

5. Environmental Analysis

5.4 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 Proposed Project to impact cultural resources in the City of Anaheim. The analysis in this section is based in part on the following information:

- *California Historical Resources Information System Records Search*, South Central Coastal Information Center, California State University, Fullerton, February 20, 2019. (Appendix F)

A copy of this document is in Appendix F to this DEIR.

5.4.1 Environmental Setting

5.4.1.1 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.

Code of Federal Regulations, Title 36, Chapter I, Part 60

The National Register of Historic Places (NRHP) is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering, and culture. The NRHP recognizes resources of local, state and national significance which have been documented and evaluated according to uniform standards and criteria.

Properties are nominated to the NRHP by the State Historic Preservation Officer of the state in which the property is located, by the Federal Preservation Officer for properties under federal ownership or control, or by the Tribal Historic Preservation Officer if a property is on tribal lands.

Any individual or group may prepare an NRHP nomination, and thorough documentation of physical appearance and historic significance of the property is required. In California, completed nominations are submitted to the Office of Historic Preservation (OHP). After an application has been reviewed by OHP staff, it is submitted to the State Historical Resources Commission (SHRC) to determine whether or not the property

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meets criteria for evaluation, and the SHRC makes a recommendation to the Preservation Officer to approve or disapprove the designation.

Archaeological Resources Protection Act

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

California Public Resources Code

Archaeological 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. The California Register of Historical Resources (CRHR) is the state version of the NRHP program. The CRHR was enacted in 1992 and became official January 1, 1993. The CRHR was established to serve as an authoritative guide to the state's significant historical and archaeological resources.

Resources that may be eligible for listing include buildings, sites, structures, objects, and historic districts. CEQA identifies a historic resource as a property that is listed on—or eligible for listing on—the NRHP, CRHR, or local registers.

California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance. The resource must be approved for designation by the county board of supervisors or the city/town council of the jurisdiction where it is located; it must also be recommended by the SHRC and is officially designated by the Director of California State Parks.

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 SHRC are also listed in the 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 is retired.

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

PRC Section 21083.2 requires the lead agency to determine whether the project may have a significant effect on archaeological resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment may include:

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- Planning construction to avoid archaeological sites.
- Deeding archaeological sites into permanent conservation easements.
- Capping or covering archaeological sites with a layer of soil before building on the sites.
- Planning parks, greenspace, or other open space to incorporate archaeological sites.

PRC Sections 21083.2 (g) and (h) defined the terms of archaeological resources and criteria for significance findings. A unique archaeological resource is defined as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: 1) Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; 2) Has a special and particular quality such as being the oldest of its type or the best available example of its type; or 3) Is directly associated with a scientifically recognized important prehistoric or historic event or person. A nonunique archaeological resource is defined as an archaeological artifact, object, or site that does not meet these criteria. A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

Local

City of Anaheim Citywide Historic Preservation Plan

On May 18, 2010, the City Council approved the Citywide Historic Preservation Plan, a list of contributors in the local historic districts, and a complete list of citywide historic structures. This plan provides procedures and criteria for designating historical resources.

The Preservation Plan provides criteria for selecting special properties that merit historic designation. Official designation does not occur until the Planning and Building Director or the City Council certifies at the end of the application process that a building, structure, object, or district meets the criteria for designation. The City of Anaheim has three levels of recognition: 1) Historic Districts; 2) Historically Significant Structures; and 3) List of Structures of Historical Interest.

“Historic Districts” are usually contiguous groups of buildings that are best evaluated together due to their common history and physical characteristics that contribute to the significance of the district.

“Historically Significant Structures” are single properties outside of historic districts that are visually identifiable reminders of the City’s history and the development of its built environment.

The City maintains a “List of Structures of Historical Interest” to track properties outside of existing districts that have been identified by City staff or the public. These properties are simply a part of the City’s record for planning purposes. With further research, many of the properties on the list may be considered eventually for the higher designation of Historically Significant Structure.

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Historic Preservation Program

When the owner of a designated historic property or a potentially historic property (i.e., one included on the Structures of Historical Interest list) applies to the Building Division for a building permit, the property is flagged for consultation with Historic Preservation program staff.

All buildings identified as contributors to historic districts, Qualified Historic Structures in districts, Historically Significant Structures, and buildings on the citywide Structures of Historical Interest list that have been surveyed using a California Department of Parks and Recreation Form 523a require review prior to issuance of a demolition permit by the City's Building Division. This process is not intended to apply to demolitions ordered by the Building Division Official or Fire Chief of the City of Anaheim to remedy conditions determined to be dangerous to life, health, safety, or property.

5.4.1.2 EXISTING CONDITIONS

Historical Setting

Historic resources are defined as buildings, structures, objects, sites and districts of significance in history, archaeology, architecture and culture. These resources are preserved because they provide a link to a region's past as well as a frame of reference for a community.

There are six historic districts in the City—two National Register Districts (Kroeger-Melrose District and Melrose-Backs District) and four local districts designated by the City of Anaheim (Anaheim Colony, Five Points, Historic Palm, and Hoskins).

The Project Site is not identified as a historic district in the Preservation Plan; it is not one of the historic structures identified on the Qualified Historic Structures list of the Anaheim Colony Historic District Preservation Plan (revised June 14, 2016) or in the Mills Act properties list (Anaheim 2016).

The Project Site and within a ½-mile of the Project Site do not contain any historical resources listed in the California Points of Historical Interest, the California Historical Landmarks, the CRHR, the NRHP, and the California State Historic Properties Directory. Regulations and policies concerning historic districts are not applicable to the Proposed Project.

Archaeological Setting

The City's General Plan indicates that archaeological sites are locations that contain significant evidence of human activity, generally a site defined by a significant accumulation or presence of one or more of the following: food remains, waste from the manufacturing of tools, tools, concentrations or alignments of stones, modification of rock surfaces, unusual discoloration or accumulation of soil, or human skeletal remains.

In the City of Anaheim, most of archaeological sites are known to occur along creek areas, ridgelines, and vistas, and many of these types of landforms exist within the Hill and Canyon Area of the City. One registered site (CA-Ora-303) is adjacent to SR-91, where artifacts such as manos, hammerstones, choppers, lithic flakes,

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and some faunal bone were identified. SR-91 is over two miles north of the Project Site, and there are no known archaeological resources within a ½-mile radius of the Project Site (SCCIC 2019).

5.4.2 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 with the 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 of the CEQA Guidelines and/or identified on the Qualified Historic Structures list of the Anaheim Colony Historic District Preservation Plan (April 15, 2010).
- 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.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold C-1
- Threshold C-3

These impacts will not be addressed in the following analysis.

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5.4.3 Plans, Programs, and Policies

Regulatory Requirements

RR 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.

5.4.4 Environmental Impacts

5.4.4.1 IMPACT ANALYSIS

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.4-1: Development of the Proposed Project would impact archaeological resources pursuant to Section 15064.5. [Threshold C-2]

CEQA Guidelines Section 15064.5(c) indicates that when a project will impact an archaeological site, a lead agency shall first determine whether the site is a historical resource as defined in Section 15064.5(a). The criteria for determining an historical resource is described in Section 5.4.1.2, *Threshold of Significance*. The Project Site was developed with neighborhood commercial uses in the 1980s and does not contain any historical resources pursuant to Section 15064.5(a).

The South Central Coastal Information Center performed records search reviewing all recorded archaeological and built-environment resources as well as a review of cultural resource reports on file with the California Historical Resources Information System. In addition, the California Points of Historical Interest, the California Historical Landmarks, the CRHR, the NRHP, and the California State Historic Properties Directory listings were reviewed. The records search indicated that there are no recorded data on the Project Site and within a ½ mile of the Project Site. Records search result is included in Appendix F, *Archaeological Resources Data*, of the DEIR. The Project Site was fully developed in the 1980s, and the Project Site is underlain by artificial fill ranging from 1 to 76 feet; consequently, surface artifacts would not be visible during a survey, and the potential for unearthing archaeological resources during construction would be low. Moreover, since there are no recorded archaeological sites within a ½ mile of the Project Site, the potential for discovering archaeological resources would be low. While the potential for discovery is low, the potential for impact cannot be eliminated, and customary caution and a halt-work condition during ground-disturbing activities would be necessary to reduce this potential low impacts to archaeological resources.

Level of Significance Before Mitigation: Potentially significant.

5.4.5 Cumulative Impacts

The Project Site is already developed with neighborhood commercial uses, and most of the City is built out. No known archaeological artifacts have been discovered on or near the Project Site. However, because ground

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disturbance could potentially unearth previously unidentified cultural resources, site-specific impacts would require mitigation measures to minimize impacts to a less than significant level. Considering the lack of identified resources in the area, and low potential for previously unidentified resources on the Project Site, the Proposed Project is not anticipated to contribute significantly to the loss of archaeological resources in the City of Anaheim. Provided that site-specific impacts are reduced to a less than significant level with appropriate treatment by qualified archaeological consultants, this incremental impacts to area already urbanized area would not result in cumulatively significant impacts.

Level of Significance before Mitigation: Less than significant.

5.4.6 Level of Significance Before Mitigation

Without mitigation, this impact would be **potentially significant**:

- **Impact 5.4-1** Implementation of the Proposed Project could unearth previously unidentified archaeological resources during ground-disturbing activities.

5.4.7 Mitigation Measures

Impact 5.4-1

CUL-1 In the event that any evidence of cultural resources is discovered during ground-disturbing activities, all work within the vicinity of the find shall stop until a qualified archaeological consultant can assess the find and make recommendations. Excavation of potential cultural resources shall not be attempted by Project personnel. The Qualified Archaeologist shall ensure that the following measures are followed for the Project.

- Prior to any ground disturbance, the Qualified Archaeologist, or their designee, shall provide a worker environmental awareness protection (WEAP) training to construction personnel regarding regulatory requirements for the protection of cultural (prehistoric and historic) resources. As part of this training, construction personnel shall be briefed on proper procedures to follow should unanticipated cultural resources be made during construction. Workers will be provided contact information and protocols to follow in the event that inadvertent discoveries are made. The WEAP training can be in the form of a video or PowerPoint presentation. Printed literature (handouts) can accompany the training and can also be given to new workers and contractors to avoid the necessity of continuous training over the course of the Project.
- In the event that unanticipated cultural material is encountered during any phase of Project construction, all construction work within 50 feet (15 meters) of the find shall cease and the Qualified Archaeologist shall assess the find for importance. Construction activities may continue in other areas. If, in consultation with the appropriate City, the discovery is determined not to be important, work will be permitted to continue in the area.

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- If a resource is determined by the Qualified Archaeologist to constitute a “historical resource” pursuant to CEQA Guidelines Section 15064.5(a) or has a “unique archaeological resource” pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources, and construction allowed 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 Sections 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.
- Any historic archaeological material that is not Native American in origin shall be curated 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, they shall be donated to a local school or historical society in the area for educational purposes, as determined as appropriate by the City of Anaheim.

5.4.8 Level of Significance After Mitigation

Implementation of Mitigation Measure CUL-1 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.

5.4.9 References

South Central Coastal Information Center, California State University, Fullerton (SCCIC). 2019, February 20.
Re: Records Search Results for the Residences at Nohl Ranch Project. SCCIC File #: 19858.5844.
California Historical Resources Information System, Los Angeles, Orange, Ventura, and San Bernardino Counties.