

## 4.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

This section analyzes potential impacts to cultural and tribal cultural resources of the proposed Parks Master Plan (Project). Under the California Environmental Quality Act (CEQA), the term “cultural resources” encompasses archaeological resources, and historic architectural resources. Pursuant to Assembly Bill (AB) 52, CEQA also considers a project’s potential impacts on tribal cultural resources. Cultural resources are further defined as follows:

- Archaeological resources are objects or structures, often below ground, that relate to previous human use of an area. Archaeological resources are often distinguished by whether they are “prehistoric” or “historic.” Prehistoric archaeological resources are connected to people who occupied the land prior to European settlement; historic archaeological resources are connected to the period of continuous European settlement forward (in much of California, this generally starts from the date of the Portolá expedition in the year 1769).
- Historic architectural resources are structures and buildings that may have historical associations with people or events of regional significance. Sometimes, historic architecture is also referred to as the “historic built environment.” In Santa Cruz County, historic architectural resources are typically associated with the Spanish, Mexican, and American periods in California’s history.
- Tribal cultural resources, defined in Section 21074(a) of the Public Resources Code, are sites, features, places, cultural landscapes, sacred places, or objects which are of cultural value to a California Native American tribe.

The section is based on a review of existing City plans and studies. This section also draws from the City of Santa Cruz *General Plan 2030 EIR* (SCH#2009032007), which was certified on June 26, 2012, regarding background information on cultural resources. The General Plan EIR is incorporated by reference in accordance with section 15150 of the State CEQA Guidelines. Relevant discussions are summarized in subsection 4.4.1. The General Plan EIR is available for review at the City of Santa Cruz Planning and Community Development Department (809 Center Street, Room 101, Santa Cruz, California) during business hours: Monday through Thursday, 7:30 AM to 12 PM and 1 PM to 3 PM. The General Plan EIR is also available online on the City’s website at: <http://www.cityofsantacruz.com/Home/Components/BusinessDirectory/BusinessDirectory/102/1775>.

Public and agency comments related to cultural resources were received during the public scoping period in response to the Notice of Preparation (NOP). Issues raised in these comments include:

- The Native American Heritage Commission (NAHC) provided information on tribal consultations that may be required pursuant to state law and recommended consultation with California Native tribes that are traditionally and culturally affiliated with the geographic area of the proposed project.
- The NAHC also provided recommendations for cultural resources assessment.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the California Environmental Quality Act (CEQA) and/or are raised by responsible agencies, they are identified and addressed within this EIR. Public comments received during the public scoping period are included in Appendix A.

#### 4.4.1 Environmental Setting

##### Regulatory Setting

The following overview of prehistory and history is summarized from the General Plan 2030 EIR (pages 4.9-2 - 4.9-5), which is incorporated by reference.

##### *Federal*

National Register of Historic Places. Federal regulations for cultural resources are primarily governed by Section 106 of the National Historic Preservation Act (NHPA) of 1966, which applies to actions taken by federal agencies. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in Title 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.

National Historic Landmarks. National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. They are places where nationally significant historical events occurred, that are associated with prominent Americans that represent pivotal ideas that shaped the nation, that teach Americans about their ancient past, or that are premier examples of design or construction.

##### *State*

California Register of Historical Resources. The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR helps government agencies identify, evaluate, and protect California's historical resources, and indicates which properties are to be protected from substantial adverse change (Pub. Resources Code, Section 5024.1(a)). The CRHR is administered through the State Office of Historic Preservation (SHPO) that is part of the California State Parks system. A resource must be significant at the local, state, or national level in accordance with one or more of the following criteria set forth in the State CEQA Guidelines at Section 15064.5(a)(3).

In addition to meeting these criteria, the CRHR requires that sufficient time must have passed to allow for scholarly perspective, which is generally 50 years according to SHPO publications. The CRHR also requires a resource to possess integrity, which is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” Archaeological resources can sometimes qualify as “historical resources” (State CEQA Guidelines, Section 15064.5(c)(1)). In addition, Public Resources Code Section 5024 requires consultation with SHPO when a project may impact historical resources located on State-owned land.

Two other programs are administered by the state: California Historical Landmarks and California “Points of Interest.” California Historical Landmarks are buildings, sites, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other historical value. California Points of Interest are buildings, sites, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other historical value.

Native American Consultation. Senate Bill 18 (SB 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. The project requires an amendment to the City’s General Plan and the City has complied with the requirements of SB 18.

Assembly Bill 52 (AB 52) went into effect July 1, 2015, and requires lead agencies to consult with all California Native American tribes that have requested formal consultation at the onset of a project, or when a NOP is released. AB 52 also establishes a new class of resources to be evaluated – Tribal Cultural Resources.

Human Remains. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the coroner’s authority. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. CEQA Guidelines 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.

**California Environmental Quality Act.** State CEQA Guidelines Section 15064.5 defines a “historical resource.” If a cultural resource in question is an archaeological resource, CEQA Guidelines Section 15064.5(c)(1) requires that the lead agency first determine if the resource is a historical resource as

defined in Section 15064.5(a). If the resource qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource (California Office of Historic Preservation 2001a:5). If the archaeological resource does not qualify as a historical resource but does qualify as a “unique archaeological resource,” then the archaeological resource is treated in accordance with Public Resources Code Section 21083.2 (see also CEQA Guidelines Section 15069.5(c)(3)).

### *Local*

The City, as part of its status as a Certified Local Government, has a historic preservation ordinance. The historic preservation ordinance (HPO) provides for the protection, enhancement, and perpetuation of significant cultural resources in the GP Area. The HPO provides the statutory framework for local preservation decisions, and contains sections governing the following topics:

- Historic District Designation (Part 2, Chapter 24.06);
- Historic Landmark Designation (Section 24.12.420);
- Archaeological Resource Procedures (Section 24.12.430);
- Procedure for Amending Historic Building Survey (Section 24.12.440);
- Procedure: New Construction in Historic Districts (Section 24.12.450);
- Historic Alteration Permit (Part 10, Chapter 24.08);
- Historic Demolition Permit (Part 11, Chapter 24.08); and
- Historic Overlay District (Part 22, Chapter 24.10).

### **Archaeological Resources**

The following overview is summarized from the General Plan 2030 Draft EIR (pages 4.9-6 – 4.9-16), which is incorporated by reference. (For details on the prehistory and history of the area see pages 4.9-6 -4.9-9).

A total of 27 documented archaeological sites have been identified within the City’s General Plan planning area, of which 20 sites are prehistoric archaeological sites and seven sites are archaeological sites with both a prehistoric and historical component (City of Santa Cruz, April 2012, DEIR volume). Diocarbon and obsidian hydration data indicate that present-day Santa Cruz was occupied beginning in the Early Period, from at least 1750 B.C. and quite possibly earlier. Two sites are considered eligible for listing in the National Register of Historic Places based on the important information they contain for understanding the prehistory of the region. The NAHC sacred lands file did not list cultural resources in the City (Ibid.).

According to maps developed for the City’s *General Plan 2030* and included in the General Plan EIR, many existing parks and facilities are located within a mapped “sensitive” archaeological area (SOURCE

V.1b-DEIR Figure 4.9-1) and/or within a “sensitive” historical archaeological area (SOURCE V.1b-DEIR Figure 4.9-3). The City’s General Plan (Action HA1.2.2) requires preparation of archaeological investigations on sites proposed for development within designated sensitive archaeological and/or historical archaeological areas, except for exempt uses within “sensitive” areas described as follows. The exemption is for minor project that generally involves spot excavation to a depth of 12 inches or less below existing grade. Exempt projects may include building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

HA1.2.2. Require preparation of archaeological investigations on sites proposed for development within areas identified as “Highly Sensitive” or “Sensitive” on the “Areas of Historical Archaeological Sensitivity” map, except for exempt uses within “Sensitive” areas as described below, prior to approval of development permits. The investigation shall include archival research, site surveys and necessary supplemental testing as may be required, conducted by a qualified archaeologist. The significance of identified resources shall be ascertained in accordance with CEQA definitions, and impacts and mitigation measures outlined if significant impacts are identified, including, but not limited to recovery options and onsite monitoring by an archaeologist during excavation activities. A written report describing the archaeological findings of the research or survey shall be provided to the City. Minor projects with little excavation may be exempt from this requirement. Minor projects generally involve spot excavation to a depth of 12 inches or less below existing grade, or uses that have virtually no potential of resulting in significant impacts to archaeological deposits. Exempt projects may include: building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

Additionally, the City’s accidental discovery procedures (Municipal Code Section 24.12.430) would also apply to properties in the study area in the event construction encounters unidentified archaeological deposits. This regulation requires that construction be stopped if archaeological resources are encountered during construction, and that the Planning Director be notified and the discovery analyzed. If determined to not be an archaeological resource, then construction could proceed, but, if determined to be a resource, then implementation of appropriate measures would be required.

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

The Parks Master Plan does not include a General Plan amendment that would require consultation with Native American tribes pursuant to SB 18. To date, no request has been made to the City of Santa Cruz for notification pursuant to AB 52. Therefore, no consultations were required or conducted as part of the preparation of this EIR.

### ***Tribal Cultural Resources***

State Assembly Bill 52, effective July 1, 2015, recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The law establishes a new category of resources in the CEQA called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. Public Resources Code section 21074 defines a “tribal cultural resource” as either:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

### ***Historic Archaeological Resources***

Most of the City has the potential to contain historical archaeological deposits. However, some areas exceed this nominal potential and are categorized as sensitive, and other areas have heightened sensitivity due to the presence or proximity of recorded archaeological deposits. There are documented occurrences of archaeological deposits dating to the Spanish and Mexican periods in California. These eras are of high interest due to the relative paucity of intact, recoverable deposits associated with these periods. Sites associated with similar communities have had significant archaeological research value and have been found to be historically significant.

Historic development trends affect whether historical archeological deposits may be present. Two prominent historical periods occurred in Santa Cruz – the Mission Period and American Period. Mission Santa Cruz was established on the banks of the San Lorenzo River in September 1791, and quickly absorbed the surrounding Native American Ohlone population. Another colonial institution, Villa de Branciforte, was established on the other side of the San Lorenzo River across from Mission Santa Cruz in 1797. In 1834, the California missions were secularized, and Mission Santa Cruz lands came under the control of Villa de Branciforte. The second period began in 1848 when California was ceded to the United States under the Treaty of Guadalupe Hidalgo.

According to maps included in the General Plan EIR (Figure 4.9-2) and included in the General Plan, the “sensitive” historical archaeological area includes the downtown area and generally the areas to the west of Bay Street and to the east to almost Morrissey Boulevard. There are approximately 12 small neighborhood parks or recreational facilities as well as the Neary Lagoon Wildlife Refuge.

Within this designation, exemptions to archaeological investigations may apply for specified types of projects.

### **Historic Resources**

The following overview is summarized from the General Plan 2030 Draft EIR (pages 4.9-6 – 4.9-16), which is incorporated by reference. (For details on the prehistory and history of the area see pages 4.9-6 -4.9-9.)

As one of California’s oldest settlements, founded in 1791, Santa Cruz has many historical buildings. As a result of the City’s *Historic Preservation Plan*, adopted in 1974 as an element of the General Plan, the Historic Preservation Commission and the Historic Preservation Ordinance (Section 24.12.400 of the City’s Zoning Ordinance) were established to protect the City’s historic resources. Historic districts may be designated pursuant to criteria and procedures in the Zoning Ordinance as further described below. The City of Santa Cruz has designated historic buildings and landmarks as further described below. Permits are required for alteration or demolition of listed historic buildings or landmarks pursuant to the City of Santa Cruz Municipal Code Chapter 24.08 requirements.

#### ***Historic Districts***

Historic districts may be designated pursuant to criteria and procedures in the Zoning Ordinance (Part 2 of Section 24.06). A proposed historic district must be a geographically definable area possessing a significant concentration or continuity of sites, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development, and the collective value of the historic district taken together may be greater than the value of each individual structure. Additionally, Part 22 of Section 24.10 of the City’s Zoning Ordinance sets forth parameters for establishing historic overlay districts within the City. The purpose of this district is to provide a means to preserve and enhance areas of historic, architectural, and engineering significance located within the city.

There are two existing designated local historic districts (Mission Hill and Downtown Neighborhood) and one National Register district (Cowell Limes Work District). Potential historic districts are located in the Beach Hill and Ocean View Street neighborhoods (City of Santa Cruz, April 2012, DEIR volume). There are a couple of park or recreational facilities located in the Downtown historic district including the Loudon Nelson Community Center.

#### ***Historic Buildings and Landmarks***

In 1976, the City completed a “Historic Building Survey,” which identified and evaluated historic and architecturally significant buildings. The survey, conducted by the firm of Charles Hall Page and Associates, identified 306 properties and structures on the basis of historical and cultural, environmental and architectural significance. Volume I of the survey covered architectural development in the City from approximately 1850 to 1930. The Survey’s evaluation of individual buildings considered historical and architectural significance, importance to the neighborhood,

deseccration of original design, and physical condition, and assigned each an overall rating of exceptional, excellent, good or fair. All properties in the 1976 survey were officially listed and protected under the City historic preservation policies and regulations (City of Santa Cruz, Santa Cruz Historic Building Survey Volume III).

In 1989, Volume II of the City Historic Building Survey was produced, which catalogues a total of 330 additional structures from three categories: significant buildings from 1930 to 1950; important structures not included in the first survey; and significant vernacular buildings from 1850 to 1910, the latter of which comprise approximately one half of the structures in Volume II. Neighborhood context was emphasized in Volume II, with a focus on contiguous rows of historic buildings. More than 250 of properties in Volume II of the Survey have been listed officially as historic resources (City of Santa Cruz, Santa Cruz Historic Building Survey Volume II). Additionally, as part of the development of Volume II, some of the properties were removed from the master list of historic properties because of demolition that occurred due to damage from the Loma Prieta Earthquake.

In 2013, Volume III of the City Historic Building survey was completed. Volume III of the Survey was prepared for the City under the direction of Leslie Dill, historic architect. The prior survey volumes were used as a framework, and the Historic Context Statement (City of Santa Cruz, 2000) as the guide, in helping identify properties that are worthy of consideration for inclusion in the City’s list of historic resources. The Historic Context Statement for the City of Santa Cruz prepared by historian Susan Lehmann describes three themes for understanding the historic development of Santa Cruz: economic development from 1850 to 1950; residential, commercial and institutional architecture from 1850 to 1950; and institutions from 1850 to 1950. Volume III of the survey applies these themes to specific neighborhoods.

The City of Santa Cruz has adopted criteria under Municipal Code Section 24.12.440 for listing properties as historic resources. The property can be a building, site, or object, and to be considered, must be evaluated based on seven criteria. A historic district must meet one of two additional criteria. These criteria were also used in the preparation of the surveys.

Currently, 623 buildings (569 from Survey I/II and 54 from Survey III), 27 walls, stairways, steps or curbs, as well as 5 hitching posts, hitching rails or mounting blocks are listed in the City’s Historic Survey. Buildings of greatest historical and architectural significance have been designated “landmarks” pursuant to section 24.12.430 of the City’s Zoning Ordinance. Currently there are 24 designated landmarks in the City. Fourteen properties are listed on the National Register of Historic Places and the following three sites are listed in the California Historical Landmarks: Site of Mission Santa Cruz, Site of Center of Villa Branciforte and the Santa Cruz Beach Boardwalk.

Five existing community facilities are included in the City’s Historic Building Survey, including:

- Civic Auditorium (Volume II)
- Depot Park – Southern Pacific Freight Depot (Volume I)
- Louden Nelson Community Center (Volume II)



- Museum of Natural History (Volume I)
- Santa Cruz Wharf (Volume I)

The Pogonip Clubhouse is not included in the City’s Historic Building Survey, but was identified as a historic resource in the Pogonip Master Plan EIR (City of Santa Cruz, February 1998). Pogonip Clubhouse was found to be eligible for listing in the CRHR by the State Historical Resource Commission in 2001.

## 4.4.2 Impacts and Mitigation Measures

### Thresholds of Significance

In accordance with CEQA; State CEQA Guidelines (including Appendix G); City of Santa Cruz plans, policies, and/or guidelines; and agency and professional standards; a project impact would be considered significant if the project would:

- CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
- CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- CUL-3 Disturb any human remains, including those interred outside of formal cemeteries; or
- CUL-4 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020(k); or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

CEQA defines a “*unique archaeological resource*” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC §21083.2(g)).

CEQA (Public Resources Code section 21974) defines a “*tribal cultural resource*” as either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

State CEQA Guidelines Section 15064.5 defines a *historical resource* as:

- A resource listed in, or determined to be eligible for listing in, the California Register;
- A resource listed in a local register of historical resources.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California...Generally, a resource shall be considered by the lead agency to be “historically significant.” Generally, a resource is considered historically significant if it meets criteria for listing in the California Register of Historical Resources, including:
  - Is associated with events that made a significant contribution to the broad patterns of California’s history and cultural heritage.
  - Is associated with the lives of people important in our past.
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of an important creative individual, or possesses high artistic values.
  - Has yielded or may be likely to yield information important in prehistory or history; OR
  - A resource determined to be a historical resource by a project's lead agency.

CEQA Guidelines Section 15064.5(b) defines a “*substantial adverse change*” to a historical resource as: “physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of an historical resource is *materially impaired* when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources or in registers meeting the definitions in Public Resources Code 5020.1(k) or 5024.1(g).

## Impacts and Mitigation Measures

**Impact CUL-1: Historical Resources.** The proposed Project could cause a substantial adverse change in the significance of a historical resource due to future renovations of structures listed in the City’s Historic Building Survey. However, this is a *less-than-significant* impact with compliance with City regulations.

The proposed project could result in renovations to locally designated historic structures. Four of the existing community facilities structures within the study area are included in the City’s Historic Building Survey, and one other structure, Pogonip Clubhouse, is listed on the CRHR. The locally listed structures include the Civic Auditorium, Depot Park – Southern Pacific Freight Depot, Louden Nelson Community Center, and the Museum of Natural History. The recommended renovation of the Civic Center and recommendations at the Louden Nelson Community Center are expected to include mostly interior improvements that would not alter exterior features or cause a substantial adverse change in the significance of the historical resource. No structural improvements are recommended for the Museum of Natural History. Minor additions to the Depot Park Freight Depot structure are recommended to provide storage and restroom access.

Potential rehabilitation of the Pogonip Clubhouse would be in accordance with measures identified in the Pogonip Master Plan and Master Plan EIR in which plans would be developed in consultation with a professional historical architect. Potential impacts were found to be less than significant (City of Santa Cruz, April 2012, DEIR volume).

According to the State CEQA Guidelines section 15064.5(b)(3), generally, 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, Weeks and Grimmer), shall be considered as mitigated to a level of less than a significant impact on the historical resource. Although interior renovations typically would not be considered adverse effects, additions or changes to the exterior of a building could potentially be significant under CEQA definitions. However, with designs that meet the Secretary of Interior’s Standards, any impacts would be considered less than significant.

Alterations to locally listed historic structures or landmark buildings require approval of a Historic Alteration Permit. According to section 24.08.930 of the City’s Municipal Code, one of the findings for issuance of the permit is that the project complies with the Secretary of Interior Standards for rehabilitation. Therefore, required compliance with City regulations would ensure that any alterations to historic buildings would result in a less-than-significant impact.

### Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

**Impact CUL-2: Archaeological Resources.** The proposed Project would not cause a substantial adverse change in the significance of an archaeological resource. Therefore, this is a *less-than-significant* impact.

According to maps developed for the City's *General Plan 2030* and included in the General Plan EIR, many existing parks and facilities are located within a mapped "sensitive" archaeological area and/or within a "sensitive" historical archaeological area. The City's General Plan (Action HA1.2.2) requires preparation of archaeological investigations on sites proposed for development within designated sensitive archaeological and/or historical archaeological areas, except for exempt uses within "sensitive" areas described as follows. The exemption is for minor project that generally involve spot excavation to a depth of 12 inches or less below existing grade. Exempt projects may include building additions, outdoor decks, or excavation in soil that can be documented as previously disturbed.

Additionally, the City's accidental discovery procedures (Municipal Code Section 24.12.430) would also apply to properties in the study area in the event construction encounters unidentified archaeological deposits. This regulation requires that construction be stopped if archaeological resources are encountered during construction, and that the Planning Director be notified and the discovery analyzed. If determined to not be an archaeological resource, then construction could proceed, but, if determined to be a resource, then implementation of appropriate measures would be required.

Implementation of future improvements recommended in the Parks Master Plan that are located within sensitive archaeological areas would be required to prepare archaeological investigations and implement any mitigation measures should a significant impact be identified. Since most of the proposed improvements involve little or no structural development, no significant grading and excavation is expected. However, compliance with the City's policies and regulations ensure that archaeological resources are addressed and mitigated as part of potential future development and construction at City parks and/or if unknown resources are encountered during construction. Future development indirectly accommodated by the proposed Parks Master Plan would not result in a significant impact with implementation of required archaeological investigations required by the General Plan, and the project would result in a *less-than-significant impact*.

### Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

**Impact CUL-3: Human Remains.** The proposed Project would not disturb human remains. Therefore, this is a *less-than-significant* impact.

Implementation of future improvements recommended in the Parks Master Plan that are located within sensitive archaeological areas would be required to prepare archaeological investigations and implement any mitigation measures should a significant impact be identified. Since most of the proposed improvements involve little or no structural development, no significant grading and excavation is expected. However, compliance with the City's policies and regulations ensure that human burials are addressed in accordance with state laws. The City's accidental discovery procedures (Municipal Code Section 24.12.430) would also apply to properties in the study area in the event construction encounters unidentified human remains. This regulation requires that construction be stopped if human remains are encountered during construction and sets forth the procedures to be followed on discovery of human remains. Therefore, the City's policies and regulations ensure that human remains, if identified or found, are addressed and mitigated as part of further development proposals. Thus, the project would not indirectly lead to potentially significant impacts.

### Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

**Impact CUL-4: Tribal Cultural Resources.** The proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, this is a *less-than-significant* impact.

The California Public Resources Code section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” The Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. To date, no such request has been made to the City of Santa Cruz.

As discussed in Impact CUL-2, implementation of future improvements recommended in the Parks Master Plan that are located within sensitive archaeological areas would be required to prepare archaeological investigations and implement any mitigation measures should a significant impact be identified, including tribal cultural resources. Compliance with City regulations also would ensure that archaeological resources are addressed and mitigated if unknown resources are encountered during construction. Thus, the project would result in no impact to tribal cultural resources.

**Mitigation Measures**

No mitigation measures are required as a significant impact has not been identified.