

## 4.4 CULTURAL RESOURCES

### 4.4.1 EXISTING CONDITIONS

#### Precontact and Historic Cultural Resources

##### *South Central Coastal Information Center Records Search*

A cultural resources records search and literature review for the Project Site was conducted at the South Central Coastal Information Center (SCCIC) in November 2022. The records search included a one-mile radius<sup>1</sup> around the Project Site and was conducted by Psomas cultural resource staff. The purpose of the search was to identify precontact<sup>2</sup> or historic archaeological sites or historic buildings and structures previously recorded within and around the Project Site. The results revealed that 21 cultural resource studies have been conducted within the one-mile radius of the Project Site. Of the 21 studies, four studies crossed the Project Site as early as 1984 and as recently as 2001. The types of studies identified within the Project Site include archaeological resource surveys and assessments, and literature and background research for the region. These studies support the assumption of the archaeological sensitivity of the region, including the Project Site. The SCCIC records search identified three previously recorded off-site cultural resources within one mile of the Project Site. Table 4.4-1 below provides further details for each of these three cultural resources.

**TABLE 4.4-1  
OFF-SITE CULTURAL RESOURCES WITHIN ONE MILE OF THE PROJECT SITE**

Primary No.	Trinomial No.	Resource Description	Year Recorded/ Updated	Recorded by	Type/Age
P-30-000819	CA-ORA-819	Lithic Scatter; habitation debris	1979	Douglas and Nelson	Site/Precontact
P-30-000945	CA-ORA-945	Lithic Scatter	1978	Padon and Whitney	Site/Precontact
P-30-001244	CA-ORA-1244	Lithic Scatter	1990	Brown	Site/Precontact
Source: SCCIC 2022.					

All three off-site cultural resources are precontact in origin and offer a glimpse into the past lifeways of precontact California. A variety of archaeological assemblages (material culture)

<sup>1</sup> This one-mile radius is consistent with typical, industry protocols. The one-mile radius provides a representation of the cultural resource surveys and resources that have been identified in the past within the region containing the Project Site.

<sup>2</sup> Precontact refers to the period before contact of an indigenous people with an outside culture.

were identified at each of the archaeological sites, including ground stone, stone bowl fragments, flaked stone (debitage), tools, hammerstones, and abalone shell.

- P-30-000819 (CA-ORA-819) is a precontact archaeological site recorded in 1979. The site's artifact assemblage consists of a lithic scatter with habitation debris consisting of ground stone (manos, mano fragments, metate fragments),debitage (remnants from the manufacturing and maintenance of stone tools), and abalone shell. Resources were collected in 1979.
- P-30-000945 (CA-ORA-945) is a precontact archaeological site recorded in 1978. The site's artifact assemblages consist of a lithic scatter withdebitage, ground stone fragments, flaked stone tool fragments, and hammerstone. It is unknown if the resources were collected.
- P-30-001244 (CA-ORA-1244) is a precontact archaeological site recorded in 1990. The site's artifact assemblages consist of a lithic scatter withdebitage, stone bowl fragments, flaked stone scraper tools, and a hammerstone. Resources were collected in 1990.

None of the identified precontact archaeological resources are within the Project Site; therefore, none would be impacted by the Project.

### ***Archaeological Field Survey***

In May 2023, a Psomas senior archaeologist conducted a pedestrian survey for unrecorded existing cultural resources on the Project Site. The Project Site is primarily undeveloped and is currently vacant. There is a private paved maintenance access road ("Deer Canyon Road") that is located within the western portion of the Project Site that connects to Santa Ana Canyon Road in the north. There are also private dirt access roads throughout the Project Site. No buildings are currently located on-site.

Based on the survey, it was determined there were no known existing archaeological or historic resources within the Project Site.

### ***Buried Site Potential***

In addition to the pedestrian survey, the potential for unidentified cultural resources on the Project Site and in the vicinity was reviewed against geologic and topographic geographic information for the general area containing the Project Site. Also, input obtained during tribal consultation was included in this analysis. Given the proximity to the Santa Ana River and due to historic presence of Native American communities near the Project Site, there is potential for buried historic resources to be encountered during Project-related grading and other ground-disturbance activities.

### ***Native American Heritage Commission***

Psomas submitted a request to the Native American Heritage Commission (NAHC) for a Sacred Lands File (SLF) search on November 2, 2022. Results were received on November

29, 2022. The result of the SLF check conducted through the NAHC was negative, meaning there were no known sacred lands within the Project Site. The SLF results summary from the NAHC is presented in Appendix G.

The results of tribal consultation that was conducted for the Project pursuant to Assembly Bill (AB) 52 and Senate Bill (SB) 18 is presented in Section 4.16, Tribal Cultural Resources.

## **4.4.2 REGULATORY SETTING**

### **Federal**

#### ***National Historic Preservation Act***

The National Historic Preservation Act (NHPA) of 1966, as amended, promotes the preservation, enhancement, and productive use of historic resources. The NHPA established the Advisory Council on Historic Preservation (ACHP) and provided procedures for the ACHP and federal agencies in promoting historic preservation. Properties of traditional religious and cultural importance to Native Americans are protected under Section 101(d)(6)(A) of the NHPA.

The NHPA established the National Register of Historic Places (NRHP), which is discussed further below. The NRHP contains an inventory of the nation's known significant prehistoric and historic properties. Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed below. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Section 106 of the NHPA requires that federal actions and the use of federal funds consider their potential effects on historic properties or those listed in or eligible for listing in the NRHP. Under Section 106, the significance of any adversely affected cultural resource is assessed and mitigation measures are proposed to reduce the impacts to an acceptable level.

#### ***National Register of Historic Places***

Authorized by the NHPA, the United States (U.S.) Department of the Interior National Park Service's NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. The NRHP is the official list of the nation's historic places worthy of preservation. Listing on the NRHP places no obligations on private property owners. It places no restrictions on the use, treatment, transfer, or disposition of private property. Listing on the NRHP does, however, incentivize preservation. Property owners can become eligible to receive federal preservation grants and federal tax credits; and they may utilize alternative methods of preservation in compliance with building code provisions. Under 36 Code of Federal

Regulations Part 60, a resource may qualify for listing on the NRHP if it is at least 50 years old, possess integrity, and meets one of the following criteria:

- A. It is associated with significant events in history, or that have made a significant contribution to the broad patterns of our history; or
- B. It is associated with the lives of persons significant in our past; or
- C. It embody 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. It has yielded or may be likely to yield information important in prehistory or history.

### **Integrity**

To be eligible for listing in the NRHP, a property must retain sufficient integrity to convey its significance. The NRHP publication *How to Apply the National Register Criteria for Evaluation* (National Register Bulletin 15) establishes how to evaluate the integrity of a property: “Integrity is the ability of a property to convey its significance”. The evaluation of integrity must be grounded in an understanding of a property’s physical features and how they relate to the concept of integrity. Determining which of these aspects are most important to a property requires knowing why, where, and when a property is significant. To retain historic integrity, a property must possess several, and usually most, aspects of integrity:

1. **Location** is the place where the historic property was constructed or the place where the historic event occurred.
2. **Design** is the combination of elements that create the form, plan, space, structure, and style of a property.
3. **Setting** is the physical environment of a historic property and refers to the character of the site and the relationship to surrounding features and open space. Setting often refers to the basic physical conditions under which a property was built and the functions it was intended to serve. These features can be either natural or man-made, including vegetation, paths, fences, and relationships between other features or open space.
4. **Materials** are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
5. **Workmanship** is the physical evidence of crafts of a particular culture or people during any given period of history or prehistory and can be applied to the property as a whole or to individual components.

6. **Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, when taken together, convey the property's historic character.
7. **Association** is the direct link between the important historic event or person and a historic property.

### ***Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation***

The Secretary of the Interior's (SOI's) Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995) (SOI's Standards) were codified in 1995 (36 Code of Federal Regulations [CFR] Part 68) to establish professional standards that apply to all proposed development grant-in-aid projects assisted through the National Historic Preservation Fund and to serve as general guidance for work on any other historic building. The SOI Standards apply to historic properties of all periods, styles, types, materials, and sizes. The ten Standards for Rehabilitation are:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## **State**

### ***California Environmental Quality Act***

The Project is subject to compliance with the California Environmental Quality Act (CEQA), as amended. Compliance with State CEQA statute and guidelines requires both public and private projects with financing or approval from a public agency to assess the project's impact on cultural resources (Public Resources Code (PRC) Sections 21082, 21083.2, 21084 and 21084.1 and State CEQA Guidelines Section 10564.5). Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA. Archaeological and historical sites are protected pursuant to a wide variety of State policies and regulations, as enumerated in the Public Resources Code.

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance based on established criteria. CEQA states that if a project will have a significant impact on important cultural resources, deemed "historically significant," then project alternatives and feasible mitigation measures must be considered. Additionally, any proposed project that may affect historically significant cultural resources must be submitted to the State Historic Preservation Officer (SHPO) for review and comment prior to project approval by the lead agency and prior to construction.

Impacts to cultural resources are considered significant if a project (1) physically destroys or damages all or part of a resource; (2) changes the character of the use of the resource or physical feature within the setting of the resource that contributes to its significance; and/or (3) introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

### ***State CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources***

CEQA requires a lead agency to determine whether a project may have a significant effect on one or more historical resources. Specifically, under Public Resources Code Section 201084.1, a "project that may cause a substantial adverse change in the significance of an historical resources is a project that may have a significant effect on the environment." The first step in the CEQA compliance process in terms of historical resources is to identify any that may be impacted by the project.

“Historical resource” is a term with a defined statutory meaning (Public Resources Code Section 21084.1). The determination of significant impacts on historical and archaeological resources is described in State CEQA Guidelines Sections 15064.5(a) and 15064.5(b). Pursuant to Public Resources Code Section 21084.1 and State CEQA Guidelines Section 15064.5(a), historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the [CRHR] (Public Resources Code Section 5024.1).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the [CRHR] (Public Resources Code Section 5024.1).
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1[k] of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1[g] of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Section 5020.1(j) or 5024.1.

Therefore, under CEQA, even if a resource is not included on any local, State, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination.

***CEQA/Public Resources Code Section 21083.2/State CEQA Guidelines Section 15064.5(c)— Effects on Archaeological Resources.***

If an archaeological site is considered not to be a historical resource but meets the definition of a “unique archaeological resource” as defined below, then it would be treated in accordance with the provisions of that section.

Specifically, the Lead Agency shall concurrently determine whether a project will cause damage to a unique archaeological resource (as defined in PRC § 21083.2[b]) and, if so, must make reasonable efforts to permit the resource(s) to be preserved in place or left undisturbed. To the extent this does not occur, then feasible mitigation measures shall be required (PRC § 21083.2[c]).

Public Resources Code Section 21083.2(g) 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 existing body of archaeological knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

***State CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria***

As defined by State CEQA Guidelines Section 15064.5(a)(3)(A-D), generally, a resource shall be considered historically significant if the resource meets the criteria for listing on the California Register of Historical Resources (CRHR) (described further below). The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP Standards may still be considered historically significant at a local or State level.

A lead agency must generally consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Impacts to significant cultural resources that affect those characteristics of the resource that qualify it for the CRHR or adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment.

***State CEQA Guidelines Section 15064.5(d)—Effects on Human Remains***

Native American human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (State CEQA Guidelines § 15064.5(d); PRC § 5097.98).



As discussed further herein, CEQA and other State laws and regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (State CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the County Coroner must be contacted. If the County Coroner determines that the human remains are Native American, the Coroner must contact the NAHC within 24 hours. The NAHC must identify the Most Likely Descendant (MLD) to provide the opportunity to make recommendations for the treatment and disposal of human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).
- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendant communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (State CEQA Guidelines § 15064.5(c)(2)).

### ***California Register of Historical Resources***

Public Resources Code Section 5024.1 requires evaluation of historical resources to determine their eligibility for listing in the CRHR. The purposes of the CRHR are to maintain listings of the State's historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing on the NRHP.

Administration of the CRHR is overseen by the NAHC. Section 5024.1 indicates that the register shall include historical resources determined by the NAHC, according to adopted procedures, to be significant and to meet the criteria in subdivision (c). The CRHR established a list of properties that are to be protected from substantial adverse change (PRC § 5024.1). A historical resource may be listed in the CRHR if it exhibits significance under one or more of the following criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. It is associated with the lives of persons important in California's past.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.
4. It has yielded or is likely to yield information important in prehistory or history.

In addition to exhibiting significance under one or more of the above criteria, a resource must also retain sufficient historical integrity to convey its significance. Historical integrity is the physical aspects of a resource related to its historic character. Integrity is evaluated through seven aspects: location, design, setting, materials, workmanship, feeling, and association.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. Other resources require nomination for inclusion in the CRHR. These may include:

- resources contributing to the significance of a local historic district,
- individual historical resources,
- historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office procedures,
- historic resources or districts designated under a local ordinance consistent with Commission procedures, or
- local landmarks or historic properties designated under local ordinance.

### ***California Historical Building Code***

The California State Historical Building Code (CHBC) (California Code of Regulations [CCR], Title 24, Part 8) is intended to save California's architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC's standards and regulations facilitate the rehabilitation or change of occupancy so as to preserve their original or restored elements and features; to encourage energy conservation and a cost-effective approach to preservation; to provide for reasonable safety from fire, seismic forces, or other hazards for occupants and users of such buildings, structures, and properties; and to provide reasonable availability and usability by the physically disabled. The 2019 triennial edition of the CHBC, effective January 1, 2020, is the currently adopted code. The City has adopted the CHBC by reference.

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

Sections 7050.5, 7051, and 7054 of the California Health and Safety Code collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the California Public Resources Code [PRC]). These sections also address the disposition of Native American burials in archaeological sites and protect such remains from disturbance, vandalism, or inadvertent destruction. Procedures to be implemented are established for (1) the discovery of Native American skeletal remains during construction of a project; (2) the treatment of the remains prior to, during, and after evaluation; and (3) reburial.

Section 7050.5 of the California Health and Safety Code addresses the treatment of human remains. It specifically provides for the disposition of accidentally discovered human remains. Section 7050.5 states that if human remains are found, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has determined the appropriate treatment and disposition of the human remains. As the Code states, “every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor” (Health and Safety Code § 7050.5) except under circumstances as provided in Public Resources Code Section 5097.99. As noted above, the regulations also provide guidelines for the treatment of human remains found in locations other than a dedicated cemetery, including responsibilities of the Coroner.

### ***California Public Resources Code (Section 5097.98)***

Public Resources Code Section 5097.98 addresses the discovery of human remains and provides protocol related thereto. It states that, if remains are determined by the Coroner to be of Native American origin, the Coroner must notify the NAHC within 24 hours. When the NAHC receives this notification from a Coroner, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land or his or her authorized representative, inspect the site of the remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. This regulation also requires that, upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations and all reasonable options regarding their preferences for treatment. As noted above, this section of the Public Resources Code has been incorporated into Section 15064.5(e) of the State CEQA Guidelines.

## **Local**

### ***Citywide Historic Preservation Plan***

In May 2010, the Anaheim City Council approved the Citywide Historic Preservation Plan, a list of contributors in the local historic districts, and a complete list of citywide historic structures. This plan provides procedures and criteria for designating historical resources. The Preservation Plan provides criteria for selecting special properties that merit historic designation. Official designation does not occur until the Planning and Building Director or the City Council certifies at the end of the application process that a building, structure, object, or district meets the criteria for designation. The City of Anaheim has three levels of recognition: (1) Historic Districts; (2) Historically Significant Structures; and (3) List of

Structures of Historical Interest. “Historic Districts” are usually contiguous groups of buildings that are best evaluated together due to their common history and physical characteristics that contribute to the significance of the district. “Historically Significant Structures” are single properties outside of historic districts that are visually identifiable reminders of the City’s history and the development of its built environment. The City maintains a “List of Structures of Historical Interest” to track properties outside of existing districts that have been identified by City staff or the public. These properties are simply a part of the City’s record for planning purposes. With further research, many of the properties on the list may be considered eventually for the higher designation of Historically Significant Structure.

### ***City Historic Preservation Program***

When the owner of a designated historic property or a potentially historic property (i.e., one included on the Structures of Historical Interest list) applies to the Building Division for a building permit, the property is flagged for consultation with Historic Preservation program staff. All buildings identified as contributors to historic districts, Qualified Historic Structures in districts, Historically Significant Structures, and buildings on the citywide Structures of Historical Interest list that have been surveyed using a California Department of Parks and Recreation Form 523a require review prior to issuance of a demolition permit by the City’s Building Division. This process is not intended to apply to demolitions ordered by the Building Division Official or Fire Chief of the City of Anaheim to remedy conditions determined to be dangerous to life, health, safety, or property.

### **4.4.3 THRESHOLDS OF SIGNIFICANCE**

In accordance with the City of Anaheim’s Environmental Checklist, the Project would result in significant impacts related to cultural resources if it would:

- Threshold 4.4-a Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.***
- Threshold 4.4-b Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.***
- Threshold 4.4-c Disturb any human remains, including those interred outside of dedicated cemeteries.***

As described more fully herein, Public Resources Code Section 5024.1, State CEQA Guidelines Section 15064.5, and Public Resources Code Sections 21083.2 and 21084.1 were used as the basic guidelines for this analysis.

See also Section 4.16, Tribal Cultural Resources, of this Draft EIR for discussion and analysis of the Project’s potential impacts on Tribal Cultural Resources (TCRs).

#### 4.4.4 IMPACT ANALYSIS

**Threshold 4.4-a** *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

*and*

**Threshold 4.4-b** *Would the Project would cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

**Less Than Significant With Mitigation Incorporated.** A significant impact would occur if the Project's grading, excavation, and/or demolition activities were to disturb archaeological and/or historical resources that exist within the Project Site.

As described further above, there are no known historical or archaeological resources within the Project Site. The cultural resources records search and literature review conducted for the Project identified the presence of three archaeological resources within one mile of the Project Site, all of which are outside of the Project Site. A pedestrian survey was conducted by an archaeologist at the Project Site in 2023, during which no potential historical resources were observed. The SLF search did not identify any known resources or sacred lands within the Project Site. Finally, as described in more detail within Section 4.16, Tribal Cultural Resources, of this Draft EIR, there are no known TCRs or other historical resources that were identified by the consulting tribes during the AB 52 and SB 18 tribal consultations that were conducted for this Project, although during tribal consultation the Gabrieleno Band of Mission Indians-Kizh Nation identified the Project Site as being located within their Ancestral Tribal Territory.

As such, the Project would not cause a substantial adverse change in the significance of a known archaeological or historical resource.

Nevertheless, given that precontact archaeological sites have been recorded within one mile of the Project Site and because the Project would require excavation of previously undisturbed soils, there is a potential that the grading, excavation and/or demolition for the Project could impact unknown archaeological and/or historical resources since subsurface construction activities always have the potential to damage or destroy previously undiscovered cultural resources such as wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramic, and other refuse, if encountered. This would represent a potentially significant impact related to historic and/or archaeological resources. Therefore, the Project would be required to implement **MM CUL-1**, which includes requirements for archaeological monitoring. Also, **MM CUL-1** requires that any archaeological or historical materials that are uncovered or encountered during Project construction be appropriately evaluated by a qualified archaeologist. Furthermore, to the extent the resource is determined significant, then impacts thereto would need to be feasibly mitigated pursuant to recommendations of the qualified archaeologist. With implementation of **MM CUL-1**, the Project would have a less than significant impact related to these thresholds.

**Threshold 4.4-c**     *Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

**Less Than Significant Impact With Mitigation Incorporated.** The cultural records searches, pedestrian survey, and tribal consultations conducted for the Project have provided no information that indicates that there are any known human burials present within the Project Site. Nevertheless, given that precontact archaeological sites have been recorded within one mile of the Project Site and because the Project would require excavation of previously undisturbed soils, there is a potential that the grading, excavation and/or demolition for the Project could uncover and impact unknown resources in this regard. Therefore, to ensure this impact is less than significant, in the unlikely event that human remains were to be inadvertently discovered during Project construction activities, the standard procedures specified in **MM CUL-2** would be implemented to minimize impacts related to human remains. **MM CUL-2** requires that if human remains are encountered during construction activities that work shall be stopped in the nearby vicinity and the Coroner shall be contacted. Also, all other steps shall be taken pursuant to applicable laws and regulations with respect to discovery and treatment of human remains. In addition, in the event of the accidental discovery or recognition of any human remains, State CEQA Guidelines Section 15064.5(d), Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. Therefore, with implementation of **MM CUL-2**, the Project would have a less than significant impact related to this threshold.

#### **4.4.5 CUMULATIVE IMPACTS**

Projects considered in the cumulative impact analysis consist of eight projects within the City of Anaheim. These cumulative projects include new industrial, commercial, and residential land uses on a mix of previously developed and undeveloped project sites. These cumulative projects are described in more detail in Table 4-1, which is provided in Section 4.0. The cumulative projects listed in Table 4-1 would generally not result in substantial impacts related to biological resources. The Project, combined with other cumulative projects, would involve demolition, grading, excavation and other types of ground disturbance within previously undisturbed soils, which could impact both known and unknown cultural resources. Under applicable laws and regulations, potential impacts in this regard would need to be evaluated and mitigated, as necessary, on a project-by-project basis. In addition, the Project, as well as other cumulative projects, would be required to comply with applicable federal, State, and local laws and regulations, including, among others, the provisions of SB 18 and AB 52, State CEQA Guidelines Section 15064.5, and Public Resources Code Sections 5024.1 and 5097. The foregoing would ensure that cumulative impacts from the Project and other cumulative projects related to cultural resources would be less than significant.

With respect to the Project's contribution to this already less than significant cumulative impact, as described above, there are no known historical or archaeological resources on-site. However, given the general archaeological sensitivity of the Project Site and vicinity, there is always the possibility that undiscovered archaeological and/or historical deposits may be present within the Project Site and could be disturbed during Project construction.

As such, the Project would be required to adhere to **MM CUL-1**, which requires a City-approved archaeologist to observe grading activities within native sediments, evaluate any resource finds, and if determined significant, then implement an appropriate mitigation plan that could include, among other things, the salvage and catalogue archaeological or historical resources that may be uncovered during excavation activities. Also, although no known cemeteries exist within or near the Project Site, there is the possibility that human remains could be uncovered during construction. Therefore, **MM CUL-2** has been incorporated as part of the Project, which requires that if suspected human remains are uncovered, that all activities near the remains be ceased and that the Corner be notified until the remains can be assessed and all other steps required by applicable laws and regulations are implemented.

The Project would be required to implement the mitigation measures set forth herein and adhere to all other applicable laws and regulations as well as applicable local plans, programs, and provisions in the General Plan and Municipal Code governing cultural resources. Therefore, the Project's contribution would not be cumulatively considerable, and there would be less than significant cumulative impacts in this regard.

#### **4.4.6 MITIGATION PROGRAM**

##### **Mitigation Measure**

**MM CUL-1** Prior to the issuance of the first grading permit for each Project phase (i.e., the multiple-family, commercial and single-family components, respectively), the Property Owner/Developer shall provide written evidence to the City that the Property Owner/Developer has retained a qualified archaeologist who meets the Secretary of the Interior's Professional Qualification standards for archaeology to observe grading activities within previously undisturbed soils, and to evaluate any previously unknown archaeological resources (if any), as necessary, which are discovered during Project construction. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance within previously undisturbed soils, and shall establish, in cooperation with the Property Owner/Developer, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts, as appropriate pursuant to applicable laws and regulations. If soils cannot be shown in geotechnical reports or by other means to have been previously disturbed, archaeological monitoring shall be conducted. If archaeological resources are inadvertently unearthed during excavation or other ground-disturbing activities, the contractor shall immediately cease all earth-disturbing activities within a 100-foot radius of the area of discovery and the archaeologist and City shall be notified immediately. If the City, in consultation with the archaeologist, determines the archaeological resources to be significant, then the qualified archaeologist shall make recommendations to the City on the feasible measures that shall be implemented to protect the discovered resource(s), including, but not limited to, exploration, excavation, and/or salvage in accordance with State CEQA Guidelines Section 15064.5.

Any previously undiscovered resource(s) found during construction within the Project Site shall be recorded on appropriate California Department of Parks and Recreation (DPR) forms.

If the relevant resource(s) (if any) are determined to be historical resources as defined under CEQA Guideline Section 15064.5 or a unique archaeological resource in Public Resources Code Section 21083.2, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified Archaeologist and recommended to the Property Owner/Developer and the City. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. After the find has been appropriately and feasibly avoided or mitigated, work in the area shall be permitted to resume.

**MM CUL-2** If any human remains are accidentally found or recognized during ground-disturbing activities, then the following steps shall be taken:

1. No further excavation or disturbance of the area where the remains were found or any nearby area that is reasonably suspected to overlie adjacent remains shall occur, in accordance with Section 7050.5 of the California Health and Safety Code, until the County Coroner is notified of the discovery, which shall happen immediately and the following steps are taken. If the Coroner determines that the remains are or believed to be Native American, s/he shall notify the NAHC in West Sacramento within 24 hours of the discovery. In accordance with Section 5097.98 of the California Public Resources Code, the NAHC shall identify and must immediately notify those persons it believes to be the most likely descended (MLD) from the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours of being notified by the NAHC, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98; OR,
2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the Project Site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify an MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
  - The MLD identified fails to make a recommendation.



- The landowner or his or her authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

#### **4.4.7 SIGNIFICANCE AFTER MITIGATION**

With implementation of mitigation measures **MM CUL-1** and **MM CUL-2**, the Project would result in a less than significant impact related to cultural resources.

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