

APPENDIX C

Cultural Report

July 16, 2019

11477

Ninia Hammond
The Palomar Heights Project
2235 Encinitas Boulevard, Suite 216
Encinitas, California, 92024

***Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project,
City of Escondido, California***

Dear Ms. Hammond:

This letter documents the cultural resources inventory conducted by Dudek for the Palomar Heights Project (Project), located in the City of Escondido, California (Figure 1). The City of Escondido is the lead agency responsible for compliance with the California Environmental Quality Act (CEQA). In accordance with CEQA, Dudek performed a Phase I cultural resources Inventory for the proposed Project parcels located at the following addresses: 121-141 N. Fig Street, 127-133 Valley Boulevard, 151 Valley Boulevard, 451 E. Valley Parkway, 456 E. Grand Avenue, 555 E. Valley Parkway, 624 E. Grand Avenue, and 644-660 E. Grand Avenue. The entire Project area encompasses approximately 13.8-acres (Figure 1).

CEQA refers to sequential stages of cultural resources investigation, including Inventory, Evaluation, and Mitigation. Phase I (Inventory), Phase II (Evaluation), and Phase III (Mitigation) are vernacular terms used in the cultural resources industry. For the purposes of this report, Phase I is defined as an Inventory and includes archival research for archaeological resources and Tribal Cultural Resources (TCRs), pedestrian survey, and other inventory methods.

South Coastal Information Center (SCIC) staff conducted a records search of the proposed development including a one-mile radius buffer. The records search did not identify any cultural resources within the Project area; however, 814 cultural resources were identified within the one-mile radius. As part of the process of identifying cultural resources within or near the Project, Dudek contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands Files (SLF). The NAHC results are pending. Once received, Dudek will forward the results of the SLF search to the lead agency. An intensive pedestrian survey of the Project area did not identify any cultural resources. Built environment resources are present within the Project area and will be addressed in a separate study.

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

Based on the pedestrian survey, archival research, and SCIC records search results, the Project has moderate sensitivity for intact subsurface archaeological deposits. Full time archaeological monitoring is recommended. If the full-time monitoring reveals that the top soil throughout the Project area has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part time monitoring or the termination of monitoring can be recommended.

PROJECT DESCRIPTION AND LOCATION

The Project encompasses approximately 13.8-acres and is located at the following addresses: 121-141 N. Fig Street, 127-133 Valley Boulevard, 151 Valley Boulevard, 451 E. Valley Parkway, 456 E. Grand Avenue, 555 E. Valley Parkway, 624 E. Grand Avenue, and 644-660 E. Grand Avenue in the City of Escondido, California. The site is bordered by E. Valley Parkway to the north, N. Fig Street to the east, and E. Grand Avenue to the south. Valley Boulevard bifurcates the site (Figure 1). The Assessor's Parcel Number are as follows: 229-450-06-00, 229-450-05-00, 229-442-18-00, 229-442-04-00, 229-442-03-00, 760-246-09-00, 229-442-01-00, 230-163-01-00, 230-163-02-00, 230-163-05-00, 230-163-04-00, and 760-246-09-00. The Project site falls within Section 15 of Township 12 South, Range 2 West of the Valley Center and Escondido Quadrangles, California 7.5-minute U.S. Geological Survey Topographic Quadrangle Map (Figure 1).

The proposed Project consists of redevelopment of an existing hospital, medical buildings, and commercial buildings into a mixed-use development. The Project would include 510 multi-family dwelling units and 12,000 square feet of commercial space. In addition, the Project would include supporting open space and recreational amenities, landscaping, parking, and infrastructure improvements. The infrastructure improvements include utility connections to lines within the adjacent roadways as well as roadway frontage improvements.

REGULATORY FRAMEWORK

The California Register of Historic Resources (Public Resources Code section 5020 et seq.)

In California, the term "historical resource" includes but is not limited to "any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California" (California Public Resources Code section 5020.1(j)). In 1992, the California legislature established CRHR "to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible,

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

from substantial adverse change” (California Public Resources Code section 5024.1(a)). A resource is eligible for listing in the CRHR if the State Historical Resources Commission determines that it is a significant resource and that it meets any of the following National Register of Historic Places (NRHP) criteria:

- Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- Associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history.

(California Public Resources Code section 5024.1(c).) Resources less than 50 years old are not considered for listing in the CRHR, but may be considered if it can be demonstrated that sufficient time has passed to understand the historical importance of the resource (see 14 CCR, section 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing on the NRHP are automatically listed on the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys. The State Historic Preservation Officer maintains the CRHR.

Native American Historic Cultural Sites (California Public Resources Code section 5097 et seq.)

State law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the NRHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

California Native American Graves Protection and Repatriation Act

The California Native American Graves Protection and Repatriation Act (California Repatriation Act), enacted in 2001, required all state agencies and museums that receive state funding and that have possession or control over collections of human remains or cultural items, as defined, to complete an inventory and summary of these remains and items on or before January 1, 2003, with certain exceptions. The California Repatriation Act also provides a process for the identification and repatriation of these items to the appropriate tribes.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological and historic resources:

1. California Public Resources Code section 21083.2(g): Defines “unique archaeological resource.”
2. California Public Resources Code section 21084.1 and CEQA Guidelines section 15064.5(a): Define historical resources. In addition, CEQA Guidelines section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource;” it also defines the circumstances when a project would materially impair the significance of a historical resource.
3. California Public Resources Code section 5097.98 and CEQA Guidelines section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
4. California Public Resources Code sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including options of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code section 21084.1; CEQA Guidelines section 15064.5(b)). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of California

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

Public Resources Code section 5024.1(q)), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code section 21084.1; CEQA Guidelines section 15064.5(a)). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code section 21084.1; CEQA Guidelines section 15064.5(a)).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (CEQA Guidelines section 15064.5(b)(1); California Public Resources Code section 5020.1(q)). In turn, the significance of a historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

See Section 1.2.2, below for a discussion of the CEQA guidelines for determining significance and mitigating impacts to unique archaeological resources.

California Health and Safety Code section 7050.5

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. Health and Safety Code section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

has examined the remains (section 7050.5b). If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the NAHC within 24 hours (section 7050.5c). The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 24 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

Senate Bill 18

California Senate Bill 18 (SB 18), which took effect on March 1, 2005, requires local (city and county) governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans (Government Code section 65352.3).

Assembly Bill 52

California Assembly Bill 52, which took effect July 1, 2015, establishes a consultation process between California Native American Tribes and lead agencies in order to address tribal concerns regarding project impacts and mitigation to “tribal cultural resources” (TCR). Public Resources Code section 21074(a) defines TCRs and states that a project that has the potential to cause a substantial adverse change to a TCR is a project that may have an adverse effect on the environment. A TCR is defined as a site, feature, place, cultural landscape, sacred place, and object with cultural value to a California Native American tribe that is either:

1. listed or eligible for listing in the CRHR or a local register of historical resources, or
2. determined by a lead agency to be a TCR.

City of Escondido General Plan

The City of Escondido General Plan (amended in 2012) Resource Conservation (VII, G, 5) states the following:

“Escondido is a city with a unique history that gives the community its distinctively authentic quality. Rich and varied historical and cultural resources include buildings, structures, objects, sites, landscapes, archaeological site, as well as traditional cultural properties that possess historical, scientific, architectural, aesthetic, cultural, or ethic, significance. [...]”

“Conserving archaeological, cultural and agricultural resources helps foster an appreciation of Escondido’s past and provides as important perspective and economic opportunity for future planning efforts [...]”

Escondido General Plan (amended in 2012) Resource Conservation (VII, G, 5) has one (1) historic and cultural resources goal and nine (9) cultural resources policies that address the preservation of historic resources. The goal and policies listed are:

- Goal 5. Preservation of important cultural and paleontological resources that contribute to the unique identify and character of Escondido.
- Policy 5.1. Maintain and update the Escondido Historic Sites Survey to include significant resources that meet local, state, or federal criteria.
- Policy 5.2 Preserve significant cultural and paleontological resources listed on the national, State, or local registers through: maintenance or development of appropriate ordinances that protect, enhance, and perpetuate resources; incentive programs, and/or the development review process
- Policy 5.3 Consult with appropriate organization and individuals early in the development process to minimize potential impacts to cultural resources and paleontological resources.
- Policy 5.4 Recognize the sensitivity of locally significant cultural resources and the need for more detailed assessments through the environmental review process.
- Policy 5.5 Preserve historic buildings, landscapes, and districts with special and recognized historic or architectural value in their original locations through preservation, rehabilitation, and restoration where the use is compatible with the surrounding area.
- Policy 5.6 Review proposed new development and/or remodels for compatibility with the surrounding historic context.
- Policy 5.7 Comply with appropriate local, State, or federal regulations governing historical resources.

- Policy 5.8 Consider providing financial incentives, and educational information on existing incentives provided by the federal government to private owners and development in order to maintain, rehabilitate, and preserve historic resources.
- Policy 5.9 Educate the public on the City's important historic resources in increase awareness for protection.

METHODS

Archival Research

Dudek consulted historic aerial photographs (earliest available from 1947) to understand development of the Project site and surrounding properties. Historic aerial photographs of the Project area were available for 1947, 1953, 1964, 1967, 1980, 1989, 1995, 1996, 2002, 2003, 2005, 2009, 2010, 2012 and 2014 (NETR 2019). The historic photographs reveal that the modern street layout was present prior to 1947. Development of most of the area surrounding the Project site was present prior to 1980. It is unknown if mass grading took place during the initial development of the Project area. The historic photographs reveal that historic structures are located within the Project area. The structure located at 451 E. Valley Parkway was developed prior to 1947. The structures located at addresses 555 E. Valley Parkway, 640-644 E. Grand Avenue, and 660 E. Grand Avenue, were built prior to 1953. The building located at 121-141 N. Fig Street was constructed prior to 1964. The structure are 456 E. Grand Avenue was built prior to 1980. This study does not include an evaluation of the historical built environment.

Cultural Resources Records Search

The South Coastal Information Center (SCIC) staff conducted a California Historical Resources Information Systems (CHRIS) records search of the Project area and a one-mile radius buffer on July 4, 2019 (Confidential Appendix A). The records search results indicate that 65 previous cultural resources studies have been conducted within one-mile of the Project area (Table 1). Of the 65 previous studies, one (1) study (SD-12648), a general overview study of the region (Moriarty 1966), is mapped within the Project area (Table 1). The previous cultural resources studies that do not intersect the Project Area are included in Confidential Appendix A.

Ms. Hammond

Subject: *Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California*

Table 1
Previous Technical Studies within One-Mile of the Project area

Report Number	Authors	Date	Title
<i>Intersects the Project area</i>			
SD-12648	MORIARTY, JAMES	1966	CULTURE PHASE DIVISIONS SUGGESTED BY TYPOLOGICAL CHANGE COORDINATED WITH STRATIGRAPHICALLY CONTROLLED RADIOCARBON DATING AT SAN DIEGO

SCIC records did not identify any cultural resources within the Project area; however, 814 cultural resources are located within the one-mile search radius (Confidential Appendix A). Of the 814 previously recorded cultural resources, three (3) are located adjacent to the Project area, approximately 50 meters north of the Project. The three (3) resources consists of historic structures (Table 2). The SCIC records search results are included in Confidential Appendix A.

Table 2
Cultural Resources within One-Mile of the Project area

Primary Number	Trinomial	Type	Description
<i>Outside of the Project area</i>			
P-37-036142	-	Historic	Government Building
P-37-036144	-	Historic	Government Building
P-37-036143	-	Historic	Government Building

A total of 828 historic address were identified within the one-mile search radius of the Project area (Confidential Appendix A). Of the 828 addresses, four (4) are located within the Project area (Table 3). The historic addresses consists of residential, government, and commercial properties of various architecture styles constructed between the late 1800s to the 1940s. The structures located at the historic addresses have been converted for commercial use.

Ms. Hammond

Subject: *Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California*

Table 3
Historic Addresses within One-Mile of the Project area

Address	City	Primary Number	Description	Eligibility
<i>Within the Project area</i>				
100 VALLEY BLVD	Escondido	P-37-019670	Government Build/ Old Fire Station	Appears Eligible
151-153 N VALLEY BLVD	Escondido	P-37-019671	Residential Building	Not Evaluated
155 N VALLEY BLVD	Escondido	P-37-019672	Commercial Building	Not Evaluated
451 E VALLEY PKWY	Escondido	P-37-19479/80	Residential Building	Eligible

NAHC and Tribal Correspondence

Dudek requested a NAHC search of its Sacred Lands File on July 1, 2019, for the Project area (Appendix B). This report will be revised to include the NAHC results once received.

The proposed Project is also subject to compliance with Assembly Bill (AB) 52 (PRC 21074) which requires consideration of impacts to “tribal cultural resources” as part of the CEQA process. AB 52 requires the City of Escondido, lead agency responsible for CEQA compliance for the proposed Project, to notify any groups (who have requested notification) of the proposed Project who are traditionally or culturally affiliated with the geographic area of the Project.

Intensive Pedestrian Survey

The intensive pedestrian survey was conducted by Dudek archaeologist Jessica Colston on June 20, 2019, using standard archaeological procedures and techniques that meet the Secretary of Interior’s standards and guidelines for cultural resources inventory. The intensive-level survey methods consisted of a utilizing 15 meter-wide transects across the Project area. The ground surface was examined for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of the current or former presence of structures or buildings (e.g., standing exterior walls, post holes, foundations), and historic-age artifacts (e.g., metal, glass, ceramics, building materials). Ground disturbances such as burrows, cut banks, and drainages were also visually inspected for exposed subsurface materials.

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

The Project area has been completely developed for the Palomar Health Downtown Campus Hospital, medical offices, commercial uses, parking lots, and landscaping. The ground visibility for the Project area was poor (~10%) overall due to the presence of buildings and asphalt. Ground visibility was good (80-100%) within landscaped areas that contained exposed soils. No archaeological resources were identified during the field survey. Built environment resources are located within the Project area but are not analyzed herein.

SUMMARY AND MANAGEMENT CONSIDERATIONS

Archaeological Recommendations

Dudek's Phase I cultural resources inventory of the Project indicates that there is moderate sensitivity for intact subsurface archaeological deposits. No archaeological resources are present within the Project area. Development within the Project area occurred prior to any formal archaeological studies and the extent (particularly depth) of grading and excavation within the Project area is unknown at this time. Therefore, it is possible cultural resources may be preserved below the current structures and existing ground surface within the Project. Full time archaeological and Native American monitoring is recommended within the Project area. If the full-time monitoring reveals that the top soil throughout the Project area has been previously removed during the development of the roads and buildings within the Project area, then a decrease of monitoring to part time monitoring or the termination of monitoring can be recommended.

In the event that archaeological resources are exposed during construction, work in the immediate vicinity of the find should be halted or directed to another location until a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards can evaluate the significance of the find. Construction activities may continue in other areas, but should be redirected a safe distance from the find. If the new discovery is evaluated and found to be significant under CEQA and avoidance is not feasible, additional work such as data recovery may be warranted.

In the event of the discovery of human remains during ground disturbing activities, the State of California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in areas which could contain human remains until the County coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. The County coroner must be notified of the find immediately. If the human remains are determined to be of Native American origin, the coroner will notify the NAHC within 24 hours. The NAHC will then determine and notify a MLD. The MLD shall complete the inspection of the site within 48 hours of notification and may

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

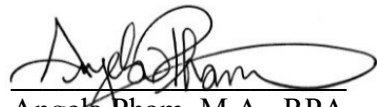
recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

The monitoring program should be performed in accordance with CEQA guidelines, and must be directed by a qualified archaeologist (Principal Investigator).

The historic buildings, structures, and addresses identified in the records search and archival research are not addressed herein.

Should you have any questions relating to this report and its findings, please do not hesitate to contact me at 760.479.4855 or apham@dudek.com.

Respectfully Submitted,



Angela Pham, M.A., RPA
Archaeologist

*Att: Figure 1, Project Location
Appendix A, SCIC Records Search Results
Appendix B, NAHC Correspondence and Tribal Outreach*

CC: Brad Comeau, Dawna Marshall

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

REFERENCES

City of Escondido General Plan. 2012. Accessed July, 2, 2019.

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Moriarty, J. 1966. Culture Phase Divisions Suggested by Typological Change Coordinated with Stratigraphically Controlled Radiocarbon Dating at San Diego. *The Anthropological Journal of Canada* (4):20-30. On file at South Coastal Information Center.

NETR (National Environmental Title Research). 2019. Address search for 555 East Valley Parkway, Escondido, California. Accessed July, 2, 2019. <http://www.historicaerials.com/>.

Ms. Hammond

Subject: Negative Cultural Resources Letter Report for the Palomar Heights Project, City of Escondido, California

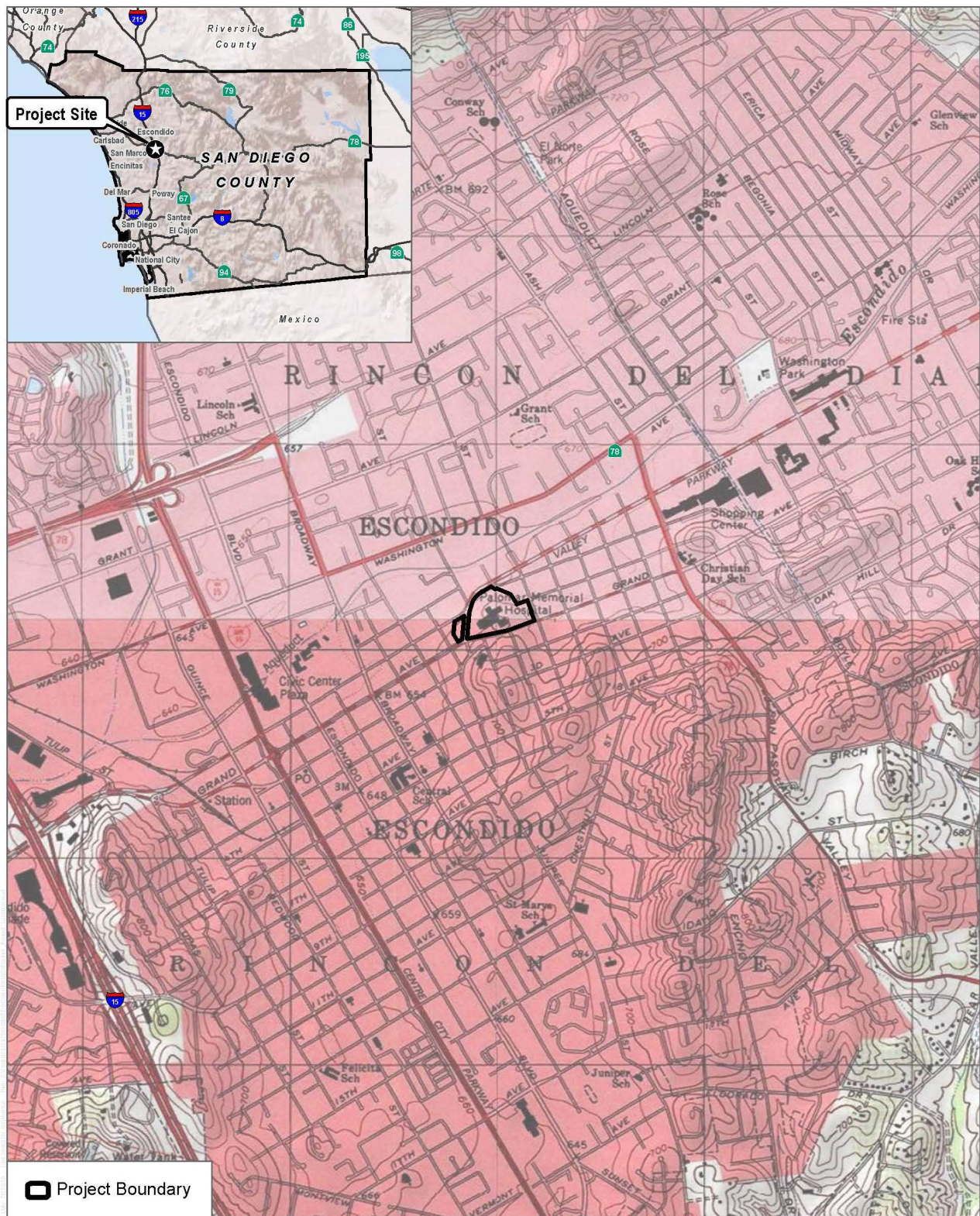


FIGURE 1

Project Location
Palomar Heights Project

CONFIDENTIAL

APPENDIX A

SCIC Records Search Results

APPENDIX B

NAHC Correspondence and Tribal Outreach

July 1, 2019

NAHC Staff
Associate Government Program Analyst
Native American Heritage Commission

Subject: NAHC Sacred Lands File Records Search Request for the Palomar Heights Project, Escondido, San Diego County, California

Dear NAHC Staff,

The Palomar Heights Project is located in the City of Escondido, San Diego County, California. The Proposed Project consists of redevelopment of an existing hospital into a residential community with, 309 apartments units, 201 townhomes and a 90 unit senior living complex. The project would also include 7,000 square feet of commercial space including a café, work space and retail space. To meet parking standards the project would provide 915 parking spaces between all the proposed uses. The site is approximately 13.8 acres. This area falls within the following PLSS area: Township 12S/ Range 2W; Escondido and Valley Center Quadrangles, CA 1:24,000 USGS maps (Figure 1).

Dudek is requesting a NAHC search for any sacred sites or other Native American cultural resources that may fall within the proposed project location or a surrounding one-mile buffer. Please provide a Contact List with all Native American tribal representatives that may have traditional interests in this parcel or the surrounding search area. The results of this search can be faxed to 760-632-0164.

If you have any questions relating to this investigation, please contact me directly by email or phone.

Regards,



Angela Pham, M.A., RPA
Archaeologist

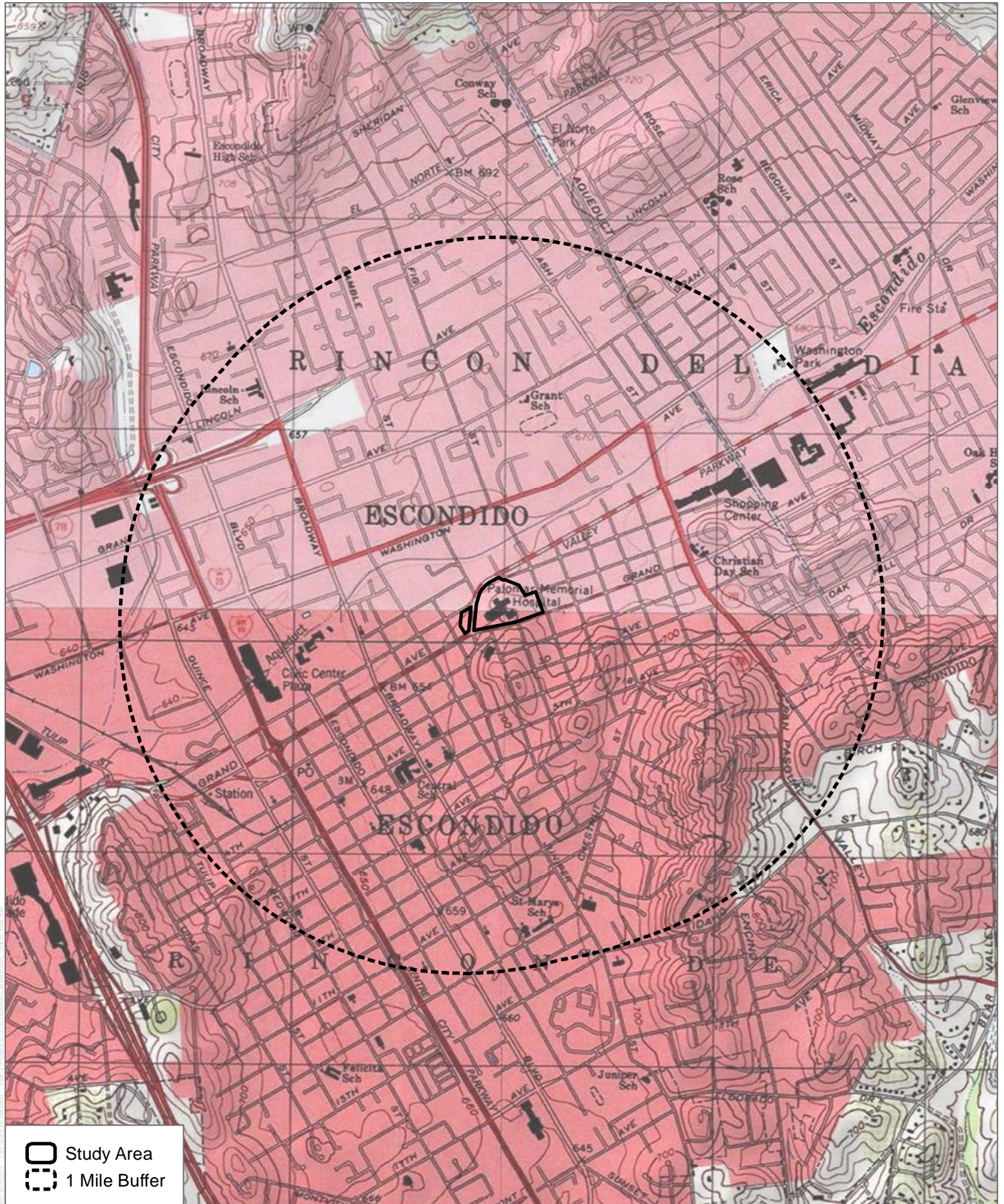
DUDEK



Phone: (760) 479-4855

Email: apham@dudek.com

Attachments:

Figure 1. SLF Records Search Request Map



 Study Area
 1 Mile Buffer

SOURCE: USGS 7.5-Minute Series Valley Center & Escondido Quadrangles
Township 12S; Range 2W; Sections 9, 10, 11, 14, 15, 16, 21, 22, 23

DUDEK  
0 1,000 2,000 Feet
0 250 500 Meters
1:24,000

Records Search
Palomar Heights Project

