

Section 8

Disturbance of Archaeological / Historical Sites

This section describes how development associated with the *City of Modesto Urban Area General Plan* (UAGP) would affect cultural resources, including prehistoric and historic archaeological sites, historic architectural resources, and places of importance to California Native American tribes.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the California Environmental Quality Act (CEQA) Guidelines. This environmental setting is the baseline for determining whether an impact of approving and implementing the UAGP is significant.

1. Study Area for Direct Impacts

The study area for direct impacts on cultural resources is the City of Modesto planning area.

2. Study Area for Cumulative Impacts

This analysis will be based on the plan or projection approach to examining cumulative effects, as provided under Section 15130(b)(1)(B) of the State CEQA Guidelines. Pertinent plans and projections to be used for this purpose are the UAGP and the *Tuolumne River Regional Park Master Plan* (TRRP Master Plan). The study area for cumulative impacts on cultural resources includes the UAGP planning area.

3. Existing Physical Conditions in the Study Area

a. Prehistoric Background

Although there is little archaeological evidence of human use of the of the Central Valley region during the late Pleistocene and early Holocene (14,000 to 8,000 before present [BP]), this is likely a product of the archaeological record itself, rather than the area's lack of use. Most Pleistocene and Holocene era sites are buried deeply in accumulated gravels and silts, or have eroded away. The earliest archaeological evidence of human use dates from approximately 5,000 BP. The period from 8,000 to 4,000 BP is referred to as the Early Horizon, and, during this period, a more specialized strategy is thought to have replaced a generalized subsistence strategy. This intensification can be seen in what Fredrickson (1973) has identified as the Windmiller Pattern. Artifact assemblages and faunal remains at Windmiller sites indicate that a diverse range of resources was exploited, including seeds, a variety of small game, and fish.

The Middle Horizon dates from approximately 4,000 to 1,500 BP. Sites from this period have also been found in the Central Valley. The adaptive pattern that is found most frequently during this period is called the Berkeley Pattern (Fredrickson 1973), though sites displaying the Windmill Pattern assemblages have also been dated to the Middle Horizon. The Berkeley Pattern differs from the Windmill Pattern primarily in the increased emphasis on the exploitation of the acorn as a staple, which is shown by the more numerous and varied mortars and pestles. This complex is also noted for its especially well-developed bone industry and such technological innovations as ribbon flaking of chipped stone artifacts. During this period, flexed burials replace extended burials, and the use of grave goods generally declines (Moratto 2004).

The period between 1,500 BP and the arrival of the Spanish in central California has been named the Late Horizon. The predominant pattern during this period is called the Augustine Pattern (Fredrickson 1973). This period is characterized by large village sites, increasing evidence of acorn and nut processing, introduction and use of the bow and arrow, and use of clamshell disc beads as the primary medium of exchange. During the last part of the Late Horizon, cremation became a common mortuary practice.

b. Ethnographic Background

The aboriginal inhabitants of the Modesto area were the Northern Valley Yokuts. The following brief discussion is summarized from W. J. Wallace (1978) except where noted.

Northern Valley Yokuts territory is defined roughly by the crest of the Diablo Range on the west and the Sierra Nevada foothills on the east. The southern boundary is approximately where the San Joaquin River bends northward, and the northern boundary is roughly halfway between the Calaveras and Mokelumne Rivers. The Yokuts may have been fairly recent arrivals in the San Joaquin Valley, perhaps being pushed out of the foothills about 500 years ago by peoples expanding out of the Great Basin from the east.

Population estimates for the Northern Valley Yokuts vary from 11,000 to more than 31,000 individuals. Populations were concentrated along waterways and on the more hospitable east side of the San Joaquin River. Principal settlements were located on the tops of low mounds, on or near the banks of the larger watercourses. Settlements were composed of single-family dwellings, sweathouses, and ceremonial assembly chambers. Dwellings were small and lightly constructed, semisubterranean, and oval. The public structures were large and earth-covered. Sedentism was fostered by the abundance of riverine resources in the area.

Subsistence among the Northern Valley Yokuts revolved around the waterways and marshes of the lower San Joaquin Valley. Fishing with dragnets, harpoons, and hook and line yielded salmon, white sturgeon, river perch, and other species of edible fish. Waterfowl and small game attracted to the water also provided a source of protein. The contribution of big game to the diet was probably minimal. Vegetal staples included acorns, tule roots, and seeds. Goods not available locally were obtained through trade, with overland transport facilitated by a network of trails and tule rafts used for water transport. Paiute and Shoshone groups on the eastern side of the Sierra Nevada were suppliers of obsidian. Shell beads and mussels were obtained from Salinan and Ohlone groups. Trading relations with Miwok groups yielded baskets and bows and arrows.

Most Northern Valley Yokuts groups had their first contact with Europeans in the early 1800s, when the Spanish began exploring the Delta, and the erosion of Yokuts culture began during the Spanish mission period. Escaped mission neophytes brought foreign habits and tastes (both European and other Native American), and there were Spanish expeditions sent to recover escapees. Epidemics of European diseases played a large role in the decimation of the native population. Then, with the secularization of the missions and the release of neophytes, tribal and territorial adjustments were set in motion. People returned to other groups, and a number of polyglot “tribes” were formed. The final blow to the aboriginal population came with the Gold Rush and its aftermath. In the rush to the southern mines, native populations were pushed out of their territories. Former miners settling in the fertile valley applied further pressure to the native groups, and altered the landforms and waterways of the valley. Many Yokuts resorted to wage labor on farms and ranches. Others were settled on land set aside for them on the Fresno and Tule River Reserves.

c. Historical Background

During the late 1700s, the Spanish limited their settlement of “Alta California” to a thin strip of coastal lands represented by the chain of missions constructed during this period. Explorers of the time limited their incursions into the Central Valley to the pursuit of escaped neophytes, the punishment of raiders, and to locate lost or stolen cattle. By the 1800s, noted Spanish explorers, such as Lt. Gabriel Moraga, increased their expeditions into the valley.

Following Mexico’s independence from Spain in 1821, the colonization of California progressed rapidly, with Mexican governors dividing Indian lands into rancho lands. With the exception of a few grants in the Sacramento Valley, these ranchos were located in the same general areas as the missions. Stanislaus County had only five ranchos, so the area remained largely unsettled before the Gold Rush began in 1849.

Once gold was found in the Sierra Nevada, the number of people relocating to California increased dramatically. However, early settlement patterns in Stanislaus County reflected prospectors’ desire to forsake valley lands and towns for the more financially lucrative foothills. There were few communities in this early period, and they were primarily considered mining camps. Larger and more permanent settlements sprang up later along the Stanislaus River, including the towns of New Hope, Adamsville, and Paradise. These types of towns increased as disenchanting gold seekers, many with farming backgrounds, realized the agricultural potential of Stanislaus valley lands.

(1) Establishment of Modesto—1870

In the late 1860s Collis Huntington, Leland Stanford, Mark Hopkins, and Charles Crocker announced plans to construct a railroad down the San Joaquin Valley in order to connect the northern and southern portions of the state. However, instead of connecting San Francisco with Los Angeles directly, the “Big Four” decided to build its Central Pacific Railroad in the valley, reasoning that usable land within coastal counties was already privately owned; and, since the San Joaquin Valley was largely government-owned, it was ideal because land grants secured by the railroad in

exchange for completion of the route could be located directly along the right-of-way. The sales of these lands helped finance the railroad's overall construction costs.

In September 1869, John James Atherton had purchased 160 acres of land near the center of Stanislaus County from Robert Kirkland and David Monroe. Atherton purchased this land to use as the site for the new railroad town of Modesto. Subsequently, Contract and Finance Company, which was responsible for actually constructing the railroad, purchased the property from Atherton. Construction of the Central Pacific Railroad, which merged with the Southern Pacific Railroad, reached Modesto in 1870. The town was plotted like many San Joaquin Valley cities in a grid pattern with streets parallel and perpendicular to the railroad alignment. The railroad constructed its depot at the center of town on a site along J Street between Eighth and Ninth streets, flanked by grain warehouses.

The town of Modesto did not officially incorporate until 1884. During its formative years, the town attracted residents from nearby communities, including Empire City, Paradise, and Tuolumne City, all of which lacked a coveted rail connection.

Modesto was a commercial and transportation center during California's wheat boom, from the early 1860s to the economic downturn in the 1890s. The San Joaquin Valley's climate of hot dry summers and wet winters made it possible for only dry (non-irrigated) farming, which largely consisted of wheat during this period. Wheat was a rich business that demanded high finances and a strong labor pool throughout the season, both of which could be found in Modesto. Given its proximity to the railroad and its many new residents, the success of Modesto as a wheat center was assured until agricultural changes were brought about by shift in wheat markets with competition in the mid-west and the introduction and expansion of irrigation.

By the late 1880s, the Southern Pacific Railroad had a virtual monopoly on shipping in the San Joaquin Valley, much to the dismay of many San Joaquin farmers. The San Francisco Traffic Association was formed in 1891 to break the SPRR's monopoly and lower shipping rates in the region by developing a second railroad through the Central Valley. The association established the San Francisco & San Joaquin Valley Railroad in 1893. The Stockton to Bakersfield line, built between 1895 and 1897, offered a lower cost alternative to Southern Pacific. Having achieved their goal, the San Francisco Traffic Association sold the railroad line to the Atchison, Topeka & Santa Fe Railroad in 1898. The Southern Pacific route passed directly through Modesto while the Atchison, Topeka & Santa Fe route was located approximately five miles east of downtown Modesto, passing through Empire. Railroad transportation opportunities were further increased in 1909 when the Modesto Interurban Railway was constructed. This five-mile passenger electric railroad connected Modesto with Empire and thus the two major railroads. In addition to providing improved transportation between the two towns, the railroad was intended to increase competition between the two major railroads and ultimately lower prices. By 1911, the railroad was operated by the Modesto and Empire Traction Company and, as the industrial area grew east of Modesto in the 1910s, it shifted from primarily passenger to primarily freight traffic; the last passenger train ran in 1917. Originally the railroad linked with the Southern Pacific line near Ninth and H streets, but this was realigned to create a connection just east of the intersection of C and Seventh streets.

Later as motor vehicles began to be widely used, Modesto was served by the Golden State Highway (also known as Highway 99 and later State Route 99). This highway was a main corridor connecting southern and northern California through the Central Valley when it opened in 1915. Often referred to as the “main street” highway, it initially followed existing thoroughfares through urban centers. Modesto’s location near the center of San Joaquin Valley and its status as Stanislaus County seat lent it preference as a hub along Golden State Highway. The highway entered Modesto from the north on Ninth Street, crossing over the railroad tracks at I and G streets, and leaving the southern end of the city on Seventh Street.

(2) Modern Modesto Following the Establishment of Irrigation—1903

As the wheat bonanza came to a close in Stanislaus County during the early 1890s, the residents realized that a dependable system of irrigation was necessary to ensure a more stable farm economy. Although irrigation was in use on a limited basis during the last half of the nineteenth century, it was not until the early twentieth century that the system, as imagined by the residents of Modesto area, was completed. The state legislature passed the Wright Act in 1887 allowing for formation of irrigation districts and taxes to be levied to fund construction of irrigation systems. The first two of these districts to form were in and around Modesto. The Turlock Irrigation District (TID) was formed on the south side of the Tuolumne River, encompassing Ceres and Turlock, and the Modesto Irrigation District (MID) was formed on the north of the Tuolumne River and included Empire, Modesto, and Salida. To provide a more stable source of water for the planned irrigation systems and desiring to extend the irrigation season, TID and MID entered into an agreement in 1890 to purchase water rights and property to construct a dam on the Tuolumne River. Together, the two irrigation districts constructed LaGrange Dam between 1891 and 1893 after agreeing to split the cost of the project and future water claims. Despite the dam construction, development of irrigation canals stalled. Opposition from local farmers led to right-of-way litigation, while the depression of 1893 and a constitutional challenge to the Wright Act delayed the availability of capital investment for construction of the irrigation systems. County farmers did not experience the benefits of the MID and TID efforts until the districts’ canals systems were in place in the early twentieth century. In June 1903 irrigation water that had been promised more than 16 years earlier finally arrived. Following years of court battles, many farmers along the main canal accessed irrigation water for the first time.

The Modesto area changed rapidly after the implementation of the new irrigation system. The local population increased, land prices rose, and the larger ranches were subdivided. Almost immediately alfalfa became the dominant crop, as its demand increased to supply a new interest in dairying. Another significant change to the area was the cultivation of orchard crops such as peaches, apricots, almonds, and oranges. As the cultivation of alfalfa, orchard, and other crops increased, the processing segment of the agriculture industry, including canning, construction, and financing, also grew.

By 1910, Modesto’s population was estimated at 4,500. The City continued to grow, and between 1921 and 1923 MID and TID constructed Don Pedro Dam to provide a new source of electrical energy for the region, as well as to expand water storage capacities for irrigation and to provide municipal water. Former wheat farms were subdivided and planted with grape vineyards, nut orchards, and alfalfa, among a variety

of other crops. Dairy farming also rose in popularity and Stanislaus County became one of the largest dairy producers in the state. The growth in agriculture helped stimulate the development of commercial, residential, and civic growth in the early 20th century.

Growth in Modesto continued through the 1920s, reaching a population of nearly 14,000 by 1930. During this period, downtown remained the prominent center of commercial and social activity. As the population grew, new schools were constructed, social organizations founded, and a wide variety of commercial businesses opened to support the city's increasing needs. The city's development during this period occurred following a new city charter that was adopted in 1910, and in 1911 a new mayor, five city councilmen, and a school board were elected, ushering in a new era of government organization. As the city continued to grow in the early twentieth century, many of its citizens focused on improving the quality of life through expanded social and civic endeavors, including lending support for construction of civic monuments like Modesto Arch built in 1912 and the Seventh Street Bridge over the Tuolumne River on the south end of the city in 1917. Designed by John Buck Leonard and his partner William Peyton Day, this structure, also known as the Lion Bridge for its prominent recumbent lions situated atop the railings above the bridge abutments, was a high visible primary entrance into Modesto from the south and its Classical design made it one of the best examples of the City Beautiful-inspired civic enhancement in the San Joaquin Valley.

Despite Modesto's strong economy, businesses suffered decreased commercial activity during the Great Depression of the early 1930s, and unemployment was high. With the coinciding Dust Bowl in the Great Plains states, thousands of people migrated to the Central Valley in search of work. Without adequate work, these recent immigrants felt the brunt of the Great Depression. They relied in part on community assistance and lived in homeless camps, or "Hoovervilles;" Modesto's homeless camp was located along the Tuolumne River under the Seventh Street Bridge. The city's economy slowly began to rebound following the end of Prohibition in 1933, in part through the growth of the revived alcohol industry. One of Modesto's largest companies, the E&J Gallo winery, opened immediately after Prohibition ended. Most of the development that occurred through the 1930s remained largely within the original town plan, although some areas north and west of the city were subdivided into residential tracts. During this period the Golden State Highway's route was shifted to Ninth Street, which emerged as the new auto row as cars became increasingly common on the city's streets.

(3) Modesto During and After World War II

Like many cities throughout California, Modesto experienced rapid growth in the 1940s, 1950s, and 1960s following World War II. Nearby military installations, including Hammond Army General Hospital located at Blue Gum Avenue and Carpenter Road, brought many new people to Modesto during the war. The city's humble population of about 16,000 residents in 1940 climbed to more than 36,500 by 1960. This population expansion led to a geographical dispersal, as people began to leave the downtown core of Modesto, and a need for more housing. New residential subdivision sprung up in the city's suburban areas, primarily to the north and east of Modesto's original town site. These suburban postwar tracts typically had 200 or fewer houses.

Commercial businesses followed their customers into the city's suburbs as formerly residential roadways were turned into major commercial corridors. Whereas prior to the war, downtown boasted hundreds of businesses, in the years after the war, former county roads were quickly becoming the city's most popular locations for commerce. Several city and county government facilities were replaced with modern buildings in the late 1950s and early 1960s, including the Modesto City Hall, Modesto Police and Communications facility, Stanislaus County Courthouse, and Stanislaus County Jail. In the arena of industry, Shell Oil Company opened an agricultural research laboratory, intended to investigate and improve the crop production through the use of chemical products like pesticides. Such developments indicated the continued close ties between Modesto's industrial and commercial sectors and the success of agriculture in the surrounding area. Among one of the most prominent infrastructure developments during this time was construction of State Route 99 as a freeway, which was constructed on the west side of the city in 1965. California began the process of improving SR 99 to a four lane expressway prior to World War II, but increased funding and focus on the freeway system following the war provided impetus to the project. Work through the city of Modesto began in 1955 south of the city and slowly worked northwards. The new freeway moved several blocks west bypassing the former main street route and contributing to the decline of downtown as a shopping center. Final improvements to the project were made in 1976 with the construction of the Beckwith interchange at the northern end of Modesto.

Modesto continued to expand through the rest of the twentieth century, increasing its population from more than 61,700 in 1970 to more than 188,800 by 2000. Geographically, most of this expansion occurred in the areas north, northeast, and southeast of downtown region as the city limits expanded to the bordering cities of Salida and Ceres. The areas south and west saw limited residential and commercial development during this period. However, starting in the 1960s, the area east of Modesto, along the north side of the Tuolumne River, grew into one of the area's principal industrial regions, known as the Beard Industrial District. Served by the Modesto & Empire Traction Company railroad, which connected to the Southern Pacific Railroad and Atchison, Topeka and Santa Fe following its construction in 1909, this area included manufacturing factories, distribution centers, and heavy commercial businesses. The mid-twentieth century economic flight away from downtown had become so acute by the late 1970s, that the city took pains to revitalize the area. Mimicking redevelopment projects of other cities, Modesto expanded its government offices and services and initiating a community center project in its downtown core.

Modesto still seeks to balance its development between an active commercial and civic life downtown, expanding residential and commercial areas around the periphery, and drawing economic opportunities to the area.

(4) Wood Colony

Wood Colony is an agricultural area immediately west of Modesto located in the unincorporated portion of Stanislaus County. Similar to other swaths of the San Joaquin Valley during the 1860s, Wood Colony was settled as a large scale wheat farming area in 1869. This area's agriculture and development shifted with the availability of

irrigation from the Modesto Irrigation District, soil depletion from extensive wheat farming, and an increasingly competitive wheat market, all of which led to the subdivision of the large wheat farms and introduction of diversified agriculture. In 1904, local businessmen Oramil McHenry and Albert B. Shoemake subdivided the former Eben Wood wheat farm and marketed it as Wood Colony. As settlers came to the area the larger area from Murphy Road to Maze Boulevard and as far west as Hammett Road was commonly referred to as Wood Colony.

Settlers came from across the country during the 1900s and 1910s to take up residence in Wood Colony, the largest homogeneous group was members of the Old German Brethren. The Old German Brethren are a conservative religious denomination. They are Anabaptists originating in Germany in the early 1700s who immigrated to America shortly after to avoid persecution. In America they sought affordable farmland and a location that would allow them the space to develop their religious community that worked to maintain older customs that eschewed modern technological developments and included specific forms of plain dress and styles of worship. By the 1870s they had established congregations in multiple locations across the country including California. Advertisements for Wood Colony attracted church members from Wittier, and later extended family members from other locations.

Dairies and alfalfa cultivation formed the majority of crops in the early decades of the century. Irrigation allowed for the addition of orchards and vineyards. Peaches, apricots, grapes, and melons became popular crops. Nut cultivation including walnuts and almonds were introduced. By 1916 the district was exhibiting squash, pumpkin, corn, Burbank cactus, tobacco, nuts, figs, pears, apples, pomegranates, plums, beans, tomatoes, cucumbers, and melons at the Stanislaus County Fair.

In 1910 the census of the area included numerous dairy farms, but by 1920 the number of dairies markedly declined. This corresponds with the introduction of increasing dairy regulation aimed at developing safer products. Jacob Cover's early experience with tree nuts was among the first orchards in the area and he was joined by Howard H. Huls who began stone fruit farming in the area. By 1920 the Wood Colony Precinct, not entirely synonymous with the community, had 66 families living in it. Based on census records, many new families had moved to the area – somewhat diluting the influence of the Old German Brethren.

Initially the Old German Brethren differed little from their neighbors of other religious denominations. The steady introduction of new technologies, telephones, automobiles and electricity resulted in internal differences among the Brethren as they sought to align these innovations with their religious lives. The congregations divided three times over doctrinal and technological issues. Despite the divisions the community focus of the Brethren provided an important unifier in the area.

Following World War II Modesto experienced rapid population growth and expanded to the north and east. Rural residential units not associated with agriculture began to be constructed in Wood Colony assisted in part by improvements to Highway 99. Improvements to almond production techniques led farmers in Wood Colony to plant new orchards, and orchards replaced earlier field crops rapidly through the 1950s and 1960s. Today the area is dominated by orchard crops and rural residential homes are scattered among the farmsteads.

d. Physical Conditions

Cultural resources is a general term that includes many types of physical remains of past human activities as well as other types of resources important to California Native American tribes and other ethnic groups. Cultural resources include prehistoric and historic archaeological remains; historic architectural remains such as buildings and structures, as well as other features of the built environment; and places of importance to California Native American tribes. Cultural resources that are known to exist in the Modesto planning area include historic and prehistoric archaeological resources, and historic architectural resources. Such resources as are known to exist or may be discovered offer insight into the lives of the original inhabitants of the area and provide an understanding of the City's development. These resources of the past have a place in the future of the City of Modesto.

4. Prehistoric Archaeological Resources

Archaeological resources include material remains indicating the presence of California Native American tribes: artifacts that were made, used, or altered by people, such as lithic (stone) material, groundstone, and discarded artifacts; and human remains. These items are often found in midden deposits, a rich, organic, dark brown soil that contains charcoal, ash, and food waste (shell, bone, and seeds), but they may also be found individually, isolated from other archaeological remains. Midden deposits are evidence of human activity and generally reflect use of an area over a long period of time. Intermittent use of an area by California Native Americans can also be seen in lithic scatters and food processing sites such as bedrock mortar sites or areas with mortars and pestles. Burial grounds or cemeteries are also often associated with habitation. Frequently, burials include associated artifacts, which provide significant clues about people, such as their social status, wealth, level of technology, and religious beliefs.

The archaeological resource study areas, as depicted on the 1995 Master EIR diagrams, indicate areas of the Modesto planning area where there is the highest potential for impacts on cultural resources. The study area boundaries should be considered preliminary and subject to refinement as site-specific information becomes available. A number of archaeological resources have been identified within the Modesto planning area and environs. Specifically, four sites have been recorded at the Central California Information Center (CCIC), in Turlock, California. These areas include habitation sites, burials, and artifact concentrations that are located near the Stanislaus and Tuolumne Rivers, Dry Creek, and terraces above waterways. However, information on prehistoric cultural resources in the Modesto planning area is limited, and is often obtained as a result of development or other proposed activities where archaeological research is required. Agricultural use, grazing, and urban expansion often obscure evidence of archaeological resources.

Previous archaeological studies in the urban area have been limited but include surface surveys by professional archaeological consultants and a survey conducted by an avocational archaeologist during the 1940s. According to a records search by the CCIC in 1994, surveys have been conducted along Dry Creek. Surveys conducted between the Stanislaus River and Dry Creek have been sporadic and limited to project-specific areas, and only a few surveys have been conducted along the Tuolumne River. Since the 1994 records search, additional cultural resource studies have been conducted in the area, mostly for project-specific sites, and are listed with the CCIC. These studies show that areas of high sensitivity for prehistoric cultural resources include land along the various natural waterways.

5. Historic Archaeological Resources

Historic archaeological resources include remains of human activities from non-Native Americans; these include trash deposits and scatters, building foundations, mining operations, farms and ranches, and roads and trails. Remnants of razed buildings lie beneath the surface and include related deposits such as trash pits. These sub-surface features are some of the only evidence of past activities, enterprises, and peoples. For example, before the institution of garbage collection, refuse was buried in residential backyards or dumped in privy pits or abandoned wells. These trash deposits are often rich in artifacts and can reveal information about early residents, providing significant social and cultural data. An example is the area designated as Chinatown on the Sanborn Maps (1885 through 1911). Although Chinatown is gone, potentially significant cultural resources relating to Chinese-Americans may still exist below present-day shops and businesses. Also, a sensitive area for historic archaeological resources is the original one-square-mile town area that dates to the 1870 founding of Modesto. And pre-urban development along the rivers and valley left sensitive areas for cultural resources relating to ranching, agriculture, mining (gold rush activities, ferry crossings), and the Mexican period.

6. Historic Architectural Resources

Historic architectural resources generally include structures (residential, commercial, civic, farm, and ranching) relating to historic occupation of an area. In the Modesto planning area, known or identified historic architectural resources are primarily found within the urban area, and many have been placed on various preservation lists. Four buildings and a historic bridge are listed on the National Register of Historic Places (NRHP). Properties are also listed on the California Points of Historical Interest (1992) and the California Inventory of Historic Resources (1978). As of 2014, the City of Modesto's Landmark Preservation List includes 58 entries – buildings, structures, objects, and natural features of local importance. The Modesto Art Museum initiated a Modesto Heritage project as a part of its “Building a Better Modesto” Program. The museum has assembled a database and photographic collection of notable buildings in Modesto and prepared brochures and walking tours of Modesto's Modernist (post World War II) architecture. The museum's list of notable architecture does not have official standing, but may provide a guide for future local, state, or national designation. Additional buildings may have been determined eligible for the NRHP and CRHR by outside agencies, but not publicly reported.

General periods of social and economic development help reveal the growth patterns of the present Modesto planning area. The physical growth periods and associated historic resources include:

- town development—1870 to 1900 (McHenry Mansion, Crow House, Davis House / Hatten Home, Bienenu Law Office, Chinatown area);
- urban expansion—1900 to 1930 (historic residential area around Needham Street and Coleman, Pacific Telephone Building, McHenry Memorial Library, Graceada and Enslin Park); and
- the Great Depression—1930 to 1940 (U.S. Post Office, the Grange Company, Pump Station No. 9).
- World War II and Post-war development – 1940s -1960s (Modesto City Hall, Stanislaus County Hall of Records, Wachovia Bank, Walton House)

These resources reflect the private, civic, and commercial history and character of the City.

7. California Native American Resources

Places of importance to California Native American tribes or other ethnic groups include sacred places, burial grounds, areas where certain natural resources are collected or used, and areas where traditional cultural practices have long been conducted or observed. Pursuant to the requirements of SB 18 (Chapter 905, Statutes of 2004), City staff requested a list of Tribes from the Native American Heritage Commission for the purpose of sending written correspondence offering consultation with regard to the General Plan amendment project. The Northern Valley Yokuts, Southern Sierra Miwuk Nation and Tule River Tribes were contacted; none responded to request consultation.

8. Historic Property Descriptions

A number of historic properties within the City of Modesto have been listed on the NRHP, the California Register of Historical Resources, the California State Points of Historical Interest, and the City of Modesto Landmark Preservation Sites list. Some city landmarks are eligible for the California Register of Historical Resources (CRHR), but no formal steps have been taken to nominate them. The following provides a summary of the documented historical resources.

a. National Register of Historic Places

Eight properties have been listed in or have been determined eligible for the NRHP. They include the McHenry Mansion, the U.S. Post Office—El Viejo Station, the Crow House, Dry Creek Bridge No. 38-54, the Southern Pacific Railroad Depot, the Walton House, Hotel Covell, and the Seventh Street (“Lion”) Bridge.

1. The McHenry Mansion is a restored historic home located at Fifteenth and I Streets. The McHenry family built the house in 1883. The mansion was listed on the NRHP in 1978.
2. The U.S. Post Office is located on Twelfth and I Streets. Built in 1932, its interior wall murals were painted by Ray Boynton, a Work Projects Administration artist. The post office was listed in the NRHP in 1983.
3. The Crow House, or the Walter B. Wood House, was originally located at 814 Twelfth Street. The house was originally owned by Walter Wood and was constructed in 1877 in the Italianate style. The house has been removed from its original location, and modern renovation of the house has compromised its NRHP designation.
4. Dry Creek Bridge, formerly on State Route 132 now Gilmore Avenue, was found eligible for its design. The bridge (No. 38C0323) was built in 1907 and is an example of John B. Leonard’s bridge designs.
5. The Southern Pacific Railroad Depot was constructed in 1915 in the Mission style at the corner of J and Ninth Streets. The City of Modesto was established as a town by the Southern Pacific Railroad in 1870. The building has been restored and expanded as the City Transportation Center.

6. The Dr. Robert G. and Mary Walton House (417 Hogue Dr) was constructed in 1957, as a development of Frank Lloyd Wright's New York Usonian Exhibition House concept.
7. Hotel Covell (1023 J Street) was constructed in 1924 and expanded in 1928. The building is constructed in the Beaux Arts tyle with Italian Renaissance influences and is a significant example of the style in Modesto.
8. Seventh Street Bridge (Lion Bridge, Bridge No. 38C0023) was determined eligible in 1986. The bridge was built in 1916 and is significant as an example of the work of Leonard & Day constructed in a Beaux Arts style using 'canticrete' bridge engineering.
9. San Joaquin Pipelines 1 and 2 are part of the Hetch-Hetchy system built in 1932 and are individually eligible. This resource is underground though the UAGP area.

Two additional properties have been surveyed and found eligible for listing in the NRHP, although they have not been formally determined eligible by SHPO:

1. Pacific Telephone Building (1201 11th Street) built in 1922
2. Hawke Castle (115 Magnolia Avenue) built in 1929 and listed on the local register.

b. California Register of Historical Resources

The CRHR includes properties that are listed on or determined eligible for the NRHP, State Historical Landmarks, selected State Points of Historical Interest, and resources nominated directly to the CRHR. Eligible historical resources are nominated for the CRHR and may be added to the register after review of the nomination by the State Historical Resources Commission. Modesto has no historical resources listed only on the CRHR, however, all the properties listed in the NRHP listed or formally determined eligible for the NRHP are automatically listed in the CRHR. A number of the 410 properties that were inventoried in 1984 for the City of Modesto Landmark Preservation Sites, as well as buildings that were surveyed in 1997 by Carey & Co., that are now on the City's Landmark Preservation Sites list are probably eligible for listing on the CRHR, but have not been nominated.

c. California Historical Landmarks

There are no cultural properties listed for the Modesto planning area that have California Historical Landmark status.

d. California State Points of Historical Interest

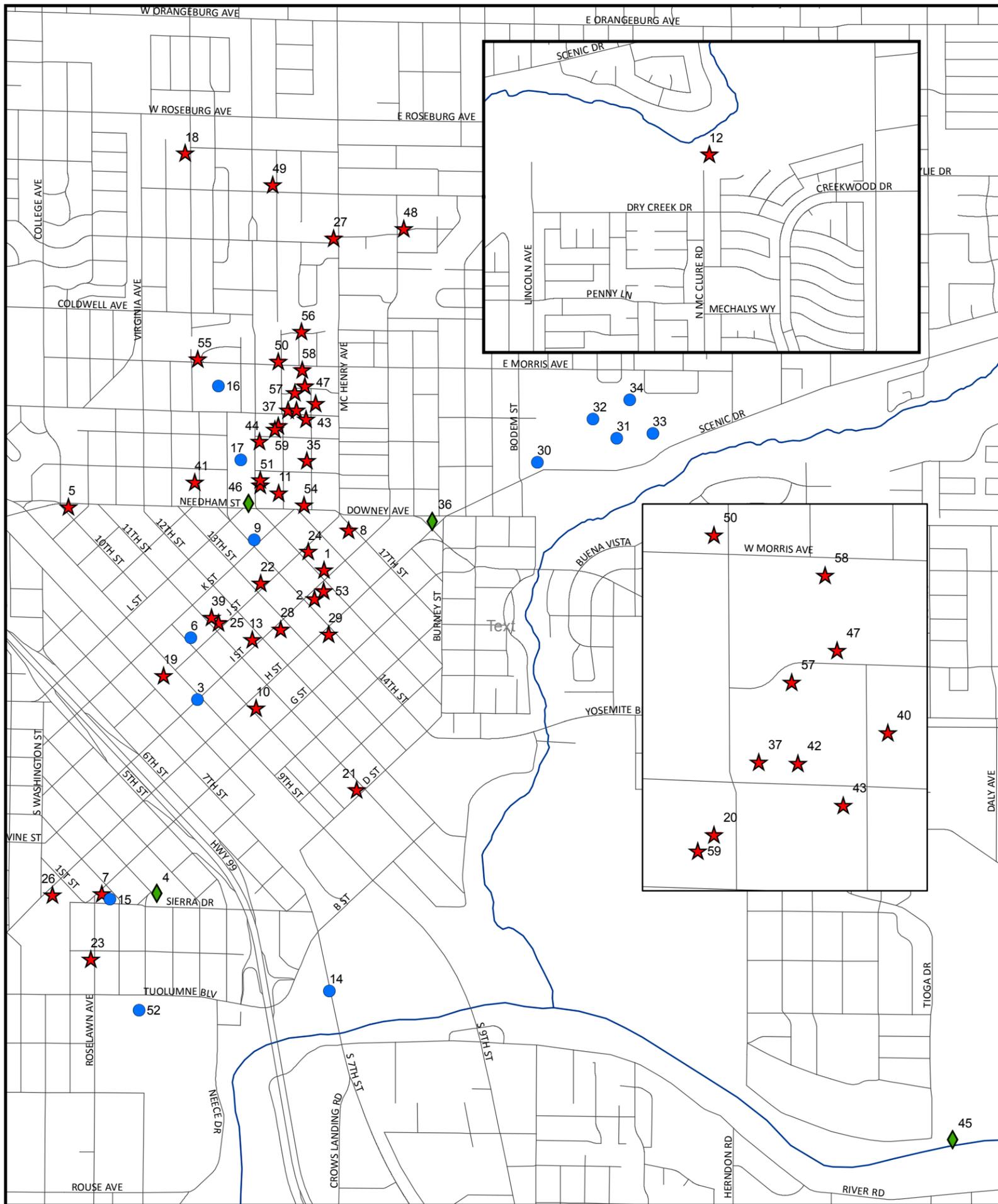
One property, the McHenry Mansion, is listed on the State Points of Historical Interest.

e. City of Modesto Landmark Preservation Sites

In March 1984 a survey was conducted in which 410 properties were identified as eligible for landmark status. The list was updated in October 1992 with an additional 42 properties. Structures include government buildings, churches, schools, fraternal organizations, commercial buildings, hotels, and residential and apartment buildings. As of 2014, 58 sites have been designated as City of Modesto Landmark Preservation Sites (see Figure V-8-1 and Appendix D).

1. McHenry Mansion, 906 15th Street, designated 12/5/89
2. McHenry Museum, 1402 I Street, designated 12/5/89
3. Modesto Arch, 9th & I Streets, designated 12/5/89
4. Modesto Ash Tree, Sierra & 3rd Streets, designated 10/9/90
5. Pump Station No. 9, 10th & Needham Streets, designated 10/9/90
6. Woolworth Co. Sign, 1014 10th Street, designated 10/9/90
7. Fire Station No. 2, 629 2nd Street, designated 10/9/90
8. Cressy Manor, 917 17th Street, designated 11/13/90
9. Turner Hitching Post, 1104 14th Street, designated 4/23/91
10. Modesto News Herald Building, 726 10th Street, designated 4/23/91
11. Hawke Castle, 115 Magnolia Avenue, designated 4/23/91
12. McClure Country Place, 1500 N. McClure Road, designated 11/26/91
13. U.S. Post Office & Federal Building, 1125 11th Street, designated 11/26/91
14. Seventh Street Bridge, 7th Street, designated 4/28/92
15. Fire Bell, 629 2nd Street, designated 4/28/92/
16. Enslin Park, Stoddard & Enslin Avenues, designated 12/8/92
17. Graceada Park, Sycamore & Needham Avenues, designated 12/8/92
18. Rammed Earth House, 1027 N. Enslin Avenue, designated 7/13/93
19. Southern Pacific Transportation Center, 9th & J Streets, designated 12/7/93
20. Ralph M. Brown Home, 309 Magnolia Avenue, designated 3/22/94
21. Gallo Founder Home, 401 11th Street, designated 3/22/94
22. State Theatre, 1307 J Street, designated 1/10/95
23. Graham Home, 206 Roselawn Avenue, designated 7/25/95
24. Masonic Temple, 1500 J Street, designated 7/25/95
25. Stockton Savings Bank, 1101 J Street, designated 7/25/95
26. H Street Façade of Modesto High School, 18 H Street, designated 7/25/95
27. Wissner Medical Office Building, 901 McHenry Avenue, designated 11/14/95

28. Elk's Lodge, 1222 I Street, designated 4/2/96
29. First Church of Christ Scientist, 1328 H Street, designated 10/8/96
30. Acacia Memorial Park, 801 Scenic Drive, designated 12/3/96
31. Modesto Pioneer Cemetery, 905 Scenic Drive, designated 12/3/96
32. Modesto Cemetery, 1001 Scenic Drive, designated 12/3/96
33. St. Stanislaus Catholic Cemetery, 1141 Scenic Drive, designated 12/3/96
34. Stanislaus County Cemetery, 1001 Scenic Drive, designated 12/3/96
35. Dr. Donald Robertson Home, 211 Elmwood Court, designated 12/3/96
36. City's Christmas Tree, 19th/H/La Loma Streets, designated 3/25/97
37. Stanley Home, 225 Stoddard Avenue, designated 6/24/97
38. John M. Walthall Home, 118 Sycamore Avenue, designated 6/24/97
39. Pacific Telephone Building, 1012 11th Street, designated 10/14/97
40. Gundlach Residence, 410 Elmwood Avenue, designated 11/12/97
41. Lish Residence, 125 Poplar Avenue, designated 3/24/98
42. Guzman Residence, 215 Stoddard Avenue, designated 3/24/98
43. Ayres Residence, 319 Elmwood Avenue, designated 3/24/98
44. Harris Home, 230 Sycamore Avenue, designated 5/19/98
45. Large Valley Oak Tree, Tuolumne River Regional Park, designated 7/14/98
46. Bunya Bunya Tree, Graceada Park, designated 11/10/98
47. Balmannos Residence, 207 Elmwood Court, designated 5/4/99
48. Cadrett Residence, 201 Hintze Avenue, designated 7/27/99
49. Montrie & Robinson Residence, 1001 Magnolia Avenue, designated 7/27/99
50. Anderson Residence, 501 Magnolia Avenue, designated 8/24/99
51. Scully Residence, 124 Sycamore Avenue, designated 10/10/00
52. Municipal Golf Course, 400 Tuolumne Boulevard, designated 3/27/01
53. Foy Apartments, 1418–1430 I Street, designated 2/26/02
54. Centenary Methodist Church, 201 Needham Street, designated 5/14/02
55. McDonald Residence (historic name "Johnson House"), 503 West Morris Avenue, designated 8/6/03
56. Draizen Residence (historic name "Dr. J. C. Robertson House"), 215 Elmwood Court, designated 3/22/05
57. Lundgren House, 218 Elmwood Court, designated 12/15/06
58. Silva House, 216 West Morris Avenue, designated 6/12/07



Landmark Sites

- 1 - McHenry Mansion
- 2 - McHenry Museum
- 3 - Modesto Arch
- 4 - Modesto Ash Tree
- 5 - Pump Station No. 9
- 6 - Woolworth Company Sign
- 7 - Fire Station No. 2
- 8 - Cressey Manor
- 9 - Turner Hitching Post
- 10 - Modesto News Herald Bldg.
- 11 - Hawke Castle
- 12 - McClure Country Place
- 13 - U.S Post Office and Federal Bldg.
- 14 - 7th Street Bridge
- 15 - Fire Bell
- 16 - Enslin Park
- 17 - Graceada Park
- 18 - "Rammed Earth" House - Mrs. A. Bradley, owner
- 19 - Southern Pacific Transportation Center
- 20 - Ralph M. Brown Home
- 21 - Gallo Founders Bldg.
- 22 - The State Theatre
- 23 - Graham Home
- 24 - Masonic Temple
- 25 - Stockton Savings Bank
- 26 - H Street Facade of Modesto High School
- 27 - Wissner Medical Office Bldg
- 28 - Elk's Lodge
- 29 - First Church of Christ Scientist
- 30 - Acacia Memorial Park
- 31 - Modesto Pioneer Cemetery
- 32 - Modesto Cemetery
- 33 - St. Stanislaus Catholic Cemetery
- 34 - Stanislaus County Cemetery (aka Potter's Field)
- 35 - Dr. Donald Robertson Home
- 36 - City's Christmas Tree
- 37 - The Stanley Home
- 38 - The John M. Walthall Home
- 39 - The Pacific Telephone
- 40 - The Gundlach Residence
- 41 - Lish Residence
- 42 - Guzman Residence
- 43 - Ayres Residence
- 44 - Harris Home
- 45 - Large Valley Oak Tree
- 46 - Bunya Bunya Tree City of Modesto
- 47 - Balmannos Residence
- 48 - Cadrett Residence
- 49 - Montrie & Robinson Residence
- 50 - Anderson Residence
- 51 - Scully Residence
- 52 - Municipal Golf Course
- 53 - Apartments (historic name "Foy" Apartments)
- 54 - Centenary Methodist Church
- 55 - McDonald Residence (historic name "Johnson House")
- 56 - Draizen Residence (historic name "Dr. J.C. Robertson House")
- 57 - Lundgren House
- 58 - Silva House
- 59 - Vickery Residence (H.N.: "Dr. J.K. "Doc" Ransom House")



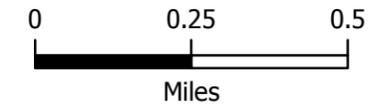
GENERAL PLAN PROGRAM

**FIGURE V-8-1
LANDMARK PRESERVATION
SITES IN THE
CITY OF MODESTO**

LEGEND

Landmark Sites

- ★ Building
- Other
- ◆ Tree
- Roads
- ~ River



GPA-10-001 EXH Landmark Preservation Sites 7-3-17.mxd



(1) Downtown Historic Resources Survey

The Modesto Landmark Preservation Commission reviewed the survey of downtown properties prepared by Carey & Company in 1997, which ranked each property in the Downtown Area according to survey codes. The Commission determined that those properties that are in categories 1, 2, and 3 should be considered historical resources for the purposes of CEQA. These would include sites with the following status:

1. Listed in the National Register
2. Determined eligible for the National Register in a formal process involving federal agencies
3. Appears eligible for listing in the National Register in the judgment of the person(s) completing or reviewing the form

There are 15 sites covered by the 1997 survey rated 1, 2, and 3 that were determined to be of historical interest by the Commission. Many of these resources were identified as significant resources during this process, but not were not designated city landmarks:

1. Southern Pacific Transportation Center, 9th & J Streets, Rating: 1
2. McHenry Mansion, 906 15th Street, Rating: 1
3. Federal Building (Post Office), 1125 I Street, Rating: 1
4. Modesto City Fire Department No. 1, 610 11th Street, Rating: 3
5. Davis-Hatton House, 909 14th Street., Rating: 3
6. Abel & Ellman Office, 1015 14th Street, Rating: 3
7. Cressey Home, 915–917 17th Street, Rating: 3
8. First United Methodist Church, 850 16th Street, Rating: 3
9. McHenry Museum, 1402 I Street, Rating: 3
10. Teamster' Hall, 1222 I Street, Rating: 3
11. Modesto Arch, 9th and I Streets, Rating: 3
12. St. Stanislaus Catholic Church, 709 J Street, Rating: 3
13. Beatty Building, 1024 J Street, Rating: 3
14. State Theater, 1307 J Street, Rating: 3
15. Modesto Water Pump Station No. 9, 10th and Needham Streets, Rating: 3

9. Existing Regulatory Policies Applying to the Study Area

Below is a comprehensive list of major federal, state, and local (County and City) policies or summaries of policies in effect that apply to the study area. This list covers the full range of applicable policies that a project within the study area would potentially need to comply with, including those beyond the jurisdiction of the City. This list of laws, regulations, and programs also serves to describe the circumstances under which the Master EIR was analyzed.

A discrete reference number, following the initials of the resource topic, is assigned to each policy or policy summary to facilitate its identification elsewhere in this Master EIR or, where appropriate, its incorporation as a mitigation measure into subsequent projects analyzed under this Master EIR (e.g., Archaeological and Historical policies are designated as AH-X, where X is the discrete number).

a. Federal Regulations

The National Historic Preservation Act (NHPA) establishes the framework for the protection of historic and cultural resources that apply to actions and activities by federal agencies and has limited application to state or local actions. Compliance with the NHPA influences the actions and activities at state and local level when a state or local agency uses federal funding or requires a federal permit that are considered an undertakings under the act. The compliance procedure for such undertakings is under Section 106 of the NHPA and its implementation regulations established in Title 36 of the Code of Federal Regulations, Part 800.

Section 106 requires that projects including funding and permits, take into account effects on historic properties and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on these actions. Historic properties are buildings, structures, objects, sites, and districts that are listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP). The NHPA also requires that federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to historic properties. The federal agency is required to identify historic properties, assess the effects on them, and consider alternatives to avoid or reduce these effects. The agency is then required to consult with the State Historic Preservation Officer (SHPO) on its findings.

Section 106 review is typically undertaken as part of the federal NEPA process, but may also be completed separate from NEPA review. The Section 106 process has five basic steps:

1. identify and evaluate historic properties;
2. assess effects of the project on historic properties;
3. consult with the SHPO regarding adverse effects on historic properties, resulting in a Memorandum of Agreement (MOA);
4. submit the MOA to the ACHP; and
5. proceed in accordance with the MOA.

The NRHP was established to recognize resources associated with the country's history and heritage. Guidelines for nomination are based on significance in American history, architecture, archaeology, engineering, and culture. In most cases properties must be over 50 years old to qualify, unless they have exceptional historical significance. Under federal regulations, a project has an effect on a historic property when the undertaking could alter the characteristics that may qualify the property for inclusion in the NRHP, including alteration of location, setting, or use. An undertaking may be considered to have an adverse effect on a historic property when the effect may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Adverse effects on historic properties include but are not limited to the following:

1. physical destruction or alteration of all or part of the property;
2. isolation of the property from or alteration of the property's setting when that characteristic contributes to the property's qualifications for listing in the NRHP;
3. introduction of visual, audible, or atmospheric elements that are out of character with the property or that alter its setting;
4. neglect of a property resulting in its deterioration or destruction; or,
5. transfer, lease, or sale of the property out of federal ownership.

The lead federal agency is responsible for compliance with Section 106, but the actual tasks needed for compliance may be delegated to others, like state and local agencies.

Historic properties identified during the Section 106 process are usually considered as historical resources for compliance with CEQA.

b. State Policies

CEQA requires state and public agencies to identify significant environmental impacts of their discretionary actions and either avoid or mitigate those impacts to historical resources, unique archaeological resources, and California Native American human remains. Historical resources under CEQA include buildings, structures, objects, sites, districts, and archaeological resources that are historically or culturally significant. Usually resources must be over 50 years of age to qualify, except in select circumstances. CEQA Guidelines Section 15064.5(a) and Public Resources Code (PRC) Section 21084.1 define historical resources as those listed or eligible for listing in the CRHR. Unique archaeological and California Native American resources are defined and discussed in other sections of the CEQA Guidelines.

Any resource that is listed in or eligible for listing in the CRHR is to be considered under CEQA. Resources may be included in the CRHR as follows:

1. Some are listed automatically, including California State Historical Landmarks from number 770 onward and all properties listed in, or formally determined eligible for, the NRHP;
2. State Historical Landmarks below number 770 and State Points of Historical Interest individually evaluated and recommended for listing in the CRHR based on procedures developed by the State Historical Resources Commission; or,
3. Other resources can be nominated to the CRHR by local governments, private organizations, or citizens; these include individual resources, historical resources contributing to the significance of a historical district, resources identified in a historical resources survey with a significance rating of 1 to 5, and resources designated as local landmarks or listed by City or County ordinance.

To be eligible for California State Landmark registration, a cultural resource must have statewide significance as the first, only, or most significant of a type in a region; be

associated with an individual who has had a profound influence on the history of California; or have architectural significance. The structure must also be visible and accessible to the public and must be maintained by the owner in its historic style (California State Landmarks Board).

The criteria for governing California State Points of Historical Interest are generally the same as those which govern state landmarks, but are oriented to local, city, or county areas. Points of Historical Interest should be significant to the county or local area's social, cultural, economical, political, religious, or military history (California State Landmarks Board).

CEQA is the primary mandate governing projects under state jurisdiction that may affect cultural resources. Other laws governing cultural resources that may also pertain include Public Resources Code (PRC) Section 97.9 et seq. (Native American Heritage) and Health and Human Safety Code 7050.5 et seq. (Human Remains). Records about Native American graves, cemeteries, and sacred places, as well as information about the location of archaeological sites, are exempt from being disclosed to the public under California's equivalent of the Freedom of Information Act (also known as "Sunshine Laws") (California Government Code [CGC] 6254.10). Such information is considered sensitive and confidential, and should not be contained in a public document.

(1) California Environmental Quality Act

CEQA requires that public agencies assess the effects on historical resources for discretionary actions, both for public and private projects. Historical resources are defined as buildings, sites, structures, objects, or districts that may have historical, architectural, archaeological, cultural, or scientific significance. CEQA requires that if a project results in an effect that may cause a substantial adverse change in the significance of a historical resource, alternative plans or mitigation measures must be considered. Therefore, before the assessment of effects or development of mitigation measures, the significance of cultural resources must be determined. The steps that are normally taken in a cultural resources investigation for CEQA compliance are as follows:

1. identify known and potential historical resources;
2. evaluate the eligibility of historical resources; and,
3. assess the impacts of the project on all eligible historical resources.

The State CEQA Guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review:

1. The resource is listed in or determined eligible for listing in the CRHR.
2. The resource is 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 that meets the requirements of PRC Section 5024.1(g), unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (State CEQA Guidelines 15064.5[a]).

These conditions are related to the eligibility criteria for inclusion in the CRHR (PRC Sections 5020.1[k], 5024.1, 5024.1[g]). A cultural resource may be eligible for inclusion in the CRHR if it:

- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important in our past;
- embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values; or
- has yielded, or may be likely to yield, information important in prehistory or history.

In addition, properties that are listed in or formally determined eligible for listing in the NRHP are considered eligible for listing in the CRHR and thus are significant historical resources for the purposes of CEQA (PRC Section 5024.1[d][1]).

According to CEQA, a project may cause a substantial adverse change in the significance of a historical resource and thus may have a significant impact on the environment (State CEQA Guidelines 15064.5[b]). CEQA also states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired. Actions that would materially impair the significance of a historical resource are any actions that would demolish or adversely alter the physical characteristics of a historical resource that convey its historical significance and qualify it for inclusion in the CRHR or in a local register or survey that meet the requirements of PRC Sections 5020.1(k) and 5024.1(g).

AH-1: CEQA requires that if a project results in an effect that may cause a substantial adverse change in the significance of a historical resource, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed. Therefore, prior to the assessment of effects or the development of mitigation measures, the significance of cultural resources must first be determined. The steps that are normally taken in a cultural resources investigation for CEQA compliance are as follows:

1. Identify potential historical resources, based on the criteria discussed above.
2. Evaluate the eligibility of unlisted historical resources for listing in either the CRHR or NRHP.
3. Evaluate the effects of a project on all eligible historical resources.

AH-2: According to CEQA, a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (State CEQA Guidelines Section 15064.5[b]). CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Actions that would materially impair the significance of a historic resource are any actions that would demolish or adversely alter those physical characteristics of a historical resource that convey its historical significance and qualify it for inclusion in the CRHR (California Register of Historical Resources) or in a local

register or survey that meet the requirements of Sections 5020.1(k) and 5024.1(g) of the Public Resources Code. When determining what is a significant resource, CEQA presumes that any resource listed in or eligible for listing in the CRHR or NRHP is significant, creates a rebuttable presumption that any resource that is on a local list is significant, and allows a public agency to decide that other resources may also be significant. (CEQA Guidelines Section 15064.5)

Unique Archaeological Resource

CEQA (PRC Section 21083.2) states that a unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, beyond adding to the current body of knowledge, there is a high probability that it:

- 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.

(2) California Government Code 65352.3-5 (Senate Bill 18):

Local Government–Tribal Consultation

CGC Section 65352.3-5, formerly known as Senate Bill (SB) 18, states that before adoption or amendment of a city or county general plan or specific plan, the city or county shall consult with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission (NAHC). This legislation is intended to preserve or mitigate impacts on places, features, and objects, as defined in PRC Sections 5097.9 and 5097.993, that are located within the city's or county's jurisdiction. The bill also states that the city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects identified by Native American consultation. CGC 65362.3-5 applies to all general and specific plans and amendments proposed after 3/1/2005.

(3) Assembly Bill 52 (2014) amending Section 5097.94 of the California Public Resources Code and adding Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3: Local Government–Tribal Consultation

This bill adds protection to specific California Native American cultural resources (Tribal Cultural Resources) by requiring lead agencies to consult with California Native American tribes traditionally and culturally affiliated with the geographic area of a proposed project that are requesting such consultation regarding the existence of and potential impacts on Tribal Cultural Resources that may be a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a tribe that is also listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources. Assembly Bill 52 also caused changes to the sample questions in Appendix G of the CEQA Guidelines to separate cultural resources from

paleontological resources and add more specific sample questions regarding Tribal Cultural Resources, making explicit the need to evaluate impacts on any such resources and requiring mitigation for any potentially significant impacts.

c. Stanislaus County General Plan Policies

There are no applicable Stanislaus County General Plan policies.

d. City of Modesto Policies

- AH-3:** The City of Modesto Landmark Preservation Ordinance establishes the recognition, preservation, enhancement, perpetuation, and use of structures, natural features, sites, and areas within the City of Modesto that have historic, architectural, archaeological, structural engineering, or aesthetic significance. The eligibility of a site is determined after public hearings by Modesto Landmark Preservation Commission recommendation, plus public hearing and final determination by the City Council. (Municipal Ordinance No. 2619)
- AH-4:** Implement regulations that identify important historic resources, and preserve the important aspects of those resources. Encourage adaptive reuse of National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) eligible or potentially eligible buildings, and local landmarks, including historically sensitive restoration. (UAGP Policy VII.F.2[a])
- AH-5:** Perform restoration and renovation of landmark buildings in accordance with the “Secretary of the Interior’s Standards for the Treatment of Historic Properties” and the State Historic Building Code. The standards serve as guidelines for rehabilitation, restoration, preservation, retaining, and preserving the historic character of a property. (UAGP Policy VII.F.2[b])
- AH-6:** Ensure that zoning provisions for structures of historical significance are sufficiently flexible to ensure that parking or other structures requirements of the Zoning Ordinance allow the historic structures to remain viable in the future. (UAGP Policy VII.F.2[c])
- AH-7:** The modification of historic structures and places can be mitigated through the application of existing regulations and consultation with the State Historic Preservation Officer (SHPO), an interim procedure whereby the City evaluates proposals to modify historic structures and the proposed program(s) to reduce the impacts, if any, to a less than significant level in accordance with CEQA Guidelines Section 15064.5. If an historical resource evaluation has not been prepared for any such proposal, prepare one for the purpose of determining whether the proposed mitigation would reduce the impacts to a less than significant level. If the project appears to have impacts on eligible or potentially eligible structures, the project proponent will resolve adverse effects through consultation with the SHPO. (UAGP Policy VII.F.2[d])
- AH-8:** When structures or areas of historical significance more than 50 years old are proposed for alteration or demolition, or where construction is proposed on property adjacent to that structure or area and within 100 feet of it, the property owner is to submit data to the City that has been prepared by a qualified architectural historian regarding the structure’s history or locations. Evaluate the historical significance of the proposal and require policies to be applied to preserve all structures and places deemed historically significant. (UAGP Policy VII.F.2[e])

- AH-9:** Maintain professional standard inventories of historic resources, with the findings of those inventories concurred by the SHPO and kept on file with the State Office of Historic Preservation. The records will provide a preliminary assessment of eligibility at the initial study stage to indicate whether CEQA regulations would apply in the case of a project application or whether the resource has previously been determined ineligible. When no previous survey has been conducted or an historical context prepared, buildings and structures more than 50 years old and/or otherwise potentially significant must be evaluated by a professional historian or architectural historian prior to project approval to determine whether the resource is a historically significant resource, for purposes of CEQA. (UAGP Policy VII.F.2[f])
- AH-10:** When a landmark is established, have the character-defining elements of the landmark identified by a qualified architectural historian, qualified City staff member, or other professional qualified under Secretary of Interior Standards to convey the historic significance of the property and to facilitate review of future changes and the identification of potentially significant impacts to the property. Actions or activities that follow Secretary of Interior Standards, in consultation with SHPO, can be considered to have mitigated any potential adverse impacts to a less-than-significant level. (UAGP Policy VII.F.2[g])
- AH-11:** When proposed development lies within the archaeological resource study area (defined as the Riparian and Vernal Pool Locations shown on MEIR Figure V-7-1), analyze the area to determine whether it has a high potential to have been used by Native Americans or contain prehistoric deposits. Resources to be utilized include archival research through the Central California Information Center at CSU Stanislaus, preliminary surface field reconnaissance, consultations with the Native American Heritage Commission (NAHC) and individuals and organizations identified by the NAHC. Any archaeological resources discovered shall be recorded and mapped. Require an evaluation of the significance of any such resources only when proposed development might affect the resources. (UAGP Policy VII.F.2[h])
- AH-12:** If land designated or proposed to be designated for development is discovered through archival research, consultation or by chance, to contain a sacred or traditional place, consult with the NAHC and the appropriate Native American groups and individuals for the purpose of determining the level of confidentiality required to protect the cultural place and for the purpose of developing treatment with appropriate dignity of the cultural place in any corresponding management plan. Avoid and preserve sacred sites whenever feasible. (UAGP Policy VII.F.2[i])
- AH-13:** Consistent with AB 52 of 2016, conduct consultations with the Native American Heritage Commission and the appropriate Native American Tribes for the purpose of determining the level of confidentiality required to protect identified cultural place(s), if any, and for the purpose of developing treatment with appropriate dignity of said cultural place(s) in any corresponding management plan. Avoid and preserve sacred sites whenever feasible. (UAGP Policy VII.F.2[j])
- AH-14:** For any project that involves earth-disturbing activities within the archaeological resource study area (defined as the Riparian and Vernal Pool Locations shown on MEIR Figure V-7-1), or on a site determined to be archaeologically or culturally sensitive by City staff through consultation with Native American tribes or bands and a qualified archaeologist, require the project applicant to implement the following mitigation measures, at a minimum:
- (1) Where excavation or construction would occur outside of areas where development has occurred, or where excavation / construction would occur at depths greater than existing foundations, roads, and/or trenches in the immediate

vicinity, evaluate the site via a qualified archaeologist retained by the project applicant. Said evaluation would include at minimum a records search, a Phase I pedestrian survey, and preparation of an archaeological report containing the results of this cultural resources inventory identification effort for submittal to the Central California Information Center. If a Phase II archaeological evaluation is recommended, complete a report of the survey and any excavations with recommendations prior to project approval;

- (2) In the event of the discovery of a burial, human bone, or suspected human bone, immediately halt all excavation or grading in the vicinity of the find and protect the area of the find. The project applicant shall immediately notify the Modesto Police Department and County Coroner of the find and comply with the provisions of California Health and Safety Code Section 7050.5, including California Public Resources Code Section 5097.98, if applicable. If human remains are identified, also retain a Native American monitor at the applicant's expense;
- (3) A qualified archaeological monitor will be present and will have the authority to stop and redirect grading activities, in consultation with the Native Americans and their designated monitors, to evaluate the significance of any Native American archaeological resources discovered on the property; and,
- (4) Relinquish ownership of all Native American human remains and/or artifacts that are found within the project area, to the appropriate Native American Most Likely Descendent (MLD), as assigned by the Native American Heritage Commission, for proper treatment and disposition. The MLD will decide whether or not standard archaeological analysis will be allowed on human remains and associated artifacts from burials.
- (5) If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find, and the City's Planning Manager shall be notified. A qualified paleontologist shall evaluate the resource to determine if it is significant. If the resource is significant, prepare a proposed mitigation plan in accordance with Society of Vertebrate Paleontology guidelines. The proposed mitigation plan may include a field survey of additional construction areas, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. (UAGP Policy VII.F.2[k])

AH-15: Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:

- (1) Planning construction to avoid archaeological sites;
- (2) Incorporating sites within parks, green space, or other open space;
- (3) Covering the sites with a layer of chemically stable soil; and/or,
- (4) Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (UAGP Policy VII.F.2[l])

- AH-16:** Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (UAGP Policy VII.F.2[m])
- AH-17:** If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (UAGP Policy VII.F.2[n])
- AH-18:** All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (UAGP Policy VII.F.2[o])
- AH-19:** Any project subject to CEQA that involves substantial earth-disturbing activities should require consultation by the applicant for the purposes of determining the potential for archaeological and cultural resources impacts and creating appropriate mitigation to address any such impacts. (UAGP Policy VII.F.3[a])
- AH-20:** Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with Native American tribes or bands and a qualified archaeologist should be subject to archaeological and Native American monitoring during all ground-disturbing activities. (UAGP Policy VII.F.3[b])
- AH-21** Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with Native American tribes or bands and a qualified archaeologist should be required to carry out the following mitigation measures, at a minimum:
- (1) If prehistoric archaeological remains are discovered during project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist should be retained by the project sponsor to investigate the find, and make recommendations as to treatment and mitigation. In the event of the discovery of a burial, human bone, or suspected human bone all excavation or grading in the vicinity of the find should halt immediately and the area of the find should be protected and the project applicant immediately

should notify the County Coroner of the find and comply with the provisions of California Health and Safety Code Section 7050.5, including California Public Resources Code Section 5097.98, if applicable. If human remains are identified, the project sponsor should also retain a Native American monitor;

- (2) A qualified archaeological monitor should be present and should have the authority to stop and redirect grading activities, in consultation with the Native Americans and their designated monitors, to evaluate the significance of any Native American archaeological resources discovered on the property;
- (3) Native American monitors from the appropriate Native American Tribes, as determined by the NAHC should be allowed to monitor all groundbreaking activities, including all archaeological testing and data recovery excavations that are likely to affect Native American resources, as determined by a qualified archaeologist. The project proponent should be responsible for compensating Native American monitors. If human remains are discovered, the NAHC should assign a Most Likely Descendent (MLD); and,
- (4) The landowner agrees to relinquish ownership of all Native American human remains and associated burial artifacts that are found within the project area, to the appropriate Native American MLD, as assigned by the NAHC, for proper treatment and disposition. The MLD will decide whether or not standard archaeological analysis will be allowed on human remains and associated artifacts from burials.
- (5) If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find, and the City's Planning Manager shall be notified. A qualified paleontologist shall evaluate the resource and prepare a proposed mitigation plan in accordance with Society of Vertebrate Paleontology guidelines. The proposed mitigation plan may include a field survey of additional construction areas, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. (UAGP Policy VII.F.3[c])

10. Policies That Reduce or Avoid Impacts

The following policies are in effect and have been determined to reduce, avoid, or mitigate environmental impacts within the existing city limits and within the UAGP area. Federal and state policies are included because they reduce or avoid cumulative impacts. The policy reference numbers are listed; the full text of these policies is found in Section A-9 above, *Existing Regulatory Policies Applying to the Study Area*.

a. Federal Regulations

Federal regulations limit impacts where projects are undertaken by the federal government, on federal land, with federal funding or federal permitting. There are no federal regulations

that directly apply to City activities. In cases where federal funding is being used for City actions, the involved federal agency will be subject to the NHPA.

b. State Policies

State policies apply when projects are subject to CEQA and require mitigation to be developed if a project would have a potentially significant adverse impact on cultural resources. The following reduce and avoid impacts to cultural resources: AH-1 and AH-2.

c. City of Modesto Policies

The City of Modesto Landmark Preservation Ordinance No. 2619 preserves and enhances structures and natural features with historic or archaeological significance. The UAGP provides the following policies related to cultural resources: AH-3 through AH-21 (the full text of which are shown above).

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT IMPACTS

The following information is provided in accordance with State CEQA Guidelines Section 15064.5.

1. Thresholds of Significance

According to the CEQA, a project with an effect that may cause a substantial adverse change in the significance of historical resources is a project that may have a significant effect on the environment (CEQA rev. 1998 Section 15064.5[b]). CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Actions that would materially impair the significance of a historic resource are any actions that would demolish or materially alter those physical characteristics of a historical resource that convey its historical significance and qualify it for inclusion in the CRHR or in a local register or survey that meets the requirements of Sections 5020.1(k) and 5024.1(g) of the PRC.

The proposed UAGP amendment would have a significant impact to cultural resources if it would:

- result in modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource;
 - have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per General Plan policy AH-8 referenced above;
 - involve the removal of known significant resources;
 - result in adverse impact on undiscovered archaeological and/or paleontological resources;
- or,

- cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains.

2. Significant Direct Impacts

The accommodation of up to 390,000 residents and 295,000 employees at plan buildout, including about 150,000 residents and 120,000 employees in the Planned Urbanizing Area, could impact prehistoric and historic resources due to the resulting site development activities that would occur.

Known historical resources are primarily located within the Baseline Developed Area, which is already developed. Impacts resulting from new construction, therefore, would apply to projects within 100 feet of a qualifying structure more than 50 years old (UAGP Policy VII.F.2.e) because those construction activities could affect such a structure. If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years old, the impact(s) would be potentially significant.

Numerous buildings associated with rapid post-World War II development are reaching the 50 year threshold. Such buildings have the potential to be significant for their association with this period of development and/or as examples of mid- to late-twentieth century architecture and design or masterworks. These may include individual buildings or tracts of development. The Modesto Art Museum has developed background information and lists of buildings, structures, and objects characterizing Modernist design principles in its *Modernism in Modesto* brochure and *Modesto Modernism* walking tour. California Department of Transportation has developed a general context for the development of tract housing following World War II, *Tract Housing in California, 1945-1973: A Context for National Register Evaluation*, which provides useful information for determining the potential for residential historical resources from this period.

Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. These areas are designated for conservation and recreational use by the UAGP, so the possibility for impact is low. In addition, development within the TRRP Master Plan will be subject to the project-specific mitigation measures identified in that plan's Master EIR. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. That Master EIR, which is incorporated by reference, has identified mitigation measures to avoid significant impacts. Development within the other two riparian corridors will similarly be subject to a subsequent environmental analysis and mitigation measures. Impacts within the riparian corridors would be less than significant.

There is a low probability that archaeological resources would be uncovered in areas outside of the riparian corridors when soils are excavated as a result of construction activities. Should this occur, any resulting impacts would be less than significant due to UAGP policies requiring construction activities to cease, and analysis / inspection by a qualified archaeologist.

The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure which substantially reduce its historical significance. This would be a less-than-significant impact with the application

of UAGP Policies AH-4 through AH-8, because the standards of care and preservation processes defined therein would serve to protect and maintain the characteristics that are the basis of the identified historical significance. Demolition of a significant building cannot be mitigated to a less than significant level, and, even with implementation of mitigation measures, the impact would be significant and unavoidable.

3. Significant Cumulative Impacts

CEQA and the State CEQA Guidelines require the disclosure of significant cumulative environmental effects, of whether the project will make a cumulatively considerable contribution to any such effects, and, if so, any mitigation measures intended to reduce the project's contribution (Section 15130 of the State CEQA Guidelines). A cumulative effect is one that results from past, present, and probable future projects. A project which has a less than significant direct effect on the environment may nonetheless make a considerable contribution to a cumulative effect.

A cumulative impact analysis first identifies whether there exists a cumulatively significant effect in the given resource area. If so, it determines whether the project will make a considerable contribution to that effect. Where a cumulative impact is severe, even a small contribution may be considerable. Where a project is required to implement or fund its fair share of a mitigation measure designed to alleviate the cumulative impact, its contribution will be rendered less than considerable. (Section 15130(a) of the State CEQA Guidelines)

Given the magnitude of this project and the thorough analysis that was prepared for the 1995 UAGP Master EIR and subsequent amendments, the direct impacts described in this section are the same as "cumulative impacts" as described in Section 15130 of the State CEQA Guidelines. That is, the potential impact profile is the same for both the direct impacts and cumulative impacts scenarios. As compared to the direct impact scenario, there would be no cumulatively significant additional impact(s) regarding archaeological and/or historical sites (with the exception of that regarding the potential demolition of historic buildings described under Significant Direct Impacts, above). No specific additional mitigation is required for cumulative impacts, and cumulative impact analysis for prehistoric and historic resources will not be required for any anticipated subsequent projects that require a Mitigated Negative Declaration (Section 21157.5) or a Focused EIR (Section 21158). The project would not make a considerable contribution to any cumulative impact, with the possible exception being that associated with the potential demolition of historic buildings described under Significant Direct Impacts, above, which would result in significant and unavoidable impact.

C. POLICIES ADOPTED TO REDUCE SIGNIFICANT EFFECTS

The following information is provided in accordance with State CEQA Guidelines Section 15126.4.

1. Policies That Reduce Direct Impacts

UAGP policies AH-3 through AH-21, described above, would serve to minimize any impacts to archaeological and/or historical resources. These policies would require compliance with applicable state and federal laws regarding treatment and protection of identified resources, in

addition to “industry-standard best practices” that would be applied to protect archaeological resources discovered during grading or construction activities. These policies would reduce impacts to a less-than-significant level except where a significant historic building would be demolished.

2. Policies That Reduce Cumulative Impacts

The direct impacts are considered the same as “cumulative impacts,” as described in Section 15130 of the State CEQA Guidelines, and the same UAGP policies apply to reduce potential impacts (see discussion under “3. Significant Cumulative Impacts,” above). No further mitigation would be required for cumulative impacts, and cumulative impact analysis for prehistoric and historic resources would not be required for any anticipated subsequent projects that require a Mitigated Negative Declaration (Section 21157.5) or a Focused EIR (Section 21158).

D. MONITORING POLICIES THAT REDUCE IMPACTS

The following information is provided in accordance with PRC Section 211081.6. The policies identified in this Master EIR have been drawn from the proposed UAGP amendment, and they are implemented by that plan. City staff provides the City Council with an annual report on UAGP implementation; therefore, no separate mitigation monitoring program is required for the UAGP Master EIR.

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