

Appendix G

Cultural Resources Assessment
Letter Report

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HELIX Environmental Planning, Inc.
1677 Eureka Road, Suite 100
Roseville, CA 95661
916.435.1202 tel
619.462.1515 fax
www.helixepi.com



February 12, 2020

Project # CUC-01

Mr. Binh Nguyen
City of Union City
34009 Alvarado-Niles Road
Union City, CA 95487

Subject: Cultural Resources Assessment for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Mr. Nguyen:

This letter report presents the results of a cultural resources assessment conducted by HELIX Environmental Planning, Inc. (HELIX) for the proposed development of a 7-Eleven gas station and convenience store at 1998 Whipple Road in the City of Union City, California (Figures 1, 2, and 3). This report is intended to describe the potential for ground disturbance associated with this project to affect significant cultural resources. The results of this assessment, which addresses both historic-era and prehistoric resources, is based on the results of an archival records search, Native American coordination, and an intensive pedestrian survey of the proposed project area. Figures are provided in Attachment A.

The approximately 0.6-acre property (project area) is located in Union City, southeast of the intersection of Whipple Road and Amaral Street, immediately adjacent to the corporate boundary of Union City and Hayward (Figure 3). Surrounding land uses include single-family residential to the south and east and commercial/light industrial to the north and west across Whipple Road and Amaral Street.

The project area was formerly the location of a service station and it was subject to extensive cleanup and soil remediation activities following discovery of a leaking underground storage tank in 1986. The previously existing structures were demolished in 1992 when the service station was closed, decommissioned, and all underground and aboveground site facilities were removed.

Project Description

The project applicant, TAIT & Associates, Inc., is proposing to develop an approximately 2,800-square-foot (sf) gasoline station and 7-Eleven convenience store (Figure 4). A total of three gasoline station islands with a 1,646-sf of canopy would be constructed as part of the proposed project. The gasoline station islands would accommodate up to six vehicles at a time. Proposed excavation would be to a depth of approximately 16 feet. The convenience store building would be placed such that the storefront faces both Whipple Road and Amaral Street. The building height would be 18 feet, with a 21-foot-tall parapet at the entryway. The proposed site plan includes a 20-foot building setback from

Whipple Road and a 10-foot building setback from Amaral Street. The east side of the site (rear yard) and south side of the site (side yard) would both have a 22-foot building setback.

New 35-foot-wide access driveways would be constructed off Whipple Road and Amaral Street. The driveway on Whipple Road would be right-in/right-out only, and a three-foot wide median island would be constructed on Whipple Road to prevent other turning movements. The driveway on Amaral Street would accommodate all vehicle turn movements. The site would include sixteen total parking spaces, including six spaces at the fuel islands and ten parking spaces in front of the convenience store.

The proposed project includes plantings along the east and south sides of the site to provide screening to the nearby residences. A tall hedge (estimated 8- to 10-foot height at maturity) would be planted along the east and south sides to screen most views of the convenience store building from the residential area, and a shrub hedge (estimated 30 inches at maturity) would be planted along the street frontages. Other shrubs and groundcover would be incorporated throughout the planned landscaped areas. All landscaped areas would be irrigated with an automatic irrigation system. A stormwater treatment/bio-retention feature is also proposed at the south end of the site.

Archival Records Search

On December 12, 2019, HELIX conducted a cultural resources records search to determine whether any previously documented historic-era or prehistoric cultural resources are located within a 0.25-mile radius of the project area boundaries. The records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System, located at Sonoma State University. The search examined current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks listings (CHL), and the California Points of Historical Interest. The California State Historic Property Data File (HPDF) for Alameda County was also reviewed to determine if any local resources have been previously evaluated for historic significance within the search radius.

The results of the records search indicated that very limited cultural resource surveys or studies have previously been conducted in the vicinity of the project area. A single cultural resource has been documented within the 0.25-mile records search radius: site P-01-000143 (CA-ALA-417), consisting of a single human burial, a portable sandstone mortar and an obsidian blade, that were discovered in the early 1970s during trenching for a Pacific Gas and Electric (PG&E) project. The artifacts were recovered at that time, and the site, which was located approximately 0.25-mile east of the current project area, has since been covered by a housing development. No prehistoric or historic-era resources have previously been documented within the project area itself.

Historic aerial photographs taken prior to 1968 show that the project area was vacant and used as agricultural land before the now-defunct service station was constructed.

Native American Outreach

On January 9, 2020, HELIX requested that the Native American Heritage Commission (NAHC) conduct a search of their Sacred Lands File for the presence of Native American sacred sites or human remains in the vicinity of the proposed project area. A written response received from the NAHC on January 20, 2020, stated that the Sacred Lands File was positive for the presence of Native American cultural

resources in the immediate area. The NAHC recommended that the Ohlone Indian Tribe be contacted for more information.

On January 22, 2020, HELIX sent letters to seven Native American contacts, including the Ohlone Indian Tribe, that were recommended by the NAHC as potential sources of information related to cultural resources in the vicinity of the project area:

- Monica Arellano, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Tony Cerda, Chairperson, Costanoan Rumsen Carmel Tribe
- Andrew Galvan, Chairperson, Ohlone Indian Tribe
- Corrina Gould, Chairperson, The Confederated Villages of Lisjan
- Katherine Perez, Chairperson, North Valley Yokuts Tribe
- Ann Marie Sayers, Chairperson, Indian Canyon Mutsun Band of Costanoan Indians
- Irenne Zwerlein, Chairperson, Amah Mutsun Tribal Band of Mission San Juan Bautista

The letters advised the tribes and specific individuals of the proposed project and requested information regarding cultural resources in the immediate area, as well as any feedback or concerns they may have related to the proposed project. On January 23, 2020, Union City sent invitations to consult under Assembly Bill (AB) 52 to the same seven Native American individuals. As of February 11, 2020, no responses to the information requests or the AB 52 invitations have been received.

The Native American correspondence relevant to the project is contained in Attachment B.

Pedestrian Survey

HELIX conducted an intensive pedestrian survey of the project area on January 7, 2020. The survey involved systematic investigation of the ground surface by walking in parallel 5-meter transects. During the survey the ground surface was examined for artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, fire-affected rock, prehistoric ceramics), soil discoloration that might indicate the presence of a prehistoric cultural midden, soil depressions, and features indicative of the former presence of structures or buildings (e.g., standing exterior walls, postholes, foundations, wells) or historic debris (e.g., metal, glass, ceramics). Ground disturbances such as gopher holes, burrows, and excavations were also visually inspected. Representative survey photographs are found in Attachment C.

The current condition of the project area is entirely disturbed and covered by graveled areas and weedy ruderal vegetation (Photo 1). The area is separated from single-family residences to the east and south by concrete walls (Photo 2), while Whipple Road and Amaral Street form the area's northern and western boundaries, respectively.

The soils throughout the project area are heavily compacted fill and are capped with gravel near the area's northern end (Photo 3). A concrete pad that is now under a mound of vegetation is visible in the area's northwest corner, near a standing wood and metal sign (Photo 4). In the vicinity of the eastern concrete wall an approximately 10-foot-deep pit has been excavated, exposing what appears to be the wall's footing (Photo 5). Excavator tracks surround the pit, which is bordered by two broken pieces of chain-link fence and faded caution tape (Photo 6). Adjacent to the Amaral Street sidewalk there is a small concrete curb or landscaping feature that may be an extant component of an older sidewalk (Photo 7).

No prehistoric or historic-era resources were identified during the field survey.

Recommendations

HELIX has assessed the project area for the presence/absence of cultural resources. No prehistoric or historic-era resources have been previously recorded within the project area and none were identified during the pedestrian survey. Given that the previously existing service station and underground storage tanks were removed in 1992, any buried cultural deposits, if they did exist, would likely have lost their depositional integrity.

A search of the NAHC's Sacred Lands File returned a positive result, suggesting that there are Native American resources in the vicinity, but to date no responses have been received from the Native American individuals who were contacted. Unless additional information about Native American resources within the project area comes to light at a later date (e.g., through Assembly Bill [AB] 52 consultation), no additional studies or mitigation are recommended. The state regulatory framework that would be applicable to the proposed project is provided in Attachment D.

Inadvertent Discoveries

In the event that cultural resources are exposed during ground-disturbing activities, construction activities should be halted in the immediate vicinity of the discovery. If the site cannot be avoided during the remainder of construction, an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards should then be retained to evaluate the find's significance under the California Environmental Quality Act (CEQA). If the discovery proves to be significant, additional work, such as data recovery excavation, may be warranted and should be discussed in consultation with Union City.

Discovery of Human Remains

The discovery of human remains is always a possibility during a project. If such an event did occur, the specific procedures outlined by the Native American Heritage Commission (NAHC), in accordance with Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code, must be followed:

1. All excavation activities within 60 feet of the remains will immediately stop, and the area will be protected with flagging or by posting a monitor or construction worker to ensure that no additional disturbance occurs.
2. The project owner or their authorized representative will contact the Alameda County Coroner.
3. The coroner will have two working days to examine the remains after being notified in accordance with HSC 7050.5. If the coroner determines that the remains are Native American and are not subject to the coroner's authority, the coroner will notify NAHC of the discovery within 24 hours.

4. NAHC will immediately notify the Most Likely Descendant (MLD), who will have 48 hours after being granted access to the location of the remains to inspect them and make recommendations for their treatment. Work will be suspended in the area of the find until the City approves the proposed treatment of human remains.

Sincerely,



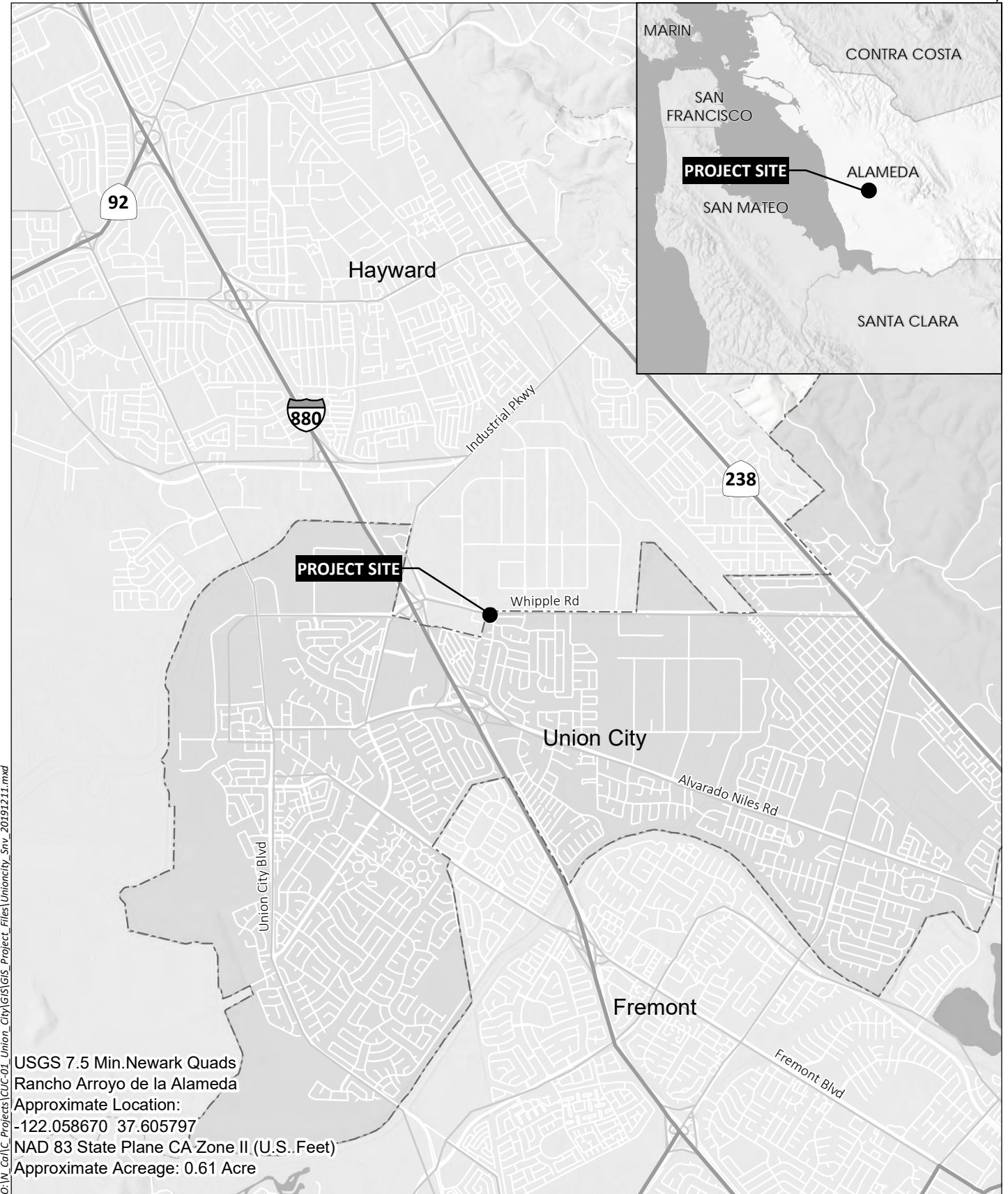
Clarus J. Backes, Jr., RPA
Senior Archaeologist
HELIX Environmental Planning, Inc.

Attachments:

- Attachment A – Figures
- Attachment B – Native American Correspondence
- Attachment C – Representative Site Photos
- Attachment D – Regulatory Framework

Attachment A

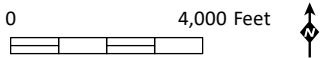
Figures




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USGS 7.5 Min. Newark Quads
 Rancho Arroyo de la Alameda
 Approximate Location:
 -122.058670 37.605797
 NAD 83 State Plane CA Zone II (U.S. Feet)
 Approximate Acreage: 0.61 Acre

Source: Base Map Layers (Esri, USGS, NGA, NASA)



Legend

 Project Boundary - 0.55 Acre



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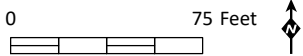
Source: ESRI Base Maps

Legend

- City Boundary
- ◻ Project Boundary - 0.55 Acre

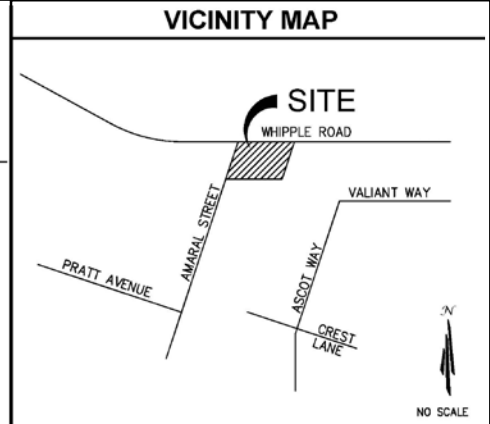
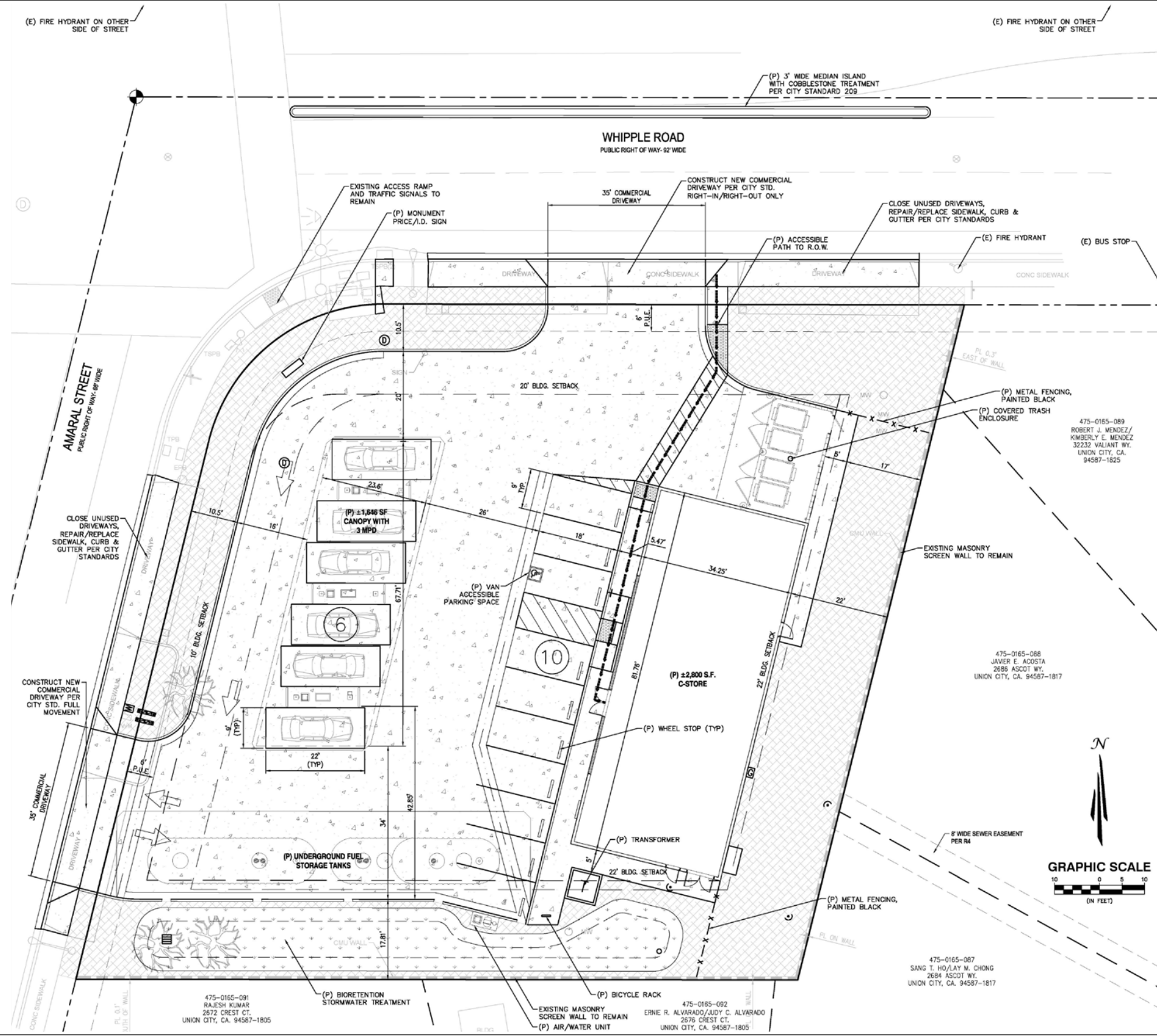


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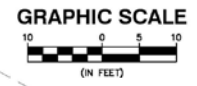
Source: Aerial (Google Earth 3/2018)

O:\N_Cal\C_Projects\CUC-01_Union_City\GIS\GIS_Plan_SitePlan\20191211.mxd 12/23/2019



PROJECT DATA	
PROJECT INFORMATION:	
APPLICANT:	TAIT & ASSOCIATES, INC. ATTN: KIM BARNETT 11280 TRADE CENTER DRIVE RANCHO CORDOVA, CA 95742 TEL: (916) 869-1822 kbarnett@tait.com
ASSESSOR'S PARCEL NUMBER(S):	475-0165-090
ADDRESS:	7-ELEVEN 1988 WHIPPLE ROAD UNION CITY, CA 94587
PROJECT DESCRIPTION:	NEW CONSTRUCTION - GROUND UP 7-11 CONVENIENCE STORE AND FUEL STATION
ADJACENT ZONING:	NORTH: INDUSTRIAL SOUTH: SINGLE FAMILY RESIDENTIAL EAST: SINGLE FAMILY RESIDENTIAL WEST: COMMERCIAL ZONING
EXISTING ZONING:	NC - NEIGHBORHOOD COMMERCIAL
EXISTING LAND USE:	EMPTY LOT
PROPOSED ZONING:	NC - NEIGHBORHOOD COMMERCIAL
PROPOSED LAND USE:	CONVENIENCE STORE & AUTO FUELING STATION
BUILDING INFORMATION:	
PROPOSED SITE AREA:	±22,833 (±0.55 ACRES)
PROPOSED BUILDING AREA:	±2,800 SF
PROPOSED BUILDING COVERAGE:	±12%
PROPOSED PAVED AREA:	±13,139 SF (58%)
PROPOSED LANDSCAPE AREA:	±6,894 SF (30%)
BUILDING HEIGHT:	55 FEET MAXIMUM
REQUIRED BUILDING SETBACKS:	
FRONT:	10 FT
REAR:	10 FT
SIDE (STREET):	20 FT
SIDE (INTERIOR):	20 FT
PARKING REQUIREMENTS:	
PARKING REQUIRED:	16 STALLS (1 STALL PER 175 SF)
PARKING PROVIDED:	16 STALLS (INCLUDES 6 SPACES AT FUEL ISLANDS)
ACCESSIBLE PARKING REQUIRED:	1 STALL
ACCESSIBLE PARKING PROVIDED:	1 STALL
BICYCLE PARKING REQUIRED:	2 SPACES
BICYCLE PARKING PROVIDED:	3 SPACES
UTILITY INFORMATION:	
ELECTRICAL:	PG&E
GAS:	PG&E
WATER:	ALAMEDA COUNTY WATER DISTRICT
STORM SEWER:	UNION SANITARY DISTRICT
SEWER:	CITY OF UNION CITY

LEGEND	
	CENTER LINE
	LOT LINE
	PATH OF TRAVEL
	PROPERTY LINE
	SETBACK LINE
	LANDSCAPE AREA
	CONCRETE PAVING / SIDEWALK
	ACCESSIBLE PARKING SPACE
	(E) POWER POLE
	(E) TRAFFIC SIGNAL
	(E) TRAFFIC SIGNAL ARM WITH LIGHT



Source: TAIT & Associates, 2019

Attachment B

Native American Correspondence

NATIVE AMERICAN HERITAGE COMMISSION

January 15, 2020

Clarus Backes
HELIX Environmental Planning, Inc.Via Email to: clarusb@helixepi.com
Cc: chochenyo@aol.com**Re: 1998 Whipple Road New Gas Station and Convenience Store Project (CUC-01), Alameda County**

Dear Mr. Backes:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact The Ohlone Indian Tribe on the attached list for more information. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Sarah.Fonseca@nahc.ca.gov.

Sincerely,

Sarah Fonseca
Associate Governmental Program Analyst

Attachment

CHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
Marshall McKay
WintunCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Joseph Myers
PomoCOMMISSIONER
Julie Tumamait-
Stenslie
ChumashCOMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Native American Heritage Commission
Native American Contact List
Alameda County
1/15/2020**

Amah Mutsun Tribal Band of Mission San Juan Bautista

Irenne Zwielerin, Chairperson
789 Canada Road
Woodside, CA, 94062
Phone: (650) 851 - 7489
Fax: (650) 332-1526
amahmutsuntribal@gmail.com
Costanoan

The Confederated Villages of Lisjan

Corrina Gould, Chairperson
10926 Edes Avenue
Oakland, CA, 94603
Phone: (510) 575 - 8408
corrinagould@gmail.com
Bay Miwok
Ohlone
Delta Yokut

Costanoan Rumsen Carmel Tribe

Tony Cerda, Chairperson
244 E. 1st Street
Pomona, CA, 91766
Phone: (909) 629 - 6081
Fax: (909) 524-8041
rumsen@aol.com
Costanoan

Indian Canyon Mutsun Band of Costanoan

Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA, 95024
Phone: (831) 637 - 4238
ams@indiancanyon.org
Costanoan

Muwekma Ohlone Indian Tribe of the SF Bay Area

Monica Arellano,
20885 Redwood Road, Suite 232
Castro Valley, CA, 94546
Phone: (408) 205 - 9714
marellano@muwekma.org
Costanoan

North Valley Yokuts Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net
Costanoan
Northern Valley
Yokut

The Ohlone Indian Tribe

Andrew Galvan,
P.O. Box 3388
Fremont, CA, 94539
Phone: (510) 882 - 0527
Fax: (510) 687-9393
chochenyo@AOL.com
Bay Miwok
Ohlone
Patwin
Plains Miwok

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed 1998 Whipple Road New Gas Station and Convenience Store Project (CUC-01), Alameda County.

HELIX Environmental Planning, Inc.
11 Natoma Street
Suite 155
Folsom, CA 9530
916.365.8700 tel
619.462.0552 fax
www.helixepi.com



January 22, 2020

Monica Arellano
Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

Subject: CUC-01 1998 Whipple Road New Gas Station and Convenience Store Project

Dear Ms. Arellano,

HELIX Environmental Planning, Inc. (HELIX) has contracted with the City of Union City to provide a Cultural Resources Assessment in support of CEQA compliance for the proposed 1998 Whipple Road New Gas Station and Convenience Store Project (project). A search of the Native American Heritage Commission's (NAHC) Sacred Lands File has been completed with positive results, and the NAHC has suggested we contact you for information regarding Native American resources in or near the project area.

The proposed project would include the development of an approximately 2,800-square-foot (sf) gasoline station and convenience store. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California. A total of three gasoline station islands with a 1,646-sf canopy would be constructed as part of the proposed project. Associated landscaping and access driveways are also proposed at the site. I have attached a topographical map depicting the project area. The legal description for the property is Township 4S, Range 2W, Section 11, as shown on the Newark, CA 7.5' USGS Quadrangle.

If there are sensitive resources on or near the proposed project location that could be impacted by construction activities please advise us accordingly. If you have any information, questions, or concerns regarding the proposed project, please feel free to contact me directly at (916) 365-8700 or clarusb@helixepi.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarus J. Backes Jr.", is written over a light blue horizontal line.

Clarus J. Backes Jr., M.A., RPA
Cultural Resources Group Manager
HELIX Environmental Planning, Inc.

[Enclosure: as stated]

HELIX Environmental Planning, Inc.
11 Natoma Street
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Folsom, CA 9530
916.365.8700 tel
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January 22, 2020

Tony Cerda, Chairperson
Coastanoan Rumsen Carmel Tribe
244 E. 1st Street
Pomona, CA 91766

Subject: CUC-01 1998 Whipple Road New Gas Station and Convenience Store Project

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Clarus J. Backes Jr., M.A., RPA
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Folsom, CA 9530
916.365.8700 tel
619.462.0552 fax
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January 22, 2020

Andrew Galvan
The Ohlone Indian Tribe
PO Box 3388
Fremont, CA 94539

Subject: CUC-01 1998 Whipple Road New Gas Station and Convenience Store Project

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Cultural Resources Group Manager
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[Enclosure: as stated]

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January 22, 2020

Corrina Gould, Chairperson
The Confederated Villages of Lisjan
10926 Edes Avenue
Oakland, CA 94603

Subject: CUC-01 1998 Whipple Road New Gas Station and Convenience Store Project

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Cultural Resources Group Manager
HELIX Environmental Planning, Inc.

[Enclosure: as stated]

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January 22, 2020

Katherine Perez, Chairperson
North Valley Yokuts Tribe
PO Box 717
Linden, CA 95236

Subject: CUC-01 1998 Whipple Road New Gas Station and Convenience Store Project

Dear Ms. Arellano,

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Clarus J. Backes Jr., M.A., RPA
Cultural Resources Group Manager
HELIX Environmental Planning, Inc.

[Enclosure: as stated]

HELIX Environmental Planning, Inc.
11 Natoma Street
Suite 155
Folsom, CA 9530
916.365.8700 tel
619.462.0552 fax
www.helixepi.com



January 22, 2020

Ann Marie Sayers, Chairperson
Indian Canyon Mutsun Band of Costanoan
PO Box 28
Hollister, CA 95024

Subject: CUC-01 1998 Whipple Road New Gas Station and Convenience Store Project

Dear Ms. Sayers,

HELIX Environmental Planning, Inc. (HELIX) has contracted with the City of Union City to provide a Cultural Resources Assessment in support of CEQA compliance for the proposed 1998 Whipple Road New Gas Station and Convenience Store Project (project). A search of the Native American Heritage Commission's (NAHC) Sacred Lands File has been completed with positive results, and the NAHC has suggested we contact you for information regarding Native American resources in or near the project area.

The proposed project would include the development of an approximately 2,800-square-foot (sf) gasoline station and convenience store. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California. A total of three gasoline station islands with a 1,646-sf canopy would be constructed as part of the proposed project. Associated landscaping and access driveways are also proposed at the site. I have attached a topographical map depicting the project area. The legal description for the property is Township 4S, Range 2W, Section 11, as shown on the Newark, CA 7.5' USGS Quadrangle.

If there are sensitive resources on or near the proposed project location that could be impacted by construction activities please advise us accordingly. If you have any information, questions, or concerns regarding the proposed project, please feel free to contact me directly at (916) 365-8700 or clarusb@helixepi.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Clarus J. Backes Jr.", is written over a light blue horizontal line.

Clarus J. Backes Jr., M.A., RPA
Cultural Resources Group Manager
HELIX Environmental Planning, Inc.

[Enclosure: as stated]

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11 Natoma Street
Suite 155
Folsom, CA 9530
916.365.8700 tel
619.462.0552 fax
www.helixepi.com



January 22, 2020

Irene Zwierlein, Chairperson
Amah Mutsun Tribal Band of Mission San Juan Bautista
789 Canada Road
Woodside, CA 94062

Subject: CUC-01 1998 Whipple Road New Gas Station and Convenience Store Project

Dear Ms. Zwierlein,

HELIX Environmental Planning, Inc. (HELIX) has contracted with the City of Union City to provide a Cultural Resources Assessment in support of CEQA compliance for the proposed 1998 Whipple Road New Gas Station and Convenience Store Project (project). A search of the Native American Heritage Commission's (NAHC) Sacred Lands File has been completed with positive results, and the NAHC has suggested we contact you for information regarding Native American resources in or near the project area.

The proposed project would include the development of an approximately 2,800-square-foot (sf) gasoline station and convenience store. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California. A total of three gasoline station islands with a 1,646-sf canopy would be constructed as part of the proposed project. Associated landscaping and access driveways are also proposed at the site. I have attached a topographical map depicting the project area. The legal description for the property is Township 4S, Range 2W, Section 11, as shown on the Newark, CA 7.5' USGS Quadrangle.

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Clarus J. Backes Jr., M.A., RPA
Cultural Resources Group Manager
HELIX Environmental Planning, Inc.

[Enclosure: as stated]



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 24, 2020

Monica Arellano
Muwekma Ohlone Indian Tribe of the SF Bay Area
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

Re: Invitation to Begin Assembly Bill 52 Consultation for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Ms. Arellano:

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1 of the California Public Resources Code (PRC), the City of Union City (City) is requesting to initiate AB 52 consultation with the Muwekma Ohlone Indian Tribe of the SF Bay Area for the 1998 Whipple Road New Gas Station and Convenience Store Project (proposed project).

Project Description

The proposed project would include the development of an approximately 2,800-square-foot (sf) convenience store with three gasoline station islands with a 1,646-sf canopy. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California (APN 475-165-90). Please refer to Attachments 1 and 2 for the proposed project's location, and to Attachment 3 for the locations of individual project elements.

An Initial Study is currently being prepared to satisfy the requirements of CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before they approve or implement those projects. The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment.



You are a traditionally and culturally affiliated California Native American tribal representative who is on the Native American Contact List provided by the Native American Heritage Commission. Pursuant to AB 52, the City is requesting that you provide written notification within 30 days of receipt of this letter if you wish to consult on the proposed project. We are also requesting any information that you may have regarding tribal cultural resources (as defined by PRC 21074) in the immediate vicinity of the project site so that this information can be incorporated into the project.

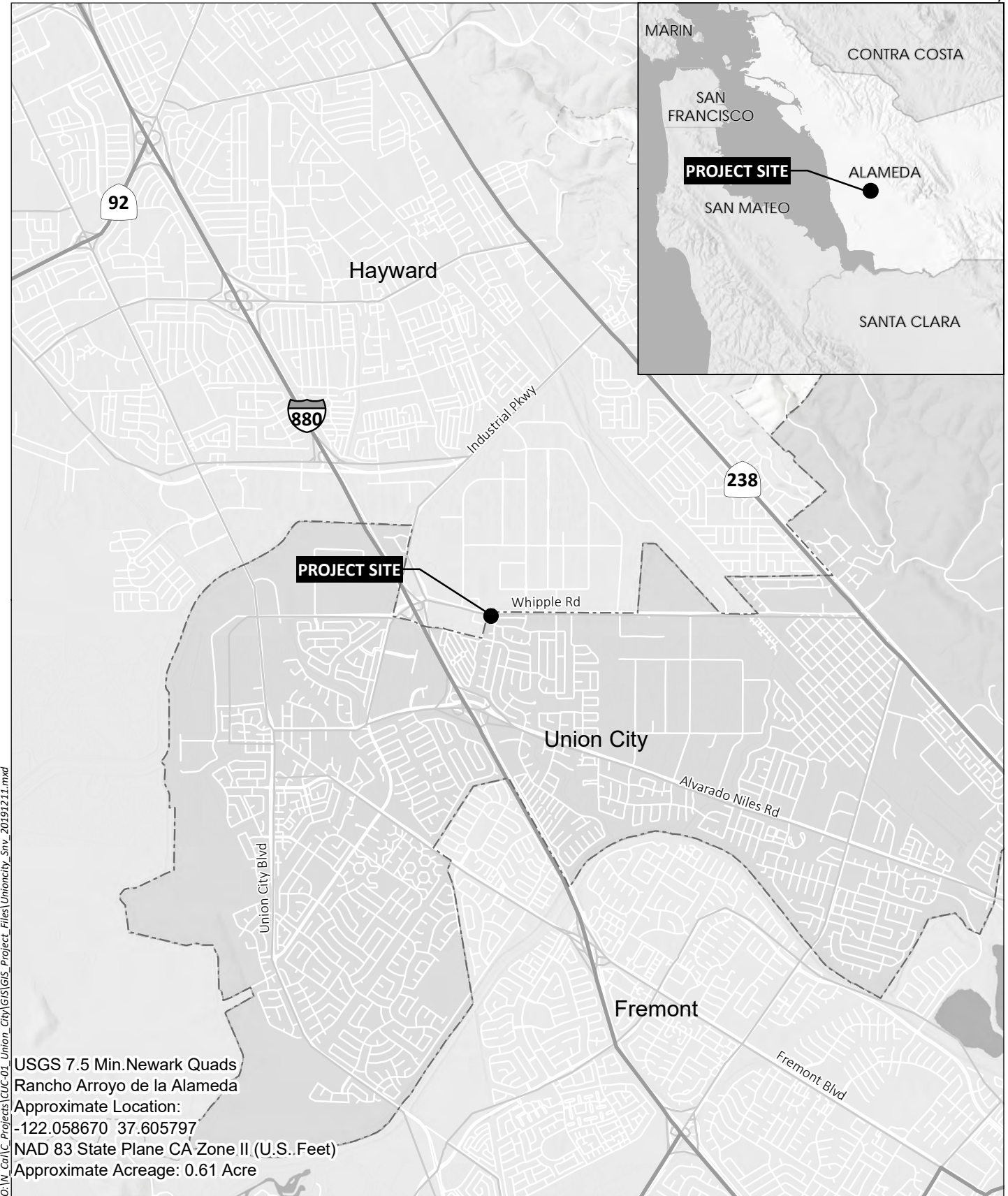
Please respond, in writing, by February 24, 2020 if you wish to consult on the proposed project. If you have any questions, comments, or concerns regarding the 1998 Whipple Road New Gas Station and Convenient Store please feel free to contact Binh Nguyen, Staff Planner, via email at binhn@unioncity.org or by telephone at (510) 675-5382.

Respectfully,

A handwritten signature in black ink, appearing to be 'Binh Nguyen', is written over a light blue horizontal line.

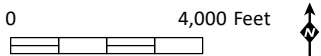
Binh Nguyen
Staff Planner

Attachments




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Source: Base Map Layers (Esri, USGS, NGA, NASA)

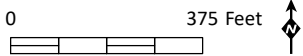


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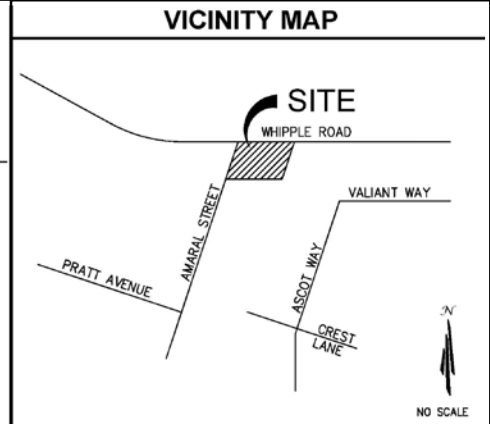
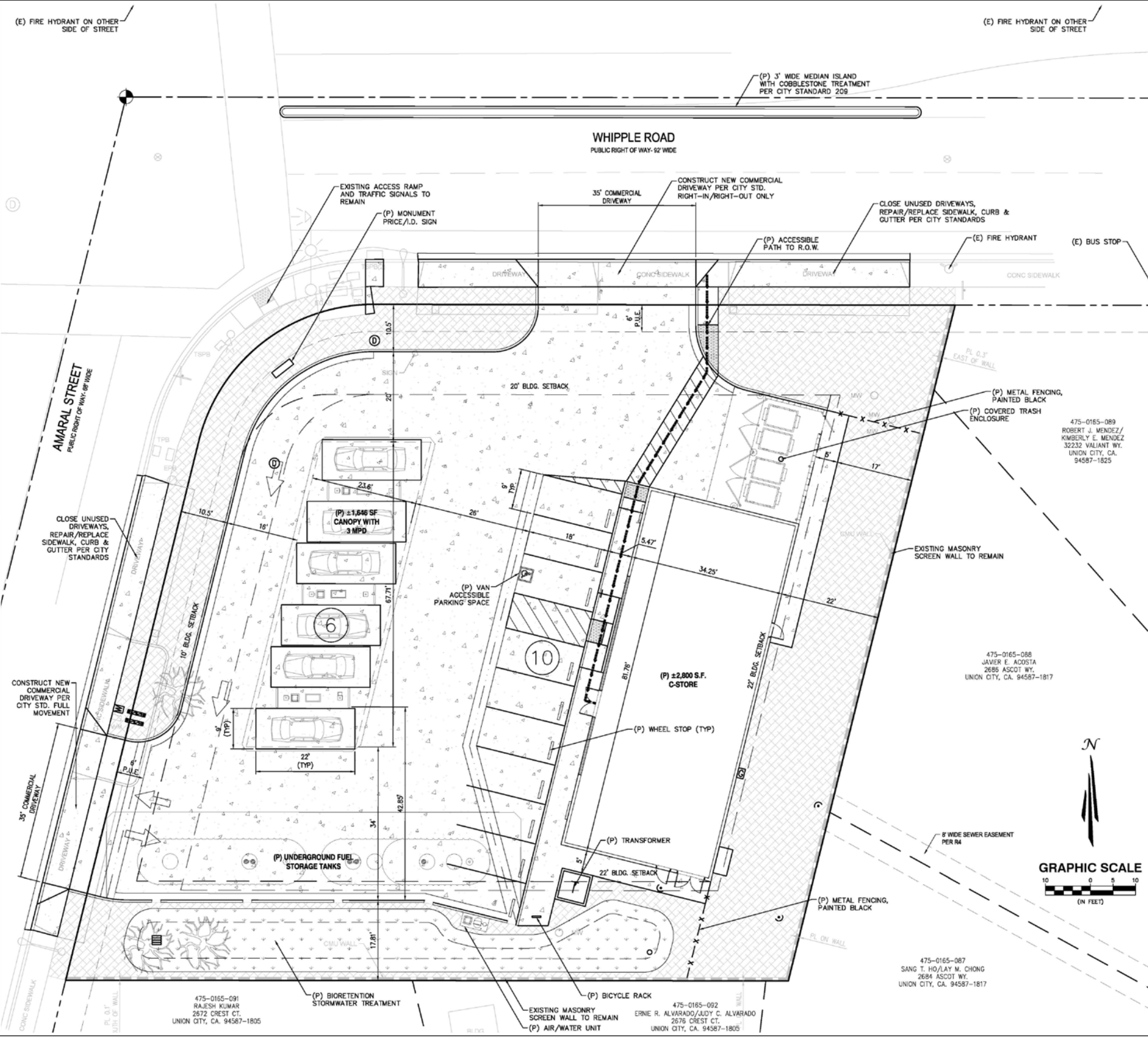
 Project Boundary - 0.55 Acre



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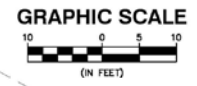
Source: ESRI Base Maps



PROJECT DATA

PROJECT INFORMATION:	
APPLICANT:	TAIT & ASSOCIATES, INC. ATTN: KIM BARNETT 11280 TRADE CENTER DRIVE RANCHO CORDOVA, CA 95742 TEL: (916) 869-1822 kbarnett@tait.com
ASSESSOR'S PARCEL NUMBER(S):	475-0165-090
ADDRESS:	7-ELEVEN 1988 WHIPPLE ROAD UNION CITY, CA 94587
PROJECT DESCRIPTION:	NEW CONSTRUCTION - GROUND UP 7-11 CONVENIENCE STORE AND FUEL STATION
ADJACENT ZONING:	NORTH: INDUSTRIAL SOUTH: SINGLE FAMILY RESIDENTIAL EAST: SINGLE FAMILY RESIDENTIAL WEST: COMMERCIAL ZONING
EXISTING ZONING:	NC - NEIGHBORHOOD COMMERCIAL
EXISTING LAND USE:	EMPTY LOT
PROPOSED ZONING:	NC - NEIGHBORHOOD COMMERCIAL
PROPOSED LAND USE:	CONVENIENCE STORE & AUTO FUELING STATION
BUILDING INFORMATION:	
PROPOSED SITE AREA:	±22,833 (±0.55 ACRES)
PROPOSED BUILDING AREA:	±2,800 SF
PROPOSED BUILDING COVERAGE:	±12%
PROPOSED PAVED AREA:	±13,139 SF (58%)
PROPOSED LANDSCAPE AREA:	±6,894 SF (30%)
BUILDING HEIGHT:	55 FEET MAXIMUM
REQUIRED BUILDING SETBACKS:	
FRONT:	10 FT
REAR:	10 FT
SIDE (STREET):	20 FT
SIDE (INTERIOR):	20 FT
PARKING REQUIREMENTS:	
PARKING REQUIRED:	16 STALLS (1 STALL PER 175 SF)
PARKING PROVIDED:	16 STALLS (INCLUDES 6 SPACES AT FUEL ISLANDS)
ACCESSIBLE PARKING REQUIRED:	1 STALL
ACCESSIBLE PARKING PROVIDED:	1 STALL
BICYCLE PARKING REQUIRED:	2 SPACES
BICYCLE PARKING PROVIDED:	3 SPACES
UTILITY INFORMATION:	
ELECTRICAL:	PG&E
GAS:	PG&E
WATER:	ALAMEDA COUNTY WATER DISTRICT
STORM SEWER:	UNION SANITARY DISTRICT
SEWER:	CITY OF UNION CITY

LEGEND	
--- CENTER LINE	--- ACCESSIBLE PARKING SPACE
--- LOT LINE	○ (E) POWER POLE
--- PATH OF TRAVEL	○ (E) TRAFFIC SIGNAL
--- PROPERTY LINE	○ (E) TRAFFIC SIGNAL ARM WITH LIGHT
--- SETBACK LINE	
--- LANDSCAPE AREA	
--- CONCRETE PAVING / SIDEWALK	



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Source: TAIT & Associates, 2019



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 24, 2020

Tony Cerda
Coastanoan Rumsen Carmel Tribe
244 E. 1st Street
Pomona, CA 91766

Re: Invitation to Begin Assembly Bill 52 Consultation for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Mr. Cerda:

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1 of the California Public Resources Code (PRC), the City of Union City (City) is requesting to initiate AB 52 consultation with the Coastanoan Rumsen Carmel Tribe for the 1998 Whipple Road New Gas Station and Convenience Store Project (proposed project).

Project Description

The proposed project would include the development of an approximately 2,800-square-foot (sf) convenience store with three gasoline station islands with a 1,646-sf canopy. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California (APN 475-165-90). Please refer to Attachments 1 and 2 for the proposed project's location, and to Attachment 3 for the locations of individual project elements.

An Initial Study is currently being prepared to satisfy the requirements of CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before they approve or implement those projects. The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment.



You are a traditionally and culturally affiliated California Native American tribal representative who is on the Native American Contact List provided by the Native American Heritage Commission. Pursuant to AB 52, the City is requesting that you provide written notification within 30 days of receipt of this letter if you wish to consult on the proposed project. We are also requesting any information that you may have regarding tribal cultural resources (as defined by PRC 21074) in the immediate vicinity of the project site so that this information can be incorporated into the project.

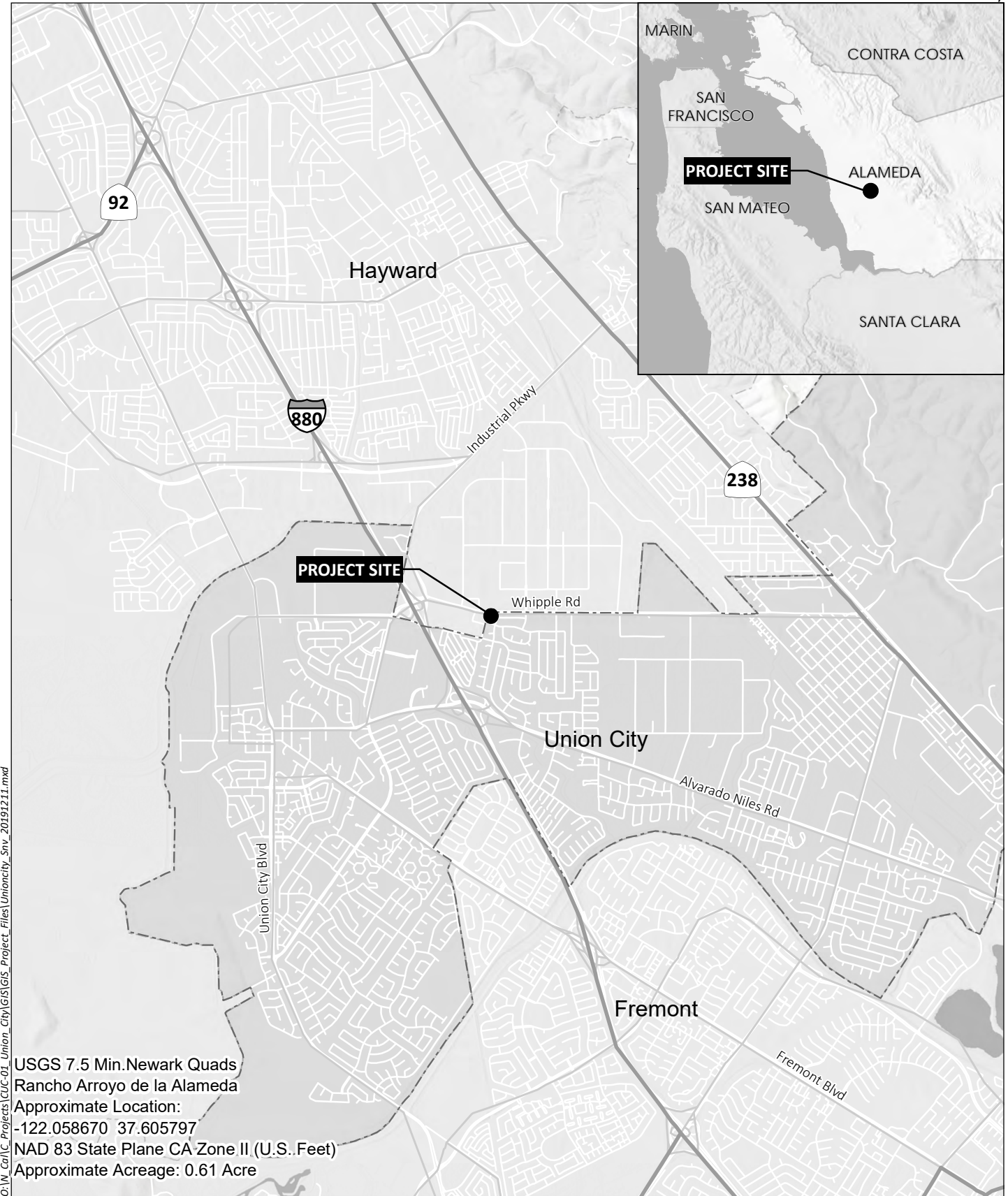
Please respond, in writing, by February 24, 2020 if you wish to consult on the proposed project. If you have any questions, comments, or concerns regarding the 1998 Whipple Road New Gas Station and Convenient Store please feel free to contact Binh Nguyen, Staff Planner, via email at binhn@unioncity.org or by telephone at (510) 675-5382.

Respectfully,

A handwritten signature in black ink, appearing to be 'Binh Nguyen', is written over a light blue horizontal line.

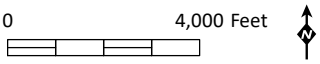
Binh Nguyen
Staff Planner

Attachments




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USGS 7.5 Min. Newark Quads
 Rancho Arroyo de la Alameda
 Approximate Location:
 -122.058670 37.605797
 NAD 83 State Plane CA Zone II (U.S. Feet)
 Approximate Acreage: 0.61 Acre



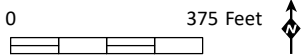
Source: Base Map Layers (Esri, USGS, NGA, NASA)

Legend

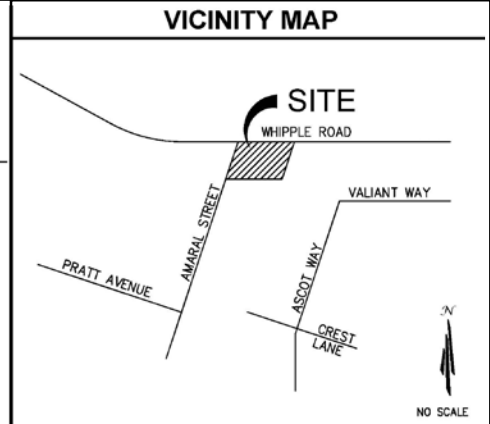
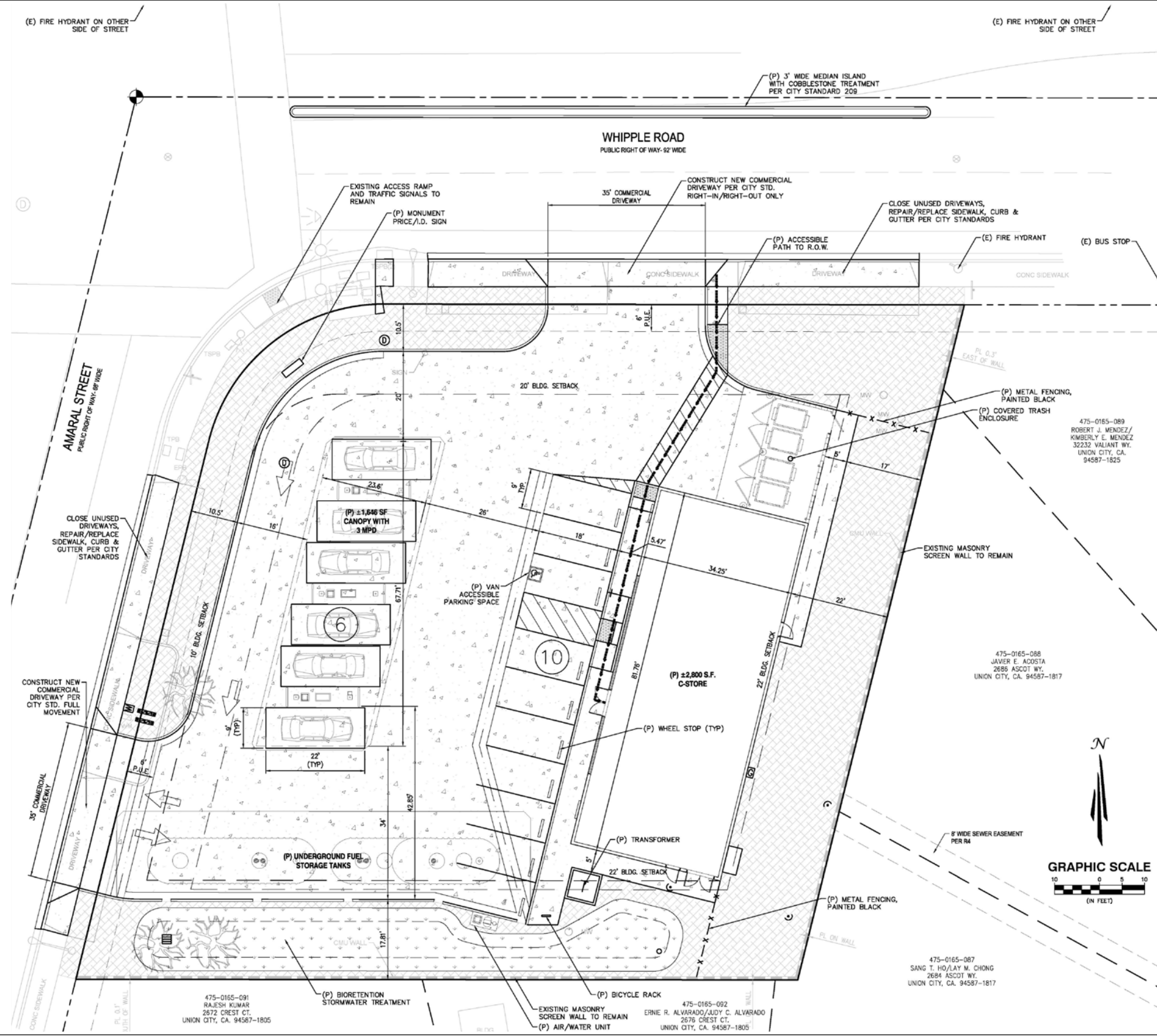
 Project Boundary - 0.55 Acre



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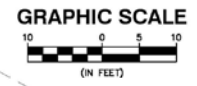
Source: ESRI Base Maps



PROJECT DATA

PROJECT INFORMATION:	
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PROJECT DESCRIPTION:	NEW CONSTRUCTION - GROUND UP 7-11 CONVENIENCE STORE AND FUEL STATION
ADJACENT ZONING:	NORTH: INDUSTRIAL SOUTH: SINGLE FAMILY RESIDENTIAL EAST: SINGLE FAMILY RESIDENTIAL WEST: COMMERCIAL ZONING
EXISTING ZONING:	NC - NEIGHBORHOOD COMMERCIAL
EXISTING LAND USE:	EMPTY LOT
PROPOSED ZONING:	NC - NEIGHBORHOOD COMMERCIAL
PROPOSED LAND USE:	CONVENIENCE STORE & AUTO FUELING STATION
BUILDING INFORMATION:	
PROPOSED SITE AREA:	±22,833 (±0.55 ACRES)
PROPOSED BUILDING AREA:	±2,800 SF
PROPOSED BUILDING COVERAGE:	±12%
PROPOSED PAVED AREA:	±13,139 SF (58%)
PROPOSED LANDSCAPE AREA:	±6,894 SF (30%)
BUILDING HEIGHT:	55 FEET MAXIMUM
REQUIRED BUILDING SETBACKS:	
FRONT:	10 FT
REAR:	10 FT
SIDE (STREET):	20 FT
SIDE (INTERIOR):	20 FT
PARKING REQUIREMENTS:	
PARKING REQUIRED:	16 STALLS (1 STALL PER 175 SF)
PARKING PROVIDED:	16 STALLS (INCLUDES 6 SPACES AT FUEL ISLANDS)
ACCESSIBLE PARKING REQUIRED:	1 STALL
ACCESSIBLE PARKING PROVIDED:	1 STALL
BICYCLE PARKING REQUIRED:	2 SPACES
BICYCLE PARKING PROVIDED:	3 SPACES
UTILITY INFORMATION:	
ELECTRICAL:	PG&E
GAS:	PG&E
WATER:	ALAMEDA COUNTY WATER DISTRICT
STORM SEWER:	UNION SANITARY DISTRICT
SEWER:	CITY OF UNION CITY

LEGEND	
	CENTER LINE
	LOT LINE
	PATH OF TRAVEL
	PROPERTY LINE
	SETBACK LINE
	LANDSCAPE AREA
	CONCRETE PAVING / SIDEWALK
	ACCESSIBLE PARKING SPACE
	(E) POWER POLE
	(E) TRAFFIC SIGNAL
	(E) TRAFFIC SIGNAL ARM WITH LIGHT



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Source: TAIT & Associates, 2019



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 24, 2020

Andrew Galvan
The Ohlone Indian Tribe
P.O. Box 3388
Fremont, CA 94539

Re: Invitation to Begin Assembly Bill 52 Consultation for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Mr. Galvan:

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1 of the California Public Resources Code (PRC), the City of Union City (City) is requesting to initiate AB 52 consultation with The Ohlone Indian Tribe for the 1998 Whipple Road New Gas Station and Convenience Store Project (proposed project).

Project Description

The proposed project would include the development of an approximately 2,800-square-foot (sf) convenience store with three gasoline station islands with a 1,646-sf canopy. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California (APN 475-165-90). Please refer to Attachments 1 and 2 for the proposed project's location, and to Attachment 3 for the locations of individual project elements.

An Initial Study is currently being prepared to satisfy the requirements of CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before they approve or implement those projects. The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment.



You are a traditionally and culturally affiliated California Native American tribal representative who is on the Native American Contact List provided by the Native American Heritage Commission. Pursuant to AB 52, the City is requesting that you provide written notification within 30 days of receipt of this letter if you wish to consult on the proposed project. We are also requesting any information that you may have regarding tribal cultural resources (as defined by PRC 21074) in the immediate vicinity of the project site so that this information can be incorporated into the project.

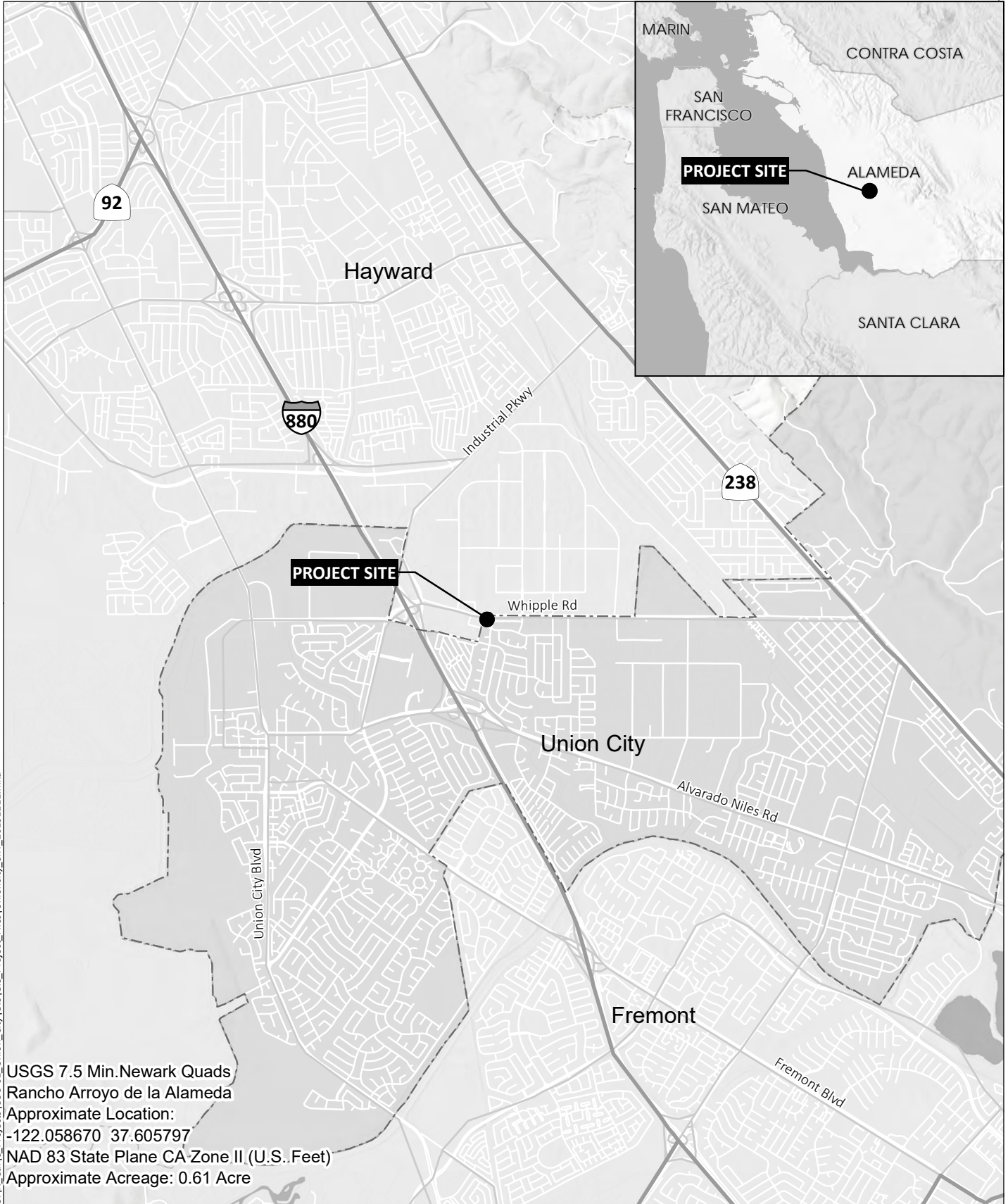
Please respond, in writing, by February 24, 2020 if you wish to consult on the proposed project. If you have any questions, comments, or concerns regarding the 1998 Whipple Road New Gas Station and Convenient Store please feel free to contact Binh Nguyen, Staff Planner, via email at binhn@unioncity.org or by telephone at (510) 675-5382.

Respectfully,

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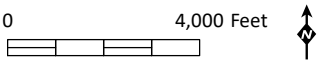
Binh Nguyen
Staff Planner

Attachments




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USGS 7.5 Min. Newark Quads
 Rancho Arroyo de la Alameda
 Approximate Location:
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 NAD 83 State Plane CA Zone II (U.S. Feet)
 Approximate Acreage: 0.61 Acre



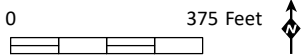
Source: Base Map Layers (Esri, USGS, NGA, NASA)

Legend

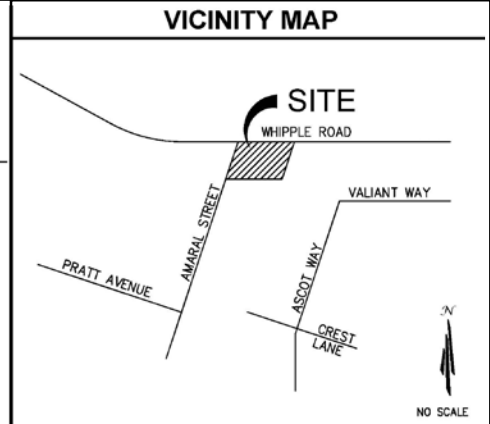
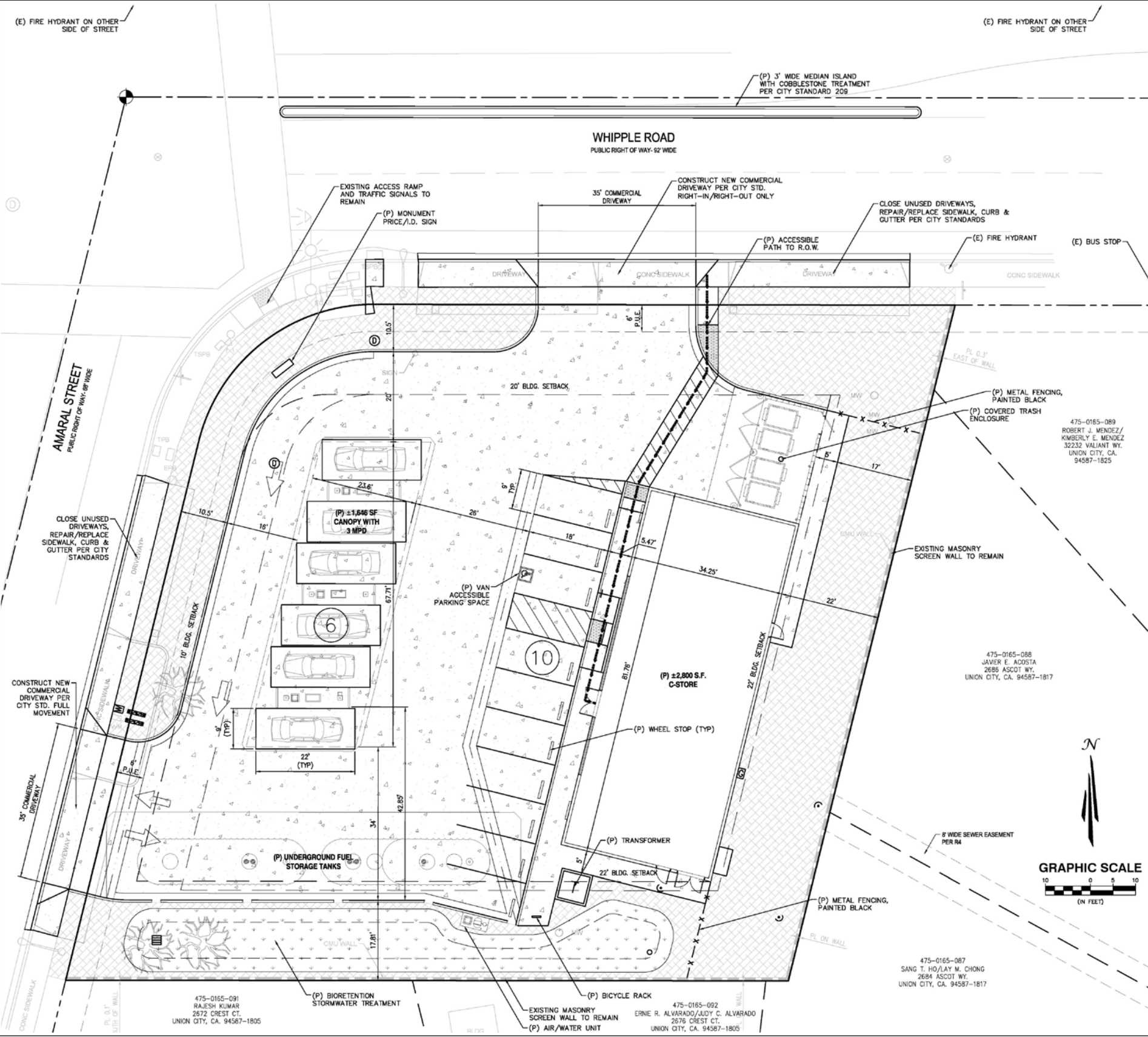
 Project Boundary - 0.55 Acre



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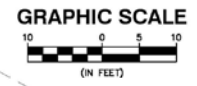
Source: ESRI Base Maps



PROJECT DATA

PROJECT INFORMATION:	
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EXISTING LAND USE:	EMPTY LOT
PROPOSED ZONING:	NC - NEIGHBORHOOD COMMERCIAL
PROPOSED LAND USE:	CONVENIENCE STORE & AUTO FUELING STATION
BUILDING INFORMATION:	
PROPOSED SITE AREA:	±22,833 (±0.55 ACRES)
PROPOSED BUILDING AREA:	±2,800 SF
PROPOSED BUILDING COVERAGE:	±12%
PROPOSED PAVED AREA:	±13,139 SF (59%)
PROPOSED LANDSCAPE AREA:	±6,894 SF (30%)
BUILDING HEIGHT:	55 FEET MAXIMUM
REQUIRED BUILDING SETBACKS:	
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PARKING REQUIREMENTS:	
PARKING REQUIRED:	16 STALLS (1 STALL PER 175 SF)
PARKING PROVIDED:	16 STALLS (INCLUDES 6 SPACES AT FUEL ISLANDS)
ACCESSIBLE PARKING REQUIRED:	1 STALL
ACCESSIBLE PARKING PROVIDED:	1 STALL
BICYCLE PARKING REQUIRED:	2 SPACES
BICYCLE PARKING PROVIDED:	3 SPACES
UTILITY INFORMATION:	
ELECTRICAL:	PG&E
GAS:	PG&E
WATER:	ALAMEDA COUNTY WATER DISTRICT
STORM SEWER:	UNION SANITARY DISTRICT
SEWER:	CITY OF UNION CITY

LEGEND	
--- CENTER LINE	○ ACCESSIBLE PARKING SPACE
--- LOT LINE	○ (E) POWER POLE
--- PATH OF TRAVEL	○ (E) TRAFFIC SIGNAL
--- PROPERTY LINE	○ (E) TRAFFIC SIGNAL ARM WITH LIGHT
--- SETBACK LINE	
--- LANDSCAPE AREA	
--- CONCRETE PAVING / SIDEWALK	



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Source: TAIT & Associates, 2019



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 24, 2020

Corrina Gould, Chairperson
Bay Miwok Ohlone Delta Yokut
10926 Edes Avenue
Oakland, CA 94603

Re: Invitation to Begin Assembly Bill 52 Consultation for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Ms. Gould:

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1 of the California Public Resources Code (PRC), the City of Union City (City) is requesting to initiate AB 52 consultation with the Bay Miwok Ohlone Delta Yokut for the 1998 Whipple Road New Gas Station and Convenience Store Project (proposed project).

Project Description

The proposed project would include the development of an approximately 2,800-square-foot (sf) convenience store with three gasoline station islands with a 1,646-sf canopy. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California (APN 475-165-90). Please refer to Attachments 1 and 2 for the proposed project's location, and to Attachment 3 for the locations of individual project elements.

An Initial Study is currently being prepared to satisfy the requirements of CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before they approve or implement those projects. The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment.



You are a traditionally and culturally affiliated California Native American tribal representative who is on the Native American Contact List provided by the Native American Heritage Commission. Pursuant to AB 52, the City is requesting that you provide written notification within 30 days of receipt of this letter if you wish to consult on the proposed project. We are also requesting any information that you may have regarding tribal cultural resources (as defined by PRC 21074) in the immediate vicinity of the project site so that this information can be incorporated into the project.

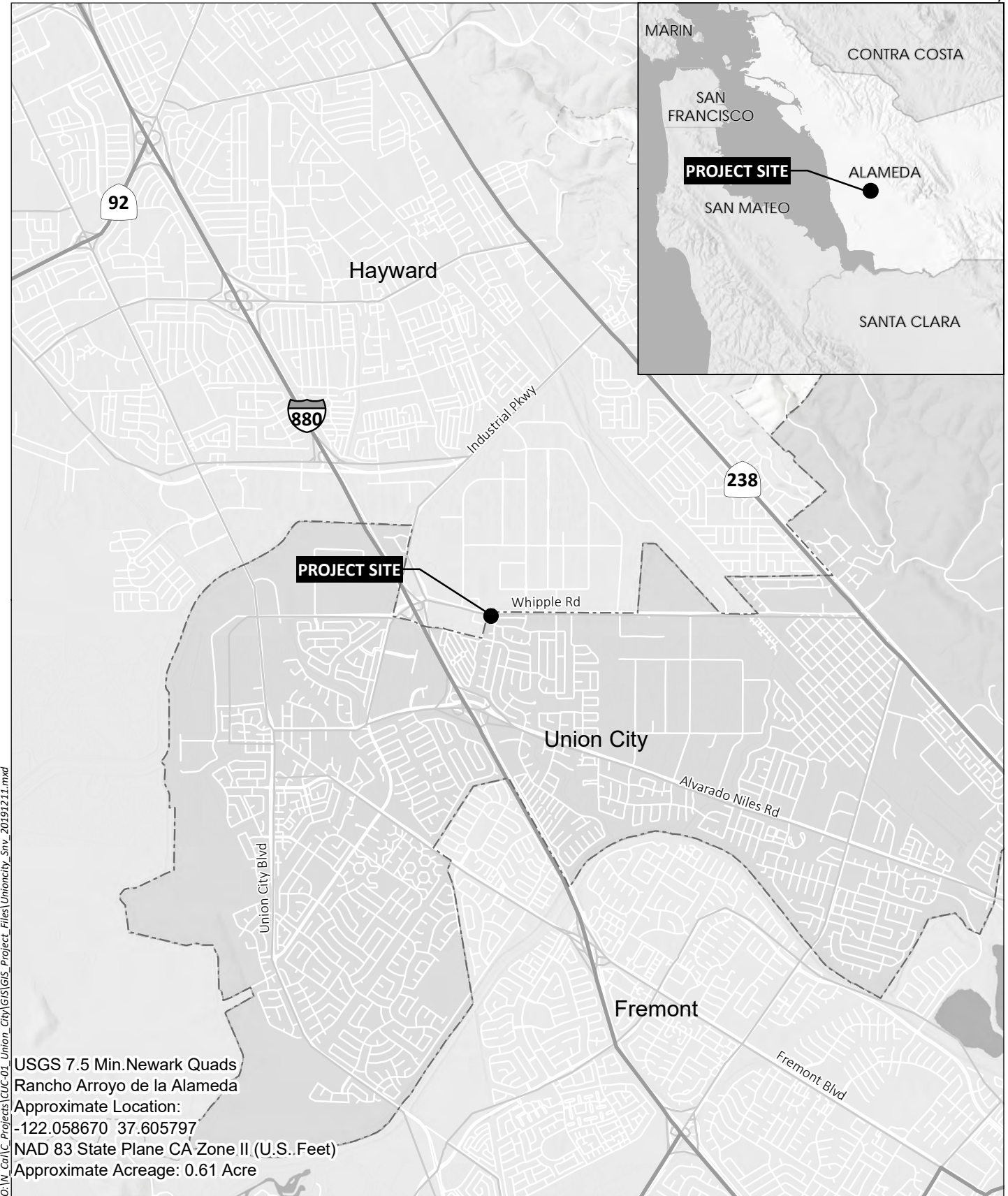
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Respectfully,

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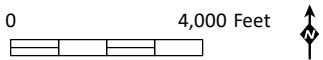
Binh Nguyen
Staff Planner

Attachments




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USGS 7.5 Min. Newark Quads
 Rancho Arroyo de la Alameda
 Approximate Location:
 -122.058670 37.605797
 NAD 83 State Plane CA Zone II (U.S. Feet)
 Approximate Acreage: 0.61 Acre



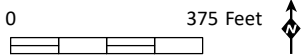
Source: Base Map Layers (Esri, USGS, NGA, NASA)

Legend

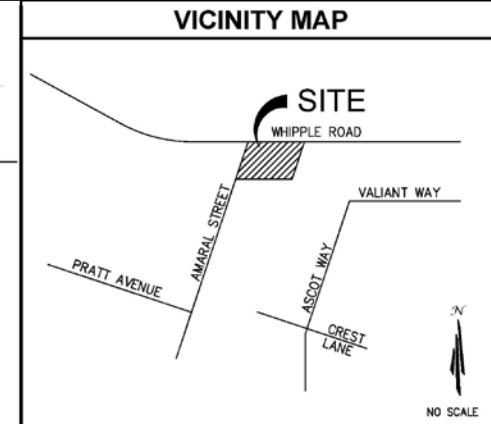
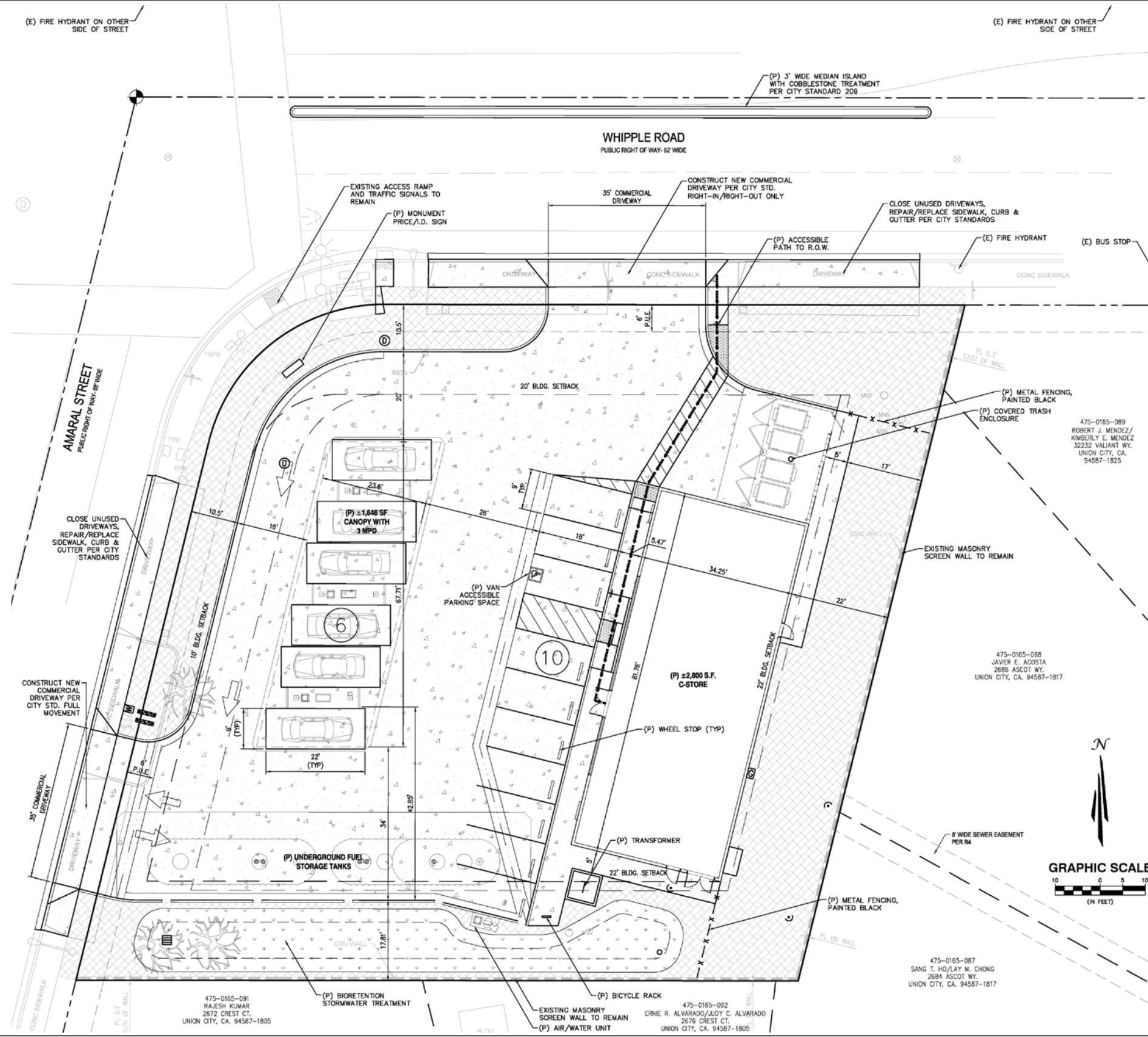
 Project Boundary - 0.55 Acre



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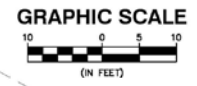
Source: ESRI Base Maps



PROJECT DATA

PROJECT INFORMATION:	
APPLICANT:	TAIT & ASSOCIATES, INC. ATTN: KIM BARNETT 11280 TRADE CENTER DRIVE RANCHO CORDOVA, CA 95742 TEL: (916) 869-1822 kbarnett@tait.com
ASSESSOR'S PARCEL NUMBER(S):	475-0165-090
ADDRESS:	7-ELEVEN 1988 WHIPPLE ROAD UNION CITY, CA 94587
PROJECT DESCRIPTION:	NEW CONSTRUCTION - GROUND UP 7-11 CONVENIENCE STORE AND FUEL STATION
ADJACENT ZONING:	NORTH: INDUSTRIAL SOUTH: SINGLE FAMILY RESIDENTIAL EAST: SINGLE FAMILY RESIDENTIAL WEST: COMMERCIAL ZONING
EXISTING ZONING:	NC - NEIGHBORHOOD COMMERCIAL
EXISTING LAND USE:	EMPTY LOT
PROPOSED ZONING:	NC - NEIGHBORHOOD COMMERCIAL
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BUILDING INFORMATION:	
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PROPOSED BUILDING AREA:	±2,800 SF
PROPOSED BUILDING COVERAGE:	±12%
PROPOSED PAVED AREA:	±13,139 SF (58%)
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GAS:	PG&E
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Source: TAIT & Associates, 2019



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 24, 2020

Katherine Erolinda Perez
North Valley Yokuts Tribe
P.O. Box 717
Linden, CA 95236

Re: Invitation to Begin Assembly Bill 52 Consultation for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Ms. Perez:

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1 of the California Public Resources Code (PRC), the City of Union City (City) is requesting to initiate AB 52 consultation with the North Valley Yokuts Tribe for the 1998 Whipple Road New Gas Station and Convenience Store Project (proposed project).

Project Description

The proposed project would include the development of an approximately 2,800-square-foot (sf) convenience store with three gasoline station islands with a 1,646-sf canopy. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California (APN 475-165-90). Please refer to Attachments 1 and 2 for the proposed project's location, and to Attachment 3 for the locations of individual project elements.

An Initial Study is currently being prepared to satisfy the requirements of CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before they approve or implement those projects. The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment.



You are a traditionally and culturally affiliated California Native American tribal representative who is on the Native American Contact List provided by the Native American Heritage Commission. Pursuant to AB 52, the City is requesting that you provide written notification within 30 days of receipt of this letter if you wish to consult on the proposed project. We are also requesting any information that you may have regarding tribal cultural resources (as defined by PRC 21074) in the immediate vicinity of the project site so that this information can be incorporated into the project.

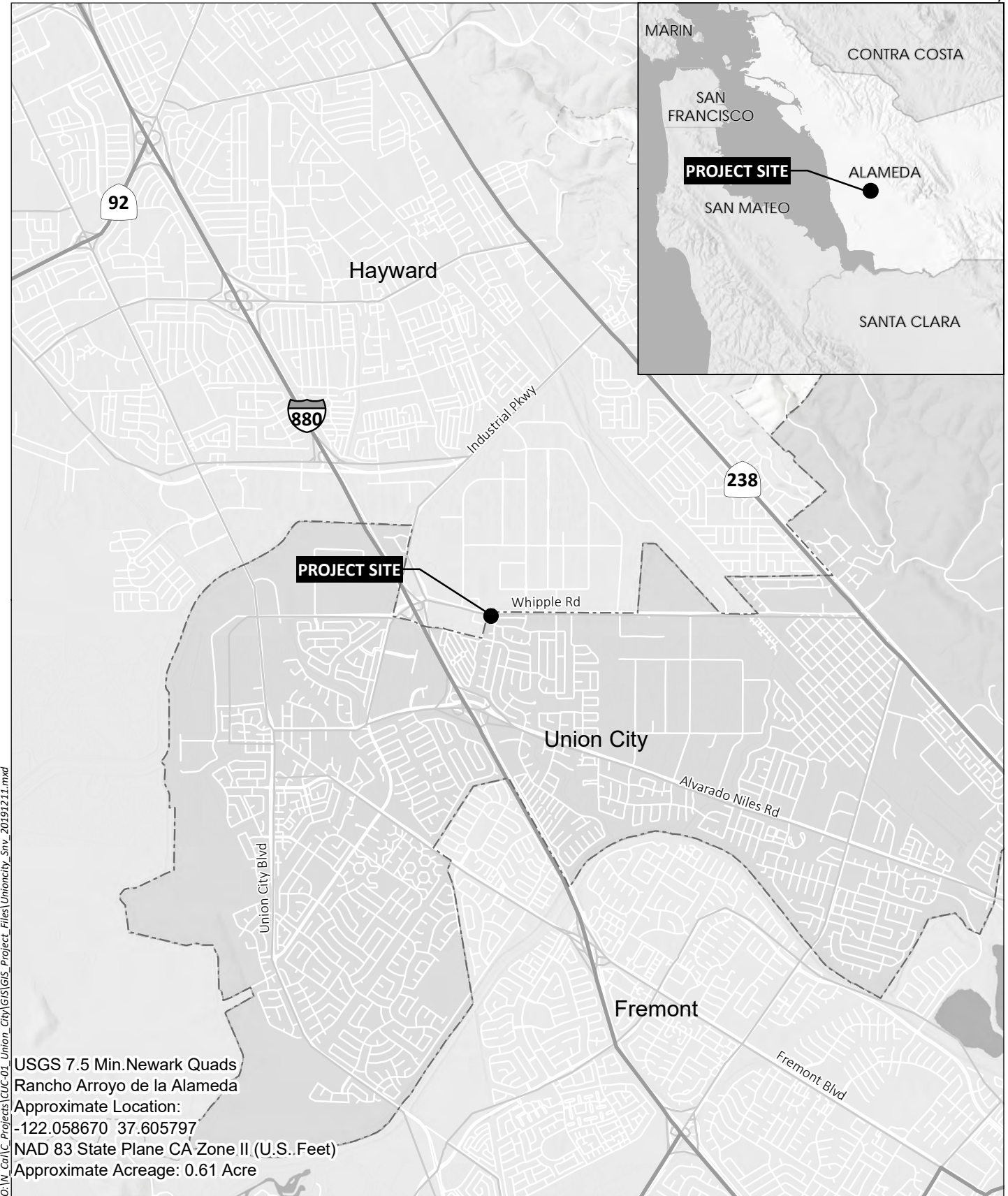
Please respond, in writing, by February 24, 2020 if you wish to consult on the proposed project. If you have any questions, comments, or concerns regarding the 1998 Whipple Road New Gas Station and Convenient Store please feel free to contact Binh Nguyen, Staff Planner, via email at binhn@unioncity.org or by telephone at (510) 675-5382.

Respectfully,

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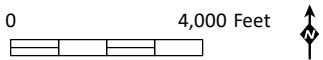
Binh Nguyen
Staff Planner

Attachments




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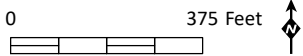
Source: Base Map Layers (Esri, USGS, NGA, NASA)

Legend

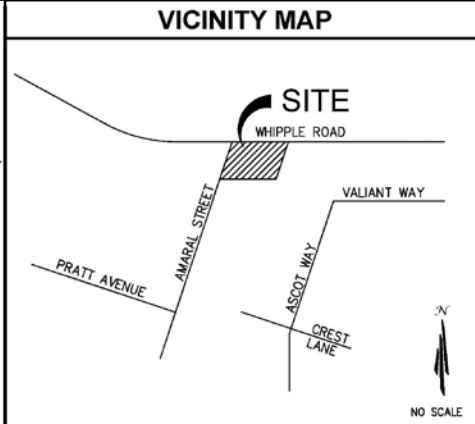
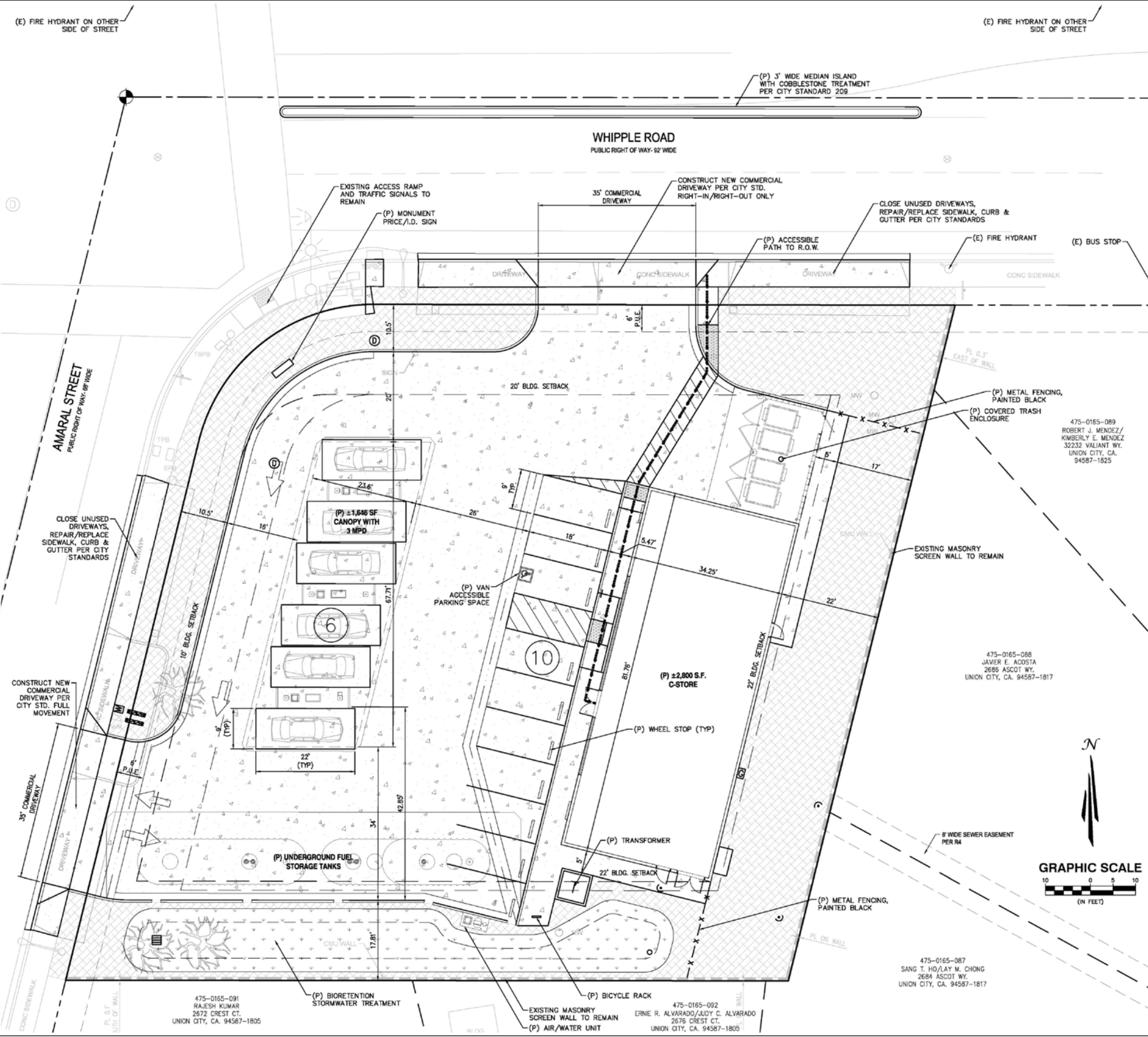
 Project Boundary - 0.55 Acre



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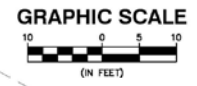
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	(E) TRAFFIC SIGNAL ARM WITH LIGHT



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Source: TAIT & Associates, 2019



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 24, 2020

Ann Marie Sayers
Indian Canyon Mutsun Band of Costanoan
P.O. Box 28
Hollister, CA 95024

Re: Invitation to Begin Assembly Bill 52 Consultation for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Ms. Sayers:

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1 of the California Public Resources Code (PRC), the City of Union City (City) is requesting to initiate AB 52 consultation with the Indian Canyon Mutsun Band of Costanoan for the 1998 Whipple Road New Gas Station and Convenience Store Project (proposed project).

Project Description

The proposed project would include the development of an approximately 2,800-square-foot (sf) convenience store with three gasoline station islands with a 1,646-sf canopy. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California (APN 475-165-90). Please refer to Attachments 1 and 2 for the proposed project's location, and to Attachment 3 for the locations of individual project elements.

An Initial Study is currently being prepared to satisfy the requirements of CEQA (PRC Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations [CCR] 15000 et seq.). CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before they approve or implement those projects. The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant effect on the environment.



You are a traditionally and culturally affiliated California Native American tribal representative who is on the Native American Contact List provided by the Native American Heritage Commission. Pursuant to AB 52, the City is requesting that you provide written notification within 30 days of receipt of this letter if you wish to consult on the proposed project. We are also requesting any information that you may have regarding tribal cultural resources (as defined by PRC 21074) in the immediate vicinity of the project site so that this information can be incorporated into the project.

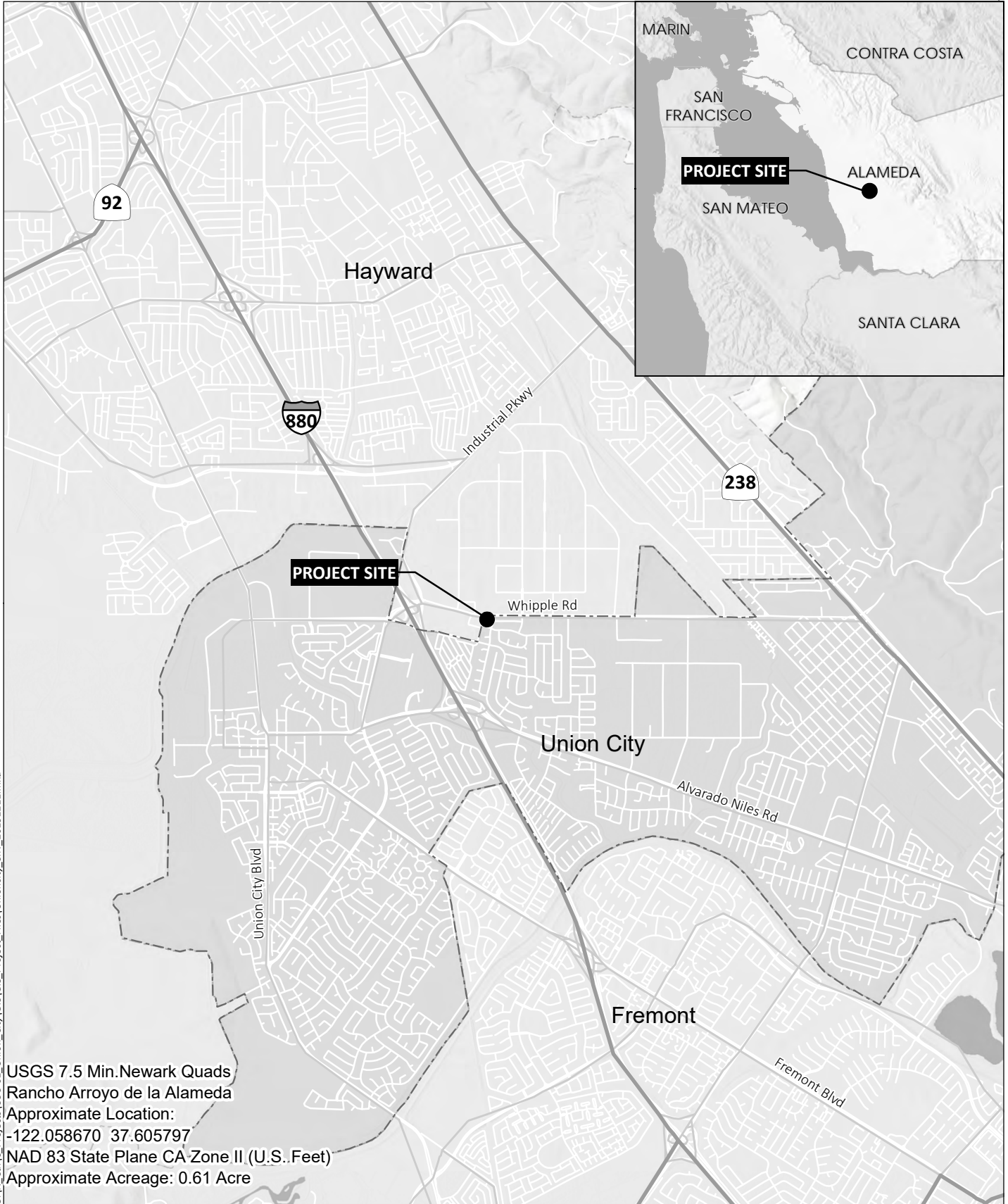
Please respond, in writing, by February 24, 2020 if you wish to consult on the proposed project. If you have any questions, comments, or concerns regarding the 1998 Whipple Road New Gas Station and Convenient Store please feel free to contact Binh Nguyen, Staff Planner, via email at binhn@unioncity.org or by telephone at (510) 675-5382.

Respectfully,

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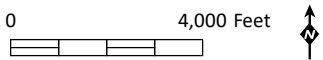
Binh Nguyen
Staff Planner

Attachments




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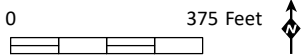
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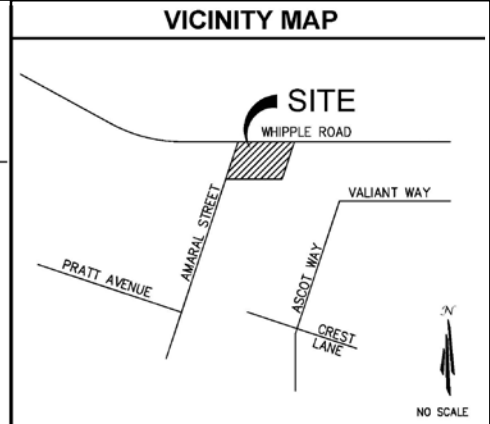
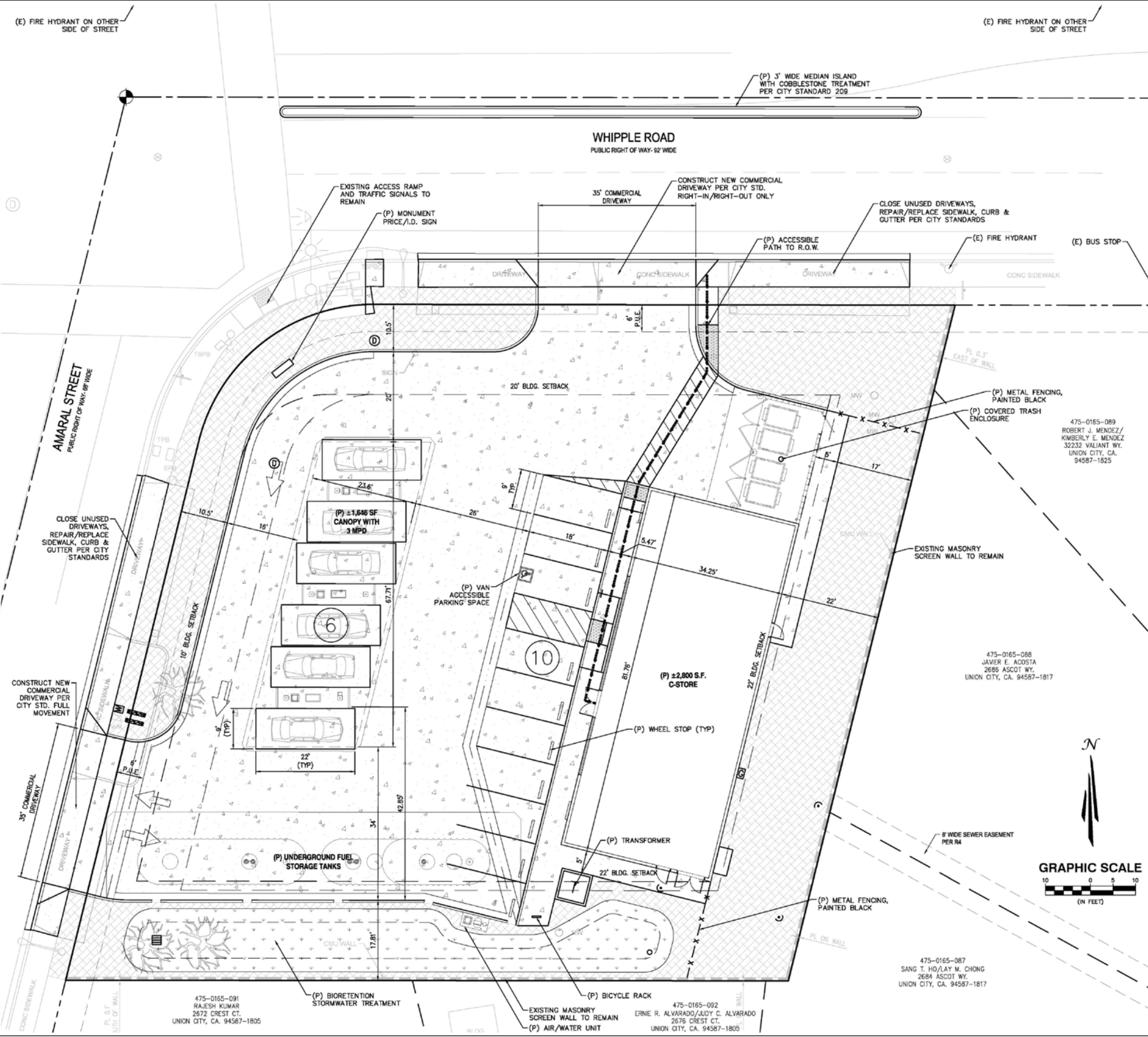
 Project Boundary - 0.55 Acre



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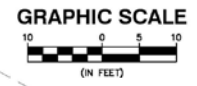
Source: ESRI Base Maps



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Source: TAIT & Associates, 2019



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 24, 2020

Irenne Zwierlein
Amah Mutsun Tribal Band of Mission San Juan Bautista
789 Canada Road
Woodside, CA 94062

Re: Invitation to Begin Assembly Bill 52 Consultation for the 1998 Whipple Road New Gas Station and Convenience Store Project, Union City, California

Dear Ms. Zwierlien:

In accordance with Assembly Bill 52 (AB 52) and Section 21080.3.1 of the California Public Resources Code (PRC), the City of Union City (City) is requesting to initiate AB 52 consultation with the Amah Mutsun Tribal Band of Mission San Juan Bautista for the 1998 Whipple Road New Gas Station and Convenience Store Project (proposed project).

Project Description

The proposed project would include the development of an approximately 2,800-square-foot (sf) convenience store with three gasoline station islands with a 1,646-sf canopy. The project site is a vacant 26,000-sf parcel at 1998 Whipple Road, Union City, in the County of Alameda, California (APN 475-165-90). Please refer to Attachments 1 and 2 for the proposed project's location, and to Attachment 3 for the locations of individual project elements.

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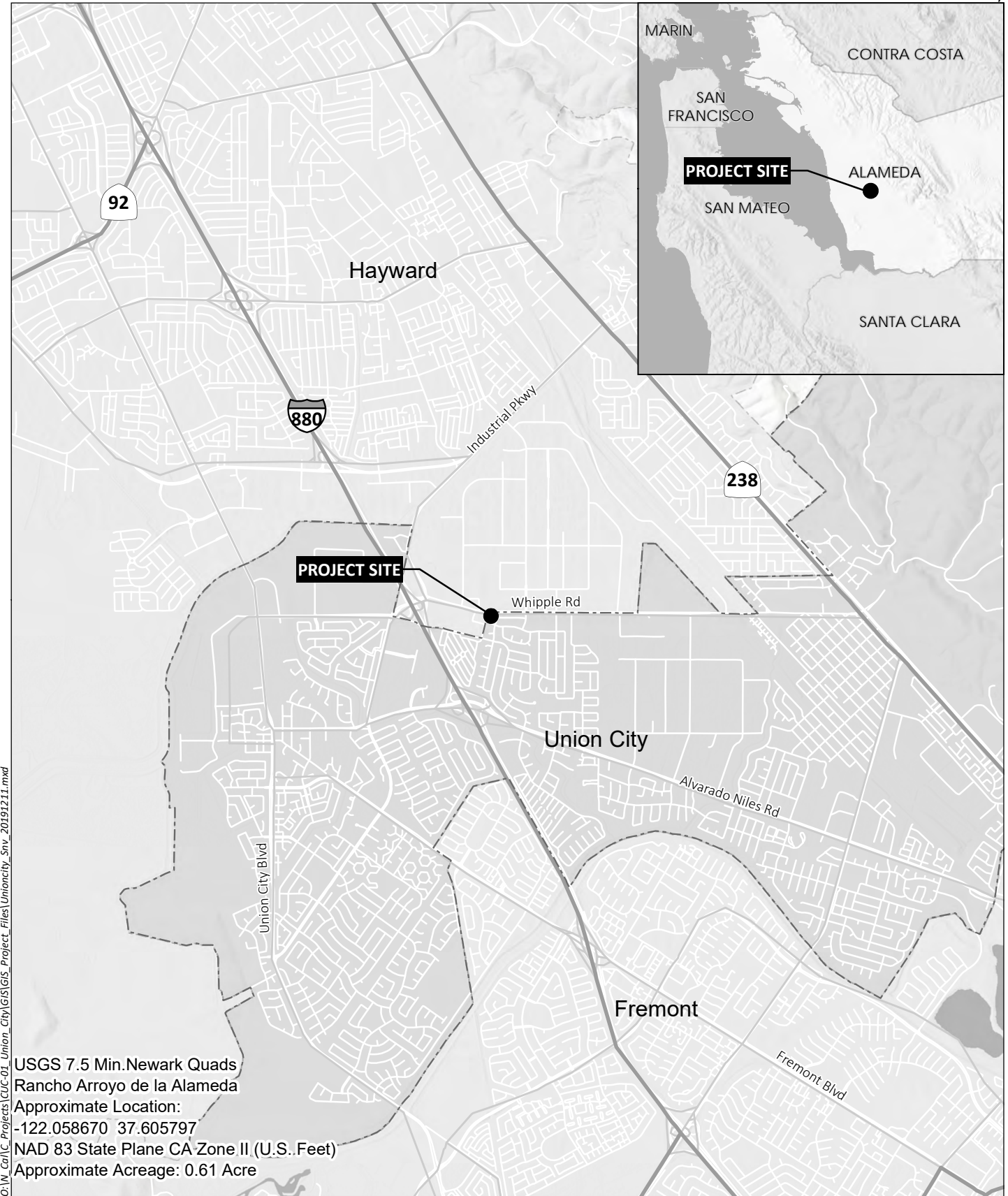
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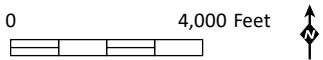
Binh Nguyen
Staff Planner

Attachments




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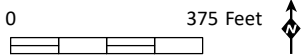
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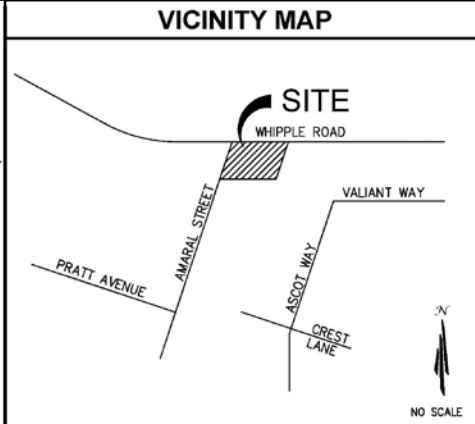
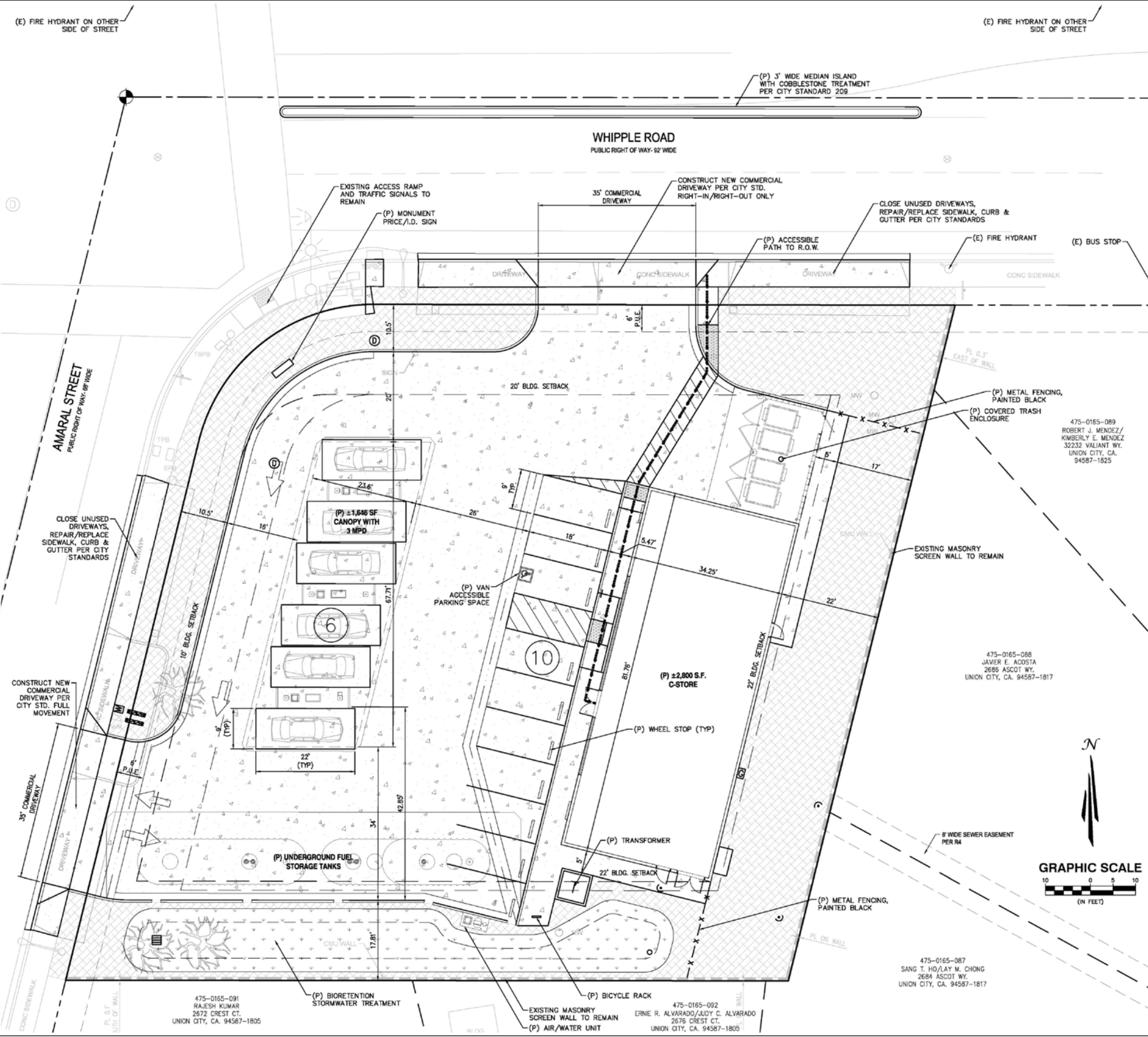
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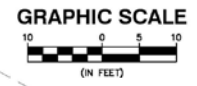
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Source: TAIT & Associates, 2019

Attachment C

Representative Site Photos



Photo 1. Project area overview, looking south.



Photo 2. Project area overview with concrete walls, looking southeast.

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Photo 3. Gravel at north end of project area, looking north.



Photo 4. Vegetation-covered concrete pad, looking northwest.

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Photo 5. Excavated pit and wall footing, looking east.



Photo 6. Excavated pit and chain link fence, looking southeast.

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Photo 7. Landscaping feature, looking south.

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Attachment D

Regulatory Framework

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Regulatory Framework

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to CEQA, a historical resource is a resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR). In addition, resources included in a local register of historic resources, or identified as significant in a local survey conducted in accordance with state guidelines, are also considered historical resources under CEQA, unless a preponderance of the facts demonstrates otherwise. According to CEQA, the fact that a resource is not listed in, or determined eligible for listing in, the CRHR, or is not included in a local register or survey, shall not preclude a Lead Agency, as defined by CEQA, from determining that the resource may be a historical resource as defined in California Public Resources Code (PRC) Section 5024.1.7.

CEQA applies to archaeological resources when (1) the archaeological resource satisfies the definition of a historical resource, or (2) the archaeological resource satisfies the definition of a “unique archaeological resource.” A unique archaeological resource is an archaeological artifact, object, or site that has a high probability of meeting any of the following criteria (PRC § 21083.2(g)):

1. The archaeological resource contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
2. The archaeological resource has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. The archaeological resource is directly associated with a scientifically-recognized important prehistoric or historic event or person.

CALIFORNIA REGISTER OF HISTORICAL RESOURCES

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC § 5024.1(a)). Certain properties, including those listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP) and California Historical Landmarks (CHLs) numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historic resources surveys, or designated by local landmarks programs may be nominated for inclusion in the CRHR.

A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the following criteria, which are modeled on NRHP criteria (PRC § 5024.1(c)):

- 1) It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- 2) It is associated with the lives of persons important in our past.

Attachment D (cont.) Regulatory Framework

- 3) It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
- 4) It has yielded, or may be likely to yield, information important in history or prehistory.

Resources nominated to the CRHR must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. It is possible that a resource whose integrity does not satisfy NRHP criteria may still be eligible for listing in the CRHR. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if, under Criterion 4, it maintains the potential to yield significant scientific or historical information or specific data. Resources that have achieved significance within the past 50 years also may be eligible for inclusion in the CRHR, provided that enough time has lapsed to obtain a scholarly perspective on the events or individuals associated with the resource.

NATIVE AMERICAN HERITAGE COMMISSION

Section 5097.91 of the PRC established the Native American Heritage Commission (NAHC), whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.9 of the PRC, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

GOVERNMENT CODE SECTIONS 6254(R) AND 6254.10

These sections of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a state or local agency.”

HEALTH AND SAFETY CODE, SECTIONS 7050 AND 7052

Health and Safety Code, Section 7050.5 declares that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

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PENAL CODE, SECTION 622.5

Section 622.5 of the Penal Code provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands, but specifically excludes the landowner.

**Attachment D (cont.)
Regulatory Framework**

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