

4.5 Cultural and Paleontological Resources

This section of the EIR describes the existing cultural and paleontological resources in the project area. Cultural resources include both archaeological and historic sites, buildings, structures, objects and human remains. Paleontological resources include the remains and/or traces of prehistoric life (exclusive of human remains, artifacts or features), including the localities where fossils were collected and the rock formations in which they were formed. This section evaluates existing cultural and paleontological resources, analyzes the potential impacts that may occur under the proposed project, recommends mitigation measures to reduce or avoid impacts to these resources and examines levels of significance after mitigation. This section is based on the review of the Community Open Space/Conservation Element of the existing General Plan (Escondido 1990); 2000 Escondido General Plan Update Final EIR, Volumes I and II (Escondido 2000); Escondido Historic Preservation Survey (Escondido 1984, updated 1990); Escondido Historic Preservation Survey Update (Escondido 2001); Guidelines for Determining Significance, Cultural Resources (County of San Diego DPLU 2007); Guidelines for Determining Significance, Paleontological Resources (County of San Diego DPLU 2009); and additional resources to inform the prehistoric and historic background. In addition, this section considers data collected from a records search of the California Historical Resources Information System (CHRIS) South Coastal Information Center (SCIC 2011); a search of the Native American Heritage Commission (NAHC) Sacred Lands File database (NAHC 2011); a review of the San Diego Natural History Museum Paleontology Collection Database (San Diego NHM 2011); and a review of information from the University of California Museum of Paleontology for San Diego County (UCMP 2011). Appendix D of the EIR provides the following: 1) Local Register Landmark Historic Properties Table, which provides a list of the 270 properties on the local Cultural Resources Register and nine properties with Landmark status (EHC 2011); and 2) tribal communication received from the San Luis Rey Band and Pala Bands of Mission Indians.

A summary of the cultural and paleontological resource impacts identified in Section 4.5.3, Analysis of Project Impacts and Determination of Significance, is provided below.

Cultural and Paleontological Resources Summary of Impacts

Issue Number	Issue Topic	Project Direct Impact	Project Cumulative Impact	Impact After Mitigation
1	Historical Resources	Potentially Significant	Potentially Significant	Less Than Significant
2	Archaeological Resources	Potentially Significant	Potentially Significant	Less Than Significant
3	Paleontological Resources	Less Than Significant	Potentially Significant Less than Significant	Less Than Significant
4	Human Remains	Less Than Significant	Potentially Significant Less than Significant	Less Than Significant

4.5.1 Existing Conditions

Cultural resources are found throughout the City and are reminders of the City and region's prehistoric and historic past. The cultural environment consists of the remains of prehistoric and historic era human activities. The City contains numerous recorded resources, including prehistoric archaeological sites, historic archaeological sites, historic features relating to water storage and water conveyance,

historic buildings and structures, and known cemeteries. The following discussion provides background information, as well as an inventory of the essential components that comprise the City's cultural environment.

Cultural resources are generally defined in terms of the tangible materials attributed to a culture. These include districts, sites, structures, artifacts, and other evidence of human use considered important to a culture or community for scientific, traditional, religious, or other reasons. Resources may be historical, archaeological, architectural, or archival in nature. Cultural resources may also consist of less tangible attributes, such as landscapes considered sacred to particular groups. These resources can provide clues about prehistoric and historic era human behaviors, and provide scientific, religious and other valuable educational information about the cultural past. It is the cultural past that has helped shape the present community and that will continue to create the future. Cultural resources are found throughout the planning area, are irreplaceable, and are therefore considered vital to the general welfare of all City residents.

Paleontological resources include fossil remains, as well as fossil localities (sites) and rock or soil formations that have produced fossil materials. Fossils are the remains or traces of prehistoric animals and plants, and are important scientific and educational resources. The life forms preserved in rock and soil formations can provide insight to the environment that existed during various geologic time periods. The defining character of paleontological resources is their geologic age. Fossils or fossil deposits are generally regarded as being older than 10,000 years, marking the end of the late Pleistocene and the beginning of the Holocene. The soil underlying the project area incorporates geologic strata that range in age from Triassic to Quaternary, and collectively represent the past 250 million years of the Earth's history.

4.5.1.1 Cultural Resources

Cultural resources are identified using standard protocols and evaluated based on variety of established criteria. Types of resources include archaeological resources, historic structures, historic districts, traditional cultural properties, and landscapes. There are four general types of designations for significant cultural resources within the project area. The system includes federal designation in the National Register of Historic Places (NRHP) for resources of importance and relevance to national heritage, state-level designation in the California Register of Historical Resources (CRHR), County-level designation in the San Diego County Local Register of Historical Resources, and designation as Escondido Historical Landmarks for resources of importance to local history and culture. Each of these registers employs different criteria to determine whether a resource could be determined eligible for inclusion, and these criteria are discussed below in Section 4.5.2, Regulatory Framework. The integrity of the resource, its attributes, and location are also key factors in establishing its significance.

As defined in this document, cultural resources consist of the remains of prehistoric and historic era human behaviors, including both archaeological and historic resources. Archaeological resources include artifacts and features found on both the ground surface or under the surface and include both prehistoric and historic time periods. Historic resources refer to built environment features aged 50 years or older, including buildings, structures, and other features such as flumes, roads, bridges, and tunnels.

Archaeological Resources

Prehistoric Setting

Archaeological evidence indicates that the San Diego County region has a long cultural history beginning approximately 10,000 years ago. Recent scholarship on Native American (Pre-Contact) human occupation in San Diego County recognizes the existence of at least two major cultural traditions, and these traditions are identified as the Early Period/Archaic and Late Period by Gallegos (2007). However, the prehistory of San Diego is also often divided into three chronological sequences based on material and cultural constituents, including the Paleo-Indian, Archaic, and Late Prehistoric periods (BFSa 1992). The cultural setting provided by Gallegos (2007) is used to inform the following prehistoric background, and is supplemented by Moratto (1984) and Byrd and Raab (2007).

Early Period/Archaic

The Early Period/Archaic includes the time period spanning from approximately 10,000 to 1,300 years ago, and includes the San Dieguito, La Jolla and Pauma Complexes. The earliest accepted archaeological manifestation of human occupation in the San Diego area is the San Dieguito Complex, which dates to approximately 10,000 years ago. The San Dieguito Complex is chronologically equivalent to other Paleo-Indian complexes across North America. Originally defined by Malcolm Rogers (1939) and refined by Claude Warren (1967), the material culture of the San Dieguito Complex is primarily characterized by a flaked or chipped stone component consisting of scrapers, scraper planes, choppers, drills, graters, large lanceolate bifaces, and large foliate (leaf-shaped) projectile points. Various researchers recognized the regional similarity of such artifact assemblages, and termed interior sites of the same age as either the Western Pluvial Lakes Tradition or the Western Lithic Co-tradition. Tools and debitage made of fine-grained green metavolcanic material (felsite) were found at many sites Rogers identified as San Dieguito, lending to the presence of felsite as a San Dieguito hallmark. There is an overall lack of milling stone equipment, suggesting hard seeds may not have been an important part of the diet during this period. San Dieguito sites are typically found on or near former pluvial lake shores, marshes, and old stream channels, and coastal sites indicate that shellfish was an important dietary resource for peoples living near the Pacific Ocean. Sleeping circles, trail shrines (carins), and rock alignments have also been associated with San Dieguito sites, helping to support the conclusion that San Dieguito peoples practiced a mobile hunting and gathering lifestyle based on terrestrial and aquatic resources.

The La Jolla and Pauma Complexes are often referred to as following the San Dieguito Complex. The La Jolla Complex is associated with shell midden sites on the coast, and the Pauma Complex associated with inland sites, particularly located in valleys and sheltered canyons in northern San Diego County. Because the two complexes have similar artifact assemblages, it is believed that the Pauma Complex may represent an inland variation of the La Jolla Complex. Gallegos notes these complexes may represent a seasonal or geographic variation of an older and more general San Dieguito Complex. This is based upon a pattern of observable cultural continuity exhibited in the material culture assemblages of Early/Archaic Period sites (2007). Nonetheless, many researchers have focused on the proliferation of ground stone tools and an increased level of sedentism to differentiate the La Jolla and Pauma Complexes from the San Dieguito Complex.

The La Jolla and Pauma Complexes reflect subsistence patterns focused on gathering plant foods and small animals, including near shore fish and shellfish. Ground stone milling equipment, including manos and metates, appear in large numbers, and dominate their tool assemblages. In addition to manos and metates, assemblages contain discoidals (perforated rounded stones); cog stones (perforated rounded

and grooved stones); finely worked small domed scrapers; flaked cobble tools; and large notched and stemmed dart points. Flexed burials with the head pointed northward under rock cairns, and often containing many broken tools, are also associated with these complexes.

Late Period

By the advent of the Late Period, which spans from 1,300 years ago to historic contact (1769), a material culture pattern similar to that of historic Native Americans becomes apparent in the archaeological record. Cultural change and social complexity reflects both an adaptation to variations in environmental conditions, as well as an influence from outside groups. The results of these adaptations are shown through changes in material culture, subsistence patterns, and burial practices throughout the period, over time and space. The economic pattern during this period appears to be one of more intensive and efficient use of local resources. The prosperity of these highly refined economic patterns is well evidenced by the numerous Kumeyaay/Diegueño and Luiseño habitation sites scattered throughout San Diego County. This increase in Late Period site density probably reflects both better preservation of the more recent archaeological record and a gradual population increase within the region. Artifacts and cultural patterns reflecting this Late Period pattern include small projectile points, pottery, the establishment of permanent or semi-permanent seasonal village sites, a proliferation of acorn milling sites in the uplands, the presence of obsidian from the Imperial Valley source Obsidian Butte, and interment by cremation.

Luiseño occupation in northern San Diego County during the late Holocene has been viewed as an occupation that migrated from the desert to the coast, an incursion called “the Shoshonean Wedge.” Late Period culture patterns were shared with groups along the northern and eastern periphery of San Diego County, incorporating many elements of their neighbors’ culture into their own cultures. This transference and melding of cultural traits between neighboring groups makes positive association of archaeological deposits with particular ethnographically known cultures difficult. This is particularly true of the groups within this portion of San Diego County. Although significant differences exist between Luiseño and Kumeyaay/Diegueño cultures (including linguistic stock), the long interaction of these groups during the Late Period resulted in the exchange of many social patterns. Archaeologists must rely heavily on ethnographic accounts of group boundaries as recorded during the historic period to inform ethnographic occupation of particular areas.

In 1925, ethnographer Alfred Kroeber placed the Kumeyaay/Diegueño and Luiseño boundary between Agua Hedionda and Baticuitos Lagoon (Kroeber 1925). These lagoons are located approximately 13.5-miles due east of the center of the City of Escondido, placing the project area in a transitional area for the Diegueño and Luiseño groups. Diegueño is recognized as a member of the California-Delta Yuman division of the Yuman-Cochimi language family, and includes three main dialects: Ipai, Kumeyaay, and Tipai (Luomala 1978). The Ipai occupied the central portion of San Diego County, while the Kumeyaay inhabited the southern portion of the county, including lands extending into the California portion of the Colorado Desert. The Tipai territory included the lands from Jamul southward into Baja California, south of Ensenada. Modern ethnographers tend to combine the Kumeyaay and the Tipai as a single, continuous social group. The Luiseño traditional use area is then mapped as extending from the Pacific Ocean inland to Lake Elsinore and Palomar Mountain in the east, and extending from Agua Hedionda in the south to Aliso Creek in the north (Bean and Shippek 1978).

Archaeological Sites

Hundreds of recorded archaeological sites are known within the project area. The locations of many of these sites have been recorded, but are kept confidential in order to protect the resources from desecration or theft. Cultural resources, including archaeological resources, are often identified during the environmental review process (including CEQA review) for projects. If encountered, CEQA requires that certain protocol be followed to determine if the resources are significant, and if the resources are determined to be significant, steps for their excavation or protection are required under CEQA as mitigation.

Archaeological resources in the project area reflect the settlement patterns of the area over time. This area was initially settled by Native Americans drawn to the area by natural resources consisting of oak trees, bedrock outcrops, streams and coastal sage scrub habitat. As a result, the majority of the known prehistoric archaeological resources are bedrock milling sites, containing bedrock outcrops with smoothed milling surfaces or deeper depressions known as basins and mortars. Some of these sites contain associated chipped stone artifacts, and the stone tools recovered and studied in the region generally reflect technological refinement occurring over time. Their many uses provide valuable information about the subsistence patterns and life ways of the peoples who once inhabited the area. Several of the sites additionally contain well-developed midden deposits, which are indicative of long-term prehistoric habitation locations.

In 1987, all of the known and recorded prehistoric archaeological sites in the City were classified into site types, and 32 (12 percent) of the sites were described as major habitation sites. These sites are typified by the presence of chipped stone artifacts from various stages of the lithic reduction process, flora and fauna remains, a variety of artifact types (milling or groundstone tools, lithics, and pottery), and the presence of a well-developed midden (WESTEC 1987). This site type, as well as others, could be considered significant if the resources retain integrity, or the ability to produce artifacts and features from within undisturbed horizontal layers of sediment called strata (several parallel layers of sediment deposited one on top of another). One such resource is the Felicita County Park Prehistoric Village Site, which was found to yield information important to prehistoric archaeology, ethnic heritage, exploration and settlement. As a result of this information potential, this resource is listed on the NRHP under Criterion D. The criteria for consideration in the NRHP are described in detail below in Section 4.5.2, Regulatory Framework.

Historic period archaeological resources are also present within the project area, and generally tend to represent the remains of structures and buildings that are no longer extant. Examples of features located within such archaeological sites consist of concrete pads or local stone foundations and refuse scatters containing historic age trash. These historic archaeological resources are sometimes found adjacent to or in the same area as prehistoric archaeological sites. These types of sites are known as multi- or dual-component sites as the observable resource constituents represent both prehistoric and historic era activity.

Archaeological Resources by Study Area

Within the General Plan Update boundary, the General Plan Update identifies 15 study areas which are areas proposed for land use changes as compared to the existing General Plan. The 15 study areas are shown in Figure 3-3, Study Areas, in Chapter 3, Project Description. Characteristics of each study area are described in Table 3-2, General Plan Update Study Areas, and the land use designations identified for each study area are defined in Table 3-3, Definitions of Proposed Land Use Categories, in Chapter 3,

Project Description. Table 4.5-1, Archaeological Resources within the General Plan Update Study Areas, outlines whether previous cultural resources studies have been completed in each study area, and whether archaeological resources are known within the study area boundaries. Note that the absence of known archaeological resources in areas not subjected to cultural resource studies does not indicate that ground-disturbing activities would not have the potential to impact resources on the surface or within the subsurface. Rather, in these areas, resources may exist but have not yet been observed or formally recorded.

Historic Resources

Historic Setting

The historic era (Post-Contact) in southern California is commonly presented in terms of Spanish, Mexican, and American political domination. Certain themes are common to all periods, such as the development of transportation, military activities, settlement, and agriculture. The following sections are informed by a cultural resources overview report generated for the City of Escondido (WESTEC 1987) and the 2000 Escondido General Plan Update Final EIR, Volumes I and II (Escondido 2000). These resources are supplemented by information available on the City of Escondido website (Escondido 2011) and in articles from the Escondido History Center (EHC 2011).

Spanish Period (1769-1821)

The history of modern San Diego County dates to early Spanish explorations in the area. In 1542, Juan Rodriguez Cabrillo claimed the bay for Spain, and named this place “San Miguel.” Thereafter, the Spanish colonization of California was achieved through a program of military-civilian-religious conquest. Under this system, soldiers secured areas for settlement by suppressing Native and foreign resistance and established fortified structures (presidios) from which the colony would be governed. Civilians established towns (pueblos) and stock-grazing operations (ranchos) that supported the settlement and provided products for export. The missionary component of the colonization strategy was led by Spanish priests, who were charged with converting Native Americans to Catholicism, introducing them to Spanish culture, and training them as a labor force. Ultimately, four presidios and 21 missions were established in Spanish California between 1769 and 1821.

In the general vicinity of the project area, the San Diego and San Luis Rey Missions were established along the Pacific coastline. However, the Escondido valley was not under the jurisdiction of the San Diego or San Luis Rey Missions. Due to the relative remoteness of Escondido, early historic land use was limited to grazing, although scouting parties associated with the missions did come to the area in search of Native American laborers and religious converts.

Horses, cattle, agricultural foods, weed seeds, and a new architectural style and method of building construction were introduced during the Spanish period, and Spanish influence continued after 1821, when California became a part of Mexico. For a period of time under Mexican rule, the missions continued to operate as in the past, and laws governing the distribution of land were also retained.

Table 4.5-1 Archaeological Resources within the General Plan Update Study Areas

Study Area	Previous Surveys/Studies	Known Cultural Resources
#1 Imperial Oakes SPA	Four reports are on-file at the SCIC, assessing approximately 25 percent of the study area. These studies were completed in the late 1970s and the late 1980s.	No known archaeological resources have been recorded within this study area.
#2 Hwy-78/ Broadway Target Area	Three studies have been completed, assessing approximately 10 percent of the study area. These studies were completed in the late 1970s and the early 1980s.	No known archaeological resources have been recorded within this study area. However, archaeological resources are known within 2,000 feet of the study area.
#3 Transit Station Target Area	Two studies have been completed within this study area.	No known archaeological resources have been recorded within this study area.
#4 South Quince Street Target Area	This area was considered by a cultural resources overview report for the City completed in 1987 (WESTEC 1987). The 1987 study did not include a pedestrian survey; therefore, this study area has not been previously surveyed.	No known archaeological resources have been recorded within this study area.
#5, #6 ERTC North & South SPA	Five studies have been completed in the ERTC North and South SPA study areas, including studies in the mid-1990s and mid-2000s.	<p>Numerous resources are known within these study areas, including:</p> <ul style="list-style-type: none"> ▪ CA-SDi-14325 – Prehistoric bedrock milling site subjected to a subsurface testing program in 1996. The subsurface testing program returned negative results. ▪ CA-SDi-8280/H – Sizable prehistoric and historic site with bedrock milling features, midden deposits, possible rock art, chipped stone artifacts, and historic age concrete remnants of structures with associated refuse. ▪ CA-SDi-12601 - Small bedrock milling site with chipped stone artifacts. This site may be related to CA-SDi-8280/H. ▪ CA-SDi-12209/H - Sizable prehistoric and historic site with bedrock milling features, rock art, chipped stone artifacts, and a historic age reservoir. ▪ CA-SDi-12461 – Small bedrock milling site with no observed associated artifacts.
#7 I-15/Felicita Road Corporate Office Target Area	Two studies have been completed, assessing approximately 50 percent of the study area. These studies were completed in 1987 and 1992.	No known archaeological resources have been recorded within this study area. However, archaeological resources are known within 1,000 feet of the study area.
#8 Promenade Retail Center and Vicinity Target Area	A portion of this area was considered by a large linear survey (BFSA 1992).	No known archaeological resources have been recorded within this study area.
#9 Nutmeg Street	A small portion of this area was assessed in 1980, and a 2006 study covers the entirety of the study area. As a result, 100 percent of the study area has been previously assessed for cultural resources.	<p>Two resources are known within this study area:</p> <ul style="list-style-type: none"> ▪ 37-030889 – Vista Irrigation District Bench Flumes. This linear resource was evaluated for inclusion in the NRHP and found eligible under Criterion A and C. ▪ CA-SDi-4561 – Prehistoric scatter of artifacts, including a metate fragment and chipped stone.

Table 4.5-1 continued

Study Area	Previous Surveys/Studies	Known Cultural Resources
#10 Downtown SPA	Five studies have been completed within this area in the early 1990s and the mid 2000s. One of these studies was a large linear survey (BFSA 1992). In addition, the entire area was considered by a cultural resources overview report (WESTEC 1987). The 1987 study did not include a pedestrian survey of the study area. Approximately 10 percent of the study area has been examined for cultural resources.	One resource is known within this study area: <ul style="list-style-type: none"> ▪ 37-015577 – Isolated prehistoric find consisting of one flake and one mano fragment.
#11 East Valley Parkway Target Area	Two studies have been completed in the 1990s, assessing approximately 10 percent of the study area.	No known archaeological resources have been recorded within this study area.
# 13 <u>12</u> South Escondido Boulevard/Centre City Parkway Target Area	Portions of this area were considered by a large linear survey (BFSA 1992).	No known archaeological resources have been recorded within this study area.
# 12 <u>13</u> South Escondido Boulevard/Felicita Road Target Area	Portions of this area were considered by a large linear survey (BFSA 1992) and the entire area was considered by a cultural resources overview report (WESTEC 1987). The 1987 study did not include a pedestrian survey of the study area.	No known archaeological resources have been recorded within this study area.
#14 Centre City Parkway/ Brotherton Road Target Area	Portions of this area were considered by a large linear survey (BFSA 1992).	No known archaeological resources have been recorded within this study area.
#15 Westfield Shoppingtown Target Area	Two reports completed in the late 1970s and early 1980s are on-file at the SCIC for this study area. In addition, portions of this area were considered by a large linear survey (BFSA 1992). As a result, the majority of the study area has been examined for the presence/absence of cultural resources.	One resource is known within this study area: <ul style="list-style-type: none"> ▪ 37-029808 – Isolated prehistoric find consisting of one mano fragment.

SPA = Specific Plan Area

Source: SCIC 2011

Mexican Period (1821-1848)

Mexico achieved independence from Spain in 1821, and California became a distant outpost of the Mexican Republic. Under a law adopted by the Mexican congress in 1833, the former mission lands were secularized and subdivided into land grants. Cattle ranching prevailed over agricultural activities, and the development of the hide and tallow trade increased during the early part of this period. In 1843, Juan Bautista Alvarado, a native of San Diego, received the land grant described as El Rincon del Diablo Rancho (Corner of the Devil). This grant was bestowed to Alvarado by Mexican Governor Manuel Micheltoen, and consisted of a 12,633-acre tract including the majority of present day Escondido. Alvarado built a large adobe house overlooking Escondido and raised cattle on his land. Beginning in the early 1840s, Mexico's hold on California was threatened by the steady overland migration of American settlers into the region. War between the U.S. and Mexico commenced in May 1846, and the Mexican Period ended in 1848, at the end of the Mexican-American War.

American Period (1848 to Present)

The American Period began in 1848 when Mexico ceded California to the U.S. under the Treaty of Guadalupe Hidalgo. Few Mexican ranchos remained intact because of legal costs and the difficulty of producing sufficient evidence to prove title claims and much of the land that once constituted rancho holdings became available for settlement by immigrants to California. In the early 1850s, Alvarado and his wife died, and their descendants began to subdivide and sell their land. Judge Oliver S. Witherby of San Diego began buying portions of the El Rincon del Diablo Rancho, and it took him approximately 10 years to acquire the entire rancho. Witherby farmed his property extensively and increased the size of his cattle and sheep herds. In the early 1860s, Witherby began mining gold on his property and built a mill to grind ore under the auspices of the Rincon del Diablo and Escondido Mining Company. This was the first recorded use of the word Escondido in the area.

In 1886, the Escondido Land Company was formed and began dividing over 12,000 acres of prime Escondido real estate. The City of Escondido was incorporated two years later in 1888. Construction commenced on a rail line extending from Oceanside to Escondido in 1887, and the first freight left Escondido via rail in January 1888. The advent of the railroad led to an increase in population, retail business, and the export of agricultural products. With the assistance of the railroad, the economic base of burgeoning Escondido became focused on agriculture, and was supported by gold mining and tourism. One event that brought tourists into Escondido via rail was Grape Day. This event was first held on September 9, 1908, and was meant to celebrate the annual grape harvest. Grape Day continued to be a very popular celebration until 1950, when a lack of grapes in the valley caused the festival to end. Grape Day was then officially revived in 1996, and continues to be celebrated in Grape Day Park in downtown Escondido to the present day.

In 1950, U.S. Highway 395 connected Escondido to San Diego, allowing for an easier and faster commute between the two areas. At this same time, numerous defense contracts relating to the Cold War and Korea conflicts existed in the County, and these contracts created a variety of new job opportunities. Collectively, increased travel efficiency and employment prospects led to a population increase in the Escondido area. Subdivisions were constructed to accommodate the population influx, and these subdivisions replaced many of the vineyards and citrus groves on the east end of town. Thereafter, citrus production began to decline quickly, with groves converted to avocado production and the area's largest packing house closed in 1960. These agricultural pursuits were replaced with industry and retail as important economic pursuits during the ensuing decades. Presently, the City boasts Palomar Medical Center, Escondido Auto Park, and Westfield Shopping Town North County as major employers and retail options.

Native American Perspective

Cultural resources include properties of traditional religious and cultural significance to groups or individuals, including local Native Americans. Such resources consist of archaeological resources or areas containing human remains, as well as landscapes or features in the natural environment important for their role in oral tradition or in existing religious tradition. These resources are often different than those detected by professional archaeological surveys or by the review of the existing archaeological record, and often pertain to other perspectives about the presence of Native Americans in the region beyond the prehistoric and historic setting presented above. As described by creation stories, Native Americans have been present in the region from the beginning of time. In accordance with this view, the distinction that is made between different archaeological cultures or periods, such as the La Jolla

and San Dieguito, is not necessarily recognized. Instead, some groups or individuals believe that there is a continuum of ancestry, from the first people to the present Native American populations of San Diego County. To acknowledge this perspective, research on the presence or absence of known Native American resources is necessary to fully document existing conditions for cultural resources. In addition, consultation with affected Native American communities can be beneficial to fully understand potential impacts on cultural resources.

Research on the presence of Native American resources is initially completed through a Sacred Lands File (SLF) database search by the NAHC. Thereafter, research is completed by obtaining responses or comments from contacts named by the NAHC as having knowledge about a particular project area. Formal consultation is then typically administered pursuant to Senate Bill (SB) 18, as described below in Section 4.5.2, Regulatory Framework. A search of the NAHC SLF database indicated that numerous Native American sites were known within the project area (NAHC 2011). As requested by the NAHC, a letter that included a brief description of the project and a project map were sent to each of the NAHC-provided contacts. This letter requested information about the SLF-listed resources, as well as information about any resources not listed in the SLF for inclusion in this report.

As of the date of this document, three response letters have been received, which are provided in Appendix D, Cultural Resources, of this EIR. One response was a letter dated September 16, 2011 from Shasta Gaughen, Tribal Historic Preservation Officer for the Pala Band of Mission Indians. Ms. Gaughen indicated that the project is beyond the boundaries of their reservation, as well as their Traditional Use Area (TUA). For these reasons, the Band offered no objections to the proposed project and deferred to the wishes of Bands in closer proximity to the project. In another letter dated September 22, 2011, Joseph Ontiveros of the Soboba Band of Luiseño Indians Cultural Resources Department indicated that the project is beyond their reservation boundaries, but within their TUA. Further, Mr. Ontiveros stated that the Soboba Band does not have any specific concerns regarding this project at this time, and wished to defer future comment to other tribes in closer proximity to the project area. In another letter dated November 29, 2011, Merri Lopez-Keifer of the San Luis Rey Band of Mission Indians identified multiple cultural resource sites within a one mile radius of the proposed project area and requested a meeting between the City and the Cultural Resource Manager of the San Luis Rey Band of Mission Indians to discuss these resources and their relation to the proposed project.

Pursuant to SB 18, the City of Escondido initiated consultation with California Native American tribes identified by the NAHC as being associated with the project area. The City sent letters to 19 tribal groups via certified mail on May 3, 2011, commencing the 90-day response time for Native American representatives to contact the City and request consultation. The City subsequently received one request for consultation from the San Luis Rey Band of Mission Indians. City staff met with representatives of that tribal organization on October 6, 2011, and the representatives expressed their concerns regarding the preservation and protection of cultural, archaeological and historical sites pertaining to Native Americans associated with the project area. They also provided recommendations for the City to consider a master agreement with the tribal groups that prescribed protocols for involving Native American monitors in future development proposals. Staff provided the tribal representatives with copies of the proposed General Plan Update policies related to cultural resources and the proposed "Tribal Lands" land use designation for the representatives to respond to as part of the General Plan Update process.

Significant Historic Resources

Historic Resources Surveys

Two comprehensive historic preservation surveys have been performed to identify significant resources found within the City of Escondido. These include:

- Escondido Historic Preservation Survey (Conducted in 1984, Updated 1990)
- Escondido Historic Preservation Survey Update (Conducted in 2001)

The City of Escondido and their consultants completed surveys of approximately 1,000 pre-1940 built environment resources in 1983. The survey was updated and refined in 1990, leading to the Escondido Historical Register (including 267 listings), historic preservation program, a residential historic district, and the adoption of the Mills Act Incentive Program. The 2001 survey focused on updating the 1990 survey information, and incorporating built environment resources attaining an age of 50 years since the previous survey. This study placed particular emphasis on resources dating between 1940 and 1955. Further, the 2001 survey proposed eight potential Historic Districts for consideration as City of Escondido Historic Districts. The criteria for consideration as a Historic District is described below in Section 4.5.2, Regulatory Framework, and the following areas were found to meet the criteria of the City of Escondido and the Historic Preservation Commission Policy, Procedure for establishing Historic Districts, Article 40, Section 33-797(C)(c). At this time, none of the potential districts have been formally designated. However, an area known as the Old Escondido Historic District has been formally established as a Historic District, and is the only designated Historic District in North County San Diego.

Potential Historic Districts

Adobe Historic District. The Adobe Historic District includes a concentration of houses built of hand-made adobe bricks. Considered significant because of the distinctive homes made of indigenous materials, the buildings represent a style related to the California Rancho culture associated with past land uses in the area. The district is comprised of two sections subdivided over a six-year period after World War II, and the design requirements, lot sitting, and custom quality of the homes presents a homogenous community. The distinctiveness of the area is characterized by the land itself, dense plantings, and curving streets. The proposed district boundaries are those of Longview Acres Unit 2, subdivision map #2438 of November 1949, including all lots on Sierra Street and El-Ku Drive, as well as Longview Acres Unit 3 subdivision map #3384 of September 1955. Kit Carson Park forms the east and southern border and the I-15 off ramp and South Escondido Boulevard border on the west. The border then extends to the east side of Cranston Drive at Citracado Parkway to include property along Cranston Crest and Froebel Drive. The District property originated in the Rancho San Bernardo, Oliver Oaks tract, and then the L.R. Green Ranch. Many important individuals associated with local agri-business were participants and residents in the establishment of this area, and are memorialized in the local street names, such as Cranston and Ross.

Commercial Core Historic District. The Commercial Core of Escondido is exemplified by Grand Avenue and its tributary streets, which have been at the center of City business, government and social life since 1886 and comprise “Downtown Escondido.” Even through economically weak periods, Grand Avenue and the surrounding streets have remained at the center of the City, representing one of the few cities in the county with a traditional downtown. Though the area has been impacted by the introduction of shopping malls in the 1950s and the 1980s, built environment representatives from each historic era development surge remain. The proposed boundaries for the district are primarily within the

Downtown SPA and include Centre City Parkway on the west; the alley between Grand Avenue and 2nd Avenue and the alley between Grand Avenue and Valley Parkway to Maple Street; from Maple Street along the north side of 2nd Avenue to North Fig Street; north along North Fig Street to westerly along the Flood Control Channel; south on North Grape Street to East Valley Parkway. From East Valley Parkway, the boundary extends to the west on the south side of East Valley Parkway, and continues to the east on the south side of East Valley Parkway to Maple Street.

Los Arboles Historic District. The proposed Los Arboles Historic District encompasses a significant concentration of buildings representing various period-styles of workers' housing from board-and-batten to 1950s contemporary. Primarily comprised of one-story homes, the area represents the City of Escondido's residential history. The district derives its name from the City designation of the Los Arboles Neighborhood. The majority of the proposed district is defined by the City as bordered by Ash Street to the east; 5th Avenue to the north; Date Street to the west; and the alley along the north side of 2nd Avenue. A Los Arboles Extension is additionally proposed to include the properties within Date Street, the alley between 4th and 5th Avenues, west to Hickory Street, and to the alley along the north side of 2nd Avenue.

Melvin Schrock Thematic Historic District. The proposed Melvin J. Schrock Historic District is thematic in nature and includes subdivisions built by this local contractor after World War II. Schrock served as a general contractor in Escondido from 1924 to 1962, was a prolific builder, and his body of work represents a catalogue of post-war construction. The most prominent subdivisions in this thematic district are Hilldale Terrace (1949) and Vermont Square (1952), which provided housing during a major shortage for military and defense-worker families. Initially built beyond the boundaries of Escondido as mapped in 1949, Hilldale Terrace represents the first Escondido subdivision and one of the first planned developments in the general region. The proposed boundaries of Hilldale Terrace follow those of the subdivision map which encompass Terrace and Dale Avenues, the northern two blocks of Gamble Street, and lots along El Norte Parkway (originally Hill Avenue). The proposed boundaries for Vermont Square are those of the subdivision map on both sides of Vermont Place, with additional frontage on Montview and Alexander Drives.

Mercado Historic District. The proposed Mercado Historic District is the "Gateway" to Escondido, and has served as such since the arrival of the railroad in the area. The area possesses a significant concentration of buildings and structures united historically and aesthetically both by plan and physical development. The proposed district encompasses City of Escondido designated sites and structures, contributing buildings and structures, and non-contributing buildings and structures. The district includes contiguous resources that represent the development of Escondido from 1886 through the 1950s. The buildings, streets, alleys, railroad tracks, Washingtonia palm trees, and sites of former historic use provide an excellent picture of the development of the Mercado area. The proposed district boundaries are primarily within the Downtown SPA and include much of the City's early industrial and agricultural-support area, with the western boundary represented by the east side of South Spruce Street, the Escondido Creek channel as the northern boundary, Pine Street on the east, and 5th Avenue to the south.

Washington Manor Historic District. The proposed Washington Manor Historic District represents one of the first subdivisions in Escondido, and as of the early 2000s, the neighborhood retained the original style and spirit with which it was built. Built in 1954-1955, the 51-lot subdivision contains approximately 45 original houses built in architect-designed variations of a contemporary style. Development within

the subdivision was planned on farmland to meet post-war growth and defense-worker housing needs. The central street curves to meet the other inner street, interrupting the monotony of a standard grid pattern and lending a sense of inclusiveness to the neighborhood. The proposed boundaries of the district follow that of subdivision map #3149: The northern side of East Washington Avenue between North Fig Street and the rear property lines from Washington north to mid-block; the north line runs east from North Fig Street to intersect with the rear property lines on the east side of North Elm. The outer perimeter of the development is almost square in shape, with two interior streets.

Transportation Corridor Historic District. The proposed Transportation Corridor Historic District encompasses a significant number of historic buildings, structures, plantings and sites. In addition, the district includes two parallel roads that have supported vehicular traffic for more than 100 years: South Escondido Boulevard and Centre City Parkway. Originally known as Nutmeg Street, South Escondido Boulevard was named San Diego Boulevard during a period when the road served the City to and from the south. Centre City Parkway was originally named U.S. Highway 395. Along both of these roads, numerous gas stations, tourist courts and markets were constructed to cater to the automobile traveler. Collectively, this district represents the built environment culture associated with the advent of the automobile age. The proposed district includes portions of South Escondido Boulevard and Centre City Parkway, as well as all immediately adjacent properties facing the roads on either side. The South Escondido Boulevard corridor extends from El Ku Drive in a northerly direction to Grand Avenue, while the Centre City Parkway corridor extends to the north from the south exit at Interstate 15 (I-15) to Mission Avenue.

Westside Historic District. The proposed Westside Historic District possesses a significant concentration of buildings representing several periods of growth in the City and united as a neighborhood by the residents and the Escondido Community Development Department. The varieties of styles, including Craftsman and Victorian, illustrate the conversion of the area from small-acreage farms in the 1890s to post-World War II residential. The street pattern follows the original 1886 plat map. The proposed boundaries for the district are 15th Avenue on the south, extending westerly along the City-County boundary to 11th Avenue, continuing along the rear lot lines of properties on the western side of Pinecrest Avenue. The boundary then crosses 9th Avenue to include properties on the west side of Vine Street and those along Caroline Way, curving to North Upas Avenue. From the property line at the end of North Upas Avenue, the boundary extends northerly to West Grand Avenue (at North Tulip Street), turning at the west side of South Spruce street in a southerly direction to West 5th Avenue. The boundary then turns east to South Pine Street where the line continues southward to meet 15th Avenue.

Existing Historic District

Old Escondido Neighborhood Historic District. Established by the City in 1989, this designated historic district includes approximately 900 homes built between the mid-1880s to the present. The district includes residences constructed in a variety of styles, such as Art Deco, Victorian, Craftsman, and Post World War II contemporary. The boundaries for the district are defined as 4th Avenue to the north, Thirteenth to the south, Escondido Boulevard to the west, and Chestnut to the east (Escondido 2011).

Important Roadways

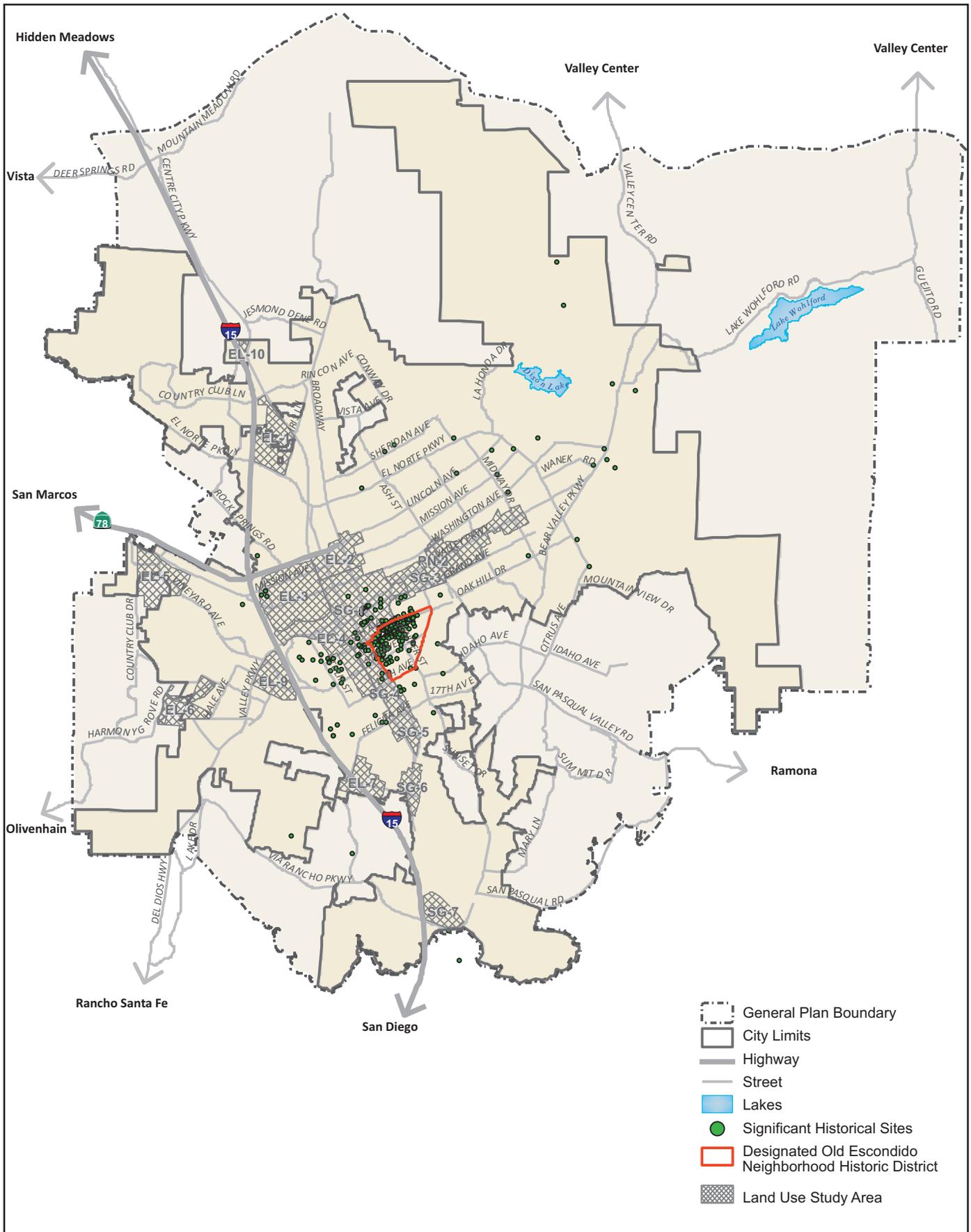
Highway 395. U.S. Highway 395, also known as the “Three Flags Highway,” is a 1,305-mile road running through some of the most scenic areas in the western U.S. At one time, this roadway stretched 1,490 miles in length, and extended from San Diego Bay near the U.S./Mexico international border to the Canadian border in Washington State. U.S. Highway 395 earned its name as the “Three Flags Highway” because it nearly touched all three nations. Despite being reduced in length in 1969 for the improved I-15, it still maintains its importance as a major north-south route along the eastern Sierra Nevada Mountains. This road was extended to the project area in 1950.

Historic Bridges

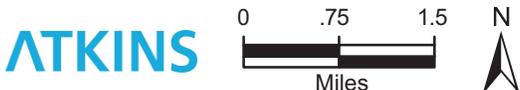
According to the Historic Property Data File for San Diego County (OHP 2011a), 57 bridges have been evaluated for significance in Escondido. All of the evaluated bridges were assigned a National Register Status Code of 6Y, indicating that they were determined ineligible for inclusion in the NRHP by consensus through the Section 106 of the National Historic Preservation Act (NHPA) process. In addition, the status code indicates that none of the bridges were evaluated for inclusion in the CRHR or for local designation. Thus, some of the bridges may be considered eligible for inclusion in the CRHR or as Escondido Historical Landmarks upon formal evaluation.

Historic Buildings and Significant Historical Sites

Numerous buildings identified by the City of Escondido Historic Preservation Surveys (Escondido 1984, 1990 and 2001), as well as through the environmental review process have been found eligible for inclusion in the NRHP, CRHR, and local registers. The project area additionally includes resources formally listed in the NRHP, CRHR and local registers, such as the Thomas House, Wohlford Ranch, A.H. Beach House, Bandy House, Hotel Charlotta, Howell House and the Mace House. These significant resources are outlined below in Table 4.5-2, Significant Historical Sites, along with additional resources found within the project area listed as California Historic Landmarks (CHLs) and California Points of Historical Interest. As noted in the table’s footnote, the Escondido History Center indicates that there are a total of 270 properties on the Local Register and nine properties with Landmark status (EHC 2011). These resources are not all included in Table 4.5-2, Significant Historical Sites; however, the entire historic property list is identified in the Local Register Landmark Historic Properties Table provided in Appendix D, Cultural Resources, of this EIR. It is also available from the City planning division, as outlined in Article 40, Section 33-792 of the City of Escondido Municipal Code. These resources are also shown with reference to the Old Escondido Historic District, and the 15 General Plan Update Study Areas in Figure 4.5-1, Significant Historical Sites. The County of San Diego’s Historic Sites Board is an advisory body that reviews historic resources for landmarking, participation in the Mills Act, and conformance with the Secretary of the Interior’s Standards. The Historic Sites Board has identified two historic properties located in the General Plan Update area: King Ranch House, located at 1445 Navel Place, and Jessie C. Holmes Lemon Ranch Residence, located at 1106 Birch Avenue (County of San Diego Historic Sites Board 2009, DPLU 2011).



Source: City of Escondido 2011



SIGNIFICANT HISTORICAL SITES
FIGURE 4.5-1

Table 4.5-2 Significant Historical Sites

Designation ⁽¹⁾	Resource Name	Location
NRHP, CRHR, EHL	Hotel Charlotta	637 South Upas Street
PHI	Zenas Sikes Adobe	12655 Sunset Drive (City of San Diego)
NRHP, CRHR, EHL	Bandy House/Conley House	638 South Juniper Street
NRHP, CRHR, EHL	A.H. Beach House/Bergman House	700 South Juniper Street
NRHP	Felicita County Park Prehistoric Village Site	742 Clarence Lane (Park Address)
NRHP, EHL	Howell House	103 West 8 th Street
NRHP, CRHR, EHL	Thomas House/Turrentine House	208 East 5 th Avenue
CHL	Mule Hill	Pomerado Road (City of San Diego)
PHI	Ferrara Winery	1120 West 15 th Avenue
CRHR	Mace House	3129 Washington Street
CRHR	Cal Fame Packing Plant	1155 Mission
CRHR	Socin House	2908 East Valley Parkway
CRHR	Stewart Ranch	3009 East Valley Parkway
CRHR	Wolford Ranch	3355 East Valley Parkway (Destroyed)

⁽¹⁾ NRHP = National Register of Historic Places, CRHR = California Register of Historical Resources, CHL = California Historic Landmark, PHI = California Point of Historical Interest, EHL = Escondido Historical Landmark

Note: The Escondido History Center indicates that there are a total of 270 properties on the Local Register and nine properties with Landmark status (EHC 2011). These resources are not all included above in Table 4.5-2, Significant Historical Sites, but are provided in the Local Register Landmark Historic Properties Table in Appendix D, Cultural Resources, of this EIR.

Sources: County of San Diego 2011; OHP 2011a; OHP 2011b

4.5.1.2 Paleontological Resources

Paleontological resources are the remains and/or traces of prehistoric life (exclusive of human remains, artifacts or features) that include the localities (sites) where fossils are collected and the rock formations in which they were formed. Fossils result from the preservation of organic remains, which requires a unique combination of physical and biological factors. Skeletal tissue with a high percentage of mineral matter is the most readily preserved, while soft tissues not intimately connected with the skeletal parts are least likely to be preserved. For this reason, the fossil record contains a biased selection not only of types of organisms but also of parts of organisms. For example, much of the paleontological knowledge about mammals is based on teeth alone, as the teeth are generally more durable than other parts of the skeleton. The best preserved fossils are of those organisms that lived within a sedimentary depositional environment or were buried by sediment shortly after death, thus partially insulating them from destructive chemical and physical processes.

Fossil remains commonly include marine shells, bones and teeth of fish, reptiles, and mammals, leaf assemblages, and petrified wood. Fossil traces include internal and external molds (impressions) and casts. Trace fossils include evidence of past activities of fossil organisms, such as footprints and trackways, burrows and boreholes, nests and (packrat) middens. Fossils, fossil traces, and trace fossils are found in the sedimentary rocks and unconsolidated sediments of natural ancient environments such as oceans, rivers, lakes, deltas, beaches, and lagoons.

Geologic Units in the Proposed Project Area

A geologic formation is a body of rock identified by its lithic characteristics (e.g., grain size, texture, color, mineral content) and stratigraphic position. Formations are mapped at the Earth's surface or traced in the subsurface and are formally named and described in the geologic literature. The fossil content may also be a characteristic of a formation. There is a direct relationship between fossils and the geologic formations within which they are enclosed; therefore, with sufficient knowledge of the geology and stratigraphy of a particular area and the paleontological resource potential, it is possible to reasonably predict where fossils might or might not be found.

The soil underlying the project area incorporates geologic strata that range in age from Triassic to Quaternary, and collectively represent the past 250 million years of the Earth's history. The project area includes the following mapped geologic units or formations:

- **Landslide Deposits.** These landslide deposits are of the Holocene and Pleistocene epochs, which span the time period from 1.8 million years ago to the present.
- **Old Alluvial Valley Deposits.** Deposits from the late to middle Pleistocene epoch.
- **Old Alluvial Fan Deposits.** Deposits from the late to middle Pleistocene epoch.
- **Undifferentiated Surficial Deposits (Holocene and Late Pleistocene).** These deposits include colluviums, slope wash, talus deposits and other surface deposits. The surficial deposits are of the Holocene and late Pleistocene epochs.
- **Undifferentiated Surficial Deposits (Late to Middle Pleistocene).** These deposits include colluviums, slope wash, talus deposits and other surface deposits.
- **Young Alluvial Valley Deposits.** Deposits from the Holocene and late Pleistocene epochs.
- **Artificial Fill.** These deposits are of late Holocene age, and are considered relatively recent deposits.
- **Granitic and Other Intrusive Crystalline Rocks.** These rocks were formed during the mid-Cretaceous period, which is the final period of the Mesozoic era and spanning the time between 145 and 65 million years ago. Crystalline rocks are composed of crystals that either formed directly from molten magma or lava (igneous rocks), or that formed under intense heat and pressure deep below the surface of the earth (metamorphic rocks).
- **Cretaceous and Pre-Cretaceous Metamorphic Formations.** These formations are of sedimentary and volcanic origin and are from the Mesozoic era.

Resource Potential Ratings and Sensitivity of Geologic Formations

Fossil specimens are considered scientifically important if they are identifiable, complete, well-preserved, age diagnostic, useful in environmental reconstruction, a type of specimen, a member of a rare species, and/or a species that is part of a diverse grouping. The paleontological importance of a rock unit reflects its fossil bearing potential and the scientific importance of the fossils it has produced locally. The potential for fossil productivity is based on the abundance or densities of fossil specimens and/or recorded fossil sites in exposures of the rock unit on or near the site. Sensitivity levels are rated for individual geologic formations, as it is the formation that contains the fossil remains. The sensitivity levels are the same as the resource potential ratings. For example, a formation with a high potential for

containing important fossils has high sensitivity. The resource potential ratings and geologic map unit sensitivity levels are described below and the geologic map units or formations are shown with reference to the project area in Figure 4.5-2, Geologic Formations.

High

High resource potential and high sensitivity are assigned to geologic formations known to contain paleontological localities with rare, well-preserved, critical fossil materials for stratigraphic or paleoenvironmental interpretation, and fossils providing important information about the paleoclimatic, paleobiological and/or evolutionary history (phylogeny) of animal and plant groups. In general, formations with high resource potential are considered to have the highest potential to produce unique invertebrate fossil assemblages or unique vertebrate fossils and are, therefore, highly sensitive. None of the formations are considered to have high resource potential or sensitivity within the proposed project area.

Moderate

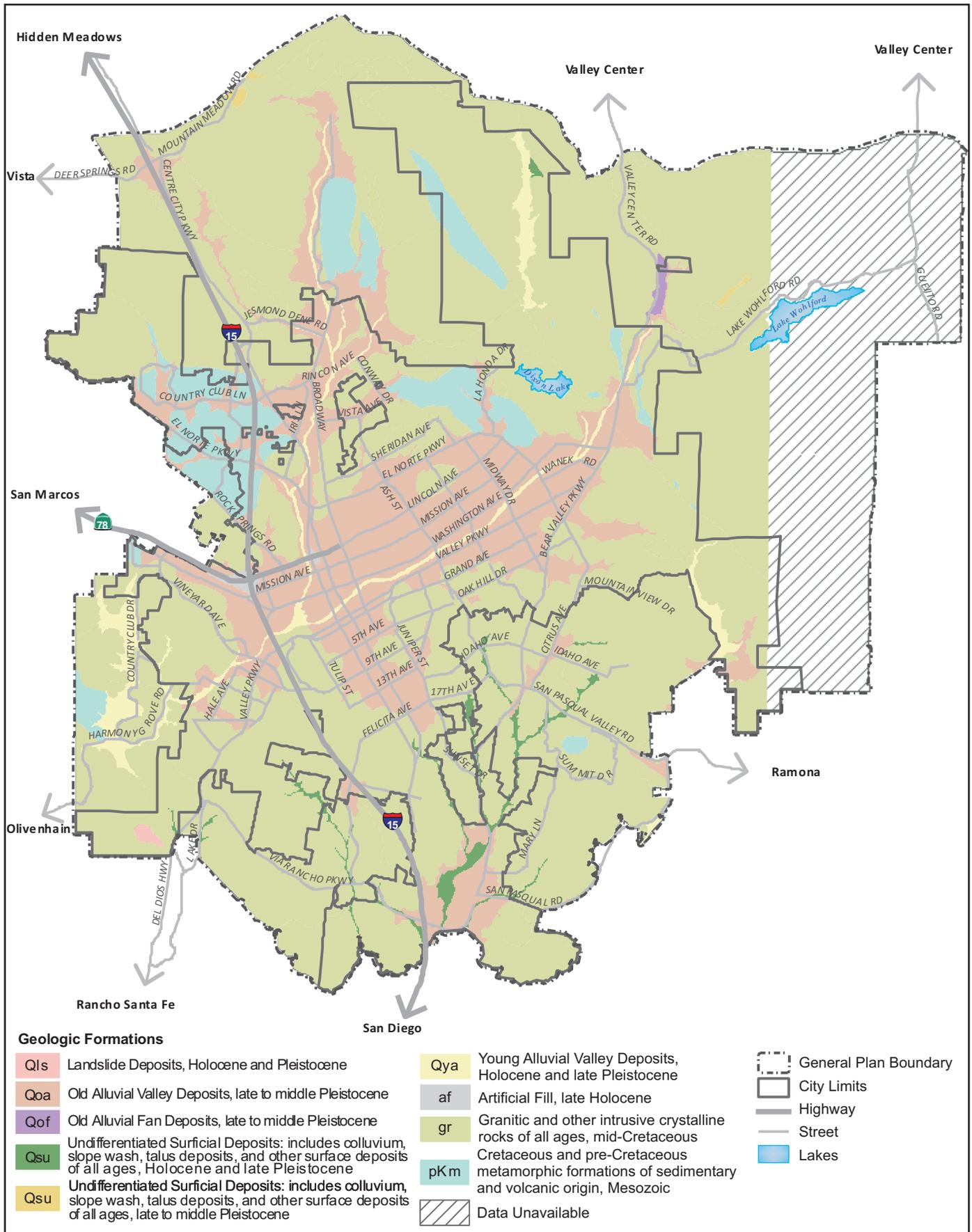
Moderate resource potential and moderate sensitivity are assigned to geologic formations known to contain paleontological localities. These geologic formations are judged to have a strong, but often unproven, potential for producing unique fossil remains. The following geologic formations are considered to have moderate sensitivity within the proposed project area: Landslide Deposits; Old Alluvial Valley Deposits; Old Alluvial Fan Deposits; Undifferentiated Surficial Deposits (Holocene and Late Pleistocene); Undifferentiated Surficial Deposits (Late to Middle Pleistocene); and Cretaceous and Pre-Cretaceous Metamorphic Formations.

Low

Low resource potential and low sensitivity are assigned to geologic formations that, based on their relatively young age and/or high-energy depositional history, are judged unlikely to produce unique fossil remains. Low resource potential formations rarely produce fossil remains of scientific importance and are considered to have low sensitivity. However, when fossils are found in these formations, they are often very significant additions to the geologic understanding of the area. Young Alluvial Fan Deposits are considered to have low sensitivity within the proposed project area.

Marginal

Marginal resource potential and marginal sensitivity are assigned to geologic formations that are composed either of volcanoclastic (derived from volcanic sources) or metasedimentary rocks, but that nevertheless have a limited probability for producing fossils from certain formations at localized outcrops. Volcanoclastic rock can contain organisms that were fossilized by being covered by ash, dust, mud, or other debris from volcanoes. Sedimentary rocks that have been metamorphosed by heat and/or pressure caused by volcanoes or plutons are called metasedimentary. If the sedimentary rocks had paleontological resources within them, those resources may have survived the metamorphism and still be identifiable within the metasedimentary rock, but since the probability of this occurring is so limited, these formations are considered marginally sensitive.



Source: City of Escondido, California Geological Survey. CGS Special Report 217, Plate 2 - Geologic Compilation of Quaternary Surficial Deposits in Southern California. July 2010



GEOLOGICAL FORMATIONS
FIGURE 4.5-2

No Potential

No resource potential is assigned to geologic formations that are composed entirely of volcanic or plutonic igneous rock, such as basalt or granite, and therefore do not have any potential for producing fossil remains. These formations have no paleontological resource potential; therefore, they are not considered to be sensitive resources. Within the project area, the Granitic and Other Intrusive Crystalline Rocks are considered to have no resource potential. In addition, those areas identified as including Artificial Fill have been identified as having no resource potential.

4.5.1.3 Human Remains

Archaeological investigations within the project area have unearthed human remains from prior human occupations. Human remains can be considered cultural resources for a number of reasons. Some human remains are evidence of burial places which represent events, customs, or beliefs common to many cultures, locations, or time periods. Other human remains are unique representatives of specific people or events. Cemeteries and burial places traditionally have been regarded as sacred and inviolate, especially by those whose ancestors are buried there. The concern of Native Americans about appropriate and respectful disposition of burial remains and objects of their descendants has resulted in greater sensitivity toward those for whom a burial place has familial or cultural importance.

In addition to unearthed human remains that may have cultural significance, established cemeteries and burial places may also be considered cultural resources. In the project area, Oak Hill Memorial Park is a prominent cemetery and is an excellent example of the rural cemetery movement in North San Diego County. The Oak Hill park-like cemetery style replaced harsh and grim depictions of death with elements of art, architecture and city planning. The grave sites were plotted to resemble a spoked wheel, and the decorative arch at the front gate was built by well-known Escondido blacksmith and Oak Hill resident, Albert Bandy. The first interment occurred in 1878 (Caterino and Mallios 2008).

Cemeteries and burial places can often qualify for listing in registers of significant resources, and several cemeteries in unincorporated San Diego County are included on the San Diego County Historic Property Listing. Properties eligible for such listing include town cemeteries and burial grounds whose creation and continuity reflect the broad spectrum of the community's history and culture; family burial plots that contribute to the significance of a farmstead; beautifully designed garden cemeteries that served as places of rest and recreation; graveyards that form an important part of the historic setting for a church or other religious building being nominated; formal cemeteries whose collections of tombs, sculptures, and markers possess artistic and architectural significance; single or grouped gravestones that represent a distinctive folk tradition; graves or graveyards whose survival is a significant or the only reminder of an important person, culture, settlement, or event; and burial places whose location, grave markers, landscaping, or other physical attributes tell something important about the people who created them (NPS 2011).

4.5.2 Regulatory Framework

Cultural and paleontological resources in the project area are protected through a number of regulations at the federal, state, and local levels. Below is a listing and brief description of some of the various regulations and standards that relate to cultural and paleontological resources.

4.5.2.1 Federal

Antiquities Act of 1906

The Antiquities Act of 1906 (Title 16, United States Code, Sections 431-433) protects any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States from appropriation, excavation, injury or destruction without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which the antiquities are situated. The California Department of Transportation, the NPS, BLM, U.S. Forest Service, and other federal agencies have interpreted objects of antiquity to include fossils. The Antiquities Act provides for the issuance of permits to collect fossils on lands administered by federal agencies and requires projects involving federal lands to obtain permits for both paleontological resource evaluation and mitigation efforts.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act, Title 42 United States Code, Section 1996, protects Native American religious practices, ethnic heritage sites, and land uses.

National Historic Preservation Act and the National Register of Historic Places

Federal regulations for cultural resources are primarily governed by Section 106 of the NHPA of 1966, which applies to actions taken by federal agencies. The goal of the Section 106 review process is to offer a measure of protection to sites that are listed or determined eligible for listing on the NRHP. The criteria for determining NRHP eligibility are found in 36 *Code of Federal Regulations* (CFR) Part 60. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on Historic Properties and affords the federal Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties," are found in 36 CFR Part 800. The NRHP criteria (36 CFR 60.4) are used to evaluate resources when complying with Section 106 of the NHPA. Those criteria state that eligible resources comprise districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and any of the following:

- a) Are associated with events that have made a significant contribution to the broad patterns of our history
- b) Are associated with the lives of persons significant in our past
- c) Embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction
- d) Have yielded or may be likely to yield, information important to history or prehistory

Eligible properties must meet at least one of the criteria and exhibit integrity. Historical integrity is measured by the degree to which the resource retains its historical attributes and conveys its historical character, the degree to which the original fabric has been retained, and the reversibility of changes to the property.

Historic Districts derive their importance from being considered a unified entity, even though they are often composed of a variety of resources. The identity of a district results from the interrelationship of its resources, which can be an arrangement of historically or functionally related properties. A district is defined as a geographically definable area of land containing a significant concentration of buildings, sites, structures, or objects united by past events or aesthetically by plan or physical development. A district's significance and integrity should help determine the boundaries.

Within historic districts, resources are identified as contributing and noncontributing. A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archaeological values for which a district is significant because it was either present during the period of significance, relates to the significance of the district, and retains its physical integrity; or it independently meets the criteria for listing in the NRHP.

Archaeological site evaluation assesses the potential of each site to meet one or more of the criteria for NRHP eligibility based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and records searches, and the researcher's knowledge of and familiarity with the historic or prehistoric context associated with each site.

Paleontological resources are considered under Section 106 of the NHPA primarily when found in a culturally related context (i.e., fossil shells included as mortuary offerings in a burial or a rock formation containing petrified wood used as a chipped stone quarry). In such instances, the material is considered a cultural resource and is treated in the manner prescribed for the site by Section 106.

Native American Graves Protection and Repatriation Act

Enacted in 1990, Native American Graves Protection and Repatriation Act (NAGPRA) conveys to American Indians of demonstrated lineal descent, the human remains and funerary or religious items that are held by federal agencies and federally supported museums, or that have been recovered from federal lands. It also makes the sale or purchase of American Indian remains illegal, whether or not they derive from federal or Indian lands.

Paleontological Resources Preservation Act of 2002

The Paleontological Resources Preservation Act of 2002 was enacted to codify the generally accepted practice of limiting the collection of vertebrate fossils and other rare and scientifically significant fossils to qualified researchers; these researchers must obtain a permit from the appropriate state or federal agency and agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers.

Secretary of the Interior Standards

The Secretary of the Interior is the head of the U.S. Department of the Interior, which is nation's principal conservation agency. The department oversees agencies including the Bureau of Land Management (BLM), the Bureau of Indian Affairs (BIA), and the National Parks Service (NPS).

The Secretary of the Interior Standards and Guidelines for Archaeology and Historic Preservation

The purpose of the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation of 1983 is to: 1) organize the information gathered about preservation activities;

2) describe results to be achieved by federal agencies, states, and others when planning for the identification, evaluation, registration and treatment of historic properties; and 3) integrate the diverse efforts of many entities performing historic preservation into a systematic effort to preserve the nation's culture heritage.

The Secretary of Interior Standards for Rehabilitation

Developed in 1986, the Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, 1995

The Secretary of the Interior's Standards for the Treatment of Historic Properties were developed to help protect the nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

4.5.2.2 State

California Environmental Quality Act and the California Register of Historical Resources

Under CEQA, public agencies must consider the impacts of their actions on both historical resources and unique archaeological resources. Pursuant to Public Resources Code (PRC) Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." PRC Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

Historical resource is a term with a defined statutory meaning (refer to PRC Section 21084.1 and CEQA Guidelines, Section 15064.5(a) and (b)). The term applies to any resource listed in or determined to be eligible for listing in the CRHR. The CRHR includes California resources listed in or formally determined eligible for listing in the NRHP, as well as certain CHLs and California Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC Section 5024.1 and California Code of Regulations, Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them

against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a)(3)). In general, an historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- a) Is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political or cultural annals of California; and
- b) Meets any of the following criteria:
 - 1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - 2) Is associated with the lives of persons important in our past;
 - 3) 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
 - 4) Has yielded, or may be likely to yield, information important in prehistory or history.

Archaeological resources can sometimes qualify as historical resources (CEQA Guidelines, Section 15064.5(c)(1)). In addition, PRC Section 5024 requires consultation with the Office of Historic Preservation when a project may impact historical resources located on state-owned land.

For historic structures, CEQA Guidelines Section 15064.5(b)(3) indicate that a project that follows the Secretary of the Interior (SOI) Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the SOI Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, shall mitigate impacts to a level of less than significant. Potential eligibility also rests upon the integrity of the resource. Integrity is defined as the retention of the resource's physical identity that existed during its period of significance. Integrity is determined through considering the setting, design, workmanship, materials, location, feeling, and association of the resource.

As noted above, CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2(g) states that 'unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

Treatment options under PRC Section 21083.2 include activities that preserve such resources in place and in an undisturbed state. Other acceptable methods of mitigation under PRC Section 21083.2 include excavation and curation, or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

Advice on procedures to identify cultural resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains.

CEQA affords protection to paleontological resources, as CEQA Guidelines indicate that a project would have a significant environmental impact if it would disturb or destroy a unique paleontological resource or site or unique geologic feature. Although CEQA does not specifically define a unique paleontological resource or site, the definition of a unique archaeological resource (Section 21083.2) can be applied to a unique paleontological resource or site and a paleontological resource could be considered a historical resource if it has yielded, or may be likely to yield, information important in prehistory or history under Section 15064.5 (a)(3)(D).

CEQA Guidelines Section 15064.5(e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are Native American, the NAHC must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the NAHC. Section 15064.5 directs the lead agency (or project proponent), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

California Historical Landmarks

The State Historical Landmarks Program places an emphasis on well-known places and events in California history. The goals of the program include the preservation and maintenance of registered landmarks, most of which include missions, early settlements, battles, and gold rush sites.

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (Cal NAGPRA) 2001 conveys to American Indians of demonstrated lineal descent, the human remains and funerary items that are held by state agencies and museums.

California Points of Historical Interest Program

The State Points of Historical Interest Program was established in the effort to accommodate local historic properties not able to meet the restrictive criteria of the State Historical Landmarks Program. The Points of Historical Interest Program requires the participation of local governmental officials, such as the chairperson of the Board of Supervisors, in the approval process.

Government Code

GC Section 25373

Government Code (GC) Section 25373 gives authority to local Governments to acquire property for the preservation or development of a historical landmark. In addition, local Governments may provide special conditions or regulations for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value.

GC Section 27288.2

GC Section 27288.2 requires the County Recorder to record a certified resolution establishing a historical resources designation issued by the State Historical Resources Commission or a local agency. For previously designated properties, the county may record the certified resolution establishing the historical resources designation upon submission.

GC Sections 50280-50290 – Mills Act

The Mills Act provides for reduced property taxes on eligible historic properties in return for the property owner's agreement to maintain and preserve the historic property. Preservation of properties is to be in accordance with the standards and guidelines set forth by the Secretary of the Interior. In order to be designated, a building must meet qualifying criteria such as significant architecture, association with a historically significant event or person, or location in a historic district.

Health and Safety Code

HSC Sections 18950-18961 – State Historic Building Code

Health and Safety Code (HSC) Sections 18950 through 18961 provide alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

HSC Section 7050.5 - Human Remains

HSC Section 7050.5(b) of the California Health and Safety code specifies protocol when human remains are discovered. The code states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human

remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in section 5097.98 of the PRC.

Public Resources Code

PRC 5097-5097.6 – Archaeological, Paleontological and Historical Sites

PRC Section 5097-5097.6 outlines the requirements for cultural resource analysis prior to the commencement of any construction project on State Lands. This section identifies that the unauthorized disturbance or removal of archaeological, historical, or paleontological resources located on public lands is a misdemeanor. It prohibits the knowing destruction of objects of antiquity without a permit (expressed permission) on public lands, and provides for criminal sanctions. This section was amended in 1987 to require consultation with the NAHC whenever Native American graves are found. Violations for the taking or possessing remains or artifacts are felonies.

PRC 5097.5(a)) states, in part, that:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

PRC 5097.9-5097.991 – Native American Heritage

PRC Section 5097.9-5097.991 identifies that no public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the U.S. Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require it. In addition, this section details the composition and responsibilities of the NAHC. The NAHC strives for the preservation and protection of Native American human remains, associated grave goods, and cultural resources. The NAHC has developed a strategic plan to assist the public, development community, local and federal agencies, educational institutions and California Native Americans to better understand problems relating to the protection and preservation of cultural resources and to serve as a tool to resolve these problems and create an awareness among lead agencies and developers of the importance of working with Native Americans (NAHC 2008). PRC Sections 5097.91 and 5097.98 were amended by State Assembly Bill 2641 in 2006. This bill authorizes the NAHC to bring an action to prevent damage to Native American burial grounds or places of worship and establishes more specific procedures to be implemented in the event that Native American remains are discovered.

Senate Bill 18 – Traditional Tribal Cultural Places

As of March 1, 2005, SB 18 (Government Code Sections 65352.3 and 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The

consultation intends to establish a meaningful dialogue regarding potential means to preserve Native American places of importance. It allows for tribes to hold conservation easements and for tribal cultural places to be included in open space planning.

4.5.2.3 Regional/Local

County of San Diego regulations apply only to those portions of the General Plan Update planning area that are under the jurisdiction of the County (SOI and unincorporated areas).

City of Escondido Municipal Code

Article 40 of the City of Escondido Municipal Code (Historical Resources) establishes the City's Historic Preservation Committee (HPC), the Escondido Local Register of Historical Places, and the designation process for Escondido Local Landmarks. Any person may nominate an historical resource to the local register or for landmark designation; however, the application must be made to the planning division on forms provided by the City. In addition, requests for local landmark designation must include a letter signed by the property owner consenting to the initiation. Article 40 additionally establishes it as unlawful to tear down, demolish, construct, alter, remove or relocate any Historical Resource or any portion thereof that has been listed on the Escondido Historic Sites Survey, Local Register, designated as a Local Landmark, or located within an Historical Overlay District or to alter any feature of without first obtaining a permit as outlined in Article 40, Section 33-798. This includes obtaining a Certificate of Appropriateness (COA) for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within an historical overlay district, including the back, sides, and street façade, even when a building permit is not otherwise required. Additional permits, as well as review by the planning commission, may also be required. Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside an historical overlay district are also subject to staff administrative review to ensure that improvements and alterations do not preclude future listing in the local register. Further, Article 40 requires that all repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for Rehabilitation. Demolitions to such resources would require a permit acquired in accordance with Article 40, Sections 33-801, 33-802 and 33-803.

Article 55 of the City Municipal Code (Grading and Erosion Control) ensures that development occurs in a manner that protects the natural and topographic character and identity of the environment, the visual integrity of hillsides and ridgelines, sensitive species and unique geologic/geographic features, and the health, safety, and welfare of the general public by regulating grading on private and public property and providing standards and design criteria. Additionally, the article recommends that grading designs be sensitive to natural topographic, cultural, or environmental features, as well as mature and protected trees by implementing the following features should be preserved in permanent open space easements, or such other means which will assure their preservation: undisturbed steep slopes (over 35 percent); riparian areas, mitigation areas, and areas with sensitive vegetation or habitat; unusual rock outcroppings; other unique or unusual geographic features; and significant cultural or historical features.

Article 65 of the City Municipal Code provides guidance regarding the permitted principal uses and structures within the Old Escondido Neighborhood area, defined as being bounded on the north by 5th

Avenue, Chestnut Street on the east, 13th Avenue on the south and South Escondido Boulevard on the west, but excluding properties fronting Escondido Boulevard, and including the north side of 5th Avenue from Juniper to Date Streets.

County of San Diego Code of Regulatory Ordinances Sections 87.101 -87.804, Grading, Clearing, and Watercourses Ordinance

Section 87.430 of the County's Grading and Clearing Ordinance provides for the requirement of a paleontological monitor at the discretion of the County. In addition, the suspension of grading operation is required upon the discovery of fossils greater than twelve inches in any dimension. The ordinance also requires notification of the County Official (e.g., Permit Compliance Coordinator). The ordinance gives the County Official the authority to determine the appropriate resource recovery operations, which shall be carried out prior to the County Official's authorization to resume normal grading operations.

Section 87.429 of the County's Grading and Clearing Ordinance requires that grading operations cease if human remains or Native American artifacts are found; and Section 87.216(a)(7) requires changes to grading plans/operations if it is determined that historic or archaeological resources may be located on site, in which case avoidance or mitigation will be required.

County of San Diego Code of Regulatory Ordinances Sections 86.601-86.608, Resource Protection Ordinance

This ordinance requires that cultural resources be evaluated as part of the County's discretionary environmental review process and if any resources are determined significant under the Resource Protection Ordinance (RPO), they must be preserved. RPO prohibits development, trenching, grading, clearing, and grubbing, or any other activity or use damaging to significant prehistoric or historic site lands, except for scientific investigations with an approved research design prepared by an archaeologist certified by the Society of Professional Archaeologists (presently known as the Register of Professional Archaeologists). Sites determined to be RPO significant must be avoided and preserved. The RPO identifies significant prehistoric or historic sites as the location of past intense human occupation where buried deposits can provide information regarding important scientific research questions about prehistoric or historic activities that have scientific, religious, or other ethnic value of local, regional, state, or federal importance. Examples of such location include, but are not limited to the following:

- Any prehistoric or historic district, site, interrelated collection of features or artifacts, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places or the State Landmark Register; or included or eligible for inclusion, but not previously rejected, for the San Diego County Historical Site Board List;
- Any area of past human occupation located on public or private land where important prehistoric or historic activities and/or events occurred; and
- Any location of past or current sacred religious or ceremonial observances protected under Public Law 95-341, the American Indian Religious Freedom Act or PRC Section 5097.9, such as burial(s), pictographs, petroglyphs, solstice observatory sites, sacred shrines, religious ground figures, and natural rocks or places which are of ritual, ceremonial, or sacred value to any prehistoric or historic ethnic group.

County of San Diego Zoning Ordinance

The County's Zoning Ordinance provides for the designation and regulation of "special areas." One type of special zoning area is a County Historic/Archaeological Landmark District. These resources may be assigned an "H" designator for historic areas or a specific district designator. The purpose of these provisions is to identify, preserve, and protect the historic, cultural, archaeological and/ or architectural resource values of designated landmarks and districts. Zoning regulations for these resources are designed to preserve their integrity and content. Other types of resources of equal or greater significance may exist and be designated in other ways, such as in the NRHP or CRHR.

Criteria for Local Register Listing or Local Landmark Designation

Prior to granting a resource Local Register or Historical Landmark status, the City Council shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one or more of the criteria listed below. A structural resource proposed for the Local Register shall be evaluated against criteria number one (1) through seven (7) and must meet at least two of the criteria; signs proposed shall meet at least one (1) of the criteria numbered eight (8) through ten (10); landscape features shall meet criterion number eleven (11); archaeological resources shall meet criterion number twelve (12). Local Register resources proposed for Local Landmark designation shall be evaluated against criterion number thirteen (13). The criteria are as follows:

- 1) Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation;
- 2) Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered;
- 3) Escondido historical resources that are connected with a business or use that was once common but is now rare;
- 4) Escondido historical resources that are the sites of significant historic events;
- 5) Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years;
- 6) Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district;
- 7) Escondido historical building that is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type;
- 8) Sign that is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historical sign materials and is not significantly altered;
- 9) Sign that is integrated into the architecture of the building, such as the sign pylons on buildings constructed in the Modern style and later styles;
- 10) Sign that demonstrates extraordinary aesthetic quality, creativity, or innovation;

- 11) Escondido landscape feature that is associated with an event or person of historical significance to the community or warrants special recognition due to size, condition, uniqueness or aesthetic qualities;
- 12) Escondido archaeological site that has yielded, or may be likely to yield, information important in prehistory;
- 13) Escondido significant historical resource that has an outstanding rating of the criteria used to evaluate local register requests. (Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08).

Criteria for Local Register Listing or Local Landmark Designation

The City Council may designate an area as a Historical District if it finds that the proposed historical district meets all of the following criteria:

- 1) The proposed historical district is a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development;
- 2) The collective historical value of the proposed historical district may be greater than that of each individual resource;
- 3) The proposed designation is in conformance with the purpose of the city's historic preservation provisions set forth on this article and the City's General Plan.

Downtown Specific Plan

Goal 6 of the Downtown Specific Plan calls for the maintenance of the character of Downtown through the preservation of historically significant sites and structures. To accomplish this goal, Section IV of the Specific Plan provides historic preservation standards and guidelines for the area covered by the plan. The design guidelines focus on historic commercial structures and adaptive re-use of historic residential structures for commercial uses. However, the guidelines are also useful for historic residential structures. The Secretary of the Interior Standards and Guidelines for Historic Preservation are also cited as a supplemental reference. In addition, the Specific Plan outlines the Historic Downtown District, which includes over six blocks on both sides of Grand Avenue, and has been historically classified as Escondido's "Downtown Retail Core." This District encompasses approximately 170 acres, and is generally located between 2nd and 3rd Avenues on the south, Valley Parkway on the north, Centre City Parkway on the west and Palomar Hospital on the east. Development in the District is governed by standards provided in Section V of the Specific Plan, and is also informed by Section IV, Historic Preservation Standards and Guidelines (Escondido 2007).

Resource Conservation Areas

County Resource Conservation Areas (RCAs) are identified lands requiring special attention in order to conserve resources in a manner best satisfying public and private objectives. The appropriate implementation actions will vary depending upon the conservation objectives of each resource but may include public acquisition, establishment of open space easements, application of special land use controls such as cluster zoning, large lot zoning, scenic or natural resource preservation overlay zones, or by incorporating special design considerations into subdivision maps or special use permits. RCAs include, but are not limited to, the following: groundwater problem areas; coastal wetlands; native

wildlife habitats; construction quality sand areas; littoral sand areas; astronomical dark sky areas; unique geologic formations; and significant archaeological and historical sites. County departments and other public agencies must give careful consideration and special environmental analysis to all projects located in RCAs.

San Diego County Historic Site Board

The County of San Diego Historic Site Board is an advisory body that provides recommendations to decision makers regarding archaeological and historic cultural resources. The Historic Site Board is responsible for reviewing resources seeking historic designation and participation in the Mills Act as well as discretionary projects with significant cultural resources.

San Diego County Local Register of Historical Resources

The purpose of the San Diego County Local Register of Historical Places is to develop and maintain “an authoritative guide to be used by state agencies, private groups, and citizens to identify the County’s historical resources and to indicate which properties are to be protected, to the extent prudent and feasible, from substantial adverse change.” Sites, places, or objects that are eligible in the NRHP or the CRHR are automatically included in the San Diego County Local Register of Historical Places.

4.5.3 Analysis of Project Impacts and Determination of Significance

4.5.3.1 Issue 1: Historical Resources

Guidelines for Determination of Significance

Based on Appendix G of the CEQA Guidelines, the proposed project would have a significant impact if it would result in a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the CEQA Guidelines or the County’s RPO through physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project:

- 1) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR; or
- 2) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to PRC Section 5020.1(k) or its identification in an historical resources survey meeting the requirements of PRC Section 5024.1(g), unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

- 3) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA Guidelines Section 15064.5(b)(2).

Definition of an Historical Resource

Section 15064.5(a) of the CEQA Guidelines defines “historical resources” as the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4850 et seq.).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in an historical resource survey meeting the requirements of PRC Section 5024.1(g), shall 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 an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the CRHR (Pub. Res. Code, Section 5024.1, Title 14 CCR, Section 4852 et. seq.) as outlined above in Section 4.5.2, Regulatory Framework.
- 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 PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

Impact Analysis

The following discussion provides the analysis of impacts to historical resources resulting from implementation of the proposed General Plan Update, Downtown Specific Plan Update and E-CAP.

Significant historical resources are non-renewable and therefore cannot be replaced. The disturbance or alteration of a historical resource causes an irreversible loss of significant information. Regionally, the loss of historical resources results in the loss of cultural identity and a connection with the past.

The project area contains historical sites that are designated on local, state, and national historical lists and meet the definitions of historical resources under Section 15064.5(a) of the CEQA Guidelines. These sites are described above in Section 4.5.1.1, Cultural Resources, Significant Historic Resources, and many are listed in Table 4.5-2, Significant Historical Sites. Additional resources are listed in the Local Register Landmark Historic Properties Table provided in Appendix D, Cultural Resources, of this EIR. These resources include buildings and parks within the project area. In addition, some resources exist within

the project area that are eligible to be historically significant but have not yet been identified or officially designated.

Two types of typical adverse effects occur in relation to historical resources: direct and indirect effects. Direct impacts are caused by and are immediately related to a project, such as the demolition of a historical building. Indirect impacts are not immediately related to a project, but they are caused indirectly by a project. An example of an indirect impact would be the placement of trails in open space areas containing historical resources, which has the potential to impact historical resources indirectly through activities such as vandalism or degradation of the resources from increased access and use. Designated and potentially significant historical resources could be directly and/or indirectly impacted as a result of new private or public development or redevelopment allowable under the proposed General Plan Update, Downtown Specific Plan Update and E-CAP. New development could result in the destruction of historical resources through activities such as grading, clearing, demolition, alteration, or structural relocation. The proposed project could also result in an increase in development intensity which could adversely affect historical sites through the introduction of visual, audible, or atmospheric effects that are out of character with the historical resources or alter the setting of the resources when the setting contributes to the resources' significance. The proposed project may also result in the redevelopment of a historical structure or site that may result in the remodeling, alteration, addition, or demolition of a historical resource, or a change in use that is not compatible with the authenticity of the resource and that would substantially alter its significance. Additionally, infrastructure or other public works improvements associated with development allowable under the proposed General Plan Update, Downtown Specific Plan Update and E-CAP could result in damage to or demolition of historical features.

Federal, State and Local Regulations and Existing Regulatory Processes

As identified above in Section 4.5.2, Regulatory Framework, there are a number of federal, state, and local regulations in place to protect historical resources in the project area, with which the proposed project is required to comply. CEQA requires a discretionary project to be analyzed for significant impacts to historical resources. For areas under the County's jurisdiction, the RPO requires that cultural resources be evaluated as part of the County's discretionary environmental review process. The RPO then prohibits trenching, grading, clearing and grubbing, or any other activity or use damaging to significant historical site lands, except for scientific investigation with an approved research design prepared by a certified archaeologist. The Mills Act grants local governments the authority to directly implement a historic preservation program. The Mills Act serves as an economic incentive to owners to preserve their historic properties for the benefit of the entire community. State HSC 18950-1896 and the Secretary of the Interior's Standards for Rehabilitation provide regulations for the restoration or rehabilitation of historic structures to preserve their original or restored architectural elements and features, while providing a safe building for occupants. Additionally, the Secretary of the Interior's Standards for the Treatment of Historic Properties were developed to help protect historical resources by promoting consistent preservation practices. The City's Municipal Code and Downtown Specific Plan also contain standards and guidelines for the preservation and nomination of historic resources.

The City utilizes CEQA and the City Municipal Code to identify and protect important historic and archaeological resources by requiring appropriate reviews and applying mitigation, such as avoidance, rehabilitation, incorporation into open space, or excavation, in accordance with federal, state and local regulations when impacts to historic resources are significant. For any project involving the demolition, relocation, or alteration of a structure, or a change to the structure's immediate setting, in which the

structure is over 50 years old and exhibits or potentially exhibits characteristics of an historical resource pursuant to CEQA Guidelines Section 15064.5, the City requires an assessment of the potential historic significance of the structure by a professional historic resource consultant as part of the application. If the resource is considered historical per CEQA, the City requires the assessment to include recommendations for mitigating potential impacts to the structure, or identify requirements for the proper documentation per state or federal guidelines of any significant historic structure proposed for demolition, which shall be made conditions of project approval. Further, the City provides incentives, such as reduced property taxes on eligible historic properties, through the Mills Act to encourage the restoration, renovation, or adaptive reuse of historic resources.

Proposed General Plan Update Policies

The Resource Conservation Element includes a goal and several policies to prevent the proposed General Plan Update from adversely impacting historical resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido. Policy 5.2 supports this goal by calling for the preservation of significant cultural and paleontological resources listed on the national, state, or local registers through the maintenance or development of appropriate ordinances that protect, enhance, and perpetuate resources; incentive programs; and/or the development review process. Additionally, Policy 5.7 encourages compliance with appropriate local, state, or federal regulations governing historical resources. Policies 5.5, 5.6 and 5.8 call for the preservation, adaptive reuse and rehabilitation of historic buildings, landscapes, and districts with special value, encourage compatibility with the surrounding historic context, and the future consideration of financial incentives to private owners and development in order to maintain, rehabilitate, and preserve historic resources. Further, Policies 5.1 and 5.3 encourage the maintenance and update of the Escondido Historic Sites Survey to include significant resources that meet local, state, or federal criteria and consultation with local organizations and individuals with knowledge of existing resources. These two policies assist with the identification process for the purpose of preservation and compliance with existing regulations. Finally, Policy 5.9 encourages the education of the public about the City's important historic resources in an attempt to foster preservation efforts.

Proposed Downtown Specific Plan Update Policies

The Downtown Specific Plan includes a goal to prevent adverse impacts to historical resources within the Specific Plan Area (SPA). Goal 6 of the Downtown Specific Plan calls for the maintenance of the character of downtown through the preservation of historically significant sites and structures. To accomplish this goal, Section IV of the Specific Plan provides historic preservation standards and guidelines for the area covered by the plan. In addition, the Specific Plan outlines the Historic Downtown District, and development in the District is governed by standards provided in Section V of the Specific Plan, and is also informed by Section IV, Historic Preservation Standards and Guidelines.

Proposed Escondido Climate Action Plan Reduction Measures

The proposed E-CAP does not include any reduction measures related to historic resources.

Summary

Implementation of the proposed project would have the potential to result in substantial adverse changes to the significance of historical resources. Designated and potentially significant historical

resources could be disturbed due to demolition, destruction, alteration, or structural relocation as a result of new private or public development or redevelopment allowable under the proposed General Plan Update, Downtown Specific Plan and E-CAP. While existing City and County policies (as applicable) and regulations and proposed General Plan Update and Downtown Specific Plan goals and policies are intended to protect historical resources, specific measures that implement these policies and regulations are necessary to ensure that the intended protections are achieved. Therefore, the proposed project is concluded to result in a potentially significant impact to historical resources and specific measures are identified as mitigation.

4.5.3.2 Issue 2: Archaeological Resources

Guidelines for Determination of Significance

As described above in Section 4.5.3.1, Issue 1: Historical Resources, significant cultural resources are non-renewable and therefore cannot be replaced. The disturbance or alteration of a cultural resource causes an irreversible loss of significant information. Based on Appendix G of the CEQA Guidelines, the proposed project would have a potentially significant impact if it would cause a substantial adverse change in the significance of an archaeological resource as defined by PRC Section 21083.2, CEQA Guidelines Section 15064.5(a), and the criteria provided below. This shall include the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory.

Definition of an Archaeological Resource

PRC Section 21083.2 defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets 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.

Under the CEQA Guidelines, archaeological resources may also be considered historical resources. Therefore, definitions of archaeological resources, as defined in Section 15064.5 of the CEQA Guidelines and the County's RPO (for areas under the jurisdiction of the County), are the same as those provided above in Section 4.5.3.1, Issue 1: Historical Resources. Please refer to this section for definitions of archaeological (historical) resources.

Impact Analysis

The following discussion provides the analysis of impacts to archaeological resources resulting from implementation of the proposed General Plan Update, Downtown Specific Plan Update and E-CAP. The proposed project could result in an adverse change in the significance of archaeological resources by allowing the development of land uses that would result in ground-disturbing activities without proper

regulation and monitoring. Such alteration of archaeological resources may result in a loss of valuable information that could be gained from the resources, or prevent potentially eligible sites from being listed on a register of cultural resources. Ground-disturbing activities, such as clearing, excavation and grading, have the potential to damage or destroy archaeological resources that may be present on or below the ground surface, particularly in areas that have not previously been developed.

While many archaeological sites are known and have been recorded, there is the potential for unknown archaeological resources to exist within the project area, particularly in areas that have not previously been surveyed for resources. This situation is exemplified by several of the General Plan Land Use Study Areas, which lack previous cultural resource studies or have not been subjected to intensive pedestrian survey efforts, and as a result do not contain known and previously recorded archaeological resources. In these areas, resources may exist but have not yet been observed or formally recorded, and the potential for encountering archaeological resources in such areas should be informed by the presence of nearby resources and/or the existing natural environment features. For example, known prehistoric archaeological sites are often found near water resources, where vegetation useful for sustenance would also be located. Therefore, ground-disturbing activities occurring by existing water courses, seasonal drainages and bodies of water, such as Lake Wohlford, would be more likely to result in potentially significant impacts to archaeological resources.

Additionally, archaeological resources may also be subject to indirect impacts as a result of development activities that increase erosion, fugitive dust, or the accessibility of a surface or subsurface resource, and thus increase the potential for the degradation of the resource.

Federal, State and Local Regulations and Existing Regulatory Processes

The proposed General Plan Update would comply with all applicable regulations pertaining to archaeological resources, such as NAGPRA, Cal NAGPRA, PRC Section 509779, and PRC Section 210831. NAGPRA requires the repatriation of funerary or religious items held by federal agencies or federally funded museums, or removed from federal land, to the American Indians of demonstrated lineal descent. Cal NAGPRA requires the repatriation of such items from state agencies, museums, and lands. PRC Section 509779 outlines the requirements for cultural resource analysis prior to construction on state lands, and makes it a misdemeanor criminal offense to disturb or remove archaeological resources without authorization, and prohibits severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except with a clear and convincing showing that the public interest and necessity so require it. For areas under the jurisdiction of the County, the RPO prohibits trenching grading, clearing and grubbing, or any other activity or use damaging to significant archaeological site lands, except for scientific investigation with an approved research design prepared by a certified archaeologist. For areas of the planning area subject to the City Municipal Code, the Grading and Erosion Control Ordinance calls for grading designs that are sensitive to natural topographic, cultural, or environmental features. Under this Ordinance, certain features should be preserved in permanent open space easements, or such other means which will assure their preservation, including significant cultural or historical features. All discretionary approvals subject to CEQA require consideration of potential impacts to archaeological resources. Standard professional protocol relating to the consideration of impacts to archaeological resources often includes the review of information about existing resources within a particular project area, as well as pedestrian surveys to assess previously unsurveyed properties.

The City requires that areas proposed for discretionary development projects, which are subject to CEQA review and found in areas exhibiting observable ground surface, be investigated for artifacts on the ground surface by a professional archaeological resource consultant. In the event that characteristics of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5 are detected during the project review and entitlement process, the City requires an assessment of the potential significance of the resource by a professional archaeological resource consultant as part of the application. If the resource is considered a unique archaeological resource per CEQA, the City requires the assessment to make recommendations for mitigating potential impacts, or identify requirements for the proper documentation per state and federal guidelines, of any significant resource proposed to be impacted. These recommendations are then made conditions of project approval.

Proposed General Plan Update Policies

The proposed General Plan Update includes a goal and several policies to prevent the proposed General Plan Update from adversely impacting cultural resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido. Policy 5.4 supports this goal by calling for the recognition of the sensitivity of cultural resources and the need for more detailed assessments through the environmental review process. Further, Policy 5.3 encourages consultation with local organizations (e.g., SCIC of the CHRIS, NAHC, Native American groups and individuals, and San Diego Natural History Museum) early in the development process to minimize potential impacts to cultural resources. This policy assists with the identification process for the purpose of preservation and compliance with existing regulations.

Proposed Downtown Specific Plan Update Policies

The proposed Downtown Specific Plan does not include any policies related to archaeological resources.

Proposed Escondido Climate Action Plan Reduction Measures

The proposed E-CAP does not include any reduction measures related to archaeological resources.

Summary

Implementation of the proposed project would have the potential to result in a substantial adverse change in the significance of an archaeological resource, including the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory. While the proposed General Plan Update goal and policies are intended to protect archaeological resources, specific measures that implement these policies and regulations are necessary to ensure that the intended protections are achieved. Therefore, the proposed project is concluded to result in a potentially significant impact to archaeological resources and specific measures are identified as mitigation.

4.5.3.3 Issue 3: Paleontological Resources

Guidelines for Determination of Significance

Based on Appendix G of the CEQA Guidelines, the proposed General Plan Update would have a significant impact if it would directly or indirectly destroy a unique paleontological resource or site.

Definition of a Unique Paleontological Resource

For the purposes of this EIR, a unique paleontological resource is any fossil or assemblage of fossils, paleontological resource site, or formation that meets any one of the following criteria:

- 1) Is the best example of its kind locally or regionally
- 2) Illustrates a life-based geologic principle (e.g., faunal succession)
- 3) Provides a critical piece of paleobiological data (illustrates a portion of geologic history or provides evolutionary, paleoclimatic, paleoecological, paleoenvironmental or biochronological data)
- 4) Encompasses any part of a “type locality” of a fossil or formation
- 5) Contains a unique or particularly unusual assemblage of fossils
- 6) Occupies a unique position stratigraphically within a formation
- 7) Occupies a unique position, proximally, distally or laterally within a formation’s extent or distribution

Impact Analysis

The following discussion provides the analysis of impacts to paleontological resources resulting from implementation of the proposed General Plan Update, Downtown Specific Plan Update and E-CAP. Impacts to paleontological resources generally occur from the physical destruction of fossil remains by excavation operations that cut into geologic formations. Trenching and tunneling activities may also result in impacts to paleontological resources. When such activities occur, potential impacts are limited to the immediate area of disturbance. The covering of undisturbed paleontological sites would not represent a potentially significant impact, as the resources would be left intact and would not be destroyed. Because paleontological resources are typically located underground and, therefore, not apparent until revealed by excavation, the potential for significant impacts to paleontological resources to occur is based on the extent that a geologic formation would be disturbed and the potential for those geologic formations to contain fossils.

Activities resulting from implementation of the proposed project, especially construction-related and earth-disturbing actions could damage or destroy fossils in the underlying rock units. Destruction or alteration of paleontological resources may result in an irreversible loss of significant information that could be obtained from these non-renewable resources. As previously discussed, paleontological resources have a varied level of potential to occur depending on the geologic formation within which ground-disturbing activities would take place. Ground-disturbing activities in moderate sensitivity fossil-bearing geologic formations have the potential to damage or destroy paleontological resources that may be present below the ground surface. Potentially fossil-bearing geologic formations within the

project area consist of the following: Landslide Deposits; Old Alluvial Valley Deposits; Old Alluvial Fan Deposits; Undifferentiated Surficial Deposits (Holocene and Late Pleistocene); Undifferentiated Surficial Deposits (Late to Middle Pleistocene); and Cretaceous and Pre-Cretaceous Metamorphic Formations. Therefore, ground-disturbing land development within these areas as a result of the proposed project would have the potential to significantly impact paleontological resources.

It should also be noted that areas with low paleontological sensitivity are also located within the project area. In these areas, it is unlikely that paleontological resources would be encountered. In addition, areas have been identified with no resource potential, indicating that these areas have no potential for producing fossil remains. Thus, impacts in all of these areas would result in no impacts or be considered less than significant.

Federal, State and Local Regulations and Existing Regulatory Processes

Several regulations currently provide for the protection of paleontological resources, such as PRC Section 5097, the County Grading Ordinance, and CEQA. The Grading and Erosion Control Ordinance in the City Municipal Code additionally provides for the preservation of unique rock outcroppings. PRC Section 5097 makes it a misdemeanor criminal violation to disturb or remove paleontological resources without authorization. For areas under the jurisdiction of the County, the County Grading Ordinance requires a paleontological monitor to be present during grading or excavation activities at the discretion of the County, mandates the suspension of grading operations upon the discovery of fossils greater than 12 inches in any dimension, and gives the appropriate County Official, such as the Permit Compliance Coordinator, the authority to determine the appropriate resource recovery operations, which shall be carried out prior to the County Official's authorization to resume normal grading operations. For areas subject to the City Municipal Code, grading designs should be sensitive to natural topographic, cultural, or environmental features, and certain features should be preserved in permanent open space easements, or such other means which will assure their preservation, including unusual rock outcroppings.

CEQA also requires review of discretionary projects with regard to potential impacts to paleontological resources. Areas proposed for discretionary development projects which are subject to CEQA review and found in areas identified as having high or moderate sensitivity for paleontological resources are required by the City to conduct a preliminary assessment by a professional paleontological resource consultant to determine if the characteristics of a unique paleontological resource or site are present. If determined to be present, and the potential for destruction of a unique paleontological resource or site exists, the preliminary assessment must make recommendations for mitigating potential impacts, such as monitoring during construction, or identify requirements for the proper documentation per state or federal guidelines, of any significant resource proposed to be impacted. These recommendations are then required by the City as conditions of project approval.

Proposed General Plan Update Policies

The proposed General Plan Update includes one goal and one policy to prevent the proposed General Plan Update from adversely impacting paleontological resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido. Policy 5.2 encourages the preservation of significant cultural and paleontological resources listed on the national, state, or local registers through

maintenance or development of appropriate ordinances that protect, enhance, and perpetuate resources; incentive programs; and/or the development review process.

Proposed Downtown Specific Plan Update Policies

The proposed Downtown Specific Plan does not include any policies related to paleontological resources.

Proposed Escondido Climate Action Plan Reduction Measures

The proposed E-CAP does not include any reduction measures related to paleontological resources.

Summary

Implementation of the proposed project would have the potential to directly or indirectly destroy a unique paleontological resource or site. Such potential impacts are anticipated when excavations occur in geologic formations having high or moderate sensitivity and high or moderate fossil-bearing potential. However, existing policies and regulations and proposed General Plan Update goals and policies protect unique paleontological resources would reduce any potential impacts to paleontological resources to a level below significant. Therefore, the proposed project would result in a less than significant impact to unique paleontological resources.

4.5.3.4 Issue 4: Human Remains

Guidelines for Determination of Significance

Based on Appendix G of the CEQA Guidelines, the proposed General Plan Update would have a significant impact if it would disturb any human remains, Native American or otherwise, including those interred outside of formal cemeteries. Section 15064.5(d) and (e) of the CEQA Guidelines assign special importance to human remains and specify procedures to be used when Native American remains are discovered. These procedures are detailed under PRC Section 5097.98, described above in Section 4.5.2, Regulatory Framework.

Impact Analysis

The following discussion provides the analysis of impacts to human remains resulting from implementation of the proposed General Plan Update, Downtown Specific Plan Update and E-CAP.

Archaeological materials, including human burials, have been found in the San Diego region. Human burials have occurred outside of formal cemeteries, usually associated with archaeological resource sites and prehistoric peoples. Therefore, areas with known archaeological resources sites may have a higher risk for containing human remains. As described above in Section 4.5.1.1, Cultural Resources, the locations of most of these sites are kept confidential in order to protect these resources.

The disturbance of any human remains is considered a significant impact, regardless of archaeological significance or association. While some burials have been uncovered, the potential exists for unknown burials to be present, including Native American burials. As evident from human remains that were previously discovered throughout the region, there is the potential for impacts to human remains to occur as the result of development allowable under the proposed project. Ground disturbing impacts,

including grading, excavation, and utilities installation during construction, would have the potential to cause adverse impacts to currently undiscovered human remains. The potential for disturbance may be reduced through surveying a site to determine the likelihood that human remains are present, review of archaeological records to determine if human remains are known to occur in the area, and then designing the project to avoid areas where burials may be present. However, if surface evidence and archaeological records do not exist for a site, construction activities associated with the development of land uses consistent with the General Plan Update, Downtown Specific Plan Update and E-CAP, including grading and excavation, would have the potential to disturb human remains. As discussed above, any disturbance is considered to be a significant impact.

Federal, State and Local Regulations and Existing Regulatory Processes

Native American human burials have specific provisions for treatment in PRC Section 5097, as amended by Assembly Bill 2641, which addresses the disposition of Native American burials, protects such remains, and establishes the NAHC to resolve any related disputes. Additionally, Cal NAGPRA requires repatriation of Native American human remains and funerary items that are held by state agencies and museums. Disturbing human remains would destroy the resources and could potentially violate the health code. The California HSC Section 7050.5 has specific provisions for the protection of human burial remains, Native American or otherwise, if they are discovered, as described above in Section 4.5.2, Regulatory Framework. HSC Section 7050.5 requires that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlay adjacent remains, until the County Coroner has examined the remains. In addition, any person who mutilates or disinters, wantonly disturbs, or willfully removes human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor criminal offense.

As required by law, if human remains or funerary objects are discovered and unearthed during any soil disturbing activity, the discoveries must be treated in compliance with applicable state and federal laws, including following relevant procedures as outlined by HSC Section 7050.5 and PRC 5097.98, and notifying the County Coroner and the California Native Heritage Commission, as appropriate. Compliance with these regulations ensures that all references to the discovery of human remains promote preservation and include proper handling and coordination with Native American groups. Additionally, these laws require the application of appropriate mitigation when impacts are significant, such as avoidance, incorporation into open space, or excavation in accordance with federal, state and local regulations.

Proposed General Plan Update Policies

The proposed General Plan Update includes one goal addressing cultural resources. Goal 5 of the Resource Conservation Element calls for the preservation of important cultural and paleontological resources that contribute to the unique identity and character of Escondido. While there are no specific policies relating to human remains, Policy 5.3 encourages consultation with appropriate organizations and individuals (e.g., SCIC of the CHRIS, NAHC, Native American groups and individuals, and San Diego Natural History Museum) early in the development process to minimize potential impacts to cultural resources. In addition, Policy 5.4 encourages the recognition of the sensitivity of cultural resources and the need for more detailed assessments through the environmental review process. The consultation process and the completion of detailed environmental assessments could assist in identifying the presence of human remains interred beyond formal cemeteries.

Proposed Downtown Specific Plan Update Policies

The proposed Downtown Specific Plan does not include any policies related to human remains.

Proposed Escondido Climate Action Plan Reduction Measures

The proposed E-CAP does not include any reduction measures related to human remains.

Summary

Implementation of the proposed project would have the potential to disturb human remains, including those located outside of formal cemeteries. Ground-disturbing activities from the development of land would have the potential to cause adverse impacts to human remains. However, existing federal and state policies and regulations would reduce impacts associated with human remains to a level below significant. Therefore, the proposed project would result in a less than significant impact to human remains.

4.5.4 Cumulative Impacts

The geographic scope of cumulative impact analysis for cultural resources varies depending on the type of resource with potential to be impacted. Geographic scope can be the entire area within which the resource has the potential to occur. For the purpose of this EIR, the geographic scope for the cumulative analysis of cultural resources is the San Diego County region, including both incorporated and unincorporated areas. The geographic scope for the cumulative analysis of paleontological resources includes the Salton Trough, Peninsular Ranges, and Coastal Plain regions within southern California.

Issue 1: Historical Resources

Cumulative projects located in the San Diego region would have the potential to result in a cumulative impact associated with the loss of historical resources through the physical demolition, destruction, relocation, or alteration of a resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. Projects occurring within the geographic scope of this analysis would have the potential to result in adverse impacts to historical resources from development activities, including development of land uses as designated in surrounding jurisdictions general plans. These projects are regulated by federal, state and local regulations, and would be required to comply with these regulations. However, even with regulations in place, individual historical resources would still have the potential to be impacted or degraded from demolition, destruction, alteration, or structural relocation as a result of new private or public development or redevelopment associated with cumulative projects. Therefore, the cumulative destruction of significant historical resources from construction and development planned within the region would be considered to be a cumulatively significant impact. Additionally, past projects involving development and construction have already impacted historical resources within the region.

As discussed above in Section 4.5.3.1, Issue 1: Historical Resources, implementation of the proposed project would have the potential to result in substantial adverse changes to the significance of historical resources due to demolition, destruction, alteration, or structural relocation as a result of new private or public development or redevelopment allowable under the proposed General Plan Update, Downtown Specific Plan Update and E-CAP. Therefore, the proposed project, in combination with the identified

cumulative projects, would have the potential to result in a significant cumulative impact associated with historical resources.

Issue 2: Archaeological Resources

Cumulative projects located in the San Diego region would have the potential to result in a cumulative impact associated with the loss of archaeological resources through development activities that could cause a substantial adverse change in the significance of an archaeological resource. Any cumulative projects that involve ground disturbing activities, including but are not limited to the development of land uses as designated under surrounding jurisdictions general plans, would have the potential to result in significant impacts to archaeological resources. These projects would be regulated by applicable federal, state and local regulations; however, the loss of archaeological resources on a regional level may not be adequately mitigated through the data recovery and collection methods specified in these regulations, as their value may also lie in cultural mores and religious beliefs of applicable groups. Therefore, the cumulative destruction of significant archaeological resources from planned construction and development projects within the region would be cumulatively significant. Additionally, past projects involving development and construction have already impacted archaeological resources within the region.

As discussed above in Section 4.5.3.2, Issue 2: Archaeological Resources, implementation of the proposed project would have the potential to result in a substantial adverse change in the significance of an archaeological resource, including the destruction or disturbance of an important archaeological site or any portion of an important archaeological site that contains or has the potential to contain information important to history or prehistory. Therefore, the proposed project, in combination with the identified cumulative projects, would have the potential to result in a significant cumulative impact associated with archaeological resources.

Issue 3: Paleontological Resources

Cumulative projects located in the San Diego region would have the potential to result in a cumulative impact associated with paleontological resources from extensive grading, excavation or other ground-disturbing activities. Cumulative projects that require significant excavation, such as regional energy and utility projects or the construction of new roadways, would result in adverse impacts to paleontological resources. Additionally, if a cumulative project that requires excavation or grading is located in an area of high or moderate sensitivity, this would result in an increased potential for an adverse impact to a paleontological resource to occur. Cumulative projects on state or public lands would be required to comply with PRC Section 5097-5097.6 pertaining to impacts to paleontological resources. Most other cumulative projects would be regulated by state and local regulations, including CEQA. However, the loss of paleontological resources on a regional level may not be adequately mitigated through methods specified in these regulations. Therefore, the cumulative destruction of significant paleontological resources from planned construction and development within the region would be cumulatively significant. Additionally, past projects involving development and construction have already impacted paleontological resources within the region.

As discussed above in Section 4.5.3.3, Issue 3: Paleontological Resources, ground disturbing activities associated with future development consistent with the proposed project occurring in areas containing geologic formations with high and moderate sensitivity for paleontological resources would have the potential to result in a significant impact. However, compliance with existing regulations and

implementation of the proposed General Plan Update policies would reduce these impacts to a level below significant. Therefore, the proposed project, in combination with the identified cumulative projects, would have a less than significant cumulative impact associated with paleontological resources.

Issue 4: Human Remains

Cumulative projects located in the San Diego region would have the potential to result in impacts associated with human remains due to grading, excavation or other ground-disturbing activities. Projects that may result in significant impacts due to ground disturbing activities include the development of land uses as designated under surrounding jurisdictions general plans. Cumulative projects would be required to comply with NAGPRA, PRC Section 5097.9-5097.991, Cal NAGPRA, and HSC Section 7050.5, if human remains are encountered during project development. However, on a regional level, the disturbance of human remains that are also considered archaeological resources may not be adequately mitigated through methods specified in these regulations, as their value may also lie in cultural mores and religion beliefs of applicable groups. Therefore, the cumulative disturbance of human remains by construction and development within the region would be considered a cumulatively significant impact. Additionally, past projects involving development and construction have already impacted human remains within the region.

As discussed above in Section 4.5.3.4, Issue 4: Human Remains, implementation of the proposed project would have the potential to disturb human remains, including those located outside of formal cemeteries, from ground-disturbing activities associated with the development of land uses consistent with the General Plan Update. However, compliance with existing regulations and implementation of the proposed General Plan Update policies would reduce these impacts to a level below significant. Therefore, the proposed project, in combination with the identified cumulative projects, would result in a less than significant cumulative impact associated with human remains.

4.5.5 Significance of Impact Prior to Mitigation

Prior to mitigation, the proposed project would result in potentially significant direct and cumulative impacts to historical resources and archaeological resources. The proposed project would result in less than significant direct and cumulative impacts related to paleontological resources and human remains; therefore, no mitigation is required for these topics.

4.5.6 Mitigation

Issue 1: Historical Resources

The following mitigation measures would mitigate direct and cumulative impacts to historical resources to a less than significant level.

- Cul-1** Enhance community appreciation of the importance of the City's historic sites and buildings, and protect and preserve significant historical resources to the extent feasible through the identification of features of cultural and historical significance to the community and designation as landmark features, structures and sites of historic, aesthetic, and special character. The incorporation of historical resources into historical parks and multiple use recreation parks shall be encouraged.

Cul-2 Ensure landmarking and historical listing of City-owned historic sites.

Issue 2: Archaeological Resources

The following mitigation measures would mitigate direct and cumulative impacts to archaeological resources to a less than significant level.

Cul-3 Require that significant archaeological resources be preserved in-situ, as feasible. The incorporation of resources into historical parks and multiple use recreation parks shall be encouraged. When avoidance of impacts is not possible, data recovery mitigation shall be required for all significant resources. Any significant artifacts recovered during excavation, other than cultural material subject to repatriation, shall be curated with its associated records at a curation facility approved by the City. Excavation of deposits of Native American origin shall be coordinated with and monitored by local Native American representatives.

Cul-4 Develop management and restoration plans for identified and acquired properties with cultural resources.

Cul-5 Support the dedication of easements that protect important cultural resources by using a variety of funding methods, such as grant or matching funds, or funds from private organizations.

Cul-6 Protect significant cultural resources through coordination and consultation with the NAHC and local tribal governments, including SB-18 review.

Issue 3: Paleontological Resources

Impacts related to paleontological resources would be less than significant; therefore, no mitigation is required.

Issue 4: Human Remains

Impacts related to human remains would be less than significant; therefore, no mitigation is required.

4.5.7 Conclusion

The discussion below provides a synopsis of the conclusion reached in each of the above impact analyses, and identifies the level of impact that would occur after General Plan Update policies and mitigation measures are implemented.

Issue 1: Historical Resources

Implementation of the proposed project would result in new development that would have the potential to result in substantial adverse changes to the significance of historical resources. Therefore, the proposed project would result in a potentially significant impact to historical resources. Additionally, the proposed project would result in a potentially significant cumulative impact prior to mitigation. However, implementation of the mitigation measures identified in Section 4.5.6, Mitigation,

would mitigate potentially significant direct and cumulative impacts identified for the proposed project to a less than significant level.

Issue 2: Archaeological Resources

Implementation of the proposed project would result in new development that would have the potential to cause a substantial adverse change in the significance of an archaeological resource, including the destruction or disturbance of an archaeological site that contains or has the potential to contain information important to history or prehistory. Therefore, the proposed project would result in a potentially significant impact to archaeological resources. Additionally, the proposed project would result in a potentially significant cumulative impact prior to mitigation. However, implementation of the mitigation measures identified in Section 4.5.6, Mitigation, would mitigate the proposed project's potentially significant direct and cumulative impacts related to archaeological resources to a less than significant level.

Issue 3: Paleontological Resources

Implementation of the proposed project would result in new development that would have the potential to adversely impact unique paleontological resources. However, compliance with existing regulations and implementation of the proposed General Plan Update policies would reduce these impacts to a level below significant. Therefore, the proposed project would result in a less than significant impact to paleontological resources. Additionally, the proposed project would result in a less than significant cumulative impact.

Issue 4: Human Remains

Implementation of the proposed project would result in new development that would have the potential to disturb human remains, including those discovered outside of formal cemeteries. However, compliance with existing regulations and implementation of the proposed General Plan Update policies would reduce these impacts to a level below significant. Therefore, the proposed project would result in a less than significant impact associated with human remains. Additionally, the proposed project would result in a less than significant cumulative impact.

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