

### **3.6 CULTURAL RESOURCES**

This section provides a discussion of the existing cultural and historic resources on the site and an analysis of potential impacts that may occur as a result of repealing the HTCMP and adoption of the elements identified in Chapter 2. A portion of the information and analysis in this section is based on the Historic Resources Preliminary Potential Visual Impact Assessment Report for the Proposed Project completed by Justin Castells at PaleoWest in December 2019. The report summarizes the methods and results of the historic resources preliminary potential visual impacts investigation. This investigation included conducting a records search at the South Central Coastal Information Center (SCCIC) to identify all previously recorded historic-built environment resources located within the Project area. The report is included as Appendix D.

#### **3.6.1 Introduction**

The Project area is located near the confluence of Oso Creek and Trabuco Creek; and south of the Project area, Trabuco Creek merges into San Juan Creek. It is likely that these creeks were more abundant during the prehistoric period, offering a year-round water source for human occupation, as well as vegetation and wildlife. Prehistoric peoples living in the area were Encinitas Tradition, Topanga Cultural Pattern groups. Approximately 1,300 years before present (BP) the Encinitas Tradition, Topanga Pattern groups were replaced by a new archaeological entity, a Palomar Tradition, San Luis Cultural Pattern group representing ancestral Acjachemen (City 2011).

The San Juan Capistrano region was home to the Acagchermen, or Juaneno, people for centuries prior to the arrival of the Spanish in 1776. In 1776 Franciscan missionaries led by Junipero Serra established Mission San Juan Capistrano in the Capistrano Valley. The mission prospered and exerted increasing control over the local Native American population over time. After Mexico won its independence from Spain in 1821, mission lands were absorbed by the new government through the Secularization Act of 1833. Mission lands were sold or awarded to Mexican citizens and later American investors. By 1841 the community of San Juan Capistrano was declared a pueblo instead of a religious parish and shortly after the mission lands were sold to John Forster (City 1999).

After the end of the Mexican-American War in 1848 California became a territory of the United States and was granted statehood in 1850. In 1860 the United States government returned the San Juan Capistrano mission lands to the Catholic church. The community of San Juan Capistrano grew slowly, but the arrival of the railroad in 1881 opened the community to significant growth and change. In the early 1900s, San Juan Capistrano and its mission began to become a tourist destination. The mission itself, which had been in decline for years, began to recover under the leadership of Father John O'Sullivan in 1910. The community of San Juan Capistrano incorporated as a general law city on April 19, 1961 (City 1999).

#### **3.6.2 Regulatory Setting**

##### **Section 106 of the National Historic Preservation Act**

Were federal funds to be used to execute the proposed improvement, the project would be a federally licensed "undertaking" per 36 Code of Federal Regulations (CFR) 800.2(o) and subject to compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (Section 106). Under this regulation, federal agencies are required to identify cultural resources that may be affected by their project actions, assess the significance of these resources and their eligibility for inclusion on the National

Register of Historic Places (NRHP) as per 16 USC 470w(5), and consult with the Advisory Council on Historic Preservation regarding project effects on significant resources. Eligibility is based on criteria defined by the Department of the Interior. Generally, districts, archaeological sites, buildings, structures, and objects that possess integrity are potentially eligible for inclusion in the NRHP under the following criteria:

- a) That are associated with events that have made a significant contribution to the broad patterns of our history;
- b) That are associated with the lives of persons significant in our past;
- c) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) That have yielded, or may be likely to yield, information important in prehistory or history [36 CFR 60.4]

If a cultural resource is determined to be an eligible historic property under 36 CFR 60.4, then Section 106 requires that the effects of the proposed undertaking be assessed and considered in planning the undertaking, this includes potential visual impacts to previously recorded historic resource in the surrounding area.

To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have integrity. Integrity is the ability of a property to convey its significance. The seven aspects of integrity are location, design, setting, materials, workmanship, feeling, and association. For a property to be eligible, it must retain some, if not most, of the aspects.

### **California Environmental Quality Act**

Compliance with the California Environmental Quality Act (CEQA) statutes and guidelines requires both public and private projects with financing or approval from a public agency to assess the project's impact on cultural resources (Public Resources Code Section 21082, 21083.2 and 21084 and California Code of Regulations 10564.5). The first step in the process is to identify cultural resources that may be impacted by the project and then determine whether the resources are "historically significant" resources.

CEQA defines historically significant resources as "resources listed or eligible for listing in the California Register of Historical Resources (CRHR)" (Public Resources Code Section 5024.1). A cultural resource may be considered historically significant if the resource is 45 years old or older, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and meets any of the following criteria for listing on the CRHR:

- 1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2. Is associated with the lives of persons important in our past;
- 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,

4. Has yielded, or may be likely to yield, information important in prehistory or history (Public Resources Code Section 5024.1).

The CRHR recognizes a property's historic integrity through seven aspects or qualities. These include location, design, setting, materials, workmanship, feeling, and association. For a property to be eligible, it must retain some, if not most, of the aspects.

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance. CEQA states that if a project will have a significant impact on important cultural resources, deemed "historically significant," then project alternatives and mitigation measures must be considered. Additionally, any proposed project that may affect historically significant cultural resources must be submitted to the State Historic Preservation Officer (SHPO) for review and comment prior to project approval by the responsible agency and prior to construction.

### **City of San Juan Capistrano Historic and Cultural Landmarks**

The City of San Juan Capistrano maintains an Inventory of Historic and Cultural Landmarks (Local Register) which consists of a list of structures and sites within the City that have been deemed historically and/or culturally significant at a local level, due to their architectural style and condition; association with historic persons; and/or association with historic events. Potential eligibility of a property for inclusion on the Local Register is considered based on the following three criteria:

1. A historic building, object or site is one which has been found to have significance to the community as a whole and has been officially designated on the Inventory of Historic and Cultural Landmarks by resolution of the City Council as being worthy of public interest and protection.
2. A historic district is a collection of buildings or sites which, although perhaps not all qualifying individually, as a group they have been found to have significance to the community as a whole and have also been officially designated on the Inventory of Historic and Cultural Landmarks by resolution of the City Council as being worthy of public interest and protection.
3. A building or site of distinction is one which is unique and of interest to the community as a whole and may be potentially historic. Due to perhaps age or alteration, some may not qualify for more formal designation and protection. Others may qualify for more formal designation and protection when the owner desires to have the building or site considered for designation.

### **3.6.3 Existing Environmental Setting**

A records search was conducted at the SCCIC at California State University, Fullerton on April 2, 2019. This inventory effort included the Project area and a 0.25-mile radius around the Project Area, collectively termed the Project study area. The objective of this records search was to identify historic-period built environment resources that have been previously recorded within the study area during prior cultural resource investigations.

**National Register of Historic Places/California Register of Historic Resources**

The SCCIC search included a review of all recorded historic-period built environment resources on file for the area. The results from the information center indicated that 40 historic-period built environment resources were previously identified within the 0.25-mile search radius. Of the 40 previously identified historic-period built environment resources, the SCCIC indicated that 34 are located within the Project area. Of the 34 identified within the Project area, 15 are eligible for/listed on the NRHP. No resources identified were eligible only for the CRHR. Additional research indicates that one additional NRHP eligible/listed property is located within the Project area that was not identified in the records search (Manuel Garcia Adobe/ 31861 Camino Capistrano). Table 3-6 below, as well as Figure 4-1 of the Historic Resources Preliminary Potential Visual Impact Assessment Report (Appendix D) provide information regarding the historic-period build environment resources (PaleoWest 2019).

**Table 3-6: NRHP Eligible/Listed Historic Built Environment Resources within the HTC Area**

Primary No.	Name/Address	NRHP Eligibility
P-30-160088	Mission San Juan Capistrano.26801 Ortega Highway and 31522 Camino Capistrano	NRHP Listed
P-30-160106	Montenez Adobe/31745 Los Rios Street	NRHP Listed
P-30-160107	Rios Adobe/3178 Los Rios Street	NRHP Eligible
P-30-160120	Santa Fe Depot/26701 Verdugo Street	NRHP Eligible
P-30-160122	River Street	NRHP Eligible
P-30-160123	Los Rios Street Historic District	NRHP Listed
P-30-160127	Domingo Yorba Adobe/31871 Camino Capistrano	NRHP Listed
P-30-160128	Blas Aguilar Adobe (Casa De Esperanza)/31806 El Camino Real	NRHP Listed
P-30-160130	Judge Richard Egan Residence/31829 Camino Capistrano	NRHP Listed
P-30-161915	Esslinger Building/31866 Camino Capistrano	NRHP Listed
P-30-176615	Hot Springs Road/Ortega Highway	NRHP Listed
P-30-177705	Stroschein House/31682 El Camino Real	NRHP Listed
P-30-177432	El Peaon Complex/Ferris Kelley Buildings/26822, 26832, 26842 Ortega Highway; 31752, 31754, 31762 Camino Capistrano	NRHP Eligible
P-30-177441	Los Rios Street	NRHP Listed

<b>Primary No.</b>	<b>Name/Address</b>	<b>NRHP Eligibility</b>
P-30-177442	Nick's Café, Mexico Lindo, Vaquero West	NRHP Eligible
	Manuel Garcia Adobe/31861 Camino Capistrano	NRHP Listed

**Local Register**

As of October 2018, which represents the most recent listing of historic and cultural landmarks available at the time of this EIR, the Local register includes 40 individual properties, six historic districts, and four historic streets. Of these resources listed on the Local Register 28 are located within the Project area. Table 3-7 below, as well as Figure 4-2 of the Historic Resources Preliminary Potential Visual Impact Assessment Report (Appendix D) provide information regarding the historic-period built environment resources (PaleoWest 2019).

**Table 3-7: Local Register Listed Historic Built Environment Resources within the HTC Area**

<b>Local Register No.</b>	<b>Name/Address</b>
P1	Mission San Juan Capistrano/26801 Ortega Highway and 31522 Camino Capistrano
P2	Rios Adobe/3178 Los Rios Street
P3	Montenez Adobe/31745 Los Rios Street
P4	Silvas Adobe/31861 Los Rios Street
P8	Blas Aguilar Adobe (Casa de Esperanza)/31806 El Camino Real
P9	Manuel Garcia Adobe/31861 Camino Capistrano
P10	Burrel Adobe Ruins/El Camino Real and Forster Street
P11	Domingo Yorba Adobe/31871 Camino Capistrano
P12	Juan Avila Adobe/31831 Camino Capistrano
P13	El Adobe Restaurant/Juzgado/Jose Antonio Yorba Adobe/31891 Camino Capistrano
P14	Santa Fe Depot/26701 Verdugo Street
P15	Judge Richard Egan Residence/31829 Camino Capistrano
P16	Buddy Forster Residence/31721 Los Rios Street

Local Register No.	Name/Address
P17	Frank A. Forster Mansion/27182 Ortega Highway
P18	The Jose Dolores Garcia/Albert Pryor House/31831 Los Rios Street
P26	English/Hardy House/26652 Ramos Street
P28	Community Christian Church/31612 El Camino Real
P30	Stroschein House/31682 El Camino Real
P31	Esslinger Building/31866 Camino Capistrano
P32	El Peaon Complex/Ferris Kelly Buildings/26822, 26832, 26842 Ortega Highway; 31752, 31754, 31762 Camino Capistrano
P39	Arley Leck House/31865 Los Rios Street
D3	River Street (located in Los Rios Historic District)
D5	Los Rios Historic District
D6	Little Hollywood/31362 and 31342 Ramos Street, 26604 Mission Street
S1	Los Rios Street (from Del Obispo Street to Mission Street)
S2	El Camino Real (from Ortega Highway to Del Obispo Street)
S3	Camino Capistrano (from Ortega Highway to Del Obispo Street)
S4	Spring Street (from El Camino Real to east terminus at I-5)
*P# indicated property, D# indicates district, S# indicates street	

### **Pedestrian Survey**

Please see Section 3.5.1 for a description and examples of viewsheds within the Project area.

#### **3.6.4 Impacts and Mitigation**

##### **Impact 3.6-1: Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

With implementation of the Proposed Project, the HTCMP and FBC would be repealed, which could have the potential to affect the protections formerly afforded to historic resources in the HTCMP. The intent of

the HTCMP was “to ensure that the historic character and function of the Town Center as the civic and commercial heart of the City is preserved, enhanced and expanded over time” (City 2010, page 2). However, in order to retain the elements that provided protections to historic resources, the Proposed Project includes height and setback requirements as noted in Section 2.2, above, that will continue to protect the integrity of the historic buildings in the HTC area.

Based on a review of previously recorded historic built environment resources and observations made during the April 23, 2019 field visit, PaleoWest determined that buildings constructed 45-feet in height would likely result in some level of visual impact on historic built environment resources within the Project area. The NRHP recognizes a property's historic integrity through seven aspects or qualities. These include location, design, setting, materials, workmanship, feeling, and association. For a property to be eligible, it must retain some, if not most, of the aspects. Buildings 45-feet in height or taller are inconsistent in massing to the Project area and may fundamentally affect the integrity of setting and feeling for NRHP eligible/listed historic built environment resources and well as properties listed on the Local Register. With the Proposed Project, building heights would be limited to 45-feet for three-story hotel buildings only. As with other future projects, three-story hotel buildings of 45-feet in height would be required to go through City review and CEQA review processes to evaluate impacts. Site-specific development plans are required to evaluate the impacts of three-story hotel buildings within the Project area and complete a historic resource evaluation to provide an updated historic integrity determination of nearby designated historic sites. Appropriate mitigation measures to reduce impacts of these hotel buildings on historic structures include CUL-1, below. Considerations such as the proximity of the Proposed Project to historic resources and the design of the project must be taken into consideration in order to accurately assess the project's impact on historic resources. This impact is considered potentially significant; and even with implementation of mitigation measures CUL-1, noted below, impacts to historic resources would be significant and unavoidable.

Other aspects of the Proposed Project include removing the potential for residential uses in the HTC area, an increase in the allowable FAR, adopting FBC language into the Zoning Code, increasing required setbacks from historic buildings, and readopting and affirming the Park Once Program. Although residential uses were proposed in the HTCMP, the HTC area does not include residential uses. These, residential units allowed under the HTCMP would vary in massing and aesthetic value and would likely contrast with the neighboring historic buildings thereby adversely impacting aesthetic views of the surrounding historic resources. These adverse aesthetic impacts to views of the existing historic resources would not occur under the Proposed Project. The HTCMP EIR provided a mitigation measure to reduce impacts to historic structures, MM-CLT-1. This mitigation measure requires site specific CEQA review, historic resource evaluation, compliance with stringent design guidelines for sites adjacent to any such historic resources, and site specific measures include but are not limited to re-orienting or adjusting the location of proposed buildings or improvements; incorporating features and elements consistent with architectural design guidelines; reducing the height and/or massing of the proposed structure or building; increased setbacks and screening of the structure with native trees. The HTCMP MM-CLT-1 mitigation measure is retained under the Proposed Project as CUL-1, and, therefore, would continue to afford protection of the existing historic resources. .

The increase in allowable FAR would encourage a more village-scaled development and would largely impact the interior uses of buildings; therefore, the increase in allowable FAR would not have a significant impact on historic resources. Adopting previous FBC language into the Zoning Code would not result in any changes to existing conditions, except for the repeal of the FBC. The repeal of the FBC and revising of the Zoning Code would not result in changes to physical conditions of the Project area and would not

result in significant impacts to historic resources. The increase in required setbacks from historic buildings, including requiring a foot of setback for every foot in height of the building, would have a positive impact on historic resources by requiring additional setbacks from existing conditions. With the new setback requirements, designated historic buildings within the HTC and HTCMP areas would be further protected for future development. Lastly, the re-adoption and affirming of the Park Once Program would not cause any significant impacts to historic resources, as this would not result in a physical change from existing conditions.

Although the FAR, Zoning Code, setbacks, and Park Once Program components of the Proposed Project would not result in significant impacts, the Proposed Project's allowance of three-story hotel buildings to be 45-feet in height would result in significant unavoidable impacts.

### Mitigation Measures

- CUL-1:** Prior to the approval of discretionary entitlements and associated CEQA review for future site-specific development associated with the Project area that either 1) impacts an historic structure or 2) is located adjacent to an historic structure, the project applicant shall complete, or cause to be completed the following:
- a. Prepare a historic resources evaluation to provide an updated historic integrity evaluation of the historic site pursuant to the requirements of the CEQA Guidelines, the National Register of Historic Places criteria and the Secretary of the Interior's Guidelines for Architectural and Engineering Documentation (often referred to as "HABS documentation"). In the event the evaluation concludes the site retains its historic integrity, the requirements governing the significance of impacts and mitigation of impacts to historical resources set forth in CEQA Guidelines Sections 15064.5 (b) and 15126.4(b) shall be addressed in the CEQA document prepared for the project. In the event the evaluation concludes the site does not retain its integrity, then the City shall submit the report to the California Office of Historic Preservation for a concurrence determination pursuant to National Register of Historic Places procedures.
  - b. For buildings or improvements proposed adjacent to an historic structure listed in the National Register of Historic Places, site-specific development plans shall be evaluated to determine if the design of the proposed structures is compatible with the adjacent historic resource in accordance with the Secretary of the Interior's Standards and CEQA Guidelines Section 15064.5(b) and 15126.4(b). Stringent design guidelines shall be required for projects located adjacent to historic buildings taking into account the potential for indirect and visual impacts. Mitigation measures must be recommended and incorporated into future site specific projects to reduce indirect visual impacts as part of the discretionary entitlement and CEQA review process. Specific measures may include but are not limited to re-orienting or adjusting the location of proposed buildings or improvements; incorporating features and elements consistent with architectural design guidelines; reducing the height and/or massing of the proposed structures or buildings; increased setbacks and screening of the structure with native trees.

**3.6.5      Residual Impacts After Mitigation**

Even with implementation of MM CUL-1, impacts would remain significant and unavoidable.

**3.6.6      Cumulative Impacts**

As described above, potential impacts related to historical resources would be significant and unavoidable even with the implementation of existing requirements and mitigation measures. Future construction projects in the area that increase local population will lead to accelerated degradation of the cultural resources, including historical resources. However, each development proposal received by the City undergoes environmental review and would be subject to the same resource protection requirements as the Proposed Project. If there is a potential for significant impacts on historic resources, an investigation will be required to determine the nature and extent of the resources and identify appropriate mitigation measures such as mitigation measure MM-CUL-1