

## 4.4 CULTURAL RESOURCES

This EIR section analyzes the potential for adverse impacts associated with paleontological and archaeological resources that are known to occur, or anticipated to be encountered, as a result of implementation of the proposed project. Issues scoped out from detailed analysis in the EIR include effects on historical structures, as there are no historical resources in the vicinity of the project site.

Data used to prepare this section were summarized primarily from cultural resource records searches performed by South Central Coastal Information Center (SCCIC), the Native American Heritage Commission (NAHC), and vertebrate and invertebrate paleontology records checks performed by the Natural History Museum of Los Angeles County (NHM). These documents are included in Appendix D. Background information was also taken from the City of Huntington Beach General Plan (1996) and previous environmental documentation prepared for the City. Full bibliographic entries for all reference materials are provided in Section 4.4.5 (References) at the end of this section.

All comments received in response to the Initial Study/Notice of Preparation (IS/NOP) circulated for the proposed project were taken in to consideration during preparation of this Environmental Impact Report, and if relevant, have been addressed in this section or others within this document.

### 4.4.1 Environmental Setting

Cultural resources are frequently defined in terms of tangible materials attributed to a culture. These include districts, sites, structures, networks, artifacts, and other evidence of human use considered important to a culture or community for scientific, traditional, religious, or other reasons. These resources may be historical, archaeological, architectural, or archival in nature.

#### ■ Archaeology

##### Summary of the Cultural History

The City of Huntington Beach, and subsequently the project site, lies within the area considered to have been occupied by the Gabrieliño culture group. However, the Santa Ana River drainage area appeared multi-ethnic and multi-linguistic, with extensive intermarriage between the Gabrieliño and neighboring Juaneño/Luiseño group, which shared many linguistic and cultural similarities.

##### Territory and Language

Gabrieliño lands encompassed the greater Los Angeles Basin, including the inland valleys of San Fernando, San Gabriel, and Pomona; the Pacific Ocean coastal region from Topanga Canyon in the north to Newport Bay in the south; and three Channel Islands; San Clemente, San Nicolas, and Santa Catalina. Their lands encompassed the Los Angeles and San Gabriel Rivers; and end at the edge of the Santa Ana River, at the San Bernardino and San Jacinto Mountains far to the east and south. These rivers created numerous fresh water marshes across the flat plain in the past, though few currently remain. The

southern boundary of Gabrieliño territory had long been thought to lay at Los Alisos Creek based on anthropological fieldwork; however, the Juaneño currently dispute this defined northern boundary of their lands with the Gabrieliño.

### **Subsistence and Technology**

The fundamental economy of the Gabrieliño was one of subsistence gathering and hunting, and the tribe exploited a variety of ecological niches. Acorns were the staple food, supplemented by the roots, leaves, seeds, and fruits of a wide variety of flora; fresh-water and salt-water fish, shellfish, birds, reptiles, insects, and large and small mammals were also consumed.

The Gabrieliño used a wide variety of tools to gather and process food resources, including bows and arrows, traps, nets, blinds, throwing sticks and slings, spears, harpoons, and hooks. Many plant foods were collected with woven seed beaters, several forms of burden baskets, carrying nets, and sharpened digging sticks, sometimes with stone weights fitted onto them. Groups residing near the ocean used ocean-going plank canoes (known as a *tí'at*) and tule balsa canoes for fishing. All these foods were processed with a variety of tools, including portable and bedrock mortars, pestles, basket-hopper mortars, manos and metates, hammerstones and anvils, woven strainers and winnowers, leaching baskets and bowls, woven parching trays, knives, bone saws, and wooden drying racks. Food was consumed from a number of woven and carved wood vessels. The ground meal and unprocessed hard seeds were stored in large finely woven baskets, and the unprocessed acorns were stored in large granaries woven of willow branches and raised off the ground on platforms. Santa Catalina Island steatite was used to make comals, ollas, and cooking vessels that would not crack like regular stone under repeated firings.

### **Settlement Patterns and Social Organization**

The Gabrieliño established large, permanent villages across their territory. Several Gabrieliño villages appear to have served as trade centers, due in large part to their central location in relation to the Southern Channel Islands and to other tribes, but these villages along the south coast are not well understood. *Pwungá* lies northwest of the project site, at Bixby Hill (south Long Beach), and a small, early historic settlement called *El Piojo* lies near Los Alamitos Bay. Another Contact Period village lies south of the project site, on the south edge of the Huntington Mesa, overlooking the Santa Ana River. Villages contained houses and other structures that served as sweathouses, menstrual huts, ceremonial enclosures, and probably communal granaries. Cleared fields for races and games, such as lacrosse and pole throwing, were created adjacent to Gabrieliño villages.

### **Burial**

The Gabrieliño and Luiseño each practiced both burial and cremation. Archaeological finds of adult burials often consists of a body accompanied by various grave goods. Some indication exists that island groups more frequently practiced burial, and inland groups more commonly cremated remains. Even cremated remains, however, were accompanied by grave goods, often consisting of useful belongings that were cremated along with their owner.

## ■ Paleontology

As later discussed in the Chapter 4.5 (Geology and Soils), soils encountered at the project site consisted of fill soils overlying native materials. The fills consist predominantly of silty sands, clays and their mixtures. The natural soils beneath the fill consist of interbedded layers of organic silts and clays, clays, peat, silty sands and sands. Peat deposits at the site were generally found to be up to 4 feet thick within the upper 20 feet and at depths to about 45 feet in thinner layers interbedded within the organic silts and clays. Vertebrate and invertebrate paleontology records checks were performed for the project site through the Natural History Museum of Los Angeles County. As discussed in the paleontology records check, the proposed project site consists of surficial deposits composed of younger Quaternary Alluvium, which usually do not contain significant vertebrate or invertebrate fossils.

## ■ Identification of Cultural Resources in the Project Vicinity

### *Archaeological Resources*

According to the cultural resources records search completed for the proposed project, four previous cultural resources investigations have been conducted within a 0.5-mile radius, one of which (OR1) was located within the project site. However, no archaeological sites or any additional cultural resources have been identified within the project site, or within a 0.5-mile radius of the project site. The investigation on the project site, OR1, was performed in 1973 and is now considered to be out of date. Due to the dated nature of the study, the SCCIC did not provide results of the effort. In addition, as the existing vacant commercial structures were constructed circa 1966, it is possible that OR1 was performed at a nearby location rather than on the actual project site.

Additionally, there are five investigations that are potentially within a 0.5-mile radius of the project site included on the Newport Beach and Seal Beach 7.5' USGS Quadrangles. These reports are not mapped due to insufficient location information. Although the project site has been previously disturbed, there is still potential for buried prehistoric and/or historic resources within the project boundaries to be identified.

### *Paleontological Resources*

Museum collections maintained by the Natural History Museum of Los Angeles County contain no recorded vertebrate or invertebrate fossil localities or specimen data within the boundaries of the project site or in the immediate vicinity.

The deposits identified at the project site typically do not contain significant vertebrate fossils within the uppermost layers. The closest vertebrate fossil locality is LACM 4018, situated west-northwest of the proposed project area at the intersection of Warner Avenue and Goldenwest Street. This locale produced specimens of invertebrates, reptiles, birds, rodents, horses and deer in peat between 4 and 8 feet below the surface, but were later determined to be of very late Holocene age. Located south and southwest of the project site are exposures of Quaternary terraces, either marine or terrestrial, that may occur as subsurface deposits in the project area. The closest fossil vertebrate locality of these deposits is LACM

65113, situated along Warner Avenue close to Bolsa Chica Street. This locality produced Pleistocene age specimens of mammoth at depths between 6 to 8 feet, and bison between 14 and 20 feet. Three other fossil vertebrate localities were identified from similar deposits in areas further west-southwest, which produced mammoth, sea otter, horse, camel, ground sloth, and bison. However, these localities were located in the intertidal zone or just offshore. As the project site is located inland from the Pacific Ocean, similar conditions would not be expected on the project site.

The only fossil invertebrate localities on record in the general vicinity of the project are in the Pleistocene marine deposits along the coastal areas to the west, south, and southeast. Because the project is only about 1.25 miles north of the closest mapped outcrop of Pleistocene marine terrace deposits (near Warner Avenue in Ocean View), it is possible that this unit may be present in the shallow subsurface at the project site.

Although surface grading and shallow excavation on the proposed project site are unlikely to uncover significant paleontological remains, if Pleistocene marine deposits or older bedrock are encountered during construction, vertebrate and/or invertebrate fossils could be encountered.

## 4.4.2 Regulatory Framework

The treatment of cultural resources is governed by federal, State, and local laws and guidelines. There are specific criteria for determining whether prehistoric and historic sites or objects are significant and/or protected by law. Federal and State significance criteria generally focus on the resource's integrity and uniqueness, its relationship to similar resources, and its potential to contribute important information to scholarly research. Some resources that do not meet federal significance criteria may be considered significant by State criteria. The laws and regulations seek to mitigate impacts on significant prehistoric or historic resources. The federal, State, and local laws and guidelines for protecting historic resources are summarized below.

### ■ Federal

#### *The National Historic Preservation Act of 1966*

The *National Historic Preservation Act of 1966* established the National Register of Historic Places (NRHP) to recognize resources associated with the country's history and heritage. Criteria for listing on the NRHP are set forth in Title 26, Part 63 of the Code of Federal Regulations (36 CFR Part 63). Three of the four criteria are meant to apply to historic structures, however, Criterion D—"have yielded, or may be likely to yield, information important in prehistory or history"—is also sometimes associated with archaeological and paleontological materials.

## ■ State

### *The California Register of Historic Resources*

State law also protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources in CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. The California Register of Historic Resources (CRHR) was created to identify resources deemed worthy of preservation at a State level and was modeled closely after the NRHP. The criteria are nearly identical to the four criteria of the NRHP, but focus upon resources of statewide, rather than national, significance. The CRHR includes all resources in the State that are listed on the NRHP. Similar to the NRHP, the CRHR is sometimes also associated with archaeological and paleontological resources. The State Historic Preservation Office (SHPO) maintains the CRHR.

### *California Health and Safety Code Sections 7050.5, 7051, and 7054*

These sections collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the Public Resources Code), as well as the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, treatment of the remains prior to, during and after evaluation, and reburial procedures.

### *California Senate Bill 297 (1982)*

This bill addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NAHC to resolve disputes regarding the disposition of such remains. It has been incorporated into Section 15064.5(e) of the State CEQA Guidelines.

## ■ Local

### *General Plan Historic and Cultural Resources Element*

This element identifies the historical resources of the community, their current designations and community status, and the issues affecting their future. Goals and policies presented in the Historic and Cultural Resources Element of the General Plan related to cultural resources that are potentially relevant to the proposed project are listed below, along with an assessment of the proposed project's potential to conflict with the policies.

- Goal HCR 1** To promote the preservation and restoration of the sites, structures and districts which have architectural, historical, and/or archaeological significance to the City of Huntington Beach.

**Objective HCR 1.1** Ensure that all of the City’s historically and archaeologically significant resources are identified and protected.

### Consistency Analysis

As described above in Section 4.4.1 (Existing Conditions), no archaeological or paleontological resources sites are known to exist within the project site or in the immediate vicinity. Therefore, the project site is not considered to be sensitive with respect to archaeological resources or paleontological resources. Although considered unlikely, there is a possibility that if excavation extends down into older Quaternary terrace deposits, significant vertebrate and invertebrate fossil of Late Pleistocene (Quaternary) age may be encountered. Mitigation measures proposed for future development that would be permitted under the project would ensure that, in the unlikely event that intact cultural materials are encountered during site development, these materials would be identified and scientifically removed and preserved, as appropriate. Therefore, the proposed project would not, conflict with this policy.

## 4.4.3 Project Impacts and Mitigation

### ■ Analytic Method

Surface examination often cannot reveal whether archaeological resources are present at a specific project location, particularly when fill has been deposited on a site and masks native soils. This analysis is based on the probability, based on previous studies and excavations in the vicinity of the project site, that an archaeological or paleontological resource or human burial could be affected by activities that disturb the ground surface or subsurface, including grading or excavation.

Both GPA/ZTA options would result in an increase in allowable uses compared to the existing General Plan and Zoning designations for the project site; however, the ratios of the type of land uses would differ. Implementation of the proposed project would result in the development of a mixed-use scenario in which *either* more residential uses would be permitted (Option 1) *or* more commercial uses would be permitted (Option 2).

For the purposes of this analysis, full buildout under either scenario would result in similar impacts regardless of the type of land use proposed. Impacts to cultural resources are site-specific and all future development would be required to adhere to similar standards. Since Option 1 and Option 2 propose the same land uses, with the difference lying in the ratio of commercial and residential uses, implementation of one Option would not be inherently different from the other in terms of potential cultural resource impacts. Therefore, the following impact analysis applies to both Option 1 and Option 2, as impacts would be the same for either GPA/ZTA.

### ■ Thresholds of Significance

The following thresholds of significance are based on Appendix G to the 2008 CEQA Guidelines. For purposes of this EIR, implementation of the proposed project may have a significant adverse impact if it would do any of the following:

Implementation of the proposed project could result in potentially significant impacts if the project would do the following:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature
- Disturb any human remains, including those interred outside of formal cemeteries

## ■ Effects Not Found to Be Significant

Threshold	Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
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There are no historic resources located on the project site. The project site is currently developed for retail and commercial use. A vacant 190,100 square foot (sf) retail building and an associated vacant 18,600 sf auto repair facility, formerly occupied by a Montgomery Ward Department store, occupies the project site. Constructed in 1966, this building was originally an anchor tenant of the former Huntington Beach Mall. The vacant on-site structures are not classified as historic resources. Therefore, no impact to historical resources would occur and no additional analysis is required.

## ■ Impacts and Mitigation Measures

Threshold	Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines?
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**Impact 4.4-1                    Implementation of either Option 1 or Option 2 would not cause a substantial adverse change in the significance of an archaeological resource.**

The project site is currently developed with vacant commercial/auto service uses and current surface conditions do not allow for an adequate survey of potential surface or sub-surface cultural artifacts. A record search was conducted by the SCCIC, which included a review of all recorded archaeological sites within a 0.5-mile radius of the project site as well as a review of cultural resource reports on file. No archeological sites were identified on the project site or within the 0.5-mile radius of the project site. Regardless, the lack of findings does not eliminate the potential for archaeological resources to be identified during ground-disturbing activities associated with future project development under the GPA/ZTA. Although considered unlikely, the potential exists for unanticipated finds of archaeological resources and therefore, this is considered a potentially significant impact. Therefore, the following mitigation measures would apply to future onsite development as permitted under Option 1 or Option 2 of the GPA/ZTA to ensure that archaeological resources would not be damaged in the event that they are discovered during construction activities.

*MM4.4-1 The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during all project-related ground-disturbing activities. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited.*

*MM4.4-2 If archaeological or paleontological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the City shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and keep the report on file at the City of Huntington Beach.*

Implementation of mitigation measures **MM4.4-1** and **MM4.4-2** would reduce impacts on archaeological resources to a **less-than-significant** level by requiring monitoring of construction activities by a qualified professional archaeologist and requiring the scientific recovery and evaluation of any archaeological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.

Threshold	Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
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**Impact 4.4-2 Implementation of either Option 1 or Option 2 would not destroy a unique paleontological resource or unique geologic feature.**

The project site is generally flat and is currently developed with vacant commercial/auto service uses; no unique geologic features exist on site. As described above in Section 4.4.1 (Existing Conditions), soils encountered at the project site consist of fill soils overlying native materials with peat deposits found within the upper 20 feet and to depths of about 45 feet within the organic silts and clays. Museum collections maintained by the NHM contain no recorded vertebrate or invertebrate fossil localities within the boundaries of the project site or in the immediate vicinity. However, limited vertebrate and invertebrate fossil localities have been identified in the general area of the project. The closest identified invertebrate fossil locale is located approximately 1.25 mile south, near Warner Avenue in Ocean View. The nearest identified fossil vertebrates are located near the intersection of Warner Avenue and Goldenwest Street as well as a locale along Warner Avenue close to Bolsa Chica Street.

Surface grading and shallow excavations on the project site are unlikely to uncover significant paleontological remains. However, even though previous activities may have involved excavation or other earth-disturbing activities, some paleontologically sensitive rock units underlying the project site may not have been disturbed, despite the destruction of surface evidence of their presence. Future

development that would be permitted on the project site under implementation of the proposed GPA/ZTA could include excavations for a subterranean garage and associated building foundations and footings. Consequently, paleontological resources may be present on the project site, and earth-disturbing activities—such as grading and excavation—that could occur on the project site as a result of project implementation could damage or destroy these paleontological resources. Therefore, the impact resulting from damage to, or destruction of, these resources would be potentially significant, as it makes biological records of ancient life permanently unavailable for study by scientists.

Mitigation measure **MM4.4-1**, above, requires monitoring of construction activities by a qualified paleontologist, and mitigation measure **MM4.4-2** requires implementation of additional provisional measures in the event that paleontological resources are identified. Implementation of these mitigation measures would reduce this impact to a *less-than-significant* level by ensuring that construction activities would be monitored by a qualified professional, and that paleontological resources would be subject to scientific recovery and evaluation, which would ensure that important scientific information that could be provided by these resources regarding prehistory is not lost.

Threshold	Would the project disturb any human remains, including those interred outside of formal cemeteries?
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**Impact 4.4-3      Construction activities associated with implementation of either Option 1 or Option 2 could result in the disturbance of human remains, including those interred outside of formal cemeteries.**

No formal cemeteries are known to have occupied the project site; any human remains encountered would likely come from archaeological or historical archaeological contexts. A Review of the Sacred Lands File (SLF) by the NAHC indicated the presence of Native American cultural resources in the immediate vicinity of the project site. Although no surface evidence has been revealed this does not preclude the existence of human remains. The potential exists for archaeological resources to be present and for excavation during construction activities to disturb these resources, and it is possible that human burials could be associated with potential finds.

Human burials, in addition to being potential archaeological resources, have specific provisions for treatment in Section 5097 of the California Public Resources Code. Disturbing human remains could violate the health code, as well as destroy the resource, which would constitute a potentially significant impact. To reduce this impact, and as required by law, mitigation measure **MM4.4-3** reflects provisional measures if human remains are discovered on the project site.

*MM4.4-3      In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Developer shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.*

Implementing mitigation measure **MM4.4-3** would ensure that this impact is reduced to a *less-than-significant* level by ensuring appropriate examination, treatment, and protection of human remains, as required by law.

#### 4.4.4 Cumulative Impacts

This cumulative impact analysis considers future development as permitted under implementation of either Option 1 or Option 2, in conjunction with other development within the vicinity of the project in the City of Huntington Beach. Cumulative development would require grading and excavation that could potentially affect archaeological or paleontological resources, similar to the proposed project. The cumulative effect of these projects is the continued loss of these resources. The potential loss of paleontological and archaeological resources under the project would contribute to the degradation of the historic fabric of the City of Huntington Beach. However, project-specific mitigation would be implemented as appropriate to reduce the effect of this development by ensuring the evaluation and—where appropriate—scientific recovery and study of any resources encountered, which would ensure that important scientific information that is provided by these resources regarding history and prehistory would not be lost. Similar conditions would be required where cumulative development has the potential to affect these resources. The contribution of the proposed project to the degradation of the historic fabric of the City of Huntington Beach would, therefore, not be cumulatively considerable. Cumulative impacts would be *less than significant*.

#### 4.4.5 References

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