9.

**TABLE 4.4-2  
NCIC RECORDED CULTURAL RESOURCE STUDIES PREVIOUSLY CONDUCTED WITHIN THE PROJECT AREA AND ¼ MILE BUFFER**

NCIC Report #	Year	Author	Title	In Project Area (y/n)
<b>Downtown Project Site</b>				
3338	1981	Brienes, West & Schulz	Overview of Cultural Resources in Central Business District, Sacramento, CA	y
3355	1979	Anthropological Studies Center	Revised Excavation Strategy for an Area Within the J/K/6/7 Block, Sacramento CA	y
3369	1978	City of Sacramento Redevelopment Agency	History of the Sacramento City Block: 6th and 7th, K and L Streets: 1848-1920	y
3390	1978	Sacramento Housing and Redevelopment Agency	Report of the Historical Development of City of Sacramento Block Bound by: 6th and 7th, J and K Streets: 1850:1920	y
3479	2002	Peak & Associates	Fifteen SureWest Tower Sites in Sacramento, Placer, El Dorado, San Joaquin, Yolo and Sutter Counties, California	y
9888	2008	Tremaine & Associates	Cultural Resources Assessment and Report of Findings for the Westfield Downtown Plaza Redevelopment Project, Sacramento, CA	y
<b>Offsite Digital billboards</b>				
<b>I-5 at Water Tank</b>				
9989	2007	Jones & Stokes	Revised Addendum Cultural Resources Inventory Report for Modifications to the Freeport Regional Water Project Area of Potential Effects, Sacramento and San Joaquin Counties, California-Extra Work Space on the Vineyard Road Pipeline Extension APE Modification	y
<b>US 50 at Pioneer Reservoir</b>				
No studies located within the proposed site				
<b>Business 80 at Sutter's Landing Regional Park</b>				
4457	2003	Caltrans	Negative Historic Property Survey Report For The Proposed Installation Of Automatic Vehicle Census Systems On Interstate 80 East Of The West El Camino Over-Crossing And On Highway 51 East Of The "E" Street Ramps, Sacramento County, California	y
<b>Business 80 at Del Paso Regional Park/Haggin Oaks</b>				
No studies located within the proposed site				
<b>Business 80 at Sutter's Landing Regional Park/American River</b>				
No studies located within the proposed site				
<b>I-80 at Roseville Road</b>				
10403	2009	California Air National Guard	Cultural Resources Survey North Highlands Air National Guard Station, North Highlands, Sacramento County, California	y
<b>SR 99 at Calvine Road</b>				
3844	1992	PAR Environmental Services, Inc	Archaeological Survey Report For The Cosumnes River Boulevard/Calvine Road Interchange At State Route 99, 03-Sac-99-P.M. 15.7/16.5, Sacramento County, California	y
6117	2003	EDAW, Inc	Cultural Resources Survey Report College Square Planned Unit Development	y

**TABLE 4.4-2 (Continued)**  
**CULTURAL RESOURCE STUDIES PREVIOUSLY CONDUCTED WITHIN THE PROJECT AREA AND ¼ MILE BUFFER**

NCIC Report #	Year	Author	Title	In Project Area (y/n)
<b>I-5 at Bayou Road</b>				
No studies located within the proposed site				
<b>I-5 at San Juan Road</b>				
4177	2001	Caltrans	Historic Property Survey Report And Finding Of Effect For The Proposed Stadium Interchange And Auxiliary Lanes On Interstate 5 Between Interstate 80 And Del Paso Road In Sacramento, Sacramento County, California	y
<b>I-5 at Sacramento Railyards</b>				
3338	1981	Brienes, West & Schulz	Overview of Cultural Resources in Central Business District, Sacramento, CA	y
5804	2002	Parsons	Historic Property Survey Report for the Sacramento Rail Deport Acquisition and Improvement Project	y
11023	2011	Caltrans	Historic Property Survey Report I-5 Riverfront Reconnection Project	y

**TABLE 4.4-3  
CULTURAL RESOURCES PREVIOUSLY IDENTIFIED WITHIN THE PROJECT AREA AND ¼ MILE BUFFER**

<b>P# / Trinomial</b>	<b>Resource Name</b>	<b>Date Recorded</b>	<b>Recorded By</b>	<b>Description</b>	<b>NRHP Status</b>	<b>In Project Area (y/n)</b>
<b>Downtown Project Site</b>						
P-34-2358	Raised Streets and Hollow Sidewalks District	May-09; Dec-10	Page & Turnbull, Inc; Sacramento Old City Association	Historic vernacular landscape district of hollow sidewalks in historic downtown	Appears eligible through survey	Immediately adjacent
P-34-421H / CA-SAC-394	n/a	Mar-80	A. Praetzelis	Historic period discrete refuse deposits and structural remains, 1851-1890 (Site entirely removed for construction of Liberty House Store in 1979)	n/a	y - destroyed
P-34-4409	1007 6th Street, Hollow Sidewalk	May-09	Page & Turnbull, Inc	Two segments of hollow sidewalk	Contributor to P-34-2358	Immediately adjacent
<b>Offsite Digital Billboards</b>						
<b>I-5 at Water Tank</b>						
None located within billboard site						
<b>US 50 at Pioneer Reservoir</b>						
None located within billboard site						
<b>Business 80 at Sutter's Landing Regional Park</b>						
None located within billboard site						
<b>Business 80 at Del Paso Regional Park/Haggin Oaks</b>						
None located within billboard site						
<b>Business 80 at Sutter's Landing Regional Park/American River</b>						
None located within billboard site						
<b>I-80 at Roseville Road</b>						
None located within billboard site						
<b>SR 99 at Calvine Road</b>						
None located within billboard site						
<b>I-5 at Bayou Road</b>						
None located within billboard site						
<b>I-5 at San Juan Road</b>						
None located within billboard site						
<b>I-5 at Sacramento Railyards</b>						
None located within billboard site						

**TABLE 4.4-4  
ARCHAEOLOGICAL FIELD SURVEY RESULTS FOR OFFSITE BILLBOARD LOCATIONS**

<b>Billboard Location</b>	<b>Date Surveyed</b>	<b>Description of Survey and findings</b>
I-5 at Water Tank	September 27, 2013	The area is level and devoid of vegetation allowing complete inspection of the ground surface. No artifactual material was identified.
US 50 at Pioneer Reservoir	September 27, 2013	Approximately 75% of the ground surface was visible. The southeast portion of the project area is densely vegetated with ornamental trees and shrubs. The area is littered with modern refuse including glass, plastic, metal, etc. No definitively historic artifacts were identified.
Business 80 at Del Paso Regional Park/Haggin Oaks	September 17, 2013	Site is dominated by paved bike path. Adjacent unpaved shoulders are densely vegetated with Horsetail, and the ground covered with duff. Ground visibility was virtually zero. The area is highly disturbed with the elevated freeway and associated drainage ditch to the south, the developed bike path within the site, and a berm on the golf course running the length of the site.
Business 80 at Sutter's Landing Regional Park	September 27, 2013	Most of the project area is on the constructed, elevated portion of the dump, and is densely vegetated with eucalyptus and other trees. The project area continues a few feet past the toe of the slope of the landfill. This area was entirely covered with duff from surrounding trees. Ground surface visibility was virtually zero.
Business 80 at Sutter's Landing Regional Park/American River	September 17, 2013	Area is densely vegetated with grasses making ground visibility limited. Ground visible along a narrow area around levee and along freeway. No archaeological material noted. A portion of the south bank of the American River levee appears to fall within the site. The general area is being used as a staging area by UPRR, but no evidence of historic railroad activities was noted.
I-80 at Roseville Road	September 27, 2013	Access to this small area was not permitted, and was visually inspected from outside the barrier fence. The entire area appears to be paved.
SR 99 at Calvine Road	September 27, 2013	This area includes portions of a small constructed berm and catchment basin. The entire area is vegetated with a dense growth of low grasses. Ground visibility was approximately 20%. No cultural material was identified.
I-5 at Bayou Road	September 17, 2013	Area mostly paved and covered with a dense growth of grasses. Surveyor found a handful of historic-period artifacts, including : a stoneware ale bottle (1870s or earlier), amethyst glass (circa 1918 or earlier), colorless glass, brown glass, a WIE fragment with a maker's mark, and an oyster shell. An inspection of the plowed field to the south (outside site) did not reveal any further artifacts or features.
I-5 at San Juan Road	September 17, 2013	The site is dominated by a small wetland, mostly submerged, with a dense growth of grasses on surrounding areas. Surface visibility was virtually zero. Inspection of adjacent plowed field (east of site) revealed no archaeological artifacts or features.
I-5 at Sacramento Railyards	September 17, 2013	The area is mostly paved making ground visibility impossible. Unpaved area at north end of site was not accessible and not surveyed. From aerial it looks like the area has been highly disturbed by rehab work at the railyard. Archaeological potential is low.

### Archaeological Results

One archaeological resource (P-34-000421H / CA-SAC-394) is recorded within the boundaries of the Downtown Project site. This resource was a historic-period artifact concentration excavated by archaeologists in the late 1970s and is no longer extant.<sup>26</sup>

The nearest prehistoric archaeological resource to the Downtown project site is P-34-002359. This site is the remains of a large pit house and several associated human burials/cremations that was identified 850 feet (260 meters) north of the current project area. The site measures 400 by 550 feet (120 by 170 meters) and was located on the historic shoreline of Lake Sutter, which is now filled in. Sutter Lake was located within the boundaries of the Southern Pacific Railyards. Identified during monitoring within the road right of way, P-34-002359 is presumed to be much larger than recorded and may extend into the adjacent blocks.<sup>27</sup>

Numerous archaeological resources, especially historic-era features and artifact concentrations associated with 19<sup>th</sup>- and early 20<sup>th</sup>-century Sacramento, are located in the vicinity of the Downtown project site. However, the entire Downtown project site itself has been highly disturbed from construction of the existing buildings and underground parking lots. The 1960s and later construction at the site and excavation for the underground parking lots below the historic land surface effectively removed much of both prehistoric and historic-era occupation in the project area.

No archaeological resources have been previously identified in the vicinity of the ten digital billboard locations. ESA completed a surface survey of the billboard locations on September 17, 2013 and September 27, 2013. One historic period trash scatter was identified during field survey.

### Native American Consultation

ESA contacted the Native American Heritage Commission (NAHC) on August 19, 2013 to request a database search for sacred lands or other cultural properties of significance within or adjacent to the project area. ESA received a response on September 17, 2013. The sacred lands survey did not identify the presence of cultural resources in the project area. The NAHC provided a list of Native American contacts that might have further knowledge of the project area with respect to cultural resources. ESA contacted each person or organization identified by the NAHC by letter on September 17, 2013. On September 25, 2013, the City of Sacramento and representatives from ESA met with Andrew Godsey, a representative from SSBMI to discuss the Proposed Project. Written responses were received from SSBMI on October 28, 2013 and the UAIC on November 11, 2013, both formally requesting consultation with the City regarding the Project. Consultation between the City and these Tribes is ongoing. Contacts to date are provided in Appendix G.

<sup>26</sup> Praetzellis, Mary, 1980. *Confidential Site Record for P-34-421H*. Maintained on file at the North Central Information Center, Sacramento State University. p. 1-5.

<sup>27</sup> Tremaine & Associates, 2008. *Confidential Site Record for Pit House (P-34-2359)*. Maintained on file at the North Central Information Center, Sacramento State University. p. 1-13.

**Architectural Results and Analysis**

In addition to a records search review, background and resource-specific archival research also was conducted at the California State Library; Sacramento Room, Sacramento Central Library Branch, Center for Sacramento History; Shields Library, University of California, Davis; and in JRP’s in-house library. JRP staff coordinated with City of Sacramento staff regarding previous historic resources surveys in the study area. JRP conducted a field survey of the Downtown project site on September 4, 2013, documenting the four Sacramento Landmark buildings in the area as well as three potential historical resources through digital photography and DPR 523 forms. Table 4.4-5 describes these resources and their eligibility for listing in the Sacramento, California, or National Registers. Additional information and full evaluations of these resources can be found in the Historic Resource Impact Analysis Report completed by JRP for the Proposed Project (Appendix G).

**TABLE 4.4-5  
 BUILT RESOURCES IDENTIFIED WITHIN OR ADJACENT TO THE DOWNTOWN PROJECT AREA**

Resource Name	Address	Sacramento Register	California Register	National Register	Built Date
California Fruit Building	1000 & 1006 4th Street	Yes	No	No	1914
Travelers' Hotel	428 J Street & 1010 5th Street	Yes	Yes	Yes	1914
Ramona Hotel	600 J Street & 1007 6th Street	Yes	No	No	1930
Hotel Marshall (Hotel Clayton)	1122, 1126, 1128 7th Street	Yes	No	No	1910-11
Jade Apartments	1118/1120 7 <sup>th</sup> Street	No	No	No	c. 1931
Macy's	414 K Street	No	No	No	1963
Downtown Plaza Shopping Center	535 L Street / 570 K Street / 579 K Street / 560 J Street	No	No	No	1972, 1978

The Jade Apartments building at 1118-1120 7<sup>th</sup> Street is not considered eligible as a Landmark in the Sacramento Register of Historic and Cultural Resources (Sacramento Register) as it is not significant under Sacramento Register eligibility criteria. The Jade Apartments also does not meet the criteria for listing in the California Register of Historical Resources (CRHR) or the National Register of Historic Places (NRHP) because it lacks historic and architectural significance and historic integrity.

The Macy’s building at 414 K Street in downtown Sacramento does not appear to meet the criteria for listing in the NRHP, CRHR, or the Sacramento Register because it lacks sufficient historic integrity to convey its significance. Thus, the property is not a historical resource for the purposes of CEQA.

The Downtown Plaza Shopping Center does not meet the criteria for listing in the NRHP, CRHR, or Sacramento Register because it lacks both historic/architectural significance and historic integrity. This property was evaluated under standard criteria for the NRHP, CRHR, and Sacramento Register, as well additional standards necessary to assess potential importance for

properties that are less than 50 year old. P-34-004409 (1007 6th Street Hollow Sidewalk) is immediately adjacent to the Downtown project site. The sidewalk contributes to P-34-002358 (Raised Streets and Hollow Sidewalks District). The District appears eligible for listing in the California Register and is therefore considered a historical resource for the purposes of CEQA. ESA surveyed the sidewalk segment on August 28, 2013 by accessing the basement level of the building at 1007 6th Street, and noted the segment as including loosely mortared brick along the outside walls of the basement. The building itself is supported by concrete piers and drywall clad walls, however the western segment of sidewalk consists of brick buttressed retaining walls built to contain the fill to raise the streets and supporting the sidewalks above. The “hollow sidewalks” areas are those areas at the original street grade, between the raised streets and the building walls, below the “new” sidewalk/street level.

## 4.4.2 Regulatory Setting

### Federal Regulations

#### ***National Historic Preservation Act***

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, requires that a federal agency with direct or indirect jurisdiction over a proposed federal or federally assisted undertaking, or issuing licenses or permits, consider the effect of the proposed undertaking on historic properties. A historic property may include a prehistoric or historic-era building, structure, object, site or district included in, or eligible for inclusion in, the National Register of Historic Places (National Register) maintained by the U.S. Secretary of the Interior. Federal agencies must also allow the Advisory Council on Historic Preservation (ACHP) to comment on the proposed undertaking and its potential effects on historic properties.

The implementing regulations for Section 106 of the NHPA (36 CFR 800) require consultation with the State Historic Preservation Officer (SHPO), the ACHP, federally recognized Indian tribes and other Native Americans, and interested members of the public throughout the compliance process. The four principal steps are:

- Initiate the Section 106 process (36 CFR 800.3);
- Identify historic properties, i.e., resources eligible for inclusion in the NRHP (36 CFR 800.4);
- Assess the effects of the undertaking on historic properties within the area of potential effect (36 CFR 800.5); and
- Resolve adverse effects (36 CFR 800.6).

Adverse effects on historic properties are often resolved through preparation of a Memorandum of Agreement or Programmatic Agreement developed in consultation between the federal agency, the SHPO, Indian tribes, and interested members of the public. The ACHP is also invited to

participate. The agreement describes stipulations to mitigate adverse effects on historic properties listed in or eligible for the National Register (36 CFR 60).

### ***National Register of Historic Places***

The NHPA established the National Register as “an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the Nation’s historic resources and to indicate what properties should be considered for protection from destruction or impairment” (36 CFR Section 60.2). The National Register recognizes both historic-era and prehistoric archaeological properties that are significant at the national, state, and local levels.

To be eligible for listing in the National Register, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Buildings, structures, objects, sites or districts of potential significance must meet one or more of the following four established criteria:<sup>28</sup>

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

Unless the property possesses exceptional significance, it must be at least 50 years old to be eligible for National Register listing.<sup>29</sup>

In addition to meeting the criteria of significance, a property must have integrity. Integrity is defined as “the ability of a property to convey its significance.”<sup>30</sup> The National Register recognizes seven qualities that, in various combinations, define integrity. To retain historic integrity a property must possess several, and usually most, of these seven aspects. Thus, the retention of the specific aspects of integrity is paramount for a property to convey its significance. The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association.

Although the National Register standards for historic integrity are high, the National Register accepts that a property “must also be judged with reference to the particular criteria under which a

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<sup>28</sup> National Parks Service, 1995. *National Register Bulletin No. 15, How to Apply the National Register Criteria for Evaluation*, U. S. Department of Interior, National Park Service, Interagency Resources Division. p. 11.

<sup>29</sup> National Parks Service, 1995. *National Register Bulletin No. 15, How to Apply the National Register Criteria for Evaluation*, U. S. Department of Interior, National Park Service, Interagency Resources Division. p. 44.

<sup>30</sup> National Parks Service, 1995. *National Register Bulletin No. 15, How to Apply the National Register Criteria for Evaluation*, U. S. Department of Interior, National Park Service, Interagency Resources Division. p. 44.

resource is proposed for eligibility.” Most archaeological properties are evaluated under Criterion D; the most applicable qualities of integrity under this criterion are those of location, materials, and association.

Integrity also defines the research potential of a resource. To possess research potential, archaeological data must have integrity in the form of what has been called “focus.”<sup>31</sup> Focus in this context means the accuracy with which the archaeological remains represent a situation or condition. When focus is absent or inadequate because of disturbance, a resource does not retain integrity. Remains that represent several activities or have materials that cannot be separated from one another into discrete contexts may also lack focus and therefore integrity.

## State Regulations

### ***Office of Historic Preservation***

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

### ***California Register of Historical Resources***

The California Register is “an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for California Register eligibility are based on National Register criteria (PRC Section 5024.1[b]; California Code of Regulations [CCR], Title 14, Section 4850 et seq.). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

To be eligible for the California Register, a prehistoric or historic-era property must be significant at the local, state, and/or federal level under one or more of the following four criteria. The resource:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

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<sup>31</sup> Deetz, James, 1977. *In Small Things Forgotten: An Archaeology Of Early American Life* (Anchor Press, Doubleday, New York, NY). p. 94.

4. Has yielded, or may be likely to yield, information important in prehistory or history.

An eligible resource for the California Register must meet one of the criteria of significance described above and retain enough of its historical character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance.

Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed in the National Register and those formally determined eligible for the National Register;
- California Registered Historical Landmarks from No. 770 onward; and
- California Points of Historical Interest that have been evaluated by the OHP and have been recommended to the State Historical Commission for inclusion on the California Register.

Resources that may be nominated to the California Register include:

- Historical resources with a significance rating of Category 3 through 5 (properties identified as eligible for listing in the National Register, the California Register, and/or a local register);
- Individual historical resources;
- Historical resources contributing to historic districts; and
- Historical resources designated or listed as local landmarks or designated under any local ordinance, such as a historic preservation overlay zone.

### ***California Environmental Quality Act (CEQA)***

CEQA is the principal state law governing environmental review of proposed discretionary actions by California public agencies. CEQA requires lead agencies to determine, prior to approval, if a project would have a significant impact on historical or unique archaeological resources.

The CEQA Guidelines generally recognize that a historical resource includes: (1) a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register (PRC Section 5024.1); (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); and (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record (14 CCR Section 15064.5[a]).

If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 of CEQA and CEQA Guidelines Section 15064.5 apply. If an archaeological site does not meet the criteria for a historical resource contained in the CEQA Guidelines, then the site may be treated as a “unique” archaeological resource in accordance with the provisions of PRC Section 21083. As defined in Section 21083.2, a unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

A non-unique archaeological resource is an archaeological artifact, object, or site that does not meet the criteria in PRC Section 21083.2(g) and need not be given further consideration, other than the simple recording of its existence by the lead agency if it so elects (PRC Section 21083.2[h]). The CEQA Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (14 CCR Section 15064.5[c][4]).

PRC Section 5024.1(f) requires a lead agency to make provisions for handling the accidental discovery of historical or unique archaeological resources during construction. Provisions include an immediate evaluation of the find by a qualified archaeologist. Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place.

In the event that human remains are discovered in any location other than a dedicated cemetery, PRC Section 5024.1(e) requires all work to stop until the county coroner in which the remains are discovered is contacted. If the coroner determines the remains to be Native American, the coroner must contact the Native American Heritage Commission within 24 hours. The Commission would then identify any person or persons it believes to be the most likely descended from the deceased individual.

### ***Paleontological Resources***

Paleontological resources also are afforded protection by environmental legislation set forth under CEQA. Appendix G (Part V) of the CEQA Guidelines provides guidance relative to significant impacts on paleontological resources, stating that a project will normally result in a significant impact on the environment if it will “...disrupt or adversely affect a paleontological resource or site or unique geologic feature, except as part of a scientific study.”

The SVP has established standard guidelines that outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, and specimen preparation, identification, analysis, and curation. Most California State regulatory agencies accept the SVP standard guidelines as a measure of professional practice.

## Local

Since 1996, the City of Sacramento has been a Certified Local Government, that is, a direct participant in the identification, evaluation, registration, and preservation of historic properties within its jurisdiction, to promote the integration of local preservation interests and concerns into local planning and decision-making processes. The CLG program is a partnership among local governments, the State of California-OHP, and the National Park Service, which is responsible for administering the National Historic Preservation Program.

### ***City of Sacramento 2030 General Plan***

The City of Sacramento's 2030 General Plan's Historic and Cultural Resources Element includes goals and policies relating to the identification and preservation of its historic resources. The following goals and policies from the 2030 General Plan are relevant to cultural resources in regard to the Proposed Project.

**Goal HCR 2.1 Identification and Preservation of Historic and Cultural Resources.** Identify and preserve the city's historic and cultural resources to enrich our sense of place and our understanding of the city's prehistory and history.

#### *Policies*

- **HCR 2.1.1 Identification.** The City shall identify historic and cultural resources including individual properties, districts, and sites (e.g., archaeological sites) to provide adequate protection of these resources. (*PSR*)
- **HCR 2.1.3 Consultation.** The City shall consult with the appropriate organizations and individuals (e.g., Information Centers of the California Historical Resources Information System (CHRIS), the Native American Heritage Commission (NAHC), and Native American groups and individuals) to minimize potential impacts to historic and cultural resources. (*IGC/JP*)
- **HCR 2.1.11 Compatibility with Historic Context.** The City shall review proposed new development, alterations, and rehabilitation/remodels for compatibility with the surrounding historic context. The City shall pay special attention to the scale, massing, and relationship of proposed new development to surrounding historic resources. (*RDR*)
- **HCR 2.1.12 Contextual Elements.** The City shall promote the preservation, rehabilitation, restoration, and/or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street lamps, signs) related to the historic resource. (*RDR*)

- **HCR 2.1.14 Demolition.** The City shall consider demolition of historic resources as a last resort, to be permitted only if rehabilitation of the resource is not feasible, demolition is necessary to protect the health, safety, and welfare of its residents, or the public benefits outweigh the loss of the historic resource. (*RDR*)
- **HCR 2.1.15 Archaeological Resources.** The City shall develop or ensure compliance with protocols that protect or mitigate impacts to archaeological, historic, and cultural resources including prehistoric resources. (*RDR*)

The Proposed Project is consistent with the 2030 General Plan goals and policies regarding cultural resources. Identification and consultation efforts have been conducted as outlined in Policies HCR 2.1.1 and HCR 2.2.2. The City is reviewing the proposed new development for compatibility with the surrounding historic context as designated in Policy HCR 2.1.11. Additionally the City has identified protocols in this EIR that mitigate impacts for inadvertent discovery of archaeological, historic, and cultural resources including prehistoric resources as defined in Policy HCR 2.1.15. See Impacts 4.4-1 through 4.4-3 for more detail on how resources would be identified, evaluated and treated.

### ***City of Sacramento Historic Preservation Program***

The City of Sacramento’s historic preservation program began in 1975 with the enactment of the City’s first historic preservation ordinance. Amendments to the original preservation ordinance, under ordinance No. 2006-063 were enacted in October 2006, amending the Historic Preservation Chapter 17.134 of Title 17 of the Sacramento City Code. On September 30, 2013, these sections of the code, under Chapter 17.134, related to historic preservation were included in a comprehensive update of Title 17, under its new “Planning & Development Code” name, formerly known as the Zoning Code. Under the new Title 17, the substance of the preservation sections was generally not materially changed, and changes related to procedure were also relatively minor. The new section of Title 17 related to eligibility criteria for historic resources is 17.604.210. Other preservation related matters are found under Chapter 17.604 or other sections of Title 17.

The City Code provides for the compilation of the ordinances adopting designations and deletions of Landmarks, Contributing Resources and Historic Districts into the Sacramento Register of Historic & Cultural Resources.

#### **Landmark Eligibility Criteria (17.604.210(A))**

A nominated resource shall be listed on the Sacramento register as a landmark if the city council finds, after holding the hearing required by this chapter, that all of the requirements set forth below are satisfied:

1. Requirements.
  - a. The nominated resource meets one or more of the following criteria:
    - i. It is associated with events that have made a significant contribution to the broad patterns of the history of the city, the region, the state or the nation;

- ii. It is associated with the lives of persons significant in the city's past;
  - iii. It embodies the distinctive characteristics of a type, period or method of construction;
  - iv. It represents the work of an important creative individual or master;
  - v. It possesses high artistic values; or
  - vi. It has yielded, or may be likely to yield, information important in the prehistory or history of the city, the region, the state or the nation;
- b. The nominated resource has integrity of location, design, setting, materials, workmanship and association. Integrity shall be judged with reference to the particular criterion or criteria specified in subsection A.1.a of this section;
  - c. The nominated resource has significant historic or architectural worth, and its designation as a landmark is reasonable, appropriate and necessary to promote, protect and further the goals and purposes of this chapter.
2. Factors to be considered. In determining whether to list a nominated resource on the Sacramento register as a landmark, the factors below shall be considered.
- a. A structure removed from its original location is eligible if it is significant primarily for its architectural value or it is the most important surviving structure associated with a historic person or event.
  - b. A birthplace or grave is eligible if it is that of a historical figure of outstanding importance and there is no other appropriate site or structure directly associated with his or her productive life.
  - c. A reconstructed building is eligible if the reconstruction is historically accurate, if the structure is presented in a dignified manner as part of a restoration master plan, and if no other original structure survives that has the same association.
  - d. Properties that are primarily commemorative in intent are eligible if design, age, tradition, or symbolic value invests such properties with their own historical significance.
  - e. Properties achieving significance within the past 50 years are eligible if such properties are of exceptional importance.

**Historic District Eligibility Criteria. (17.604.210 (B))**

A geographic area nominated as a historic district shall be listed on the Sacramento register as a historic district if the city council finds, after holding the hearing required by this chapter, that all of the requirements set forth below are satisfied:

- 1. Requirements.
  - a. The area is a geographically definable area; or
  - b. The area possesses either:
    - i. A significant concentration or continuity of buildings unified by: (A) past events or (B) aesthetically by plan or physical development; or

- ii. The area is associated with an event, person, or period significant or important to city history; or
    - c. The designation of the geographic area as a historic district is reasonable, appropriate and necessary to protect, promote and further the goals and purposes of this chapter and is not inconsistent with other goals and policies of the city.
  2. Factors to be considered. In determining whether to list a geographic area on the Sacramento register as a historic district, the following factors shall be considered:
    - a. A historic district should have integrity of design, setting, materials, workmanship and association;
    - b. The collective historic value of the buildings and structures in a historic district taken together may be greater than the historic value of each individual building or structure.

### 4.4.3 Analysis, Impacts, and Mitigation

#### Significance Criteria

The Proposed Project would result in a significant effect on cultural resources if it would:

- (1) cause a substantial adverse change in the significance of historical or archaeological resource as defined in CEQA Guidelines section 15064.5; or
- (2) directly or indirectly destroy a unique paleontological resources or site or unique geologic feature.

#### Impacts and Mitigation Measures

**Impact 4.4-1: The Proposed Project could damage, degrade and/or destroy historic resources.**

##### *Downtown Project Site*

##### **Construction**

Project construction would have direct impacts when the physical destruction or material alteration of historic buildings would result from demolition and/or physical construction of the Proposed Project. Indirect impacts are the potential for vibration and visual impacts of the Proposed Project, including both related demolition and construction, to historical resources.

No historical resources are located within the Downtown project site, so the proposed ESC and PUD would not result in the demolition or alteration of a historic resource.

There are several historic resources located adjacent to the Downtown project site, including a segment of the underground sidewalk (P-34-004409, a contributor to the apparently CRHR-eligible Raised Streets and Hollow Sidewalks District), and including the California Fruit

Building, Travelers' Hotel, Ramona Hotel, and Hotel Marshall, which structures are all historic resources for purposes of CEQA.

No project construction would occur immediately adjacent to the 1007 6th Street Hollow Sidewalk, the California Fruit Building, Travelers' Hotel, or Ramona Hotel, so these buildings and sidewalks would not be directly altered or materially impaired. These buildings would therefore retain their historic integrity of location, design, workmanship, materials, feelings, and association.

Proposed construction activities could result in vibration levels that have the potential to damage fragile buildings and structures, including those identified as eligible for the California Register or locally-listed properties and therefore qualifying as historical resources. Project activities for the Sacramento ESC include demolition of the loading dock at the Macy's East (former Weinstocks), which is connected to the west wall of the Hotel Marshall located on the corner of 7th and L streets. This loading dock is two and half stories tall with a brick façade facing L Street. Demolition of the loading dock has the potential to cause damage the Hotel Marshall because the buildings are so close together (separated by inches).

Project activities adjacent to the Hotel Marshall have the potential to cause an indirect impact to the historical resource through vibration occurring during demolition of the Macy's East building and/or during construction of the new ESC practice facility. Development of the PUD area could also affect historic resources that are in close proximity, such as the Traveler's Hotel, Ramona Hotel, California Fruit Building and the segment of the hollow sidewalk along 6<sup>th</sup> Street. As discussed in section 4.8, Noise, ground-borne vibration can damage the foundations and exteriors of existing buildings. The FTA building damage thresholds are typically is 0.2 inches per second peak particle velocity (PPV) for historic buildings. As shown in Table 4.8-10 (in section 4.8, Noise), some construction equipment used for the ESC could result in up to 1.0 PPV. Exposure to vibration at these levels could result in structural damage to buildings adjacent to the project area, particularly the Hotel Marshall, as well as the underground sidewalk segment located immediately north of the PUD along J Street. These impacts are considered *potentially significant impacts*.

### **Operation**

Once constructed, the Sacramento ESC and the mixed uses within the PUD would alter the character of the Downtown project site by replacing existing, later-half of the 20<sup>th</sup> century urban buildings with different, sometimes larger, buildings. This change would not substantially alter the context in which surrounding historic resources, including the California Fruit Building, Travelers' Hotel, Ramona Hotel, and Hotel Marshall, are situated, because this portion of the buildings' setting has been previously altered with the demolition of buildings for redevelopment in the 1950s and 1960s, and with construction of the K Street Pedestrian Mall and subsequent development including the Downtown Plaza. These historic resources are also relatively tall, multi-story urban context structures themselves, built to their property lines, and within a downtown setting where similar large structures would have been anticipated to be built. Therefore, the Sacramento ESC and PUD would not diminish the buildings' ability to convey significance. The segment of underground sidewalk located adjacent to the Downtown project

site is not visible from anywhere but below grade, so changes to buildings above grade would not alter its context or setting.

The proposed ESC Sign District would allow electronic signs on buildings within the blocks bounded by 3<sup>rd</sup>, 7<sup>th</sup>, J and L Streets. The historic buildings discussed above are on these blocks. The proposed Sign District would require that any signs placed on listed historic buildings meet Secretary of the Interior's Standards for the Treatment of Historic Properties, generally under the Rehabilitation Standards, and would be subject to review and approval by the City's Preservation Commission which would ensure that such signs do not alter the integrity of the buildings and/or affect their historic significance.

For these reasons, once construction is complete, impacts on historic resources would be *less than significant*.

### **Offsite Digital Billboards**

The survey conducted for the project did not identify any historical resources within the locations of the offsite digital billboards. Therefore, *no impact* to historic resources would result from the construction of the offsite digital billboards.

### Mitigation Measure

#### 4.4-1(a) (ESC/PUD)

*The Project applicant shall protect the Hotel Marshall from physical damage during demolition to ensure that the building's historic integrity of material is not significantly diminished and the Project Proponents will be responsible for repairs to the Hotel Marshall for damage caused by the demolition of the loading dock. If necessary, repairs shall be conducted in compliance with the "Treatment of Preservation" under the Secretary of Interior's Standards for the Treatment of Historic Properties (SOI Standards).<sup>32</sup> The Project Proponents shall provide the City Preservation Director for review and approval of work plans for documenting the pre-construction condition of the Marshall Hotel, for protocols as to determining damage from demolition work, for the means and methods of protecting the Marshall Hotel during demolition, and for the means and methods of the demolition work itself alongside the Marshall Hotel, for the means and methods for making any of the repairs to be undertaken as a result of construction damage, and a completion report to ensure compliance with the SOI Standards. The Project Proponents shall be responsible for repairs related to project impacts and not for general rehabilitation or restoration activities on the Hotel Marshall.*

#### 4.4-1(b) (ESC/PUD)

*Implement Mitigation Measure 4.8-3(a).*

<sup>32</sup> National Parks Service, 2001. *Protecting a Historic Structure during Adjacent Construction. Preservation Tech Notes*. July 2001. pp 1-8.

Mitigation Measure 4.8-3(a) addresses vibration related impacts to both historic and non-historic buildings, including the development of a Noise and Vibration Reduction Plan to identify construction techniques that avoid exceeding the vibration threshold for historic buildings, as well as repairs consistent with the Secretary of Interior Standards Treatment of Preservation.

**Impact Significance After Mitigation:** Mitigation Measures 4.4-1(a) and 4.4-1(b) would reduce potential impacts to a *less-than-significant* level by ensuring that damage to the Hotel Marshall from demolition is minimized, and that any damage that does occur is identified and rectified promptly and in a manner that does not alter the historic character of the building. Mitigation Measure 4.8-3(a) addresses vibration related impacts to both historic and non-historic buildings, including the development of a Noise and Vibration Reduction Plan to identify construction techniques that avoid exceeding the vibration threshold for historic buildings. The plan will include pre-construction documentation, vibration monitoring during construction, and post-construction reporting and repair requirements.

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**Impact 4.4-2: Construction of the Proposed Project could damage or destroy archaeological resources.**

### ***Downtown Project Site***

The City identifies the downtown grid, with its close proximity to the confluence of the Sacramento and American Rivers, as an area of high sensitivity for both prehistoric and historic-era archaeological resources.<sup>33</sup> A large prehistoric site has been identified on what was formerly the historic shoreline of Lake Sutter, near the Downtown project site. Consultation with the UAIC and SSBMI have noted considerably Native American interest in potential prehistoric archaeological resources, especially in light of the presence of known prehistoric sites within the vicinity of the project. As discussed in the City of Sacramento Master Plan EIR, the downtown grid between I and L Streets, from Front Street to 12<sup>th</sup> Street, is elevated between four to fifteen feet. Historic-era archaeological resources are abundant downtown due to the raising of the surface street level.

Despite the general archaeological sensitivity of the Downtown project site, the previous excavation and construction of the underground parking lots and the existing buildings has effectively removed much of the historic-era ground surface and related traces of prehistoric or historic-era occupation and use in the project area. Geological coring sampling conducted by Geocon Consultants, Inc, encountered fill in one of the boring locations performed below the lower parking level, observing brick fragments, porcelain, and wood debris in the soil, with the fill extending about 5 feet below grade. The remainder of the borings encountered native alluvial soil immediately below the pavement/concrete surfaces. Geocon completed eleven total

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<sup>33</sup> City of Sacramento, 2009. *City of Sacramento 2030 General Plan Master Environmental Impact Report*. Certified March 3, 2009. p. 6.4-3.

geological testing cores, with two of those under pavement encountering fill and one isolated core encountering fill below the parking garage. The remained encountered native soil.<sup>34</sup>

Current plans indicate excavation depths of approximately 5 to 7 feet below the existing garage level, potentially extending an additional five feet for the wastewater vault. It is possible that portions of the existing project footprint include areas of previous undisturbed soil. In addition, the installation of utilities (e.g., electrical infrastructure by SMUD) could require excavation in areas with undisturbed soils.

Based on a review of current site plans, core sampling completed to date, and known disturbance, for much of the project area, there appears to be a low potential to uncover either prehistoric and historic-era archaeological resources during project implementation. Geological coring has indicated the potential for archaeological resources beneath the former site of the Weinstock's & Lubin Department Store. It is currently unknown if these deposits are intact, or were disturbed by subsequent construction. While unlikely because of the disturbance that has occurred to date, it is possible that there are archaeological resources present below the existing buildings in the Downtown project site. If such resources are present, the potential damage and/or loss of those resources would be a **significant impact**.

### ***Offsite Digital Billboards***

The survey conducted for the project by a qualified archaeological did not identify any significant archaeological resources and there appears to be a low potential for unidentified archaeological resources to be located during construction. While unlikely, there is always the possibility of inadvertent discovery of archaeological resources during ground disturbing activities (e.g., drilling five feet for base construction), which would be a **significant impact**.

### Mitigation Measures

#### 4.4-2(a) (ESC/PUD/DB)

*The project applicant shall retain a qualified archaeologist (i.e., defined as an archaeologist meeting the Secretary of the Interior's Standards for professional archaeology) to carry out all actions related to archaeological and historical resources. Prior to the start of any ground disturbing activities, the qualified archaeologist shall conduct a Cultural Resources Sensitivity Training for all construction personnel working on the project. The training shall include an overview of potential cultural resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified archaeologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of archaeological resources.*

<sup>34</sup> Geocon Consultants Inc, 2013. *Geotechnical Investigation of the Sacramento Entertainment and Sports Center, Sacramento, California. Prepared for Sacramento Basketball Holdings, LLC.* November 2013. p. 3.

#### 4.4-2(b) (ESC/PUD/DB)

*If items of historic or archaeological interest are discovered, the construction contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, baked clay fragments, or faunal food remains (bone and shell); stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and/or battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include the remains of stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. After cessation of excavation the contractor shall immediately contact the City. The contractor shall not resume work until authorization is received from the City.*

*Any inadvertent discovery of cultural resources during construction shall be evaluated by a qualified archaeologist. If deemed appropriate by the qualified archaeologist, an Archaeological Testing and Recovery Plan shall be prepared and implemented for the area subject to excavation. The qualified archaeologist shall determine whether monitoring is appropriate when construction activities resume.*

*If it is determined that the project could damage a historical resource or a unique archaeological resource (as defined pursuant to the State CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with State CEQA Guidelines section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If avoidance is not feasible, the archaeologist shall develop a treatment plan in consultation with the City and appropriate Native American representatives (if the find is of Native American origin).*

#### 4.4-2(c) (ESC/PUD/DB)

*If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.*

**Impact Significance After Mitigation:** Mitigation Measures 4.4-2(a) through 4.4-2(c) would avoid and/or lessen the above impact by ensuring that any existing archaeological resources are appropriately identified, documented, evaluated, and treated promptly, so they are not inadvertently damaged or destroyed. However, if a substantial archaeological resource is discovered, evaluation and recovery may not fully offset its removal from the project site. Additionally, while these mitigation measures would address impacts resulting from ground disturbance and construction relating to utility construction, the City cannot compel other services providers (such as SMUD or PG&E) to implement such measures. Because it is not known at this

time what, if any, archaeological resources are present, the impact would remain **significant and unavoidable** even with mitigation.

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**Impact 4.4-3: Construction of the Proposed Project could damage and/or destroy paleontological resources.**

***Downtown Project Site***

The City of Sacramento and surrounding area are not highly sensitive for paleontological resources although some discoveries have been made in the past. As with archaeological resources, the excavation and construction of the underground parking lots and the existing buildings has largely removed the historic-era ground surface and any potential traces of paleontological resources in the Downtown project site. Based on a review of current site plans and known disturbance, there appears to be a very low potential to uncover paleontological resources during project implementation. Nonetheless, if such resources are present, they could be damaged or destroyed during project excavation, pile driving, utilities installation by SMUD, PG&E and/or the City and related construction activities. This is considered a **significant impact**.

***Offsite Digital Billboards***

As described above, the Sacramento metropolitan and surrounding areas are not considered highly sensitive for paleontological resources. However unlikely, ground disturbing activities in previously undisturbed areas damage or destroy paleontological site, which would be considered a **significant impact**.

Mitigation Measures

4.4-3(a) (ESC/PUD/DB)

*The project applicant shall retain a qualified paleontologist to carry out all actions related to paleontological resources. Prior to the start of any ground disturbing activities, the qualified paleontologist shall conduct a Paleontological Resources Sensitivity Training for all construction personnel working on the project. The training shall include an overview of potential paleontological resources that could be encountered during ground disturbing activities to facilitate worker recognition, avoidance, and subsequent immediate notification to the qualified paleontologist for further evaluation and action, as appropriate; and penalties for unauthorized artifact collecting or intentional disturbance of paleontological resources.*

4.4-3(b) (ESC/PUD/DB)

*If discovery is made of items of paleontological interest, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. After cessation of excavation the contractor shall immediately contact the City. The contractor shall not resume work until authorization is received from the City. Any inadvertent discovery of paleontological resources during construction shall be evaluated by a qualified paleontologist. If it is determined that the project could damage a unique*

*paleontological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the City.*

**Impact Significance After Mitigation:** Mitigation Measure 4.4-3(a) and (b) would ensure that paleontological resources would be identified before they had been damaged or destroyed, and then properly evaluated and treated. The impact would therefore be *less than significant* with mitigation.

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## Cumulative Impacts

The cumulative setting for cultural resources includes Sacramento County for historic period resources, and the portions of Central Valley identified as the territory of the local Native American community for prehistoric archaeological resources. Historic resources tend to be concentrated within city limits, however, even within city limits, the majority of these resources have not been surveyed for significance under local, state, or federal criteria.

Within the city, excavations have uncovered evidence of prehistoric Native American culture dating to 7,750 before present, and future development within city limits increases the likelihood that archaeological sites be uncovered.

### **Impact 4.4-4: The Proposed Project would contribute to cumulative losses of historical resources.**

Historic development of the City of Sacramento dates back to the mid-nineteenth century, and the downtown core reflects the ongoing development of the City, including the redevelopment of the 1950s and 1960s, construction of the K Street Pedestrian Mall, and subsequent development including the Downtown Plaza. No Proposed Project activities or components would physically alter known historical resources such that the significance of these historical resources would be materially impaired by negatively affecting the buildings' historic integrity of location, design, workmanship, materials, feelings, and association.

Demolition activities adjacent to the Hotel Marshall do have the potential to damage that historic building, as discussed in Impact 4.4-1. In addition, vibration from construction activities does have the potential to physically damage historical resources immediately adjacent to the downtown project site (including the Hotel Marshall and the Raised Streets and Hollow Sidewalks District [P-34-002358]). If historic resources were damaged or destroyed during construction of the Proposed Project, then the project contribution to cumulative loss of historic resources would be considered *significant*.

### Mitigation Measure

4.4-4 (ESC/PUD/DB)

*Implement Mitigation Measure 4.4-1.*

**Impact Significance After Mitigation:** Mitigation Measure 4.4-1(a) and (b) would ensure that the Hotel Marshall and other historic properties adjacent to the Downtown project site are protected from damage during project construction. With mitigation, the project contribution to the cumulative loss of historic resources would not be considerable and is *less than significant*.

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**Impact 4.4-5: The Proposed Project would contribute to cumulative losses of archaeological resources.**

Excavations in the city have uncovered evidence of Native American culture dating back to 3,000 B.C.E, as well as historic archaeological sites dating to the mid-nineteenth century and settlement by Europeans. Potential future development increases the likelihood that prehistoric and historic archaeological sites will be uncovered, and it is therefore possible that cumulative development could result in the demolition or destruction of unique archaeological resources, which could contribute to the erosion of the prehistoric record of the city. Archaeological resources are finite, and the loss this material record cannot be completely mitigated.

Due to the extensive development of the Downtown project site, it is not currently possible to thoroughly address the potential for subsurface resources. While there had been considerable previous ground disturbance and several feet of historic fill covers much of the ground surface, it is still possible that historic and prehistoric period resources are present under the surface of the project site. Further, there could be undiscovered resources at the digital billboard sites. Any loss of these resources would contribute to a cumulatively *significant impact* to archaeological resources within the region.

Mitigation Measures

4.4-5 (ESC/PUD/DB)

*Implement Mitigation Measure 4.4-2.*

**Impact Significance After Mitigation:** Mitigation Measure 4.4-2 would ensure that existing archaeological resources are identified, evaluated and treated promptly before they can be damaged or destroyed during construction. However, as noted above, archaeological resources are finite. As such, the loss of this material record cannot be completely mitigated. Therefore, the project's potential contribution to this impact would be *significant and unavoidable*.

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**Impact 4.4-6: The Proposed Project would contribute to cumulative losses of paleontological resources.**

The City of Sacramento and surrounding areas are not considered highly sensitive for the presence of paleontological resources. Nonetheless, there could be undiscovered paleontological resources located in the region. Development that requires extensive excavation and pile driving,

such as the construction of office and residential towers in the urban core, and the conversion of undeveloped land to urban uses could damage or destroy such resources. This is considered a significant cumulative impact. The Proposed Project could contribute to this impact if paleontological resources are located beneath the Downtown project site or within the digital billboard sites.

Mitigation Measure

4.4-6 (ESC/PUD/DB)

*Implement Mitigation Measure 4.4-3.*

**Impact Significance After Mitigation:** Mitigation Measure 4.4-3 would lessen the project contribution toward the loss of paleontological resources by requiring that work stop if such resources are discovered until the resource can be evaluated and properly treated. The project contribution to the cumulative loss of paleontological resources would therefore *be less than significant* with mitigation.

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