

5. Environmental Analysis

5.3 CULTURAL RESOURCES

Cultural resources comprise paleontological, archaeological, and historical resources. Paleontological resources are the fossilized remains of plants and animals. Archaeology is the branch of paleontology that studies human artifacts, such as places, objects, and settlements that reflect group or individual religious, cultural, or everyday activities. Historical resources include sites, structures, objects, or places that are at least 50 years old and are significant for their engineering, architecture, cultural use or association, etc. In California, historic resources cover human activities over the past 12,000 years. Cultural resources provide information on scientific progress, environmental adaptations, group ideology, and other human advancements. This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the General Plan Update to impact cultural resources in the City of Westminster and its sphere of influence. The analysis in this section is based, in part, upon the following information:

- *Cultural Resources for the General Plan Update, City of Westminster, California*, Cogstone, April 2016.
- *Paleontological Resources Assessment for the General Plan Update, City of Westminster, California*, Cogstone, April 2016.

Complete copies of these studies are included in Appendix E1 and E2 of this DEIR, respectively.

5.3.1 Environmental Setting

5.3.1.1 REGULATORY BACKGROUND

Federal and State Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 coordinates public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The act authorized the National Register of Historic Places, which lists districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture.

Section 106 (Protection of Historic Properties) of the National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Section 106 Review ensures that historic properties are considered during federal project planning and implementation. The Advisory Council on Historic Preservation, an independent federal agency, administers the review process with assistance from state historic preservation offices.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 regulates the protection of archaeological resources and sites on federal and Indian lands.

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Native American Graves Protection and Repatriation Act

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

California Public Resources Code

Archaeological, paleontological, and historical sites are protected under a wide variety of state policies and regulations in the California Public Resources Code (PRC). In addition, cultural and paleontological resources are recognized as nonrenewable resources and receive protection under the PRC and CEQA.

PRC Sections 5020 to 5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for designating State Historical Landmarks and Historical Points of Interest.

PRC Sections 5079 to 5079.65 define the functions and duties of the Office of Historic Preservation, which administers federal- and state-mandated historic preservation programs in California as well as the California Heritage Fund.

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the Native American Heritage Commission (NAHC); require that descendants be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.

Senate Bill 18

Existing law provides limited protection for Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places. These places may include sanctified cemeteries, religious and ceremonial sites, shrines, burial grounds, prehistoric ruins, archaeological or historic sites, Native American rock art inscriptions, or features of Native American historic, cultural, and sacred sites.

SB 18 was signed into law in September 2004 and went into effect on March 1, 2005. It places requirements upon local governments for developments within or near traditional tribal cultural places (TTCP). Per SB 18, the law requires local jurisdictions to provide opportunities for involvement of California Native Americans tribes in the land planning process for the purpose of preserving TTCPs. The Final Tribal Guidelines recommend that the NAHC provide written information as soon as possible but no later than 30 days after being contacted to inform the lead agency if the proposed project is determined to be in proximity to a TTCP, and another 90 days for tribes to respond to a local government if they want to consult with that government to determine whether the project would have an adverse impact on the TTCP. There is no statutory limit on the consultation duration. Forty-five days before the action is publicly considered by the local government council, the local government refers action to agencies, following the CEQA public review time frame. The CEQA public distribution list may include tribes listed by the NAHC who have requested consultation or it may not. If the NAHC, the tribe, and interested parties agree upon the mitigation measures

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necessary for the proposed project, it would be included in the project's EIR. If both the City and the tribe agree that adequate mitigation or preservation measures cannot be taken, then neither party is obligated to take action.

SB 18 instituted a new process that requires a city or county to consult with the NAHC and any appropriate Native American tribe for the purpose of preserving relevant TTCP prior to the adoption, revision, amendment, or update of a city's or county's general plan. In addition, SB 18 provides a new definition of TTCP requiring a traditional association of the site with Native American traditional beliefs, cultural practices, or ceremonies or the site must be shown to actually have been used for activities related to traditional beliefs, cultural practices, or ceremonies. Previously, the site was defined to require only an association with traditional beliefs, practices, lifeways, and ceremonial activities. In addition, SB 18 also amended Civil Code Section 815.3 and adds California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.

Assembly Bill 52

The Native American Historic Resource Protection Act (AB 52) took effect July 1, 2015, and incorporates tribal consultation and analysis of impacts to tribal cultural resources (TCR) into the CEQA process. It requires TCRs to be analyzed like any other CEQA topic and establishes a consultation process for lead agencies and California tribes. Projects that require a Notice of Preparation of an EIR or Notice of Intent to adopt a ND or MND are subject to AB 52. A significant impact on a TCR is considered a significant environmental impact, requiring feasible mitigation measures.

TCRs must have certain characteristics:

- 1) Sites, features, places, cultural landscapes (must be geographically defined), sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. (PRC § 21074(a)(1))
- 2) The lead agency, supported by substantial evidence, chooses to treat the resource as a TCR. (PRC § 21074(a)(2))

The first category requires that the TCR qualify as a historical resource according to PRC Section 5024.1. The second category gives the lead agency discretion to qualify that resource—under the conditions that it support its determination with substantial evidence and consider the resource's significance to a California tribe. The following is a brief outline of the process (PRC §§ 21080.3.1–3.3).

- 1) A California Native American tribe asks agencies in the geographic area with which it is traditionally and culturally affiliated to be notified about projects. Tribes must ask in writing.
- 2) Within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.

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- 3) A tribe must respond within 30 days of receiving the notification if it wishes to engage in consultation.
- 4) The lead agency must initiate consultation within 30 days of receiving the request from the tribe.
- 5) Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a TCR, OR a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached.
- 6) Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCRs and discuss feasible alternatives or mitigation that avoid or lessen the impact.

5.3.1.2 NATURAL SETTING

The City of Westminster is in the Los Angeles Basin and has a very slight southwest slope; the grade in the central part of the City is about 0.2 percent. The project area is in the Los Angeles Plain Ecoregion, consisting of the Los Angeles Basin and the San Fernando Valley, identified by the US Geological Survey. Vegetation historically included California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), coast live oak (*Quercus agrifolia*), chamise chaparral, and annual grasslands, although almost all of the region has been converted to urban and residential land cover (USGS 2016).

5.3.1.3 CULTURAL SETTING

Ethnography

The City of Westminster and much of the area surrounding the city was formerly populated by the Tongva, later known as the Gabrielino (by association with the San Gabriel Mission). The Tongva speak a language that is part of the Uto-Aztecan language family.

Their territory encompassed a vast area, stretching from Topanga Canyon in the northwest to the base of Mount Wilson in the north, to San Bernardino in the east, Aliso Creek in the southeast, and the Southern Channel Islands. At European contact, the tribe consisted of more than 5,000 people living in between 50 and 100 settlements throughout the area. Some of the villages were considered quite large, with up to 150 people.

The Tongva are considered to have been one of the wealthiest and most populous tribes, second only to the Chumash who occupied territories to the north. Catalina Island provided valuable deposits of steatite that was used in trade with other tribes, both as raw material and finished vessels and ornaments.¹ Many common everyday items were decorated with inlaid shell or carvings reflecting an elaborately developed artisanship. Houses were domed, circular structures thatched with tule or similar materials.

The Tongva had a hunting and gathering economy; plant foods comprised the bulk of the diet. Acorns were an important food source harvested in the many of the areas, and villages were located near the water sources

¹ Steatite is soapstone, a metamorphic rock composed largely of talc.

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necessary for leaching acorns. The principal game animals were deer, rabbit, jackrabbit, woodrat, mice, ground squirrels, antelope, quail, dove, ducks, and other birds. Marine foods were used extensively.

Chronology

The cultural chronology for the project region is described in the cultural resources report, included as Appendix E1 of this DEIR. The chronology is based on artifacts, including hunting weapons, food processing tools, and trade goods; food sources; settlement patterns; and cultural practices including language and burial practices. The chronology consists of two traditions—the Encinitas Tradition extending from 8,500 years before present (ybp) to 3,500 ybp, and the Angeles Tradition extending from 3,500 ybp to 150 ybp.

Historic Setting

Spanish and Mexican Era

The City was originally part of lands managed by Mission San Gabriel and used for ranching. In 1821 Mexico won its independence from Spain. The Secularization Act was passed in 1833, and the vast lands of the missions were distributed by the government to retiring soldiers and other government servants.

The present day City of Westminster lies primarily within the boundaries of the Rancho Las Bolsas land grant, but portions of the city are also within the Rancho Los Alamitos and Rancho La Bolsa Chica land grants (see Figure 5 of the cultural resources report [Appendix E1 of this DEIR]). These land grants were originally part of the Rancho Los Nietos given in 1784 to Manuel Nieto, a retired Spanish soldier. This land grant was one of the first and largest Spanish land concessions created by Mexican governor Pedro Fages. It included all the land between the San Gabriel and Santa Ana rivers, from the foothills to the sea.

In 1842, a Yankee named Abel Stearns purchased the Rancho Los Alamitos, which he used for raising cattle. Stearns later purchased Rancho Las Bolsa and Rancho Bolsa Chica, which became part of the Stearns Ranchos.

1848-1899

Stearns lost the ranch in the early 1860s when thousands of cattle died due to drought. In 1870 Lemuel Webber, a Presbyterian minister, purchased 6,000 acres of the Stearns Ranchos for a temperance colony and named the town—composed of 40-acre farms—Westminster. The group was quick to establish schools, churches, stores, and shops of various kinds.

20th Century

In the early 20th century the citizens of Westminster continued to develop their community and had firmly established their reputation as pro-temperance or strongly against drinking alcohol. They expanded the crops they grew and added new industries, such as an aircraft factory and the Pacific Goldfish Farm. New subdivisions such as Midway City and Barber City were established in the 1920s.

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Westminster changed rapidly after World War II. The City was incorporated in 1957 and was originally named Tri-City because it contained Westminster, Midway City, and Barber City. However, Midway City rejected incorporation, and Barber City, the western portion of present-day Westminster, was absorbed into the larger Westminster. Farming diminished rapidly as housing subdivisions ballooned until the 1960s population grew to four times what it had been. In the 1970s, a large number of Vietnamese refugees came to the city and settled in an area which is officially known as Little Saigon. Today the city remains a densely populated suburban community filled with neighborhoods for families, gated retirement communities, and commercial districts.

Historic Topographic Maps

Historic topographic maps of Westminster from the US Geological Survey's National Geologic Map Database are described below:²

1896: The Community of Westminster is limited to several square blocks next to what is now the southeast corner of Goldenwest Street and Westminster Avenue. The balance of the project area consists of vacant land with sparsely scattered buildings and with roadways mostly spaced at 0.5- to 1.0-mile intervals. A wetland area is shown extending northeast-southwest through the southwest quadrant of the project area.

1935: The Community of Westminster has now expanded east to a short distance east of Huntington Beach Boulevard (now Beach Boulevard). A community of Barber City occupies several square blocks in the west part of the project area southwest of the intersection of Springdale Avenue and Westminster Avenue.

Midway City occupies about a quarter square mile next to the northwest corner of Bolsa Avenue and Huntington Beach Boulevard (now Beach Boulevard). Central Memorial Park Cemetery occupies a quarter square mile next to the west edge of Midway City. Outside of named communities buildings are sparse and mainly concentrated along major roadways, especially Westminster Avenue.

1950: The community of Westminster has expanded further but is still mostly in a 1.5-square-mile area bounded by Goldenwest Street on the west, Trask Avenue on the north, Newland Street on the east, and Hazard Avenue on the south. Midway City remains within the area it was in 1935. A Southern Pacific rail line

² The names, dates, and scales of the maps reviewed are:

Anaheim	1896	1:62,500
Anaheim	1935	1:31,680
Anaheim	1950	1:24,000
Anaheim	1965	1:24,000
Downey	1896	1:62,500
Las Bolsas	1896	1:62,500
Los Alamitos	1935	1:31,680
Los Alamitos	1950	1:24,000
Los Alamitos	1965	1:24,000
Newport Beach	1932	1:31,680
Newport Beach	1950	1:24,000
Newport Beach	1965	1:24,000
Santa Ana	1896	1:62,500
Seal Beach	1935	1:31,680
Seal Beach	1950	1:24,000
Seal Beach	1965	1:24,000

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extends north-south near what is now Gothard Street, and a branch of the line extends westward near the alignment of Hazard Avenue to the western City boundary. Barber City has expanded slightly south of Westminster Avenue, and has expanded to a few city blocks north of Westminster Avenue. The cemetery shown on the 1935 maps is now named Westminster Memorial Park. Outside of named communities buildings are sparse and mainly concentrated along major roadways, especially Westminster Avenue.

1965: The Interstate 405 and State Route 22 freeways are shown. Much of the project area is built out with urban land uses; vacant areas are interspersed among urbanized areas in the south-central and southeastern parts of the project area.

5.3.1.4 CULTURAL RESOURCES

Historical Resources

The cultural records search identified 107 historical buildings in the project area listed on the California Historical Resources Inventory, which means they have been evaluated for listing on a local register, the California Register of Historical Resources, or the National Register of Historic Places, or for federal tax credit certifications. Listing on the Historical Resources Inventory does not mean that a resource is considered historically significant. The buildings are summarized by type and period below in Table 5.3-1; the complete list is in the cultural resources report (see Appendix E1 of this DEIR). The oldest is a commercial building built in 1891. Most of the resources are single-family homes, the oldest of which was built in 1939. Since the earliest known home dates to 1870, all the earliest homes have been replaced or were not recorded. Some of the buildings and resources listed in Table 5.3-1 have been demolished; for instance, Westminster School/Seventeenth Street School (built before 1950) was at the center of *Mendez v. Westminster*, a 1947 U.S. District Court of Appeals ruling that ended “de jure” segregation of Mexican-American children in California’s public schools. It is unknown how many other historic buildings are extant. The two newest buildings—a government building and a school—were built in 1972, 44 years ago. Buildings less than 45 years of age are typically not evaluated for eligibility for listing on the California Register of Historical Resources.

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Table 5.3-1 Historical Resources in the Project Area Listed on the California Historic Resource Inventory

Type of Resource or Structure	Before 1950	1950 to 1969	1970 or Later	Total
Church	1	1	0	2
Commercial Building	1	8	0	9
Electric Power Building ¹	---	---	---	2
Electrical Power tower	0	1	0	1
Government Building	0	0	1	1
Park ¹	---	---	---	1
Residence, Single Family	5	82	0	87
Roadway ¹	---	---	---	1
School	1	1	1	3
Total¹	8	93	2	107

Source: Cogstone 2016

¹ Dates for four of the resources were not provided; therefore, the subtotals by period combined are less than the total.

Archaeological Resources

Five prehistoric sites previously recorded within the City have all been destroyed by urban development. All were shell midden sites or midden sites and probably were remains of processing camps for shells.³ No prehistoric villages are known within the City though there were major Tongva villages in the surrounding area, including present-day Long Beach, Santa Ana, and Huntington Beach (see Figure 4 in the cultural resources report).

Native American Consultations

A Sacred Lands File search was requested from the Native American Heritage Commission and did not find known sacred lands in the project area. Additionally, they provided a tribal consultation list for nine Native American Tribal Organizations to be contacted for further information.

SB 18/AB 52

The City of Westminster conducted Native American consultations pursuant to California Government Code Section 65352.3 and California Public Resources Code Sections 21080.3.1 et seq. The City received a list of tribal contacts made up of tribal contacts under both of the consultation processes from NAHC, consisting of 9 tribal representatives. Letters requesting consultation were mailed out to all of the tribal representatives on April 6, 2016. No responses were received.

³ A midden is a dump of household waste, often including waste from food processing and/or food preparation.

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Paleontological Resources

Geologic Units

The sediment types described below are mapped on the Geologic Map included as Figure 3 of the paleontological resources assessment, included as Appendix E2 of this Draft EIR.

Very Old Alluvial Fan Deposit: These middle to late Pleistocene deposits range from 1 million years old to 10,000 years old. Sediments are described as moderately well consolidated, massive to moderately well bedded orangeish-brown sands and silts with some gravels and conglomerates.

Young Paralic Estuarine Deposits: These late Pleistocene to Holocene deposits are less than 126,000 years old and consist of unconsolidated estuary deposits. Sediments are predominantly fine grained sands, silts, and clays.⁴

Young Alluvial Fan And Valley Deposits: These late Pleistocene to Holocene deposits are less than 126,000 years old and consist of poorly consolidated, poorly sorted silts, sands, and conglomerates.

Young Alluvial Fan Deposits: These late Pleistocene to Holocene alluvial fan deposits are less than 126,000 years old and consist of unconsolidated to moderately consolidated silts, sands, and conglomerates.

Young Axial Channel Deposits

These late Pleistocene to Holocene alluvial to fluvial sediments consist of silts to pebble deposits associated with streams and rivers.

Young Peat Deposits

Holocene very low density peat and peaty deposits deposited in the past 10,000 years.

Fossil Resources

No fossils are known to have been recovered within the City. Some 72 fossil localities have been discovered in Orange County and southwestern Los Angeles County.

The Cooper Center in Santa Ana recorded 30 localities and just over 200 fossils from undifferentiated Pleistocene deposits. Extinct animals included three types of ground sloths (*Megalonyx jeffersoni*, *Paramylodon harlani*, *Notbrotheriops* sp.), American mastodon (*Mammut* cf. *M. americanum*), Columbian mammoth (*Mammuthus columbi*), yesterday's camel (*Camelops besternus*), llama (*Hemiauchenia* sp.), diminutive pronghorn (*Capromeryx* sp.), ancient and long-horned bison (*Bison antiquus*, *Bison latifrons*), western horse and a small horse (*Equus occidentalis*, a small *Equus* sp.), California tapir (*Tapirus californicus*), short-faced-bear (*Ursus arctodus*), dire wolf (*Canis* cf. *C. dirus*), sabre-toothed cat (*Smilodon* sp. cf. *S. fatalis*), and American lion (*Panthera atrox*). In addition to the extinct fauna, fossils of amphibians, reptiles (lizards, snakes), birds, and many smaller mammals have also been recovered from these localities. Approximately 30 additional localities are recorded in the primarily

⁴ Paralic deposits were deposited in an estuary-like environment and consist of interfingered marine and continental sediments.

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undifferentiated Pleistocene deposits of southwestern Los Angeles and northwestern Orange County. Fossils discovered at the latter localities are generally similar to those from the localities recorded by the Cooper Center.

Numerous Quaternary marine localities are recorded in Orange County as well, producing marine invertebrates, fish, birds, and marine mammals, including a whale from Long Beach and a dolphin (cf. *Tursiops* sp.) from San Juan Capistrano. At Crown Valley Parkway and Interstate 5 (LACM 1215) are fossils of an unspecified shark and mammal recovered at an unknown depth. The University of California Paleontology Collection records 12 Pleistocene marine localities with 615 marine invertebrates from the Newport area in Orange County.

Holocene and late Pleistocene deposits at depths greater than six feet are considered moderately sensitive for paleontological resources, as are very old alluvial fan deposits at depths greater than four feet. Each of the two categories of sediments at depths less than those specified are considered to have low sensitivity for paleontological resources. Very old alluvial fan deposits underlie an area of about 14 acres near Hazard Avenue between Beach Boulevard and Hoover Street. Holocene and late Pleistocene deposits underlie the balance of the project area (see Figure 3, Geologic Map, in the paleontological resources assessment, Appendix E2 of this DEIR).

5.3.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- C-1 Cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5.
- C-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- C-3 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- C-4 Disturb any human remains, including those interred outside of formal cemeteries.
- C-5 Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.

The Initial Study, included as Appendix A, substantiates that impacts associated with Threshold C-4 would be less than significant. This impact will not be addressed in the following analysis.

Archaeological and Historical Resources

CEQA Guidelines Section 15064.5 provides direction on determining significance of impacts to archaeological and historical resources. Generally, a resource shall be considered “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources:

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- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC § 5024.1; 14 CCR § 4852)

The fact that a resource is not listed in the California Register of Historical Resources, not determined to be eligible for listing, or not included in a local register of historical resources does not preclude a lead agency from determining that it may be a historical resource.

A project has a significant impact on a historic resource if it “would result in the 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” (CEQA Guidelines § 15064.5(b)(1)). Material impairment would occur if the project would result in demolition or material alteration of those physical characteristics that convey the resource's historical significance (CEQA Guidelines § 15064.5(b)(2)).

Paleontological Resources

Only qualified, trained paleontologists with specific expertise in the type of fossils being evaluated can determine the scientific significance of paleontological resources. Fossils are considered significant if one or more of the following criteria apply:

- The fossils provide information on the evolutionary relationships and developmental trends among organisms, living or extinct.
- The fossils provide data useful in determining the age(s) of the rock unit or sedimentary stratum, including data important in determining the depositional history of the region and the timing of geologic events therein.
- The fossils provide data regarding the development of biological communities or interaction between paleobotanical and paleozoological biotas.
- The fossils demonstrate unusual or spectacular circumstances in the history of life.
- The fossils are in short supply and/or in danger of being depleted or destroyed by the elements, vandalism, or commercial exploitation, and are not found in other geographic locations.

Significant paleontological resources are determined to be fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or diagnostically important. Significant fossils can include remains of large to very

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small aquatic and terrestrial vertebrates or remains of plants and animals previously not represented in certain portions of the stratigraphy. Assemblages of fossils that might aid stratigraphic correlation are also critically important—particularly those offering data for the interpretation of tectonic events, geomorphologic evolution, and paleoclimatology. Paleontological remains are recognized as nonrenewable resources significant to the history of life.

5.3.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

Impact 5.3-1: Implementation of the General Plan Update could impact identified historic resources. [Threshold C-1]

Impact Analysis: As listed in Appendix C of the cultural resources report (Appendix E1 of this DEIR), a total of 107 historical buildings in the project area are listed on the California Historical Resources Inventory, which means they have been evaluated for listing on a local register, the California Register of Historical Resources, or the National Register of Historic Places, or for federal tax credit certifications. As stated, the majority of these buildings are single-family homes, but also include commercial, government, and school buildings.

Known or future historic sites or resources listed in the national, California, or local registers maintained by the City would be protected through local ordinances, the General Plan Update policies, and state and federal regulations restricting alteration, relocation, and demolition of historical resources. Compliance with proposed General Plan Update policies and state and federal regulations would ensure that land use changes allowed under the General Plan Update would not result in adverse impacts to identified historic resources.

The proposed General Plan Update includes goals and policies to preserve Westminster's historical context. General Plan Policy CD-5.3 requires the evaluation of the condition of the structure, the costs of rehabilitation, and the feasibility of preservation or conservation alternatives when considering the demolition or movement of historic structures; it encourages the adaptive reuse of the historic structure when possible. Reuse would be required to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties. In addition, Implementation Action CD_IA-23 requires the City to prepare and maintain an inventory of structures with local historical or cultural significance.

It is also important to note that the General Plan Update is a regulatory document that sets the framework for future growth and development of the City and does not directly result in development. Before any development or redevelopment activities can occur in the City, all such activities are required to be analyzed for conformance with the General Plan, zoning requirements, and other applicable local and state requirements; comply with the requirements of CEQA; and obtain all necessary clearances and permits. Therefore, adoption of the General Plan Update in itself would not lead to the demolition or material alteration of any of these historic resources.

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However, identified historic structures and sites that are potentially eligible for future historic resources listing may be vulnerable to development activities accompanying infill, redevelopment, or revitalization that would be accommodated by the General Plan Update. For example, the placement of new buildings adjacent to a historical resource may result in indirect impacts relating to access, visibility, and visual context, while renovations or modifications to historical resources may deteriorate or destroy the characteristics that make those resources important or unusual. In addition, other buildings or structures that could meet the National Register of Historic Places criteria upon reaching 50 years of age might be impacted by development or redevelopment activity that would be accommodated by the General Plan Update. This would be considered a significant impact.

Impact 5.3-2: Implementation of the General Plan Update could impact archaeological resources. [Threshold C-2]

Impact Analysis: Adoption of the General Plan Update in itself would not directly affect archaeological resources. Long-term implementation of the General Plan Update land use plan could allow development (e.g., new development, infill development, redevelopment, and revitalization/restoration), including grading, of known and unknown sensitive areas. Grading and construction activities of undeveloped areas or redevelopment that requires more intensive soil excavation than in the past has the potential to cause disturbance to prehistoric and historical archaeological resources.

The City is built out and is in a highly developed, urban area of Orange County. Based on the archeological records search, only five prehistoric sites have been identified within the project area, all of which have been destroyed by urban development (Cogstone 2016; see Appendix E1 of this DEIR). Due to the built-out nature of the City, the potential to damage prehistoric archaeological resources is considered low. In addition, since there are few pre-1945 buildings in the City, the potential for buried historical archaeological resources is considered low. However, since unknown resources could be uncovered during grading activities associated with implementation of the General Plan Update, impacts are considered significant.

Impact 5.3-3: Implementation of the General Plan Update could impact paleontological resources. [Threshold C-3]

Impact Analysis: Ground disturbance from development of projects pursuant to the proposed General Plan Update could disturb fossils buried in soils. Geologic setting and fossil localities were evaluated to determine the paleontological sensitivity of the project area. Holocene and late Pleistocene deposits at depths greater than six feet are considered moderately sensitive for paleontological resources, as are very old alluvial fan deposits at depths greater than four feet. Each of the two categories of sediments at depths less than those specified are considered to have low sensitivity for paleontological resources. Very old alluvial fan deposits underlie an area of about 14 acres near Hazard Avenue between Beach Boulevard and Hoover Street. Holocene and late Pleistocene deposits underlie the balance of the project area (see Figure 3, *Geologic Map*, in Appendix E2 of this DEIR). Grading and excavation into areas of paleontological sensitivity have the potential to encounter and damage significant fossils. This would be a significant impact.

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Impact 5.3-4: Implementation of the General Plan Update would not impact a tribal cultural resource. [Threshold C-5]

Impact Analysis: Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (PRC § 21074).

No tribal cultural resources within the project area were identified. No sites were documented in the NAHC's sacred land file search. The City sent invitation letters to representatives of the nine Native American contacts on April 6, 2016, formally inviting them to consult with the City during the development of the City's General Plan Update and accompanying DEIR. The intent of the consultation was to provide an opportunity for interested Native American contacts to work together with the City during the project planning process to identify and protect tribal cultural resources. To date, none of the tribes have submitted formal requests for consultation. The project area has a low potential to yield tribal cultural resources. Implementation of the General Plan Update is not expected to impact tribal cultural resources, and impacts are considered less than significant.

5.3.4 General Plan Update Goals and Policies

Community Design Element

- Goal CD-5: Cultural Resources
 - CD-5.2: Cultural Events
 - CD-5.3: Historic Structures
 - CD-5.4: Community Support
 - CD-5.7: Paleontologic Resources

Implementation Action

- CD_IA-23: Existing Regulations and Standard Conditions

Federal

- United States Code, Title 16, Sections 470 et seq.: National Historic Preservation Act
- United States Code, Title 16, Sections 470aa et seq.: Archaeological Resources Protection Act
- United States Code, Title 25, Sections 3001 et seq.: Native American Graves Protection and Repatriation Act

State

- California Public Resources Code Sections 5097.9–5097.99: Protections for Native American historical and cultural resources and sacred sites; authorized Native American Heritage Commission (NAHC); prescribes responsibilities respecting discoveries of Native American human remains.

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- California Government Code Sections 65352.3 et seq. (SB 18). Requirements for Native American consultation regarding General Plans, General Plan Amendments, and Specific Plans.
- California Public Resources Code Sections 21073 et seq. (AB 52). Requires analysis of impacts to tribal cultural resources under CEQA.

5.3.5 Level of Significance Before Mitigation

Without mitigation, these impacts would be **potentially significant**:

- **Impact 5.3-1:** Implementation of the General Plan Update could impact historical resources.
- **Impact 5.3-2:** Implementation of the General Plan Update could impact archaeological resources.
- **Impact 5.3-3:** Implementation of the General Plan Update could impact paleontological resources.

5.3.6 Mitigation Measures

Impact 5.3-1

CUL-1 Future development or redevelopment projects on or within the immediate surroundings of (1) any of the properties listed in Appendix C, Historical Resources List of the Cultural Resources Report (Appendix E1 of this DEIR) or (2) the City's inventory established under Implementation Action CD_IA-23, any with intact extant building(s) more than 45 years old, shall require that an intensive-level historical evaluation of the property be submitted to the City of Westminster. The historic resources technical study shall be prepared by a qualified architectural historian meeting Secretary of the Interior Standards. The study shall evaluate the significance and data potential of the resource in accordance with these standards. If the resource meets the criteria for listing on the California Register of Historical Resources (PRC § 5024.1; 14 CCR § 4852), mitigation shall be identified in the technical study that ensures the value of the historical resource is maintained.

Impact 5.3-2

CUL-2 Applicants for future development projects that require grading of undisturbed soil in areas of known or inferred archaeological resources, prehistoric or historic, shall provide a technical cultural resources assessment to the City of Westminster prior to the issuance of grading permits. The cultural resources assessment shall be prepared by a qualified archaeologist to assess the cultural and historical significance of any known archaeological resources on or next to each respective development site, and to assess the sensitivity of sites for buried archaeological resources. On properties where resources are identified, or that are determined to be moderately to highly sensitive for buried archaeological resources, such studies shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified cultural preservation expert. The mitigation plan shall include the following requirements:

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- a. An archaeologist shall be retained for the development project and shall be on call during grading and other significant ground-disturbing activities.
- b. Should any cultural/scientific resources be discovered, no further grading shall occur in the area of the discovery until the Community Development Director concurs in writing that adequate provisions are in place to protect these resources. The project applicant shall direct the construction contractor to flag a stop-work area in a radius of 50 feet from the discovery. Work may resume immediately outside of the stop-work area.
- c. Unanticipated discoveries shall be evaluated for significance by an Orange County Certified Professional Archaeologist. If the discovery consists of prehistoric resources, local Native Americans shall be consulted. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit materials to the California State University, Fullerton, or the Natural History Museum of Los Angeles County; and provide a comprehensive final report, including appropriate records for the California Department of Parks and Recreation (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).

Impact 5.3-3

CUL-3 Applicants for future development projects that require excavation greater than (1) six feet into Holocene and late Pleistocene deposits, (2) four feet into very old alluvial fan deposits, or (3) five feet below the current ground surface in undisturbed sediments with a moderate or higher fossil yield potential shall provide to the City of Westminster a technical paleontological assessment prepared by a qualified paleontologist assessing the sensitivity of sites for buried paleontological resources prior to issuance of grading permits. If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified paleontologist. The mitigation plan shall include the following requirements:

- a. A paleontologist shall be retained for the project and shall be on call during grading and other significant ground-disturbing activities.
- b. Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the Community Development Director concurs in writing that adequate provisions are in place to protect these resources.
- c. Unanticipated discoveries shall be evaluated for significance by an Orange County Certified Professional Paleontologist. If significance criteria are met, then the project shall be required to perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit materials to the California State

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University, Fullerton; and provide a comprehensive final report, including catalog with museum numbers.

5.3.7 Level of Significance After Mitigation

The preceding mitigation measures would reduce potential impacts to cultural resources to a level that is less than significant. Therefore, no significant unavoidable adverse impacts to cultural resources have been identified.

5.3.8 References

US Geological Survey (USGS). 2016, February 18. Ecoregions of California. USGS Open File Report 2016-1021. http://pubs.usgs.gov/of/2016/1021/ofr20161021_sheet2.pdf.

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