

# Appendix CUL

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Cultural Resources Technical Report



# City of Orinda Downtown Precise Plan

## Cultural Resources Technical Report

*prepared for*

**City of Orinda**

Planning Department

22 Orinda Way

Orinda, California 94563

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# Table of Contents

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1	Executive Summary.....	3
1.1	Dates of Investigation.....	3
1.2	Summary of Findings .....	3
2	Introduction .....	5
2.1	Project Location.....	5
2.2	Project Description .....	8
2.1	Personnel.....	13
3	Regulatory Framework.....	14
3.1	CEQA.....	14
3.2	California Health and Safety Code §7050.5.....	17
3.3	California Public Resources Code §5097.98 .....	17
3.4	California Senate Bill 18 of 2004 .....	17
3.5	Local Regulations.....	18
4	Setting .....	20
4.1	Cultural Setting.....	20
4.2	Ethnographic Overview .....	22
4.3	Historic Context.....	22
5	Background Research.....	28
5.1	Cultural Resources Records Search .....	28
5.2	Other Known Resources in DPP Area .....	34
5.3	Native American Outreach .....	35
5.4	Archival and Historical Background Research .....	35
6	Field Survey .....	36
6.1	Methods .....	36
6.2	Results .....	36
7	Impacts and Conclusions.....	46
7.1	Historical Built Environment Resources .....	46
7.1.1	Recommended Mitigation .....	50
7.2	Historical and Unique Archaeological Resources .....	51
7.2.1	Recommended Mitigation .....	52
7.3	Human Remains .....	52
8	References.....	53

## Tables

Table 1	Previous Cultural Resources Studies within 0.125-Mile of the DPP Area.....	28
Table 2	Cultural Resources Previously Recorded within 0.125-Miles of the DPP Area.....	33

Table 3	Known Historical Resources Within the DPP Area .....	34
Table 4	Building Permit History of 10 Avenida de Orinda .....	40
Table 5	Building Permit History of 50 Moraga Way .....	44

## **Figures**

Figure 1	Project Vicinity Map.....	6
Figure 2	Project Location Map.....	7
Figure 3	Proposed Downtown Precise Plan Development Sites—West .....	9
Figure 4	Proposed Downtown Precise Plan Development Sites—East .....	10
Figure 5	Proposed DPP Commercial and Office Development Sites .....	11
Figure 6	Proposed DPP Public Services Sites .....	12
Figure 7	Concord, Calif. USGS Topographical Map, 1897 .....	25
Figure 8	Aerial Photograph of the DPP Area and Vicinity, 1928.....	26
Figure 9	Aerial Photograph of the DPP Area and Vicinity, 1965.....	27

## **Photographs**

Photograph 1	10 Avenida de Orinda, North Elevation, Facing Southwest.....	37
Photograph 2	10 Avenida de Orinda, Close-Up of North Elevation, facing Southwest.....	38
Photograph 3	10 Avenida de Orinda, Partial East Elevation, facing Northwest.....	38
Photograph 4	50 Moraga Way, West Elevation and Primary Entry, Facing Southeast .....	42
Photograph 5	50 Moraga Way, North Elevation, Facing Southwest .....	43

## **Appendices (Confidential)**

Appendix A	Records Search Results
Appendix B	Summary of Native American Consultation
Appendix C	DPR Forms

# 1 Executive Summary

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Rincon Consultants, Inc. (Rincon) was retained by the City of Orinda Planning Department to conduct the environmental review for the City of Orinda Downtown Precise Plan (DPP) in Orinda, Contra Costa County, California (project). The DPP is part of the larger Plan Orinda project, which also includes updates to the Orinda General Plan's Housing and Safety elements. Those aspects of Plan Orinda are not addressed in this study. Adoption of the DPP would provide a vision and planning framework for future growth and development in the Downtown Precise Plan Area (DPP area). The project is subject to the California Environmental Quality Act (CEQA) with the City of Orinda serving as the lead agency. This cultural resources study was prepared as a component of environmental review in compliance with CEQA and includes a cultural resources records search, Native American outreach, a cultural resources survey of the two properties within the DPP area, the recordation and evaluation of two historic-era properties, and the preparation of this report.

## 1.1 Dates of Investigation

Rincon requested a cultural resources records search of the Northwest Coast Information Center (NWIC) at Sonoma State University on June 26, 2020. A field survey of the properties at 10 Avenida de Orinda and 50 Moraga Way and their built environment surroundings was performed on June 30, 2020. The archival research, Native American outreach, and historic evaluations summarized in this report were completed in June through August 2020. Additional analysis was completed in March and April 2022 due to updates in project characteristics related to the Plan Orinda project as a whole.

## 1.2 Summary of Findings

As part of an effort to assess the project's potential to impact cultural resources, Rincon conducted background research to identify known and potential historical resources located in the DPP area. A review of the National Register of Historic Places, California Historic Resource Inventory, Office of Historic Preservation Built Environment Resources Database, and the City of Orinda Historic Landmarks list confirmed that, within the DPP area, there 11 historical resources that have been designated or recommended eligible for the National Register of Historic Places, California Register of Historical Resources, or the local register. In addition, after consulting historic maps and other published materials pertaining to the history of Orinda, Rincon found that the DPP area and Housing Opportunity Sites contain properties that, due to their age, have the potential to be considered historical resources. In light of this, the project should consider the potential of future development in the DPP area and Housing Opportunity Sites to effect historical resources that have not yet been identified as such.

Additionally, at the request of the City of Orinda, Rincon also conducted a built environment survey of two properties, located at 10 Avenida de Orinda and 50 Moraga Way, respectively. Both properties are located on sites the City has identified for potential development under the DPP. The former is currently designated locally as a Historic Landmark, and the City of Orinda sought to determine whether the property continued to meet the criteria for this designation. The City further requested that the latter property be newly evaluated for local designation. The properties were individually recorded on California Department of Parks and Recreation 523 series forms (DPR

forms). The DPR forms include evaluations of the properties for listing in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and for local designation. Based on the results of this study, the property at 10 Avenida de Orinda is recommended eligible for designation as a Historic Landmark in the city of Orinda, but is recommended ineligible for inclusion in the NRHP or CRHR. Because 10 Avenida de Orinda is locally designated it is considered a historical resource pursuant to CEQA.

The property at 50 Moraga Way is recommended ineligible for inclusion in the NRHP and CRHR and for designation as a Historic Landmark in Orinda. However, it is recommended the property be assigned a California Historical Resources Status Code of 6L, which is defined as a property which has been determined ineligible for local listing through the local government review process but which may warrant special consideration in local planning. As such, 50 Moraga Way does not qualify as a historical resource pursuant to CEQA.

A Sacred Lands File search of the DPP area by the Native American Heritage Commission produced negative results. Furthermore, no resources of Native American origin were identified during the course of this study.

Results of the field survey suggest that surficial deposits within the DPP area have been significantly disturbed by the construction of the existing properties. Much of the ground surface is obscured by standing buildings, paved asphalt areas, and landscaping. Based on these site conditions, the areas encompassed by the DPP appear to have a relatively low potential for containing buried archaeological remains.

As a result of the findings summarized above, Rincon recommends a finding of ***less than significant impact to historical and archaeological resources with mitigation*** under CEQA.

## 2 Introduction

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Rincon Consultants, Inc. (Rincon) was retained by the City of Orinda Planning Department to conduct the environmental review for Plan Orinda in Orinda, Contra Costa County, California (project). The proposed project consists of three principal parts, the Downtown Precise Plan (DPP) and updates to the Orinda General Plan Housing Element and Safety Element. The current study focuses on the potential of the DPP to cause impacts to cultural resources and does not analyze potential impacts associated with the proposed updates to the Housing or Safety elements. The DPP does not propose any specific development but would provide a vision and planning framework for future growth and development in the DPP Area encompassing Orinda's main business district.

The current study supports the Environment Impact Report for the wider Plan Orinda project. Analysis in this study will inform The Housing Element Update (HUE) replace the 5<sup>th</sup> Cycle Housing Element and update the Land Use Element to address the State-mandated 8-year planning horizon for housing development and meeting the Regional Housing Needs Assessment (RHNA) allocation in Orinda. The Safety Element Update would be amended to reflect changes to programs proposed in the Housing Element Update and bring it into alignment with the most current relevant legislation. The Plan provides a comprehensive vision for the DPP area along with goals, policies, strategies, and development regulations to guide the future of the DPP area. The proposed project is subject to the California Environmental Quality Act (CEQA) with the City of Orinda serving as the lead agency. As a component of the environmental review, this cultural resources study was prepared in compliance with CEQA and includes a cultural resources records search, Native American outreach, a cultural resources survey of the project site, the recordation and significance evaluation of two historic-era properties, and the preparation of this report.

### 2.1 Project Location

The project is located in the city of Orinda, in western Contra Costa County, in the greater San Francisco Bay Area of California (Figure 1 and Figure 2). Orinda is traversed roughly east to west/southwest by State Route (SR) 24, roughly 8 miles west of where it crosses Interstate 680. The city encompasses approximately 13 square miles (City of Orinda 2020). The city is bordered by the City of Lafayette to the east, the Town of Moraga to the southeast, and unincorporated Contra Costa County to the north and west.

The current study analyzes DPP's potential impacts to historical resources. Although the Housing Element and Safety Elements are, like the DPP, components of Plan Orinda, their potential impacts are not discussed in this report.

The DPP area encompasses Orinda's downtown area, which is in the west-central section of the city. It comprises two sections: The Village and the Theatre District. The Village is the northern portion of downtown Orinda and encompasses about 24 acres along the Camino Pablo corridor, northwest of SR 24. The Theatre District is the area immediately southeast of SR 24 and includes about 13 acres. The entire DPP area extends from the Orinda Way and El Toyonal intersection in the north to Camino Encinas in the south, outlined in pink in Figure 2.



Figure 1 Project Vicinity Map



★ Project Location

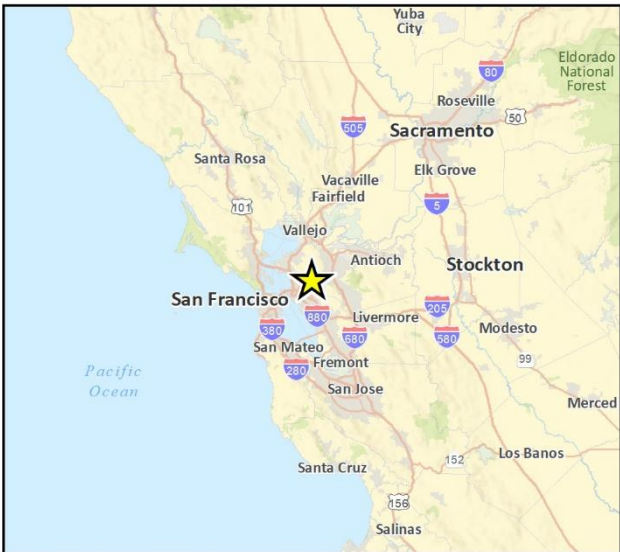
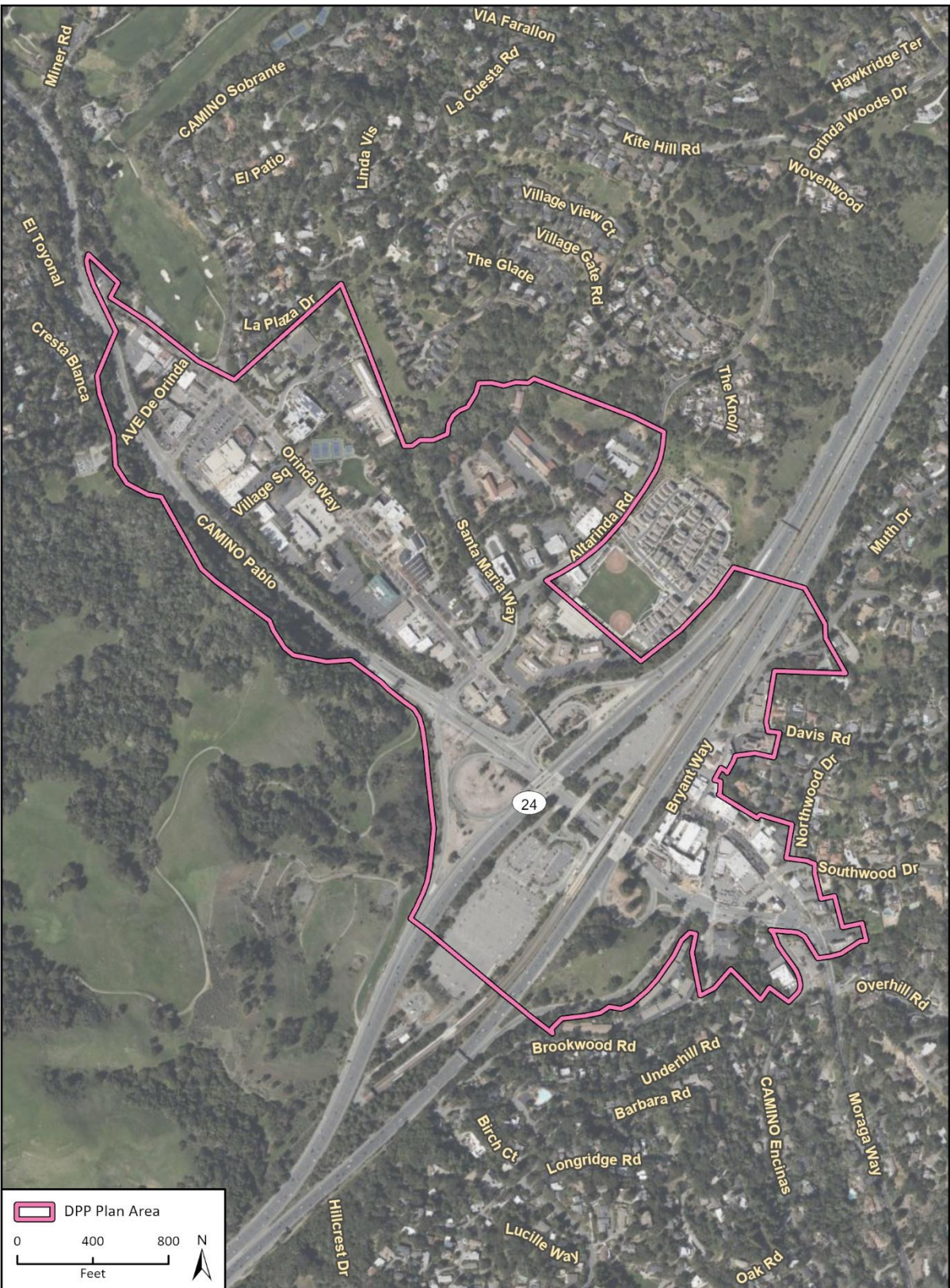


Fig 1 Regional location



Figure 2 Project Location Map



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20-09248 Orinda City, Dntwn Prose  
Fig 1 Project Site Map

The DPP area would span 146.3 acres in the center of the city of Orinda and would occur from the northernmost boundary of the downtown area located at the Orinda Way and El Toyonal intersection to the southernmost boundary along the road, Camino Encinas. The downtown area expands to the east and abuts single-family residential homes; the western boundary is bordered by the Siesta Valley Recreation Area. Downtown Orinda is bisected by the extends along Orinda Way and excludes the Orinda Bay Area Rapid Transit (BART) station, which bisects the downtown area. and SR 24, both under the jurisdiction of Caltrans. also bisects the downtown area at the Orinda BART station. The northern portion of the downtown area north of the BART station and SR 24 is the “Village District” and consists of 24.1 acres and is considered the northern portion of the downtown area, to the north of the BART station and Highway 24. The portion south of the BART station and SR 24 is the “Theatre District” and consists of 13.08 acres and is considered to be the southernmost portion of the downtown area, to the south of the BART station and SR 24. San Pablo Creek flows to the east of Camino Pablo and behind downtown buildings but only briefly daylight in the downtown area.

## 2.2 Project Description

The DPP would revise the downtown development standards and update mixed-use and residential design standards for the Theatre and Village districts, which would include General Plan amendments and zoning code changes. The current project does not include specific development activities. However, future development of the downtown area would be regulated through new land use, parking, and urban developments. The Downtown Theatre District and Village District would be subject to different zoning standards than the zoning standards set for areas of the city outside of the DPP area.

Within the DPP area, 43 parcels are identified as potential sites for residential development, either as vertical mixed-use or horizontal mixed use (i.e., allowing either commercial or residential development without a requirement that it be vertically integrated). Figure 2 depicts the DPP area and development in the citywide context, and Figure 3 and Figure 4 depict them in a neighborhood context. The DPP would allow for an increase in heights for sites that would include residences. Depending on the DPP site, maximum allowable heights would be 35, 45, or 55 feet.

Under the DPP, two new downtown mixed-use zones, the Downtown Core and the Downtown General zones, would be established at 54 sites to replace the existing Downtown Commercial and Downtown Office zones to allow a mix of uses, including residential, commercial, and office. Zoning standards under these two new zones would allow development up to 85 dwelling units per acre (du/acre) that could be up to 55 feet in height. These rezoning actions would facilitate mixed-use development on the rezoned parcels but would not apply to development at 2 Theatre Square. The current permitted density in the Downtown Commercial district is a maximum of 10 du/acre, whereas Downtown Office prohibits residential uses. Downtown Commercial and Office Development sites subject to the proposed Downtown Core and the Downtown General zones are depicted in Figure 5.

Within the DPP area, nine parcels are identified as DPP Public Services Sites, which are public and semipublic or residential – multi-family sites. These sites would not be rezoned to either Downtown Core or Downtown General designations and would not undergo development. However, they would be required to comply with new objective design standards for exterior modifications. Figure 6 depicts the DPP Public Services Sites in a neighborhood setting.



Figure 3 Proposed Downtown Precise Plan Development Sites—West

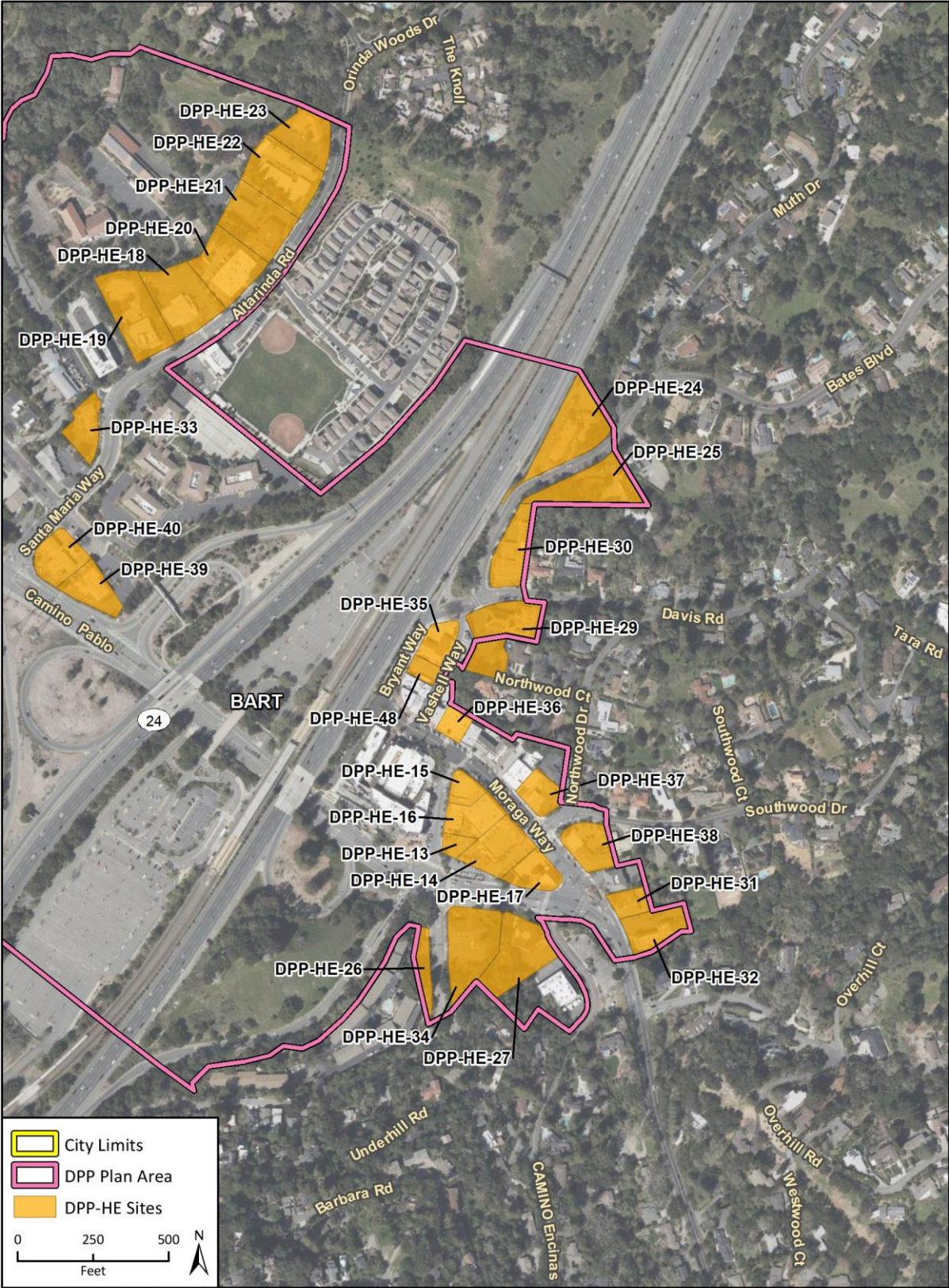


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Additional data provided by City of Orinda, 2020.

Fig 2-5 DPP Housing Sites—West



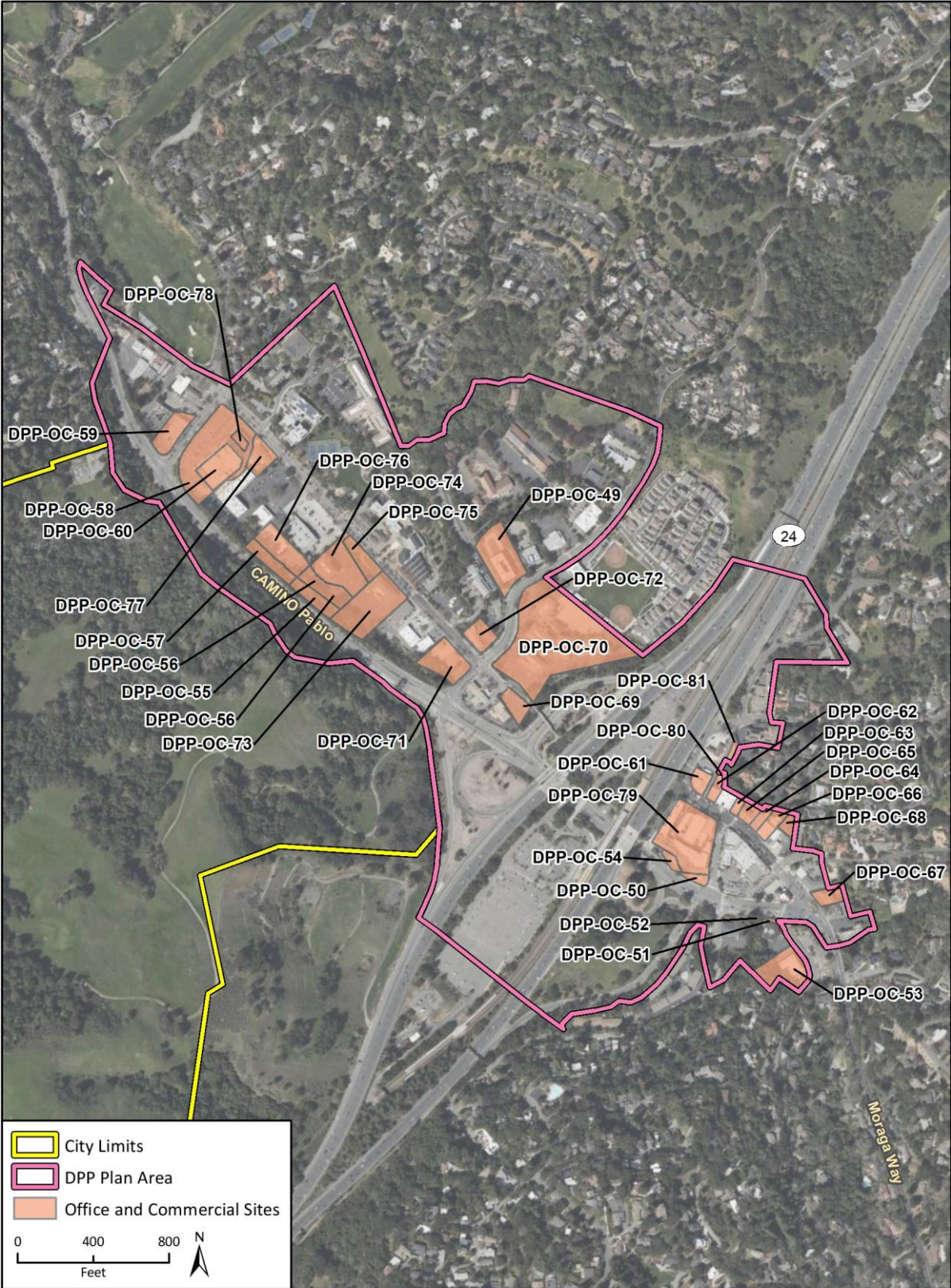
Figure 4 Proposed Downtown Precise Plan Development Sites—East



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Additional data provided by City of Orinda, 2020.



Figure 5 Proposed DPP Commercial and Office Development Sites

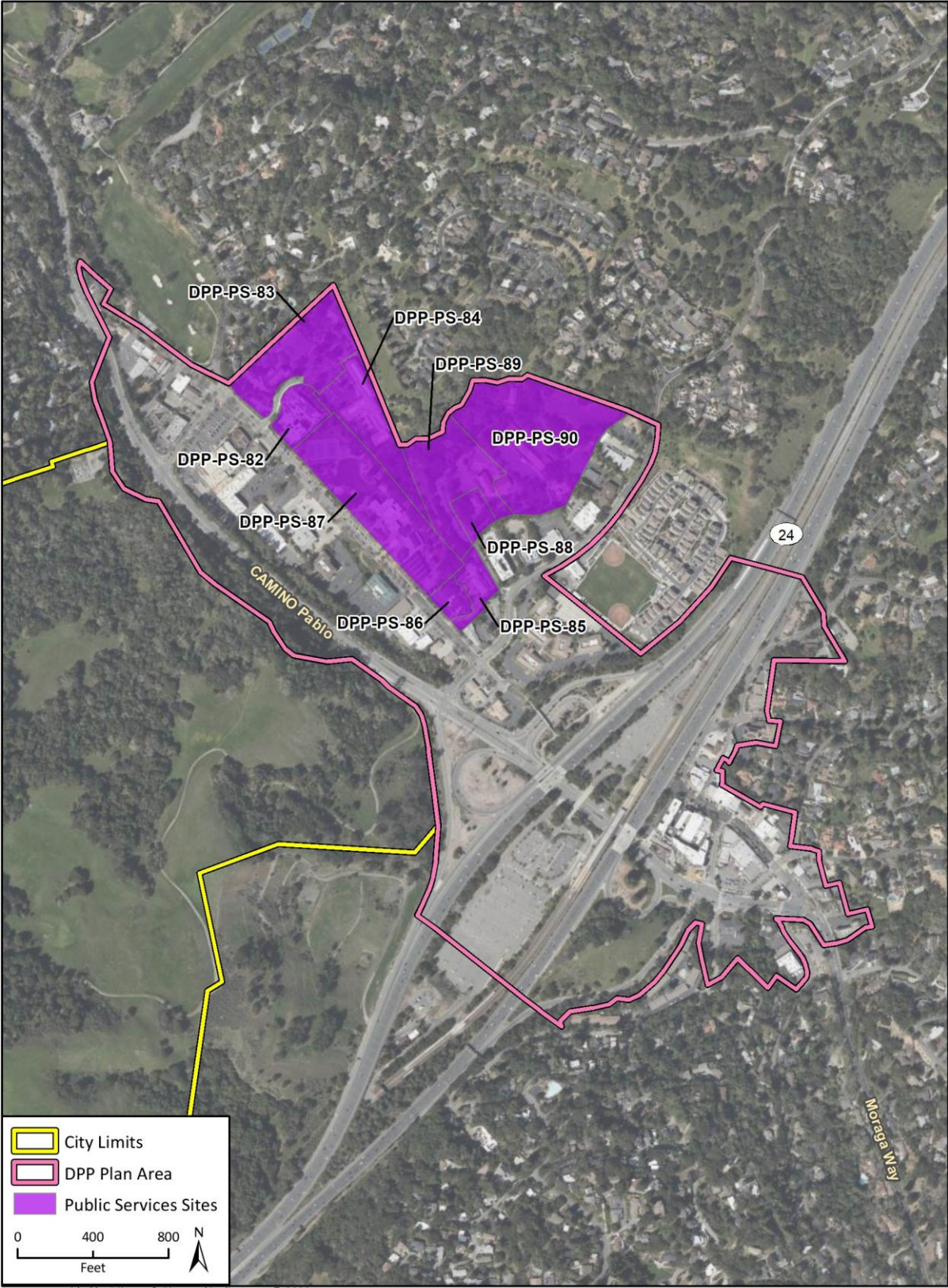


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Fig 2-6 DPP Office and Commercial Sites



Figure 6 Proposed DPP Public Services Sites



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Additional data provided by City of Orinda, 2020.

## 2.1 Personnel

This cultural resources study was managed by Rincon Senior Architectural Historian Steven Treffers, MHP. Under the direction of Mr. Treffers, the built environment field survey and archival research were performed by Architectural Historian Susan Zamudio-Gurrola, MHP. Additional archival research was performed by Architectural Historian, James Williams, MA, contributing author of this report. Mr. Treffers, Ms. Zamudio-Gurrola, and Mr. Williams meet the Secretary of the Interior's Professional Qualification Standards for architectural history and history. The cultural resources records search and Native American outreach were conducted by Archaeologist Elaine Foster, MA. Archaeologist Andera Bean, MA, RPA, served as co-author of this report. Rincon archaeologist Hannah Haas, MA, RPA, serves as principal investigator for archaeological resources and reviewed this report. Ms. Foster, Ms. Bean, and Ms. Haas meet the Secretary of the Interior's Professional Qualifications Standards for archeology. Figures included in this report were prepared by Rincon GIS Analysts Allysén Valencia and Josh Patterson. Rincon Principals Shannon Carmack and Andrew Pulcheon reviewed this report for quality control.



## 3 Regulatory Framework

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This section discusses applicable state and local laws, ordinances, regulations, and standards governing cultural resources, to which the proposed project must adhere to before and during project implementation.

### 3.1 CEQA

California Public Resources Code (PRC) Section 21804.1 requires lead agencies determine if a project could have a significant impact on historical or unique archaeological resources. As defined in PRC Section 21084.1, a historical resource is a resource listed in, or determined eligible for listing in, the California Register of Historical Resources (CRHR); a resource included in a local register of historical resources or identified in a historical resources survey pursuant to PRC Section 5024.1(g); or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant. PRC Section 21084.1 also states resources meeting the above criteria are presumed to be historically or cultural significant unless the preponderance of evidence demonstrates otherwise. Resources listed in the National Register of Historic Places (NRHP) are automatically listed in the CRHR and are, therefore, historical resources under CEQA. Historical resources may include eligible built environment resources and archaeological resources of the precontact or historic periods.

CEQA Guidelines Section 15064.5(c) provides further guidance on the consideration of archaeological resources. If an archaeological resource does not qualify as a historical resource, it may meet the definition of a “unique archaeological resource” as identified in PRC Section 21083.2. PRC Section 21083.2(g) defines a unique archaeological resource as an artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: 1) it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource does not qualify as a historical or unique archaeological resource, the impacts of a project on those resources will be less than significant and need not be considered further (CEQA Guidelines Section 15064.5[c][4]). CEQA Guidelines Section 15064.5 also provides guidance for addressing the potential presence of human remains, including those discovered during the implementation of a project.

According to CEQA, an impact that results in a substantial adverse change in the significance of a historical resource is considered a significant impact on the environment. A substantial adverse change could result from physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines §15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR or a local register (CEQA Guidelines §15064.5[b][2][A]).

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC §21083.2[a], [b]).

Section 15126.4 of the CEQA Guidelines stipulates an EIR shall describe feasible measures to minimize significant adverse impacts. In addition to being fully enforceable, mitigation measures must be completed within a defined time period and be roughly proportional to the impacts of the project. Generally, a project which is found to comply with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (the Standards) is considered to be mitigated below a level of significance (CEQA Guidelines Section 15126.4 [b][1]). For historical resources of an archaeological nature, lead agencies should also seek to avoid damaging effects where feasible. Preservation in place is the preferred manner to mitigate impacts to archaeological sites; however, data recovery through excavation may be the only option in certain instances (CEQA Guidelines Section 15126.4[b][3]).

## **National Register of Historic Places**

Although the project does not have a federal nexus, properties which are listed in or have been formally determined eligible for listing in the NRHP are automatically listed in the CRHR. The following is therefore presented to provide applicable regulatory context. The NRHP was authorized by Section 101 of the National Historic Preservation Act and is the nation's official list of cultural resources worthy of preservation. The NRHP recognizes the quality of significance in American, state, and local history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects. Per 36 CFR Part 60.4, a property is eligible for listing in the NRHP if it meets one or more of the following criteria:

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

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined as follows:

- Location:** The place where the historic property was constructed or the place where the historic event occurred
- Design:** The combination of elements that create the form, plan, space, structure, and style of a property
- Setting:** The physical environment of a historic property

<b>Materials:</b>	Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
<b>Workmanship:</b>	The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
<b>Feeling:</b>	A property's expression of the aesthetic or historic sense of a particular period of time
<b>Association:</b>	The direct link between an important historic event or person and a historic property

Certain properties are generally considered ineligible for listing in the NRHP, including cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions, relocated structures, or commemorative properties. Additionally, a property must be at least 50 years of age to be eligible for listing in the NRHP. The National Park Service states that 50 years is the general estimate of the time needed to develop the necessary historical perspective to evaluate significance (National Park Service 1997:41). Properties which are less than 50 years must be determined to have "exceptional importance" to be considered eligible for NRHP listing.

## California Register of Historical Resources

The CRHR was established in 1992 and codified by PRC §§5024.1 and 4852. The CRHR is an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change (Public Resources Code, 5024.1(a)). The criteria for eligibility for the CRHR are consistent with the NRHP criteria but have been modified for state use in order to include a range of historical resources that better reflect the history of California (Public Resources Code, 5024.1(b)). Unlike the NRHP however, the CRHR does not have a defined age threshold for eligibility; rather, a resource may be eligible for the CRHR if it can be demonstrated sufficient time has passed to understand its historical or architectural significance (California Office of Historic Preservation n.d.). Further, resources may still be eligible for listing in the CRHR even if they do not retain sufficient integrity for NRHP eligibility (California Office of Historic Preservation n.d.). Generally, the California Office of Historic Preservation recommends resources over 45 years of age be recorded and evaluated for historical resources eligibility (California Office of Historic Preservation 1995:2).

Properties are eligible for listing in the CRHR if they meet one or more of the following criteria:

- Criterion 1:** Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- Criterion 2:** Is associated with the lives of persons important to our past
- Criterion 3:** Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
- Criterion 4:** Has yielded, or may be likely to yield, information important in prehistory or history

## California Assembly Bill 52 of 2014

As of July 1, 2015, Assembly Bill (AB) 52 was enacted and expands CEQA by defining a new resource category, "tribal cultural resources". AB 52 establishes, "a project with an effect that may cause a

substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states the CEQA lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) define tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and that meets at least one of the following criteria:

1. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k)
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe

AB 52 also establishes a formal consultation process with California Native American tribes that must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” California Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

## 3.2 California Health and Safety Code §7050.5

Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined if the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification.

## 3.3 California Public Resources Code §5097.98

Section 5097.98 of the California Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code §7050.5, shall immediately notify those persons (i.e., the Most Likely Descendant or “MLD”) it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

## 3.4 California Senate Bill 18 of 2004

California Government Code Section 65352.3 (adopted pursuant to the requirements of Senate Bill [SB] 18) requires local governments to contact, refer plans to, and consult with tribal organizations

prior to making a decision to adopt or amend a general or specific plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction, and are identified, upon request, by the Native American Heritage Commission (NAHC). As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005); "The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places." SB 18 refers to PRC Section 5097.9 and 5097.995 to define cultural places as:

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9)
- and Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.995).

## 3.5 Local Regulations

### City of Orinda Historic Landmarks Ordinance

The City of Orinda maintains a historic preservation ordinance (Chapter 17.25—Historic Landmarks) which outlines the city-specific criteria by which the City Council may designate by ordinance a site, building, structure, monument, tree, work of art or other object in the city as a Historic Landmark. Applicable criteria are listed below.

#### *Historic Landmark Criteria for Designation*

In considering the designation of a Historic Landmark, the following criteria apply as appropriate. In order to designate a tree as a landmark, the City Council must find that the designation is consistent with the purpose of this chapter and find at least one of the following conditions. In order to designate a landmark other than a tree, the City Council must find that the designation is consistent with the purpose of this chapter and must find at least three of the following conditions:

- Criterion A:** The character, interest or value is part of the development, heritage or cultural characteristics of Orinda, the state of California, the United States of America, or Native Americans.
- Criterion B:** The location is an area or site of a significant historic event.
- Criterion C:** The location is an area or site of a significant historic event.
- Criterion D:** It represents a distinctive example of an architectural period, style or movement or its identification as the work of an architect or master builder whose work has influenced the development of the city.
- Criterion E:** It contains elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation.
- Criterion F:** It is a distinct work of art.
- Criterion G:** It is associated with important religious, cultural, governmental or social factors in the development of the city; or it exemplifies the cultural, educational, economic, patriotic, social or historic heritage of the city.

**Criterion H:** It has a unique location or a singular physical characteristic representing an established and familiar visual feature of a neighborhood or of the entire city.

### *Orinda Landmark Improvement Plans*

As provided in Section 17.25.14 through 17.25.17, modifications to a designated historic landmark must be outlined in a Landmark Improvement Plan, which is subject to the review of the Zoning Administrator and Planning Commission. Pursuant to Section 17.25.15, an application for Landmark Improvement Plan approval shall be submitted to the Planning Department on a form prescribed by the Zoning Administrator. The application shall be accompanied by such supporting information as is required to obtain the related land use entitlement, together with photographs of the landmark and a description of how the landmark will be affected by the proposed change. The Zoning Administration may grant approval where the application involves only minor changes to the landmark. The Planning Commission is the reviewing body for applications not decided by the Zoning Administrator. The reviewing body may grant approval to the Landmark Improvement Plan if it is determined the proposed change will not adversely affect the landmark, is necessary for correct unsafe conditions, or to avoid extreme hardship to the owner.

### **Orinda General Plan, 1987-2007**

The Conservation Element of the Orinda General Plan includes the following goal and implementing policies related to the protection of built environment and archaeological historical resources (City of Orinda 1987).

**Goal 1:** Preserve Orinda's historic structures and site, unique trees, and landforms.

**Policy A:** Conduct an archival study of resources, map the general locations of resources, review development proposals to determine the potential impacts on archaeological and historic resources and the need for more detailed study. Require additional study of development proposals on sites with moderate probability that such resources exist.

**Policy B:** Adopt a Landmarks Preservation Ordinance to protect structures, sites, and areas having a special historical, architectural, natural, or aesthetic value or interest.

## 4 Setting

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The DPP area is in the central portion of Orinda, Contra Costa County. The DPP area ranges from approximately 400 to 575 feet above sea level. The project site sits on alluvial fans at approximately eight feet above sea level. The nearest water sources are Lauterwasser and San Pablo creeks, which traverses the DPP area. SR 24 crosses the southeast end of the DPP area. The soils in the DPP area primarily include Los Osos clay loam soil series which consist of deep, extensively drained soils formed from sandstone and shale (California Soil Resource Lab 2019). Vegetation in the DPP area is limited and is confined primarily to landscaped areas.

### 4.1 Cultural Setting

The cultural setting for the project is presented broadly in three overviews: Prehistoric, Ethnographic, and Historic. The prehistoric and historic overviews describe human occupation before and after European contact, while the ethnographic overview provides a synchronic “snapshot” of traditional Native American culture.

#### **Prehistory**

The proposed project lies in the San Francisco Bay Area archaeological region (Milliken et al. 2007, Moratto 1984). Following Milliken et al. (2007), the prehistoric cultural chronology for the Bay Area can be generally divided into five periods: The Early Holocene (8,000-3,500 BC), Early (3,500-500 BC), Lower Middle (500 BC to AD 430), the Upper Middle (AD 430-1050), and the Late Period (AD 1050-contact).

It is presumed that early Paleoindian groups lived in the area prior to 8,000 BC; however, no evidence for that period has been discovered in the Bay Area to date (Milliken et al. 2007). For this reason, the terminal Pleistocene Period (ca. 11,700-8,000 BC) is not discussed here.

The earliest intensive study of the archaeology of the San Francisco Bay Area began with N. C. Nelson of the University of California, Berkeley, between 1906 and 1908. He documented over 400 shell mounds throughout the area. Nelson was the first to identify the Bay Area as a discrete archaeological region (Moratto 1984).

#### **Early Holocene (8,000-3,500 BC)**

Archaeological evidence from the early Holocene is limited as many sites dating to this period are likely buried under Holocene alluvial deposits (Moratto 1984; Ragir 1972). The available data suggest that the Early Holocene in the San Francisco Bay Area is characterized by a mobile forager pattern and the presence of millingslabs, handstones, and a variety of leaf-shaped projectile points. Two archaeological sites (CA-CCO-696 and CA-CCO-637) that date to this period have been identified in Contra Costa County. The earliest date for the Early Holocene comes from the CA-CCO-696 at Los Vaqueros Reservoir (Milliken et al. 2007).

#### **Early Period (3,500-600 BC)**

The Early Period saw increased sedentism with the introduction of new ground stone technologies (i.e., mortar and pestle), an increase in regional trade, and the first cut shell beads. The earliest evidence for the use of the mortar and pestle dates to 3,800 BC and comes from CA-CCO-637 in the

Los Vaqueros Reservoir area. By 1,500 BC, mortars and pestles had almost completely replaced millingslabs and handstones. The advent of the mortar and pestle indicates a greater reliance on processing nuts such as acorns. Faunal evidence from various sites indicates a diverse faunal exploitation pattern based on mussel and other shellfish, marine mammals, terrestrial mammals, and birds (D'Oro 2009).

The earliest cut bead horizon is also associated with this period. Rectangular *Haliotis* (abalone) and *Olivella* (snail) beads have been identified at several Early Period sites, including CA-CCO-637, CA-SCL-832 in Sunnyvale, and CA-ALA-307 in Berkeley (Milliken et al. 2007). These early examples of cut beads were recovered from mortuary contexts.

### **Lower Middle Period (500 BC-AD 430)**

The Lower Middle Period saw numerous changes from the previous period. Rectangular shell beads, common during the Early Period, disappear completely and are replaced by split-beveled and saucer *Olivella* beads. In addition to the changes in beads, *Haliotis* ornaments, bone tools and ornaments, and basketry awls indicating the development of coiled basketry technology. Mortars and pestles continued to be the dominant grinding tool (Milliken et al. 2007).

Evidence for the Lower Middle Period in the Bay Area comes from sites such as the Emeryville shell mound (CA-ALA-309) and Ellis Landing (CA-CCO-295). CA-ALA-309 is one of the largest shell mounds in the Bay Area and contains multiple cultural sequences. The lower levels of the site, which date to the Middle Period, contain flexed burials with bone implements, chert bifaces, charmstones, and oyster shells (Moratto 1984).

### **Upper Middle Period (AD 430-1050)**

Around AD 430, *Olivella* saucer bead trade networks that had been established during earlier periods collapsed and over half of known sites occupied during the Lower Middle Period were abandoned. *Olivella* saucer beads were replaced with *Olivella* saddle beads. New types of material culture appear at sites, including elaborate, decorative blades, fishtail charmstones, new *Haliotis* ornament forms, and mica ornaments. Sea otter bones became more abundant, suggesting changes in faunal exploitation patterns from earlier periods (Milliken et al. 2007). Excavations at CA-ALA-309 indicate that a shift from oysters to clams may have occurred. Subsistence analyses at various sites dating to this period indicate a diverse diet that included numerous species of fish, mammal species, bird species, shellfish, and plant resources that varied by location in the Bay Area (Hylkema 2002).

### **Late Period (AD 1050-contact)**

The Late Period saw an increase in social complexity, indicated by differences in burials, and an increased level of sedentism relative to preceding periods. Small, finely worked projectile points associated with bow and arrow technology appear around AD 1250. *Olivella* shell beads disappeared and were replaced with clamshell disk beads. The toggle harpoon, hopper mortar, and magnesite tube beads also appeared during this period (Milliken et al. 2007). This period saw an increase in the intensity of resource exploitation that correlates with an increase in population (Moratto 1984). Many of the well-known sites of earlier periods, such as the Emeryville shell mound (CA-ALA-309) and the West Berkeley site (CA-ALA-307), were abandoned, as indicated by the lack of Late Period elements. Researchers have suggested that the abandonment of these sites may result from fluctuating climates and drought that occurred throughout the Late Period (Lightfoot and Luby 2002).



## 4.2 Ethnographic Overview

The DPP area is located in the traditional tribal territory of the Bay Miwok, members of the larger Miwokan subgroup of the Utian language family inhabiting the northern area of Sherman island surrounding Mount Diablo (Levy 1978). Miwok subsistence practices centered on the use of acorns and of seeds as primary plant food sources and on hunting of mule deer, tule elk, pronghorn antelope, and various species of waterfowl. Hunting was done typically with a sinew-backed bow and arrow. Fishing was a particularly important activity for the Miwok, primarily with various types of nets. Seines were used in large rivers and sloughs where the pace of water flow was slow. Hook and line was typically used to take sturgeon, while harpoons were the most common implement for salmon fishing (Levy 1978).

The Miwok made both twined and coiled basketry, usually from will and redbud. They also manufactured tule mats used as floor covering. Woven blankets were often made of rabbit skin strips or feathers attached to cordage woven from plant fibers. Tule balsa rafts were crafted and used to navigate rivers and sloughs (Levy 1978).

Miwok settlements typically included thatched, conical houses and semi-subterranean earth-covered dwellings in winter, constructed by higher-status families. Houses generally had a central hearth and an earth oven for cooking purposes. Large, semi-subterranean assembly houses were constructed for use as a ritual and social gathering place. In summer, a circular brush hut was constructed for use in mourning ceremonies. Other structures included sweathouses for curing disease and purification prior to hunting, small conical structures used by menstruating women, and grinding houses built over bedrock mortars to permit food processing in inclement weather. Acorn granaries were constructed for long-term acorn storage (Levy 1978).

Political organization centered on small tribelets of approximately 300 to 500 people and several distinct settlements. A chief headed each tribelet, and a representative of the chief each settlement had oversight of local affairs. Chiefs acted as advisors and managed use of natural resources by preventing trespassing on tribelet territory and determining the appropriate time to begin the acorn harvest each season. The chief also arbitrated any disputes and sanctioned the punishment of criminal offenders.

Miwok social organization followed the moiety pattern, with all living things belonging to one of two categories: land and water. Moieties were exogamous typically and played an important role in many ceremonies (Levy 1978).

## 4.3 Historic Context

The Post-European contact history of California is generally divided into three periods: the Spanish Period (1769–1822), the Mexican Period (1822–1848), and the American Period (1848–present). Each of these periods is briefly described below.

### **Spanish Period (1769 – 1821)**

Spanish exploration of California began when Juan Rodriguez Cabrillo led the first European expedition into the region in 1542. For more than 200 years after his initial expedition, Spanish, Portuguese, British, and Russian explorers sailed the California coast and made limited inland expeditions, but they did not establish permanent settlements (Bean 1968; Rolle 2003). In 1769, Gaspar de Portolá and Franciscan Father Junipero Serra established the first Spanish settlement in

what was then known as Alta (upper) California at Mission San Diego de Alcalá. This was the first of 21 missions erected by the Spanish between 1769 and 1823. It was during this time that initial Spanish settlement of the project vicinity began. The permanent settlements nearest what is now the DPP area were Missions San Francisco de Asís (1776) and Santa Clara (1777) and the San Jose pueblo (1777).

Several Spanish expeditions explored inland areas in the San Francisco Bay Area. Portolá's expedition discovered the San Francisco Bay and ventured into what is now Santa Clara County. In April 1772, Father Pedro Font led the earliest Spanish exploration into present-day Contra Costa County. In search of a land route to Point Reyes, Pedro Fages led a 1776 expedition into the area. These expeditions remained close to the coasts of San Pablo and Suisun bays and did not enter the area that is now Orinda (Kyle 2002).

During this period, Spain also granted ranchos to prominent citizens and soldiers in the area. To manage and expand their herds of cattle on these large ranchos, colonists enlisted the labor of the surrounding Native American population (Engelhardt 1927). The missions were responsible for administering to the local Indians as well as converting the population to Christianity (Engelhardt 1927). The influx of European settlers brought the local Native American population in contact with European diseases which they had no immunity against, resulting in a catastrophic reduction in native populations throughout the state (McCawley 1996).

### **Mexican Period (1821 – 1848)**

The Mexican Period commenced when news of the success of the Mexican War of Independence (1810 – 1821) against the Spanish crown reached California in 1822. This period saw the privatization of mission lands in California with the passage of the Secularization Act of 1833. This act federalized mission lands and enabled Mexican governors in California to distribute former mission lands to individuals in the form of land grants. Successive Mexican governors made approximately 700 land grants between 1833 and 1846, putting most of California's lands into private ownership for the first time (Shumway 2007). During this era, a class of wealthy landowners known as *rancheros* worked large ranches based on cattle hide and tallow production. In 1841, present-day Orinda was issued as parts of two Mexican-era land grants. Governor Juan Bautista Alvarado granted Rancho Laguna de los Palos Colorados to Joaquin Moraga and Juan Bernal. Comprising over 13,000 acres in the Berkeley Hills, the rancho included what is now the southern section of Orinda. Alvarado granted the 20,000-acre Rancho El Sobrante to Juan Jose and Victor Castro. Ranch El Sobrante included what would become the northern section of Orinda (Chicago Title Insurance Company, n.d.; City of Orinda 2020).

The beginnings of a profitable trade in cattle hide and tallow exports opened the way for larger, commercially driven farms. Land grants owned by the Spanish crown and clergy were distributed to mostly Mexican settlers born in California, or "*Californios*." While this shift marked the beginning of the rancho system that would "dominate California life for nearly half a century," California's rural character remained intact for decades (Poole 2002:13). Ranchos were largely self-sufficient enterprises (partly out of necessity, given California's geographic isolation), producing goods to maintain their households and operations.

### **American Period (1848 – Present)**

The Mexican Period officially ended in early January 1848 with the signing of the Treaty of Guadalupe Hidalgo, formally concluding the Mexican-American War. Per the treaty, the United

States agreed to pay Mexico \$15 million for conquered territory, including California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming.

In 1848, the discovery of gold in Northern California led to the California Gold Rush, though the first gold was found in 1842 by settlers in Placerita Canyon, approximately 40 miles to the northwest of San Gabriel (Workman 1935; Guinn 1976). The Gold Rush significantly transformed Northern California and contributed to an exponential increase in the territory's population overall. During this time, San Francisco became California's first true city, growing from a population of 812 to 25,000 in only a few years. California was admitted as a state in 1850, and by 1853, its exceeded 300,000. Thousands of settlers and immigrants continued to immigrate to the state, particularly after the completion of the First Transcontinental Railroad in 1869 (Rolle 2003).

The influx of settlers in the mid-nineteenth century set in motion a variety of political, legal, and economic factors that began to erode the rancho system. Given the size of their holdings, the initiation of property taxes proved onerous for many southern California ranchers. In addition, the creation of the U.S. Land Commission in 1851 required that property owners prove the validity of their property titles, many of which had been granted without the benefit of formal survey, making it difficult in many cases for owners to meet legal standards of evidence. Ranchers often paid for legal debts with portions—or all—of their ranchos. During this period, for example, 40 percent of rancho-held lands in the County of Los Angeles passed to the U.S. government. The large-scale rancho system also suffered greatly from the 1860s droughts, which decimated the cattle industry upon which Southern Californian ranchers depended. As the ranchos collapsed, much of the land was subdivided into agricultural parcels or towns (Dumke 1944).

### *The City of Orinda*

The city of Orinda's name is derived from the nickname of the 17th century poet Katherine Fowler Philips. William Walker Cameron - a major landowner in the area in the 1870s - and his wife were admirers of Philips, known as the "Matchless Orinda," and chose to name their tract Orinda Park. In 1887, brothers Jose and Miguel deLaveaga purchased an 1,100-acre tract of land that included the northern part of what is now Orinda, and Miguel's family established a home on the land (Chicago Title Insurance Company n.d.).

In 1891, the California & Nevada Railroad extended its narrow-gauge line into present-day Orinda. Service from the Orinda Park and Bryant stations connected the area to a terminal at Emeryville, until 1891, when the line was abandoned. Although the Atchison, Topeka & Santa Fe Railroad acquired the line in 1903, the company reinstituted service only as far as El Cerrito. Due to its hilly topography, Orinda remained relatively inaccessible well into the twentieth century (Hall 2015).

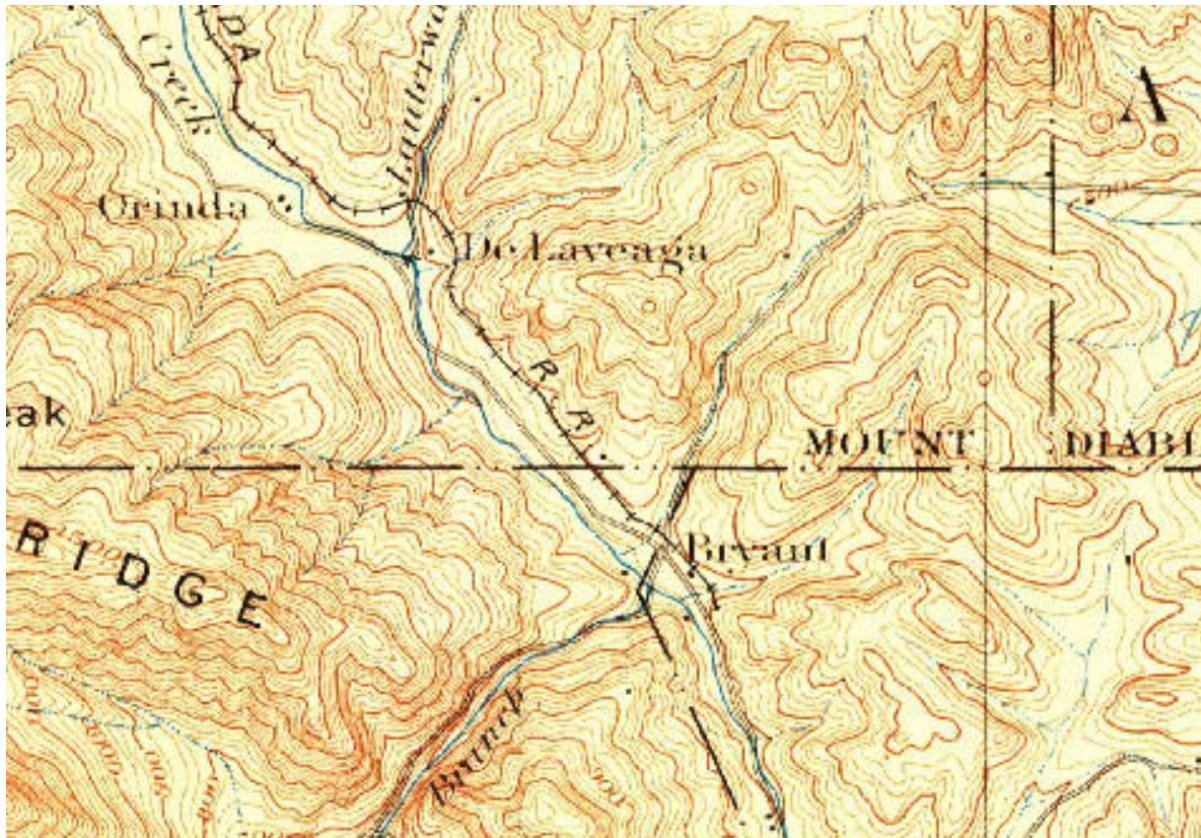
The area's climate and rural atmosphere made it an "attractive summer destination," but few people resided there year-round (City of Orinda 1987; Madison 1996). Miguel's son, Edward I. deLaveaga, believed the climate and natural beauty would draw people to the area and decided to develop a residential community, adopting the name Orinda. As part of plans for subdividing his property, and to ensure a reliable water supply, a lake was constructed in 1921 to serve as a catch basin for the various springs in the area. E.I. deLaveaga developed roads, a village to serve residents' needs, a firehouse, the Orinda Store building, a garage, and riding academy (Contra Costa County 2019; Orinda Country Club 2020). Historic aerial photographs of the area show that, despite deLaveaga's efforts, Orinda grew modestly in the decade after the town was established (UCSB Map and Imagery Lab 1928; 1940). The opening of the Caldecott Tunnel (or Broadway Low Level Tunnel) in 1937 improved access between Orinda and the East Bay via SR 24. Following World War II, Orinda felt the effects of California's mid-century population boom. With a growing number of single-family

residences clustered around the modest downtown area, Orinda's population reached nearly 6,000 in 1960. In 1973, Bay Area Regional Transit Service connected the growing bedroom community to the wider region. Between 1970 and 1980, Orinda's population more than doubled to about 17,000. The City of Orinda was incorporated in 1985 (City of Orinda 1987).

#### *Developmental History of the Downton Precise Plan Planning Area*

United States Geological Survey (USGS) topographical maps show that, at the turn of the twentieth century, the DPP area was largely undeveloped. The 1897 edition of the *Concord, Calif.* topographical map depicts a few scattered buildings in the vicinity of a pair of intersecting unpaved roads, the forerunners to today's SR 24, Moraga Way, and Orinda Way (Figure 7). The California & Nevada Railroad alignment ran parallel to, and just east of, the present Orinda Way corridor. Although the railroad was defunct at the time of the survey, the map depicts the Bryant and deLaveaga stations at either end of what is now the DPP area (USGS 1897; Hall 2015). Maps dated through 1923 show roughly the same degree of development as the 1897 edition (USGS; 1897, rev. 1905; 1897, rev. 1907; 1915, rev. 1923).

**Figure 7 Concord, Calif. USGS Topographical Map, 1897**



Although Orinda was subdivided in the late 1920s, the town experienced slow growth in the years between the World Wars. Taken in 1928, the earliest available aerial photograph of the area reveals that Orinda's two downtown commercial districts—the Village and the Crossroads districts—had begun to take form (Figure 8). Located at the north end of Orinda Way, the Village District consisted of about a half-dozen commercial buildings on the west side of the road at the time of the photo. Just to the south, the Orinda Community Center building was also completed. The Crossroads

District, situated south of what is now the intersection of Moraga Way and SR 24, was made up of just two comparatively small buildings. Although some land in the area appears to have been in use for farming, most buildings in the surrounding area were located well to the southwest of the main intersection (UCSB Map and Imagery Lab 1928). By 1940, there were a handful of new buildings. These included a few apparent commercial and residential buildings along Moraga Way and the public library building (UCSB Map and Imagery Lab 1940).

**Figure 8 Aerial Photograph of the DPP Area and Vicinity, 1928**



Following World War II, the pace of development accelerated in the downtown area. Historical aerial photographs show that between 1946 and 1965 most of the DPP Area was developed, as construction continued in the Village and Crossroads districts. SR 24 was substantially widened and modernized in the late 1950s. As of 1965, frontages along Orinda Way filled with dense, low-rise, mostly commercial development, and new construction began to penetrate neighboring areas along Camino Pablo, Santa Maria Way, and Altarinda Drive (Figure 9). Across the highway, in the Crossroads District, commercial development trended southward along Moraga Way and, by 1968, such side streets as Brookwood Road (Netronline 1946; 1958; 1968; UCSB Map and Imagery Lab 1965).

Orinda's rapid suburbanization in the 1970s fueled additional development and redevelopment in the DPP area. Generally, this was consistent with the growth that took place downtown in the 1950s and 1960s, and relatively large institutional and commercial properties continued to fill lots on the secondary streets intersecting Orinda and Moraga ways. By the early 1980s, development of the DPP Area was essentially complete, and the area has since retained its character as a primarily commercial district (Netronline 1980; 1981; 1982).



**Figure 9 Aerial Photograph of the DPP Area and Vicinity, 1965**



## 5 Background Research

### 5.1 Cultural Resources Records Search

On June 26, 2020, Rincon Archaeologist Elaine Foster, MA, performed a search of the California Historical Resources Information System (CHRIS) at the NWIC located at Sonoma State University. The purpose of the records search was to identify all previously recorded cultural resources, as well as previously conducted cultural resources studies, within the DPP area and a 0.125-mile radius; a records search was not conducted within or adjacent to specific Housing Opportunity Sites. The records search included a review of the NRHP, the CRHR, the Office of Historic Preservation Historic Properties Directory, the California Inventory of Historic Resources, and the Archaeological Determinations of Eligibility list. The following summarizes the results as they pertain to the current project.

#### Previous Cultural Resource Studies

The NWIC records search identified 19 previously conducted cultural resources studies within a 0.125-mile radius of the DPP area (Table 1). Eleven of the previously conducted cultural resource studies include portions of the DPP area (S-001809, S-002421, S-007765, S-009124, S-011399, S-017212, S-025026, S-038135, S-046812, S-046871, and S-050911). Studies conducted within DPP area are summarized below.

**Table 1 Previous Cultural Resources Studies within 0.125-Mile of the DPP Area**

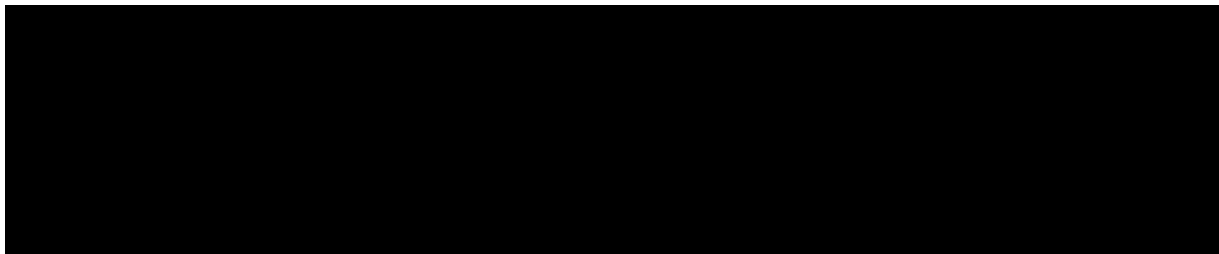
Report Number	Author	Year	Title	Relationship to DPP Area
S-001809	Janis Offermann	1979	<i>An Archaeological Survey of the Proposed Pine Grove Office Complex, Orinda, Contra Costa County, California.</i>	Within
S-002421	Peter Banks	1980	<i>An Archaeological Investigation of the Proposed Orinda Senior Village, at the Orinda Community Church, Orinda, Contra Costa County, California</i>	Within
S-007765	David Chavez	1985	<i>Brookwood office Building, Orinda (letter report)</i>	Within
S-009124	John Holson and Lori Hager	1987	<i>A Cultural Resources Study for the Vaca Dixon-Moraga 230 kV Transmission Line, Reconductoring Project, Contra Costa, Napa and Solano Counties, California</i>	Within
S-011399	Nancy French	1990	<i>Archaeological Studies of Inspiration Point and Village Grove Trails, Near Orinda, Contra Costa County, California</i>	Within
S-017212	Todd Jaffkle	1995	<i>Archaeological Survey Report, Proposed Construction at the Brookwood Off-Ramp on East Bound Route 24, 04-CC-24 Post-Kilo 3.4/3.7 04275-22810K</i>	Within
S-021716	Miley Holman	1998	<i>Archaeological Field Inspection of the Proposed Lower Orinda Pumping Station, Orinda, Contra Costa County, California (letter report)</i>	Outside

Report Number	Author	Year	Title	Relationship to DPP Area
S-025026	Caltrans	2001	<i>Historic Property Survey Report, 04-CCO, Heart of Orinda Streetscape Modifications, 04-CC-0-Orin, CML 5444 (099)</i>	Within
S-025026a	Colin Busby	2001	<i>Negative Archaeological Survey Report 04-CCO, Heart of Orinda Streetscape Modifications, 04-CC-0-Orin, CML 5444 (099)</i>	Outside
S-033504	Cameron Bauer and Heather Price	2007	<i>Historic Property Survey Report, Seismic Retrofit of BART Aerial Structures and Stations along Concord, Richmond, Daly City, and Fremont Lines, Alameda, Contra Costa, and San Mateo Counties, STPLZ-6000 (25)</i>	Outside
S-033504a	Heather Price	2007	<i>Historical Resources Evaluation Report, Exhibit I of HPSR, Seismic Retrofit of BART Aerial Structures and Stations Along Concord, Richmond, Daly City and Fremont Lines, District 4, Alameda, Contra Costa, San Francisco, and San Mateo Counties, STPLZ-6000</i>	Outside
S-033504b	Heather Price	2007	<i>Archaeological Survey Report Exhibit II of HPSR, Seismic Retrofit of BART Aerial Structures and Stations along the Concord, Richmond, Daly City and Fremont Lines, District 4, Alameda, Contra Costa, San Francisco, and San Mateo Counties, STPLZ-6000 (25)</i>	Outside
S-033504c	Jennifer Darcangelo and Milford Wayne Donaldson	2007	<i>FHWA 070321A Determinations of Eligibility for the Proposed Seismic Retrofit of BART Aerial Stations and Structures along the Concord, Richmond, Daly City, and Fremont Lines</i>	Outside
S-038135	Brian Hatoff	2010	<i>Verizon Cellular Communications Tower Site - Orinda, 50 Vashell Way (APN: 262-141-017), Orinda, CA 94563</i>	Within
S-046812	Lisa Westwood and Stephen Pappas	2015	<i>Cultural Resources Identification, Orinda Country Club, Project No. 2015-066, Contra Costa County, California</i>	Within
S-046871	Miley Paul Holman	2012	<i>Cultural Resource Study of the Proposed Orinda Senior Housing Project, #2 Irwin Way, Orinda, Contra Costa County, California (letter report)</i>	Within
S-050911	Kyle Rabellino	2017	<i>Historic Property Survey Report for the State Route 13 and 24 Lighting Safety Project, 04-VAR-13 &amp; 24, PM VAR, EA 1J990, E-FIS 0414000411</i>	Within
S-050911a	Kyle Rabellino	2017	<i>Archaeological Survey Report for the State Route 13 and 24 Lighting Safety Project, CCO-24-1.0/R2.49, R4.20/R4.9 &amp; ALA-13-5.19/5.49, EA 04-1J990, EFIS 0414000411</i>	Within



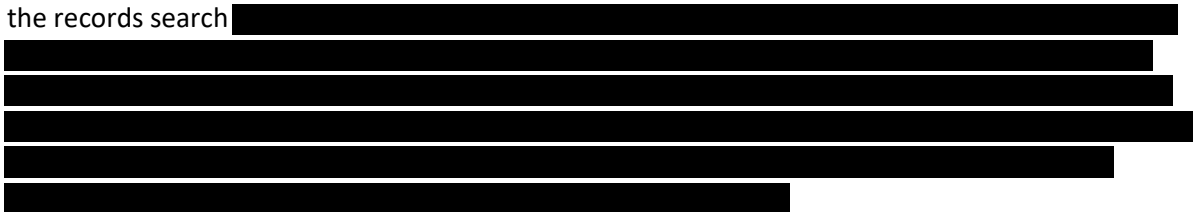
Report Number	Author	Year	Title	Relationship to DPP Area
S-050911b	Kyle Rabellino	2017	<i>Extended Phase I Archaeological Testing for the Proposed SR 13 and SR 24 Lighting Safety Project, SR 13, PM 5.19/5.49, Alameda County, S R 24, PM 1.0/1.7, 1.7/R2.49, R4.2/R4.99, Contra Costa County, EA 04-1J990/0414000411</i>	Within
NWIC 2020				

S-001809



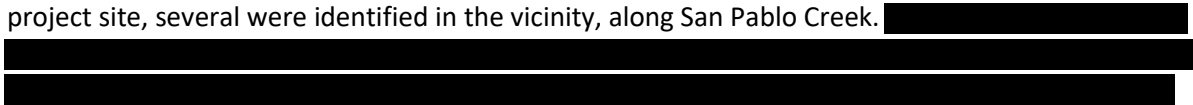
S-002421

In 1980, Peter M. Banks of California Archaeological Consultants drafted An Archaeological Survey of the Proposed Orinda Senior Village, at the Orinda Community Church letter report. The study consisted of a records search and an archaeological field survey of an 8-acre study parcel located entirely within the DPP area. Although no cultural materials were identified on the 1980 project site, the records search



S-007765

In 1985, David Chavez of David Chavez and Associates completed the Brookwood Office Building, Orinda letter report. The study consisted of a cultural resources records search of the NWIC and an archaeological field survey of a 1985 project site located entirely or almost entirely within the DPP area. Although the records search did not identify any previously recorded resources on the 1985 project site, several were identified in the vicinity, along San Pablo Creek.



S-009124

In 1985, John Holson and Lori Hager completed A Cultural Resources Study for the Vaca Dixon-Moraga 230 kV Transmission Line, Reconductoring Project. The study area comprised a 57-mile electrical transmission line corridor in Contra Costa, Napa, and Solano counties. Although the NWIC identified the 1985 study area as partially within the DPP area, maps and information provided in the report do not offer enough detail to determine precisely where the areas overlap. The study consisted of a cultural resources records search at the NWIC and a cultural resources

reconnaissance survey at select locations. None of the cultural resources identified by the study were located in the DPP area (Holson and Hager 1985).

#### *S-011399*

In 1990, Nancy French prepared the Archaeological Studies of Inspiration Point and Village Grove Trails, Near Orinda letter report. The study was conducted along two recreational trail corridors in and near Orinda, with only a small portion of one trail corridor overlapping the DPP area near SR 24. The study consisted of a cultural resources records search of the NWIC and an archaeological pedestrian field survey of the trail corridors. No cultural resources were identified as a result of the records search or field survey (French 1990).

#### *S-017212*

In 1995, Todd Jaffkle of the California Department of Transportation (Caltrans) prepared Archaeological Survey Report, Proposed Construction at the Brookwood Off-Ramp on East Bound SR 24, 04-CC-24 Post-kilo 3.4/3.7 04275-22810K. The study consisted of a cultural resources records search of the NWIC; a review of the NRHP, CRHR, and California Historic Landmarks; and an archaeological pedestrian field survey. The surveyed area is located within a portion of the Camino Pablo-SR 24 interchange and is entirely or almost entirely the DPP area. No cultural resources were identified within the DPP area as a result of the field survey. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### *S-025026*

In 2001, Caltrans completed the Historic Property Survey Report, 04-CCO, Heart of Orinda Streetscape Modifications, 04-CC-0-Orin, CML 5444 (099). Located entirely within the DPP area, the study was conducted within the public right-of-way of a 1,200-foot stretch of Orinda Way in downtown Orinda. The 2001 study consisted of a cultural resources records search of the NWIC, a review of the NRHP and CRHR, and a cultural resources pedestrian field survey. The records search did not identify any archaeological or built environment cultural resources, but indicated the area was of moderate sensitivity for Native American archaeological and historic-era resources. Although the study noted the right-of-way of the California and Nevada Railroad appeared to parallel the study area, the right-of-way was not identified specifically as a historical resource or as related to the historic-era railroad right-of-way P-07-000218/CA-CCO-433H. No other archaeological or built environment historical resources were identified during the field survey (Caltrans 2001).

#### *S-038135*

In 2010, Brian Hatoff completed an architectural history assessment for the Verizon Cellular Communications Tower Site - Orinda, 50 Vashell Way project) in Orinda. The study was conducted on a commercial parcel at 50 Vashell Way, entirely within the DPP area. The study consisted of a cultural resources records search at the NWIC, Native American consultation, archival research, an architectural history field survey, and an evaluation for NRHP eligibility. The records search identified three historic-era cultural resources, Bryant Station/Orinda Park site (P-07-001052), 10 Moraga Way, 26 Orinda Way, and a segment of the California and Nevada Railroad. The eligibility

status of these resources is addressed below in Previously Recorded Resources and Table 3. One previously unrecorded built environment resource was recorded and evaluated, the commercial building at 50 Vashell Way (P-07-003076), which was recommended ineligible for the NRHP (Hatoff 2010).

#### S-046812

In 2015, Lisa Westwood and Stephen Pappas of ECorp Consulting completed Cultural Resources Identification, Orinda Country Club, Project No. 2015-066 in Orinda. The study area comprised of the Orinda Country Club, with a small portion overlapping the north end of the current project's DPP area and the remainder outside the DPP area. The study consisted of a cultural resources records at the NWIC; [REDACTED]

[REDACTED]

#### S-046871

In 2012, Miley Paul Holman completed the Cultural Resource Study of the Proposed Orinda Senior Housing Project, #2 Irwin Way, Orinda, letter report to supplement previous research conducted for the same project. The study consisted of expanded archival research and a field study of the 2012 project site, which is a former library property located entirely within the DPP area. As a result of an inquiry of the NWIC, one previously recorded resource was identified, the Cedar of Lebanon Tree, which was previously determined eligible for inclusion in the CRHR (Holman 2012). Research for the current study, however, could not confirm the resource's eligibility as it was not identified in the CRHR or the California Office of Historic Preservation's Built Environment Resources Directory or the records search conducted for the current study.

#### S-050911

In 2017, Kyle Rabellino completed the Historic Property Survey Report for the State Route 13 and 24 Lighting Safety Project in Orinda. The study was conducted along portions of State Routes 13 and 24, with areas along SR 24 that fall within the current project's DPP area. The study consisted of archaeological study report and an extended phase 1 investigation (XPI); [REDACTED]

[REDACTED]

## Previously Recorded Cultural Resources

The NWIC records search identified four previously recorded cultural resources within 0.125 miles of the DPP area. Record P-07-001052 pertains to two separate resources, the Bryant Station Site which is located within or to the DPP area, and the Orinda Park site, which is located outside the DPP area. The remaining two resources (P-07-000218/CA-CCO-433H and P-07-003076) are located within the DPP area (Table 2). These resources are described briefly below. Non-confidential results from the records search can be found in Appendix A of this report.

**Table 2 Cultural Resources Previously Recorded within 0.125-Miles of the DPP Area**

Primary Number	Trinomial	Resource Type	Description	Recorder(s) and Year(s)	NRHP/CRHR Status
P-07-000218	CA-CCO-433H	Site	Historic railroad embankment and right of way	1980 (P. Banks, California Archaeological Consultants, Inc.)	Unevaluated
P-07-001052		Site	Bryant Station (site) and Orinda Park	1968 (R. Cole Wood, Historical Landmarks Advisory Committee); 1975 (Charles A. Farren, Contra Costa County Planning Dept.)	Unevaluated
P-07-003076		Building	Crossroads Building	2010 (URS Corp)	Recommended ineligible for listing in the NRHP through evaluation (6Z)
NWIC 2020					

### *P-07-000218/CA-CCO-433H*

Resource P-07-000218/CA-CCO-433H is a graded segment of the California & Nevada Railroad right-of-way located behind the Orinda Community Center, 30 meters east of the building. P. Banks recorded the site in 1980 and noted that the planned construction of a residential development would likely impact the site. The resource was not evaluated for eligibility for the NRHP or CRHR (Banks 1980a).

### *P-07-001052*

The record for P-07-001052 includes information for the sites of both Bryant Station and the Orinda Park development. The site of Bryant Station is identified as California Historical Point of Interest CCO-004 and that of Orinda Park as CCO-001. The Bryant Station site is located into the DPP area, near the intersection of Camino Pablo and SR 24. Orinda Park is located outside the DPP Area (Farren 1975).

### *P-07-003076*

Resource P-07-003076 is the Crossroads Building, a commercial building exhibiting elements of the International Style. URS recorded the property in 2010 as part of the Verizon Communications

Tower Site—Orinda, 50 Vashell Way project. The property was evaluated for historical significance and recommended ineligible for listing in the NRHP and CRHR (URS Corporation 2010).

## 5.2 Other Known Resources in DPP Area

In addition to the CHRIS records search summarized above, Rincon conducted a search of the NRHP database, Office of Historic Preservation Built Environment Resources Database, and the Orinda Historic Landmarks list, which identified 12 known historical resources located in the DPP area. Four of these are located on DPP residential development sites: Phair's Store, formerly the Orinda Store at 10 Avenida de Orinda (DPP-7); Miss Graham's Riding Academy/Orinda Motors at 63 Orinda Way (DPP-10); First Orinda Fire House at 107 Orinda Way (DPP-12); and Casa Verana at 112 Camino Pablo (DPP-28). One known historical resource is located in a Downtown Commercial and Office Development Site: Orinda Theatre and American Trust Bank Building at 2 Theatre Square (DPP-79). An additional 4 known historical resources are located on Downtown Public Services Sites: the California and Nevada Railroad Trestle Post on the parcel at 20 Irwin Way (DPP-PS-84); Orinda Community Center/Orinda Union School and the Orinda Sign, both at 26 Orinda Way (DPP-PS-87); 1892 Santa Maria Church Bell on the parcel at 20 Santa Maria Way (DPP-PS-88). Three additional known resources are located within the DPP Area but are not on any site proposed for development: Orinda Bridge, Bryant Station Site, and deLaveaga Station. Known historical resources located in the DPP area are listed below in Table 3.

**Table 3 Known Historical Resources Within the DPP Area**

Resource Name/Description	Location	Eligibility	Comments
Orinda Community Center/Orinda Union School	26 Orinda Way	Orinda Historic Landmark	Located in DPP-PS-87.
Orinda Bridge	Orinda Way & Camino Pablo	Orinda Historic Landmark	N/A
Phair's Store (formerly the Orinda Store)	10 Avenida de Orinda	Orinda Historic Landmark	Located in DPP-7.
Casa Verana	112 Camino Pablo	Individual property that is eligible for local listing or designation (5S2)	Located in DPP-28
Orinda Sign	26 Orinda Way	Orinda Historic Landmark	Located in DPP-PS-87.
1892 Santa Maria Church Bell	20 Santa Maria Way	Orinda Historic Landmark	Located in DPP-PS-88.
Bryant Station Site	Southeast of Camino Pablo & Bryant Way	Orinda Historic Landmark	N/A
deLaveaga Station	Bates Boulevard & Davis Street	Orinda Historic Landmark	N/A
California and Nevada Railroad Trestle Post	20 Irwin Way	Orinda Historic Landmark	Located in (DPP-PS-84.
Orinda Theatre and American Trust Bank Building	10 Moraga Way	Individual property listed in NRHP by the Keeper; listed in the CRHR (1S)	Located in DPP-79

Resource Name/Description	Location	Eligibility	Comments
First Orinda Firehouse	107 Orinda Way	Individual property that is eligible for local listing or designation (5S2)	Located in DPP-12.
Miss Graham's Riding Academy, Orinda Motors	63 Orinda Way	Individual property that is eligible for local listing or designation (5S2)	Located in DPP-10.
Sources: NWIC; NRHP; California Historic Resource Inventory; Built Environment Resource Directory; Orinda Historic Landmark Designations			

## 5.3 Native American Outreach

Rincon contacted the Native American Heritage Commission (NAHC) on June 29, 2020 to request a search of the Sacred Lands File (SLF). The NAHC responded on July 1, 2020, stating the results of the SLF search were negative with a recommendation to contact relevant local Native American groups. The NAHC contact list was provided to the City of Orinda. Appendix B includes the results of the SLF search.

## 5.4 Archival and Historical Background Research

Archival research for this study was completed July and August 2020. Research methodology focused on the review of primary and secondary source materials relating to the history and development of the DPP area. Sources included, but were not limited to historic-era maps, aerial photographs, and written histories of the area. A list of repositories consulted to identify pertinent materials is included below.

- Historical aerial photographs accessed via the University of California Santa Barbara digital aerial photography collections
- Historical topographic maps accessed via U.S. Geological Survey
- Historic-era newspaper articles accessed via newspapers.com
- Los Angeles County Assessor's Office
- Building permits for 10 Avenida de Orinda and 50 Moraga Way accessed via the City of City of Orinda Planning Department
- Other sources as noted in the references list

## 6 Field Survey

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### 6.1 Methods

At the direction of the City of Orinda, Rincon conducted historic resource evaluations of two properties in the DPP area: 10 Avenida de Orinda and 50 Moraga Way. Rincon Architectural Historian Susan Zamudio-Gurrola, MHP conducted a built environment survey of these two properties on June 29, 2020. The City of Orinda requested that 10 Avenida de Orinda, which is presently designated as a City of Orinda Historic Landmark, be recorded and evaluated to determine whether it should continue to be designated as a Historic Landmark. The City also requested that 50 Moraga Way be newly evaluated for historical resources eligibility. Ms. Zamudio-Gurrola visually inspected all built environment elements of the properties. She assessed the overall condition and integrity of the extant buildings and identified and documented their character-defining features. Field documentation included notes and digital photographs of the property to support field observations. The properties were individually recorded on DPR forms and evaluated for listing in the NRHP, CRHR, and local designation as City of Orinda Historic Landmarks. Corresponding DPR forms are included in Appendix C of this report and are summarized in the following section.

In addition to the site-specific built environment survey, Ms. Zamudio-Gurrola conducted a windshield survey of the area surrounding the surveyed properties. The purpose of the windshield survey was to gain an understanding of the area's developmental history. Ms. Zamudio-Gurrola documented the surrounding built environment with field notes and digital photographs.

The survey was limited to the built environment resources as described above and did not include a survey of archaeological resources.

### 6.2 Results

#### **10 Avenida de Orinda (APN 265-011-008)**

##### *Physical Description*

The property 10 Avenida de Orinda consists of a rectangular 0.32-acre parcel containing a store building that was originally constructed in 1924 (Photograph 1 and Photograph 2). Although records are scarce, it appears the store started as a smaller building at the northeast corner of the parcel. Today, the entire parcel is developed and the commercial building appears to be composed of several sections (likely additions constructed over time). The building mass at the northeast corner of the parcel presents as a large one-and-one-half story building with a generally rectangular plan and a parapet-concealed roof that is alternately gabled and flat. The building's north elevation fronting Orinda Way is faced with brick and contains four windows, two of which are horizontally-oriented and two of which are vertically-oriented. Each window has wooden frames, deep sills and a single light. Mounted above each window is a metal awning with a Mansard shape. The two vertically oriented windows have signage across the top reading "Phair's Since 1940" and the image of a bird. On the east elevation, the majority of the wall plane appears to be concrete with scoring and brick veneer along the lower portion of the walls.

It appears a large addition was constructed to the south and southwest of the original building and is set back slightly further from Avenida de Orinda. A broad chimney-like projection rises at the

junction of the two building sections and has an image of a bird with a branch in its beak mounted near the top. The building section in the southwest corner of the parcel is two stories in height.

The building's primary entrance is located on the east elevation facing Avenida de Orinda (Photograph 3). Flanked by brick planters containing shrubs and small trees, the entrance is recessed and consists of commercial-style aluminum-framed doors with a transom. An additional single-entry door is located at the southeast corner of the building, next to a square window opening with deep sills. Both the doorway and window opening have been boarded/closed off.

Abutting the primary building on the west is a one-story building fronting Orinda Way. Mediterranean in style, aerial photos show it has an irregular footprint with varying roofs, including cross-gabled and shed, which are clad with red barrel tile. An iron grille is mounted over a round slatted vent on the gable facing the street. An enclosed area similar to a sunroom is located across the northern façade, fronting the street. Its multi-light panels rest on a low brick wall. It appears that to the rear of this building an addition was constructed which has a flat roof and abuts the two-story portion of the store in the southwest portion of the parcel. While not visible because of its close proximity to the neighboring buildings, in aerial photographs it displays three rectangular windows on the west elevation.

**Photograph 1 10 Avenida de Orinda, North Elevation, Facing Southwest**





**Photograph 2 10 Avenida de Orinda, Close-Up of North Elevation, facing Southwest**



**Photograph 3 10 Avenida de Orinda, Partial East Elevation, facing Northwest**



## *Developmental History*

The property's original owner, Edward I. deLaveaga, believed Orinda's climate and natural beauty would draw people to the area and decided to develop a residential community. As part of plans for subdividing his property, to ensure a reliable water supply, a lake was constructed in 1921 to serve as a catch basin for the various springs in the area. E.I. deLaveaga developed roads, a village to serve residents' needs, a firehouse, the Orinda Store building, a garage, and riding academy (CCD 2019; Orinda Country Club 2020). E.I. deLaveaga also developed the Orinda Store, a general merchandise store, which was built in 1924 and opened for business in January 1925. Run by E.I. deLaveaga during the first few years after its opening, the store building also housed the post office, a soda fountain, and the Orinda library for a short period of time. Located in the rear of the building was the Orinda Properties Company office which handled deLaveaga's subdivisions (Sorrick 1970; Madison 1996).

E.I. DeLaveaga also developed the Orinda Country Club, which opened in 1925 across the street from the Orinda Store and was responsible for drawing new residents to the area (Orinda Country Club 2020). The town continued to grow, aided by the construction of the Caldecott Tunnel in 1937, which facilitated automobile travel. Orinda's population reached 3,200 by 1940.

Based on permit records and historical photographs, the Phair's building was originally a smaller, rectangular building at the northeast corner of the parcel before being enlarged. An awning/flat roof once spanned the northern façade but has since been removed (CDD various; Contra Costa County Historical Society 1924; NETROnline 1946).

The town's second firehouse was built in 1942 on the adjacent property to the south (rear) of Phair's Orinda Store but was later demolished due to flooding from San Pablo Creek (Firth 2011). By 1946 a smaller rectangular building with a small setback was constructed adjacent to the store on the west. It was identified as the PT&T (likely Pacific Telegraph & Telephone) building on plans on file with the county. This smaller building is presently located on the same parcel as the Phair's store, although it is unclear when the building was incorporated as part of Phair's.

By 1955 Orinda grew to 9,500 people (Oakland Tribune 1955). That same year the store was enlarged with a sizeable addition at the rear (south end) of the building. The addition is differentiated by its style and materials from the original portion of the building (CCD 1955). Additional improvements for which permits were obtained over the years include: re-roofing the southeast wing of the building in 1968; interior partitions added in 1971; an office remodeling and installation of the Phair's sign above the primary entrance in 1973; replacement of electrical switch and re-roofing in 1992; foundation repair at the southwest corner of the building in 1991; and removal of the canopy at the front of the building in 2019 (CDD Development, various). Based on visual observation and a review of historical photographs, it appears a side entrance and window openings on the east elevation of the original building were sealed at an unknown date. Door and window openings on the north elevation may also have been modified (Contra Costa County Historical Society 1924 and 1957). Finally, Mansard-style awnings have been installed over the windows on the north elevation.

Phair's contained a full butcher shop, bakery, liquor and wine cellar, and sold clothing and gifts. Phair's also housed a restaurant at one time (The Mendocino Beacon 2011). The property was designated a City Historic Landmark in 1994. However, City documentation states only the site, not any improvements on the site, are part of the Historic Landmark designation. The Orinda Store is also a designated Contra Costa County Structure of Historical Significance. The Phair family

continued to own the property until selling it to Joanna Guidotti in 2015 (Mills 2013; O'Doherty 2018).

A review of building permits on file with the County of Contra Costa several alterations made to 10 Avenida de Orinda (CCD var.). Table 4 summarizes the building permit history of the property.

**Table 4 Building Permit History of 10 Avenida de Orinda**

Permit #	Date Issued	Description of Work	Architect/Contractor	Property Owner	Notes
2196	9/21/1948	Re-roofing	Western Roofing Co.	Orinda Store	
385-5	7/18/1955	Extend building to eliminate setback	N/A	E.J. Phair	
18262	9/21/1971	Interior partitions	Coburn Construction	Phair's Orinda Store	
30498	7/20/1973	Remodel office	J.R. Lucas Construction Co.	E. Phair	
N/A	6/9/1980	Underground electrical	Stuckert Electric	Phairs	
N/A	2/25/1982	Change overhead electrical to underground electrical	Stuckert Electric	Phairs	
21921-C	2/11/1985	Electrical	Planscape	Phairs Properties	
BIFD0000173122	8/26/1991	Foundation repair	Ned Clyde Construction		
173122	2/18/1992	Foundation repair	Ned Clyde Construction	Phairs Properties	
BIEC0000176626	3/4/1992	Replace damaged switch	Bethel Electric	N/A	
176626	7/22/1992	Electrical	Bethel Electric	Phairs Properties	
181986	11/3/1992	Re-roofing	Enterprise Roofing/Jay Construction	Phairs Properties	
BIRR0000181986	11/3/1992	Re-roofing	Conglass Roof	N/A	
BIT19-004599	5/17/2019	Remove canopy from front of building	Torres Construction	N/A	
190009322	7/31/2019	N/A	N/A	Phairs, Inc.	Document is a receipt

N/A = not available

Source: CCD Building Permits

### *Historical Resources Evaluation*

The commercial property at 10 Avenida de Orinda does not appear to be eligible for listing in the NRHP or CRHR.

Developed in the mid-1920s by E.I. deLaveaga, the subject property is among Orinda's oldest commercial properties and has significant associations with the community's founding. However, the property has incurred substantial alterations, including the construction of a large rear addition in 1955 and the apparent filling in of windows on the original 1920s portion of the building. As a result of these changes, the building does not retain sufficient integrity of design, materials, or feeling to convey its associations with the founding of Orinda. The building is not associated with any other historical events significant in the history of the city, state, region, or nation. Therefore, it does not appear eligible under Criteria A/1.

Likewise, while the property derives historical significance from its associations with deLaveaga, the aforementioned alterations have changed the building enough that it no longer conveys those associations. Research for this study found no evidence the property is associated with any other individual known to have made significant historical contributions. Therefore, it is recommended ineligible under Criteria B/2.

The building was originally designed as a vernacular brick commercial building and was augmented with stylistically non-descript addition. The property is not an exceptional example of any architectural style and does not appear eligible under Criteria C/3. There is also no information to indicate the commercial building has the potential to be eligible under Criteria D/4 for its potential to yield information important to our understanding of human history or prehistory.

The subject property is listed as a Historic Landmark in the City of Orinda as Phair's Store, formerly the Orinda Store, and appears largely as it did when it was designated in 1994. The City considers the store site to be historically significant but does not consider any improvements to the property as contributory to its eligibility for designation as a Historic Landmark. The present evaluation found no evidence to suggest that this designation should be changed to include the subject building. For reasons detailed above, it was found that, while the building bears important historical associations with E.I. deLaveaga and the founding of Orinda, substantial alterations would preclude the designation of the physical building as a City of Orinda Historic Landmark.

### **50 Moraga Way (APN 273-021-004)**

#### *Physical Description*

The property at 50 Moraga Way consists of a one-story commercial building on a 0.24-acre, irregularly shaped parcel at the southeast corner of Moraga Way and Brookwood Road (Photograph 4). A narrow section at the rear of the building projects to a second story but is not readily visible from ground level. The building has an irregular footprint, occupies the entire parcel, and abuts the adjacent properties to the south. Constructed in 1957, the building is designed in a Mid-Century Modern style with a Streamline Moderne influence. It features a symmetrical design, horizontal emphasis, streamlined appearance, and curved lines. Its roof is flat with a small parapet and appears to be covered with rolled roofing material. A flat canopy curves across the majority of the building and shelters the canted corner entrance. Facing the intersection of Moraga Way and Brookwood Road at the building's northern end, the primary entrance consists of steel-framed, sliding, double-doors with similar large sidelights and a large three-light transom. The entrance is flanked by large expanses of steel-sash storefront windows - each grouping located above low brick



planters - followed by steel-sash ribbon windows resting on flagstone-veneer-clad walls. Within the stone-clad walls, down the west and east sides of the building, are horizontal, framed insets that appear to be display cases or windows. They are currently not in use and are covered over. Some of the storefront window lights have been covered over. The last section of the wall plane on both elevations defines the second-story element located at the rear of the building; in this area, the wall appears to be concrete with a block pattern (Photograph 5). Additional entries include: a pair of steel-framed doors near the southeastern end of the building, and a metal roll-up door near the southwestern end of the building. Mounted letters on the parapet facing the intersection read "CVS/pharmacy", and a small sign reading the same hangs from the canopy soffit.

**Photograph 4 50 Moraga Way, West Elevation and Primary Entry, Facing Southeast**



**Photograph 5 50 Moraga Way, North Elevation, Facing Southwest**



### *Developmental History*

The commercial building at 50 Moraga Way was constructed in 1957 and appears to have been developed as a new building for an existing business called Orinda Pharmacy (County of Contra Costa, Information Technology Division 2022; Oakland Tribune 1958). The pharmacy had previously been located at 1 Moraga Highway, a location once described as the “Crossroads” in Orinda (Oakland Tribune 1951 and 1955). Permit records for the property did not include the original building permit, and the original architect, builder, and property owner were not ascertained. Available sources did not provide additional information of consequence regarding the subject building’s construction or the tenure of the Orinda Pharmacy in the building.

By 1971, Bill’s Drug Store was operating at the property. Founded by the Bill and Karin Eames in Lafayette, California in 1959, the business was expanded to a chain of 21 stores located throughout Northern California by the early 1990s (Appel 1993). During the time Bill’s Drugs was located at the property, several minor tenant improvement projects were completed, including the construction of a non-load-bearing interior partition wall in 1971; sign replacement in 1972; an interior remodel and replacement of a ramp with stairs in 1978 (CCD, var.).

By 1990 the property owner was identified as Allen A. Breed (also referred to as Breed Properties), who appears to have leased the property to major pharmacy chains (Contra Costa County, various). The property operated as a Longs Drugs location after Longs acquired Bill’s Drugs in 1993 (Appel 1993). The property then became a CVS store after CVS Caremark Corp. acquired Longs Drugs in 2009 (Lamorinda Weekly 2009). Additional improvements completed between 1990 and 2009 included re-roofing, replacing the furnace and water heater; relocating the photo lab and

checkstands; creating ADA compliant restrooms; adding an interior partition wall in the mezzanine area; and installing CVS signs (CCD var.).

A review of building permits on file with the County of Contra Costa several alterations made to 50 Moraga Way (CCD var.). Table 5 summarizes the building permit history of the property.

**Table 5 Building Permit History of 50 Moraga Way**

Permit #	Date Issued	Description of Work	Architect/Contractor	Property Owner	Notes
14969	4/13/1971	Interior partition	Hans P. Dobrowitz	Bill's Drug Store	
89921	11/16/1972	Replacement of sign	Arrow Sign Co.	Bill's Drugs	
47189	1/16/1978	Interior remodel and construction of stairs	Hayward Cabinet and Fixture	Bill's Drugs	
308592	11/30/1980	Replace water heater	Just Water Heaters, Inc.	Breed	
18337	12/15/1980	N/A	Orinda Plumbing and Appliance, Inc.	Arthur Breed c/o Breed Properties	
82970	1/7/1981	N/A	Orinda Plumbing and Appliance, Inc.	Arthur Breed c/o Breed Properties	
199837	9/27/1990	Re-roofing	Flagler Roofing	Allen A. Breed	
180038	1/24/1995	Re-roofing	Flagler Roofing	Allen A. Breed	
208360	5/14/1996	Expand signs and awning	San Jose Awning Co.	Breed Properties	
422664	9/11/2009	Interior remodeling	Bush Décor and Fixture	Breed Properties	
425014	9/24/2009	Installation of illuminated signs	Sign Art, Inc.	Breed Properties	
N/A = not available					
Source: CCD Building Permits					

### *Historical Resources Evaluation*

The commercial property at 50 Moraga Way is recommended ineligible for listing in the NRHP, CRHR, and local designation.

The property was constructed in 1957 as part of the larger trend toward the densification of the downtown Orinda commercial strip and improvement of the city's Crossroads area. Between the 1940s and 1950s the crossroads was modified into a highway interchange and new buildings were constructed near the intersection. As a commercial building functioning as a pharmacy, the property at 50 Moraga Way did not play a significant role in these events or in the context of any other events significant at the local, state, regional, or national level. Thus, 50 Moraga Way is recommended ineligible for inclusion in the NRHP or CRHR under Criteria A/1.

In addition, archival research did not demonstrate that Bill and Karin Eames or any other owner or occupant of the subject property possesses any direct associations with individuals significant in our past. Therefore, the property is recommended ineligible for inclusion in the NRHP or CRHR under Criteria B/2.

The building was designed primarily in a Mid-Century Modern style with minimal Streamline Moderne-style elements. However, typical of "low-scale" commercial iterations of the Mid-Century Modern style, the building is not an outstanding representative of the style or otherwise significant

within the historical context of the style. The building's Streamline Moderne-style features are limited to the curving canopy and exterior wall that wraps around the building's north corner. Although these elements convey the style's influence on the building's design, the features are a limited expression of the style, and the building does not exhibit enough stylistic hallmarks to be considered a representative example of Streamline Moderne-style architecture. Additionally, although research for this study did not identify the building's designer, it is of unremarkable quality and would not be considered exemplary of the work of any known master architect. Therefore, the property is recommended ineligible for inclusion in the NRHP or CRHR under Criteria C/3.

Based on background research and the results of the records search, the subject building has little potential to yield information important to our understanding of prehistory or history. As such, it is recommended ineligible for inclusion in the NRHP or CRHR under Criteria D/4.

For the same reasons detailed above, the property also does not appear eligible for designation as a City of Orinda Historic Landmark. Background research did not uncover evidence that the property possesses character, interest or value that is part of the development, heritage or cultural characteristics of Orinda, the state of California, the United States of America, or Native Americans (Criterion A); the location is an area or site of a significant historic event (Criterion B); or that it is associated with a person who significantly contributed to the culture, history and development of the city (Criterion C). It is not representative of a specific architectural style (Criterion D), does not exhibit elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation (Criterion E) and is not a distinct work of art (Criterion F). It is not associated with important religious, cultural, governmental or social factors in the development of the city or exemplify the cultural, educational, economic, patriotic, social or historic heritage of the city (Criterion G). Finally, it does not have a unique location or a singular physical characteristic representing an established and familiar visual feature of a neighborhood or of the entire city (Criterion H).

Although the property does not clearly exhibit the tenets of Mid-Century Modern or Streamline Moderne-style architecture such that it would warrant historical resources eligibility pursuant to Section 15064.5(a) of the CEQA Guidelines, it does appear to be a unique hybrid of these two styles. For these reasons Rincon recommends the property be assigned a California Historical Resources Status Code of 6L, which is defined as a property which has been determined ineligible for local listing through the local government review process but which may warrant special consideration in local planning.



## 7 Impacts and Conclusions

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The impact analysis included here is organized based on the cultural resources thresholds included in CEQA Guidelines Appendix G: Environmental Checklist Form:

- a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?
- b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
- c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Threshold A broadly refers to historical resources. To more clearly differentiate between archaeological and built environment resources, we have chosen to limit analysis under Threshold A to built environment resources. Archaeological resources, including those that may be considered historical resources pursuant to Section 15064.5 and those that may be considered unique archaeological resources pursuant to Section 21083.2, are considered under Threshold B.

### 7.1 Historical Built Environment Resources

Research for this study identified eight DPP sites which contain properties or features which are designated or eligible for designation in the NRHP, CRHR, or the local register, and therefore qualify as historical resources pursuant to Section 15064.5(a) of the CEQA Guidelines. There are 4 properties that are designated or recommended eligible as Orinda Historic Landmarks: Phair's Store, formerly the Orinda Store at 10 Avenida de Orinda (DPP-7); Miss Graham's Riding Academy/Orinda Motors at 63 Orinda Way (DPP-10); First Orinda Firehouse at 107 Orinda Way (DPP-12), Casa Verana at 112 Camino Pablo (DPP-28). One known historical resource is located on a DPP Commercial and Office Development Site: Orinda Theatre and American Trust Bank Building at 2 Theatre Square (DPP-79), which is listed in the NRHP and CRHR. Additionally, four properties designated as Orinda Historic Landmarks are located on DPP Public Service sites: California and Nevada Railroad Trestle Post on the parcel at 20 Irwin Way (DPP-PS-84); Orinda Community Center/Orinda Union School and the Orinda Sign, both at 26 Orinda Way (DPP-PS-87); and 1892 Santa Maria Church Bell on the parcel at 20 Santa Maria Way (DPP-PS-88). Additionally, nearly all the DPP sites contain buildings or structures of 45 or more years. Although the NRHP criteria generally exclude properties under 50 years of age, the CRHR and Orinda Landmark criteria do not identify minimum age requirements. The California Office of Historic Preservation therefore recommends a 45-year threshold for the recordation and evaluation of potential resources (California Office of Historic Preservation 1995:2). Pending further analysis, properties over 45 years of age therefore may have the potential to qualify as historical resources under CEQA. Table 6 below presents a summary of the DPP sites and relevant information on built environment properties within those sites.

**Table 6 DPP Site Information**

DPP Site	Location	Construction Date	Resource (Eligibility Status)
DPP-6	Avenida de Orinda	Parking Lot	N/A
DPP-7	10 Avenida de Orinda	1926	Phair's Store, formerly the Orinda Store (Orinda Historic Landmark)
DPP-8	20 Avenida de Orinda	Vacant	N/A
DPP-9	23 Avenida de Orinda	1949	Unknown
DPP-10	63 Orinda Way	1923	Miss Graham's Riding Academy/Orinda Motors (5S2— Individual property that is eligible for local listing or designation)
DPP-11	79 Orinda Way	1955	Unknown
DPP-12	115 Orinda Way	1936	First Orinda Firehouse (5S2— Individual property that is eligible for local listing or designation)
DPP-13	Brookwood Road	Parking Lot	
DPP-14	6 Camino Pablo	1955	Unknown
DPP-15	50 Moraga Way	1957	Ineligible
DPP-16	64 Moraga Way	1949	Unknown
DPP-17	80 Moraga Way	1983	Unknown
DPP-18	9 Altarinda Road	1952	Unknown
DPP-19	Altarinda Road	circa 1958	Unknown
DPP-20	11 Altarinda Road	1967	Unknown
DPP-21	15 Altarinda Road	1979	Unknown
DPP-22	19 Altarinda Road	1969	Unknown
DPP-23	23 Altarinda Road	1971	Unknown
DPP-24	1 Bates Boulevard	Circa 1968	Unknown
DPP-25	2 Bates Boulevard	circa 1958	Unknown
DPP-26	99 Brookwood Road	1963	Unknown
DPP-27	8 Camino Encinas	1989	Does not currently meet age threshold
DPP-28	112 Camino Pablo	1920	Casa Verana (5S2— Individual property that is eligible for local listing or designation)
DPP-29	89 Davis Road	1983	
DPP-30	96 Davis Road	1965	Unknown
DPP-31	89 Moraga Way	1941	Unknown

DPP Site	Location	Construction Date	Resource (Eligibility Status)
DPP-32	93 Moraga Way	1981	Unknown
DPP-33	5 Santa Maria Way	1958	Unknown
DPP-34	140 Brookwood Road	1958	Unknown
DPP-35	22 Bryant Way	1965	Unknown
DPP-36	21 Moraga Way	1958	Unknown
DPP-37	67 Moraga Way	1966	Unknown
DPP-38	81 Moraga Way	circa 1958	Unknown
DPP-39	1 Orinda Way	1974	Unknown
DPP-40	9 Orinda Way	1958	Unknown
DPP-41	17 Orinda Way	1957	Unknown
DPP-42	19 Orinda Way	1959	Unknown
DPP-43	21 Orinda Way	1956	Unknown
DPP-44	27 Orinda Way	1958	Unknown
DPP-45	31 Orinda Way	1964	Unknown
DPP-46	61 Orinda Way	1962	Unknown
DPP-47	200 Orinda Way	1968	Unknown
DPP-48	Vashell Way	Parking lot	N/A
DPP-49	3 Altarinda Road	1972	Unknown
DPP-50	Brookwood Road	Park	Unknown
DPP-51	Camino Encinas	Vacant	N/A
DPP-52	Camino Encinas	Vacant	N/A
DPP-53	12 Camino Encinas	1965	Unknown
DPP-54	Camino Pablo	circa 1980	Does not currently meet age threshold
DPP-55	Camino Pablo	Vacant	N/A
DPP-56	Camino Pablo	Parking Lot	N/A
DPP-57	Camino Pablo	Vacant	N/A
DPP-58	Camino Sobrante	Parking Lot	N/A
DPP-59	1 Camino Sobrante	1966	Unknown
DPP-60	2 Camino Sobrante	Circa 1968	Unknown
DPP-61	5 Moraga Way	1942	Unknown
DPP-62	11 Moraga Way	1938	Unknown
DPP-63	37 Moraga Way	1963	Unknown
DPP-64	51 Moraga Way	1984	Does not currently meet age threshold
DPP-65	51 Moraga Way	1984	Does not currently meet age threshold

DPP Site	Location	Construction Date	Resource (Eligibility Status)
DPP-66	61 Moraga Way	1947	Unknown
DPP-67	85 Moraga Way	1989	Does not currently meet age threshold
DPP-68	1 Northwood Drive	1955	Unknown
DPP-69	Orinda Way	Parking Lot	N/A
DPP-70	4 Orinda Way	1981	Does not currently meet age threshold
DPP-71	11 Orinda Way	1989	Does not currently meet age threshold
DPP-72	14 Orinda Way	1962	Unknown
DPP-73	23 Orinda Way	1965	Unknown
DPP-74	25 Orinda Way	1975	Unknown
DPP-75	25A Orinda Way	Vacant	N/A
DPP-76	29 Orinda Way	1961	Unknown
DPP-77	33 Orinda Way	1969	Unknown
DPP-78	37 Orinda Way	1960	Unknown
DPP-79	2 Theatre Square	1941	Orinda Theatre and American Trust Bank Building (1S— Individual property listed in NRHP and CRHR)
DPP-80	Vashell Way	Parking Lot	N/A
DPP-81	50 Vashell Way	1963	Unknown
DPP-PS-82	2 Irwin Way	2013	Does not currently meet age threshold
DPP-PS-83	10 Irwin Way	1965	Unknown
DPP-PS-84	20 Irwin Way	1982	California and Nevada Railroad Trestle Post (Orinda Historic Landmark)
DPP-PS-85	22 Orinda Way	2006	Does not currently meet age threshold
DPP-PS-86	24 Orinda Way	Circa 1958	Unknown
DPP-PS-87	26 Orinda Way	1930	Orinda Community Center/Orinda Union School (Orinda Historic Landmark); Orinda Sign (Orinda Historic Landmark)
DPP-PS-88	20 Santa Maria Way	1955	1892 Santa Maria Church Bell (Orinda Historic Landmark)
DPP-PS-89	30 Santa Maria Way	1954	Unknown
DPP-PS-90	40 Santa Maria Way	Circa 1958	Unknown

DPP Site	Location	Construction Date	Resource (Eligibility Status)
Sources: NRHP, City of Orinda Historic Landmarks list, NETROnline 1946-2018, Contra Costa County Assessor			

The project does not call for the removal or alteration of any historical resource. However, future development facilitated by the project would have a significant impact on historical resources if it would cause a substantial adverse change in the significance of a historical resource. Section 15064.5 of the CEQA Guidelines explains that “[s]ubstantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” It is possible that future development projects may involve the demolition or alteration of a historical resource or its setting.

Although the site of 10 Avenida de Orinda is locally designated, its historical significance is as a site only, and no improvements to the property contribute to its eligibility as a Historic Landmark. Further, documentation by the City of Orinda does not specify that its setting or any other characteristic of the property contributes to its historical significance. It is presumed, therefore, that only the site’s geographical location contributes to its historical significance. Any development of the site facilitated by the project would not change the geographical location of the site and, therefore, would not result in substantial adverse change to the characteristic that conveys the historical resource’s significance. As a result, development of the site facilitated by the project would not impact the historical resource at 10 Avenida de Orinda.

Elsewhere on the DPP sites, development facilitated by the project could involve built-environment historical resources. Resources include both known and potential resources as discussed above, which have yet to be identified. Development could impact historical resources at these sites through demolition, construction, and reconstruction activities associated with the project. However, further study would be required to determine whether a specific property proposed for development qualifies as a historical resource and if so, if a future proposed project would materially impair that resource.

As detailed in the Regulatory Setting above, the City of Orinda currently has provisions within its municipal code and General Plan, which address the identification and treatment of historic landmarks and cultural resources. However, additional measures are required to identify and mitigate impacts to historical resources to a less than significant level under CEQA. To identify historical resources on development sites and reduce projects impacts, Mitigation Measure CR-1, detailed below, is recommended. If a historical resource is identified within a development site, Mitigation Measure is CR-2 is recommended to reduce impacts to a less than significant level. As a result, Rincon recommends a finding of ***less than significant impact to built environment historical resources*** under CEQA.

## 7.1.1 Recommended Mitigation

### Mitigation CR-1: Built Environment Historical Resources

Prior to the issuance of an individual project permit for any development facilitated by the project involving a building or structure over 45 years of age, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic resource designation criteria shall be conducted if the property does not contain property which is currently designated at the federal, state or local level. The evaluation shall be prepared by an architectural historian or

historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards (PQS) as defined in 36 CFR Part 61. All buildings and structures 45 years of age or older within the DPP area shall be evaluated in their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the implementing agency for review and concurrence.

### **Mitigation CR-2: Treatment of Historical Resources**

If historical resources are identified within the DPP area of a proposed development, efforts shall be made to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). A report identifying and specifying the treatment of character-defining features and construction activities shall be provided, demonstrating how the project complies with the Standards and avoids the substantial adverse change in the significance of the historical resource as defined by Section 15064.5(b) of the CEQA Guidelines. The report shall be prepared by an architectural historian or historical architect meeting the PQS as defined by 36 CF Part 61 and provided to the City for review and concurrence prior to project approval.

## **7.2 Historical and Unique Archaeological Resources**

Implementation of the DPP could result in development that could cause a substantial adverse change in or disturbance of known or unknown archaeological resources as defined in CEQA Guidelines Section 15064.5. As evidenced in the previous cultural resources studies discussed in Section 5.1 above, the DPP and vicinity has a high archaeological sensitivity. However, mitigation is available to address such impacts. Therefore, impacts to archaeological resources would be less than significant with mitigation incorporated.

Effects on archaeological resources are only known once a specific development has been proposed because the effects are highly dependent on both the individual development site conditions and the characteristics of the proposed ground-disturbing activity. Ground-disturbing activities associated with development facilitated by the Downtown Precise Plan, particularly in areas that have not been studied through a cultural resources investigation, or when excavation depths exceed those previously attained, have the potential to damage or destroy previously-unknown historic or prehistoric archaeological resources that may be present on or below the ground surface. Because of the extensive history of the Orinda area throughout the Prehistoric, Spanish, Mexican, and American periods, the entire DPP area is considered sensitive for archaeological resources. In order to ensure that development under the Downtown Precise Plan does not have a detrimental effect on archaeological resources, each project will need to be assessed as it is proposed.

Based on these findings, Rincon recommends a finding of ***less than significant impact to archaeological resources with mitigation*** under CEQA. The following measure is recommended in the event of an unanticipated discovery of cultural resources during project construction. A summary of existing regulations concerning the unanticipated discovery of human remains is also provided below.

## 7.2.1 Recommended Mitigation

### **Mitigation CR-3 Archaeological Resources Study Program**

Consistent with General Plan Goals and specifically with Policy A, all discretionary projects shall investigate the potential to disturb archaeological resources. If preliminary reconnaissance suggests that cultural resources may exist, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualification Standard (PQS) for archaeology (NPS 1983). A Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and, as necessary, field sampling to determine whether archaeological resources may be present. Archival research shall include a records search at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC), and coordination with Native American tribes listed by the NAHC. The Phase I technical report documenting the study shall include recommendations to avoid or reduce impacts on archaeological resources. The project sponsor shall implement the recommendations.

### **Mitigation CR-4 Unanticipated Discovery of Cultural Resources**

In the event that archaeological resources are encountered during ground-disturbing activities associated with any projects facilitated by the DPP, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If the find is prehistoric, then a Native American representative should also be contacted to participate in the evaluation of the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be eligible for the CRHR and cannot be avoided by the modified project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources.

## 7.3 Human Remains

No human remains are known to be present within the project site. However, the discovery of human remains is always a possibility during ground disturbing activities. If human remains are found, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be of Native American origin, the Coroner will notify the NAHC, which will determine and notify a MLD. The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance. With adherence to existing regulations, Rincon recommends a finding of ***less-than-significant impact to human remains*** under CEQA.

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