

4.4 CULTURAL RESOURCES

This section discusses known and unknown historic and archaeological resources that may be present within or near the project area. Applicable legislation relating to cultural resources and archaeological sites is summarized. The area of potential effect for the project includes surrounding lands or historic buildings that would directly interact with, or be influenced by, the project or its components. This section assesses the potential impacts to cultural resources as a result of project implementation. Mitigation measures are included to reduce potentially significant impacts to cultural resources. Cumulative impacts to cultural resources are also evaluated, as well as the project's contribution to such cumulative impacts. Information in this section was developed from the *Archaeological and Historical Investigations for the West Broadway Urban Village Specific Plan* report, prepared by PMC (March, 2008), included as **Appendix C**.

4.4.1 ENVIRONMENTAL SETTING

Paleontological Context

Paleontological or pre-historic resources are the fossilized remains of plants and animals. According to the Seaside General Plan EIR, many of the fossils found in the Seaside area are of marine life forms, including micro-organisms, mollusks, barnacles, and other aquatic species. Such fossils dominate the local fossil record, owing to the area's adjacency to the ocean. Fossils in the area are typically found within sedimentary rock layers. In Seaside, these rock layers may be at relatively great depths – up to 200 feet below the ground surface in places.

Prehistoric and Historic Contexts

Appendix C discusses in detail the history of archaeological research in the Monterey Bay area. These research efforts have established that there has been human habitation in the region since approximately 10,000 BC. Archaeologists have established several eras of the region's pre-European context.

Just prior to the period of European contact and into the mid-eighteenth century, Native American groups of the Costanoan language family occupied the area from San Francisco Bay to southern Monterey Bay. This large area was subdivided among several individual tribelets occupying specific territories. A wide variety of ecological zones, including foothills, valleys, sloughs, and coastal areas, were exploited by Costanoans to obtain subsistence resources.

Gaspar de Portolá founded Monterey in 1769, introducing a period of intense European settlement of the area. As has been extensively documented by others, this had a dramatic effect on Native American populations. The Spanish attempted to convert the Native American population to Catholicism and incorporate them into the "mission system." The process of missionization disrupted traditional Costanoan cultural practices, as they were generally slow to adapt to the mission system. The Spanish, however, were intent on implementing it, and by

1810 most Native Americans in the area were either incorporated or relocated into local missions. This factor, coupled with exposure to European diseases, virtually ended the traditional life of Native Americans in and around Monterey Bay.

The Mexican period (ca. 1821-1848) in California was an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the mission system. In 1833 the missions were secularized and their lands divided among the Californians as land grants called Ranchos. These ranchos facilitated the growth of a semi-aristocratic group that controlled the larger ranchos. Work on these large tracts of land was accomplished by the local Native American populations, who were essentially used as forced labor.

The end of the Mexican-American War and the signing of the Treaty of Guadalupe Hidalgo in 1848 marked the beginning of the American period (ca. 1848-Present) in California history. The onset of this period, however, did nothing to change the economic condition of the Native American populations working on the ranchos. The rancho system generally remained intact until 1862–1864, when a drought forced many land owners to sell off or subdivide their holdings.

The latter half of the nineteenth century witnessed an ongoing and growing immigration of Anglo-Americans into the area, an influx also accompanied by regional cultural and economic changes. Dispersed farmsteads slowly replaced the immense Mexican ranchos, and the farming of wheat, sugar beets, and other specialized crops slowly replaced cattle ranching as the primary economic activity in the region. The advent of the railroad in the area in the mid to late 1800s, and the mechanization of farming with steam-driven machinery, once again altered the economy of the region, as larger and larger tracts of land were opened for farming.

These agricultural developments demanded a large labor force and sparked a new wave of immigration into the region, beginning with groups of Chinese, soon followed by Japanese, Filipino, and Mexican laborers. Large scale agriculture has remained the economic mainstay of the region. Indeed, the twentieth century has witnessed the introduction of new crops into the area, such as apples, strawberries, artichokes, and garlic, which have replaced the wheat and sugar beets of previous years.

The study area is located within the Vista Del Rey Tract, recorded by W.C. Little in 1904 for the Del Rey Development Company. During the early 1900s, this new subdivision focused on attracting permanent residents, farmers, and investors to build vacation homes. An electric railway was planned into the subdivision to connect Vista Del Rey to Monterey and Pacific Grove for ease of travel between the communities. The literature also promised sewers, pure water, sulfur baths, electricity and gas services, and street improvements after the first 200 lots were sold. Surprisingly little development occurred in Vista Del Rey by 1915. Only two residences in the study area are part of the original Vista Del Rey subdivision; 305 Sonoma Avenue and 426 Palm Avenue. With the stock market crash in 1929 and the ten year “Great Depression” that followed, development in Vista Del Rey was minimal.

The transition of Fort Ord from training grounds to a permanent military base in 1940 had a significant impact on development in Seaside. An enormous influx of soldiers occurred in the 1940s and 1950s as the United States mobilized for World War II, and then for the Korean War. During these years, in addition to residential construction, many of the older single family residences on Broadway Avenue were demolished to make way for commercial development. However, much of the construction that occurred throughout Seaside was performed without regard to county zoning or building code requirements. Hundreds of substandard houses and buildings sprang up throughout Seaside, many lacking essential facilities, such as running water.

4.4.2 REGULATORY SETTING

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into consideration the potential effects of proposed undertakings on cultural resources listed on or determined eligible for inclusion in the National Register of Historic Places (NRHP). Section 106 also provides the Advisory Council on Historic Preservation (ACHP) the opportunity to comment on the proposed undertaking. The regulations implementing Section 106 are promulgated by the Secretary of the Interior, as codified in Title 36 Code of Federal Regulations (CFR) Part 800. Section 106 requirements apply to properties not formally determined eligible, but which are considered to meet eligibility requirements.

Archaeological resources are typically considered eligible for inclusion in the NRHP because of the information they have or may be likely to convey. Intensity of impacts to archaeological resources relates to the importance of the information they contain and the extent of the disturbance or degradation.

Determining the NRHP eligibility of a site or district is guided by the specific legal context of the site's significance as set out in 36 CFR Part 60.4. The NHPA authorizes the Secretary of the Interior to expand a National Register of districts, sites, buildings, structures and objects of significance in American history, architecture, archaeology, engineering and culture. A property may be listed in the NRHP if it meets criteria for evaluation as defined in 36 CFR 60.4. Section 110(d) (6) (A) of the NHPA allows properties of traditional religious and cultural importance to a tribe to be determined eligible for inclusion in the NRHP.

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association and:

(a) That are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) That are associated with the lives of persons significant in our past; or

(c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) That have yielded, or may be likely to yield, information important in prehistory or history.

California Environmental Quality Act

CEQA recognizes four categories of potential “historical resources.” The first includes resources that are “listed in, or determined to be eligible for listing in, the California Register of Historical Resources.” (Pub. Resources Code, § 21084.1; CEQA Guidelines, § 15064.5, subd. (a)(1).) The criteria by which the State Historic Resources Commission determines whether to include resources in the California Register are set forth in Public Resources Code section 5024.1. Any property within California that has formally been determined to be “eligible for, or listed in, the National Register of Historic Places” must be included in the California Register of Historical Resources. (Pub. Resources Code, § 5024.1, subd. (d)(1).)

Even absent a formal eligibility determination by the Commission, however, a lead agency “generally” shall consider a resource to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (CRHR).

Senate Bill 18

Signed into law on September of 2004, SB 18 requires cities and counties to notify and consult with Native American Tribes about proposed local land use planning decisions for the purpose of protecting tribal cultural resources. The bill stipulates that cities and counties must send any proposals for revisions or amendments to general plans and specific plans to those California Native American Tribes that are on the Native American Heritage Commission’s (NAHC) contact list and have traditional lands located within the city or county’s jurisdiction. Cities and counties must also conduct consultations with these tribes prior to adopting or amending their general plans or specific plans.

Other California Laws and Regulations

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and PRC Sections 5097.94 and 5097.98 and fall within the jurisdiction of the NAHC.

Seaside General Plan

The General Plan contains numerous objectives and polices designed to implement its vision related to cultural resources. The applicable goals and policies of the General Plan relating to cultural resources are included in the Cultural Resources Section of the Conservation/Open

Space Element (COS), which recognize the irreplaceable nature of cultural properties and require that preservation should be a key consideration in the development review process. The following General Plan goals and policies are relevant to the project:

Goal COS-5: *Protect high sensitivity archaeological resources, architecturally significant buildings, and historic places.*

Policy COS-5.1: *Identify and conserve archaeological, architectural, and historic resources within Seaside.*

Implementation Plan COS-5.1.1: *Assess and Mitigate Impacts to Cultural Resources*

Continue to assess development proposals for potential impacts to sensitive historic, archeological, and paleontological resources pursuant to CEQA.

Implementation plans associated with this goal and policy call for the continued assessment of development proposals for potential impacts to cultural resources pursuant to CEQA guidelines.

Project Consistency

The project would be in compliance with the federal, state, and local regulations and policies related to cultural resources. Pursuant to the NHPA and CEQA, the project area was surveyed for cultural and historically significant resources. Additionally, in accordance with SB 18, project historians requested a sacred lands search and a list of Native American contacts for the project area from the NAHC in October 2007. The sacred land search completed by the NAHC did not identify any significant Native American cultural resources either within or near the project area. Project historians contacted appropriate Native American groups and/or individuals regarding the proposed project. The results of these surveys and correspondence are presented in detail within **Appendix C** and in summary form in Sections 4.4.3 and 4.4.4 below.

Additionally, the project would maintain consistency with the City's General Plan. The project area does not contain any identified architecturally significant buildings nor any historic places. However, the project area may contain hidden archaeological resources. Projects with the potential to affect hidden/unknown archaeological resources usually achieve consistency with these General Plan goals and policies through individual, project specific environmental review processes. Potential impacts to unknown archaeological resources are avoided or minimized through the inclusion of standard mitigation measures, identified below. Through the implementation of the identified mitigation measures pertaining to unknown archaeological resources, the project would achieve consistency with the aforementioned General Plan goals and policies.

4.4.3 METHODOLOGY

Archaeological Resources Identification

Archaeological resource investigations included a records search conducted at the Northwest Information Center (NWIC) at Sonoma State University, Rohnert Park in October 2007; a sacred lands search conducted by the NAHC, and consultation with the Native American community.

Architectural Resources Identification

Architectural resource investigations included a deed and title record search; archival research, including plat maps, newspapers, historic documents, and photographs; consultation with local archivists and historians; and site visits to document extant buildings and sites within the study area. These investigations enabled the development of historic contexts and a reconnaissance level investigation of all properties within the study area for potential historic significance.

Significance Criteria

Actions associated with the project could cause direct and indirect physical impacts to cultural resources. Direct physical impacts could be generated by removal of vegetation, vehicular travel over the surface of a resource, earth-moving activities, excavation, or alteration of the setting of a resource. Indirect physical impacts could be generated by site clearance and preparation, inadvertent damage, and/or outright vandalism to exposed resources due to improved visibility or access to those resources.

Actions associated with the project that could cause a substantial adverse change in the significance of an historic resource are actions that may have a significant effect on the environment pursuant to CEQA. A substantial adverse change includes physical demolition, destruction, relocation or alteration of the resource such that the significance of the resource would be materially impaired. The project may have a significant effect if it would cause a substantial adverse change in the significance of a historical, archaeological, or paleontological resource or a unique geologic feature. Adverse effects would also occur if the project were to disturb any human remains, including those interred outside of formal cemeteries.

Issues Not Discussed Further

Historic Architecture

Review of historical literature and maps indicated that numerous buildings and/or structures 45 years or older are located within the project area. The office of Historic Preservation has determined that buildings and/or structures of this age may be of historic value. As such, an architectural investigation for the project area was performed in accordance with the Secretary of the Interior's Guidelines and Standards for Preservation Planning. The full findings of this investigation are included in **Appendix C**.

The results of the investigation concluded that no structures or sites in the project area meet the criteria for consideration as historical resources. Therefore, the project would have no effect on historic architectural resources. No mitigation is required.

4.4.4 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 4.4-1: Construction activities could adversely impact previously undiscovered archaeological resources. (Significant)

Native American cultural resources have been found near sources of water, including perennial and intermittent streams and springs, as well as near margins of the bay or ocean. The project area is located in an area of stabilized sand dunes approximately one-half kilometer inland from the ocean and upslope from inland water bodies. Based on these environmental factors, there is a low to moderate likelihood that unrecorded Native American Cultural resources exist in the project area.

Although there are no previously recorded archaeological resources within the project area nor its immediate vicinity, it is possible that there could be previously undiscovered archaeological resources within portions of the project area.

Individual development proposals under the project are likely to entail site preparation, grading, and construction activities, which could adversely impact these previously undiscovered archeological resources. Implementation of the following mitigation measures would reduce potential impacts to undiscovered archeological resources to a less than significant level.

Mitigation 4.4-1a: If deposits of prehistoric or historic archeological materials are encountered during project construction activities, all work within 25 feet of the discovery shall be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 shall be contacted to assess the deposit(s) and make recommendations.

If deposits of prehistoric or historic archeological materials cannot be avoided by project activities, the City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist to evaluate the potential historic significance of the resource(s). If the deposits are recommended to be non-significant by a qualified archeologist, avoidance is not necessary. If the deposits are determined to be potentially significant by the qualified archeologist, the resources shall be avoided. If avoidance is not feasible, project impacts shall be mitigated in accordance with the recommendations of the qualified archaeologist, in coordination with the City Resource Management Service Division, and CEQA Guidelines §15126.4 (b)(3)(C), which requires implementation of a data recovery plan.

The data recovery plan shall include provisions for adequately recovering all scientifically consequential information from and about any discovered archeological materials and include recommendations for the treatment of these resources. In-place preservation of the archeological resource is the preferred manner of mitigating potential impacts, as it maintains

the relationship between the resource and the archeological context. In-place preservation also reduces the potential for conflicts with the religious or cultural values of groups associated with the resource. Other mitigation options include, but are not limited to, the full or partial removal and curation of the resource.

The City Resource Management Services Department shall confirm that the project applicant(s) have retained a qualified archeologist for the preparation and implementation of the data recovery plan, which shall be conducted by prior to any additional earth-moving activities in the area of the resource. The recovery plan shall be submitted to the project applicant, the City Resource Management Service Division, and the Northwest Information Center. Once the recovery plan is reviewed and approved by the City Resource Management Service Division and any appropriate resource recovery completed, project construction activity within the area of the find may resume. A data recovery plan shall not be required for resources that have been deemed by the Northwest Information Center as adequately recorded and recovered by studies already completed.

Mitigation 4.4-1b: Prior to the issuance of grading permits within the project area, the City Resource Management Services Department shall confirm that any development applicant has required all construction crews to undergo adequate training for the identification of federal or state-eligible cultural resources, and that the construction crews are aware of the potential for previously undiscovered archaeological resources within the project area, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.

Significance After Mitigation. Less than Significant.

Impact 4.4-2: Earth moving activities, particularly deep grading, have the potential to destroy Paleontological resources. (Significant)

In the Seaside area, fossils are typically found in sedimentary rock layers, which are located below surface soils and sands. Development projects within the project area that would require deep foundations penetrating to the sedimentary rock layer would therefore have the potential to affect fossils. In general, fossils found within the Seaside area are not considered unique, as they are typically comprised of small aquatic micro-organisms and other small aquatic species. Seaside is not known to have unique Paleontological resources, such as the remains of large terrestrial mammals. However, the potential for destruction of the smaller aquatic fossils is a potentially significant effect requiring mitigation.

Mitigation 4.4-2: Prior to the issuance of grading or demolition permits, the City Resource Management Service Division, in coordination with a qualified Paleontologist, shall assess individual development project proposals within the Specific Plan area for the potential to destroy unique Paleontological resources. The City Resource Management Service Division shall require development proposals entailing significant earthworks or deep foundations with the potential to penetrate sedimentary rock layers to incorporate a study by a professional Paleontologist to assess the potential for damage of Paleontological resources. Should the

Paleontologist determine that the proposal has the potential to damage resources, the Paleontologist shall provide detailed provisions for the protection of these resources. These provisions may include the complete avoidance of the resource, in-place preservation, and/or complete data recovery as discussed in Mitigation Measure 4.4-1a.

Significance After Mitigation: Less than Significant.

Impact 4.4-3: Ground-disturbing activities could impact previously undiscovered human remains. (Significant)

Ground-disturbing activities associated with site preparation, grading, and construction activities could disturb human remains, including those interred outside of formal cemeteries. The potential to uncover Native American human remains exists in locations throughout California. Although not anticipated, human remains may be identified during site-preparation and grading activities, resulting in a significant impact to Native American cultural resources. Implementation of the following mitigation measure would reduce potential adverse impacts to human remains to a less than significant level.

Mitigation 4.4-3a: On-going through project grading, demolition, and construction, if human remains are encountered during ground-disturbing activities within the project area, the project contractor and/or on-site supervisor shall provide certification to the City Resources Management Division that work within 25 feet of the discovery is stopped. The project contractor shall immediately notify the Monterey County Coroner (Coroner) upon the discovery of any human remains. At the same time, a qualified archaeologist meeting federal criteria under 36 CFR 61 shall be contacted by the project applicant(s) and project contractor, in coordination with the City Resources Management Division to assess the situation and consult with the appropriate agencies. If the human remains are of Native American origin, the Coroner shall notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment or disposition, with proper dignity, of the remains and any associated grave goods. Upon completion of the assessment, the qualified archaeologist shall prepare a report documenting the background to the finds, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City Resource Management Service Division, and the Northwest Information Center. Once the report is reviewed and approved by the City Resource Management Service Division, and any appropriate treatment completed, project construction activity within the area of the find may resume.

If the MLD does not make recommendations within 48 hours the project applicant(s) shall reinter the remains in an area of the property secure from further disturbance. If the project applicant(s) does not accept the MLD's recommendations, the applicant(s) or the MLD may request mediation by the Native American Heritage Commission.

Mitigation 4.4-3b: Prior to the issuance of grading permits, the project applicant(s) and project contractor shall ensure that all construction crews that work on the project undergo a training session to inform them of the presence and nature of federal or state-eligible cultural resources and the potential for previously undiscovered archaeological resources and human remains within the project area, of the laws protecting these resources and associated penalties, and of the procedures to follow should they discover cultural resources during project-related work.

Significance After Mitigation: Less than Significant.

Cumulative Impacts

The cumulative impact area for cultural resources is the project area and the remainder of the City of Seaside. The methodology used for evaluating cumulative impacts related to cultural resources utilizes the 2004 Seaside General Plan and General Plan EIR. The General Plan EIR noted that future development in the City could result in a cumulative impact to cultural resources, but also stated that any such impacts could be reduced to a less than significant level through avoiding or mitigating the loss of any such resources. Development within and outside the project area would be subject to the same CEQA-mandated environmental review and mitigation requirements described under the impacts noted above. Mitigation and/or avoidance of impacts to cultural resources would reduce potential cumulative impacts to a less than significant level.