

## 4.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

This section analyzes impacts of the proposed project on cultural resources based on a review of existing city plans. Cultural resources encompass paleontological, archaeological, and historic resources. Paleontology is the study of plant and animal fossils; paleontological resources generally are more than 10,000 years old. Archaeology is the study of prehistoric human activities and cultures. Historic resources are associated with the more recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the state's history (City of Santa Cruz, April 2012, DEIR volume).

This section draws from the City of Santa Cruz *General Plan 2030* EIR (SCH#2009032007), which was certified on June 26, 2012, regarding background information on cultural resources within the City. The General Plan EIR is incorporated by reference in accordance with section 15150 of the State CEQA Guidelines. Relevant discussions are summarized in subsection 4.4.1. The General Plan EIR is available for review at the City of Santa Cruz Planning and Community Development Department (809 Center Street, Room 107, Santa Cruz, California) during business hours: Monday through Thursday, 8 AM to 12 PM and 1 PM to 5 PM. The General Plan EIR is also available online on the City's website at:

<http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/general-plan>.

Public and agency comments related to visual impacts were received during the public scoping period in response to the Notice of Preparation (NOP). Issues raised in these comments include:

- ☐ Concern regarding potential degradation of the historic district.
- ☐ Concern regarding displacement and/or loss of organizations supporting arts and local cultural events.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the California Environmental Quality Act (CEQA) and/or are raised by responsible agencies, they are identified and addressed within this EIR. The concern regarding possible displacement of organizations that support arts, music, dance and other cultural programs is not an environmental issue pursuant to CEQA. Public comments received during the public scoping period are included in Appendix B.

### 4.4.1 Environmental Setting

#### Regulatory Setting

The following overview of prehistory and history is summarized from the General Plan 2030 EIR (pages 4.9-2 - 4.9-5), which is incorporated by reference.

### ***Federal Regulations***

**National Register of Historic Places.** Federal regulations for cultural resources are primarily governed by Section 106 of the National Historic Preservation Act (NHPA) of 1966, which applies to actions taken by federal agencies. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in Title 36 Code of Federal Regulations (CFR) Part 60. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and affords the federal Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings.

**National Historic Landmarks.** National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. They are places where nationally significant historical events occurred, that are associated with prominent Americans that represent pivotal ideas that shaped the nation, that teach Americans about their ancient past, or that are premier examples of design or construction.

### ***State Regulations***

**California Register of Historical Resources.** The California Register of Historical Resources (California Register) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The California Register helps government agencies identify, evaluate, and protect California's historical resources, and indicates which properties are to be protected from substantial adverse change (Pub. Resources Code, Section 5024.1(a)). The California Register is administered through the State Office of Historic Preservation (SHPO) that is part of the California State Parks system. A resource must be significant at the local, state, or national level in accordance with one or more of the following criteria set forth in the State CEQA Guidelines at Section 15064.5(a)(3).

In addition to meeting these criteria, the California Register requires that sufficient time must have passed to allow for scholarly perspective, which is generally 50 years according to SHPO publications. The California Register also requires a resource to possess integrity, which is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." Archaeological resources can sometimes qualify as "historical resources" (State CEQA Guidelines, Section 15064.5(c)(1)). In addition, Public Resources Code Section 5024 requires consultation with SHPO when a project may impact historical resources located on State-owned land.

Two other programs are administered by the state: California Historical Landmarks and California "Points of Interest." California Historical Landmarks are buildings, sites, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other historical value. California Points of Interest are buildings, sites, 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 historical value.

**Native American Consultation.** Senate Bill 18 (SB 18; Government Code Sections 65352.3, 65352.4) requires that prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The project requires an amendment to the City's General Plan and the City has complied with the requirements of SB 18.

Assembly Bill 52 (AB 52) went into effect July 1, 2015, and requires lead agencies to consult with all California Native American tribes that have requested formal consultation at the onset of a project, or when a NOP is released. AB 52 also establishes a new class of resources to be evaluated – Tribal Cultural Resources.

**Human Remains.** Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. CEQA Guidelines Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

California Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Unauthorized disturbance or removal is a misdemeanor.

**California Environmental Quality Act.** State CEQA Guidelines Section 15064.5 defines a "historical resource." If a cultural resource in question is an archaeological resource, CEQA Guidelines Section 15064.5(c)(1) requires that the lead agency first determine if the resource is a historical resource as defined in Section 15064.5(a). If the resource qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource (California Office of Historic Preservation 2001a:5). If the archaeological resource does not qualify as a historical resource but does qualify as a "unique archaeological resource," then the archaeological resource is treated in accordance with Public Resources Code Section 21083.2 (see also CEQA Guidelines Section 15069.5(c)(3)).

### ***Local Regulations***

The City, as part of its status as a Certified Local Government, has a historic preservation ordinance. The historic preservation ordinance (HPO) provides for the protection, enhancement, and perpetuation of significant cultural resources in the GP Area. The HPO provides the statutory framework for local preservation decisions, and contains sections governing the following topics:

- ❑ Historic District Designation (Part 2, Chapter 24.06);
- ❑ Historic Landmark Designation (Section 24.12.420);
- ❑ Archaeological Resource Procedures (Section 24.12.430);
- ❑ Procedure for Amending Historic Building Survey (Section 24.12.440);
- ❑ Procedure: New Construction in Historic Districts (Section 24.12.450);
- ❑ Historic Alteration Permit (Part 10, Chapter 24.08);
- ❑ Historic Demolition Permit (Part 11, Chapter 24.08); and
- ❑ Historic Overlay District (Part 22, Chapter 24.10).

### **Study Area**

The project area consists of the downtown area generally covered by the Downtown Recovery Plan (DRP) and the Central Business District zone, and specifically the lower downtown area generally between Soquel Avenue and Laurel Street on the north and south, and Cedar Street and the San Lorenzo River on the west and east. (Locations are shown on Figures 1-2 and 2-1 in Section 3, Project Description.) The proposed project includes an amendment to the land use designation text for the downtown portion of Regional Visitor Commercial land use designation. The study area includes properties adjacent to the western San Lorenzo River levee.

### **Historical Background**

The following overview is summarized from the General Plan 2030 Draft EIR (pages 4.9-6 – 4.9-16), which is incorporated by reference. (For details on the prehistory and history of the area see pages 4.9-6 -4.9-9.)

### **Archaeological Resources**

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

A total of 27 documented archaeological sites have been identified within the City's General Plan planning area, of which 20 sites are prehistoric archaeological sites and seven sites are archaeological sites with both a prehistoric and historical component (City of Santa Cruz, April 2012, DEIR volume). Diocarbon and obsidian hydration data indicate that present-day Santa Cruz was occupied beginning in the Early Period, from at least 1750 B.C. and quite possibly earlier. Two sites are considered eligible for listing in the National Register of Historic Places based on the important information they contain for understanding the prehistory of the region. The

Native American Heritage Commission (NAHC) sacred lands file did not list cultural resources in the City (Ibid.).

According to maps included in the General Plan EIR (Figure 4.9-1) and included in the General Plan, all of the project study area is identified as being within a “sensitive” archaeological area in which exemptions to archaeological investigations may apply for specified types of projects. This designation applies to parcels that do not have recorded archaeological sites, but are located within sensitive areas based on review and analysis conducted for the General Plan 2030.

State Assembly Bill 52, effective July 1, 2015, recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The law establishes a new category of resources in the California Environmental Quality Act called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. Public Resources Code section 21074 defines a “tribal cultural resource” as either:

- (1) Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that is either listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
- (2) A resource determined by the lead agency chooses, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource.

The California Public Resources Code section 21084.2 now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” The Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project.

### ***Native American Consultation***

To date, the City has not been contacted by Native American tribes requesting notification of projects.

Prior to the adoption or amendment of a general plan, Government Code Sections 65352.3 and 65352.4 require a city or county to consult with local Native American tribes that are on the contact list maintained by the Native American Heritage Commission. The purpose is to preserve or mitigate impacts to places, features, and objects described in Public Resources Code Sections 5097.9 and 5097.993 (Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property) that are located within a city or county's jurisdiction.

On behalf of the City of Santa Cruz, Dudek contacted Native American tribes and tribal organizations pursuant to the requirements of California Government Code Section 65352.3 (implementation of Senate Bill 18) as part of the preparation of this EIR. On May 24, 2017, a letter was sent to the Native American Heritage Commission (NAHC) in Sacramento requesting a Senate Bill 18 consultation list. NAHC responded that the NAHC Sacred Lands File was completed for the project area, and none were identified. Letters were sent to the tribes and tribal organizations identified by the NAHC to notify them of their opportunity to consult with the City regarding the General Plan Update. No responses to this notification have been received by the City.

### ***Historic Archaeological Resources***

Most of the City has the potential to contain historical archaeological deposits. However, some areas exceed this nominal potential and are categorized as sensitive, and other areas have heightened sensitivity due to the presence or proximity of recorded archaeological deposits. There are documented occurrences of archaeological deposits dating to the Spanish and Mexican periods in California. These eras are of high interest due to the relative paucity of intact, recoverable deposits associated with these periods. Sites associated with similar communities have had significant archaeological research value and have been found to be historically significant.

Historic development trends affect whether historical archaeological deposits may be present. Two prominent historical periods occurred in Santa Cruz – the Mission Period and American Period. Mission Santa Cruz was established on the banks of the San Lorenzo River in September 1791, and quickly absorbed the surrounding Native American Ohlone population. Another colonial institution, Villa de Branciforte, was established on the other side of the San Lorenzo River across from Mission Santa Cruz in 1797. In 1834, the California missions were secularized, and Mission Santa Cruz lands came under the control of Villa de Branciforte. The second period began in 1848 when California was ceded to the United States under the Treaty of Guadalupe Hidalgo.

According to maps included in the General Plan EIR (Figure 4.9-2) and included in the General Plan, all of the project study area is identified as being within a “sensitive” historical archaeological area the area that was associated with the American Period of development with the area along Ocean Street also associated with the Mission Period. Within this designation, exemptions to archaeological investigations may apply for specified types of projects. One area at Front and Cathcart Streets is identified as a highly sensitive historical archaeological area.

## **Historic Resources**

As one of California’s oldest settlements, founded in 1791, Santa Cruz has many historical buildings. As a result of the City’s *Historic Preservation Plan*, adopted in 1974 as an element of the General Plan, the Historic Preservation Commission and the Historic Preservation Ordinance

(Section 24.12.400 of the City’s Zoning Ordinance) were established to protect the City’s historic resources. Historic districts may be designated pursuant to criteria and procedures in the Zoning Ordinance as further described below. The City of Santa Cruz has designated historic buildings and landmarks as further described below. Permits are required for alteration or demolition of listed historic buildings or landmarks pursuant to the City of Santa Cruz Municipal Code Chapter 24.08 requirements.

Five styles—and several substyles—of architecture have been identified in the City:

- ❑ Spanish Mission and Spanish Colonial Style (1791-1846),
- ❑ Salt Box (c. 1850-1870),
- ❑ Romantic styles (c. 1850s-1920),
- ❑ Victorian styles (c. 1880s-1900), and
- ❑ Eclectic styles (1895-1975).

### ***Historic Districts***

Historic districts may be designated pursuant to criteria and procedures in the Zoning Ordinance (Part 2 of Section 24.06). A proposed historic district must be a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development, and the collective value of the historic district taken together may be greater than the value of each individual structure. Additionally, Part 22 of Section 24.10 of the City’s Zoning Ordinance sets forth parameters for establishing historic overlay districts within the City. The purpose of this district is to provide a means to preserve and enhance areas of historic, architectural, and engineering significance located within the city. There are two existing designated local historic districts (Mission Hill and Downtown Neighborhood) and one National Register district (Cowell Limes Work District). Potential historic districts are located in the Beach Hill and Ocean View Street neighborhoods (City of Santa Cruz, April 2012, DEIR volume). While a portion of downtown is located within the Downtown Neighborhood historic district, the project study that is subject to Additional Height Zones is not located within this district.

### ***Historic Buildings and Landmarks***

In 1976, the City completed a “Historic Building Survey,” which identified and evaluated historic and architecturally significant buildings. The survey, conducted by the firm of Charles Hall Page and Associates, identified 306 properties and structures on the basis of historical and cultural, environmental and architectural significance. Volume I of the survey covered architectural development in the City from approximately 1850 to 1930. The Survey’s evaluation of individual buildings considered historical and architectural significance, importance to the neighborhood, desecration of original design, and physical condition, and assigned each an overall rating of exceptional, excellent, good or fair. All properties in the 1976 survey were officially listed and

protected under the City historic preservation policies and regulations (City of Santa Cruz, Santa Cruz Historic Building Survey Volume III).

In 1989, Volume II of the City Historic Building Survey was produced, which catalogues a total of 330 additional structures from three categories: significant buildings from 1930 to 1950; important structures not included in the first survey; and significant vernacular buildings from 1850 to 1910, the latter of which comprise approximately one half of the structures in Volume II. Neighborhood context was emphasized in Volume II, with a focus on contiguous rows of historic buildings. More than 250 of properties in Volume II of the Survey have been listed officially as historic resources (City of Santa Cruz, Santa Cruz Historic Building Survey Volume II). Additionally, as part of the development of Volume II, some of the properties were removed from the master list of historic properties because of demolition that occurred due to damage from the Loma Prieta Earthquake.

In 2013, Volume III of the City Historic Building survey was completed. Volume III of the Survey was prepared for the City under the direction of Leslie Dill, historic architect. The prior survey volumes were used as a framework, and the Historic Context Statement (City of Santa Cruz, 2000) as the guide, in helping identify properties that are worthy of consideration for inclusion in the City's list of historic resources. The Historic Context Statement for the City of Santa Cruz prepared by historian Susan Lehmann describes three themes for understanding the historic development of Santa Cruz: economic development from 1850 to 1950; residential, commercial and institutional architecture from 1850 to 1950; and institutions from 1850 to 1950. Volume III of the survey applies these themes to specific neighborhoods.

The establishment of the California Register of Historical Resources in 1993, and the adoption of guidelines to the California Environmental Quality Act in 1999 that pertain to historic resources, has resulted in a more rigorous framework for the identification and evaluation of historic properties by local jurisdictions. The methods for conducting surveys are specified in National Register Bulletin 24, Guidelines for Local Surveys: a Basis for Preservation Planning. The Secretary of the Interior, through the National Park Service, has developed the National Register program and prepared a number of associated bulletins that address the study and registration of the full range of cultural resources that community planners may encounter. Surveys were prepared consistent with the Secretary of Interior's Standards for Identification.

The City of Santa Cruz has adopted criteria under Municipal Code Section 24.12.440 for listing properties as historic resources. The property can be a building, site, or object, and to be considered, must meet one seven criteria. A historic district must meet two additional criteria. These criteria were also used in the preparation of the surveys.

In 2013, approximately 150 properties were considered, photographed, and given consideration for further research and evaluation. At the direction of City Council an opt-out option was provided for property owners. Of the 139 properties approved by City Council to be included in the Historic Building List, 55 property owners chose to opt-out.



Currently, 623 buildings (569 from Survey I/II and 54 from Survey III), 27 walls, stairways, steps or curbs, as well as 5 hitching posts, hitching rails or mounting blocks are listed in the City's Historic Survey. Buildings of greatest historical and architectural significance have been designated "landmarks" pursuant to section 24.12.430 of the City's Zoning Ordinance. Currently there are 24 designated landmarks in the City. Fourteen properties are listed on the National Register of Historic Places and the following three sites are listed in the California Historical Landmarks: Site of Mission Santa Cruz, Site of Center of Villa Branciforte and the Santa Cruz Beach Boardwalk.

The following locally listed structures are located within the project study area:

- ☐ 112 Elm Street (Survey I/II)
- ☐ 117 Elm Street (Survey I/II)
- ☐ 418 Front Street (Survey III)
- ☐ 428 Front Street (Survey III)
- ☐ 429 Front Street (Survey III)
- ☐ 514-518 Front Street (Survey III)
- ☐ 216 Laurel Street (Survey I/II)
- ☐ 115 Maple Street (Survey I/II)
- ☐ 811 Pacific Avenue (Survey I/II)
- ☐ 1120-1126 Pacific Avenue (Survey I/II)
- ☐ 1132 Pacific Avenue (Survey I/II)
- ☐ 1134 Pacific Avenue (Survey I/II)

### ***Paleontological Resources***

Paleontological resources are fossilized remains of plants and animals, and associated deposits. The Society of Vertebrate Paleontology has identified vertebrate fossils, their taphonomic and associated environmental indicators, and fossiliferous deposits as significant nonrenewable paleontological resources.

The cultural resources investigation conducted as part of the General Plan Update identified 48 vertebrate fossil localities within five miles of Santa Cruz. These localities have yielded 786 recorded vertebrate fossil specimens that have been found in the Santa Margarita Sandstone, Santa Cruz Mudstone, Purisima Formation, and from the Late Pleistocene terrace deposits in and near the General Plan planning area. Based on a literature review, four geologic units in the General Plan area are known to contain fossils: Late Pleistocene alluvium; the Purisima

Formation; the Santa Cruz Mudstone; and the Santa Margarita Sandstone (City of Santa Cruz, April 2012, DEIR volume).

As shown on Figure 4.9-5 of the General Plan (City of Santa Cruz, April 2012, DEIR volume), the project area is underlain with Holocene alluvium. Though Holocene alluvium is generally considered too young to contain paleontological resources, this geologic unit is moderately sensitive for paleontological resources because it is underlain by sedimentary geologic units that have a high paleontological sensitivity (City of Santa Cruz, April 2012, DEIR volume).

## **4.4.2 Impacts and Mitigation Measures**

### **Thresholds of Significance**

In accordance with the California Environmental Quality Act (CEQA); State CEQA Guidelines (including Appendix G); City of Santa Cruz plans, policies, and/or guidelines; and agency and professional standards, a project impact would be considered significant if the project would:

- 4a Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 or to a unique archaeological resources to tribal cultural resources (see definitions below);
- 4b Disturb any human remains, including those interred outside of formal cemeteries;
- 4c Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (see definition below) to include physical demolition, destruction, relocation, or alteration of historic resources or of the immediate surroundings of historic resources, such that the significance of the resources would be materially impaired (see definition below);
- 4d Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- 4e Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or b) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

CEQA 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 one or more of the following criteria:

- ❑ Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or
- ❑ Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- ❑ Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC §21083.2(g)).

CEQA (Public Resources Code section 21974) defines a “*tribal cultural resource*” as either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

State CEQA Guidelines Section 15064.5 defines a *historical resource* as:

- ❑ A resource listed in, or determined to be eligible for listing in, the California Register;
- ❑ A resource listed in a local register of historical resources.
- ❑ 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...Generally, a resource shall be considered by the lead agency to be “historically significant.” Generally a resource is considered historically significant if it meets criteria for listing in the California Register of Historical Resources, including:
  - Is associated with events that made a significant contribution to the broad patterns of California’s history and cultural heritage.
  - Is associated with the lives of people important in our past.
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of an important creative individual, or possesses high artistic values.

- Has yielded or may be likely to yield information important in prehistory or history; OR
- ☐ A resource determined to be a historical resource by a project's lead agency.

CEQA Guidelines Section 15064.5(b) defines a “*substantial adverse change*” to a historical resource as: “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 an 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 Historical Resources or in registers meeting the definitions in Public Resources Code 5020.1(k) or 5024.1(g).

### **Analytical Method**

The proposed project consists of amendments to the City’s Downtown Recovery Plan, General Plan, Local Coastal Plan and Zoning Code regarding development in the downtown area and Central Business District. The proposed project would not directly result in new development. However, the proposed Downtown Plan amendment would expand areas for potential additional building height that could accommodate intensified redevelopment of existing developed sites. The proposed General Plan amendment would increase FAR in downtown areas designated as RVC in the General Plan. The proposed LCP and Zoning Code amendments would not result in changes that could indirectly lead to intensified development. The following impact analyses is based on review of existing data and studies. The analyses are based on review of existing studies and City requirements for evaluation of cultural resources.

### **Impacts and Mitigation Measures**

The following impact analyses address potential impacts to archeological and tribal cultural resources (4a, 4b, 4e), historic resources (4c), and paleontological resources (4d).

**Impact 4.4-1: Archaeological and Tribal Cultural Resources.** Future development accommodated by the proposed plan amendments could result to impacts to archaeological, historical archaeological, human remains, and/or tribal cultural resources. However, City requirements for cultural resource investigations would ensure that future development projects assess and mitigate potential impacts (4a, 4b, 4e). This is a *less-than-significant* impact.

The proposed project would not result in new development, but could result in intensified development in the project study area. Potential redevelopment of existing properties could occur without the proposed project. The City’s General Plan includes a policy that requires preparation of archaeological investigations for any project located within a sensitive

archaeological area (HA1.2.2). The investigation must include archival research, site surveys and necessary supplemental testing as may be required, conducted by a qualified archaeologist, and the significance of identified resources shall be ascertained in accordance with CEQA definitions. The measure requires that the report identify significant impacts and outline mitigation measures if significant impacts are identified, including, but not limited to recovery options and onsite monitoring by an archaeologist during excavation activities. A written report describing the archeological findings of the research or survey shall be provided to the City. This General Plan Action also allows exemption for minor project that generally involve spot excavation to a depth of 12 inches or less below existing grade. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

Additionally, the City's accidental discovery procedures (Municipal Code Section 24.12.430) would also apply to properties in the study area in the event construction encounters unidentified archaeological deposits. This regulation requires that construction be stopped if archaeological resources are encountered during construction, and that the Planning Director be notified and the discovery analyzed. If determined not be an archaeological resource, construction could proceed, but it is determined to be a resource, implementation of appropriate measures would be required.

Future development projects within sensitive archaeological areas are required to prepare these investigations prior to project approval, and any recommendations are included as Conditions of Approval. Therefore, the City's policies and regulations ensure that archaeological and tribal cultural resources are addressed and mitigated as part of further development proposals. Thus, the project would not indirectly lead to potentially significant impacts. Additionally, it is noted that redevelopment of properties in the study area could occur without the proposed project.

### **Mitigation Measures**

No mitigation measures are required as a significant impact has not been identified.

**Impact 4.4-2: Historic Resources.** Future development accommodated by the proposed plan amendments could result in impacts to historical resources (4c), however, site-specific redevelopment could occur under existing conditions without the proposed plan amendments (4c). Therefore, this is a *less-than-significant* impact.

The proposed project would not result in new development, but could result in intensified development in the project study area with future development. Potential redevelopment of existing properties could occur without the proposed project. There are 12 structures within the study area that are listed in the City's Historic Building Survey, and may be considered a historic resource. Future development projects would be subject to conducting historical evaluations to determine whether the structure is a historic resource that could be significantly impacted under the definition of CEQA. If a significant impact is identified, appropriate mitigation measures would be required and/or a project-specific CEQA review to consider substantial alteration or

demolition of a historic resource that would substantially and materially alter the significance of the resource. Since redevelopment of properties could occur without the proposed project, the proposed amendments would not lead to development that might not otherwise occur, but only allow for some intensification of development. Therefore, the proposed project would not result in new impacts.

### **Mitigation Measures**

No mitigation measures are required as a significant impact has not been identified.

**Impact 4.4-3: Paleontological Resources.** Future development accommodated by the proposed plan amendments could result to impacts to unknown paleontological resources discovered during construction. However, adherence to City procedures would not result in significant impacts (4d). Therefore, this is a *less-than-significant* impact.

According to maps developed for the City's *General Plan 2030* and included in the General Plan EIR, the project study area is mapped as Holocene Alluvium geologic formation. Although this formation is generally considered too young to contain paleontological resources, it is considered moderately sensitive for paleontological resources because it is underlain by sedimentary geologic units that have a high paleontological sensitivity (City of Santa Cruz, April 2012, DEIR volume). The General Plan Action HA1.2.3 requires the City to notify applicants within paleontologically sensitive areas of the potential for encountering such resources during construction and condition approvals that work will be halted and resources examined in the event of encountering paleontological resources during construction. If the find is significant, the City would require treatment of the find in accordance with the recommendations of the evaluating paleontologist. Treatment may include, but is not limited to, specimen recovery and curation or thorough documentation

Therefore, the City's policies ensure that paleontological resources are addressed and mitigated as part of further development proposals. Thus, the project would not indirectly lead to potentially significant impacts. Additionally, it is noted that redevelopment of properties in the study area could occur without the proposed project.

### **Mitigation Measures**

No mitigation measures are required as a significant impact has not been identified.