

4.3 CULTURAL AND TRIBAL CULTURAL RESOURCES

The analysis in this section provides focused updates to Chapter 4.5 Cultural Resources in the 2011 Comprehensive Land Use Update (CLUU) Program Environmental Impact Report (PEIR), with an emphasis on potential impacts to cultural resources (historic, archaeological) and Tribal Cultural Resources as a result of the Focused General plan Update (FGPU). The analysis is based on the 2011 CLUU PEIR, with an emphasis on conditions that may have changed since approval of the 2011 CLUU PEIR. The information presented in this section was obtained from a historical records search of the Planning Area in August 2022. The search consisted of a review of all relevant site records and reports on file at the South Coastal Information Center (SCIC). Other secondary source documentation includes review of the City of National City General Plan (2011), and Sacred Lands File search (November 2022).

4.3.1 Existing Conditions

A general, citywide cultural resources record search was conducted in August 2022, at the SCIC at San Diego State University. The SCIC is part of the California Historic Resources Information System, which maintains an inventory of the State's cultural resources. The records primarily consist of previous studies and cultural resource locations on U.S. Geological Survey 7.5' topographic maps and corresponding site records and reports, which are kept on file. The record search covered all areas within the National City Planning Area boundary and included a search of national and state databases, in addition to 1928 aerial photographs of National City. The SCIC record search identified 78 cultural resources and 102 historic addresses within National City (including the Lincoln Acres community, which is part of the County of San Diego but completely surrounded by National City). Approximately 130 cultural resources studies have been conducted within the Planning Area (see Appendix 13.C.7).

4.3.1.1 Historic Resources

Nationally Recognized Historical Resources

The National Register of Historic Places (NRHP) is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966 (NHPA), the National Park Service's NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources.¹

Four historic resources in National City have been placed on the NRHP and are also considered significant by the State of California. The four resources located in National City and found on the National Register include the Granger Music Hall (circa 1896), Brick Row (circa 1887 railroad housing), the Santa Fe Rail Depot (1882), and St. Matthew's Episcopal Church (1872).²

State Recognized Historical Resources

California Historical Landmarks

California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance by meeting at least one of the criteria listed below:

- *The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California);*
- *Associated with an individual or group having a profound influence on the history of California; or*

¹ National Park Service, National Register of Historic Places, Accessed June 26, 2022 <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm>

² National Park Service, National Register Database and Research, Spreadsheet of NRHP Listed properties, Accessed January 6, 2022, <https://www.nps.gov/subjects/nationalregister/database-research.htm>

- *A prototype of, or an outstanding example of, a period, style, architectural movement, or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.*³

The resource also must have written consent of the property owner for the nomination, be recommended by the State Historical Resources Commission, and be officially designated by the Director of California State Parks. In addition to being on the NRHP, the Santa Fe Rail Depot is a California Historical Landmark (#1023).⁴

California Points of Historical Interest

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the California Register of Historic Resources (CRHR). No historical resource may be designated as both a Landmark and a Point. If a Point is subsequently granted status as a Landmark, the Point designation will be retired.⁵

To be eligible for designation as a Point of Historical Interest, a resource must meet at least one of the following criteria:

- *The first, last, only, or most significant of its type within the local geographic region (City or County).*
- *Associated with an individual or group having a profound influence on the history of the local area.*
- *A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in the local region of a pioneer architect, designer or master builder.*⁵

The State also recognized the Paradise Valley Hospital House (1880s) as a California Point of Historical Interest (#P805). The designation offers limited protection; environmental review may be required under the California Environmental Quality Act (CEQA) if the property is threatened by a project.

Locally Designated Significant Buildings

National City manages a local list of historic sites within the City in consultation with the City's Historical Society. The City Council has the option of placing additional properties on the list of Locally Designated Significant Buildings in National City. There are currently 55 properties listed as of 2019 (see Appendix 13.C.6).

4.3.1.2 Archaeological Resources

The earliest dates for human occupation in San Diego County are generally agreed to be approximately 10,000 years old. Few sites in National City have been excavated beyond the minimum level necessary for evaluation of the sites, and those that have do not appear to have had radiocarbon dates for the materials recovered. The earliest dates for human occupation within National City date to the Archaic Period (8,000 to 1,500 years ago). These dates are based on the recovery of artifacts attributed to this period rather than radiocarbon dates, which could refine dates to within 100 years or so of the time of occupation.

Late Prehistoric Period (1,500 to 250 years ago) sites are also present in National City. During this time period, National City was part of the territory of the Kumeyaay. The Kumeyaay and their relatives' territory extended from the coast just south of Ensenada, Baja California, Mexico, to as far north as Agua Hedionda in present day Carlsbad, California. The territory extended eastward to the south part of the Salton Sea and into the Sand Hills in Imperial County. The Kumeyaay practiced a seasonal round

³ Office of Historic Preservation, California Historical Landmarks Registration, https://ohp.parks.ca.gov/?page_id=21747

⁴ Office of Historic Preservation, Landmarks Listed by County: San Diego, Accessed June 26, 2022 https://ohp.parks.ca.gov/?page_id=21478

⁵ Office of Historic Preservation, California Points of Historical Interest, Accessed June 26, 2022 https://ohp.parks.ca.gov/?page_id=21750

where they exploited natural resources as they were available. The round was vertical, following the ripening plants from lower elevation before arriving in the mountains in the fall to gather acorns and pinon nuts. During the spring, the Kumeyaay are believed to have spent a great deal of time in the lower valleys and along the coast, which would have included the area where National City is today.

Possible prehistoric site types that would have been present in National City include habitation sites, temporary camps, bedrock milling sites, and lithic scatters, among others. Habitation sites are areas of long-term occupation located near reliable sources of natural resources such as streams, oak groves, and exposures of bedrock. Habitation sites usually display a wide range of activities and may have bedrock milling stations and groundstone artifacts, lithic waste and tools, ceramics, fire-affected rock, and developed midden soils.

Temporary camps may have assemblages similar to those of habitation camps. Generally, these sites have evidence of less diverse activities, and they lack the numbers of artifacts and the well-developed midden deposits found at habitation sites.

Bedrock milling sites are found on outcrops of bedrock, usually near sources of seeds or acorns that would have been processed on the bedrock milling features. Milling features may consist of flattened and crushed surfaces on bedrock exposures caused by grinding vegetal material with a handstone, known as slicks. Other milling features include ovoid depressions used for grinding, known as basins, and deep round depressions used for crushing and grinding acorns, called mortars.

As stated previously, the nine prehistoric sites recorded in National City are almost all shell midden sites. These sites are found along watercourses such as Chollas Creek and Sweetwater River as they approach the coast. The largest site is an Archaic village site known as Las Choyas, originally recorded by Malcolm Rogers in the 1930s and known to have existed as late as AD 1790 on what is now the 32nd Street Naval Station at the mouth of Chollas Creek. A similar village was also reported to have been present along the Sweetwater River just outside the city limits in Chula Vista. More than 50 prehistoric archaeological sites have been identified by SCIC along the Sweetwater River. Only a single historic archaeological site, a trash dump from the early 1900s, was identified in the record search.

In general, areas along well-watered drainages, including Chollas Creek, Paradise Creek, and Sweetwater River, would likely be the most sensitive areas for prehistoric cultural resources in National City.

The archaeology of San Diego County was a topic of little investigation prior to the 1930s. Because most of National City was developed prior to this period, much information relating to the prehistoric past of National City was destroyed or disturbed, or remains are buried under current development. This early development has resulted in an incomplete picture of the prehistory of the City, and the record search reflects this with a relatively low number of prehistoric sites and potential for unknown human remains, especially when considering the coastal location of National City.

4.3.1.3 Tribal Cultural Resources

History

Kumeyaay History in San Diego County

The Kumeyaay, referred to as Diegueño by the Spanish, were the original native inhabitants of San Diego County. The Kumeyaay, Yuman-speaking people of Hokan stock, have lived in this region for more than 10,000 years. Historically, the Kumeyaay were horticulturists, hunters, and gatherers. They were the only Yuman group in the area, the first people who greeted the Spanish when they first sailed into San Diego Harbor with the Juan Rodriguez Cabrillo expedition of 1542. The boundaries of the Kumeyaay lands changed with the arrival of the Europeans. They once extended from the Pacific Ocean, south to Ensenada in Baja Norte, Mexico, east to the sand dunes of the Colorado River in

Imperial Valley, and north to Warner Springs Valley. North to northeast, their territory was bounded by other Indian nations--the San Luiseño, Cupeño, and Cahuilla.⁶

Tribal History in National City

As the land the City was built on was one inhabited by the Kumeyaay people, many Tribal Cultural Resources have the potential to be discovered and/or impacted by development within the Planning Area. A Tribal Cultural Resource is defined as a site, feature, place, cultural landscape, sacred place, or object that is of cultural value to a Native American tribe and is either on or eligible for listing on the national, State or a local historic register, or which the Lead Agency, at its discretion, chooses to identify as a Tribal Cultural Resource.

National City was built upon an Indian Rancheria, the home of Apusquele of the Hamacha Tribe. In 1769 the land became one of the ranches used by the Mission San Diego de Alcalá, and the Padres called it La Purísima Concepción. Twenty-seven years later, the soldiers at the San Diego Presidio wrested the land from the mission so they could graze their own horses and cattle there; to them it was El Rancho del Rey, the Ranch of the King.⁷

Record Searches and Consultation

Per consultation with the Native American Heritage Commission (NAHC), a list of tribes with traditional lands of cultural places located within National City was provided for consultation regarding the FGPU with the Native American tribes under Government Code Sections 65352.3, 65352.4 et seq. (i.e., Senate Bill [SB] 18), Public Resources Code (PRC) Sections 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill [AB] 52) (see Appendix 13.C.10 and 13.C.11). The City sent notification letters on September 3, 2020, to these tribes requesting consultation for notification of the preparation of the Housing Element Update as part of the FGPU; no responses were received within the 30 days (see Appendix 13.C.10 for the 2020 Tribal Consultation list).

The tribes were sent a Notice of Preparation for the FGPU SPEIR in March 2022. No requests for consultation were received.

To confirm that no additional tribes needed to be notified, an updated 2022 Local Government Tribal Consultation List was requested for the Planning Area and completed (see Appendix 13.C.11). This list was compared to the 2020 list, and it was determined that no additional contacts needed to be notified.

In addition, a Sacred Lands File search request was made to the NAHC in 2022. The NAHC responded on November 22, 2022, that sacred lands may be present within the Planning Area (see Appendix 13.C.11). As no consultation requests were received by the City after the first two notices, no additional notifications were sent out.

4.3.2 Regulatory Framework

4.3.2.1 Federal

National Historic Preservation Act

The NHPA deals with historic preservation. One of the most important provisions of the NHPA is the establishment of the NRHP, the official federal designation of historical resources. Districts, sites, buildings, structures, and objects are eligible for listing in the register. Nominations are listed if they are significant in American history, architecture, archaeology, engineering, and/or culture. The NRHP is administered by the National Park Service. To be eligible for the NRHP, a property must be significant under the criteria enumerated in the statute, which include, among other things, having an association with historical events or significant historical persons, embodying certain design characteristics, or being likely to yield important historical information (see 36 Code of Federal Regulations § 60.4). Listing

⁶ Viejas Band of Kumeyaay Indians, Viejas Historical Overview, <https://viejasbandofkumeyaay.org/viejas-community/kumeyaay-history/#:~:text=The%20Kumeyaay%2C%20referred%20to%20as,horticulturists%20and%20hunters%20and%20gatherers>. Accessed June 9, 2022
⁷ San Diego History Center, National City in Review, July 1962, <https://sandiegohistory.org/journal/1962/july/national/>. Accessed June 9, 2022

in the NRHP does not entail specific protection or assistance for a property, but it does guarantee recognition in planning for federal or federally assisted projects (see 54 United States Code 306108 [Section 106 of the NHPA]), eligibility for federal tax benefits and qualification for federal historic preservation assistance. The NRHP is influential beyond its statutory role because it achieves uniform standards of documentation and evaluation. Additionally, a project's effects on properties listed in the NRHP must be evaluated under CEQA.

4.3.2.2 State

CRHR

The CRHR establishes a list of those properties that are to be protected from substantial adverse change (PRC Section 5024.1). A historical resource may be listed in the CRHR if it:

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

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, or eligible Points of Historical Interest. Other resources require nomination for inclusion in the CRHR. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office procedures, historic resources or districts designated under a local ordinance consistent with State Historic Resources Commission procedures, and local landmarks or historic properties designated under local ordinance.

Senate Bill (SB) 18 – Traditional Tribal Cultural Places

The intent of SB 18 (Government Codes §65352.3 and §65352.4) is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government. SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process.

Assembly Bill (AB) 52 (Gatto, 2014)

AB 52 requires that under CEQA and PRC §21080.3.1 and §21080.3.2, a project with an effect that may cause a substantial adverse change in the significance of a Tribal Cultural Resource is a project that may have a significant effect on the environment. A Lead Agency is required to consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to be informed, in writing, by the Lead Agency of proposed projects in that geographic area and if the tribe requests consultation, prior to determining the type of environmental document to be prepared for the project.

Native American Graves Protection and Repatriation Act of 2001 (Steinberg, 2001)

In 2001, the State Legislature passed AB-978, the California Native American Graves Protection and Repatriation Act of 2001 (Steinberg, 2001), requiring all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items to provide a process for the identification and repatriation of these items to the appropriate tribes.

California Public Resources Code

Section 5097.5

Section 5097.5 of the PRC states that “No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.”

As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the State or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, National City is required to comply with PRC Section 5097.5 for its activities on publicly owned land.

Section 5097.9

Section 5097.9 of the PRC specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the California NAHC. Section 5097.98 further defines the standards for handling Native American human remains. Section 5097.993 sets requirements for the unlawful and malicious excavation, removal, destruction, injury, or defacing of a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the CRHR.

Section 7050.5

Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.

Section 7052

Section 7052 of the California State Health and Safety Code makes the willful mutilation, disinterment, or removal of human remains a felony.

California Environmental Quality Act

CEQA was amended in 1992 to define “historical resources” as resources listed in or determined eligible for listing on the CRHR; resources included in a local register of historical resources or identified as significant in a historical resource survey that meets certain requirements; and any object, building, structure, site, area, place, record, or manuscript that a Lead Agency determines to be significant. Some resources that do not meet these criteria may still be historically significant for the purposes of CEQA. According to the CEQA Guidelines section 15064.5 and Appendix G, adoption and implementation of a proposed project would result in a significant adverse cultural resources impact if a proposed project would:

1. *Cause a substantial adverse change in the significance of a historical architectural resource that is listed on, or determined to be eligible for listing on, the NRHP or the CRHR; is listed on, or determined to be eligible for listing on, the San Diego List of Historic Sites; or that meets any of the following criteria:*
 - a. *Is associated with events that have made a significant contribution to the broad patterns of history at the local, regional, state or national level;*
 - b. *Is associated with the lives of significant persons in the past on a local, regional, state or national level;*
 - c. *Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values; or*
 - d. *Has yielded, or may be likely to yield, information important in history or prehistory.*
- Cause a substantial adverse change in the significance of an important archaeological resource or disturb any human remains, including those interred outside of formal cemeteries.*

The CEQA Guidelines were amended in 2016 to address Tribal Cultural Resources. The significance thresholds are listed below in Section 4.3. 3.

Mills Act Program

The Mills Act is a state law allowing cities to enter into contracts with the owners of historic structures for the continued preservation of the property. The Historic Preservation Ordinance authorizes contracts known as “Mills Act” contracts for incentives for preservation of historic resources. A Mills Act contract is a legally binding contract between the City and the owner of a historic home, with a minimum term of 10 years, that specifies what preservation, maintenance, and restoration efforts will be made by the property owner in exchange for tax savings. Applications for Mills Act agreements are reviewed by the Historic Preservation Commission and approved by the City Council. The County Assessor’s Office determines what the new assessed value and property tax savings will be. Property tax savings can be substantial and must be used toward the preservation of the historic property.

4.3.2.3 Local

The City’s General Plan Open Space and Agricultural Element contains policies related to preservation of historically significant City buildings. Additionally, the Municipal Code provides special provisions related to the protection of cultural resources for sites identified as containing archaeological and historic resources. Pertinent goals and policies related to cultural resources are listed below.

Open Space and Agriculture Element

Cultural and Paleontological Resources

- **Goal OS-8:** *The identification, preservation, and enhancement of the city’s historic, cultural, and paleontological resources.*
 - **Policy OS-8.1:** *Establish formal criteria to be used in the identification, restoration, and preservation of locally-significant historic structures.*
 - **Policy OS-8.2:** *Support the development of regulatory, technical, and financial incentives and enforcement programs to promote the maintenance, rehabilitation, preservation, and interpretation of historic and cultural resources.*
 - **Policy OS-8.3:** *Facilitate the maintenance and upkeep of historic resources to avoid the need for major rehabilitation and to reduce the risks of demolition, loss through fire or neglect, or impacts from natural disasters.*
 - **Policy OS-8.4:** *Consult with property owners and land developers early in the development review process to minimize potential impacts to historic and cultural resources.*
 - **Policy OS-8.5:** *Encourage the adaptive reuse of historic resources when the original use of the resource is no longer feasible or desirable.*
 - **Policy OS-8.6:** *Promote the preservation, rehabilitation, restoration, and/or reconstruction, as appropriate, of contextual elements (e.g., structures, landscapes, street-lamps, street trees, signs) related to historic structures, districts, or areas.*
 - **Policy OS-8.7:** *Support and encourage the accessibility of important cultural resources to the public for educational, religious, cultural, scientific, and other purposes, including the establishment of museums and facilities accessible to the public, where such resources can be appropriately studied, exhibited, curated, etc.*
 - **Policy OS-8.8:** *requires monitoring for sub-surface cultural and paleontological resources during grading and construction activities for all development projects.*
 - **Policy OS-8.9:** *requires consultation with tribal governments prior to making decisions, taking actions, or implementing programs that may impact Native American cultural resources or sacred sites.*

Municipal Code

Municipal Code Title 15 Buildings and Construction Chapter 15.34 Historical Buildings addresses regulations governing the enlargement, alteration, repair, moving, removal, demolition, converging,

occupancy, use, and maintenance of all historical buildings and/or structures. Per this section, historical structures shall include structures on existing or future national, state, or local historical registers or official inventories, such as the NRHP, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

The intent of Municipal Code Title 18 Zoning Section 18.12.160 is “to protect, preserve, and, where damaged, restore National City’s historic resources.” This section of the code establishes a procedure by which properties of historical significance are identified and appropriate notice is provided in the event that demolition or significant alteration or conversion is proposed. It provides for the creation of a list of historic properties and requires the City Council to update the list periodically. It also provides for the review of permits that would involve demolition, significant alteration, or conversion of historic properties on the list. The code requires that the National City Historical Society be notified prior to the issuance of the proposed permit and that they shall review and make recommendations including approval of the permit, no recommendation, recommendation that the permit be denied, or a request for further time to evaluate the permit. The City Council may approve the permit, deny the permit if a finding is made that the permitted action may result in an adverse effect on public welfare, or withhold issuance of the permit until such time as all alternative measures have been thoroughly evaluated.

Municipal Code section 18.30.100 Conversions to nonresidential use (F) also notes that “when application is made for approval to convert a dwelling unit of recognized historical character [to a nonresidential use], the Planning Commission may deny a permit on grounds of unsuitability of the proposed use.”

4.3.3 Significance Determination Thresholds

Cultural Resources

The 2022 CEQA Guidelines Appendix G, Issue V. Cultural Resources includes the following significance thresholds:

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

Tribal Cultural Resources

The 2022 CEQA Guidelines Appendix G, Issue XVIII. Tribal Cultural Resources includes the following significance thresholds:

- a) *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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:

 - i. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register or historical resources as defined in PRC section 5020.1(k) or*
 - ii. *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 the PRC section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

4.3.4 Issue Area 1: Historic Resources

The Planning Area has the potential to contain significant historical structures and/or sites. The adoption of the FGPU would not directly result in physical construction that would impact historic resources. Future buildout under the FGPU and its associated construction activities have the potential

to result in direct or indirect impacts to subsurface resources during grading and/or construction activities. Direct impacts to historical resources (historic structures) could result from the physical demolition, destruction, relocation, or alteration of these structures within the Planning Area. Additionally, as implementation of the FGPU would occur over the next 30 years, future development has the potential to impact buildings or structures that may be 50 years of age or older at the time site-specific projects are proposed and, therefore, those sites may need to be evaluated for historical significance at that time.

Many of the historical resources scattered throughout the Planning Area are protected under City Ordinance (Chapter 18.12.160 – Historic Properties), and many other structures are getting closer to an age when they may be eligible for historical designation. The City requires that non-discretionary (ministerial) building or demolition permits be reviewed for the presence of structures identified on the City’s list of Historical Sites, the CRHR, and the NRHP prior to issuance of a permit (Municipal Code section 18.12.160). Any site-specific project that may cause a substantial adverse change in the significance of a historical resource is not eligible for exemption from review under CEQA pursuant to Section 15300.2 of the CEQA Guidelines.

Any non-exempt or discretionary projects are also subject to review for impacts to historic resources under CEQA. Historically significant resources would be identified through on-site reconnaissance in conjunction with future projects, and site development would be required to comply with the Municipal Code policies and General Plan Open Space Element policies (OS-8.1 through OS-8.8) cited above that would minimize or avoid impacts where possible. As the FGPU proposes infill development in Focus Areas that may or may not contain historic structures, there is the potential for historic resources to be impacted. Since site-specific details are not known at this program level analysis of the FGPU, impacts to historic resources would be potentially *significant* (**Impact CUL-1**).

4.3.5 Issue Area 2: Archaeological Resources

The adoption of the FGPU would not directly result in physical construction that would impact archaeological resources. However, future development consistent with the FGPU may result in direct or indirect impacts to both known and unknown archaeological resources. While a majority of the Planning Area is largely built out, with limited vacant and undeveloped land, construction activities such as grading and excavation could result in the accidental destruction or disturbance of previously unidentified archaeological sites.

Site-specific project development would be required to comply with applicable federal and state statutes that concern the preservation of historical and archaeological resources, including the NHPA, CEQA and PRC 5097.5, which precludes removal of archaeological resources on public lands without express permission by the applicable public agency. Furthermore, Policies OS-8.4 and OS-8.8 of the General Plan Open Space Element require consultation with property owners and land developers early in the development review process to minimize potential impacts to cultural resources and also requires monitoring for subsurface cultural resources during grading and construction activities for all development projects.

Future discretionary development projects would be required to undergo environmental review pursuant to CEQA, which would include an assessment of impacts to archaeological resources. However, because site-specific details are not known at this program level analysis of the FGPU, impacts to archaeological resources would potentially be *significant* (**Impact CUL-2**).

4.3.6 Issue Area 3: Human Remains

Future development consistent with the FGPU may result in direct or indirect impacts to unknown human remains during ground-disturbing activities. It is noted that the Planning Area is urbanized and is largely developed, so the likelihood of discovery of human remains is low. No tribal cultural burial

sites are known to be within the Planning Area; no tribes responded to the FGPU AB52/SB18 consultation letter to notify the City of any sites of concern.

In the unlikely event that human remains are discovered during a project associated with the FGPU, the provisions set forth in PRC section 5097.98 and State Health and Safety Code section 7050.5 would be implemented in consultation with the assigned Most Likely Descendant, as identified by the NAHC. No further construction activities would be permitted until the coroner is contacted, as well as any applicable Native American tribes. The City shall be required to comply with the California Native American Graves Protection and Repatriation Act (2001), the federal Native American Graves Protection and Repatriation Act (1990), and AB 52 early consultation requirements. As regulations are in place to treat any inadvertent uncovering of human remains during grading, impacts to human remains would be *less than significant*.

4.3.7 Issue Area 4: Tribal Cultural Resources

Native American resources include historic structures, objects, or sites; prehistoric and historic archaeological resources, sacred sites, and human remains; and Traditional Cultural Properties. A Traditional Cultural Property can be defined generally as an area that is significant because of its association with cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. Under most circumstances, consultation with the Native American community is necessary to identify and avoid these resources.

Per consultation conducted under SB 18 and AB 52 and the City's General Plan Open Space Element Policy OS-8.9, no responses were received regarding a notification of the FGPU from tribes identified by the NAHC to have traditional and cultural affiliation with the geographic area of National City. Regardless, the Planning Area is urbanized, and previously disturbed areas are to be filled in by infill development consistent with the FGPU. Therefore, the likelihood of disturbance of Tribal Cultural Resources is low.

All future development activities consistent with the FGPU would be required to comply with applicable federal and state statutes as detailed above that are meant to protect Tribal Cultural Resources. Discretionary development projects would also be required to undergo environmental review pursuant to CEQA, which would include an assessment of impacts to the expanded definition of Tribal Cultural Resources and consultation with local tribes pursuant to AB 52.

Therefore, at the program level, the FGPU would have *less than significant* impacts on Tribal Cultural Resources.

4.3.8 Mitigation, Monitoring, and Reporting

The following programmatic mitigation measures shall be applied to each proposed development consistent with the FGPU that is determined to require a CEQA analysis or otherwise is generally required by the City to complete:

MM-CUL-1 Historic Properties Application Review

Applications for future development shall be reviewed by the building official or designee for non-discretionary building or demolition permits to determine if they involve any structure identified on the list of historic properties, per National City Title 18 Zoning Chapter 18.12.160 Historic Properties, (c) Review of Ministerial Permits, or if a structure is known to be 45 years or older. If a property proposed for demolition or significant alteration or conversion is determined to be on the historic properties list, the application must be reviewed in accordance with Municipal Code Title 15 Buildings and Construction Chapter 15.34 Historical Buildings, which addresses regulations governing the enlargement, alteration, repair, moving, removal, demolition, converging, occupancy, use, and maintenance of all historical buildings and/or structure.

All discretionary permits involving a historic resource, or a structure known to be 45 years or older shall be reviewed in compliance with the California Environmental Quality Act (CEQA). For any building/structure having its original structural integrity intact and potentially eligible for the National Register of Historic Places or the California Register of Historic Resources, a qualified professional architectural historian may be required to determine whether the affected building/structure is historically significant. The evaluation of historic architectural resources shall be based on criteria such as age, location, context, association with an important person or event, uniqueness, or structural integrity, as indicated in CEQA Guidelines section 15064.5. A historical resource report shall be submitted by the project applicant to the City of National City and shall include the methods used to determine the presence or absence of historical resources, identify potential impacts from the proposed project, evaluate the significance of any historical resources, and identify mitigation measures to protect the resource from loss of a characteristic designating it as historic.

MM-CUL-2 Ground Disturbance Monitoring

Applications for future development located on a vacant/undeveloped site or on a site with proposed excavation into native soils, wherein the Planning Department has determined a potential for impacts to subsurface archaeological resources, shall be required to comply with the following mitigation framework:

An archaeological and/or Native American monitor shall be present during construction activities that involve subsurface grading and/or excavation involving the disturbance of native soils more than 3 feet in depth. The monitor(s) would ensure that important subsurface archaeological sites, which could underlie a redevelopment area, are not damaged or destroyed.

MM-CUL-3 Archaeological Survey and Report

Applications for future development located on a vacant/undeveloped project site, wherein the Planning Department has determined a potential for impacts to archaeological resources, shall be required to comply with the following mitigation framework:

As applicable by recommendation by the Planning Department, an archaeological field survey of the project site and a report summarizing the findings of the survey shall be completed by a qualified archaeologist. An archaeological resource report detailing the results of the record search and the field survey of the project area shall be submitted by the project applicant to the City of National City.

The archaeological resources report would be required prior to issuance of a permit to ensure that any resources are identified and mitigated prior to grading and construction.

MM-CUL-4 Unanticipated Discovery of Archaeological Resources

In the event of an unanticipated discovery of archaeological resources during construction, construction should stop on the site until a qualified archaeologist can survey the resource and determine potential impacts and necessary preservation measures. Any archaeological resources that are found on an undeveloped project site would be identified, adequately documented in the field, and/or preserved, as recommended by a qualified archaeologist.

4.3.9 Significance After Mitigation

Impacts to historical resources (**Impact CUL-1**) would be mitigated through the application of **MM-CUL-1** that would verify the age of a potentially impacted historical building or structure, and evaluate its historical significance impacts, and apply required mitigation. Implementation of **MM-CUL-1** would reduce **Impact CUL-1** to a *less than significant* level.

Impacts to subsurface archaeological resources (**Impact CUL-2**) would be mitigated through the application of **MM-CUL-2, MM-CUL-3, and MM-CUL-4**. Enforcing these mitigation measures as a condition of approval would ensure that potential impacts to archaeological resources would be *less than significant*.