

5. Environmental Analysis

5.3 CULTURAL RESOURCES

Cultural resources comprise archaeological and historical resources. Archaeology studies human artifacts, such as places, objects, and settlements that reflect group or individual religious, cultural, or everyday activities. Historical resources include sites, structures, objects, or places that are at least 50 years old and are significant for their engineering, architecture, cultural use or association, etc. In California, historic resources cover human activities over the past 12,000 years. Cultural resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Creekside Specific Plan to impact cultural resources in the City of San Juan Capistrano. The analysis in this section is based in part on the following information:

- *Cultural and Paleontological Resources Assessment for the Creekside Specific Plan, San Juan Capistrano, Orange County, California*, Cogstone, January 2020.

A complete copy of this study is in the technical appendices of this Draft EIR (Appendix D).

5.3.1 Environmental Setting

5.3.1.1 REGULATORY BACKGROUND

Federal and State Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The act authorized the National Register of Historic Places, which lists districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the act requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review ensures that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process with assistance from state historic preservation offices.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

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Native American Graves Protection and Repatriation Act

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

California Public Resources Code

Archaeological, paleontological, and historical sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for designating State Historical Landmarks and Historical Points of Interest.

PRC Sections 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation, which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the Native American Heritage Commission (NAHC); require that descendants be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

Local Regulation

City of San Juan Capistrano City Council Policy No. 601

It is the general intent of City Council Policy No. 601, effective since 1997, to protect and preserve the city's unique heritage and valuable built historic, archaeological, and paleontological resources within the community. The following definitions apply to certain terms included in the policy:

- **Historic Resource.** A district, site, building, structure or object significant in American history, architecture, engineering, archaeology or culture at the national, state, or local level.
- **Sensitive Area.** An area that is immediately adjacent to known sites and/or an area in which historical maps or reference materials indicate the presence of possible artifacts.
- **Significant Historic or Cultural Resource.** An artifact that can be associated with an event or person having a recognized significance in California or American history, or recognized as having scientific importance in the prehistory period; has a special or particular quality such as oldest, best example, or last surviving example of its kind; is at least 50 years old and possesses substantial stratigraphic integrity; or

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involves important research questions that historical research has shown can be answered only with archaeological methods.

The provisions of the Policy No. 601 applies to all activities, including but not limited to proposed structures, expansions, additions, alterations, grading, excavation, trenching, and/or demolition on properties, premises, existing buildings and structures and their grounds or setting, trees, and places classified as follows:

- Listed on the "Inventory of Historic and Cultural Landmarks" as adopted by City Council Resolution in accordance with Section 9-2.310 of the Municipal Code.
- Listed as a "State Register of Historic Landmarks" or on the "National Register of Historic Places."
- The historic resources determined by the Planning Director, the State Historic Preservation Officer, or the National Trust for Historic Preservation to be eligible for listing on the California Register of Historic Resources, the National Register of Historic Places, or the City's Inventory of Historic Resources according to the standards for inclusion on either the State, federal, or local registers.
- In cases where there exists a likelihood that significant historic resources once existed on the property as defined by the "sensitive area survey," as adopted by City Council Resolution.

5.3.1.2 EXISTING CONDITIONS

The Project Site is approximately one mile northeast of the Mission San Juan Capistrano. The first clear sign of development within the project area is agriculture fields in a 1942 topographic map. The 1938 historical aerial shows that the entirety of the Project Site as well as the surrounding area consisted of orchards and undeveloped land. Based on a review of the historical aerials, the existing building was constructed between 1972 and 1977 and was used as Endeveco Corporation's headquarters until 2013. The original topography prior to grading the project site for the Endeveco Corporation structure, consisted of moderate-size canyon, which required design cuts and fills up to approximately 40 feet and 25 feet, respectively, to create the existing graded site (LGC 2019).

Endeveco (Engineering Development Company) Corporation was founded in 1947. It designed and manufactured dynamic instrumentation for vibration, shock, and pressure measurement such as sensors for the most mission-critical applications in aerospace, automotive, defense, industrial, and power generation machinery. Endeveco equipment was used in the Apollo program and contributed to the Space Shuttle Program. In 2013, the firm moved to Irvine, and the building has been vacant since then.

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A search of the California Historic Resources Information System (CHRIS) from the South-Central Coastal Information Center (SCCIC) on October 31 and November 6, 2019, included the Project Site and an approximately 0.5-mile radius around the Project Site. The search found that 43 previous studies have been completed within 0.5 mile of the Project Site, and 6 of these studies included a portion or all of the Project Site. These previous studies identified 16 recorded cultural resources within 0.5 mile of the Project Site, but none were within the boundaries of the Project Site or the extent of impact area. These 16 cultural resources

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include 5 prehistoric sites (e.g., village site, burials, habitation debris, lithic, scatter), 4 historic built environment resources, 1 historic archaeological site (concrete house foundation and historic refuse scatter), 5 prehistoric isolates (e.g., metasedimentary flake, metavolcanics core metate fragment), and 1 historic archaeological isolate (historic refuse scatter). All of the 16 cultural resources were recorded at a distance of 0.25 to 0.5 miles from the Project Site with the exception of one resource (Primary No. P-30-100153), which was recorded within 0.25 miles of the Project Site. Resource P-30-100153 is identified as a prehistoric isolate, meta-volcanic core, recorded in 1997. Table 5, *Cultural Resource Sites*, in the Cultural and Paleontological Resources Assessment (Cultural Assessment) (contained in Appendix D to this DEIR) lists the 16 recorded cultural resources. A qualified archaeologist surveyed the Project Site on November 20, 2019, and no cultural resources were observed.

5.3.2 Thresholds of Significance

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources:

- Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Is associated the with lives of persons important in our 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 values; or
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC § 5024.1; 14 CCR § 4852)

The fact that a resource is not listed in the California Register of Historical Resources, not determined to be eligible for listing, or not included in a local register of historical resources does not preclude a lead agency from determining that it may be a historical resource.

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Disturb any human remains, including those interred outside of dedicated cemeteries.

While Thresholds C-1 and C-3 were scoped out in the Initial Study, both thresholds are discussed below.

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5.3.3 Plans, Programs, and Policies

Regulatory Requirements

PPP CUL-1 In the event that any suspected archaeological resources are discovered during ground-disturbing activities, the find(s) will be required to be evaluated pursuant to the significance threshold described in California Public Resources Code Section 21083.2.

PPP CUL-2 Pursuant to the City of San Juan Capistrano City Council Policy No. 601, if unanticipated subsurface historic resources are discovered during construction activities related to the Proposed Project, the archaeologist shall take immediate steps to stop all construction activity in the proximity of the cultural material. The City's Environmental Administrator shall be immediately informed of the situation. If it is determined that the find is an isolated occurrence or that the remaining construction activity will not significantly impact the historic resource, work shall be permitted to continue on the Project Site.

City Council Policy No. 601 also requires preparation of a report by the project archaeologist prior to the final inspection of the site, detailing the contents of the unearthed historic resource, and a report shall be submitted by a historic resource consultant detailing the find/determination regarding the historic resource (drawings, photographs, etc. may not be needed and work could continue as long as the site is not impacted).

PPP CUL-3 In the event that any human remains are discovered during ground-disturbing activities, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains and California Health and Safety Code section 7050.5 shall be followed.

5.3.4 Environmental Impacts

5.3.4.1 IMPACT ANALYSIS

The Initial Study originally scoped out Thresholds C-1 and C-3. Nevertheless, the thresholds were brought forward to the DEIR because the City determined that cultural resources are important environmental topic that require further evaluation and disclosure, and are discussed below. The following impact analysis addresses all three thresholds under Cultural Resources. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.3-1: Development of the Proposed Project would not impact historic resources. [Threshold C-1]

The main building and parking areas on site were constructed between 1972 to 1976 by the Endeveco Corporation. The San Juan Capistrano Cultural Resources Element does not identify the project site nor the building on-site as historic buildings or structures. Additionally, the City provides two lists that document the City's officially designated historic sites (the Inventory of Historic and Cultural Landmarks [IHCL]) and structures and sites which are potentially eligible for inclusion on the IHCL (Buildings and Sites of Distinction

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list). The Project Site is not listed on the City's Inventory of Historic and Cultural Landmarks (San Juan Capistrano 2018), nor is it on the City's Buildings and Sites of Distinction list (San Juan Capistrano 2008).

A search of the CHRIS from the SCCIC was conducted for the Project Site and a 0.5-mile radius. The records search found that no previously recorded cultural resources are located within the Project Site. Additionally, neither the project site nor the building onsite is listed in the California Historical Resources or the National Register of Historic Places lists (OHP 2020; NPS 2020) and would not be eligible since the buildings are less than 50 years old. Although there are 16 cultural resources within 0.5 miles of the Project Site, as stated in Section 5.3.2, *Thresholds of Significance*, pursuant to CEQA Guidelines Section 15064.5, a resource is generally considered "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources, and the Project Site does not contain any buildings or structures that meet the criteria.

Level of Significance Before Mitigation: Less than Significant.

Impact 5.3-2: Development of the Proposed Project could impact archaeological resources. [Threshold C-2]

As discussed above, the Cultural Assessment indicated that the Project Site does not contain any archaeological resources based on records search and an intensive pedestrian site survey by a qualified archaeologist. However, 16 cultural resources were identified within 0.5 miles of the Project Site that include prehistoric, historic, and historic archaeological resources. The records search and Sacred Lands File (SLF) search by the NAHC indicate the Project Site is in the vicinity of two prehistoric village sites. Therefore, based on the results of the cultural record searches, literature reviews, and the positive results of the SLF search, the Cultural Assessment determined that there is a potential for subsurface cultural artifacts (both historic and prehistoric age) within the Project Site.

City Council Policy 601 defines a Sensitive Area as "an area that is located immediately adjacent to known sites, and/or an area that historic maps or reference materials indicates the presence of possible artifacts." The Project Site meets this definition of a Sensitive Area. Therefore, the Project Site is considered moderately sensitive for cultural resources, and development of the Project Site could result in disturbance of subsurface archaeological resources.

Level of Significance Before Mitigation: Potentially significant.

Impact 5.3-3: Development of the Proposed Project would not impact human remains. [Threshold C-3]

The project site was developed with the existing building in the early to late 1970s. As discussed under Section 5.3.1.2, *Existing Conditions*, extensive grading occurred during the construction of the existing building, which required design cuts and fills up to approximately 40 feet and 25 feet, respectively. Given the extensive earthwork activity at the project site, the likelihood of discover unknown human remain is considered low.

However, the potential to unearth unknown human remains during earthwork activities associated with the construction of the Proposed Project may occur. California Health and Safety Code section 7050.5 and CEQA Guidelines Section 15064.5(e) require that there be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. These regulations require the County

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Coroner to be contacted and to make a determination as to whether an investigation into the cause of death is required and whether the remains are Native American. If the remains are determined to be Native American, the Coroner shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC). The NAHC shall identify the person(s) it believes to be the most likely descended, and the most likely descended may make recommendations for regarding proper treatment and burial, which would be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. Compliance with California Health and Safety Code Section 7050.05 and CEQA Guidelines Section 15064.5(e) would ensure that the Proposed Project's potential disturbance of human remains is less than significant.

Level of Significance Before Mitigation: Less than Significant.

5.3.5 Cumulative Impacts

Although the Project Site is already developed with as an industrial building, the city has various historic and prehistoric sites and resources, and the Project Site and its surrounding area are considered moderately sensitive for cultural resources. Although approximately 80 percent of the Project Site has been previously disturbed, ground disturbance in previously undisturbed sediments could potentially unearth previously unidentified cultural resources. However, site-specific impacts would require mitigation measures to minimize impacts to a less than significant level. Provided that site-specific impacts are reduced to a less than significant level with appropriate treatment by qualified archaeological consultants, this incremental impacts to the Project Site and other development sites would not result in cumulatively significant impacts.

Level of Significance before Mitigation: Less than significant.

5.3.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements (PPP CUL-3), the following impacts would be less than significant: 5.3-1 and 5.3-3. Without mitigation, this impact would be **potentially significant**:

- **Impact 5.3-2** Implementation of the Proposed Project could unearth archaeological resources during ground-disturbing activities in previously undisturbed sediments.

5.3.7 Mitigation Measures

Impact 5.3-2

CUL-1 Prior to ground disturbance, a qualified archaeologist shall be retained and monitor grading and earthmoving activities in undisturbed sediments. Pursuant to SB 18/AB 52 Tribal Consultation, a Native American monitor will also be on-site (see MM TCR-1). In the event of an unanticipated discovery, all work must be suspended within 50 feet of the find until a qualified archaeologist evaluates it. Construction activities may continue in other areas. If, in consultation with the City, the discovery is determined not to be important pursuant to State law described below, work will be permitted to continue in the area.

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If the qualified archaeologist determines a resource to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the qualified archaeologist shall coordinate with the project applicant and the City to develop a formal treatment plan. The plan should serve to reduce impacts to the resources and allow construction to proceed. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment.

If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis.

The project applicant shall provide any historic archaeological material that is not Native American in origin for curation at a public, nonprofit institution with a research interest in the materials, such as the South Central Coastal Information Center at California State University, Fullerton. If no institution accepts the archaeological material, the project applicant shall donate the archaeological material to a local school or historical society in the area for educational purposes, as determined to be appropriate by the City of San Juan Capistrano.

5.3.8 Level of Significance After Mitigation

Impact 5.3-1

Impact 5.3-1 is less than significant prior to mitigation. No mitigation measures were required.

Impact 5.3-2

The mitigation measure would reduce potential impacts to cultural resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to cultural resources have been identified.

Impact 5.3-3

Impact 5.3-3 is less than significant prior to mitigation. No mitigation measures were required.

5.3.9 References

Cogstone. 2020, January. Cultural and Paleontological Resources Assessment for the Creekside Specific Plan, San Juan Capistrano, Orange County, California.

LGC Geotechnical, Inc. 2019, July 30. *Preliminary Geotechnical Review of Proposed Creekside Residential Development, Southeast of Rancho Viejo Road and Malaspina Road, Vesting Tentative Tract Map No. 19009, San Juan Capistrano, California.*

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Office of Historic Preservation (OHP). 2020, July 9 (accessed). California Register of Historical Resources, California Historical Resources, Search by County. <http://www.ohp.parks.ca.gov/ListedResources>

San Juan Capistrano, City of. 2018, October. Inventory of Historic and Cultural Landmarks (IHCL).

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