

4.5 CULTURAL RESOURCES

4.5.1 INTRODUCTION

This section discusses known paleontological, archaeological, and historical resources that may be present on or near the Hyatt Place project (project) site, outlines standard conditions of project approval, and proposes mitigation measures to reduce impacts to cultural resources. Additionally, this section evaluates the potential for land use development that would be allowed by the project site to impact known or unknown cultural resources. Sources of information used to prepare the analysis in this section include:

- Cultural Resources Peer Review Memorandum. WSA, 2017
- City of Half Moon Bay Local Coastal Program & Land Use Plan, 2021
- Native American Heritage Commission (NAHC) Consultation
- Assembly Bill 52 (AB 52) coordination with local Native American tribes
- *History of San Mateo County, California*. B.F. Alley, 1883
- *Historic Spots in California, 5th Edition*, Mildred B. Hoover, Hero E. Rensch, Ethel G. Rensch, and William N. Abeloe, 2002
- *Plan Half Moon Bay Existing Conditions, Trends, and Opportunities Assessment*. Cultural Records Search. Dyett & Bhatia, 2014

Project consistency with the 2021 Local Coastal Land Use Plan (LCLUP) is analyzed and included below. The LCLUP was updated and adopted by City Council in October 2020 and certified by the California Coastal Commission (CCC) in April 2021. The updated LCLUP comprises the City's reexamined and updated policy approach for carrying out the Coastal Act in a manner that addresses changed conditions since certification of the 1996 LCLUP.

All documents referenced in the draft EIR are available by special request due to the confidential nature of some of the materials. The location of the other reference materials is cited at the end of this section. Hard copies of the draft EIR are located at the City of Half Moon Bay, Planning Division, 501 Main St, Half Moon Bay, CA 94019.

Comments were submitted in response to the Notice of Preparation for this Environmental Impact Report (EIR), the California Department of Transportation (Caltrans) submitted comments regarding the project's

potential for impact. Specific comments are summarized below and addressed in this section.

- Recommendation that Half Moon Bay conduct a cultural resource technical study that at a minimum includes a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS), a field survey of the project site by a qualified archaeologist and a geoarchaeological sensitivity analysis.
- Recommendation that Half Moon Bay conduct Native American consultation with tribes, groups, and individuals who are interested in the project site and may have knowledge of Tribal Cultural Resources or other sacred sites.

4.5.2 EXISTING CONDITIONS

Archaeological Setting

Archaeology is the study of human activities and cultures. Archaeological resources are the physical remains of past human activities and can be either prehistoric or historic. In general, an archaeological site is defined by a significant accumulation or presence of food remains, pottery, tools, rock surfaces, skeletal remains, etc.

The project site lies within the Plan Half Moon Bay (PHMB) Planning Area, for which a cultural records search was performed to assess the sensitivity of the Planning Area for cultural resources¹. The PHMB Planning Area records search was performed on January 17, 2014 by staff at the CHRIS Northwest Information center (NWIC). Of the 66 cultural resources identified within the Planning Area, 15 have an archaeological component. These resources include prehistoric shell middens and lithic scatters, historic debris scatter, habitation sites, and historic structural remnants.

A records search was conducted for the project site, and was completed by staff at the CHRIS, NWIC at Sonoma State University on July 28, 2017. The record search included a review of all cultural resource and excavation reports and recorded archaeological sites within a 0.25 mile radius of the project site. The study included a review of archaeological, ethnographic, historical, and environmental literature as well as records and maps on file at the California Archaeological Inventory.

¹ Dyett & Bhatia 2014 Plan Half Moon Bay Existing Conditions, Trends, and Opportunities Assessment. Revised July 2014. Prepared for the City of Half Moon Bay, Half Moon Bay, California.

The record search did not identify any previously recorded archaeological sites in the project site or within a 0.25 mile radius. The project is not located in an archaeologically sensitive area according to the Potential Archaeological Resources Map in the LCLUP (**Figure 4.5-1**).

While there are no known archaeological resources within the project site, undiscovered subsurface archaeological resources could be present.

Historical Setting

Historic resources are associated with the recent past. Historical resources are buildings, structures, objects, sites, and districts of significance in history, archaeology, architecture, and culture. These resources can include intact structures of any type that are 50 years or older.

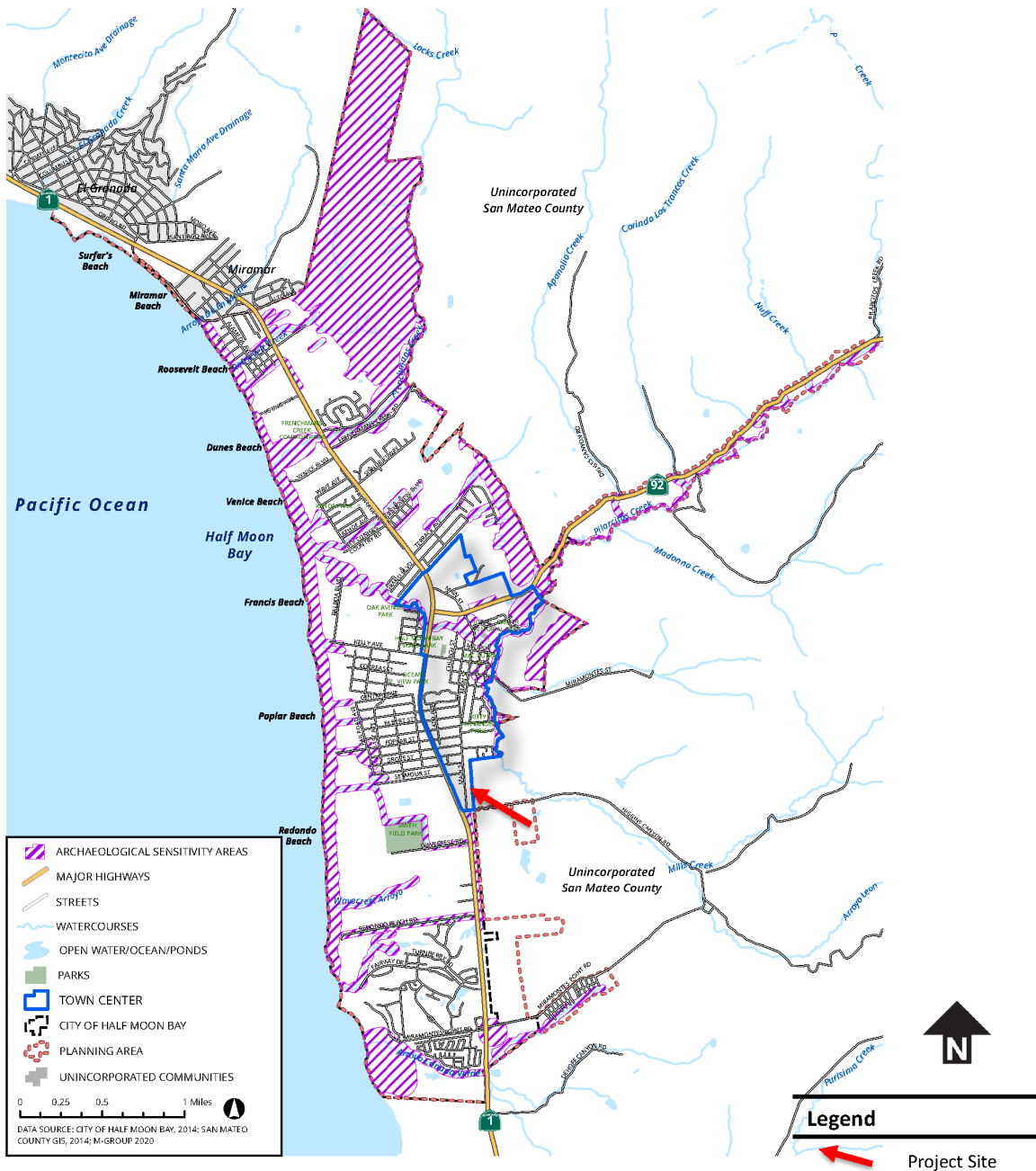
Following the discovery of gold in 1848, which resulted in the California Gold Rush, tens of thousands of people flocked to the goldfields and continued to pour into the state. A few years prior to the Gold Rush, the Miramontez family established Rancho San Benito on the southern bank of the arroyo in about 1841. They built an adobe residence in present-day Half Moon Bay, which was said to have remained standing into the 1900s². The community was originally called San Benito and later “Spanishtown,” in part because of the influence of its founding Hispanic families. By the mid-late 1800s, stores, churches, and at least one saloon had been built. The area’s local commerce primarily consisted of agriculture. In the history of San Mateo County, Half Moon Bay was described as “one of the finest agricultural districts of the county...”³ The developing port was renamed in honor of the bay’s unique form in 1874. By 1905, a group of wealthy San Francisco-based investors undertook building a new railroad that would connect San Francisco to Santa Cruz, following the Pacific coastline. The 40-mile Ocean Shore Railroad was eventually abandoned after financial hardship due to the 1906 San Francisco earthquake.

² Hoover, Mildred B., Hero E. Rensch, Ethel G. Rensch, and William N. Abeloe 2002. *Historic Spots in California*. 5th ed. Rev. by D. E. Kyle. Stanford, Calif.: Stanford University Press.

³ Alley B. F. 1883. *History of San Mateo County, California*. San Francisco: B. F. Alley, 1883: 239.

The study of historical resources in the project area included a CHRIS and NWIC records search and review of Records included the Office of Historic Preservation Historic Properties Directory, the California Inventory of Historical Resources, and the Historical Resources Inventory of San Mateo County (**Figure 4.5-2**). Based on the CHRIS and NWIC records search performed in 2017, one historic resource and one informal historic district have been recorded within a 0.25-mile of the project site (P-41-000027, P-41-002180) (**Table 4.5-1**).

Hyatt Place Half Moon Bay Project



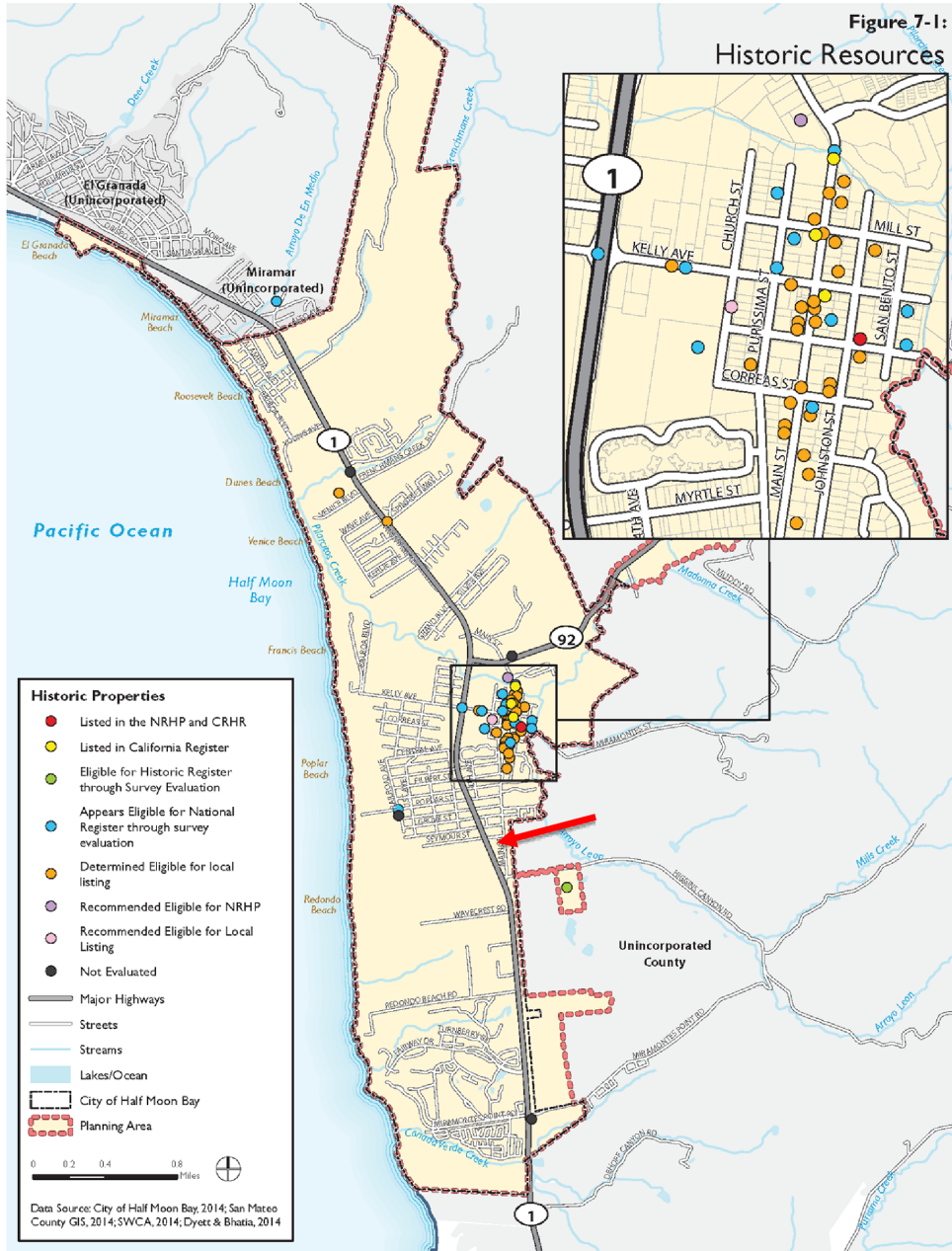
Half Moon Bay – Archaeologically Sensitive Areas

Figure

4.5-1

Source: City of Half Moon Bay Local Coastal Program Land Use Plan, 2021.

Hyatt Place Half Moon Bay Project



Legend

Project Site

Half Moon Bay Historic Resources

Figure

4.5-2

Source: Plan Half Moon Bay, 2014. Existing Conditions, Trends, and Opportunities.

Table 4.5-1 Potential Historical Resources within 0.25 miles of Project Site

Primary Number	Resource Name	Type	Age	Records
P-41-000027	Half Moon Bay	Historical Area	Historic	1970 (Stephen A. Dietz and Thomas L. Jackson, Adan E. Treganza Anthropology Museum, San Francisco State College)
P-41-002180	James Ford	Building	Historic	2007 (Dana E. Supernowicz, Historic Resource Associates)

Source: Cultural Resources Peer Review Memorandum. WSA, 2017.

As mentioned above, the California Inventory of Historic Resources and the Office of Historic Preservation (OHP) Historic Properties Directory were examined to determine if any buildings/structures within the project site were included in those inventories. The results were negative.

Holman and Associates completed a records search for the proposed James Ford property located in Half Moon Bay in 2014.⁴ The records search was in response to a request by Half Moon Bay and Caltrans that related to the permitting of a proposed project involving three parcels that included the James Ford dealership. The records search area consisted of the three parcels (APN-064-352-150, 065-012-020, 065-012-030), which comprise the project site, and a one-eighth mile buffer per direction from Caltrans. The records search included all records and recorded/mapped historical resource studies within the records search area, as well as the OHP Historic Properties Directory, the OHP Archaeological Determinations of Eligibility listing, and the California Inventory of Historic Resources. The James Ford dealership (P-41-002180), identified in **Table 4.5-1**, was discussed in terms of general characteristics and eligibility. This site was recommended to be ineligible for the National Register of Historic Places⁵. Four additional historic resource studies (Dietz and Jackson 1970, Clark 1988, Smith and Orlins 1992, and Psota 2012) were mentioned with no results located within or adjacent to the project site. While it was noted that numerous historic resources were listed within Half Moon Bay, the informal historic district (P-41-000027), identified in

⁴ Holman and Associates, 2014. Historical Resources Records Search for PDP-072-13, James Ford Site, Half Moon Bay. Prepared for James Ford, Inc. Half Moon Bay.

⁵ Supernowicz, Dana E, 2007. Primary Record and Building, Structure, and Object Record for P-41-002180, James Ford [Building]. Records on file, Northwest Information Center, California Historical Resources Information System, Sonoma State University.

Table 4.5-1, was not mentioned in the Holman report and more detailed information about it was not available.

The results of the record search indicate that the likelihood of encountering potentially significant historic resources within the project site is low. The closest historic resource, the James Ford dealership, lies outside of the current project site.

Paleontological Setting

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Paleontological sites are those areas that show evidence of pre-human activity, often from small outcroppings visible on the surface or sites encountered during grading. No known paleontological resources of significance occur with the City.

Tribal and Cultural Resources Investigations

Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are listed, or determined to be eligible for listing, in the national, state, or local register of historical resources. Additionally, a tribal cultural resource may also be a resource that the lead agency determines, in its discretion, is a tribal cultural resource. While cultural resources are generally defined as traces of human occupation and activity that include prehistoric and historic archaeological sites, districts, and objects; standing historic structures, buildings, districts, and objects; and locations of important historic events of sites of traditional and/or cultural importance to various groups, tribal cultural resources could include intangible resources that provide cultural value to a tribe.

Native American Consultation

Sacred Lands Search, and Required Tribal Consultation (AB 52)

The Tribal and Cultural Investigation includes Native American Consultation in order to determine the presence of tribal or cultural resources in the project site. The Native American Heritage Commission (NAHC) was contacted on July 20, 2017 by email to request information on known Native American traditional or cultural properties within the project site, and to request a listing of individuals or groups with cultural affiliation to the project site. The NAHC Sacred Lands File (SLF) results came back negative, indicating that there are no tribal and cultural resources in the project site. Included in the NAHC response was a list of Native American contacts that the NAHC recommended to contact for further information, as required by CEQA Section 21080.3.1. On August 2, 2017, letters were sent to the listed tribal members of the Ohlone/Costanoan, Bay Miwok, Plain Miwok and Patwin

Tribes requesting information on traditional or cultural properties within the project site. Follow up phone calls were made to the Native American contacts on August 14, 2017 and August 25, 2017. Two contacts⁶ from the Ohlone/Costanoan Tribe requested that a Native American monitor be present during earthmoving. Andy Galvan, on behalf of the Ohlone Indian Tribe, had no concerns at this point in the project. Messages were left for Anne Marie Sayers, and the message box for Rosemary Cambra was full. A summary of this correspondence can be found in **Table 4.5-2**.

4.5.3 REGULATORY SETTING

Federal

National Historic Preservation Act, Section 106

The National Historic Preservation Act (NHPA) (16 U.S.C. 470 et seq.) established a national program to preserve the country's historical and cultural resources. Section 106 of the NHPA requires federal agencies to consider the effects of their actions on historic properties and provide the President's Advisory Council on Historic Preservation (ACHP) opportunity to comment on any proposed action before implementation. Guidelines for implementing the Section 106 process are provided in 36 CFR Part 800. Per 36 CFR 800.4, significant cultural resources are those that are eligible for listing in the National Register of Historic Places (NRHP). The NRHP eligibility criteria (36 CFR 60.4) state that the quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, association, and that meet one or more of the following criteria:

⁶ Tony Cerda, Chairperson of the Costanoan Rumsen Carmel Tribe and Irene Zwierlein, Chairperson of the Amah Mutsun Tribal Band of Mission San Juan Bautista (Ohlone/Costanoan).

- The resource is associated with events that have made a significant contribution to the broad patterns of our history.
- The resource is associated with the lives of persons significant in our past.
- The resource embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.
- The resource has yielded, or may be likely to yield, information important to prehistory or history.

Impacts to NRHP-eligible resources are considered adverse when “an undertaking may alter directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association” (36 CFR 800.5[1]). Examples of adverse effects include physical destruction or damage to all or part of the property; alteration that is not consistent with the Secretary of the Interior’s standards for the treatment of historic properties; removal of the property from its historic location; change in the type of use or of the physical characteristics of the setting; introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant features; and neglect resulting in deterioration (36 CFR 800.5[2]).

Historic properties include prehistoric archaeological sites. Archaeological sites are usually adversely affected only by physical destruction or damage, whereas all of the examples above can apply to historic buildings and structures.

Table 4.5-2 Native American Consultation and Comments

Native American Contact	Date of Notification Letter (certified)	Date of Phone Contact	Comments	Date of Follow-Up Phone Contact	Comments
Tony Cerda, Chairperson Coastanona Rumsen Carmel Tribe 244 E. 1st St. Pomona, CA 91766 909-524-8041 (cell) 909-629-6081 rumsen@aol.com	8/2/17	8/14/19	He would like for there to be a Native American monitor present during ground disturbing activities. Believes that a 3 story building will probably need 25' deep footers, hence the desire for Native monitor.	N/A	N/A
Irene Zwierlein, Chairperson Amah Mutsun Tribal Band of Mission San Juan Bautista 789 Canada Road Woodside, CA 94062 650-851-7489 (cell) 650-851-7747 (office) 650-332-1526 (fax) amahmutsuntribal@gmail.com	8/2/17	8/14/19	Knows of no known burials in that particular area, but several in the general Half Moon Bay area. Wants us to call for Native/ MLD monitors from her if need be. Concerned that locals will likely be against construction of the hotel.	N/A	N/A

Native American Contact	Date of Notification Letter (certified)	Date of Phone Contact	Comments	Date of Follow-Up Phone Contact	Comments
Ann Marie Sayers, Chairperson Indian Canyon Mutsun Band of Costanoan P.O. Box 28 Hollister, CA 95024 831-637-4238 ams@indiancanyon.org	8/2/17	8/14/19	No answer, left message.	8/24/19	No answer, left message.
Rosemary Cambra, Chairperson Muwekma Ohlone Indian Tribe of the SF Bay Area P.O. Box 360791 Milpitas, CA 95036 408-314-1898 510-581-5194 muwekma@muwekma.org	8/2/17	8/14/19	Called once, phone was answered but person on other side would not talk. Called again, got message but mailbox was full. Sent email 8/14.	8/24/19	No answer on (408) number, no voicemail (510) number is invalid. Sent follow up email.

Native American Contact	Date of Notification Letter (certified)	Date of Phone Contact	Comments	Date of Follow-Up Phone Contact	Comments
Andrew Galvan The Ohlone Indian Tribe P.O. Box 3152 Fremont, CA 94539 510-882-0527 cell 510-687-9393 fax chochenyo@aol.com	8/2/17	8/14/19	Emailed back Please update with the results of the Lit Search, foot survey and NAHC review. Andy Sent information to email	8/24/19	He asked what the literature search discovered , asked me what WSA planned to do about the proposed APE asked if there were burials out there, I said it was unlikely. He said he wanted to hear our professional recommendation based on any recent and past archaeological surveys, has no issues at this point.

Source: Cultural Resources Peer Review Memorandum. WSA, 2017

Project Consistency

The project site was surveyed for cultural and historically significant resources as further described in **Section 4.5.4, Impacts and Mitigation Measures**. No cultural and historically significant resources in the project site were determined eligible for the NRHP. The closest potential historic resource, the James Ford dealership, lies outside of the current project site and was recommended by Northwest Information Center, CHRIS, Sonoma State University to be ineligible for the NRHP.

State

Assembly Bill (AB) 52 (2014)

Assembly Bill (AB) 52 (2014) requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project. The tribe must send a written request to the lead agency to be informed of proposed projects in that geographic area. The lead agency would then be required to request tribal consultation prior to release of a proposed negative declaration, proposed mitigated negative declaration, or draft EIR. Consultation under AB 52 is also codified in CEQA Sections 21808.3.1. and 3.2.

California Historical Building Code, California Code of Regulations, Title 24, Part 8

The California Historical Building Code, defined in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code, provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings, structures and properties deemed by any level of government as having importance to the history, architecture, or culture of an area.

California Register of Historic Resources (CRHR)

The California Register program encourages public recognition and protection of cultural and historic resources. Under CEQA, significant cultural resources are called *historical resources* whether they are of historic or prehistoric age.

Generally, a resource should be considered by a lead agency to be historically significant if the resource has integrity and meets one of the following criteria for CRHR listing (CEQA Guidelines 15064.5 [a][3]).

- The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage

- The resource is associated with the lives of persons important in California's past.
- The resource 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.
- The resource has yielded, or may be likely to yield, information important in prehistory or history.

CRHR is similar to the NRHP in that any resource determined eligible for the NRHP is also automatically eligible for the CRHR. However, the treatment of historical resources under CEQA and in the CRHR is more inclusive in that resources listed in local historical registers may be included.

Projects that would impact CRHR-listed and –eligible resources and resources listed in local historical registers may result in a significant effect on the environment if development of the project would result in a substantial adverse change in the significance of a historical resource (P.R.C. 21084.1). Substantial adverse change in the significance of a historical resource refers to “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that [its] significance...would be materially impaired (CEQA Guidelines 15064.5[b][1]). Material impairment means demolition of the resource, or alteration of the physical characteristics that make the resource eligible for listing such that it would no longer be eligible for the CRHR or a local historical register (CEQA Guidelines 15064.5[b][2]).

Health and Safety Code Section 7052 and 7050.5

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the County Coroner can determine whether the remains are those of a Native American. Section 7050.5(b) establishes the procedures to follow should human remains be inadvertently discovered in any location other than a dedicated cemetery. The section also states that the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The NAHC has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.

Project Consistency

The project site was surveyed for cultural and historically significant resources. The project site has not been determined eligible for the CRHR.

Local

Half Moon Bay Local Coastal Program

Chapter 8, Cultural Resources, of the of the 2021 Local Coastal Program (LCP) contains goals and policies relating to the development and preservation of cultural resources in Half Moon Bay. Relevant policies are included in **Table 4.5-3**:

Table 4.5-3 Project Consistency with Relevant General Plan Chapters

General Plan Policy Number	General Plan Policy	Project Consistency
<i>LCLUP Chapter 8: Cultural Resources</i>		
8-2: Development Impacts on Cultural Resources	New development shall avoid impacts to cultural resources through siting and design measures to the extent feasible. Any unavoidable impacts, disturbance, or substantial adverse changes caused by development on cultural resources shall be mitigated through measures such as preservation in place or site sampling and salvage. The preferred and required alternatives for mitigating impacts, if feasible, are avoidance or preservation in place. Consult with Native American representatives on appropriate alternatives.	Consistent. The project will be subject to standard mitigation measures and conditions of approval to avoid or reduce impacts to unanticipated buried resources.
8-11: Discovery of Archaeological and Paleontological Resources	Regardless of site location, require all development to halt work if subsurface archaeological or paleontological resources are discovered during construction. The developer shall notify the City and retain a qualified professional to identify any necessary handling and notification procedures and mitigation measures. Work shall not resume until these measures have been reviewed and approved by the City and all appropriate entities have been notified. Consult with the appropriate Native American tribe(s) on if and how to reburial any discovered tribal resources.	Consistent. The project would halt work if subsurface archaeological or paleontological resources are discovered during construction, and the developer will be required to follow the procedures set forth in this policy as a condition of approval.
8-12: Discovery of Human Remains	When human remains are uncovered during development, no further disturbance of the site shall occur until the County Coroner has made the necessary findings as to origin and disposition of the remains. If the Coroner determines that the remains are Native	Consistent. If human remains are discovered, no further disturbance of the site would occur until the County Coroner has made the necessary findings

General Plan Policy Number	General Plan Policy	Project Consistency
	American, the California Native American Heritage Commission shall be notified and no further disturbance of the site shall occur until the Commission provides direction on handling procedures.	as to origin and disposition of the remains.

Source: City of Half Moon Bay Local Coastal Program, 2021.

Half Moon Bay Municipal Code

Title 18 (Zoning) of Half Moon Bay’s Municipal Code contains several provisions regarding the identification, treatment and protection of archaeological and historical resources. These Municipal Code provisions require preparing an archaeological report for any project development located within any designated archaeological resource area, reporting any archaeological contents found and adhering to mitigation measures for site sampling, limiting timing of construction, and covering the site with fill (Section 18.04.040). Historic resources preservation provisions are also part of the code (Section 18.39.045).

Project Consistency

The records search was conducted for the project in order to identify cultural and historically significant resources. The records search did not identify any previously recorded archaeological sites in the project site or within a 0.25-mile radius of the project site. Although Half Moon Bay is generally an area of moderate archaeological sensitivity, the project is not located in an archaeologically sensitive area according to the Potential Archaeological Resources Map in the LCLUP. Therefore, an archaeological report would not be required.

4.5.4 IMPACTS AND MITIGATION MEASURES

Thresholds of Significance

The following thresholds of significance for cultural resources were derived from the *Environmental Checklist in the California Environmental Quality Act (CEQA) Guidelines Appendix G*. These thresholds of significance have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project.

An impact of the project would be considered significant and would require mitigation if it would meet one of the following thresholds of significance:

- Cul a)** Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5;
- Cul b)** Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5;
- Cul c)** Disturb any human remains, including those interred outside of formal cemeteries.
- Cul d)** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?⁷
- Cul e)** 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:
- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe

Methodology

To determine potential impacts, the impact threshold of significance identified above were applied to construction and operation of the project. The local and regional planning documents listed above were used to guide the project's impact analysis, along with independent research on relevant cultural resources.

⁷ This question was moved to Geology and Soils (**Section 4.6**) in the 2018 update of the CEQA Guidelines Appendix G. However, to provide a more cohesive cultural resources discussion, it is included here and in **Section 4.6** with appropriate cross references.

Discussion of Impacts

Cul a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

Impact CUL-1. The project has the potential to cause a substantial adverse change in the significance of a previously undiscovered historical resource.

Less than Significant with Mitigation. As described in Existing Conditions, there are no resources eligible for listing in the NRHP on or directly surrounding the project site. However, there is always a possibility that an unknown site may exist in the project area and could be discovered during grading, excavation, or construction. Indicators of historic resources include glass, metal, ceramics, brick, wood, and similar debris. The following mitigation measure would be implemented to protect unknown historic resources on the site.

Mitigation Measure CUL-1: Prior to commencement of ground-disturbing activities, the project proponent shall consult with the City and retain a qualified tribal monitor to observe ground disturbing activities. In addition, in the event that any prehistoric, historic, archaeological, or paleontological resources are discovered during grading/excavation, a professional (historian, archaeologist, and/or paleontologist, as determined appropriate and approved by the City) shall be hired to assess the significance of the find. Qualifications of the selected professional and tribal consultant(s) shall be submitted to the City for approval prior to any grading activities.

If any find is determined to be significant, representatives of the City and the consulting professional shall determine, with the input of any traditionally and culturally affiliated California Native American tribe, the appropriate avoidance measures, such as planning greenspace, parks, or other open space around the resource to preserve it and/or its context (while protecting the confidentiality of its location to the extent feasible) or other appropriate mitigation, such as protecting the historical or cultural value of the resource through data recovery or preservation.

In considering any suggested mitigation proposed by the consulting professional to mitigate impacts to cultural resources, the City shall determine whether avoidance is feasible in light of factors such as the nature of the find, project design, costs, and other considerations.

If avoidance is infeasible, other appropriate measures, such as data recovery, shall be instituted. The resource shall be treated with the appropriate dignity, taking into account the resource's historical or cultural

value, meaning, and traditional use, as determined by a qualified professional or California Native American tribe, as is appropriate. Work may proceed on other parts of the project site while mitigation for cultural resources is carried out. All significant cultural materials recovered shall, at the discretion of the consulting professional, be subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

At the City's discretion, all work performed by the consulting professional shall be paid for by the proponent and at the City's discretion, the professional may work under contract with the City.

Significance after Mitigation. In the event that any prehistoric, historic, archaeological, or paleontological resources are discovered during ground-disturbing activities, **Mitigation Measure CUL-1** would ensure that any impacts to the discovered resource are appropriately mitigated, protecting the historical or cultural value of the resource through data recovery or preservation. With implementation of **Mitigation Measure CUL-1**, the project would not cause an adverse change in the significance of a historical resource, and any impacts would be reduced to a less-than-significant level.

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

Impact CUL-2. The project has the potential to cause a substantial adverse change in the significance of a previously undiscovered archaeological resource.

Less than Significant with Mitigation. As previously discussed, 15 resources with an archeological component were identified within the PHMB Planning Area. These resources include prehistoric shell middens and lithic scatters, historic debris scatter, habitation sties, and historic structural remnants. However, upon further review of the project, no archeological resources were observed or are known to be present on the project site or within a 0.25 mile radius. There is a possibility that resources meeting the definition of a unique archeological resource in Section 21083.2 of the Public Resource Code may be discovered during construction excavation.

Significance after Mitigation. As described above, **Mitigation Measure CUL-1** would ensure that no adverse changes to the significance of an unknown/discovered archaeological resources occur by protecting the historical or cultural value of the resource through data recovery or preservation through consultation with the applicable professional.

Mitigation Measure CUL-1 would reduce potential impacts related to unknown archaeological resources to a less-than-significant level.

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

Impact CUL-3. The project has the potential to disturb previously undiscovered human remains.

Less than Significant with Standard Condition. Although no signs of human remains or burial sites were observed during the survey of the project site, nor are known to be present in the vicinity of the project site, there is always a possibility that such remains may become visible once vegetation is removed or during construction activities such as grading and excavation.

The project applicant shall comply with the California Health and Safety Code Section 7050.5 and Section 7052 regarding the treatment of Native American human remains as required by law.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The California Health and Safety Code requires that if human remains are found in any location other than a dedicated cemetery, work is to be halted in the immediate area, and the county coroner is to be notified to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American interment, then the Native American Heritage Commission shall be consulted to identify the most likely descendants and the appropriate disposition of the remains.

Standard Condition CUL-2: In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and
 - If the coroner determines the remains to be Native American:

- The coroner shall contact the Native American Heritage Commission within 24 hours;
- The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American;
- The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance:

- The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the Commission;
- The identified descendant fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

Significance with Standard Condition. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, **Standard Condition CUL-2** identifies the procedures to be followed to ensure that a coroner is able to efficiently examine the remains to determine whether they are of Native American decent and to ensure the remains are treated with the appropriate dignity at the discretion of the most likely descendant or the Native American Heritage Commission. With implementation of **Standard Condition CUL-2** this impact would be less than significant.

Cul d) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?⁸

⁸ See previous footnote.

Impact CUL-4. The project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Less than Significant with Mitigation. While the risk of encountering fossils on the project site is low based on the general lack of fossils in the City, grading, specifically excavation, has the potential to unearth previously undiscovered paleontological resources,

Significance after Mitigation. As described above, **Mitigation Measure CUL-1** would ensure that no adverse changes to the significance of an unknown/discovered paleontological resources occur by protecting the historical or cultural value of the resource through data recovery or preservation through consultation with the applicable professional.

Mitigation Measure CUL-1 would reduce potential impacts related to unknown paleontological resources to a less-than-significant level.

Cul e) *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:*

- *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*
- *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe*

Impact CUL-5. The project has the potential to cause 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 as defined in PRC Sections 5020.1(k) or 5024.1.

Less than Significant with Mitigation. No tribal cultural resources have been identified on the project site. However, as requested by the two

tribal representatives that were contacted during consultation, tribal monitors will be hired to monitor ground disturbing activities as specified in **Mitigation Measure CUL-1**.

Significance after Mitigation. As described above, **Mitigation Measure CUL-1** would reduce potential impacts related to unknown tribal cultural resources to a less-than-significant level.

4.5.5 CUMULATIVE IMPACTS

Cumulative impacts occur when two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Other projects in the area include past and planned residential, commercial, and infrastructure development projects in Half Moon Bay and elsewhere around the study area (see **Chapter 4.0, Setting, Impacts, and Mitigation Measures**).

Impacts to cultural resources are generally site specific and do not cumulate. Other project listed in **Table 4.0-1 (Chapter 4.0, Setting, Impacts, and Mitigation Measures)** would undergo the same review and adhere to the same regulations as this project. As discussed above, the project is not located in an archaeologically or paleontologically sensitive area according to **Figure 4.5-1**, however, there are other undeveloped areas that have been labeled as potentially sensitive areas.

Developments in these areas could experience an increased potential of encountering unknown archaeological, paleontological, tribal and/or cultural resources during excavation activities. Thus, there is a potential for cumulative impacts to cultural resources in the area.

No known historical, archaeological, tribal, or paleontological resources were identified on the project site, and therefore it is unlikely that the project would contribute to a potential cumulative impact to cultural resources. To the extent that construction activities unearth previously undiscovered resources, implementation of **Mitigation Measure CUL-1** and **Standard Condition CUL-2** would ensure their proper identification and treatment. Therefore, the project in conjunction with past, present, and foreseeable projects, would not result in a cumulative impact.

4.5.6 REFERENCES

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