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## 4.4 CULTURAL RESOURCES

This section of the EIR assesses potential adverse impacts on cultural resources that could result from implementation of the Transit Zoning Code (SD 84A and SD 84B) project. Cultural resources are defined as buildings, sites, districts, structures, or objects having historical, architectural, archaeological, or cultural importance. This analysis also addresses potential impacts on archaeological resources and human burials, as well as potential project effects on paleontological resources. This section briefly describes the historic setting of the project area, discusses known cultural resources within the project area, and identifies the cultural and paleontological resource sensitivity of the project site. Applicable state, federal, and local regulations are identified, followed by the impact analysis and, where applicable, mitigation measures that reduce impacts on cultural resources.

Data from various sources were used for the preparation of the section, including a records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), the Santa Ana Register of Historical Properties, the Santa Ana General Plan, and several cultural resources studies conducted within the project area.

Two comment letters pertaining to cultural resources were received during the Initial Study/Notice of Preparation (IS/NOP) public comment period. The comment letters are included in Appendix A, and their respective concerns are addressed within this section. Full bibliographic entries for all reference material are provided in Section 4.4.5 (References) of this section.

### 4.4.1 Environmental Setting

Cultural resources are frequently defined in terms of 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. Cultural resources may be historical, archaeological, architectural, or archival in nature.

The area studied for cultural resources includes the entire project area, which consists of over 100 blocks and approximately 450 acres, as well as a review of all recorded archaeological and historical sites within a 0.5-mile radius of the project area. As illustrated in Figure 3-1 (Regional Location Map), the proposed project is generally bounded by First Street, Flower Street, Civic Center Drive, Grand Avenue, and Interstate 5 (I-5). More specifically, the proposed project is located generally in the area west of I-5, north of First Street, and between Grand Avenue and Flower Street in the City of Santa Ana in Orange County, California.

#### ■ Historical Overview of the Project Area

##### *Native Americans*

Santa Ana is most directly associated with the Gabrielino (Tongva) whose tribal territory extended north from Aliso Creek to just beyond Topanga Canyon along the Pacific Coast, and inland to the City of San

Bernardino (Bean and Smith 1978). However, it should be noted that tribal boundaries were likely fluid, allowing for contact, trade and diffusion of ideas among immediately neighboring groups, such as the Juaneño and Luiseño.

The Gabrieliño spoke a language that belongs to the Cupan group of the Takic subfamily of the Uto Aztecan language family (a language family that includes the Shoshonean groups of the Great Basin). The total Gabrieliño population in about 1770 A.D. was roughly 5,000 persons, based on an estimate of 100 small villages, with approximately 50 to 200 people per village.

Early ethnographers viewed the Gabrieliño as a chief-oriented society of semi-sedentary hunter-gatherers. Influenced by coastal and interior environmental settings, Gabrieliño material culture was quite elaborate and consisted of well-made wood, bone, stone, and shell items. Included among these was a hunting stick made to bring down numerous types of game.

Large Gabrieliño villages may have been permanent with satellite villages utilized seasonally. Gabrieliño living structures were large, domed, and circular thatched rooms that may have housed multiple families. The society exhibited ranked individuals, possibly chiefs, who possessed a much higher level of economic power than unranked persons.

The arrival of Spanish explorers and the establishment of missions and outposts during the eighteenth century ended the prehistoric period in California. At this time, traditional Native American society began to fragment as a result of foreign diseases and the mass removal of local Indian groups to the Mission San Gabriel and Mission San Juan Capistrano.

### ***City of Santa Ana***

Founded in 1869 by William Spurgeon, the City of Santa Ana originally consisted of approximately 43 acres that included twenty-four city blocks with ten lots on each block. Commercial uses and a post office initially comprised the City's center. Agricultural uses within and surrounding the City primarily consisted of citrus and walnuts. The expansion of rail lines in the area led to the expansion and growth of the City. In 1878, when the City had a population of 711 residents, the Southern Pacific Railroad (SPRR) extended railroad ties through the area. By 1886, the Atchison, Topeka & Santa Fe (AT&SF) Railroad was constructed, and the City's population was 2,000 persons. In 1886, the City of Santa Ana was incorporated. In 1889, the Orange County seat was re-established in Santa Ana, and a downtown area was established at Main and Broadway between First and Fourth Streets.

Turn of the century neighborhoods in the City include French Park, North Broadway, and Heninger Park. In the early part of the 1900s, large custom homes were built in the North Central, Northeast, Floral Park, and Wilshire Square neighborhoods. By 1910, the City's population had grown to 8,429 persons and was the largest city in Orange County.

By 1896, Santa Ana included a network of improved roads, scattered structures, and segments of the SPRR and the AT&SF railroads. By 1942, the number of roads and structures had substantially increased, and only the SPRR remained. The city experienced a building boom for residential and public buildings in 1945. The Santa Ana Army Air Base, built during World War II, was a major catalyst for post-war

population growth, as many veterans moved to the area to raise families after the end of the war. Since the 1980s, revitalization of downtown has been a primary focus.

## ■ Cultural Resources within the Project Area

### ***SCCIC Records Search***

A records search was performed by the SCCIC for the Transit Zoning Code project area and a one-half-mile radius (SCCIC 2007). The records search included a review of all cultural resource records, technical reports, and historic maps on file for the project area and the additional search radius. The search also includes a review of California Points of Historical Interest (PHI), the California Historical Landmarks (CHL), the CRHR, the National Register of Historic Places (NRHP), and the California State Historic Resources Inventory (HRI) as presented in the California State Office of Historic Preservation (OHP) Historical Property Data File. Additional historic records databases consulted for this analysis include the City of Santa Ana Register of Historic Properties (May 2007 and April 2009).

According to the SCCIC report, the California State PHI (2006) lists five PHI properties in the project area. PHIs designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR. The CHL (2006) listed one property within the project area. The HRI lists 1,304 properties that have been evaluated for significance within the project area and a one-half-mile radius. Both the CRHR (2006) and the NRHP (2006) list 238 properties located within the project area and a one-half-mile radius.

Two NRHP districts are found within and adjacent to the project area, including the Downtown National Register District and the French Park National Register District. The entirety of the Downtown NRHP District is found within the project area boundaries, while the entire French Park NRHP District is found beyond the project area boundaries, to the north of Civic Center Drive.

The records search included a review of all recorded archaeological sites within the study area, as well as a review of cultural resource reports on file. According to the records search, nine archaeological sites have been identified within and adjacent to the project area boundaries. One historic-age site is listed on the Archaeological Determination of Eligibility list maintained by the Office of Historic Preservation (2007). This site has been determined eligible for inclusion in the NRHP, and is listed in the CRHR. An additional 62 historic-age and previously recorded cultural resources have been identified within the project area and a one-half-mile radius, 18 of which are located within the project area boundaries. Given the documented prehistoric and historic-period use and occupation of the project area and the presence of several recorded historic and archaeological sites in the City, the project area is considered sensitive for undocumented subsurface prehistoric and historic-period resources.

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

A search of the Native American Heritage Commission (NAHC) sacred lands file (SLF) was requested to determine if any Native American cultural resources are present within or in the vicinity of the proposed project. The NAHC response letter determined that the SLF did not indicate the presence of Native

American cultural resources in the project area or within a one half-mile radius. The NAHC letter included a list of Native American organizations and individuals who may have knowledge of cultural resources in the project area. 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. As of the publication of this document, there has been no response from Native American organizations and individuals.

### ***Other Sources Consulted***

Several studies have been prepared to address the numerous historic age resources found within and adjacent to the project area. In 2006, Historic Resources Group, LLC (HRG) conducted a reconnaissance-style survey and historic research project in support of the Santa Ana Renaissance Specific Plan prepared by Moule & Polyzoides (HRG 2006). This survey aimed to identify historic resources within the 400-acre planning area of that could provide design cues for the design and development standards contained within the Plan. In addition, the HRG study (2006) surveyed the Lacy and Logan Neighborhoods, and found that they shared a common scale, architectural character, and development history. The HRG report discussed the use of Conservation Overlay Zones (COZ's) that are sometimes used to preserve the form and character of a neighborhood when those neighborhoods do not meet the eligibility requirements to be considered an historic resource. Identifying properties within these neighborhoods as potentially contributive to the future establishment of a COZ does not indicate that the neighborhoods, or the properties themselves, are eligible for listing as historic districts, as found elsewhere in the City. Rather, the survey identified properties as “contributors” in the sense that they contribute to the overall small-scale residential built form of these neighborhoods, as opposed to meeting the eligibility requirements as a “Contributive” property pursuant to SAMC Chapter 30 for historic resources. The study does not provide information specific to determining the eligibility of any properties for inclusion in the NRHP, CRHR, or the Santa Ana Register of Historical Properties (SARHP).

Subsequent property-specific studies were conducted by Jones and Stokes (2006 and 2007), which resulted in the full recordation and evaluation of some of the properties within the project area. These evaluations included determinations of eligibility for the NRHP, CRHR, and the SARHP. An additional historic resources memorandum for the record was then prepared for 30 properties in Santa Ana by Sapphos Environmental, Inc. (Sapphos 2007). Together these four studies provide useful planning data, as well as some property-specific information about significance through eligibility determinations. These documents are provided in Appendix D.

The SARHP is a listing of significant historical resources within the City of Santa Ana. The project area encompasses the NRHP Downtown Santa Ana Historic District, which is similarly listed on the SARHP and includes 59 designated historic resources. There are an additional twenty-one historic resources that are designated on the SARHP found within the boundaries of the project area. Figure 4.4-1 (Santa Ana Register of Historical Properties within the Transit Zoning Code Area) illustrates SARHP properties in the project area as of April 2009. Table 4.4-1 (SARHP Properties in the Project Area) lists SARHP properties in the project area as of April 2009.





**Table 4.4-1 SARHP Properties in the Project Area**

<i>Category*</i>	<i>Address</i>	<i>Historic Name</i>	<i>Downtown Dist.</i>
Landmark	211 West Santa Ana Blvd.	Old Orange County Courthouse	Yes
Landmark	120 West Civic Center Drive	Dr. Howe-Waffle House	Yes
Key	117 North Broadway	Grand Central Market	Yes
Landmark	207 West Second Street	Southern Counties Gas Company	Yes
Landmark	501 North Sycamore Street	Masonic Temple	Yes
Landmark	201 North Broadway	Santora Building	Yes
Contributive	301 West Fourth Street	Phillips Block Building	Yes
Landmark	113 East Santa Ana Blvd.	United Presbyterian Church	Yes
Landmark	202–212 West Fourth Street and 318–320 North Sycamore	Spurgeon Building	Yes
Landmark	313 North Birch Street	Armory Hall/American Legion Hall	Yes
Landmark	200 North Main Street	Builders Exchange Building	Yes
Key	410 West Fourth Street	Clausen Block	Yes
Contributive	219 West Fourth Street	Crabtree Saloon	Yes
Contributive	214 West Fourth Street	The Elwood	Yes
Contributive	221 West Fourth Street	Fashion Saloon	Yes
Contributive	110 West Fourth Street	Gilbert Dry Goods	Yes
Landmark	125 North Broadway	Grand Central Building	Yes
Contributive	213 West Fourth Street	Hawley's Sporting Goods	Yes
Contributive	112 West Fourth Street	Hill and Ceardin Company	Yes
Key	517 North Main Street	Horton's Furniture Building	Yes
Key	300 West Fifth Street	Knights of Pythias Hall	Yes
Key	402 West Fourth Street	Lawrence Building	Yes
Key	407 North Broadway	J.J. Wilson's Shoeshine Parlor; Beem Building	Yes
Contributive	515 North Main Street	McFadden Public Market	Yes
Contributive	400 West Fourth Street	Old Company L Armory/Mills & Edwards Feed Store	Yes
Key	222 West Fourth Street	Moore Building	Yes
Contributive	108 West Fourth Street	Old Woolworth Building	Yes
Contributive	116 West Fourth Street	Orange County Savings and Trust Building	Yes
Key	101 West Fourth Street	Otis Building	Yes
Key	214 West Third Street	Pacific Building	Yes
Contributive	414 West Fourth Street	Parson Apartments	Yes
Contributive	412 West Fourth Street	Parson Apartments Annex	Yes

**Table 4.4-1 SARHP Properties in the Project Area**

<i>Category*</i>	<i>Address</i>	<i>Historic Name</i>	<i>Downtown Dist.</i>
Key	118 West Fifth Street	Ramona Building	Yes
Landmark	117 West Fourth Street	Rankin Department Store	Yes
Contributive	415 North Sycamore Street	Rohrs Building	Yes
Contributive	108 West Fourth Street	Santa Ana Hardware Company Building	Yes
Contributive	209 West Fourth Street	Semi-Tropic #2	Yes
Landmark	322 West Fourth Street	West End Theatre	Yes
Contributive	201 West Fifth Street	Zerman Building	Yes
Contributive	115 North Sycamore Street	Central Auto Body Works	Yes
Key	102 West Fourth Street	First National Bank Building	Yes
Contributive	309 West Third Street	Commercial Building	Yes
Contributive	113 West Fourth Street	Tinkers Jewelry	Yes
Contributive	310 West Fourth Street	Bon Ton Bakery	Yes
Contributive	104 East Fourth Street	Dragon Confectionery	Yes
Contributive	116 East Fourth Street	Brunner Building/Old City Jail	Yes
Contributive	217 North Broadway	Gilmaker Auto Agency Building	Yes
Contributive	312 North Broadway	Gerwig's Bicycle Shop	Yes
Key	315 West Third Street	Dr. Horton Building	Yes
Key	312 West Fourth Street	Semi-Tropic Hotel	Yes
Key	302 West Fourth Street	Gilmaker Block	Yes
Key	102 East Fourth Street	Dibble Building	Yes
Key	108 East Fourth Street	Shaffer-Wakeham Building	Yes
Key	118 East Fourth Street	Kryhl Building	Yes
Key	202 North Broadway	Empire Market	Yes
Key	302 North Broadway	Gilmaker Broadway Block	Yes
Key	315 North Main Street	Carey Smith Building	Yes
Landmark	614 North Bush Street	Episcopal Church of the Messiah	Yes
Landmark	200 North Fourth Street	Hervey-Finley Block	Yes
Landmark	217 North Main Street	Old Santa Ana City Hall	No
Key	621 North Spurgeon Street	Thomas House	No
Key	501 East Fifth Street	Whitson-Powelson House	No
Contributive	400-412 East Fourth Street	Hotel Finley	No
Landmark	625 North French Street	Ebell Club	No
Landmark	1016 North Logan Street	McKern House	No
Contributive	1023 North Custer Street	Eckman House	No

**Table 4.4-1 SARHP Properties in the Project Area**

<i>Category*</i>	<i>Address</i>	<i>Historic Name</i>	<i>Downtown Dist.</i>
Contributive	903 East Stafford Street	Perry House	No
Contributive	904 East Stafford Street	Franke House	No
Key	914–916 East Stafford Street and 926 North Logan	Anderson House	No
Contributive	912 East Stafford Street	Cummings House	No
Contributive	1033 North Custer Street	Oscar Smith House	No
Landmark	518 North Broadway	Smith Tuthill Funeral Parlor	No
Landmark	322 West Third Street	Minter House	No
Contributive	312–316 East Fourth Street	Semi-Tropic #1	No
Key	318–320 East Fourth Street	Musselman Block	No
Key	610 East Fourth Street	Foster House	No
Landmark	475 North Lacy Street	Pacific Electric Substation #1	No
N/A (Demolished in 2001)	206–208 North Spurgeon Street	Barrows Const. Co. Building	N/A
Landmark	301–307 North Spurgeon Street	Yost Theater	No
Landmark	30 Civic Center Plaza	Orange County Courthouse	No

\* Categories are defined by Section 30-2.2 (Categorization) of the Santa Ana Municipal Code. Each category describes the aspect(s) of a property that render it eligible for listing in the SARHP.

In summary, there are 80 designated historic properties that are listed on the SARHP, five that are listed on the PHI and one that is listed on the CHL within the project area. There are a total of 238 properties that are listed on the CRHR and/or NRHP that are within the SCCIC study area, which included the project area as well as a 0.5-mile radius beyond the project area boundaries. There is also one NRHP historic district found within the project area, known as the Downtown National Register District.

## Paleontological Resources

Paleontological resources include fossil remains, as well as fossil localities and rock or soil formations that have produced fossil material. Fossils are the remains or traces of prehistoric animals and plants. Fossils are important scientific and educational resources because of their use in documenting the presence and evolutionary history of particular groups of now extinct organisms, reconstructing the environments in which these organisms lived, determining the relative ages of the strata in which they occur and of the geologic events that resulted in the deposition of the sediments that formed these strata, and in their subsequent deformation.

According to the City of Santa Ana Land Use Element EIR, the majority of the City is disturbed and developed and thus, unlikely to contain intact paleontological resources. This assertion applies to the potential to uncover intact resources within the soils found nearer the surface, and in areas previously disturbed by development related activities. However, the greater southern California region has

produced numerous paleontological discoveries over the past several decades, demonstrating that there is a potential for undiscovered paleontological resources to occur within the project area. This potential is greatly increased where ground excavation to depths of six feet or greater would occur a result of redevelopment activities.

## **4.4.2 Regulatory Framework**

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 CEQA are the basic federal and state laws governing the preservation of historic and archaeological resources of national, regional, state, and/or local significance.

### **■ Federal**

#### ***The National Historic Preservation Act of 1966***

Federal regulations for cultural resources are primarily governed by Section 106 of the National Historic Preservation Act of 1966, which applies to actions taken by federal agencies. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the 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 (contained in 36 CFR 60.4) are used to evaluate resources when complying with NHPA Section 106. 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

- (a) Are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) Are associated with the lives of persons significant in our past; or
- (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; or
- (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 properties and conveys its historical character, the degree to which the original fabric has been retained, and the reversibility of changes to the property. Three of the four criteria are meant to apply to historic structures; however, Criterion D is also sometimes associated with archaeological and paleontological materials.

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.

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

## ■ State

### ***The California Register of Historic Resources (Public Resources Code Section 5020 et seq.)***

Under CEQA, public agencies must consider the effects 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.” 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 embraces any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and 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
  - 4) Has yielded, or may be likely to yield, information important in prehistory or history
- (CEQA Guidelines, Section 15064.5(a)(3))

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), indicates that a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995) 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:

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

(Public Resources Code §21083.2(g))

Treatment options under Section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under 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.

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

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 Public Resources Code.

### **California Public Resources Code Section 15064.5 (e)**

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 those of Native Americans, 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 applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

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

## **Local**

### **Santa Ana General Plan**

The Land Use Element of the City's General Plan serves as a long-term guide for land use and development in the City. This element indicates the type, location, and intensity of development and land uses permitted in the City. The primary objective of the element is to assist in the management of future growth, to improve the overall physical appearance, to minimize potential land use conflicts, and to facilitate growth and development reflecting the community's vision. The following goals and policies are applicable to cultural resources.

**Goal 3**                      The preservation of existing neighborhoods

- Policy 3.1** Support development which provides a positive contribution to neighborhood character and identity
- Policy 3.5** Encourage new development and/or additions to existing development that are compatible in scale, and consistent with the architectural style and character of the neighborhood
- Goal 4** The protection of unique community assets and open space that enhance the quality of life
  - Policy 4.1** Maintain areas of the City with unique characteristics which contribute positively to the area in which they are located, such as the Artists Village and historic French Park
  - Policy 4.2** Encourage the retention and reuse of historical buildings and sites

The Urban Design Element of the City’s General Plan establishes a long-range vision regarding the City’s urban form, in order to orchestrate a safe, functional, and aesthetically pleasing urban environment. This element aims to curtail obsolete, dysfunctional, and chaotic development. Specifically, this element addresses outdoor space and building form, and establishes programs and measures to improve the physical setting in which community life takes place. The following goals and policies are applicable to cultural resources.

- Goal 2.0** Improve the physical appearance of the City through the development that is proportionally and aesthetically related to its district setting
  - Policy 2.3** Preservation involving the adaptive reuse of historic and architecturally significant structures, is encouraged Citywide.
  - Policy 2.4** New projects must respect the architectural style, scale, context, and rhythm of Santa Ana’s historic buildings and districts.
  - Policy 2.5** The use of artistic interpretation will be encouraged as a means to preserve the City’s heritage and enhance its regional presence in the downtown historic district.
  - Policy 2.8** The character and uniqueness of existing districts and neighborhoods are to be protected from intrusive development.
  - Policy 2.11** New developments must re-enforce, or help establish district character.
- Goal 6** Create new and protect existing City landmarks and memorable places that convey positive images
  - Policy 6.2** Development near an existing landmark must be supportive and respectful of the architecture, site, and other design features of the landmark

## Santa Ana Municipal Code

The City of Santa Ana Historical Resources Commission (HRC), as established by Santa Ana Municipal Code Sections 30-1 to 30-8, is a panel of nine members who are responsible for the local designation, by resolution and at a noticed public hearing, of a building or part thereof, object, structure, or site as having importance to the history or architecture of the City and as established in Chapter 30, Section 30-2 (*Criteria for Selection*) of the Municipal Code. To be eligible for a designation as a locally historic resource by the HRC and placed on the Santa Ana Register of Historical Properties, properties must be 50 or more years old and meet one or more of the following definitions:

- a. Buildings, structures, or objects with distinguishing characteristics of an architectural style or period, that exemplify a particular architectural style or design feature
- b. Works of notable architects, builders, or designers whose style influenced architectural development
- c. Rare buildings, structures, or objects or original designs
- d. Buildings, structures, objects, or sites of historical significance which include places:
  - Where historical events occurred
  - Are associated with famous people, original settlers, renowned organizations, and businesses
  - Were originally present when the City was founded
  - Served as important centers for political, social, economic, or cultural activity
- e. Sites of archaeological importance
- f. Buildings or structures that were connected with a business or use which was once common, but is now rare

Section 30-2.2 (Categorization) of the *Santa Ana Municipal Code* provides three categories that properties eligible for the SARHP may be placed as follows:

### (1) Landmark Category

- a. The building, structure, object or site is on the national register or appears to be eligible to be placed on the register; or
- b. The building, structure, object or site is on the state register or appears to be eligible to be placed on the register; or
- c. The building, structure, object or site has an historical/cultural significance to the city; or
- d. The building, structure, object, or site has a unique architectural significance.

### (2) Key Category

- a. The building, structure, object or site has a distinctive architectural style and quality; or
- b. The building, structure, object or site is characteristic of a significant period in the history of the city; or
- c. The building, structure, object, or site is associated with a significant person or event in the city.

(3) Contributive Category

- a. The building, structure, object, or site contributes to the overall character and history of a neighborhood or district and is a good example of period architecture.

In addition to individual historic properties, the HRC may recommend that the City Council designate an area within the city as a local historic district as established under Section 30-4 (Local historic districts). A local historic district shall be designated only if it meets one or more of the following standards:

- (1) The area constitutes a distinct section of the city and has special character, historical, architectural, or aesthetic interest and value.
- (2) The area provides significant examples of architectural values of the past or landmarks in the history of architecture.
- (3) The area serves as a reminder of past eras, events, or persons important in the history of the city, the county, the state or the United States of America or illustrates past living styles for future generations to observe, study, or inhabit.
- (4) The area is the site of a historically or culturally significant ground, garden, or object.

Section 30-6 and 30-7 of the Municipal Code describe the conditions that owners of historic property must follow before modification or demolition of historic property within the City could occur, as follows:

Section 30-6 (Modification of historic properties) describe the conditions that owners of an historic property must follow before the modification of an historic property within the City could occur, as follows:

- (a) No exterior physical modifications, other than those identified by the historic resources commission for administrative approval by city staff, shall be permitted with respect to an historic structure until the historic resources commission approves such request at a duly noticed public hearing and issues a certificate of appropriateness. The historic resources commission shall issue the certificate of appropriateness upon finding that the proposed modification(s) does not substantially change the character and integrity of the historic property. The minutes of the historic resources commission meeting shall serve as the official record.
- (b) The building official may determine a historic property is a dangerous building. Modifications as determined necessary by the building official to correct the dangerous building shall not require a certificate of appropriateness. Modifications shall be consistent with the overall architectural design and historic character of the structure and blend in with the surrounding environment.

Section 30-7 (Demolition of historic properties) of the Municipal Code describes the conditions that owners of an historic property must follow before the demolition of an historic property within the City could occur, as follows:

- (a) An application of intent to demolish an historic property shall be submitted to the planning and building agency. At a duly noticed public hearing, the historic resources commission must review all applications for demolition permits for historic properties. The commission shall investigate all feasible alternatives to demolition. These alternatives include, but are not limited to:

- (1) Seeking private citizens, local trusts, and other financial sources who may be willing to purchase the structure for restoration or relocation.
  - (2) Publicizing the availability of the structure for purchase for restoration or relocation purposes.
  - (3) Exploring possible sites for relocation of the historic building if on-site preservation is not possible. Any structure relocated under this section shall not require a residential relocation permit, pursuant to Section 41-620 of this Code.
  - (4) Suggesting to the city council that the city purchase the structure when private preservation or relocation is not feasible.
- (b) All of the above items are to be completed within two hundred and forty (240) days from the date of application submittal. After two hundred and forty (240) days, or at the conclusion of the environmental review period, whichever is longer, a demolition permit must be issued. Prior to the issuance of the demolition permit, the applicant shall provide, to the reasonable satisfaction of the commission, and at the applicant's sole cost, complete photo-documentation of archival quality and historical profile of the structure to be demolished, prior to the scheduling of the demolition.
- (c) The building official may determine a historic property is a dangerous building. Such determination allows the waiver of historic resources commission review and the required review period for demolition if the historic property is declared a dangerous building.

### **Consistency Analysis**

The Transit Zoning Code (SD 84A and SD 84B) creates nine distinct zoning categories that are organized around intensity of building form. This approach to zoning, often referred to as “form-based” code, places significant emphasis on the exterior design of new buildings in order to ensure that they are compatible with the existing context of established neighborhoods, shopping districts, etc. Because the entire project area has been subject to intensive development and, subsequently, relatively few large-scale development opportunities exist, it is important that any new development not weaken the existing fabric of these long-established areas, particularly those that contain historic resources.

The design and development standards contained within the Transit Zoning Code (SD 84A and SD 84B) contain detailed requirements in regards to building types, frontage types, massing, height, architecture, accessibility, parking, street presence and landscaping. These standards are specifically designed to ensure that new development within established neighborhoods, as well as existing commercial areas, is sensitive to the existing built form of that area. In particular, the historic character of the existing area was used as a model upon which to base the selection of architectural styles allowed within the Transit Zoning Code (SD 84A and SD 84B). Please refer to Section 4.3 of the Transit Zoning Code – Architectural Style Standards. While the standards contain sufficient specificity to control for quality and compatibility of design, they also allow for, and encourage, the creative use of architecture to ensure that each zone within the plan continues to be unique.

Beyond the design and development standards, the zones themselves are proposed to be applied based on their compatibility with the existing characteristics of the area. For example, the Urban Neighborhood 1 (UN-1) Zone, the least intense of the nine zones, would be applied to two neighborhoods that are currently characterized by low-scale residential development. The UN-1 Zone acknowledges, and seeks to strengthen, the existing single-family residential nature of these two neighborhoods. In contrast, the Transit Village (TV) Zone would be applied to properties adjacent to

and surrounding the Santa Ana Regional Transportation Center (SARTC). This area currently consists primarily of maintenance yards operated by the County of Orange and industrial uses. Over time the TV Zone would help to establish a new district character, without detracting from existing neighborhoods, when development occurs in this area.

The Transit Zoning Code (SD 84A and SD 84B) creates a new zone, the Downtown (DT) Zone for the area generally contained within the Downtown Santa Ana National Register District. The DT Zone creates a cohesive and consistent set of requirements to ensure that any new projects developed within the Zone adhere to a unified set of standards, thereby ensuring that all new development within the Historic Downtown is considered within the same context as opposed to having a patchwork of stand-alone zones. Specifically, the DT Zone limits building heights based upon the existing historic context of the buildings currently located in the Historic Downtown. The DT Zone allows for the addition of residential uses within the existing historic structures, which will contribute to the long-term economic viability of these buildings, allowing for adaptive re-use and reinvestment in these historic properties. A detailed sign code is also contained within the Transit Zoning Code which is specifically designed to ensure that new signs are compatible with the existing historic fabric of the area.

Because the overall Transit Zoning Code (SD 84A and SD 84B) is designed to enhance, preserve, and promote cultural resources in the project area, implementation of the proposed project would not conflict with identified City policies. Potential physical impacts associated with implementation of the Transit Zoning Code are addressed below under Project Impacts and Mitigation.

## **Project Impacts and Mitigation**

### **■ Analytic Method**

The impact analysis for cultural resources is based on a review of a records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), the Santa Ana Register of Historical Properties, the Santa Ana General Plan, and several cultural resources studies conducted within the project area. The impact analysis compares the known cultural resource environment and the potential for previously undocumented cultural resources in the project area with the known physical effects that could result from implementation of the proposed project. Impacts are assessed in accordance with thresholds of significance based on Section V, Cultural Resources, of the Environmental Checklist Form included as Appendix G of the 2009 State CEQA Guidelines. The impact analysis also considers the mitigating effects of existing City of Santa cultural resources polices, other federal, state and local laws and regulations, and proposed Transit Zoning Code provisions that pertain to cultural resources.

### **■ Thresholds of Significance**

The following thresholds of significance are based on Appendix G of the 2009 CEQA Guidelines. For purposes of this EIR, implementation of the proposed project may have a significant adverse impact on cultural resources if it would result in any of the following:

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

### ■ Effects Found to Have No Impact

There are no effects found to have no impact with respect to cultural resources.

### ■ Effects Found to Be Less Than Significant

Threshold	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines
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**Impact 4.4-1**      **Long-term cumulative development occurring pursuant to the Transit Zoning Code could cause a substantial adverse change in the significance of an archaeological resource or disturb human remains. However, compliance with the identified mitigation measures would reduce this impact to *less than significant*.**

As stated previously, there are nine known archaeological sites within and adjacent to the project area, which increases the archaeological sensitivity of the project area. No formal cemeteries were detected during the review of archival topographic maps completed by the SCCIC, and as such, would more likely be detected in archaeological or historical archaeological contexts. Although the project area has already been subject to extensive disruption from previous development and may contain artificial fill materials, the archaeological sites have the possibility of containing intact, undisturbed cultural deposits below the level of previous disturbance. As such, important archaeological resources likely exist within the project area. The potential exists that construction activities associated with ground disturbance within the project area may unearth undocumented archaeological resources. This could result in a potentially significant impact. Implementation of the following mitigation measures would reduce any potential impacts to a level that is *less than significant*.

*MM4.4-1(a)      Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology to determine if the project could result in a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines or disturb human remains. The investigation shall include, as determined appropriate by the archaeologist and the City of Santa Ana, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), updated Native American consultation, and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any archaeological*

resources within the development area and includes recommendations and methods for eliminating or avoiding impacts on archaeological resources or human remains. The measures shall include, as appropriate, subsurface testing of archaeological resources and/or construction monitoring by a qualified professional and, if necessary, appropriate Native American monitors identified by the applicable tribe (e.g., the Gabrieliño Tongva Nation) and/or the Native American Heritage Commission. The methods shall also include procedures for the unanticipated discovery of human remains, which shall be in accordance with Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. The technical report or memorandum shall be submitted to the City of Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on archaeological resources identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain an archaeologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-2(b).

MM4.4-1(b) *If evidence of an archaeological site or other suspected historical resource as defined by CEQA Guidelines Section 15064.5, including darkened soil representing past human activity (“midden”), that could conceal material remains (e.g., worked stone, fired clay vessels, faunal bone, hearths, storage pits, or burials) are discovered during any project-related earth-disturbing activities (including projects that would not encounter undisturbed soils), all earth-disturbing activity within 100 feet of the find shall be halted and the City of Santa Ana shall be notified. The project applicant shall retain an archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for Archaeology to assess the significance of the find. Impacts to any significant resources shall be mitigated to a less-than-significant level through data recovery or other methods determined adequate by the archaeologist and that are consistent with the Secretary of the Interior’s Standards for Archaeological Documentation. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the SCCIC.*

Threshold	Directly or indirectly destroy a unique paleontological resource or unique geologic feature
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**Impact 4.4-2**      **Long-term cumulative development occurring pursuant to the Transit Zoning Code has the potential to directly or indirectly destroy a unique paleontological resource or unique geologic feature. Compliance with the identified mitigation measure would reduce this impact to *less than significant*.**

The project area is not known to contain documented paleontological resources. Plant and animal fossils are typically found within sedimentary rock deposits. Given the geology of the project area, it is unlikely that unknown paleontological resources would exist within the project area. In addition, the project area has already been subject to extensive ground disturbance and development. Any superficial paleontological resources that could have existed at one time have likely been previously unearthed by past development activities. While not anticipated, the potential remains for intact paleontological resources to exist at deep levels. If unanticipated paleontological resources are encountered and disturbed

during construction-related ground disturbance, then impacts would be potentially significant. Implementation of the following mitigation measure would reduce any potential impacts to *less-than-significant* levels.

*MM4.4-2(a) Prior to any earth-disturbing activities (e.g., excavation, trenching, grading) that could encounter undisturbed soils, the project applicant shall retain a professional paleontologist to determine if the project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. The investigation shall include, as determined appropriate by the paleontologist and the City of Santa Ana, a paleontology records check and a pedestrian survey of the area proposed for development. The results of the investigation shall be documented in a technical report or memorandum that identifies the paleontological sensitivity of the development area and includes recommendations and methods for eliminating or avoiding impacts on paleontological resources or unique geologic features. The technical report or memorandum shall be submitted to the City for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or avoiding impacts on paleontological resources or unique geologic features identified in the technical report or memorandum. Projects that would not encounter undisturbed soils and would therefore not be required to retain a paleontologist shall demonstrate non-disturbance to the City through the appropriate construction plans or geotechnical studies prior to any earth-disturbing activities. Projects that would include any earth disturbance (disturbed or undisturbed soils) shall comply with MM4.4-3(b).*

*MM4.4-2(b) Should paleontological resources (i.e., fossil remains) be identified at a particular site during project construction, the construction foreman shall cease construction within 100 feet of the find until a qualified professional can provide an evaluation. Mitigation of resource impacts shall be implemented and funded by the project applicant and shall be conducted as follows:*

- 1. Identify and evaluate paleontological resources by intense field survey where impacts are considered high*
- 2. Assess effects on identified sites*
- 3. Consult with the institutional/academic paleontologists conducting research investigations within the geological formations that are slated to be impacted*
- 4. Obtain comments from the researchers*
- 5. Comply with researchers' recommendations to address any significant adverse effects where determined by the City to be feasible*

*In considering any suggested mitigation proposed by the consulting paleontologist, the City of Santa Ana staff shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, applicable policies and land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.*

## ■ Effects Found to Be Significant and Unavoidable

Threshold	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines
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**Impact 4.4-3      The adoption of the Transit Zoning Code (SD 84A and SD 84B) could result in substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. This is considered a potentially significant impact. Compliance with identified mitigation measures would reduce the magnitude of this impact, but the impact would remain *significant and unavoidable*.**

As discussed above in the Environmental Setting, the project area includes 80 properties listed on the SARHP, five that are listed on the PHI and one that is listed on the CHL. The SCCIC records search identified a total of 238 properties listed on the CRHR and/or NRHP that are within the project area and a one-half-mile radius beyond the project area boundaries. There is also one NRHP district found within the project area, which is known as the Downtown National Register District.

CEQA Guidelines Section 15064.5(b) states that “a project with an effect 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.” Adoption of the Transit Zoning Code would enable new development that could result in demolition, relocation, or alteration of historical resources, including resources listed on the SARHP and within the Santa Ana Downtown Historic District.

For example, within the boundary of the Transit Zoning Code, the City of Santa Ana Redevelopment Agency owns 49 parcels comprising approximately seven non-contiguous acres (Figure 3-5 [Santa Ana Redevelopment Agency Parcels]). The City is pursuing the potential acquisition of 16 additional properties within the immediate vicinity of the 49 parcels mentioned above for the purposes of completing the assemblage of properties on those blocks in which the Redevelopment Agency already has majority ownership, as well as to secure property to provide for additional open space. The acquisition of these additional properties may lead to demolition and/or relocation of existing historic-age structures.

An additional example is the redevelopment of specific portions of the project area as outlined by Figure 3-7 (Development Proposal). This proposal requires the demolition of fifteen structures, totaling approximately 30,000 square feet of building area, on fifteen Agency-owned properties (Figure 3-8 [Demolitions]). These fifteen structures have generally not been subject to formal significance evaluations; however, preliminary studies indicate that, although significantly altered, some of the structures may meet some eligibility criteria for historic listing. At this time, none of the fifteen structures are found within a federal, State or locally designated historic district.

Multiple studies have been completed that address some of the historic-age properties within the project area. In 2006, HRG conducted a reconnaissance-style survey and historic research project in support of the Santa Ana Renaissance Specific Plan prepared by Moule & Polyzoides (HRG 2006). This project aimed to provide recommendations for historic preservation planning on about 400 acres, including

many of the properties found within the Transit Zoning Code (SD 84A and SD 84B) project area. No formal significance evaluations were completed during the course of this study. Subsequent property-specific studies were conducted by Jones and Stokes (2006 and 2007), which resulted in the full recordation and evaluation of many of the properties within the Transit Zoning Code (SD 84A and SD 84B) project area. These evaluations included determinations of eligibility for the NRHP, CRHR, and the SARHP. An additional historic resources memorandum for the record was then prepared for several properties in Santa Ana by Sapphos Environmental, Inc. This memorandum provided recommendations about the eligibility of 30 properties for inclusion in the SARHP, but did not constitute a formal significance evaluation.

These four aforementioned studies, in conjunction with the OHP Historic Property Data File (OHP 2006), provide data on the significance of the properties proposed for demolition activities. Two of the 15 structures have been formally evaluated for significance, and were recommended ineligible for the NRHP, CRHR, and the SARHP. The remaining properties have been either preliminarily assessed for significance or not addressed in any of the studies. The compiled results of these studies are outlined in Table 4.4-2 (Properties Proposed for Demolition Activities) below.

<i>Address</i>	<i>APN</i>	<i>Property and Research Details</i>	<i>Associated Documents</i>	<i>Significance Finding</i>
611 N. Minter St.	398-311-01	HRG finds the property to be a contributor to the Lacy Neighborhood area, and lists its HRI evaluation as 5D2. A listing of 5D2 indicates that the property may be eligible for local listing as a contributor to a listed or potentially eligible district under local ordinance. At present, this property has not been listed on the SARHP (2009), and is not found within a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant
505 N. Minter St.	398-333-09	No information.	N/A	Potentially Significant
507 N. Minter St.	398-333-09	HRG finds the property to be a contributor to the Lacy Neighborhood area. The Lacy neighborhood is not currently recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant
601–603 E. Fifth St.	398-333-09	HRG finds the property to be a contributor to the Lacy Neighborhood area. The Lacy neighborhood is not currently recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant
610–612 E. Fifth St.	398-338-03	HRG finds the property to be a contributor to the Lacy Neighborhood area. The Lacy neighborhood is not currently recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant
620 E. Fifth St.	398-338-05	HRG finds the property to be an altered contributor to the Lacy Neighborhood area. The Lacy neighborhood is not currently recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant

<b>Table 4.4-2 Properties Proposed for Demolition Activities</b>				
<b>Address</b>	<b>APN</b>	<b>Property and Research Details</b>	<b>Associated Documents</b>	<b>Significance Finding</b>
621 E. Fifth St.	398-333-05	HRG finds the property to be a contributor to the Lacy Neighborhood area. The Lacy neighborhood is not currently recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant
508 and 510 N. Porter St.	398-333-05	HRG finds the property to be an altered contributor to the Lacy Neighborhood area. The Lacy neighborhood is not currently recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant
712 E. Fifth St.	398-337-03	HRG finds the property to be an altered contributor to the Lacy Neighborhood area. The Lacy neighborhood is not currently recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant
720 E. Sixth St.	398-334-05	One-story, Colonial Revival Cottage. HRG finds to be an altered contributor to the Lacy Neighborhood area, and found its evaluation/potential designation to be contributive. Sapphos later performed a preliminary examination where they found the property to exhibit relatively minor alterations. As a result, Sapphos lists the property as potentially eligible for inclusion in the SARHP in the contributive category.	HRG 2006; Sapphos 2007	Potentially Significant
714 E. Sixth St.	398-334-04	One-story, single-family residence built in about 1909. HRG finds the property to be a contributor to the Lacy Neighborhood area.  Upon formal evaluation, the property was recommended ineligible for listing in the NRHP, CRHR and the SARHP, and was found to be neither intact nor an exemplary version of its type. (NRHP Status Code 6Z – Not eligible for inclusion in the NRHP, CRHR, or SARHP through survey evaluation). Further, the property is not located within an eligible district.	HRG 2006; Jones & Stokes 2006	Recommended ineligible for the NRHP, CRHR, and the SARHP.
710 E. Sixth St.	398-334-03	No information.	N/A	Potentially Significant
623 N. Garfield St.	398-313-04	623-625 N. Garfield Street is a two-story, multi-family property built in about 1923. HRG finds the property to be an altered contributor to the Lacy Neighborhood area, and lists its HRI evaluation as 5D2.  Upon formal evaluation, the property was recommended ineligible for listing in the NRHP, CRHR, and the SARHP due to extensive alterations and subsequent loss of integrity (NRHP Status Code 6Z - Not eligible for inclusion in the NRHP, CRHR, or SARHP through survey evaluation). Further, the property is not located within an eligible district.	HRG 2006; Jones & Stokes 2006	Recommended ineligible for the NRHP, CRHR, and the SARHP.

<b>Table 4.4-2 Properties Proposed for Demolition Activities</b>				
<b>Address</b>	<b>APN</b>	<b>Property and Research Details</b>	<b>Associated Documents</b>	<b>Significance Finding</b>
801 E. Santa Ana Blvd.	398-303-04	Primary Number 30-161057 is listed in the HPDF as a structure built in 1915 and given an NRHP Status Code of 5D2. A listing of 5D2 indicates that the property may be eligible for local listing as a contributor to a listed or potentially eligible district under local ordinance. However, the structure is not located within an area recognized as a historic district as defined by the City municipal code.	OHP 2006	Potentially Significant
707 N. Garfield St.	398-303-04	HRG finds the property to be an altered contributor to the Lacy Neighborhood area, and lists its HRI evaluation as 5D2. A listing of 5D2 indicates that the property may be eligible for local listing as a contributor to a listed or potentially eligible district under local ordinance. However, the structure is not located within an area recognized as a historic district as defined by the City municipal code.	HRG 2006	Potentially Significant

While adoption of the Transit Zoning Code would enable new development throughout the project area that could result in adverse impacts on historical resources, and would include acquisition of specific properties where demolition and/or relocation of existing historic-age structures could occur, the proposed project does not change existing City codes or policies related to the assessment of impacts on significant historical resources. With implementation of the proposed project, the provisions of Santa Ana Municipal Code (SAMC) Chapter 30 would continue to apply to the properties located within the project area. Individual property owners would be required to comply with Sections 30-6 and 30-7 of the SAMC. Compliance with SAMC Section 30-6, *Modification of Historic Properties*, would ensure that any modifications to existing significant historical structures would not substantially change the character and integrity of the historic property. Further, compliance with SAMC Section 30-7, *Demolition of Historic Properties*, requires property to owners seek alternatives to demolition of known significant historic properties, including selling the property to private trusts or others to preserve the property, seeking to relocate the structure, or sale of the property to the City for preservation.

Consequently, existing city policies would ensure that development activities resulting from implementation of the proposed Transit Zoning Code would undergo review to determine impacts on known significant historical resources and would encourage the avoidance of significant impacts on known significant historical resources through explicitly defined actions (e.g., sale and preservation). Nonetheless, because neither existing City policies nor the proposed Transit Zoning Code require identification of potentially significant historical resources within areas proposed for development, and do not explicitly prohibit demolition of significant historical resources, it is possible that development activities resulting from implementation of the proposed Transit Zoning Code could cause a substantial adverse change in the significance of a known or previously undocumented historical resource. Furthermore, the number of significant historical resources will likely increase during the 20-year planning horizon associated with implementation of the proposed Transit Zoning Code. For example, properties that are not currently of historic-age (45 years old or older) could attain historic age and

historic significance during the development horizon. Consequently, despite existing City policies and the provisions within the Transit Zoning Code design and development standards requiring architectural compatibility, significant historical resources could be adversely impacted by future development plans that would require demolition of historic-age buildings and structures. Impacts on historical resources are, therefore, considered *potentially significant*.

The following mitigation measure would be required for all future development projects within the project area that would demolish or otherwise physically affect buildings or structures 50 years old or older.

*MM4.4-3 Prior to development activities that would demolish or otherwise physically affect buildings or structures 50 years old or older or affect their historic setting, the project applicant shall retain a cultural resource professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to determine if the project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines. The investigation shall include, as determined appropriate by the cultural resource professional and the City of Santa Ana, the appropriate archival research, including, if necessary, an updated records search of the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS) and a pedestrian survey of the proposed development area to determine if any significant historic-period resources would be adversely affected by the proposed development. The results of the investigation shall be documented in a technical report or memorandum that identifies and evaluates any historical resources within the development area and includes recommendations and methods for eliminating or reducing impacts on historical resources. The technical report or memorandum shall be submitted to the City Santa Ana for approval. As determined necessary by the City, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site shall reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant shall be responsible for implementing methods for eliminating or reducing impacts on historical resources identified in the technical report or memorandum. Such methods could include, but not be limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey (HABS) documentation that is appropriate to the significance (local, state, national) of the resource.*

Implementation of the above mitigation measure would require a qualified professional to conduct site-specific historical resource investigations for future developments within the project area that would demolish or otherwise physically affect buildings or structures 45 years old or older or affect their historic setting. Nonetheless, development within the project area could result in demolition or removal of significant historical resources, which would result in a significant impact. While implementation of site-specific mitigation measures, such as written and photographic documentation of significant historical resources, would reduce the magnitude of this impact, the impact would remain significant due to the physical demolition of the property. Consequently, impacts on historical resources are considered *potentially significant and unavoidable*.

#### 4.4.4 Cumulative Impacts

The cumulative analysis for impacts on cultural and paleontological resources considers a broad regional system of which the resources are a part. The cumulative context for the cultural and paleontological

resources analysis is Orange County as a whole. While the project impact analysis for cultural resources necessarily includes separate analyses for historic-period resources and archaeological resources, the cumulative analysis combines these resources into a single, non-renewable resource base and considers the additive effect of project-specific impacts to significant regional impacts on cultural resources.

Threshold	Would the project, in combination with other projects in the region cause a substantial adverse change in the significance of historical or archaeological resources or disturb human remains?
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Because all cultural resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. Federal, state, and local laws protect cultural resources in most instances. Even so, it is not always feasible to protect cultural resources, particularly when preservation in place would frustrate implementation of projects. For this reason, the cumulative effects of development in the Orange County region are considered significant. Implementation of mitigation measures MM4.4-1(a), MM4.4-1(b), and MM4.4-3, would require qualified professionals to conduct site-specific cultural resource investigations for future development of the project area and require all earth-disturbing activity to be halted within 100 feet of any discovered resources until a qualified professional can assess the significance of the find and implement appropriate mitigation of significant impacts. However, because it is currently infeasible to determine whether future development under the proposed Transit Zoning Code would result in demolition or removal of historical resources within the project boundaries, the project's incremental contribution to these cumulative effects could be cumulatively considerable (i.e., the project could contribute to the loss of historical resources in Orange County). Therefore, this would be considered a *significant cumulative impact*.

Threshold	Would the project in combination with other projects in the region cause a substantial adverse change in the significance of paleontological resources?
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The proposed project, in combination with other development in the region could contribute to the loss of significant paleontological resources. Because all significant paleontological resources are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one paleontological site affects all others in a region because these resources are best understood in the context of the entirety of the ancient ecologic system of which they formed a part. The boundaries of paleontologically important sites are not limited by property boundaries. Consequently, a meaningful approach to preserving and managing paleontological resources must focus on the likely distribution of those resources, rather than on project or parcel boundaries. The ancient ecologic system is represented paleontologically by the total inventory of all sites and other fossil remains. In this case, development in the Orange County region potentially could disturb unknown paleontological resources.

However, proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions by recording data about sites discovered and preserving fossils found. Federal, state, and local laws are in place, as discussed above, that protect these resources. Implementation of mitigation measure MM4.4-2(a) and MM4.4-2(b) would require qualified professionals to conduct site-specific

paleontological resource investigations for future development of the project site and require all earth-disturbing activity to be halted within 100 feet of any discovered resources until a qualified professional can assess the significance of the find and implement appropriate mitigation of significant impacts. Therefore, the contribution of the proposed project would not be cumulatively considerable. This cumulative impact would be *less than significant*.

#### 4.4.5 References

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