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## IV. ENVIRONMENTAL IMPACT ANALYSIS

### E. CULTURAL RESOURCES

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#### INTRODUCTION

This section of the Draft Environmental Impact Report (DEIR) evaluates potential cultural resources impacts associated with development of the proposed Big Wave Wellness Center and Office Park project (“proposed project”), including the construction and operational phases of the proposed project. The cultural resource evaluation includes an analysis of impacts to historical resources, archaeological resources, paleontological resources, and human remains.

#### METHODOLOGY

Incorporated into this section is information and analysis contained in the following document:

- *A Cultural Resources Survey for the Big Wave Project, San Mateo, California* (Cultural Resources Survey), prepared by Tom Origer & Associates, February 28, 2007.
- *Additional Cultural Resources Investigation*, prepared by Tom Origer & Associates, July 16, 2009.

The Cultural Resources Survey is designed to satisfy environmental issues specified in the CEQA Guidelines (Title 14 CCR Section 15064.5) by: (1) identifying all cultural resources within the project area; (2) offering a preliminary significance evaluation of the identified cultural resources; (3) assessing resource vulnerability to effects that could arise from project activities; and (4) offering suggestions designed to protect resource integrity, as warranted.

The abovementioned survey conducted on February 28, 2007 included (1) archival research at the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park (NWIC File No. 06-334), (2) examination of the library and files of Tom Origer & Associates, and (3) a field inspection by Tom Origer & Associates of the project area. The purpose of the Additional Cultural Resources Investigation conducted on July 16, 2009 was to establish the presence of the archaeological site and its boundary within the project site. This was accomplished by examining the ground surface at the recorded location of site CA-SMS-151 (discussed further under “Archaeological Resources”) and excavating nine shovel test pits to ascertain whether buried archaeological specimens extend beyond the surface distribution of archaeological materials. Additionally, pursuant to the requirements of Senate Bill 18 (SB-18; Tribal Consultation, Government Code Section 65352.3), Tom Origer & Associates contacted the Native American Heritage Commission (NAHC) on October 26, 2006 to request a Tribal Consultation List with contact information for the tribes identified by the NAHC as having traditional lands or cultural resources within the project vicinity.

Sources of information included, but were not limited to: current listings of properties on the National Register of Historical Places (National Register), California Historical Landmarks, California Register of

Historical Resources (California Register), and the California Points of Historical Interest as listed in the Office of Historic Preservation's Historic Property Directory. Archival research included an examination of historical maps to gain insight into the nature and extent of historical development in the general vicinity, especially within the study area. Additionally, ethnographic literature which describes appropriate Native American groups, county histories, and other primary and secondary sources were reviewed.

The project area field survey was completed on February 13, 2007. The two parcels comprising the project site were intensely examined by walking in a zigzag pattern within corridors no more than 20 meters wide. The banks of the drainage swale separating the two adjacent parcels were examined where breaks in the dense vegetation allowed. Surface visibility of the site was very good and vegetation was sparse due to recent disking. When necessary, a hoe was used to clear small patches of vegetation to improve visibility.

## **ENVIRONMENTAL SETTING**

### **Local Setting**

The study area is located in northwestern unincorporated San Mateo County along the coast of the Pacific Ocean at the north end of Half Moon Bay and adjacent to the community of Princeton by the Sea. The approximately 19.4-acre project site is divided into two adjacent irregularly shaped parcels, a northern parcel and a southern parcel, separated by a swale that drains to the Pillar Point Marsh, which lies along the southwestern edge of the project site. The nearest year-round source of fresh water is Dennison Creek, which is approximately 0.3 miles east of the study area. The parcels that comprise the project site are currently utilized as agricultural fields, which are part of a larger ongoing and continuous farming operation. The site is characterized by generally flat terrain with sparse vegetation due to extensive site farming activities. In those areas where normal farming activities have not occurred recently (e.g., along the Airport Street verge and in very small, scattered patches within the agricultural fields), non-native annual grasses and herbs occur. Additionally, dense riparian vegetation is located on the banks of the swale that divides the two parcels which comprise the project site.

Soils of the project site consist of two types of Denison series clay loams, which differ only by their ability to drain. The northern parcel consists of soil that drains moderately well, while the southern parcel is more poorly drained. Denison soils are associated with low marine terraces of alluvium from sedimentary rocks or mixed sources. The presence of soils that drain, located nearby fresh water, and marsh and coastal resources make the project area a location that would have been suitable for early inhabitants to live or gather resources.

## Prehistoric and Historic Background

From the times of the earliest Indian inhabitants to today's era of high technology development, the County of San Mateo has had a legacy rich in historical, archaeological and architectural resources.<sup>1</sup>

Archaeological evidence indicates that human occupation of California began at least 10,000 to 15,000 years ago. Early occupants appear to have had an economy based largely on hunting, with limited exchange, and social structures based on the extended family unit. Later, milling technology and an inferred acorn economy were introduced. This diversification of economy appears to be concurrent with the development of sedentism (transition from nomadic to permanent, year-round settlement) and population growth and expansion.

Sociopolitical complexity and status distinctions based on wealth are also observable in the archaeological record, as evidenced by an increased range and distribution of trade goods (e.g., shell beads, obsidian tool stone), which are possible indicators of both status and increasingly complex exchange systems.

At the time of European settlement, the study area was included in the territory controlled by Ohlone, who are also referred to as the Costanoan. The Ohlone were hunter-gatherers who lived in rich environments that allowed for dense populations with complex social structures. They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary village sites were occupied continually throughout the year and other sites were visited in order to procure particular resources that were especially abundant or available only during certain seasons. Sites were often situated near fresh water sources and in ecotones where plant life and animal life were diverse and abundant. Based on baptismal records from the early 19th century, ethnographer Randall Milliken ascribes the Chiquan tribe to the area from Point Montara south to Pilarcitos Creek, which includes the present study area.

Historically, the study area is situated within part of the Rancho Corral de Tierra confirmed to the heirs of Francisco Guerrero Palomares in 1859. The 1859 plat map shows that James Dennison resided on the broad coastal terrace where the study area is located. Dennison's house was farther north near the base of the hills, and at present-day Pillar Point he had a wharf and two warehouses. An 1878 map of the County shows that Dennison still owned the property.

## Historical Resources

Archival research included examination of the library and project files of Tom Origer & Associates and a records search of files held at the NWIC at Sonoma State University. A project area field survey was completed by Tom Origer & Associates on February 13, 2007 to confirm the above research. Review of historical maps revealed no indication of historical buildings within or adjacent to the project area. The

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<sup>1</sup> *San Mateo County, Environmental Services Agency, Planning and Building Division, County of San Mateo General Plan, Chapter 5 - Historical and Archaeological Resources, Historical and Archaeological Resources Background, November 1986, page 5.1.*

discovery of historic-period resources was considered less likely. The indicators for historical sites generally include the following: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits, such as wells, privy pits, and dumps. The field survey confirmed that there are no historical buildings or structures within the study area.

### Archaeological Resources

As described above, archival research included examination of the library and project files of Tom Origer & Associates and a records search of files held at the NWIC at Sonoma State University. Review of the archaeological site base maps and records, survey reports, and other materials in their files indicated that one archaeological investigation previously occurred in the project vicinity in 1987.<sup>2</sup> Findings indicated that three recorded archaeological sites are located within a half-mile radius of the project area, including the site CA-SMA-151, a prehistoric habitation site known to contain human burials, which extends into a portion of the project site. Research also found that the 1987 study observed fire-affected rock, stone chipping debris, dietary remains, culturally altered soils (midden), and stone and shell artifacts within the study area examined, which generally corresponds to the present study area. The site was remapped and limited subsurface investigations were conducted in 2004.<sup>3</sup>

State and federal inventories reviewed at NWIC included the National Register of Historic Places (National Register), the California Register of Historic Resources (California Register), the California Historical Landmarks, and the California Points of Historical Interest as listed in the Office of Historic Preservation's Historic Property Directory. Site CA-SMA-151 was listed on the National Register in 1978 based on studies conducted within the project area in 1976.<sup>4</sup> The National Register's assessment of site CA-SMA-151's data potential concluded that its potential is strong, with the ability to "yield considerable information on prehistoric coastal habitation."<sup>5</sup> The National Register nomination also noted that site CA-SMA-151 is "one of the last relatively undisturbed prehistoric habitation sites in the area." Considering that the observation was made 30 years ago, it is likely that the rarity of sites has increased. Site CA-SMA-151 was also listed on the California Register. Furthermore, site CA-SMA-151 meets criteria 1 and 2 for a "unique archaeological resource" pursuant to Section 15064.5 of the State CEQA Guidelines.<sup>6</sup>

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<sup>2</sup> *Archeological Resource Management, Robert Cartier, Cultural Resource Evaluation of the Half Moon Bay Industrial Park on Airport Street in Half Moon Bay, County of San Mateo, July 1987. On file at the Northwest Information Center, Rohnert Park.*

<sup>3</sup> *Applied Earthworks, Inc., Flint, Sandra S., Barry A. Price, Randy Baloian, Mary Clark Baloian, and Kathleen Jemigan, Archaeological Investigations at CA-SMA-109H, CA-SMA-151, and CA-SMA-347, Pillar Point Air Force Station, San Mateo County, California, 2005. On file at the Northwest Information Center, Rohnert Park.*

<sup>4</sup> *Nissen and Swezey, Archaeological Site Survey Record for CA-SMA-151, 1976. On file at the Northwest Information Center, Rohnert Park.*

<sup>5</sup> *Tom Origer & Associates, Tom Origer, Registered Professional Archaeologist #10333, electronic correspondence, August 12, 2009.*

<sup>6</sup> *Ibid.*

In addition, ethnographic literature that describes appropriate Native American groups, county histories, and other primary and secondary sources were reviewed. There are no reported ethnographic camps or villages within the study area.

Based on the above archival research results, it was anticipated by Tom Origer & Associates that prehistoric cultural resources could be found within the study area. Prehistoric archaeological site indicators expected to be found in the region include, but are not limited to: obsidian and chert flakes and chipped stone tools; grinding and mashing implements such as slabs and handstones, and mortars and pestles; and locally darkened midden soils containing some of the previously listed items plus fragments of bone, shellfish, and fire affected stones.

The 2007 field survey conducted by Tom Origer & Associates confirmed that the prehistoric site CA-SMA-151 extends into the project area and presented additional materials outside the previously mapped areas (based on 1976, 1987 and 2004 studies).<sup>7</sup> While prehistoric site CA-SMA-151 extends into a portion of the project site, the main portion of the prehistoric site is on an adjoining parcel offsite. Shell-laden midden soils with fire-affected rock, chert flakes, and bone fragments were observed. Occasional pieces of chert were noted in the field north of the midden deposit. No other prehistoric archaeological deposits were found. The Additional Cultural Resources Investigation conducted in 2009 by Tom Origer & Associates determined the boundary of site CA-SMA-151 within the project site.

### **Paleontological Resources**

Paleontological resources are mineralized or fossilized remains of prehistoric plants and animals, as well as mineralized impressions or trace fossils that provide indirect evidence of the form and activity of ancient organisms. Paleontological resources or prehistoric fossils have been discovered in exposed bluffs above the ocean bench along the coast in San Mateo County. These sites contained molluscan fossils from the Pleistocene Period.<sup>8</sup>

Subsurface investigations were performed for the southern parcel in June 2000 and for the northern parcel in May 2002 by Bay Area Geotechnical Group (refer to Section IV.F (Geology & Soils) and Appendix F of the DEIR). Soils at the southern parcel generally consist of clay and sand.<sup>9</sup> The northern parcel is also underlain by a wide variety of soils, including clay, sand, and gravel.<sup>10</sup> The finer soils would not typically support mineralized or fossilized remains, whereas the larger gravel could.

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<sup>7</sup> *Specific location of the pre-historic site has not been described or mapped in this document to protect the integrity of the site, as is standard in CEQA documents.*

<sup>8</sup> *San Mateo County, Environmental Services Agency, Planning and Building Division, County of San Mateo General Plan, Chapter 5 - Historical and Archaeological Resources, November 1986, page 5.5.*

<sup>9</sup> *Bay Area Geotechnical Group, Geotechnical Investigation, Proposed 5-Acre Commercial Development West Corner of Airport Street and Stanford Avenue, Princeton by the Sea, California, June 13, 2000, page 8.*

<sup>10</sup> *Bay Area Geotechnical Group, Preliminary Geotechnical Engineering Investigation, Proposed 10-Acre Commercial Development South of Airport Street, APN 047-311-060, Princeton by the Sea, California, May 7, 2002, page 9.*

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**Human Remains**

As discussed previously, human remains have been identified within recorded resources located in the vicinity of the project site. Prehistoric archaeological site CA-SMA-151 extends into the project site. The archaeological site is listed on the National Register and is considered to be an important Native American site, known to contain human burials.

**Native American Consultation**

Tom Origer & Associates sent a letter on October 23, 2006 to the State of California's NAHC seeking information from the sacred lands files, which track Native American cultural resources, and the names of Native American individuals and groups that would be appropriate to contact regarding the project. The NAHC responded by letter on October 26, 2006, in which they indicated a record search of the sacred lands file failed to indicate the presence of Native American cultural resources in the study area, and provided a list of seven Native American individuals/organizations that may have knowledge of cultural resources in the project area. Follow-up telephone calls were made to individuals who were contacted by letter on October 26, 2006, to confirm the receipt of project information and to solicit comments. Only one of the six tribes contacted provided comment. The Ohlone tribe expressed concern because of the proposed project's proximity to a known cultural resource within the project area.

**REGULATORY SETTING**

Federal, state, and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) are the basic federal and state laws governing preservation of historic and archaeological resources of national, regional, state and local significance.

**Federal**

Primarily Section 106 of the NHPA of 1966 governs federal regulations for cultural resources. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and affords the 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 Code of Federal Regulations (CFR) Part 800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the National Register of Historic Places (National Register). The criteria for determining National Register eligibility are found in 36 CFR Part 60. Amendments to the Act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal money.

**State**

State historic preservation regulations affecting this project include the statutes and guidelines contained in the California Environmental Quality Act (CEQA; Public Resources Code Sections 20183.2 and 21084.1 and Section 15064.5 of the CEQA Guidelines). CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources (see the Historical Resources description below for criteria specifications).

Advice on procedures to identify such 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, associates 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 the antiquity and provides for the sensitive treatment and disposition of those remains.

***California Historic Register***

The State Historic Preservation Office (SHPO) also maintains the California State Register of Historic Resources (CRHR). Properties that are listed on the National Register of Historic Properties (NRHP) are automatically listed on the CRHR, along with State Landmark and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

***Native American Consultation***

SB-18 Tribal Consultation; Government Code Section 65352.3 (Senate Bill [SB] 18) requires local governments to consult with California Native American Tribes identified by the California NAHC regarding proposed local land use planning decisions and prior to the adoption or amendment of a general plan or specific plan. The purpose of this consultation is to preserve or mitigate impacts to cultural places.

***California Health and Safety Code***

Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human grave. In the event that human graves are encountered, work should halt in the vicinity and the County Coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If human remains are of Native American origin, the Coroner must notify the NAHC within 24 hours of this identification.

According to Section 15064.5 of the CEQA Guidelines, all human remains are a significant resource. Section 15064.5 of the CEQA Guidelines also assigns special importance to human remains and specifies

procedures to be used when Native American remains are discovered. These procedures are spelled out under Public Resources Code Section 5097.

## **Local**

### ***San Mateo County General Plan***

The General Plan contains the following policies related to historical and archaeological resources that would be applicable to the proposed project:

#### *Historical and Archaeological Resources*

##### 5.15 Character of New Development

- Encourage the preservation and protection of historic resources, districts and landmarks on sites which are proposed for new development.

##### 5.20 Site Survey

- Determine if sites proposed for new development contain archaeological/paleontological resources. Prior to approval of development for these sites, require that a mitigation plan, adequate to protect the resource and prepared by a qualified professional, be reviewed and implemented as a part of the project.

##### 5.21 Site Treatment

- Encourage the protection and preservation of archaeological sites.
- Temporarily suspend construction work when archaeological / paleontological sites are discovered. Establish procedures which allow for the timely investigation and / or excavation of such sites by qualified professionals as may be appropriate.
- Cooperate with institutions of higher learning and interested organizations to record, preserve, and excavate sites.

### ***San Mateo County Local Coastal Program***

The Local Coastal Program (LCP) contains the following policies relating to cultural resources which would be applicable to the proposed project:

#### *Locating and Planning New Development*

##### 1.24 Protection of Archaeological/Paleontological Resources:

- Based on County Archaeology/Paleontology Sensitive Maps, determine whether or not sites proposed for new development are located within areas containing potential

archaeological/paleontological resources. Prior to approval of development proposed in sensitive areas, require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist/paleontologist be submitted for review and approval and implemented as part of the project.

## **ENVIRONMENTAL IMPACTS**

### **Thresholds of Significance**

Based on Appendix G to the State CEQA Guidelines, the proposed project would result in a significant environmental impact on cultural resources if it would:

- a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5;
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- d) Disturb any human remains, including those interred outside of formal cemeteries.

For purposes of CEQA, to determine whether cultural resources could be significantly affected, the significance of the resource itself must first be determined. Section 15065 of the CEQA Guidelines mandates a finding of significance if a project would eliminate important examples of major periods of California history or prehistory.

Pursuant to Section 15064.5 of the CEQA Guidelines, a project would have a significant effect on the environment if it would “cause a substantial adverse change in the significance of an historical resource.” A “substantial adverse change” means “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.” Material impairment means altering “...in an adverse manner those characteristics of an historical resource that convey its historical significance and its eligibility for inclusion in the California Register of Historical Resources.”

### ***Historical Resources***

A lead agency must consider a property an historic resource under CEQA if it is eligible for listing in the California Register of Historical Resources (California Register). The California Register is modeled after the National Register of Historic Places (National Register). Furthermore, a property is presumed to be historically significant if it is listed in a local register of historic resources or has been identified as historically significant in an historic resources survey (provided certain criteria and requirements are satisfied) unless a preponderance of evidence demonstrates that the property is not historically or culturally significant.

### *National Register of Historic Places*

The National Register of Historic Places (National Register) is “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment.”<sup>11</sup>

To be eligible for listing in the National Register, a property must be at least 50 years of age and possess significance in American history and culture, architecture, or archaeology. A property of potential significance must meet one or more of four established criteria:<sup>12</sup>

- a. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- b. Is associated with the lives of persons important in our past;
- c. 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
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

### Historic Districts

The National Register includes significant properties, which are classified as buildings, sites, districts, structures, or objects. A historic district “derives its importance from being a unified entity, even though it is 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.”<sup>13</sup>

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.<sup>14</sup> A district’s significance and historic integrity should help determine the boundaries. Other factors include:

- Visual barriers that mark a change in historic character of the area or that break the continuity of the district, such as new construction, highways, or development of a different character;
- Visual changes in the character of the area due to different architectural styles, types, or periods, or to a decline in the concentration of contributing resources;

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<sup>11</sup> Title 36 Code of Federal Regulations Part 60.2.

<sup>12</sup> Title 36 Code of Federal Regulations Part 60.4.

<sup>13</sup> National Register Bulletin #15, page 5.

<sup>14</sup> Title 36 Code of Federal Regulations Part 60.3(d).

- Boundaries at a specific time in history, such as the original city limits or the legally recorded boundaries of a housing subdivision, estate, or ranch; and
- Clearly differentiated patterns of historical development, such as commercial versus residential or industrial.<sup>15</sup>

Within historic districts, properties are identified as contributing and noncontributing. A contributing building, site, structure, or object adds to the historic associations, historic architectural qualities, or archeological values for which a district is significant because:

- It was present during the period of significance, relates to the significance of the district, and retains its physical integrity; or
- It independently meets the criterion for listing as a National Historic Landmark, or as a historic unit of the National Park system.<sup>16</sup>

A non-contributing resource is a building, site, structure, or object that does not add to the historic significance of a property. Non-contributing resources receive no further consideration under CEQA.

According to National Register Bulletin 15, “to be eligible for listing in the National Register, a property must not only be shown to be significant under National Register criteria, but it also must have integrity.” Integrity is defined in National Register Bulletin 15 as “the ability of a property to convey its significance.” Within the concept of integrity, the National Register recognizes seven aspects or qualities that in various combinations define integrity. They are feeling, association, workmanship, location, design, setting, and materials.<sup>17</sup>

In addition to meeting one of the four criteria and retaining physical integrity, a property must be significant within a historic context. National Register Bulletin 15 states that the significance of a historic property can be judged only when it is evaluated within its historic context. Historic contexts are “those patterns, themes, or trends in history by which a specific . . . property or site is understood and its meaning . . . is made clear.”<sup>18</sup> A property must represent an important aspect of the area’s history or prehistory and possess the requisite integrity to qualify for the National Register.

#### *California Register of Historical Resources*

In 1992, Governor Wilson signed Assembly Bill 2881 into law establishing the California Register. The California Register is an authoritative guide used by State and local agencies, private groups and citizens to identify historic resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

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<sup>15</sup> National Register Bulletin #21, page 12.

<sup>16</sup> Instructions for Completing National Register Registration Forms

<sup>17</sup> National Register Bulletin #15, pages 44-45.

<sup>18</sup> National Register Bulletin #15, page 7.

The criteria for eligibility of listing in the California Register are based upon National Register criteria. The California Register consists of properties that are listed automatically as well as those that must be nominated through an application and public hearing process. The California Register automatically includes the following:<sup>19</sup>

- California properties listed in the National Register and those formally Determined Eligible for the National Register.
- California Registered Historical Landmarks from No. 0770 onward.
- Those California Points of Historical Interest that have been evaluated by the Office of Historic Preservation (OHP) and have been recommended to the State Historical Resources Commission for inclusion on the California Register.

Historic resources eligible for listing in the California Register may include buildings, sites, structures, objects, and historic districts. The criteria for eligibility of listing in the California Register are based upon National Register criteria, but are identified as 1-4 instead of A-D. To be eligible for listing in the California Register, a property must be at least 50 years of age and possess significance at the local, state, or national level, under one or more of the following four criteria:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. The resource is associated with lives of persons important to local, California, or national history;
3. The resource 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. The resource has yielded, or may be likely to yield, information important in prehistory or history of the local area, California, or the nation.

A resource less than 50 years of age may be eligible if it can be demonstrated that sufficient time has passed to understand its historical importance.<sup>20</sup> While the enabling legislation for the California Register is less rigorous with regard to the issue of integrity, there is the expectation that properties reflect their appearance during their period of significance.<sup>21</sup>

Impacts to those cultural resources not determined to be significant according to the significance criteria described above are not considered significant for the purposes of CEQA.

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<sup>19</sup> California Public Resources Code (PRC) Section 5024.1.

<sup>20</sup> California Code of Regulations (CCR) Section 4852.

<sup>21</sup> Public Resources Code Section 4852.

### ***Archaeological Resources***

Pursuant to Section 15064.5 of the State CEQA Guidelines, a project would have a significant effect on the environment if it would “cause a substantial adverse change in the significance of an archaeological resource.” Additionally, pursuant to Section 15064.5, archaeological resources, not otherwise determined to be historical resources, may be significant if they are unique. Furthermore, under Public Resources Code Section 21083.2g, a unique archaeological resource is defined as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

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

A non-unique archaeological resource means an archaeological artifact, object, or site that does not meet the above criteria. Non-unique archaeological resources receive no further consideration under CEQA.

### ***Paleontological Resources***

Pursuant to Appendix G of the State CEQA Guidelines, a project would have a significant effect on the environment if it would “directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.”

A paleontological resource may be significant if the resource:

- Provides important information on the evolutionary trends among organisms, relating living organisms to extinct organisms;
- Provides important information regarding development of biological communities or interaction between botanical and zoological biota;
- Demonstrates unusual circumstances in biotic history; or
- Is in short supply and in danger of being depleted or destroyed by the elements, vandalism, or commercial exploitation, and is not found in other geographic localities.

### ***Human Remains***

According to Section 15064.5 of the State CEQA Guidelines, a project would have a significant effect on the environment if it would “disturb any human remains, including those interred outside of formal

cemeteries.” According to Section 15064.5, all human remains are a significant resource and special importance is assigned to human remains where specific procedures are to be used when Native American remains are discovered. These procedures are spelled out under Public Resources Code Section 5097.

### **Project Impacts and Mitigation Measures**

#### ***Impact CULT-1 Historical Resources***

As discussed above and in more detail in Section III (Project Description) of the DEIR, the project site consists of two adjacent parcels separated by a drainage. These parcels are currently utilized as agricultural fields, which are part of a larger ongoing and continuous farming operation; however, the site is not currently developed with any buildings or structures. Review of historical maps revealed no indication of historical buildings within or adjacent to the project area. The discovery of historic-period resources was considered less likely based on studies by Tom Origer & Associates. The indicators for historical sites generally include the following: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits, such as wells, privy pits, dumps, etc. The field survey confirmed that there are no historical buildings or structures within the study area. As such, there are no known historic or potentially historic resources on the project site. Therefore, the proposed project would have *less-than-significant* impacts to historical resources and no mitigation measures are required.

#### ***Impact CULT-2 Archaeological Resources***

A number of archaeological sites have been discovered throughout the County of San Mateo. Maps of these archaeological sites are kept on file with the San Mateo County Planning and Building Department. The exact locations, however, of these sites have been kept confidential in an effort to protect the areas from both vandalism and artifact hunters.<sup>22</sup>

##### *Site CA-SMA-151*

As stated previously, prehistoric archaeological site CA-SMA-151 extends into the project site. The archaeological site is listed on the National Register, California Register, meets criteria 1 and 2 for a “unique archaeological resource,”<sup>23</sup> and is considered to be an important Native American site, known to contain human burials. As currently proposed, development on the proposed project would occur within the mapped boundaries of archaeological site CA-SMA-151.

The majority of the project site is utilized for agricultural uses. The deepest soil penetration is approximately 18 inches with a ripper for irrigation piping, while normal depth is approximately 12 inches. Although the project site has been slightly disturbed from past agricultural activities, prehistoric

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<sup>22</sup> San Mateo County, Environmental Services Agency, Planning and Building Department, County of San Mateo General Plan, Chapter 5 - Historical and Archaeological Resources, November 1986, page 5.5.

<sup>23</sup> Tom Origer & Associates, Tom Origer, Registered Professional Archaeologist #10333, electronic correspondence, August 12, 2009.

archaeological site CA-SMA-151 is still intact and would be impacted by development of the proposed project. Possible indirect impacts that could occur include unauthorized artifact collection by construction workers and people drawn to this location through development. Therefore, without mitigation, project impacts to archaeological site CA-SMA-151 would be *significant*.

The following mitigation measures would reduce direct and indirect impacts to archaeological site CA-SMA-151 to a *less-than-significant* level:

***Mitigation Measure CULT-2a Archaeological Resources***

All final improvements for the proposed project shall be designed and approved by County staff, as well as a County-approved qualified archaeologist, to avoid impacts to prehistoric archaeological site CA-SMA-151 due to the proposed development. To avoid impacts to CA-SMA-151, the archaeological site shall be excluded from disruption during project construction. Avoidance shall be assured by fencing the site perimeter (to be confirmed by a County-approved qualified archaeologist or licensed surveyor prior to any start of grading) to exclude construction equipment, particularly for grading activities. Fencing shall be removed when all construction activities are finished to avoid drawing attention to the site. Additionally, identified site CA-SMA-151 shall be included in a deed restriction recorded with the County Recorder's Office to further protect this archaeological resource. The deed restriction shall limit uses within the site perimeter of CA-SMA-151 to farming within the existing plow zone and require any ground disturbing activity or development within the cultural site perimeter to be subject to a Coastal Development Permit and meet California Environmental Quality Act (CEQA) requirements for disturbance of a mapped cultural resource.

**OR**

If avoidance of site CA-SMA-151 is impractical or infeasible, a County-approved archaeologist shall be retained to conduct test excavations at the site to determine the integrity of its subsurface deposit. Additionally, a mitigation plan shall be developed by a County-approved archaeologist that addresses specific project impacts and outlines appropriate mitigation measures. At a minimum, the mitigation plan shall include the following:

- Preparation of a research design that outlines regional issues and how they can be addressed through recovery of materials at CA-SMA-151;
- Discussion of field, laboratory, and analytical methods;
- Expected involvement of the Native American community;
- Actions to be taken in the event that human remains are discovered;
- Expected schedule for completing mitigation, including submittal of technical report; and
- Curation plan for recovered materials.

The site may continue to be used for growing crops, provided that no ground disturbing activity such as ripping, plowing, disking, etc. is allowed to extend deeper than the existing plow zone (approximately six inches from the existing grade). However, building on the flake scatter portion of the site would also be allowed as long as the improvements would require no ground disturbing activity below the plow zone. Prior to placing fill materials on top of the area being covered, an archaeological investigation shall be conducted to gather baseline data about the nature of the site.

***Mitigation Measure CULT-2b Archaeological Resources***

A qualified archaeologist, as determined by the County, and a Native American shall monitor future ground-disturbing activities in the monitoring area north of site CA-SMA-151.

***Unrecorded Archaeological Deposits***

There is a possibility of accidental discovery and disturbance to unrecorded archaeological deposits found during excavation and grading of the project, including areas where offsite construction is necessary for infrastructure implementation. Without mitigation, project impacts on previously unidentified archaeological deposits would be ***potentially significant***.

However, with implementation of the following mitigation measure, impacts to unrecorded archaeological resources would be reduced to a ***less-than-significant*** level:

***Mitigation Measure CULT-2c Archaeological Resources***

In the event that additional subsurface archaeological resources are encountered during the course of grading and/or excavation, all development shall temporarily cease in these areas until the County Planning Department is contacted and agrees upon a qualified archaeologist to be brought onto the project site to properly assess the resources and make recommendations for their disposition. Construction activities could continue in other areas. If any findings are determined to be significant by the archeologist, they shall be subject to scientific analysis; duration/disposition of archaeological specimens as agreed to by the Native American community, land owner, and the County; and a report prepared according to current professional standards.

***Impact CULT-3 Paleontological Resources***

A significant adverse effect could occur if grading or excavation activities associated with the proposed project would disturb paleontological resources or geologic features which presently exist within the project site. Although no known paleontological resources have been identified on the project site, it is possible that the subsurface sediments could contain fossil-bearing or undiscovered paleontological resources. There is still the potential for these resources to be encountered during the grading and construction phases of the project, including areas where any offsite construction is necessary for implementation of infrastructure. Without proper care during the grading and excavation phases of the proposed project, unknown paleontological resources could be damaged or destroyed. Without mitigation, project impacts to unknown paleontological resources would be ***potentially significant***.

The following mitigation measure would reduce impacts to unknown paleontological resources to a ***less-than-significant*** level.

***Mitigation Measure CULT-3 Paleontological Resources***

A qualified paleontologist, as determined by the County, shall monitor future ground-disturbing activities in native soil both onsite and offsite as related to the project. In the event that paleontological resources are discovered during grading and/or excavation, the monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could continue in other areas. If any findings are determined to be significant by the paleontologist, they shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

***Impact CULT-4 Human Remains***

A significant impact would occur if the project disturbed any human remains, including those interred outside of formal cemeteries. Human remains have been identified within recorded resources located in the vicinity of the project site. Mitigation measures have been included under Impact CULT-2 (Archaeological Resources) outlined above to reduce project impacts to CA-SMA-151 to a less-than-significant level. It is possible that additional unknown human remains could occur on the project site or in areas where any offsite construction is necessary for implementation of infrastructure. If proper care is not taken during the project's grading and excavating phases, damage to or destruction of these unknown remains could occur. Procedures of conduct following the discovery of human remains have been mandated by Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and the California Code of Regulations Section 15064.5(e) (CEQA). According to the provisions in CEQA, if human remains are encountered at the site, all work in the immediate vicinity of the discovery shall cease and necessary steps to ensure the integrity of the immediate area shall be taken. The County Coroner shall be notified immediately. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the NAHC within 24 hours, who will, in turn, notify the person the NAHC identifies as the most likely descendent (MLD) of any human remains. Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner shall, with appropriate dignity, re-intern the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD's recommendations, the owner or the descendent may request mediation by the NAHC. The proposed project is required to comply with these procedures of conduct following the discovery of human remains and, therefore, project impacts on human remains would be ***less than significant*** and no mitigation measures are required.

## CUMULATIVE IMPACTS

Implementation of the project in combination with the related projects (see Table III-1, Related Projects List) would result in the development of mixed-use, residential, commercial, industrial, and park land uses in unincorporated County of San Mateo, City of Pacifica, City of San Bruno, City of Half Moon Bay, and the Town of Hillsborough. Impacts to cultural resources tend to be site-specific and are assessed on a site-by-site basis. The extent of the cultural resources (if any) that occur at the sites of the related projects is unknown, and thus, it is not known whether any of the related projects would result in significant impacts to cultural resources. However, similar to the proposed project, such determinations would be made on a case-by-case basis and, if necessary, the applicants of the related project would be required to implement the appropriate mitigation measures. Thus, given the project's cultural resources impacts can be completely mitigated, the proposed project's impacts to cultural resources would not be cumulatively considerable. Therefore, cumulative impacts to cultural resources would be *less than significant*.

## LEVEL OF SIGNIFICANCE AFTER MITIGATION

Project-specific impacts to cultural resources would be mitigated to a level of *less than significant*.