

## **2.5 Cultural and Paleontological Resources**

This section evaluates the existing cultural and paleontological resources relative to the Project areas addressed in this SEIR and the potential effects that implementation of the proposed Project may have on such resources. Archaeological resources include historic sites, buildings, structures, objects and human remains, while the physical remains of plants and animals preserved in soils and sedimentary rock formations (exclusive of human remains, artifacts, or features) are considered paleontological resources.

### **2.5.1 Existing Conditions**

The adequacy of the existing conditions information for this environmental topic as provided in the General Plan Update Program EIR has been confirmed through re-checking of the references pertaining to this section in Chapter 5.0 of the General Plan Update Program EIR, including all relevant listed persons, plans, policies, and websites. In addition, this information has been confirmed through consultation/interviews with appropriate County or other agency staff, as available, that were involved in the preparation/review of this section of the General Plan Update Program EIR and/or supporting technical studies. All of these sources are listed in Chapter 6.0 of the General Plan Update Program EIR. Therefore, the existing conditions information for this environmental topic as provided in the General Plan Update Program EIR applies equally to the Project areas addressed in this SEIR, and is therefore not repeated here.

### **2.5.2 Regulatory Framework**

The regulatory framework discussion in the General Plan Update Program EIR as pertains to cultural and paleontological resources has not changed since adoption of the General Plan Update in August 2011, applies equally to the Project areas addressed in this SEIR, and is therefore not repeated here.

### **2.5.3 Analysis of Project Effects and Cumulative Impacts**

For the cumulative impact analyses, the geographic scope for each of the issues below would be the same as described and evaluated in the General Plan Update Program EIR, and as updated in Section 1.9 of this SEIR (Cumulative Project Assessment Overview).

#### **2.5.3.1 *Historical Resources***

This section describes potential direct, indirect, and cumulative impacts on historical resources, as pertains to the Project areas addressed in this SEIR.

#### **Guidelines for the Determination of Significance**

Section 5020.1 of the Public Resources Code (PRC) defines a historic district as a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical

development. A historical landmark means any historical resource which is registered as a state historical landmark pursuant to Section 5021, and a historical resource includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

The County of San Diego Ordinance No. 9493, Section V (d) (2) (Types of Historical Resources and Criteria for Listing in the San Diego County Register of Historical Resources) states that one of the criteria for historical listing is: “historical resources achieving significance within the past fifty (50) years;” however, the County’s Significance Guidelines states that “A resource less than fifty (50) years old may be considered if it can be determined that sufficient time has passed to understand its historical importance.”

Based on Appendix G of the CEQA Guidelines, the proposed Project would have a significant impact if it would result in a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the State CEQA Guidelines or the County’s Resource Protection Ordinance (RPO) through physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historic Resources (CRHR); or,
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or,
- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA Guidelines Section 15064.5(b)(2).

### Definition of an Historical Resource

Section 15064.5(a) of the CEQA Guidelines defines “historical resources” as the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4850 et seq.).

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2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4852 et. seq.) including the following:
  - a. Criterion A: Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage. Examples include resources associated with the Battle of San Pasqual, gold mining in the Julian area, or a Kumeyaay settlement.
  - b. Criterion B: Is associated with the lives of persons important in the past. Examples of significant resources include those associated with the lives of George W. Marston, Kate Sessions, John D. Spreckels, Ellen Browning Scripps, Ah Quin, Manuel O. Medina, Jose Manuel Polton (Hatam), or Jose Pedro Panto.
  - c. Criterion C: 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. Resources representing the work of architects such as William Templeton Johnson, Irving Gill, Lilian Rice, or Hazel Waterman would be considered significant because they represent the work of an important creative individual; or, if a resource is identified as a Queen Anne, Mission Revival, Craftsman, Spanish Colonial, or Western Ranch Style structure, it would be significant because it embodies the distinctive characteristics of a type or period.
  - d. Criterion D: Has yielded, or may be likely to yield, information important in history. For example, a historic stone dam would be significant because it is considered unique and is likely to yield information important to history.
4. The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that

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the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

The following definition of an historical or archaeological resource was derived from the County's RPO:

- Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object either:
  - Formally determined eligible or listed in the NRHP by the Keeper of the National Register; or,
  - To which the Historic Resource ("H" Designator) Special Area Regulations have been applied; or,
- One-of-a-kind, locally unique, or regionally unique cultural resources which contain a significant volume and range of data and materials; and,
- Any location of past or current sacred religious or ceremonial observances which is either:
  - Protected under Public Law 95-341, the American Indian Religious Freedom Act or PRC Section 5097.9, such as burials, pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures; or,
  - Other formally designated and recognized sites which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

### Analysis

The General Plan Update Program EIR determined that buildout under the General Plan Update would result in potentially significant direct (e.g. demolition, alteration, or relocation), indirect (human activity, increased access to and/or use of a historical resource), and cumulative impacts on historical resources. These impacts would be reduced to below a level of significance through the implementation of a combination of federal, State and local regulations; existing County regulatory processes; the adopted General Plan Update goals and policies; and, specific mitigation measures/implementation programs identified in the General Plan Update Program EIR.

Similar direct and cumulative effects would occur with future development of the Project areas addressed in this SEIR, which could result in substantial adverse effects on the County's historical resources from ground disturbing activities such as grading and excavation. Figure 2.5-1, Historic Resources and Julian Historic District, identifies the County's historic resources in relation to the areas affected by the proposed Project. Such impacts would also be cumulative in nature as they would contribute to the permanent loss of the County's historical resources on a regional level (i.e., through the physical demolition, destruction, relocation, or alteration of these

resources and/or immediate surroundings), when combined with other development allowed under the General Plan Update.

Therefore, the potentially significant direct and cumulative effects on historical resources resulting from implementation of the proposed Project would be reduced to below a level of significance by the same regulations, implementation programs (General Plan Update goals/policies) and mitigation measures from the General Plan Update Program EIR and repeated in Section 2.5.4.1 (Mitigation for Historical Resources), below. No additional measures would be required.

### **2.5.3.2 *Archaeological Resources***

This section describes potential direct, indirect, and cumulative impacts on archaeological resources, as pertains to the Project areas addressed in this SEIR.

#### **Guidelines for the Determination of Significance**

Significant cultural resources are non-renewable and therefore cannot be replaced. The disturbance or alteration of a cultural resource causes an irreversible loss of significant information. Based on Appendix G of the CEQA Guidelines, the proposed Project would have a potentially significant impact if it would cause a substantial adverse change in the significance of an archaeological resource as defined by PRC Section 21083.2, State CEQA Guidelines Section 15064.5(a), and the criteria provided below. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.

#### ***Definition of an Archaeological Resource***

PRC Section 21083.2 defines a unique archaeological resource 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 that 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.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Under the CEQA Guidelines, archaeological resources may also be considered historical resources. Therefore, definitions of archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines and the County's RPO, are the same as those provided above in Section 2.5.3.1, Historical Resources.

## Analysis

The General Plan Update Program EIR determined that buildout under the General Plan Update would result in potentially significant direct (e.g. demolition, alteration, or relocation), indirect/ (i.e., vandalism, looting, graffiti, and destruction as a result of increased access to and/or use of a resource due to additional human presence and activity), and cumulative impacts on known and unknown archaeological resources. These impacts would be reduced to below a level of significance through the implementation of a combination of federal, State and local regulations; existing County regulatory processes; the adopted General Plan Update goals and policies; and, specific mitigation measures/ implementation programs identified in the General Plan Update Program EIR.

Similar direct and cumulative effects would occur with future development of the Project areas addressed in this SEIR, which could result in substantial adverse effects on the County's known and unknown archaeological resources from ground disturbing activities such as grading and excavation. Without proper regulation and monitoring, ground-disturbing activities (e.g., clearing, excavation, or grading) associated with future development may result in damage or destruction of unknown archaeological resources that may be present on or below the ground surface, particularly on undeveloped lands, thereby resulting in a loss of valuable information that could potentially be gained from a resource, or preventing potentially eligible sites from being listed on a register of cultural resources. Indirect impacts on archaeological resources may also occur as a result of land development activities that increase erosion, fugitive dust, or the accessibility of a surface or subsurface resource, thereby increasing the potential for degradation of the resource.

Such impacts would also be cumulative in nature as they would contribute to the permanent loss of the County's archaeological resources on a regional level (i.e., through the physical demolition, destruction, relocation, or alteration of these resources and/or immediate surroundings), when combined with other development allowed under the General Plan Update.

Therefore, the potentially significant direct and cumulative effects on archaeological resources resulting from implementation of the proposed Project would be reduced to below a level of significance by the same regulations, implementation programs (General Plan Update goals/policies) and mitigation measures from the General Plan Update Program EIR and repeated in Section 2.5.4.2 (Mitigation for Archaeological Resources) below. No additional measures would be required.

### **2.5.3.3 *Paleontological Resources***

This section describes potential direct, indirect, and cumulative impacts on paleontological resources, as pertains to the Project areas addressed in this SEIR.

#### **Guidelines for the Determination of Significance**

Based on Appendix G of the CEQA Guidelines, the proposed Project would have a significant impact if it would directly or indirectly destroy a unique paleontological resource or site.

#### ***Definition of a Unique Paleontological Resource***

For the purposes of this EIR, a unique paleontological resource is any fossil or assemblage of fossils, paleontological resource site, or formation that meets any one of the following criteria:

- Is the best example of its kind locally or regionally
- Illustrates a life-based geologic principle (e.g., faunal succession)
- Provides a critical piece of paleobiological data (illustrates a portion of geologic history or provides evolutionary, paleoclimatic, paleoecological, paleoenvironmental or biochronological data)
- Encompasses any part of a “type locality” of a fossil or formation
- Contains a unique or particularly unusual assemblage of fossils
- Occupies a unique position stratigraphically within a formation
- Occupies a unique position, proximally, distally or laterally within a formation’s extent or distribution

#### **Analysis**

The General Plan Update Program EIR determined that buildout under the General Plan Update would result in potentially significant direct, indirect, and cumulative impacts on known and unknown paleontological resources. These impacts would be reduced to below a level of significance through the implementation of a combination of federal, State and local regulations; existing County regulatory processes; the adopted General Plan Update goals and policies; and, specific mitigation measures/ implementation programs identified in the General Plan Update Program EIR.

Similar direct and cumulative effects would occur with future development of the Project areas addressed in this SEIR, which could result in substantial adverse effects on the County’s known and unknown paleontological resources from ground disturbing activities such as grading and excavation. Impacts to paleontological resources generally occur as a result of the physical destruction of fossil remains by excavation or trenching activities that require cutting into the underlying geologic formations. Such alterations of known or unknown paleontological

resources may result in an irreversible loss of significant information that could be obtained from these non-renewable resources. Such impacts would also be cumulative in nature as they would contribute to the permanent loss of the County's paleontological resources on a regional level, when combined with other development allowed under the General Plan Update.

Therefore, the potentially significant direct and cumulative effects on paleontological resources resulting from implementation of the proposed Project would be reduced to below a level of significance by the same regulations, implementation programs (General Plan Update goals/policies) and mitigation measures from the General Plan Update Program EIR and repeated in Section 2.5.4.3 (Mitigation for Paleontological Resources) below. No additional measures would be required.

#### **2.5.3.4 Human Remains**

This section describes potential direct and cumulative impacts on human remains as pertains to the Project areas addressed in this SEIR.

##### Guidelines for the Determination of Significance

Based on Appendix G of the CEQA Guidelines, the proposed County General Plan Update would have a significant impact if it would disturb any human remains, Native American or otherwise, including those interred outside of formal cemeteries. Section 15064.5(d) and (e) of the CEQA Guidelines assign special importance to human remains and specify procedures to be used when Native American remains are discovered. These procedures are detailed under PRC Section 5097.98, which is described in Section 2.5.2.2, Regulatory Framework – State, of the General Plan Update Program EIR.

##### Analysis

The General Plan Update Program EIR determined that buildout under the General Plan Update could result in potentially significant direct and cumulative impacts to human remains due to the potential for human burial sites (known or unknown) within the unincorporated County. These impacts would be reduced to below a level of significance through the implementation of a combination of federal, State, and local regulations; existing County regulatory processes; the adopted General Plan Update goals and policies; and specific mitigation measures/implementation programs identified in the General Plan Update Program EIR.

As human burials have been found throughout unincorporated San Diego County, and are typically associated with archaeological resource sites and prehistoric peoples, similar direct and cumulative impacts would occur with future development of the Project areas addressed in this SEIR, which could result in substantial adverse effects on the County's known and unknown human remains from ground disturbing activities such as grading and excavation. Such impacts would also be cumulative in nature as they would contribute to the permanent loss of the

County's paleontological resources on a regional level, when combined with other development allowed under the General Plan Update.

Therefore, the potentially significant direct and cumulative effects on human remains resulting from implementation of the proposed Project would be reduced to below a level of significance by the same regulations, implementation programs (General Plan Update goals/policies) and mitigation measures from the General Plan Update Program EIR and repeated in Section 2.5.4.4 (Mitigation for Human Remains) below. No additional measures would be required.

## **2.5.4 Mitigation**

### **2.5.4.1 Historical Resources**

Direct, indirect, and cumulative impacts to historical resources associated with the proposed Project would be reduced to below a level of significance with implementation of the same applicable General Plan Update policy and mitigation measures as those identified in the General Plan Update Program EIR, and repeated below.

#### Adopted General Plan Update Policies

**Policy COS-8.1: Preservation and Adaptive Reuse.** Encourage the preservation and/or adaptive reuse of historic sites, structures, and landscapes as a means of protecting important historic resources as part of the discretionary application process, and encourage the preservation of historic structures identified during the ministerial application process.

#### Mitigation Measures

In addition to the mitigation measures listed below, implementation of Mitigation Measure Cul-2.6 listed in Section 2.5.4.2 below would mitigate direct and cumulative impacts on historical resources associated with the proposed Project; however, such mitigation would not require consultation with the Native American Heritage Commission (NAHC) and local tribal governments relative to historical resources.

- Cul-1.1** Utilize the RPO, CEQA, the Grading and Clearing Ordinance, and the Zoning Ordinance to identify and protect important historic and archaeological resources by requiring appropriate reviews and applying mitigation when impacts are significant.
- Cul-1.2** Provide incentives through the Mills Act to encourage the restoration, renovation, or adaptive reuse of historic resources.
- Cul-1.3** Initiate a new effort to identify and catalog historic and potentially historic resources within unincorporated San Diego County. This process will require public participation and evaluation by County staff and the Historic Site Board. The anticipated result of this effort is: 1) at minimum, landowners will be better informed of potential resources on their properties as well as the options available

to them under the State/National Register or the Mills Act; and 2) in some cases, properties may be zoned with a special area designator for historic resources, thereby restricting demolition/removal and requiring a Site Plan permit for proposed construction which will be reviewed by the Historic Site Board.

- Cul-1.4** Support the Historic Site Board in their efforts to provide oversight for historic resources.
- Cul-1.5** Ensure landmarking and historical listing of County owned historic sites.
- Cul-1.6** Implement, and update as necessary, the “County’s Guidelines for Determining Significance for Cultural Resources” to identify and minimize adverse impacts to historic and archaeological resources.
- Cul-1.7** Identify potentially historic structures within the County and enter the information in the Department of Planning and Development Services property database. Identification will occur by compiling information from all available sources (e.g., County surveys, Historic Site Board, information received from Save Our Heritage Organization (SOHO) and community planning groups, information from other jurisdictions, etc.) and shall be updated at least every five years.
- Cul-1.8** Revise the RPO to apply to the demolition or alteration of identified significant historic structures.

#### **2.5.4.2 *Archaeological Resources***

Direct, indirect, and cumulative impacts to archaeological resources associated with the proposed Project would be reduced to below a level of significance with implementation of the same applicable General Plan Update policies and mitigation measures as identified in the General Plan Update Program EIR, and repeated below.

##### Adopted General Plan Update Policies

**Policy COS-7.1: Archaeological Protection.** Preserve important archaeological resources from loss or destruction and require development to include appropriate mitigation to protect the quality and integrity of these resources.

**Policy COS-7.2: Open Space Easements.** Require development to avoid archaeological resources whenever possible. If complete avoidance is not possible, require development to fully mitigate impacts to archaeological resources.

**Policy COS-7.3: Archaeological Collections.** Require the appropriate treatment and preservation of archaeological collections in a culturally appropriate manner.

**Policy COS-7.4: Consultation with Affected Communities.** Require consultation with affected communities, including local tribes to determine the appropriate treatment of cultural resources.

### Mitigation Measures

In addition to the mitigation measures listed below, implementation of Mitigation Measures Cul-1.1 and Cul-1.6 listed in Section 2.5.4.1 above would mitigate direct and cumulative impacts on archaeological resources associated with the proposed Project.

- Cul-2.1**      Develop management and restoration plans for identified and acquired properties with cultural resources in coordination with the appropriate Native American tribe(s).
- Cul-2.2**      Facilitate the identification and acquisition of important resources through collaboration with agencies, tribes, and institutions, such as the South Coastal Information Center (SCIC), while maintaining the confidentiality of sensitive cultural information.
- Cul-2.3**      Support the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grants or matching funds, or funds from private organizations.
- Cul-2.4**      Protect significant cultural resources through regional coordination and consultation with the NAHC and local tribal governments, including SB-18 review.
- Cul-2.5**      Protect undiscovered subsurface archaeological resources by requiring grading monitoring by a qualified archaeologist and a Native American monitor for ground disturbing activities in the vicinity of known archaeological resources, and also, when feasible, during initial surveys.
- Cul-2.6**      Protect significant cultural resources by facilitating the identification and acquisition of important resources through regional coordination with agencies, and institutions, such as the SCIC and consultation with the NAHC and local tribal governments, including SB-18 review, while maintaining the confidentiality of sensitive cultural information.

### **2.5.4.3 *Paleontological Resources***

Direct and cumulative impacts to paleontological resources associated with the proposed Project would be reduced to below a level of significance with implementation of the same applicable General Plan Update policy and mitigation measures as identified in the General Plan Update Program EIR, and repeated below.

### Adopted General Plan Update Policies

**Policy COS-9.1: Preservation.** Require the salvage and preservation of unique paleontological resources when exposed to the elements during excavation or grading activities or other development processes.

Mitigation Measures

- Cul-3.1** Implement the Grading Ordinance and CEQA to avoid or minimize impacts to paleontological resources, require a paleontological resources monitor during grading when appropriate, and apply appropriate mitigation when impacts are significant.
- Cul-3.2** Implement, and update as necessary, the “County’s Guidelines for Determining Significance for Paleontological Resources” to identify and minimize adverse impacts to paleontological resources.

**2.5.4.4 Human Remains**

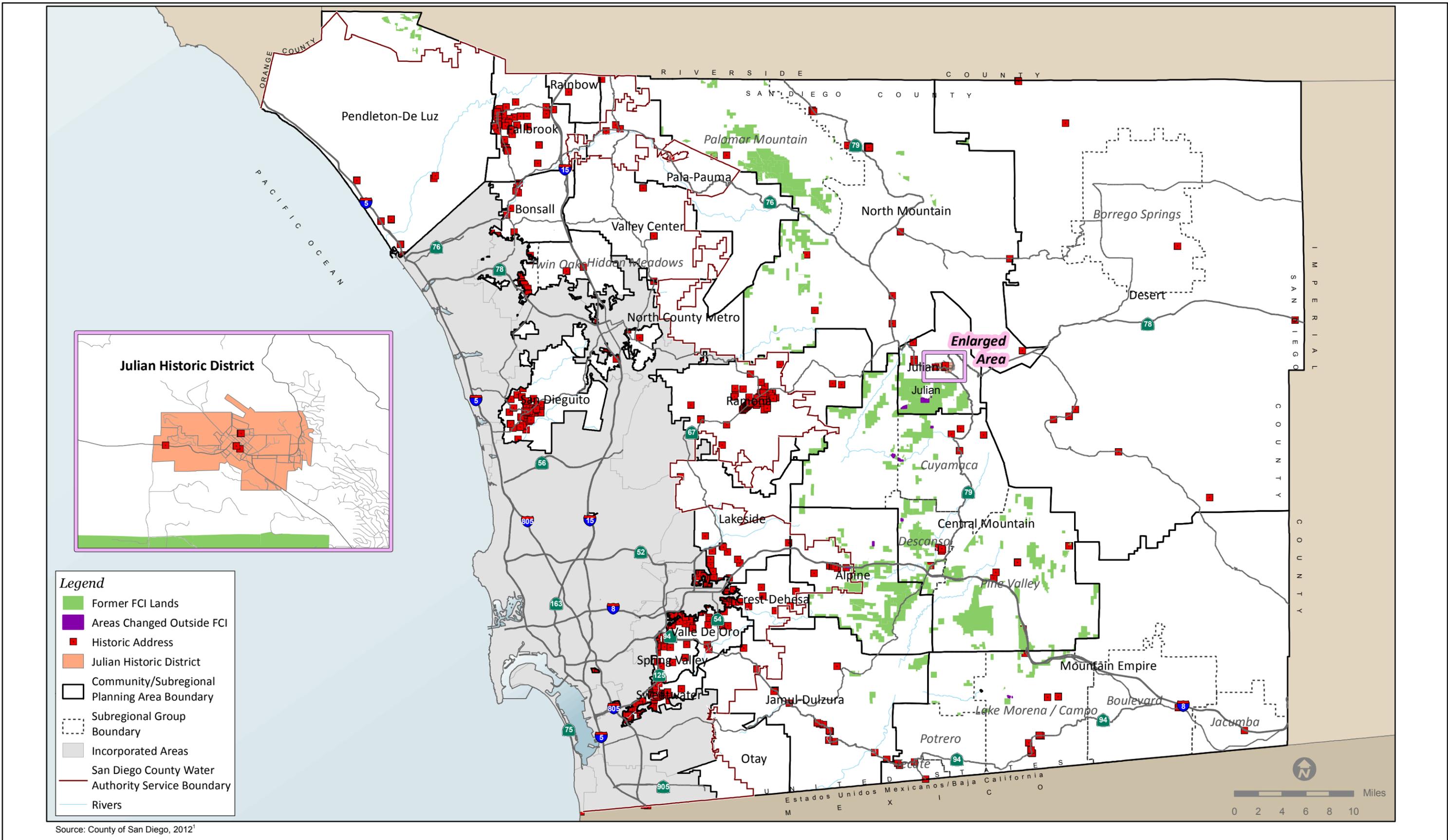
Direct and cumulative impacts to human remains associated with the proposed Project would be reduced to below a level of significance with implementation of the same applicable General Plan Update policy and mitigation measure as identified in the General Plan Update Program EIR, and repeated below.

Adopted General Plan Update Policies

**Policy COS-7.5: Treatment of Human Remains.** Require human remains be treated with the utmost dignity and respect and that the disposition and handling of human remains will be done in consultation with the Most Likely Descendant (MLD) and under the requirements of Federal, State and County Regulations.

Mitigation Measures

- Cul-4.1** Include regulations and procedures for discovery of human remains in all land disturbance and archaeological-related programs. Ensure that all references to discovery of human remains promote preservation and include proper handling and coordination with Native American groups. Apply appropriate mitigation when impacts are significant.



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