

3.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

This section evaluates the potential cultural and tribal cultural resources impacts associated with the adoption and implementation of the proposed Project. This section describes the regulatory framework and existing conditions; identifies criteria used to determine impact significance; provides an analysis of the potential cultural and tribal cultural resources impacts; and identifies proposed General Plan 2045 goals and policies that would minimize potentially significant impacts.

This analysis is based in part on the Livermore General Plan Update Existing Conditions Report prepared in March 2022 (City of Livermore 2022). Where more recent data is available at the time of preparation of this Draft EIR, the analysis provided herein reflects such updated information.

As summarized in Chapter 3, *Environmental Analysis*, concerns related to the protection of historic and tribal cultural resources were provided during the EIR scoping period.

Terminology

The following terminology is used throughout this section:

- **Cultural Resource.** This term is used to describe several different types of properties: pre-contact (prehistoric) and historic archaeological sites, buildings, objects, structures, and districts or any other physical evidence associated with human activity considered important to a culture or a community for scientific, traditional, or religious reasons.
- **Historic Property.** Federal regulations (Title 36 Code of Federal Regulations [CFR] Section 800) define a historic property as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (National Register). This term includes artifacts, records, and remains that are related to and located within such properties. The term also includes properties of traditional religious and cultural importance to Native American tribes or Native Hawaiian organizations and that meet National Register criteria.
- **Historical Resource.** CEQA Guidelines Section 15064.5(a) defines a historical resource as a resource listed in the California Register of Historical Resources (California Register) or determined to be eligible for listing in the California Register by the State Historical Resources Commission (SHRC), a resource included in a local register of historical resources, or identified as significant in a historical resource survey meeting the requirements of Public Resources Code (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 or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

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- **Unique Archaeological Resource.** CEQA defines this term as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:
 - Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information
 - Has a special and particular quality, such as being the oldest of its type or the best available example of its type
 - Is directly associated with a scientifically recognized important prehistoric or historic event or person

Tribal Cultural Resources. CEQA defines tribal cultural resources (TCRs) as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, which may include nonunique archaeological resources previously subject to limited review under CEQA.

3.5.1 Regulatory Framework

FEDERAL

National Historic Preservation Act

In response to the widespread loss of historic buildings during the urban renewal period of the late 1950s and early 1960s, the National Historic Preservation Act (NHPA) was passed in 1966. The NHPA introduced many new laws and regulations to encourage preservation of historic places and established the National Register. The law also created a State Historic Preservation Officer (SHPO) in each state nationwide, laying the groundwork for the development of State and local preservation programs, incentives, and guidance. The law has been amended several times since it was passed. In 1980, an amendment established the Certified Local Government Program.

National Register of Historic Places

The National Register is a federally administered program maintained by the National Park Service. It is “an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment” (Title 36 CFR Section 60.2). While the National Register itself does not provide automatic protection to properties on the list, it will trigger protective State or municipal laws such as CEQA.

Criteria

To be eligible for listing in the National Register, a property (building, site, structure, object, or district) must be at least 50 years of age (unless the property is of “exceptional importance”) and possess significance in American history and culture, architecture, or archaeology. A property of potential significance must meet one or more of the following four established criteria (Title 36 CFR Section 60.4):

- a) Associated with events that have made a significant contribution to the broad patterns of our history;
- b) Associated with the lives of persons significant in our past;
- c) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) Yield, or may be likely to yield, information important in prehistory or history.

Context

To be eligible for listing in the National Register, a property must be significant within a historic context. The National Park Service bulletin, *How to Apply the National Register Criteria for Evaluation* (previously known as “National Register Bulletin 15”), states that the significance of a historic property can be judged only when it is evaluated within its historic context. Historic contexts are “those patterns, themes, or trends in history by which a specific...property or site is understood and its meaning...is made clear” (Andrus and Shrimpton 1997). A property must represent an important aspect of the area’s history or prehistory and possess the requisite integrity to qualify for the National Register.

Integrity

In addition to possessing significance within a historic context, a property must have integrity to be eligible for listing in the National Register. Integrity is defined in *How to Apply the National Register Criteria for Evaluation* as “the ability of a property to convey its significance” (Andrus and Shrimpton 1997). Within the concept of integrity, the National Register recognizes the following seven aspects or qualities that in various combinations define integrity: feeling, association, workmanship, location, design, setting, and materials.

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

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- *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.
- *Workmanship* is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- *Feeling* is a property's expression of the aesthetic or historic sense of a particular period of time.
- *Association* is the direct link between an important historic event or person and a historic property (Andrus and Shrimpton 1997).

Integrity is based on significance (i.e., why, where, and when a property is important). Thus, the significance of the property must be fully established before the integrity is analyzed.

Historic Districts

For the National Register, a historic district "derives its importance from being a unified entity, even though it is often composed of a variety of resources. The identity of a district results from the interrelationship of its resources, which can be an arrangement of historically or functionally related properties" (Andrus and Shrimpton 1997).

A district is defined as a geographically definable area of land containing a significant concentration of buildings, sites, structures, or objects united by past events or aesthetically by plan or physical development (Title 36 CFR Section 60.3[d]).

A district's significance and historic integrity should help determine the boundaries. Other factors include the following:

- Visual barriers that mark a change in the historic character of the area or that break the continuity of the district such as new construction, highways, or development of a different character
- Visual changes in the character of the area due to different architectural styles, types, or periods, or to a decline in the concentration of contributing resources
- Boundaries at a specific time in history such as the original city limit or the legally recorded boundaries of a housing subdivision, estate, or ranch
- Clearly differentiated patterns of historical development such as commercial versus residential or industrial (Seifert et al. 1997)

Within historic districts, properties are identified as contributing and noncontributing. A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archaeological values for which a district is significant for one of the following reasons:

- It was present during the period of significance, relates to the significance of the district, and retains its physical integrity.
- It independently meets the criterion for listing in the National Register (McLelland et al. 1997).

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (Title 16 United States Code [USC] Sections 470aa–mm) became law on October 31, 1979, and has been amended four times. It regulates the protection of archaeological resources and sites that are on federal and Native American lands.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (Title 15 USC Section 1996) recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes as national policy that traditional Native American practices; beliefs; sites, including the right of access; and the use of sacred objects shall be protected and preserved. It does not include provisions for compliance.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 (Title 25 USC Sections 3001 et seq.) protects Native American remains, including Native American graves on federal and tribal lands, and recognizes tribal authority over the treatment of unmarked graves. This act prohibits the selling of Native American remains and provides guidelines for the return of Native American human remains and cultural objects from any collection receiving federal funding such as museums, universities, or governments. Noncompliance with this act can result in civil and criminal penalties.

STATE

California Office of Historic Preservation

Following passage of the NHPA in 1966, states were tasked with creating a state agency to implement parts of the law at the state level. The California Office of Historic Preservation (OHP) was established in 1975 and is overseen by a Governor-appointed SHPO. The Governor also appoints members to the SHRC that have responsibilities in the identification, registration, and preservation of California’s cultural heritage. The OHP and its staff maintain a statewide Historical Resources Inventory, provide local government assistance, participate in environmental compliance, and administer state-level registration programs, including the California Register.

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California Register of Historical Resources

The California Register is an authoritative guide used by state and local agencies, private groups, and citizens to identify historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse impacts (PRC Section 5024.1[a]).

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

- California properties listed in the National Register and those formally determined eligible for the National Register;
- State Historical Landmarks from No. 0770 onward; and
- Those California Points of Historical Interest that have been evaluated by the SHPO and have been recommended to the SHRC for inclusion on the California Register (PRC Section 5024.1[d]).

Criteria and Integrity

For those properties not automatically listed, the properties may be nominated to the SHRC for listing under various criteria. The criteria for eligibility of listing in the California Register are based on National Register criteria but are identified as 1 through 4 instead of A through D. To be eligible for listing in the California Register, a property generally must be at least 50 years of age and must possess significance at the local, state, or national level, under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important in the prehistory or history of the local area, California, or the nation (Title 14 California Code of Regulations [CCR] Section 4852[b]).

Properties eligible for listing in the California Register may include buildings, sites, structures, objects, and historic districts. It is possible that properties may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. An altered property may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data (Title 14 CCR Section 4852[c]).

A property less than 50 years of age may be eligible if it can be demonstrated that sufficient time has passed to understand its historical importance (Title 14 CCR Section 4852[d][2]).

The California Register also includes properties identified in historical resource surveys provided that the survey meets all of the following criteria:

- The survey has been or will be included in the State Historical Resources Inventory.
- The survey and the survey documentation were prepared in accordance with OHP procedures and requirements.
- The resource is evaluated and determined by the OHP to have a California Historical Resource Status Code significance rating of Category 1 to 5 on a Department of Parks and Recreation Form 523.
- If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources that have become eligible or ineligible due to changed circumstances or further documentation and those that have been demolished or altered in a manner that substantially diminishes the significance of the resource (PRC Section 5024.1).

California Environmental Quality Act

Historic Resources

CEQA (PRC Sections 21000 et seq.) was passed in 1970, establishing a process of reviewing projects for impacts to the environment, including historical resources. For the purposes of CEQA, a historical resource is generally a resource that is listed in or eligible for the California Register, meets the criteria for listing in the California Register, and/or is included on a local register (CEQA Guidelines Section 15064.5[a]).

In 1998, the California Legislature amended CEQA and enacted the California Register to clarify which properties are significant, as well as which project impacts are considered significantly adverse. According to CEQA Section 21084.1, a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. CEQA Guidelines Section 15064.5(b)(1) defines “substantial adverse change” in the significance of a historical resource, including significant archaeological resources, as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource is materially impaired. The significance of a built environment historical resource or significant archaeological resources is materially impaired when a project brings about the following:

- Demolishes or materially alters in an adverse manner those physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register

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- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register or historical resources pursuant to PRC Section 5020.1(k) or its identification in an historical resources survey meeting the requirements of PRC Section 5024.1(g), unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically significant
- Demolishes or materially alters in an adverse manner those physical characteristics of the resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for the purposes of CEQA (CEQA Guidelines Section 15064.5[b])

Archaeological Resources

CEQA Section 21083.2 and CEQA Guidelines Section 15126.4 specify lead agency responsibilities in determining whether a project may have a significant effect on archaeological resources. If it can be demonstrated that a project will damage a unique archaeological resource, the lead agency may require reasonable efforts for the resources to be preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. The PRC also details required mitigation if unique archaeological resources are not preserved in place. CEQA defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

CEQA Guidelines Section 15064.5(e) requires that excavation activities stop whenever human remains are uncovered during a project or activity and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native American descendants, if any, as identified by the NAHC. Under certain circumstances, the lead agency (or applicant), is required to develop an agreement with the Native American descendants for the treatment and disposition of the remains. In addition to the mitigating provisions pertaining to accidental discovery of human remains, CEQA Guidelines Section 15064.5(f) also requires that a lead agency make provisions for the accidental discovery of historical or archaeological resources. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be a historical resource or unique archaeological

resource, avoidance measures should be implemented, or appropriate mitigation should be available.

Assembly Bill 52

The Native American Historic Resource Protection Act, commonly referred to as its legislative bill number, Assembly Bill (AB) 52, passed in 2014 and amended CEQA to address California Native American tribal concerns regarding how cultural resources of importance to tribes are treated under CEQA and created the new TCR category. CEQA identifies a TCR as a separate and distinct category of resource, separate from a historical resource or archaeological resource. CEQA specifies that a project that may cause a substantial adverse change in the significance of a TCR (as defined in CEQA Section 21074[a]) is a project that may have a significant effect on the environment. To help determine whether a project may have such an effect, the PRC requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of the proposed project. According to AB 52, tribes may have expertise in tribal history and “tribal knowledge about land and TCRs at issue should be included in environmental assessments for projects that may have a significant impact on those resources.”

CEQA Section 21074.3(a) defines a TCR as a site, feature, place, or cultural landscape that is geographically defined in terms of size and scope, sacred place, and object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources, or if the City of Livermore (City), acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR. Because these criteria also meet the definition of a historical resource under CEQA, a TCR may also require additional consideration as a historical resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

CEQA Section 21080.3.2 provides that the tribal consultation process includes, but is not limited to, discussing the type of environmental review necessary, the significance of TCRs, the significance of the project impacts on TCRs, and alternatives and mitigation measures recommended by the tribe. If the California Native American tribe requests consultation to include project alternatives, mitigation measures, or significant effects, the consultation would be required to cover those topics. PRC Section 21082.3 provides that any mitigation measures agreed upon during this consultation “shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring program” if determined to avoid or lessen a significant impact on TCRs. Consultation is considered concluded when (1) the parties agree to measures to avoid or reduce a significant impact on a TCR, if such a significant impact exists, or (2) when a party concludes that mutual agreement cannot be reached. If no formal agreement on the appropriate mitigation has been established, mitigation measures that avoid or substantially lessen potential significant impacts should be implemented.

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Senate Bill 18

Senate Bill (SB) 18, which went into effect January 1, 2005, set forth requirements for local governments (cities and counties) to consult with Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning.¹ The aim of SB 18 is to mitigate impacts to cultural places by offering California Native American tribes the chance to be part of land use decisions at an early stage, both in general plans and specific plans.

The State of California's Tribal Consultation Guidelines emphasize that California Native American tribes "represent distinct and independent governmental entities with specific cultural beliefs and traditions and unique connections to areas of California that are their ancestral homelands" (Governor's Office of Land Use and Climate Innovation 2005). SB 18 recognizes that protection of traditional tribal cultural places is important to all tribes, whether federally recognized or not, and it provides all California Native American tribes with the opportunity to participate in consultation with city and county governments for this purpose.

Cultural places are defined as follows (PRC Sections 5097.9 and 5097.995):

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine
- 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

Under SB 18, it is the responsibility of city and county governments to initiate consultation with and provide project plans to tribes. According to the State Tribal Consultation Guidelines, the process of notification is as follows:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent

¹ SB 18 amended Government Code Sections 65040.2, 65092, 65351, and 65560, while adding Sections 65352.3, 65352.4, and 65562.5.

regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.

- Local governments must send notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Historical Building Code

The California Historical Building Code (Title 24 CCR Part 8) provides regulations for permitting repairs, alterations, and additions for the preservation, rehabilitation, relocation, reconstruction, change of use, or continued use of historical buildings, structures, and properties determined by any level of government as qualifying as a historical resource. A historical resource is defined in Sections 18950 to 18961 of Division 13, Part 2.7 of the Health and Safety Code, and is subject to rules and regulations in the California Historical Building Code.

Public Resources Code

PRC Section 5097.5(a) specifies that a person shall not knowingly and willfully excavate upon or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, or archaeological sites (e.g., fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological or historical feature) situated on public lands, except with the express permission of the public agency having jurisdiction over the lands. In addition, PRC Section 5097.98 sets a procedure for handling and notification pertaining to the discovery of Native American human remains.

Health and Safety Code

Health and Safety Code Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the County Coroner can determine whether the remains are those of Native American origin. If the remains are determined to be Native American, the Coroner must contact the NAHC. Health and Safety Code Section 7052 regulates the disturbance of Native American cemeteries as a felony. This provision protects human remains and prohibits the disturbance or removal of human remains from any location other than a dedicated cemetery. The provision further identifies steps to follow in the event of accidental discovery or recognition of any human remains, directs the County Coroner to determine whether the remains are those of a Native American, and, if so, requires the coroner to contact the NAHC.

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REGIONAL

Alameda County Historic Preservation Ordinance

In January 2012, the Alameda County Board of Supervisors adopted a Historic Preservation Ordinance for unincorporated Alameda County. The ordinance established how the Alameda County Register of Historic Resources (Alameda County Register) is defined and maintained, how properties can be added or removed from the register, and which alterations to historic resources are subject to review. This ordinance applies to areas outside of the City Limit but within the EIR Study Area (Alameda County Community Development Agency 2025).

Alameda County Landmark

A nominated resource will be added to the Alameda County Register as a landmark if all the following requirements are satisfied:

1. The nominated resource meets one or more of the following criteria:
 - a) It is associated with events that have made a significant contribution to the broad patterns of the history of the county, region, state, or the nation;
 - b) It is associated with the lives of persons significant in the county's past;
 - c) It embodies the distinctive characteristics of a type, period, or method of construction;
 - d) It represents the work of an important creative individual or master;
 - e) It possesses high artistic values; or
 - f) It has yielded, or may be likely to yield, information important in the prehistory or history of the county, region, state, or the nation.
2. The nominated resource has integrity of location, design, setting, materials, workmanship, feeling, and association. Integrity shall be judged with reference to the particular criterion or criteria specified in paragraph 1.
3. The nominated resource has significance historically or architecturally, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of the Alameda County Historic Preservation Ordinance.
4. The nominated resource has been evaluated by a qualified historical resources consultant who meets one or more of the Secretary of the Interior's Professional Qualifications Standards or who are certified by the Register of Professional Archaeologists, and the evaluated resource has submitted documents that provide evidence of the [resource's] historical or architectural significance (Alameda County Zoning Ordinance Section 17.62.060[A]).

Alameda County Historic Preservation District

A geographic area nominated as a historic preservation district will be added to the Alameda County Register if all the following requirements are met:

1. The area is a geographically definable area;
2. The area possesses either:
 - a) A significant concentration or continuity of buildings unified by (a) past events; or (b) aesthetically by plan or physical development; or
 - b) The area is associated with an event, person, or period significant or important to County history
3. The designation of the geographic area as a historic preservation district is reasonable, appropriate, and necessary to protect, promote, and further the goals and purposes of the Alameda County Historic Preservation Ordinance and is not inconsistent with other goals and policies of the County.
4. A historic preservation district shall have integrity of location, design, setting, materials, workmanship, feeling, and association.
5. The collective historic value of the buildings in a historic preservation district taken together is greater than the historic value of each individual building or structure.
6. The application is accompanied by a form bearing the signatures of at least 51 percent of all property owners within the area of the proposed district.
7. The Board finds that the addition of the district to the Register does not in any manner interfere, eliminate, or otherwise obviate the identification, qualification, designation, and preservation requirements of the creation of Historic Preservation Districts pursuant to Chapter 17.20 (Alameda County Zoning Ordinance Section 17.62.060[B]).

Structures of Merit

A nominated resource will be added to the Alameda County Register as a Structure of Merit if it satisfies one or more of the following criteria:

1. It represents in its location an established and familiar visual feature of the neighborhood, community, or county;
2. It materially benefits the historic, architectural, or aesthetic character of the neighborhood or area;
3. It is an example of a type of building that was once common but is now rare in its neighborhood, community, or area;
4. It is connected with a business or use that was once common but is now rare; or
5. It contributes to an understanding of the contextual significance of a neighborhood, community, or area (Alameda County Zoning Ordinance Section 17.62.060[C]).

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Contributing Resources

A nominated resource will be added to the Alameda County Register as a contributing resource if it satisfies one or more of the following criteria:

1. The nominated resource is within a historic district;
2. The nominated resource either embodies the significant features and characteristics of the historic district or adds to the historical associations, historical architectural qualities, or archaeological values identified for the historic district.
3. The nominated resource was present during the period of historical significance of the historic district and relates to the documented historical significance of the historic district;
4. The nominated resource either possesses historic integrity or is capable of yielding important information about the period of historical significance of the historic district;
5. The nominated resource has important historic or architectural worth, and its designation as a contributing resource is reasonable, appropriate, and necessary to protect, promote, and further the goals and purposes of this chapter (Alameda County Zoning Ordinance Section 17.62.060[D]).

LOCAL

Livermore Municipal Code

The Livermore Municipal Code (LMC) includes directives to minimize adverse impacts to cultural resources. The LMC is organized by title, chapter, section, and, in some cases, articles. Most provisions related to historic resources are in Title 2, *Administration and Personnel*. Chapter 2.47, *Historic Preservation Commission*, establishes the Historic Preservation Commission, to consist of five Livermore residents of professionals in historic preservation-related disciplines or lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation. Among the various duties and responsibilities of the Commission, one is to recommend action for the preservation of buildings, structures, sites, natural features, works of art, or similar objects that have a significant historic, cultural, architectural, archaeological, community, or aesthetic value.

Livermore Development Code

The City of Livermore regulates land use and design through the Livermore Development Code (LDC), an alternative approach to zoning that reinforces walkable, sustainable mixed-use environments and development, and builds on community character. The LDC provides development standards similar to typical zoning ordinances such as heights, setbacks, and site regulations for all zones. It also establishes allowable building types with frontage and design standards.

Historic Preservation Ordinance

Chapter 9.02, *Historic Preservation and Certificates of Appropriateness*, also known as the Historic Preservation Ordinance, describes the Certificate of Appropriateness process that is triggered when a historical resource or potential historical resource is proposed to be altered or demolished. This process enables the City to protect structures, improvements, natural features, and objects of known or potential historic significance from adverse effects to promote public peace, health, safety, and welfare through the preservation of historical resources, and carry out the goals and policies of the General Plan.

Chapter 9.02 includes regulations for identifying historical resources, reviewing and approving projects involving historical resources and/or potential historical resources, and the findings necessary for issuing certificates of appropriateness. Section 9.02.050 stipulates that a certificate of appropriateness may only be approved for a proposed project involving a historical resource and/or potential historical resource if the project meets the following criteria:

- Will not materially alter the character-defining features of a historical resource that convey its significance;
- Will not result in a substantial adverse change to the integrity of the historical resource and its site or setting contributing to its significance;
- Is consistent with the general plan, applicable specific plan(s), and the Livermore Development Code; and
- Is consistent with the Secretary of the Interior Standards, the National Park Service bulletins, briefs, and preservation guidance, as applicable, and the requirements of CEQA.

Section 9.02.110 outlines specific exemptions to the requirements of this chapter: (1) a certificate of appropriateness may not be required in instances where alteration or demolition is necessary to abate dangerous conditions that threaten public health and safety such as fire damage, and (2) a certificate of appropriateness may be issued for projects that do not meet all of the requirements of this chapter if enforcement of those requirements would cause a demonstrable economic hardship, as defined in Section 9.02.110(C).

Section 9.02.120 describes the historic preservation incentives available to projects that comply with the standards, including use of the California Historic Building Code and allowable variances such as floor area, setback, and parking. Review authority for approving Certificates of Appropriateness include the Community Development Director, Historic Preservation Commission, and Planning Commission, depending on the circumstances of the project.

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Livermore Design Standards and Guidelines

The Livermore Design Standards and Guidelines are applied citywide and provide design guidance in each land use category established in the City's General Plan (City of Livermore 2004). The goals of the Design Standards and Guidelines include encouraging development that is harmonious with the surrounding built and natural environments; preserving a small-town community surrounded by rural open space; maintaining views to around scenic corridors and natural features unique to Livermore; encouraging development that strengthens connectivity across the community by linking open space, parks, schools, and civic buildings; recognizing the historic significance of vineyards and wineries; identifying gateways to the city; high-quality placemaking; and facilitating sustainable design. Chapter 8 of the Design Standards and Guidelines reiterates compliance with the Secretary of the Interior's Standards and includes provisions for ensuring that construction near or adjacent to historical resources is compatible in terms of setback, height, roof form, massing, and details.

Mixed-Use and Multifamily Objective Design Standards

The purpose of the Mixed-Use and Multifamily Objective Design Standards (MODS) is to guide the design of multiunit and mixed-use housing in Livermore and to ensure that new development is designed to be compatible with adjacent uses as well as existing and future development (City of Livermore 2025). MODS provides clear design direction for new projects by identifying which architectural styles, building typologies, and universally applicable design elements need to be incorporated into new mixed-use and multifamily residential projects in Livermore.

Downtown Specific Plan

The Downtown Specific Plan (DSP) regulates approximately 272 acres of land that constitute Downtown Livermore, establishing policies for land use, circulation, infrastructure, and a financial strategy (City of Livermore 2021). It includes design guidelines for mixed-use, commercial, residential, and historic structures, as well as streetscape features. Informed by an extensive public engagement process, it provides a vision for Downtown Livermore as a regional destination and as the heart of the community, allowing for a combination of mixed-use development, unique retail, civic uses, residential development, and public spaces. It builds on the historic fabric that gives Livermore its visual character and provides a revitalization strategy and development standards to shape the look of downtown. The DSP identifies several central parcels as catalyst development sites.

3.5.2 Existing Conditions

HISTORICAL CONTEXT

At the time of European contact, much of the EIR Study Area was inhabited by the Chocheño Costanoan-speaking Pelen people. The Pelen, along with a small, related group known as the Caburan, were widespread throughout much of the western Amador-Livermore Valley. Surrounding the valley lowlands were other tribal groups who lived in the hilly areas and probably accessed the lowland valley margins for resources. In the arid hills to the east and northeast were the Yulien/Ssaoam, to the north were the Ssouyen, to the west the Senuen, and in the Sunol Valley to the southwest, the Causen. Portions of the EIR Study Area may extend into what was once the edges of Yulien/Ssaoam and/or Ssouyen territories.

All the tribal groups in and around the Amador/Livermore Valley region spoke Chocheño Costanoan/Ohlone. Today, many Native American descendants prefer the term “Ohlone” to describe a related tribal identity based on the Costanoan language. Tied together by “bonds of commerce and economic reciprocity as well as by bonds of intermarriage,” the tribal groups traded, allied, disputed, and attended communal ceremonies. Usually composed of about 15 individuals, the family household was the basic social unit, and each village center would have been home to several families. The Ohlone were semi-sedentary gatherers and hunters of fish and game. Of major importance to the diet were acorns, which were pounded by stone mortar and pestle to create flour or mush. Other key food resources included mollusks, fish, waterfowl, land and sea mammals, and plant seeds. Vegetal material was used for making nets, cords, baskets, and shelters; animal remains and shells for tools and ornamentation; pelts and feathers for clothing and bedding; and local rock and mineral resources for tools and trade. Controlled burning of the land was practiced to renew the succession of plant communities (City of Livermore 2022). The Ohlone tribe populations in the present-day Livermore Valley were displaced by colonial Spaniards and the establishment of Mission San Jose in the Livermore Valley vicinity beginning in 1797 through indoctrination, forced migration, disease, and the intentional disruption of food and water sources, which led to the deaths of thousands of Ohlone.

The missions throughout California were secularized when what was then called Alta California shifted to Mexican rule. The Mexican government distributed large swaths of land to private owners who were often prominent individuals (e.g., military officers). Several land grants were in the vicinity of present-day Livermore, including Rancho El Valle de San Jose and Rancho Las Positas. Ultimately, Rancho El Valle de San Jose was owned by the Sunol and Bernal families, while Rancho Las Positas was owned by Jose Noriega and English-born Robert Livermore, for whom the city was later named. The United States’ victory over Mexico in the Mexican War led to the occupation and eventual statehood of California in 1849. A few years later, new taxes and documentation requirements resulting from the Land Act of 1851 caused most landowners of

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Spanish and Mexican descent to lose claim to their land; it was then divided into smaller portions and sold to homesteaders.

In 1865, a pioneer named William Mendenhall purchased a portion of the former Rancho El Valle and platted a town he called Livermore. He donated land for the construction of a Central Pacific Railroad depot, completed in 1869, that helped the town grow quickly. Livermore was incorporated in 1876. Commercial and industrial development was concentrated along First Street and Livermore Avenue (which was then called Lizzie Avenue), while residential development occurred along the gridded streets south and southeast of First Street. The services and amenities in Livermore served the entire Livermore Valley region, and the town soon became an important regional hub. In addition, the town's pastoral setting and dry climate were ideal for agriculture and viticulture, as well as early treatments for mental health disorders and tuberculosis. A number of vineyards were established in the Livermore vicinity during the late nineteenth century, as was the Livermore Sanitarium, a private psychiatric hospital.

Unlike many communities in Alameda County, rural Livermore was largely unaffected by the 1906 San Francisco earthquake and the Great Depression, which allowed development to continue unimpeded through the first decades of the twentieth century. New buildings designed in elegant styles provided a sense of permanency to Livermore's downtown, including the Masonic Building, Carnegie Library, and Bank of Italy Building. In the early decades of the twentieth century, the completion of the Lincoln Highway through Livermore as well as growing manufacturing and healthcare industries brought continued prosperity.

After World War II, as tension between the United States and the Union of Soviet Socialist Republics mounted, Livermore went through its most dramatic change yet. The Livermore Naval Air Station had been established in 1942 to train air cadets. It was deactivated in 1945. In 1952, the University of California Radiation Lab at Berkeley (now Lawrence Livermore National Laboratory, or LLNL) began using the former Naval Air Station as a research facility to advance United States nuclear weapons technology. In 1955, the Livermore Sandia National Laboratory opened adjacent to the LLNL. The LLNL had been working with Sandia, the national laboratory of the Department of Energy in Albuquerque, New Mexico. The new adjoining Sandia facility in Livermore was intended to create a more effective working relationship between the two labs; the work at LLNL was largely centered around physics, whereas Sandia was an engineering laboratory.

As in many communities across California, the population in Livermore increased after the war as veterans returned home and people began concentrating in more urban areas. The two laboratories attracted hundreds of new workers and their families, adding to the population boom. New residential construction skyrocketed as large residential subdivisions of tract homes were developed and constructed outside the city's central core; in 1954, there were \$3 million in new construction permits for the year, but by September 1963, there were \$2 million in new construction permits in a single month.

By the 1970s, the accelerated development over the past several decades prompted the enactment of more managed growth policies and community efforts to protect Livermore's rural character and historic buildings. Today, Livermore is a prominent suburb positioned between the Bay Area and the Central Valley. The city of nearly 100,000 residents is both an academic hub for major technological advancements and the oldest wine region in the state (GPA Consulting 2021).

HISTORIC RESOURCES

Significant and potentially significant resources are shown on Figure 3.5-1, *Historic Resources*.

Federal- and State-Recognized Historical Resources

Historical resources in the EIR Study Area that are listed on the National Register and the California Register are listed in Table 3.5-1, *National and State-Listed Historical Resources*.

Historical resources in the EIR Study Area that are designated as California Historical Landmarks are listed in Table 3.5-2, *Designated California Historical Landmarks*.

Table 3.5-1 National and State-Listed Historical Resources

Name	Address	Listed Date	Status Code
Bank of Italy Building	2250 First Street	11/16/1978	1S
Carnegie Library	2155 Third Street	12/3/2011	1S
DJ Murphy House	291 McLeod Street	4/6/1978	1S
Hagemann Ranch Historic District	455 Olivina Avenue	1/10/2008	1S
Ravenswood	2647 Arroyo Road	6/26/1979	1S
Wente Brothers Winery	5565 Tesla Road	5/18/1983	1CL
Kalfthoff Vineyards*	1100 Vallecitos Road	10/20/1986	2D3
Gandolfo Ranch*	487 East Airway Boulevard	11/15/2001	2S2
Lawrence Livermore National Laboratory Buildings: 174, 194, 280, 332, 391. 805, 806A, 806B, 807, 817A, 817B, 817F, 825, 826, 827A, 827C, 850, 851A, 865A	7000 East Avenue	4/5/2005	2S2

Notes:

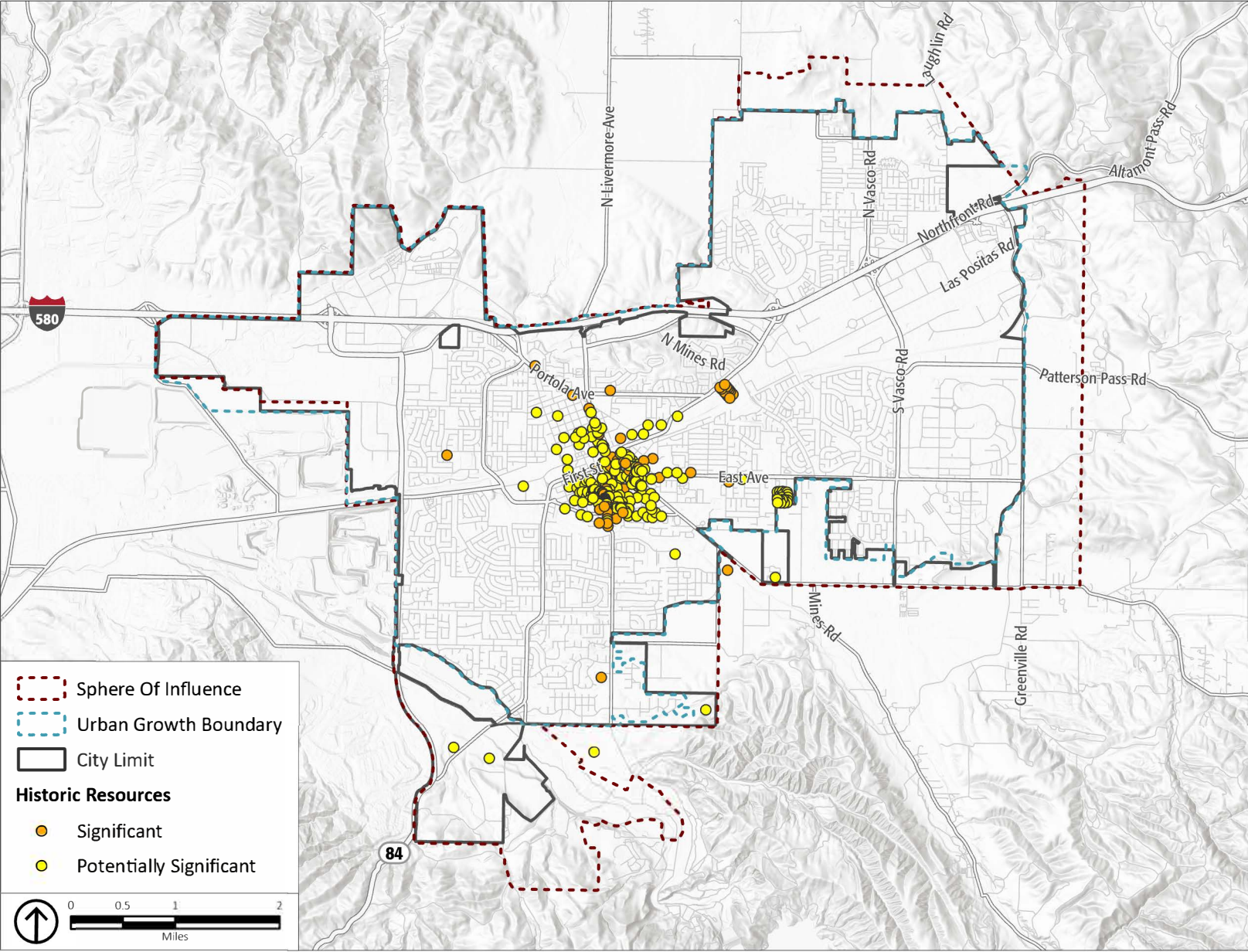
1S: Individual property listed in National Register; listed in the California Register.

1CL: Automatically listed in the California Register, includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the State Historical Resources Commission.

2D3: Contributor to a district determined eligible for National Register by Part I Tax Certification; listed in California Register.

2S2: Individual property determined eligible for National Register by a consensus through Section 106 process; listed in California Register.

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Source: City of Livermore, 2022.

Figure 3.5-1
Historical Resources

Table 3.5-2 Designated California Historical Landmarks

California Historical Landmark No.	Name	Address	Status Code
641	Concannon Vineyard	4590 Tesla Road	7L
586	Cresta Blanca Winery	5050 Arroyo Road	7L
957	Wente Brothers Winery*	5565 Tesla Road	1CL

Notes:

* Adjacent to but outside of the EIR Study Area.

1CL: Automatically listed in the California Register, includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the State Historic Resources Commission.

7L: State Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998; needs to be re-evaluated using current standards.

Historical Resources Identified in Surveys

There have been three historical resources surveys in the EIR Study Area to date in 1988, 2004, and 2021. These efforts are summarized in this section. The 1988 and 2004 surveys were conducted using a set of OHP status codes that were updated in 2003. Generally, the use of pre-2003 status codes 1-5 indicated a property was or appeared to be significant and eligible for listing, whereas pre-2003 status codes 6-7 usually indicated that a property was not or did not appear to be significant or eligible for listing.

1988 Historical Resources Inventory: City of Livermore

In 1988, the City retained consultant Bonnie Bamburg with Urban Programmers to conduct a citywide survey and compile her findings into a historical resources inventory. The inventory included a survey of over 200 properties that were over 50 years of age at the time. Of the approximately 260 properties surveyed in 1988, approximately 169 were assigned a status code between 1 and 5, and 34 were assigned a status code of 6 or 7. Approximately 57 survey forms had no status code recorded, or the status code was not legible. Although the 1988 historical resources inventory was never adopted, it was used to inform more detailed reviews of structures identified in the inventory.

2004 Historic Resources Inventory: Livermore Downtown Specific Plan

In 2004, Carey & Co. Inc. conducted a new survey of the downtown area that was adopted in conjunction with the DSP. As part of the survey, evaluations of properties in the Specific Plan boundaries that had been surveyed in 1988 survey were updated. Approximately 354 total properties were surveyed in 2004 by Carey & Co. Inc. Of those, approximately 104 were assigned a status code between 1 and 5, and 250 were assigned a status code of 6 or 7. Approximately 97 properties were surveyed in 1988 and again in 2004.

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2021 City of Livermore Historical Resource Survey Update

In 2021, GPA Consulting (GPA) was retained by the City to conduct a citywide survey update in conjunction with the preparation of a historic context statement. GPA’s survey area included all the properties that were previously surveyed in 1988 and/or 2004. GPA identified 53 historical resources (52 individual properties and one historic district) through survey and evaluation under the contexts and themes prepared for the study. These historical resources are listed in Table 3.5-3, *Historical Resources Identified in 2021 Survey*.

The evaluated resources were assigned the following status codes:

- 3S/3CS/5S2: Appears eligible for listing in the National Register at the local level of significance under one or more criteria. Appears to be eligible for listing in the California Register, and meets the definition of a City of Livermore historical resource.
- 3D/3CD/5D2: Individual property that contributes to a historic district that appears to be eligible for listing in the National Register and California Register at the local level of significance under one or more criteria. Meets the definition of a City of Livermore historical resource.
- 5S2: Meets the definition of a City of Livermore historical resource under one or more criteria.

In addition to the 53 historical resources, GPA also identified 195 potential historical resources (194 individual properties and one historic district) during the citywide reconnaissance survey. A full list of potential historical resources is listed in Appendix A to the City of Livermore Historic Resources Survey Update report prepared in March 2021 (GPA Consulting 2021).

GPA also conducted a review of parcels outside the survey area using tract maps, satellite imagery, and assessor data. Tract maps were used to identify postwar single-family housing tracts; however, none of the tracts identified through research or observed during the reconnaissance survey appeared to meet the thresholds for significance and/or integrity outlined in available guidance for evaluating postwar residential developments. Properties that were vacant or had post-1975 assessor dates were not evaluated.

Table 3.5-3 Historical Resources Identified in 2021 Survey

Name	Address	Status Code
N/A	2017 First Street	3S/3CS/5S2
N/A	2148 First Street	5S2
N/A	2190 First Street	5S2
N/A	2196 First Street	5S2
N/A	2200 First Street	5S2
N/A	2220 First Street	5S2

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Table 3.5-3 Historical Resources Identified in 2021 Survey

Schenone Building	2235 First Street	3S/3CS/5S2
Masonic Building	2247 First Street	3S/3CS/5S2
N/A	2389 First Street	5S2
N/A	4260 First Street	3S/3CS/5S2
Dania Hall	1783 Second Street	3S/3CS/5S2
Raboli House	2046 Second Street	3S/3CS/5S2
Pacific Telephone and Telegraph Repeater Station	2324 Second Street	5S2
Livermore Post Office	2359 Second Street	3S/3CS/5S2
N/A	2221 Third Street	3S/3CS/5S2
N/A	2456 Third Street	5S2
N/A	2210 Fourth Street	3S/3CS/5S2
Fifth Street School	2253 Fifth Street	3S/3CS/5S2
N/A	1881 Sixth Street	5S2
N/A	2175 Seventh Street	5S2
Livermore Sanitarium Grounds	2097 College Avenue	5S2
The Gables	1994 Creek Road/989 South L Street	5S2
Livermore High School	3044 East Avenue	3S/3CS/5S2
H. Callaghan House	3057 East Avenue	3S/3CS/5S2
N/A	3820 East Avenue	5S2
N/A	4051 East Avenue	3S/3CS/5S2
California Water Service Co. Station 4	2169 Elm Street	5S2
Foresters Hall	157 South J Street	5S2
N/A	813 South J Street	3S/3CS/5S2
N/A	615 South K Street	3S/3CS/5S2
N/A	886 South K Street	3S/3CS/5S2
Veterans Memorial Hall	522 South L Street	3S/3CS/5S2
N/A	543 South L Street	3S/3CS/5S2
N/A	567 South L Street	5S2
N/A	585 South L Street	3S/3CS/5S2
N/A	755 South L Street	5S2
N/A	879 South L Street	3S/3CS/5S2
N/A	947 South L Street	3S/3CS/5S2
N/A	975 South L Street	3S/3CS/5S2
N/A	309 North Livermore Avenue	5S2

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Table 3.5-3 Historical Resources Identified in 2021 Survey

N/A	392 South Livermore Avenue	3S/3CS/5S2
N/A	737 South M Street	5S2
N/A	766 South M Street	5S2
St. Michael's Catholic Church	458 Maple Street	3S/3CS/5S2
Old Town Hall and Firehouse	142 Mcleod Street	3S/3CS/5S2
N/A	253 Mcleod Street	3S/3CS/5S2
N/A	448 Mcleod Street	3S/3CS/5S2
N/A	1861 Old Tower Road	3S/3CS/5S2
Duarte Garage	2016 Pine Street	3S/3CS/5S2
N/A	1412 Portola Avenue	5S2
N/A	2542 Portola Avenue	5S2
Livermore Railroad Depot	2500 Railroad Avenue	3S/3CS/5S2
Trevarno Road Historic District	78 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	85 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	118 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	125 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	140 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	153 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	174 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	181 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	220 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	227 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	248 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	262 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	273 Trevarno Road	3D/3CD/5D2
Trevarno Road Historic District	Trevarno Road	3D/3CD/5D2

Notes: N/A = not applicable.

3S/3CS/5S2: Appears eligible for listing in the National Register at the local level of significance under one or more criteria. Appears to be eligible for listing in the California Register and meets the definition of a City of Livermore historic resource.

3D/3CD/5D2: Individual property that contributes to a historic district that appears to be eligible for listing in the National Register and California Register at the local level of significance under one or more criteria. Meets the definition of a City of Livermore historic resource.

5S2: Meets the definition of a City of Livermore historic resource under one or more criteria.

ARCHAEOLOGICAL RESOURCES**Identified Resources**

All potentially significant near-surface and subsurface archaeological resources within Livermore were identified in the archives of the California Historical Resources Information System (CHRIS). A search of the CHRIS records on file at the Northwest Information Center identified 18 archaeological resources within the boundary of Livermore (City of Livermore 2022).

Table 3-5.4, *CHRIS Archival Results*, presents all 18 resources identified during the CHRIS archival review and the significance determination for inclusion of each. The spatial boundaries of all resources included in the analysis were manually digitized and added to the project geographic information system (GIS). Note, due to the confidential information of these archaeological resources, detailed maps are not available for public review.

Table 3.5--4 CHRIS Archival Results

Primary Number	Trinomial	Description	Recorded by/Year
01-002108	CA-ALA-430/H	Prehistoric and historic site. Robert Livermore Adobe Site ca. 1839; Prehistoric-era stone tool fragments	O'Neal 1981
01-002122	CA-ALA-516H	Historic site. Remnants of a ranch or homestead. Appears on 1940 aerial imagery. Area is now a parking lot at Lam Research.	Dames & Moore 1990
01-002146	CA-ALA-570H	Historic site. House foundation and trash dating to prior to 1900	Strudwick & King 1998
01-002147	CA-ALA-569	Prehistoric site. Lithic scatter with dark sediments, adjacent to springs	Strudwick & King 1998
01-002195	CA-ALA-584H	Historic site. Identified as the "Jim Anderson House", instead consistent with a barn. ca. 1914- 1945. Structure appears on 1940 and 1958 aerial imagery but not extant today. Well and well house elements reported but not excavated. Location not developed.	Dougherty, Barton, & Bakic 2000
01-002198	N/A	Prehistoric isolated resource. Sandstone mano fragment	Barton & Dougherty 2000
01-002199	N/A	Prehistoric isolated resource. Sandstone metate	Barton & Dougherty 2000
01-002203	N/A	Prehistoric isolated resource. Bifacially modified flake/tool	Fitzgerald & Gmoser 2000
01-010526	N/A	Prehistoric and historic site. Lithic scatter and farmstead remnants now on airport grounds	McKale 2002

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Table 3.5--4 CHRIS Archival Results

01-011431	CA-ALA-652H	Historic site. Early to mid-20th century farmstead with well	Beard 2013
01-012085	N/A	Prehistoric burial site. Native American burial	Ambro 2004
C-669 (informal resource)	N/A	Prehistoric site. Fire Cracked Rocks with animal bone frags and charcoal flecking	Holman 1985
C-1283	N/A	Prehistoric site. Likely midden soil with Fire Cracked Rocks along creek	Holman 1985
01-000067*	CA-ALA-47	Prehistoric site. "sandy midden" reported but later investigation eliminated this ID	McGeein & Mueller 1951; Holman 1992
01-002124*	CA-ALA-518H	Historic site. Former dairy complex, has since been removed during construction of a business park in the mid-2000s.	Canzonieri 2006; Gillies, Bowler, Martin 2000; Macdougall, Doyle, Walsh 1990
01-002194*	N/A	Historic isolated resource. Metal lined, wooden trough for animal feed/water	Dougherty, Barton, & Bakic 2000
01-002196*	N/A	Historic isolated resource. Barbed with fence with wooden posts, associated with Ramke Ranch	Dougherty, Barton, & Bakic 2000
01-011507*	N/A	Historic isolated resource. Three historic trash frags recovered from a field	Garcia and Associates 2009

Notes: N/A = not applicable.

All recorded historical resources in California are assigned a primary number, which in Alameda County takes the form of P-01-####; additionally, archaeological sites may be identified by a trinomial (CA-ALA-###). Archaeological sites that have been assigned trinomials are usually referred to by their trinomial rather than their primary number.

* Lack of potential to yield significant archaeological data.

A great number of archaeological studies have been conducted within the boundaries of Livermore. The record search identified 155 separate archaeological reports dating from 1974 to the present. The investigations range from archival review and reporting of negative findings to archaeological data recovery of a human burial. Key areas of past study include highway construction and widening, long-range utility infrastructure, housing development, greenspace improvements, and the management and expansion of national laboratory facilities (City of Livermore 2022).

In addition to the specific resources identified in the CHRIS archive, historic maps and other historic literature sources were used to identify and further refine locations of potential archaeological significance within and immediately adjacent to Livermore. This included four prehistoric-period and four historic-period resources. The additional prehistoric resources include two artifact isolates and two locations of bedrock mortars (City of Livermore 2022).

Sensitivity Analysis

Prehistoric Period

Figure 3.5-2, *Prehistoric Period Archaeological Sensitivity Map*, presents the results of a spatial analysis to identify locations suitable for prehistoric human habitation. Of the almost 34 square miles encompassed by the EIR Study Area, approximately 2.95 square miles were classified as Highly Sensitive, and 2.75 square miles were classified as Moderately Sensitive for buried and near-surface Prehistoric Period cultural resources.

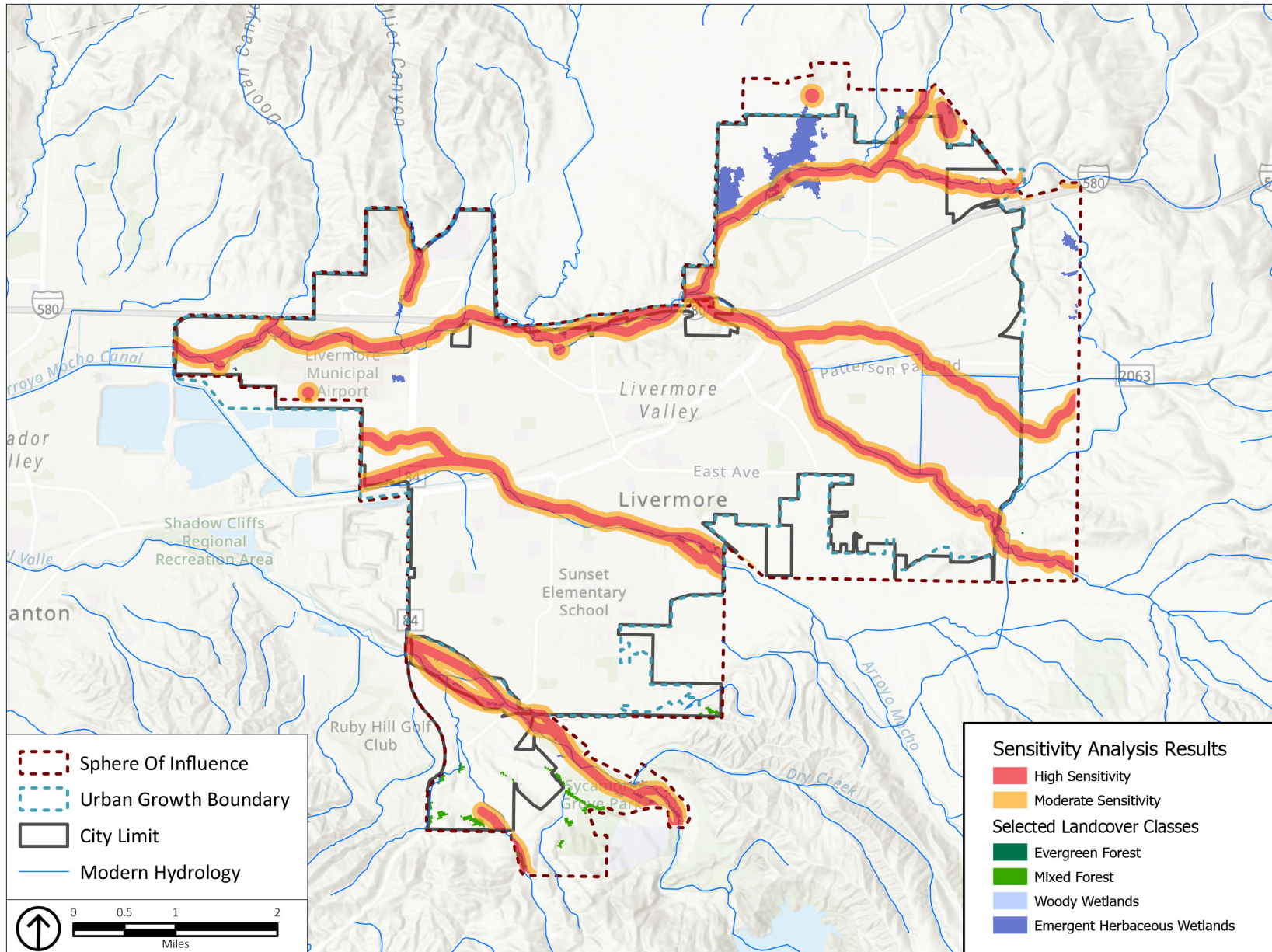
In the Springtown district of northern Livermore, several natural springs and seeps have created a marshy wetland environment that has not been fully destroyed by modern development. At least two Prehistoric Period sites have been found in the area (City of Livermore 2022).

A few resource processing areas (most often associated with bedrock mortars) have been identified in the foothill margins around Livermore Valley. Specifically, the hilly region in and around Sycamore Grove Park is a candidate for elevated sensitivity for Prehistoric Period acorn harvesting and processing sites. In addition, although apparently no longer forested today, the hilly areas around the margins of the valley to the north and northeast are considered potentially sensitive (City of Livermore 2022).

Historic Period

Figure 3.5-3, *Historic Period Archaeological Resources Map*, shows the 10 places of known and potential archaeological sensitivity that may contain subsurface archaeological resources dating to the historic period. These locations are associated with early European and European-American presence in the Livermore Valley. Key among those are the residences of Robert Livermore and his son, Robert Livermore, Jr., as well as the former site of the town of Laddsville. Although the map cannot be considered exhaustive—indeed, some chance of finding unexpected resources is almost always present—the information is intended as a planning tool for future development. There are numerous historic homes, businesses, and public buildings in the EIR Study Area that are of cultural significance, and it is possible that the oldest of these could contain associated archaeological resources.

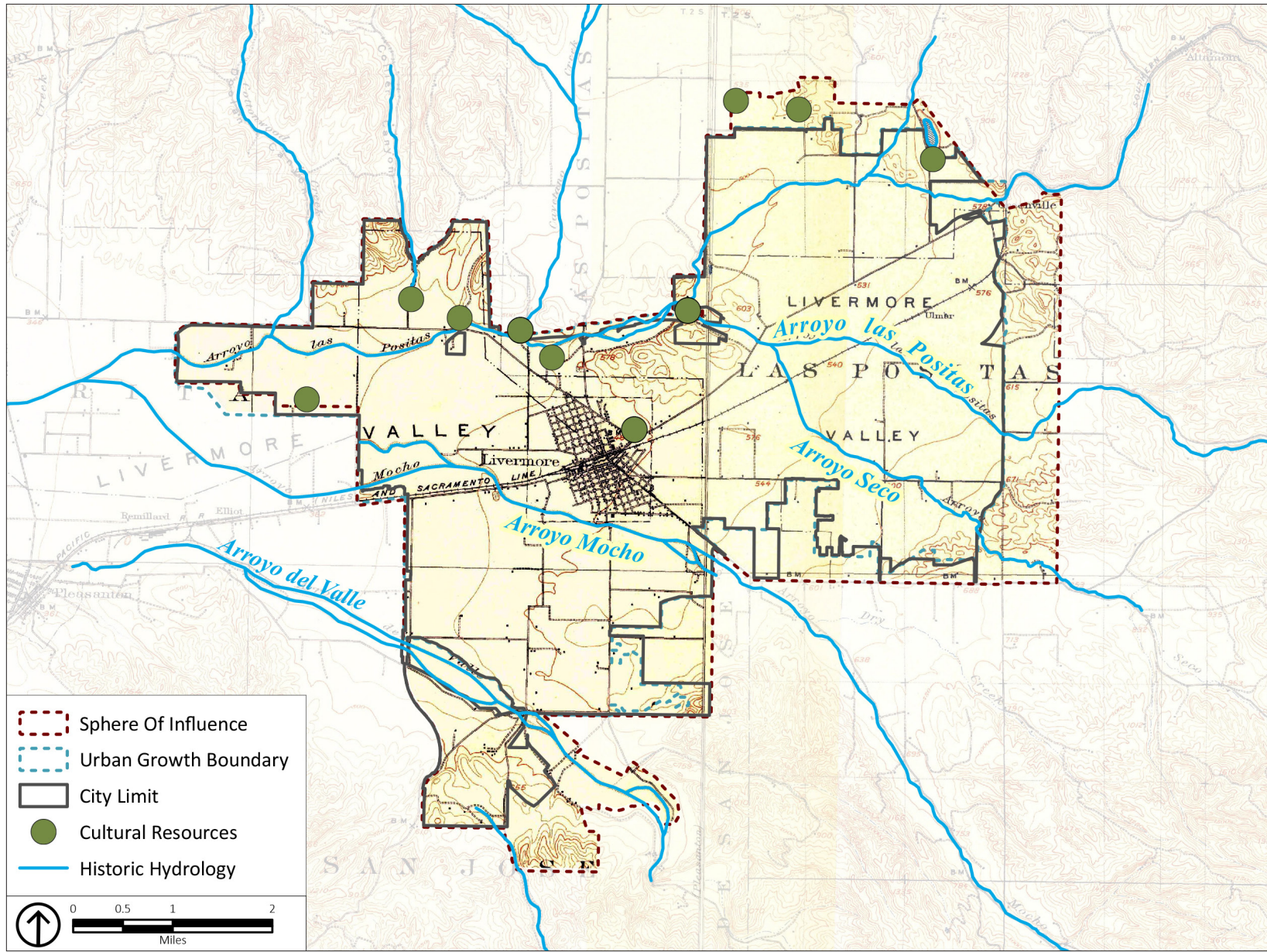
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Source: ESRI, City of Livermore, USGS-NLCD, NWIC;
J. Quist, Archeo-Tec, October 2021.

Figure 3.5-2
Prehistoric Period Archaeological Sensitivity Map

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Sources: USGS Pleasanton(1906) and Tesla (1907) Quads, NWIC, City of Livermore;
J. Quist, Archeo-Tec, October 2021.

Figure 3.5-3
Historic Period Archaeological Resources Map

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TRIBAL CONSULTATION

Pursuant to SB 18, a request was sent to the NAHC for a Tribal Consultation List in February 2022. The NAHC identified 15 local Native American representatives from the following tribes as potentially having local knowledge:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the SF Bay Area
- North Valley Yokuts Tribe
- Tamien Nation
- The Confederated Villages of Lisjan
- The Ohlone Indian Tribe
- Wilton Rancheria
- Wuksache Indian Tribe/Eshom Valley Band

A search of the Sacred Lands File has failed to indicate the presence of Native American cultural resources within the EIR Study Area.

The City notified the tribal representatives about the proposed Project on March 14, 2022, and asked for information about potential resources within the EIR Study Area. While the City and the representative for the Confederated Villages of Lisjan were in contact, the representative requested additional information on the proposed Project and the results of the Sacred Lands File search, which the City provided. To date, no other responses have been received.

3.5.3 Standards for Analysis

SIGNIFICANCE CRITERIA

Appendix G, *Environmental Checklist Form*, of the CEQA Guidelines states that the proposed Project would result in a significant impact on cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- c) Disturb any human remains, including those interred outside of dedicated cemeteries.

Appendix G of the CEQA Guidelines states that the proposed Project would result in a significant impact on TCRs if it would cause a substantial adverse change in the significance of a TCR, defined in CEQA Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- d) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k).
- e) 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 the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

3.5.4 Project Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?

Less than significant. The types of cultural resources that meet the definition of historical resources under CEQA Section 21084.1 generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. Under CEQA, both prehistoric and historic-period archaeological sites may qualify based on historical associations. As such, the two main historical resources that may be impacted by future development are historical archaeological deposits and historical architectural resources. The following analysis therefore focuses on potential impacts to these two types of resources.

As discussed in Section 3.5.2, *Existing Conditions*, there are several historical resources within the EIR Study Area. The proposed General Plan 2045 would not directly result in new development; however, it is a regulatory document that includes proposed changes in land use designation that would allow for redevelopment and increased density on certain parcels within the EIR Study Area. While the proposed Project promotes infill development and encourages higher density in already-developed areas, which greatly minimizes potential impacts to historical resources, new development could have a significant impact on historical resources if it results in the physical demolition, destruction, relocation, or alteration of a historical resource or its immediate surroundings such that the ability of the historical resource to convey its significance is materially impaired. Further, effects on such resources are only discoverable once a site-specific project has been proposed because the effects are dependent on project location, type, and conditions as well as the nature of any ground-disturbing activity.

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Accordingly, all future development subject to discretionary approval would be required to comply with the City's Design Standards and Guidelines. The Design Standards and Guidelines would apply to all projects that require design review, including most new buildings, subdivisions, infill development, and public improvements. Future mixed-use and multifamily development would be subject to the design standards outlined in the MODS. Furthermore, future development consistent with proposed Project would be subject to the regulations of the LMC and LDC. Pursuant to the City's obligations under CEQA and consistent with the procedures in LDC Section 9.01.070, future discretionary projects would require project-specific environmental review to identify, evaluate, and avoid or mitigate potential impacts on historical resources, to the extent feasible. Future projects that propose the alteration or demolition of a historical resource or potential historic resource would be required to comply with the Historic Preservation Ordinance (LDC Chapter 9.02), which only allows for the issuance of a certificate of appropriateness if the following criteria are met:

- The project will not materially alter the character-defining features of a historical resource that convey its significance.
- The project will not result in a substantial adverse change to the integrity of the historical resource and its site or setting contributing to its significance.
- The project is consistent with the General Plan, applicable specific plan(s), LDC, Secretary of the Interior Standards, National Park Service bulletins, briefs, and preservation guidance, as applicable, and requirements of CEQA.

Additionally, the Land Use (LU) Element and Community Identity (CI) Element of the proposed General Plan 2045 contain the following goals and policies that are designed to address the conservation and protection historic resources:

- **Goal LU-1:** Create a well-integrated, sustainable, and livable community by locating new development in areas that can maximize the use of existing public services and facilities.
 - **Policy LU-1.1: Livermore's Unique Qualities.** Recognize and reinforce the qualities that contribute to Livermore, which include a historic Downtown, a variety of residential neighborhoods, vineyards, ranches, natural habitats, and open space.
- **Goal CI-6:** Preserve the City's historical resources to commemorate the past, protect the community's architectural character, and foster social and economic vitality.
 - **Policy CI-6.1: Historical Resources Conservation and Re-Use.** Conserve historic resources and buildings to the extent feasible, including City-owned and community-significant resources. Preserve the original use of historical resources when possible or adaptively re-use historical resources when the preservation of the original use is not feasible.
 - **Policy CI-6.2: Historic Preservation Integration into City Planning.** Integrate historical preservation goals, policies, and actions into the City's comprehensive planning efforts throughout various City departments and functions.

- **Policy CI-6.3: Historic Resources Inventory and Context Statement.** Maintain and periodically update the Historic Resources Inventory and Historic Context Statement, as needed, to reflect changes due to the passage of time, loss of existing historical resources, and the availability of new or reinterpreted information.
- **Policy CI-6.4: Historic Preservation Ordinance.** Designate and protect historic resources and potential historic resources in accordance with the Historic Preservation Ordinance.
- **Policy CI-6.5: Historical Preservation through Specific Plans, Area Plans, and Guidelines.** Develop historical preservation goals, policies, and actions into new Specific and Area Plans and Specific and Area Plan updates where feasible and appropriate. Establish design guidelines for historical resources and historic districts based on established federal and State standards and guidelines.
- **Policy CI-6.6: State Historical Building Code.** Use the State Historical Building Code (Chapter 8 of the California Uniform Building Code) to comply with the provisions of the Americans with Disabilities Act and other municipal building code requirements to preserve the architectural integrity of historic buildings and structures.
- **Policy CI-6.7: Historical Preservation Professionals.** Require that historical resource evaluations and impact analysis are performed by a qualified professional meeting the Secretary of the Interior’s Professional Qualifications for any projects that could affect a known or potential historical resource as a part of the environmental assessment and/or permitting process.
- **Policy CI-6.8: City Staff Training.** Train City staff and appointed committees and commissioners in the City’s historical preservation policies, practices, and procedures, including the Historic Resources Ordinance, application of design guidelines for historical resources, use of the State Historical Building Code, and the historical resource provisions of the California Environmental Quality Act.
- **Goal CI-7: Foster the public’s understanding and appreciation of Livermore’s historical resources.**
 - **Policy CI-7.1: Public Knowledge and Education of Historical Resources and Preservation.** Educate the community about historic preservation programs and the significance of events, places, and people related to Livermore history and the region. Collaborate with public and private schools to support integrating local history into their curricula and related educational programs.
 - **Policy CI-7.2: Historical and Cultural Organizations Collaboration.** Collaborate with local organizations to support their efforts to promote and protect historical and cultural resources.
 - **Policy CI-7.3: Heritage Tourism.** Promote heritage tourism, including amplifying regional and State marketing efforts.

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- **Goal CI-8:** Develop incentives to encourage owners of historical resources to preserve and rehabilitate their properties.
 - **Policy CI-8.1: Information for Historical Resources Owners.** Create educational materials on the planning review processes, design guidelines, and incentive programs available to the owners of historical resources and make the informational materials available in the Planning Department and on the City’s website.
 - **Policy CI-8.2: Funding for Historical Preservation and Rehabilitation.** Use federal, State, local, and private grants, loans, and tax credits to preserve and rehabilitate historical resources. Collect, maintain, and make available to the public information on State, federal, and private incentive programs for historical resources.
 - **Policy CI-8.3: Financial Incentives.** Develop local financial incentives for owners of historical resources to use to promote the preservation and adaptive reuse of historical resources.
 - **Policy CI-8.4: Variance Incentives.** Identify potential variances or other incentives to promote historic preservation policies, such as variances in setback requirements, building code requirements, parking requirements, etc. to incentivize the preservation of historical resources.
 - **Policy CI-8.5: Mills Act.** Establish the Mills Act program to provide property owners with property tax deductions for the preservation of historical resources.

Specifically, proposed Policy CI-6.3 and CI-6.4 would require the City to maintain and update the Historic Resources Inventory and designate and protect historic resources and potential historic resources in accordance with the Historic Preservation Ordinance. Proposed Policy CI-6.7 would require historical resource evaluations and impact analysis prepared by a qualified professional for projects that could affect a known or potential historic resource.

Implementation of the proposed General Plan 2045 goals and policies in conjunction with the City’s existing design standards and guidelines, regulations, and procedures outlined in the LMC and LDC, and compliance with the relevant State and federal laws described in Section 3.5.1, *Regulatory Framework*, would ensure that approval of future development consistent with proposed Project is contingent on avoiding or minimizing impacts to historical resources. Therefore, this impact is **less than significant**.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Less than significant with mitigation. As discussed in Section 3.5.2, *Existing Conditions*, the EIR Study Area contains areas of high and moderate archaeologically sensitive areas. The proposed General Plan 2045 would not directly result in new development; however, it is a regulatory document that includes proposed changes in land use designation that would allow redevelopment and increased density on certain parcels within the EIR Study Area. While the

proposed Project promotes infill development and encourages higher density in already-developed areas, which greatly minimizes potential impact on existing archaeological resources, it is still possible to encounter previously unknown resources, especially on undeveloped sites. Damage to historical and pre-contact archaeological deposits meeting the definition of archaeological resources under CEQA would most likely be limited to ground-disturbing activities associated with future development.

Future development would be subject to PRC Section 5097.5(a), which specifies that a person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any archaeological sites without the express permission of the public agency having jurisdiction over the lands.

Additionally, the Community Identity (CI) Element of the proposed General Plan 2045 contains the following goal and policies that are designed to protect archaeological resources:

- **Goal CI-5:** Protect cultural resources (archaeological and/or Tribal) and paleontological resources that enrich our understanding of early Livermore and the surrounding region.
 - **Policy CI-5.1: Resource Sensitivity and Evaluation.** Require appropriate investigations, such as site surveys, subsurface testing, and monitoring by qualified professionals as part of the environmental review process when development is proposed in identified areas of cultural and paleontological sensitivity.
 - **Policy CI-5.2: Discovery and Mitigation.** If cultural, tribal cultural, including human remains, or paleontological resources are discovered during construction, require immediate suspension of work in the area and evaluation by a qualified professional. If the resource is significant, prioritize preservation in place; if not feasible, implement appropriate mitigation such as data recovery.
 - **Policy CI-5.3: Preservation and Education.** Preserve and curate significant archaeological resources for research and educational purposes. Where feasible, make these resources accessible to the public through open space, recreation, or educational programs.

Specifically, proposed Policy CI-5.1 would require investigations by a qualified professional where development is proposed in areas of cultural and paleontological sensitivity. Proposed Policy CI-5.2 requires immediate suspension of work in the area if cultural or paleontological resources are discovered during construction and, if the resource is significant, prioritize preservation in place or implement appropriate mitigation.

While future development would be required to comply with federal and State laws and regulations, as well as the proposed General Plan 2045 goals and policies, compliance with such regulations alone cannot be assumed to fully avoid or eliminate impacts to unknown archaeological resources associated with site-specific development. Therefore, impacts to archaeological resources would be *potentially significant*.

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Impact CUL-2: Implementation of the proposed Project could cause a substantial adverse change in the significance of an archaeological resource pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15064.5.

Mitigation Measure CUL-2: If any buried historical or archaeological resources are discovered during construction, operations shall stop within a 100-foot radius of the find and the qualified archaeologist shall be consulted to determine whether the resource requires further study. If it is determined that the find is significant, then the qualified archaeologist shall make recommendations to the Lead Agency (City of Livermore) on the feasible measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant historical or archaeological resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.

Any previously undiscovered resources found during construction within a project site shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of CEQA Guidelines.

If the relevant resources (if any) are determined to be historical resources as defined under Section 15064.5 of the CEQA Guidelines or a unique archaeological resource in Section 21083.2 of the Public Resources Code, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified archaeologist and recommended to the project applicant or sponsor and the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. No further grading or ground disturbance shall occur within 100 feet of the discovery of a significant historical or archaeological resource until the relevant mitigation measures are approved by the Lead Agency and implemented by the project applicant or sponsor to protect these resources. Work may proceed on other parts of the project site while mitigation for unique archaeological resources is being carried out.

Mitigation Measure CUL-2 would ensure that archaeological resources identified during construction would be evaluated and protected or appropriately treated. Therefore, compliance with the proposed General Plan 2045 goals and policies and with the relevant State and federal laws described in Section 3.5.1, *Regulatory Framework*, and implementation of Mitigation Measure CUL-2 would ensure that future development consistent with proposed Project avoids or minimizes impacts to archaeological resources. Therefore, this impact is **less than significant**.

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries?

Less than significant. Previously undiscovered human remains associated with pre-contact archaeological deposits may exist in the EIR Study Area, as ground-disturbing activities sometimes uncover such previously unrecorded remains. As described under impact discussion (b), impacts to such deposits would be limited to these ground-disturbing activities and excavations associated future development projects.

The proposed General Plan 2045 would not directly result in new development; however, it is a regulatory document that includes proposed changes in land use designation that would allow redevelopment and increased density on certain parcels within the EIR Study Area. The proposed Project promotes infill development and encourages higher density in already-developed areas, which greatly minimizes potential impacts to where it would be expected to have less disturbance to human remains. However, future development, especially development on development land, could uncover unrecorded remains.

Procedures of conduct following the discovery of human remains have been mandated by CEQA Section 15064.5(e), PRC Section 5097.98, and Health and Safety Code Section 7050.5, as described in Section 3.5.1, *Regulatory Framework*. According to the provisions in CEQA, in the event a human burial or skeletal element is identified during excavation or construction, work in that location shall stop immediately until the find can be properly treated. The Alameda County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. If the NAHC is unable to identify an MLD, the MLD fails to make a recommendation within 48 hours after being notified, or the landowner rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner, the owner shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance.

Furthermore, the same General Plan 2045 goal and policies from the Community Identity (CI) Element identified under impact discussion (b) would also serve to minimize impacts related to human remains that may also qualify as archaeological resources. Specifically, proposed General Plan Policy CI-16.2 requires the immediate suspension of work in the area where resources are discovered during construction and evaluation of the resource by a qualified professional.

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Compliance with the procedures of conduct following the discovery of human remains that are mandated by CEQA Section 15064.5(e), PRC Section 5097.98, and Health and Safety Code Section 7050.5 are standard protocol for qualified professionals and would be adhered to for the proper treatment of discovered human remains. Therefore, compliance with mandatory regulatory procedures and the proposed General Plan 2045 goal and policies would minimize impacts related to the potential discovery or disturbance of any human remains accidentally unearthed during construction activities associated with future development. Therefore, this impact is **less than significant**.

d) Would the project cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, as defined in PRC Section 5020.1(k)?

Less than significant with mitigation. CEQA defines a TCR as a site, feature, place, or cultural landscape that is geographically defined in terms of size and scope, sacred place, or object with cultural value to a California Native American tribe included or eligible for inclusion in the California Register or included in a local register of historical resources. Through the consultation process described in Section 3.5.2, *Existing Conditions*, no California Native American tribe has identified the presence of TCRs in the EIR Study Area.

The proposed General Plan 2045 would not directly result in new development; however, it is a regulatory document that includes proposed changes in land use designation that would allow redevelopment and increased density on certain parcels within the EIR Study Area. The proposed Project promotes infill development and encourages higher density in already-developed areas, which greatly minimizes potential impacts to where it would be expected to have less disturbance to TCRs. However, future development, especially on undeveloped sites, could affect known or previously unidentified TCRs. In addition, the potential for additional undiscovered eligible TCRs to be present within the future sites exists but varies by location.

The proposed General Plan 2045 goals and policies from the Community Identity (CI) Element identified under impact discussions (a), (b), and (c), in addition to the following goal and policy, are designed to protect TCRs:

- **Goal CI-5:** Protect cultural resources (archaeological and/or Tribal) and paleontological resources that enrich our understanding of early Livermore and the surrounding region.
 - **Policy CI-5.4: Tribal Cultural Resources and Consultation.** Respect and protect tribal cultural resources, including sacred sites, landscapes, and culturally significant objects. Maintain collaborative relationships with local Native American tribes and consult with tribal representatives as required by State law, particularly near culturally sensitive areas such as Brushy Peak.

Specifically, proposed Policy CI-5.4 requires the protection of TCRs and consultation with tribal representatives as required by State law. Proposed Policy CI-6.7 would require historical resource evaluations and impact analysis prepared by a qualified professional for projects that could affect a known or potential historic resource and Policy CI-5.1 would require investigations by a qualified professional where development is proposed in areas of cultural and paleontological sensitivity. Proposed Policy CI-5.2 requires immediate suspension of work in the area if cultural or paleontological resources are discovered during construction and, if the resource is significant, prioritize preservation in place or implementation of appropriate mitigation.

While future development would be required to comply with existing federal, State, and local laws and regulations, as well as implementation of the proposed General Plan 2045 goals and policies, compliance with such regulations alone cannot be assumed to fully avoid or eliminate impacts to TCRs associated with site-specific development. Therefore, impacts to TCRs would be *potentially significant*.

Impact CUL-4: Implementation of the proposed Project could cause a substantial adverse change in the significance of a tribal cultural resource (TCR) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k).

Mitigation Measure CUL-4: If any buried tribal cultural resources are discovered during construction, the construction contractor shall stop operations within a 100-foot radius of the find. The contractor shall notify the Lead Agency (City of Livermore) and the City shall consult with the appropriate tribe(s) to determine significance and appropriate treatment measures. The City/tribe(s) may require tribal or other qualified cultural resource monitors during construction to ensure that resources are properly identified and protected. Documentation of consultations, treatment measures, and resource protection actions shall be maintained in the project record. Work may proceed on other parts of the project site while mitigation for TCRs is being carried out.

Mitigation Measure CUL-4 would ensure that TCRs are identified, evaluated, and protected or appropriately treated during construction. Therefore, compliance with the proposed General Plan 2045 goals and policies and with the relevant State and federal laws described in Section 3.5.1, Regulatory Framework, and implementation of Mitigation Measure CUL-4 would ensure that construction of future development avoids or minimizes impacts to tribal cultural resources. Therefore, this impact is **less than significant**.

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- e) **Would the project cause a substantial adverse change in the significance of 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?**
-

Less than significant with mitigation. CEQA also defines a TCR as a site, feature, place, or cultural landscape that is geographically defined in terms of size and scope, sacred place, or object with cultural value to a California Native American tribe if the City, acting as the lead agency, supported by substantial evidence, chooses at its discretion to treat the resource as a TCR. Through the consultation process described in Section 3.5.2, *Existing Conditions*, no California Native American tribe has identified the presence of TCRs in the EIR Study Area. The City, in its capacity as Lead Agency, has also not identified or determined any known TCRs to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Although there is the possibility that previously undiscovered TCRs could be encountered by subsurface earthwork activities associated with construction of future development projects.

While future development would be required to comply with existing federal, State, and local laws and regulations, as well as the proposed General Plan 2045 goals and policies, compliance with such regulations alone cannot be assumed to fully avoid or eliminate impacts to unknown TCRs associated with site-specific development. Therefore, impacts to TCRs would be *potentially significant*.

Impact CUL-5: Implementation of the proposed Project could cause a substantial adverse change in the significance of 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 Public Resources Code Section 5024.1.

Mitigation Measure CUL-5: Implement Mitigation Measure CUL-4.

Implementation of Mitigation Measure CUL-4, which outlines the procedures for discovery of previously unknown TCRs, would ensure that impacts to resources significant under PRC Section 5024.1(c) are adequately mitigated. As such, compliance with the proposed General Plan 2045 goals and policies and with the relevant State and federal laws described in Section 3.5.1 and implementation of Mitigation Measure CUL-4 would ensure that construction of future development consistent with proposed Project avoids or minimizes impacts to tribal cultural resources, and impacts are **less than significant**.

3.5.5 Cumulative Impact Analysis

Cumulative impacts on cultural and tribal cultural resources would occur when a series of actions leads to the loss of a substantial type of site, building, cultural, or tribal cultural resource. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative effect. The following discussion considers how buildout of the EIR Study Area and the region has the potential to cumulatively impact cultural and tribal cultural resources in the eastern Alameda County region.

Would the project have a cumulative effect related to cultural and tribal cultural resources?

Less than significant. As discussed under impact discussion (a), potential impacts to historical resources resulting from the proposed Project would be less than significant with implementation of the proposed General Plan 2045 goals and policies, in conjunction with the City's existing design standards and guidelines; regulations and procedures outlined in the LMC and LDC; and compliance with the relevant state and federal laws described in Section 3.5.1, *Regulatory Framework*. Continued compliance with these regulations would avoid or minimize potential impacts to historical resources, ensuring that the cumulative impact would be less than significant.

Future projects would be required to be consistent with the goals and policies of the proposed General Plan 2045 and adopted regulations pertaining to archaeological resources, human remains, and TCRs in Livermore, as described under impact discussions (b) through (e). While development associated with the proposed Project may have the potential to result in adverse change to archaeological resources, human remains, and TCRs, the proposed General Plan 2045 includes extensive goals and policies designed to protect such resources. Additionally, Mitigation Measure CUL-2 would require a cultural resources records search and sensitivity assessment. Mitigation Measures CUL-4 and CUL-5 would require procedures for discovery of previously unknown resources. Furthermore, any potentially significant cumulative impacts are related to site-specific impacts to cultural resources and tribal cultural resources in the eastern Alameda County region and would be mitigated, as necessary, on a project-by-project basis. For example, cumulative projects would be required to comply with applicable policies, provisions, and programs in the applicable General Plan and Municipal Code that protect cultural and tribal cultural resources. In addition, cumulative projects would be required to comply with applicable federal, State, and local laws and regulations, including, among others, the provisions of SB 18 and AB 52, Section 15064.5 of the CEQA Guidelines, and Sections 5024.1 and 5097 of the PRC. Accordingly, because cumulative development would be required to comply with long-term planning documents and regulatory agency guidance establishing policies (including, but not limited to, evaluation requirements and inadvertent discovery procedures) and would also be

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required to mitigate any site-specific impacts, cumulative impacts to cultural and tribal cultural resources would be **less than significant**.

3.5.6 References

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