
5.5 Cultural Resources

This section provides a discussion of the existing cultural, historic, archaeological, and paleontological resources on the site and an analysis of potential impacts that may occur as the result of HTC Master Plan adoption. Project implementation may occur in phases and over time, with the preparation of more detailed site-specific project plans. Said plans may be subject to additional study and testing as provided in the mitigation measures below. Additional CEQA analysis may also be required in accordance with CEQA Guidelines Section 15162. The information and analysis in this section is based on the technical study completed by Cogstone, specifically, the *Cultural Resource Assessment for the San Juan Capistrano Historic Town Center Master Plan Area, City of San Juan Capistrano, California*, August, 2011. This study is included in its entirety in Appendix D.

5.5.1 ENVIRONMENTAL SETTING

Regulatory Setting

National Historic Preservation Act of 1966, as amended

The National Historic Preservation Act (NHPA) is the primary federal law governing the preservation of cultural and historic resources in the United States. The law establishes a national preservation program and a system of procedural protections which encourage the identification and protection of cultural and historic resources of national, state, tribal and local significance. Primary components of the act include: a) Articulation of a national policy governing the protection of historic and cultural resources. b) Establishment of a comprehensive program for identifying historic and cultural resources for listing in the National Register of Historic Places. c) Creation of a federal-state/tribal-local partnership for implementing programs established by the act. d) Requirement that federal agencies take into consideration actions that could adversely affect historic properties listed or eligible for listing on the National Register of Historic Places, known as the Section 106 Review Process. e) Establishment of the Advisory Council on Historic Preservation, which oversees federal agency responsibilities governing the Section 106 Review Process. f) Placement of specific stewardship responsibilities on federal agencies for historic properties owned or within their control (Section 110 of the NHPA).

Section 106, as noted above (item d), requires the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation because of their significance in American history, architecture, archeology, engineering, and culture. The NRHP recognizes resources of local, state and national significance which have been documented and evaluated according to uniform standards and criteria. Authorized under the NHPA, the NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources. The NRHP is administered by the National Park Service, which is part of the U.S. Department of the Interior.

California Register of Historical Resources

The State Historical Resources Commission has designed the California Register of Historical Resources (CRHR) for use by state and local agencies, private groups and citizens to identify, evaluate, register and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archeological resources. The CRHR program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under CEQA.

California Historical Landmarks

California Historical Landmarks are buildings, structures, sites, or places that have been determined to have statewide historical significance. The resource also must be approved for designation by the County Board of Supervisors or the City/Town Council in whose jurisdiction it is located; be recommended by the State Historical Resources Commission; and be officially designated by the Director of California State Parks.

California Points of Historical Interest

California Points of Historical Interest are sites, buildings, 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 value. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the CRHR. No historical resource may be designated as both a Landmark and a Point. If a Point is subsequently granted status as a Landmark, the Point designation will be retired.

Regional Setting

The project location is situated south of the confluence of the Oso Creek and Trabuco Creek; Trabuco Creek merges into San Juan Creek south of the project area. It is likely that creeks were more abundant during the prehistoric period, offering a flowing and year-round water source for human occupation and supporting a variety of wildlife.

Prehistory

Prehistoric peoples living the area more than 1,300 years ago were Encinitas Tradition, Topanga Cultural Pattern groups. These groups were small, highly mobile bands. Sites known are temporary campsites, not villages and tend to be along the coast in wetlands, bays, coastal plains, near-coastal valleys, marine terraces and mountains. The Topanga toolkit is dominated by manos and metates with projectile points scarce. About 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. San Luis Rey Pattern groups demonstrate formation of major village sites along with small satellite villages. In Orange County, there was some focus on marine resources and settlement was primarily coastal. The San Luis Rey toolkit has mortars and pestles along with bow and arrow technology.

Spanish Period

The Spanish period of history began with the exploration of Orange County by Gaspar de Portola. His expedition passed through Orange County and he named Trabuco Creek, Santiago Creek and other geographic features he encountered. The seventh Franciscan mission in California was Mission San Juan Capistrano, founded in 1776; shortly after Portola's visit to the area. The Acjachemen were induced to work at the Mission and become Christians. The converts were permitted to elect a leader and became known over time as the Juaneño. The Juaneño built all the mission structures, residences and performed all labor. By 1783 the native population of the mission was recorded as 381 persons. Conversions accelerated from 1790 to 1812 as remaining Acjachemen were displaced from their lands by mission expansion. For example the mission herds increased from 8 thousand head to 27 thousand head in the 15 years following 1790. Native population of the Mission tripled from 1783 to 1793 and led to building of 40 adobe homes for neophytes and married soldiers in 1794; mostly south of the Mission. The economy that developed during the Mission years was based on trading cattle hides and tallow for clothing, shoes, sugar and other goods the Missions did not produce themselves. This required large amounts of land for grazing the animals. Ships from the East Coast visited regularly and California hides were turned into shoes as part of the first American Industrial Revolution.

Mexican Period

The Mexican period of history began when Mexico gained independence from Spain in 1821. The new liberal politics of the Mexican Constitution of 1824 were embraced by the emerging generation of Californios and Californias (persons of Mexican heritage born in California). A provisional emancipation proclamation was issued in 1826 promising freedom to neophytes who could demonstrate they were self-supporting but in 1833, the Mission lands were appropriated by the Mexican government rather than being returned to the Native Americans. Juaneño leaders requested that the community be granted the land surrounding the mission which they had irrigated and were using to support themselves but legal title was never granted. In 1841 San Juan Capistrano became a Mexican pueblo. That year each Juaneño family received a house lot and a piece of land for agriculture, mostly in the eastern part of town. In addition, 40 Californios received house lots and agricultural land. Most of these households practiced subsistence

farming utilizing the public lands for grazing animals and their own lands for crops while also working as skilled or general laborers.

The presence of Acjachemen villages was not considered when the Mexican government granted large tracts of land around the pueblo of San Juan Capistrano. All of the villages and grazing sites of the Acjachemen were encompassed within land grants to former administrators or their relatives by 1843. After Pio Pico became Governor, he granted two large ranchos to his sister's husband John (Juan) Forster, an immigrant from England. Forster and a partner purchased the mission itself for \$710 at auction. The Forster family lived on the mission premises for approximately 20 years between 1845 and 1864. Forster and other Euroamericans were integrated into Californio society through marriage (becoming Catholics, learning Spanish and becoming Mexican citizens was required prior to marriage to Californias). The wealth they brought with them enabled them to make land improvements and acquire business interests that began to reorganize the economy. Many of the early Euroamericans in California were merchants connected to the trade in hides, tallow and other goods. After the 1820s, American fur traders opened overland travel into California and were quickly followed by American settlers. California representatives of the Mexican government recognized the threat of unrestricted travel into their territory but did not have personnel sufficient to protect their borders.

American Period

The American period of history began when Mexico ceded California to the United States in 1848 after two years of war. San Juan Capistrano's location on the road to newly discovered gold fields in northern California led to rapid growth and many problems with rustlers and bandits. The Spanish-speaking town was attractive to Mexicans on route or returning from the Gold Rush and some settled in San Juan Capistrano. The 1850 tax role for San Juan Capistrano lists 21 Californio/Mexican names, immigrants John Forster and Manual Garcias (Garfias) and first names only of 12 Juaneño.

Californios suffered devastating losses of land and property due to implementation of American laws, finances and business practices. The property rights of California Indians were denied entirely. In 1853 the United States legislature opened all land whose title was unverified by American courts to settlement as public lands. This sanctioned squatting on both Acjachemen lands and Californio ranchos. The claims of Juaneño who had acquired land in the 1841 formation of the pueblo of San Juan Capistrano were denied or ignored. By 1857, Camino Capistrano was lined by buildings. The census of 1860 reveals that San Juan Capistrano had 40 Californio households, 34 Juaneño households, 31 Mexican households, 8 European households, 1 Euroamerican household and 3 others. The Juaneño were recorded in the census with Spanish first names and, as a group, they owned only 2.5 percent of land in town and only 0.6 percent of assets (cattle, household items, etc). Thirty percent of Juaneño households were headed by women who still lived on the plots distributed in 1841. Most of these women worked in the homes of Californios, did subsistence farming and goods production and cared for extended family members.

Ranchos outside of town were severely impacted in the 1860s by cycles of flooding and drought. Juan Avila of Rancho Niguel, for example, lost 90% of his cattle during this period. State property taxes and a law requiring all ranches to be completely fenced were enacted. All of these factors contributed to reduction in size of ranch properties. As the ranchos were broken up, the Juaneños housed and employed there were forced to leave. In addition, a small pox epidemic hit town in 1862-3 and more than 55% of the 227 Juaneño remaining in town died. A mass exodus occurred as the Juaneño fled to villages of Luiseño relatives to the southeast. San Juan Capistrano remained important to the Juaneño and they continue to move in and out of town for the remainder of the century for work, residence, family events and festivals.

The Catholic Church disputed Forster's ownership of the mission and Forster's claim was formally rejected. The Mission lands, amounting to 44 acres, reverted to the Catholic Church in 1865 and included the actual mission buildings, gardens and cemeteries. In the late 1860s more settlers and farmers migrated into town. A number of board and batten homes were built next to Mission era adobes in the Los Rios area. The 1870 census showed that San Juan Capistrano had 34 Californio households, 28 Euroamerican households, 25 Mexican households, 21 European households, 3 other households and 2 Juaneño households. Between the 1860 and 1870 censuses land ownership changed dramatically. Californios went from owning 79 percent of the land to owning only 28 percent. Euroamericans and Europeans went from owning less than 10 percent to owning 70 percent. Juaneños went from owning 2.5 percent of land to owning only 0.2 percent.

In the 1870s more Europeans and Euroamericans, mostly merchants, settled in town. In 1875, San Juan Capistrano was formally surveyed for the first time. The original Plaza which had been community land until that point was claimed as lots by town residents. The local economy was still based in subsistence farming. Mendelson's store, for example, carried only boxed and barreled goods, ribbon, paper products, soap, candles, lard, coffee, tea and sugar but no local agricultural products. Additional town property was claimed over the next few decades, especially after the California Central Railroad offered direct service to town in 1887. Land improvements made by the emerging merchant-farmers altered the economy by combing subsistence style dry farming of beans, wheat, barley, corn and alfalfa with high-value crops like nuts and fruit in addition to meat animals. The San Juan Capistrano area became a center for agriculture; cattle, sheep and a wide variety of produce were shipped to market by rail.

20th Century

In the early 20th century, technological changes were instituted. These included a water distribution company, electrical power plant, telephones, paved streets and gas pumps. Most people continued to use coal oil for light and rivers for water. In the 1920s, major renovations of the mission under the supervision of Father St. John O'Sullivan commenced. At this time, numerous gardens were planted throughout the mission grounds and several buildings were repaired resulting in increased tourism. The Capistrano Unified School District was formed in 1920 and new schools were built. Agriculture continued to be the main business locally. In the 1930s, the old grainery next to the railroad tracks was converted into a packing house for produce, car dealerships opened, a chamber of commerce was formed and a contract awarded to pave Ortega Highway. Some historic buildings in town were lost to fires. Subdivisions of

homes were built north of the Mission and attracted new residents. At the end of the decade, a song titled “When the swallows return to Capistrano” was recorded and made the annual event famous nationwide. Interest in San Juan Capistrano’s past continued to grow.

The Club Hispano Californio spearheaded a petition in 1933 to return the street names to their original Spanish names and name new streets for local citizens and features. Spanish was still the dominant language in town. The 40s began in prosperity but the advent of war brought rationing and units were formed to watch for attack planes. After the war, the agriculture industry rebounded strongly and new businesses including pottery works were opened. New housing tracts were built for returning servicemen and their families. In addition, the Archdiocese purchased the former Plaza block across from the Mission entrance and the adjacent block across El Camino Real to ensure the character of the businesses facing the Mission. In the 50s, street lights were installed in town. The biggest change was extending the Santa Ana Freeway nearby. The increased number of tourists the freeway brought resulted in plans to market the town’s heritage. In the 60s controversy over control of the school district evolved into incorporation of the City of San Juan Capistrano. Population grew from just over a thousand residents in 1960 to almost 13 thousand by 1975. Both housing tracts and mobile home parks proliferated.

The last part of the century was marked by decisions affecting the future of the city. Ridgeline, agriculture and open space preservation were accomplished. Many new community facilities were constructed including a community center, senior center, sports park, community gardens, a new library and the historic town park. The train platform was extended to accommodate Amtrak and Metrolink trains, the train depot building was saved by reuse as a restaurant and the location of the old packing house became a parking garage. Also, the Mission parish constructed a new church to accommodate their increased membership.

Historical and Archaeological Resources

Records Search

A search for archaeological and historic records was completed at the South Central Coastal Information Center (SCCIC) on April 7, 2010 by Cogstone. A supplemental search was conducted on April 4, 2011. The records search was performed for the project study area plus a one-mile radius. Sources consulted included the NRHP, CRHR, California Historical Landmarks, and California Points of Historical Interest.

In addition to the records at the SCCIC, a variety of sources were examined for information regarding the project area. These sources included historic United States Geological Survey (USGS) topographic maps, historic United States Department of Agriculture aerial photos and Bureau of Land Management General Land Office Records. Finally, the City’s Inventory of Historic and Cultural Landmarks was consulted (City of San Juan Capistrano 2011c).

Within the Revitalization Area, 19 cultural resources are known and are shown in Table 5.5-1. Three of the resources have not been formally recorded including one building complex and two

roadways. Four properties are listed on the NRHP and CRHR. Twelve resources are listed on the City of San Juan Capistrano Inventory of Historic and Cultural Landmarks (IHCL).

Table 5.5-1 Previously Known Cultural Resources in Revitalization Area				
Site Number (P-30-)	Description	Association	IHCL	NRHP/ CRHR
Pending	El Peon Complex/Ferris-Kelly Buildings	Early 20 th Century buildings south side of Ortega Between Camino Capistrano & El Camino	X	
Pending	El Camino Real (between La Zanja to Forster)	Original roadway alignment on east side of Plaza and Mission	X	
Pending	Camino Capistrano (between Del Obispo and Ortega Hwy)	Original roadway alignment on west side of Plaza	X	
834	Historic debris	Juaneño homes; later Mendelson Inn & Store		
1154	Historic debris including building materials, Mission ceramics and tiles, food remnants	Mission garden; Juaneño home (1841-?); J. McCarty (1914)		
1173; 160360	Mission & European ceramics, bottles and metal; discoidals	Juaneño home; Egan House (1883-1923)	X	
1215a	Mission Garden wall foundation; 19 th – 20 th Century artifacts	Mission Garden; Mendelson Inn; steak house; now vacant		
1247a	Acjachemen and Juaneño tools, ceramics and food refuse; adobe foundations	Juaneño home; Valenzuela Adobe		
1247b	Juaneño tools, ceramics and food refuse; wall foundation	Pryor & Valenzuela Adobe backyards		
1247c	Early 19 th century bone refuse pit; wall foundation	Avila Adobe backyard		
1247d	Avila Adobe; adobe foundations	Avila Adobe & pre-1879 foundations	X	
1302	Wall foundation	Juaneño homes		
1325	Yorba and Juzgado Adobes; Juaneño and Californio artifacts known	Miguel Yorba Adobe plus Juzgado Adobe (justice court/jail) 1841+; joined by porch addition in 1910 by Vander-Leck; now El Adobe Restaurant.	X	
627, 100470	Adobe remnants, historic debris 1880-1920	Tomas Burruel Adobe 1850+; now historic town park	X	
160120	Santa Fe Depot	Rail station; now restaurant, part of Los Rios Historic District	X	X
160127a	Manuel Garcia Adobe	Manuel Garfias (Garcia) home, store and hotel 1840+; later French Hotel then Oyharzabal home	X	X
160127b	Domingo Yorba Adobe	Domingo Yorba home 1830+	X	X
160128	Blas Aguilar Adobe/Casa Esperanza	Juaneño home; Aguilar home; now museum	X	X
161915	Esslinger Building	Streamline modern medical building 1939	X	X

Source: Cogstone, 2011

Within the Connectivity Area, 47 cultural resources are known and are summarized in Table 5.5-2. Four of the resources have not been formally recorded including two homes and two roadways. Thirty-one properties are listed on the NRHP and CRHR. One resource, Mission San Juan Capistrano, is also a California Landmark (CL). Eleven resources are listed on the City of San Juan Capistrano IHCL.

Table 5.5-2 Previously Known Cultural Resources in Connectivity Area					
Site Number (P-30-)	Description	Association	IHCL	NRHP/CRHR	CL
	Los Rios Street Historic District; NR83001216	28 buildings, mostly historically important homes, and one structure (Depot)	X	X	
1363; 160105	Rodman House	Rodman home; now tea garden		X	
1399; 160102	Olivares-Mesa House	1900 Olivares home; not bail bond business		X	
160093*	Combs House	1870s Combs home; now café		X	
160094*	Della Ramos House	1918 Ramos home; now café		X	
160095*	Ygnacio Soto House	1921 Soto home		X	
160096*	Frank Velasquez House	1922 Velasquez home; now café		X	
160097*	Clarence Lobo House	1910 Lobo house; not beauty salon		X	
160098*	Railroad utility building	1920s		X	
160099*	Cliff Blank House #1	1908 Blank home		X	
160100*	Cliff Bank House #2	1946 Blank home; now landscaping business		X	
160101*	Pedro Labat House	1887 Labat home; now landscaping business		X	
160103*	Stanfield House	1928 Stanfield home; now shop		X	
160104*	Trulis House	1910 Trulis home; now shop		X	
160107; 106123	Rios Adobe	Rios home 1794 to present	X	X	
160108*	Rios Adobe Utility Structure	1900 building accessory to Rios Adobe		X	
160109*	Victor Olivares House	1900 Olivares home; now petting zoo		X	
160110*	Olivares Accessory Building	1935 building		X	
160111*	Rios Adobe Utility Structure	1920 building accessory to Rios Adobe		X	
160112*	Oyharzabal House	1900 Oyharzabal home		X	
160113*	Silvas Adobe	Silvas home 1794+; now owned by SJC Historical Society	X	X	
160114*	Antonio Becerra House	1890 Becerra home		X	
160115*	Renal Brown House	1920 Brown home; now photography studio		X	

160116*	Belle Reyes House	1890 Reyes home; now attorney's office		X	
160117*	Olivares House #1	1890 Olivares home		X	
160118*	Olivares House #2	1890 Olivares home		X	
160119*	Old Shed	Rios Adobe accessory building		X	
160121*	Garcia/Pryor Residence	1880 bldg. relocated to Los Rios area; now O'Neill Museum	X	X	
1708; 160106	Multiple Juaneño and Californio trash features; Montanez Adobe	Montanez home 1794+; now museum	X	X	
176991	Yorba/Love House	1920 Yorba home relocated to Los Rios area			
Los Rios Area					
Pending	Arley Leck House	Early 20th C. Leck home; relocated to Los Rios area	X		
Pending	Buddy Forster Residence	Forster home; relocated to Los Rios area	X		
Pending	Los Rios Street (between Del Obispo and Mission)	original alignment of street	X	X	
Pending	River Street (within Los Rios District)	Indian trail to Dana Harbor	X	X	
100126	Mano	Acjachemen milling tool			
100127	Metate fragment	Acjachemen milling tool			
100128	Metate fragment	Acjachemen milling tool			
100129	Scraper	Acjachemen chipped stone tool			
100130	Abalone shell, bottle glass and other historic debris	Redeposited by Trabuco Creek			
100131	Abalone shell, bottle glass, ceramics and brick	Redeposited by Trabuco Creek			
100132	Abalone shell, bottle and ceramic	Redeposited by Trabuco Creek			
100133	1893 quarter	unknown			
Mission Vicinity					
176700	Railroad	Atchison, Topeka and Santa Fe RR; Burlington Northern Santa Fe RR; Metrolink RR			
600	Mission San Juan Capistrano	Franciscan Mission 1776+	X	X	X
1190, 1191	Acjachema Village site	Prehistoric Acjachemen village			
Pending	Stroschein House	Early 20th C. Stroschein home	X	X	
179861	Spring Street (from El Camino Real to east terminus at I-5)	Original alignment and name of street	X		
179862	San Juan Elementary School	1850+ school location			
* Indicates number assigned by SCCIC as component of NR district; site records in process. Source: Cogstone, 2011					

Within the Repositioning Area, only one resource is known, shown on Table 5.5-3. The mission orchard's former location is noted with a historic marker in the Plaza del Obispo shopping center.

Table 5.5-3 Previously Known Cultural Resources in Repositioning Area				
Site Number (P-30-)	Description	Association	IHCL	NRHP/ CRHR
1215b	Wall foundations; floor and roof tiles; ceramics	Mission Garden; modern agriculture; Plaza del Obispo		

Source: Cogstone, 2011

The records search determined there have been 29 previous cultural resource studies within the 44-acre Revitalization Area, 35 previous studies within the 64-acre Connectivity Area, 4 previous studies within the 42-acre Repositioning Area and that 128 previous studies have been completed within a one-mile radius of the outer project boundary.

A search of the Bureau of Land Management General land Office Records available on the Internet indicates that at least 10 individuals plus the State of California and the Roman Catholic Church had obtained land patents for the project study area between 1865 and 1892. The results of the search are shown in Table 5.5-4.

Table 5.5-4 Bureau of Land Management Land Patents for Revitalization Area					
Name	Date	Acres	Section	Township	Range
Manuel Avila & Joseph Morrow	1876	40	6	8S	7W
Manuel Abila	1877	120	6	8S	7W
Archbishop Joseph Sadoc Alemany, Roman Catholic Church	1865	44.4	6 1	8S 8S	7W 8W
State of California	1876	464.95	6	8S	7W
State of California	1875	6461.3	6 1	8S 8S	7W 8W
Joseph Morrow	1876	40.19	6	8S	7W
Manuel Abila & Joseph Morrow	1876	14	6	8S	7W
Frank Riverin	1876	160.68	6	8S	7W
James Sheehan	1880	145.9	6	8S	7W
Heirs of James Sheehan	1892	40.11	6	8S	7W
Charles Henry & Thomas B. Valentine	1876	40.09, 39.17, 40.63, 40	1	8S	8W
Margaret Gohin	1880	160.72	1	8S	8W
H.K.S. Omelyeny	1876	572.35	1	8S	8W
Venacio Rios	1876	80	1	8S	8W

*Note: Manuel Abila and Manuel Avila are the same person.
Source: Cogstone, 2011*

Pedestrian Survey

Cogstone conducted a pedestrian survey of the Project area on April 12, 2010. For the intensive-level survey, the two Cogstone archaeologists walked in parallel transects spaced at approximately 5-meter intervals within the Area of Potential Effects (APE), as feasible, while closely inspecting the ground surface. All accessible surfaces were inspected. The percent of ground visibility varied from poor to fair (0 to 50%), depending on the density of vegetation cover or hardscaping. Subsequently, a second survey for the purpose of recording historic buildings was conducted on July 25, 2011. Participants included Sherri Gust and Amy Glover of Cogstone, Jan Siegel and Ilse Byrnes of the San Juan Capistrano Historical Society and Teri Delcamp, City of San Juan Capistrano Historic Preservation Manager.

Every attempt was made to locate the previously recorded archaeological sites using existing site forms, topographic maps, and available locational data. No cultural resources were collected during the survey.

The 44-acre Revitalization Area was surveyed. Ground visibility in the APE varied from poor to fair, dependent on the density of vegetation, pavement cover and buildings. The Project area consists mostly of pavement and buildings, but portions of the area consist of open space, such as the Historic Town Center Park, and bare patches of dirt. The vast majority of vegetation in the project includes introduced species, such as grasses, eucalyptus trees, pepper trees, palm trees, citrus and bougainvillea. The terrain within the Project area is relatively flat.

All previously recorded cultural resources in the HTC Project area were located or the sites at which they existed were located. No new cultural resources were observed during the survey.

The locations of all previously known archaeological sites within the Revitalization Area were relocated. Few surface indicators are present following modern construction activities but subsurface cultural artifacts or deposits may still exist. A confidential map of archaeological sensitivity has been filed with the City Historic Preservation Manager. Generally, the entire Revitalization Area is sensitive for both prehistoric and historic archaeological resources.

Seven previously known historic resources were located. These were the Blas Aguilar Adobe, El Adobe Restaurant (the Jose Antonio Yorba and Juzgado Adobes), Domingo Yorba/Garcia Adobes (French Hotel), Juan Avila Adobe, Judge Richard Egan House, Esslinger Building and Santa Fe Depot. Since a systematic building survey of San Juan Capistrano has never been completed, many of these buildings had not been formally recorded on California Department of Parks and Recreation site forms even though some are on the NRHP and CRHR. Therefore, site forms including building records were prepared, filed and primary numbers are pending.

In addition, 13 buildings of twentieth century vintage were more than 45 years old. These were the Provincial Building, Proctor-Stafford/Old Barn Antique Mall, Alberto Pryor/Librado & Florio Garcia House (behind El Adobe Restaurant), Ferris-Kelly Complex, Swallow's Inn Building, Nick's Café/Mexico Lindo-Vaquero West, Capistrano Trading Post, Pacific Bell Building/Camino Real Playhouse, Union Bank, El Adobe Plaza, Capistrano Plaza, Pedro's Tacos

and the Birtcher-Pacific Building. Site records were prepared and assignment of formal numbers are pending.

Evaluation and Eligibility

Five buildings are listed on the CRHR and NRHP and, thus, have already been determined eligible. These are the Blas Aguilar Adobe, Domingo Yorba and Manuel Garcia Adobes, Esslinger Building and the Santa Fe Depot. Additional historic buildings are discussed below in order of construction date.

El Adobe Restaurant (Jose Antonio Yorba Adobe and Juzgado Adobe)

Originally this building was two separate adobes built circa 1830. The northern adobe was built and occupied by the Jose Antonio and Miguel “Chavito” Yorba family (Miguel was Jose’s son). The south adobe was the courthouse and jail used by Judge Richard Egan during his tenure. The jail, or juzgado, was a “jail stop” for prisoners going between Los Angeles and San Diego. The two jail cells are still extant (in the wine cellar of El Adobe) with original iron bars and carved historic graffiti. Oral histories indicate tunnels connected the Egan Residence with the jail and the former Forster Residence (Casa Grande, later Las Rosas; replaced now by modern Birtcher Pacific commercial building) that used to be east of the Egan House. The site was an overnight stagecoach stop for the Seeley & Wright stage line between Los Angeles and San Diego in the 1850s and later.

The Vander Leck family owned it in 1910 and joined the two adobes by creating a dining room between them. Clarence Brown purchased the site and made modifications to convert it to El Adobe de Capistrano Restaurant in 1946. Additional modifications include a kitchen addition in 1961, various repairs and minor modifications 1970s through 1980s and a re-roof with cedar shingles, termite repair and seismic adobe retrofit in 1991.

The restaurant opened on July 8, 1948, for the wedding of Camp Pendleton’s first Commanding General. The Fred Harvey Company purchased the restaurant in 1955, and it later became a favorite dining locale for former President Richard Nixon when he resided at the Western White House (La Casa Pacifica) in south San Clemente through 1979.

This building and associated parcel are considered eligible under CRHR criteria 2 and 4. The building has a long history of association with persons of historic importance including the Yorbas, Egan and President Nixon. In addition, the open/paved portions of the parcel have potential to yield archaeological resources that could contribute new information on prehistory and history. The building is locally designated on the City’s Inventory of Historic and Cultural Landmarks.

Avila Adobe

An adobe structure was built on the site circa 1825, used by Mission staff or neophytes as mentioned in the Mission building records and per archaeological investigations. Archeological evidence indicates that Avila Adobe was built over or incorporated this earlier adobe.

This adobe was built in 1846-1847 as the residence of Don Juan “El Rico” Avila. It was known for its huge dimensions and originally consisted of 10 rooms. Its length was said to be 168 feet long and one of the rooms was reported to be 30 feet long. Avila received the San Juan Capistrano parcel when San Juan became a Mexican pueblo in 1841 and a U.S. government land patent in 1876 established legal ownership of the Adobe. The preserved well and cistern were used by Juan Avila to irrigate his orchard and gardens. Juan Avila was co-grantee of the Rancho Niguel Mexican land grant in 1842 (present day Laguna Niguel, Aliso Viejo, Laguna Hills and Laguna Woods).

Avila Adobe originally had 10 rooms, but only two remain as the northern portion was destroyed in 1879 by fire. Restorations were done in 1879 and 1941 with addition and remodel for three offices in 1963. The additions were removed and the adobe restored for adaptive re-use as part of the Franciscan Plaza Phase II commercial development in 1992-1994. The adobe is currently home to a retail store called Whim.

Dona Magdalena Murilla and her mother resided in the Adobe from 1883 to 1940 when ownership transferred to a Forster descendant of Juan Avila. The Adobe was then used at various times as the Orange County Justice Court from 1941 to 1953 and as a branch Orange County library from 1953 to 1963. The adobe remained in the Avila/Forster family continuously from 1847 to 1962.

This building and associated parcel are considered eligible under CRHR criteria 2 and 4. The building and parcel are associated with Juan Avila who was historically important in the immediate region. In addition, the parcel has potential to yield archaeological resources that could contribute new information on prehistory and history. The building is locally designated on the City’s Inventory of Historic and Cultural Landmarks.

Egan House

The original home, known as Harmony Hall, was constructed 1883 for Judge Richard Egan after he had been in residence in town for 15 years. It was constructed from bricks unused during construction of the Marco Forster “Casa Grande” residence directly east. The building suffered a devastating fire in the upper floors in 1897, and was re-built with dormers in 1898. The building was in commercial use by 1964 but converted back to residential again by 1966 when fire destroyed south porch; it was re-constructed to match pre-existing condition. In 1992 rehabilitation to convert home to art gallery was performed. In 1996 alterations for a restaurant, including wood shingle-clad kitchen addition at rear and modified stairs at front were made. The most recent use was retail but it is now vacant. Archaeological monitoring of utility trenches in 1988 immediately east of the house recovered many prehistoric and historic archaeological artifacts.

Judge Richard Egan was one of San Juan's best known citizens for over 50 years. He was born in County Waterford, Ireland, in 1842 and brought to the United States at the age of 10 years to be educated on the East Coast. Egan came to San Juan Capistrano in 1868. He first lived in an adobe north of town and settled permanently in the fertile valley, planting groves of walnuts,

eucalyptus and Lombardy poplars. From 1880 until 1884 he was a Los Angeles County Supervisor and instrumental in defining the portion that became Orange County in 1889. Egan was a respected elder in the San Juan Capistrano's community. He was first elected Justice of the Peace in 1870, the same year the telegraph came to San Juan and he became its operator. From then until 1890 his reelection to office was routine, whether or not his name appeared on the ballot. He became a director of the Santa Fe Railroad and their right-of-way agent for the route to San Diego. Among his many accomplishments was his service on the local school board for 32 years, and his supervision of the repair of the Mission San Juan Capistrano, financed by the Landmarks Club of Los Angeles in 1896. He was also an Orange County Road Commissioner, appointed in 1910.

This building and associated parcel are considered eligible under CRHR criteria 2, 3 and 4. The building and parcel are associated with Richard Egan who was historically important in the region and in the City. Much of the original structure is present and has excellent integrity. The 1898 rebuilt portions are also present and have integrity. The parcel has potential to yield archaeological resources that could contribute new information on prehistory and history. The building is locally designated on the City's Inventory of Historic and Cultural Landmarks.

Provincial Building

One of the earliest commercial structures still extant in the historic downtown, Frank Forster built this two-story, red brick building for Mr. and Mrs. Carlos Romer in 1919. The architects, the Los Angeles firm of Train & Williams, had earlier designed the Forster Mansion as well. The Romers operated a store and post office with R. Kelly (of the Ferris-Kelly Buildings). The building continues in commercial use.

The building is Italian Renaissance style, of masonry brick construction, common to commercial buildings constructed in the early 20th century. A heavy trowelled stucco finish has been applied to the front façade in modern times and, along with other modifications including changes to the doors, has diminished the integrity of craftsmanship and feeling. Wood stairways extend to the second floor along the south façade and at the rear where wood decks and railings have been added. A walled patio for special events has been created at the rear of the building and a driveway along the south façade leads to a modern parking structure.

This building and associated parcel are considered eligible under CRHR criteria 4. The parcel has potential to yield archaeological resources that could contribute new information on prehistory and history. The building has local importance and is noted on the Buildings and Sites of Distinction List.

Old Barn Antique Mall (Proctor-Stafford Buildings)

These buildings were built between 1914 and 1940, most as commercial structures. The northern building of the modern Antique Mall is the former White Garage constructed in the 1920s and owned by Marco "Tom" Forster. When first built it was the only gasoline station in town. The southern portion consisted of a one and two story structure built as retail space for John Forster in 1927. The retail space was designed by renowned architect Paul Williams, who was the first

black member of the American Institute of Architects (1926). The retail building saw use as a post office, a restaurant and a blacksmith shop over the years. The buildings have been subject to exterior renovations and the façade reflects both original architectural elements and added elements. The current Mission era appearance dates to the 1960s.

The buildings themselves have local importance but are not considered eligible for the CRHR due to extensive modifications. However, the associated parcel, including the paved parking lot to the rear, is considered eligible under CRHR criterion 4. The parcel has potential to yield archaeological resources that could contribute new information on prehistory and history. The building is noted on the City's Buildings and Sites of Distinction List.

Alberto Pryor/Librado & Florio Garcia House

This is a Craftsman style house located on its own parcel at the rear of the El Adobe Restaurant parking lot. Maria Refugia Yorba Garcia sold the property in 1903 to her cousin Alberto Pryor. The house was built as a residence for Alberto Pryor family members although the specific individuals who lived there are not known. It was built and remains on the site of the Garcia/Pryor Residence-O'Neill Museum's original location. It was constructed sometime between 1910 and 1926 by brothers Librado (Lee) and Florio (Ben) Garcia, sons of José and Maria Refugia Garcia. The house is one of four known to have been built by the Garcia brothers, including two others in the Los Rios Historic District and one on La Calera Street. (Jerry Nieblas, Garcia family descendant, personal communication.)

Much of the Craftsman detailing is similar to the historic Yorba/Love House built circa 1920, which is verified to have been a Sears, Roebuck and Company home. The plan layout, roof plan and fenestration patterns of the Alberto Pryor House are very similar in appearance to the 1926 Sears, Roebuck and Company "Dundee" Honor Bilt house. The building footprint is the same as shown on the 1929 Sanborn Fire Insurance Map and the home retains integrity of features and materials.

The building has local importance but is not considered eligible for the CRHR. The parcel is considered eligible under CRHR criterion 4. The parcel has potential to yield archaeological resources that could contribute new information on prehistory and history.

Ferris-Kelly Complex (El Peon)

The Ferris Kelly block was built from about 1925 through 1931. The land had been the town plaza, where fiestas and bull fights were held during the height of the Mission and Rancho periods (1776-1876). The Mission Garage opened directly across from the Mission in 1928. In the early 1930s, the first fire truck, provided by the State Forestry Department, was stationed there. Also, Ford and Chevrolet dealerships, which were really more garages than showrooms, were opened. Later this garage became the El Peon terra cotta pottery shop, and is now the location of a restaurant. The first hometown newspaper, "Coastline Dispatch", with Elario Hernandez as editor, was established within the complex as well. The first pharmacy in town went in with a soda fountain at the Camino Capistrano corner in the 1931. This building is now occupied by Starbucks. The brown brick building attached to the pharmacy was built to house

retail stores. It was vacant at the time of City incorporation in 1961 and became the first City Hall. It is now, once more, retail space.

The Archdiocese of Los Angeles purchased the entire Ferris Kelly block of buildings in 1946 to ensure the respectability of the businesses facing the Mission. The El Peon building at 26832 & 26842 Ortega Hwy. consisted of a large structure which had a concrete foundation and an arched wood truss roof. In about 1966, the building was renovated with a new stucco facade and an interior post and beam system to support the original roof trusses. The addition was wood frame with a stucco exterior and concrete foundation. The Old Pharmacy Building (21754 & 31752 Camino Capistrano, has arched window and door openings, a low terra cotta tile hipped roof and features red brick exterior walls on a concrete foundation. The repeated arch, with its decorative brick and stucco detailing, enhances the building facade. The brick retail building was constructed about 1925, and features brown brick exterior walls on a concrete foundation. The facade includes glass block transom windows and a light brown brick used for decorative accent. The roof was replaced in 1992. The entire complex was renovated in 1995-7 as the Mission Promenade by Richard O'Neill and Steve Nordeck, and included renovation of the two brick buildings, demolition of the former El Peon, and construction of a restaurant and retail shops on the east end of the complex.

This building complex and associated parcel are considered eligible under CRHR criteria 3 and 4. The two original brick structures are present and have excellent integrity. The parcel, including parking lot, has potential to yield archaeological resources that could contribute new information on prehistory and history. The building is locally designated on the City's Inventory of Historic and Cultural Landmarks.

Swallow's Inn Building

Like the Ferris-Kelly Complex, the Swallow's Inn property was once part of the Mission Plaza. This building was constructed circa the 1930s. Prior to that time the wood frame Tito Goodwin residence was present. No original building records are known but a portion of the exterior front featured heavy glass blocks (Tacy Lee, former owner, personal communication) similar to that of the Esslinger Building. The building housed a real estate office and other businesses. The building, including the front façade, was remodeled in 1967 to accommodate a bar moving from across Camino Capistrano. The bar was originally called El Traguito (a Spanish play on words meaning both little swallow and little drink) and became Swallow's Inn.

The building is not considered eligible under CRHR criteria. The parcel, including the parking lot, is eligible under criterion 4 and has potential to yield archaeological resources that could contribute new information on prehistory and history.

Nick's Café/Mexico Lindo-Vaquero West

A historic residence on this parcel was replaced, in 1938, with a two-story rectangular structure consisting of residential space on the upper floor and commercial space on the ground floor. Construction was simple and unadorned. A Monterey-style balcony was added in modern times and extensive modifications have occurred. The building was constructed by Nick and Canuta

Arbonies who were Basques from the Navarra region of Spain. The ground floor had a bar, liquor store and soda fountain along with pool tables while the upper floor housed both the Arbonies family and rooms rented to other Basques. Nick's Cafe functioned as an important social gathering area for local Basques and represents the last unique period of Basque immigration and settlement in San Juan Capistrano.

This building is considered eligible under CRHR criteria 1 and 4. It represents events related to Basque immigration, settlement and activities in local history. The parcel, including parking lot, has potential to yield archaeological resources that could contribute new information on prehistory and history. The building is noted on the City's Buildings and Sites of Distinction List.

Trading Post

The original Old Mission Trading Post was built by Harry Oliver in 1947. It was built on the site of Fred Stoffel's former San Juan Inn Café (first café in SJC) which had also served as Fred Cason's movie house during the 1920s. The façade was changed in 1953 to the Western falsefront appearance it retains today. The building is not considered eligible under CRHR criteria. The parcel, including the parking lot, is eligible under criterion 4 and has potential to yield archaeological resources that could contribute new information on prehistory and history.

Pacific Bell Building/Camino Real Playhouse

The small front portion of the building was constructed in 1959 as the local Pacific Bell telephone office in neo-adobe style. A major commercial addition was constructed in 1967. Pacific Bell occupied the building until 1987, when the City Redevelopment Agency acquired it. The Playhouse has occupied it under a license agreement with the City since 1992. This building is not considered eligible under CRHR criteria.

Union Bank

This bank opened as San Juan Capistrano Bank was constructed in 1963 in a neo-adobe style with stucco walls, tile roof and wooden pillars at the northwest corner of Camino Capistrano and Del Obispo. It was designed by Blurock-Ellerbroek & Associates of Corona Del Mar; William Blurock was later made a Fellow of the American Institute of Architects for outstanding contributions to the design and science of construction. This building is not representative of Blurock's body of work and is not considered eligible under CRHR criteria.

El Adobe Plaza

This shopping plaza was constructed 1964 consisting of two rectangular plan, side-gabled, single story buildings around an L-shaped parking lot and driveway. There were alterations in 1977 to move interior walls. The original neon directory sign was replaced with current monument sign in 2010 and the original concrete sidewalk was replaced with decorative pavers. The buildings are Modern Ranch style with Spanish and Craftsman influences. An addition was constructed in

1965 in matching style and consists of one rectangular building. These buildings are not considered eligible under CRHR criteria.

Capistrano Plaza

Located on the northwest corner of Verdugo Street and Camino Capistrano, this building was constructed on the former site of the demolished Mission Revival style Capistrano Hotel. Dr. Konstantin Sparkuhl constructed the current building in 1965 in a neo-Mission style with heavy stucco, arched entries and tile roof and opened it as the “Mission Wax Museum and Coffee Shop.” It currently houses various retail stores and a restaurant. The building was designed by San Diego architect Robert E. Jones, AIA, who was known for his Case Study House-inspired buildings; he also designed the Casitas Capistrano townhomes built 1964-1965. This building is not necessarily representative of Jones’ body of work and is not considered eligible under CRHR criteria. The parcel is eligible under criterion 4 and has potential to yield archaeological resources that could contribute new information on prehistory and history.

Pedro’s Tacos

This building is located at the northwest corner of the intersection of Camino Capistrano and Ortega Highway. Built circa 1966, the building is a single story concrete neo-Mission style commercial building. The rectangular-plan building is clad in heavily troweled stucco, but features a flat roof. The patio was added later in time. This building is not considered eligible under CRHR criteria.

Birtcher-Pacific Building

This brick building was constructed on the site of the former Casa Grande (home of Marco Forster) in 1966. It was designed by Corona Del Mar architects Richard Henry Pleger and Harold Bernard Zook as part of a package that included Bank of America and the fountain plaza north of the Egan House. The building is not considered eligible under CRHR criteria. The parcel, including the parking lot, is eligible under criterion 4 and has potential to yield archaeological resources that could contribute new information on prehistory and history.

Paleontological Resources

The Project lies entirely upon sediments of Quaternary Alluvium and Colluvium (Morton and Miller 2004). These sediments are less than 10 thousand years old and were deposited by local creeks and rivers including San Juan Creek, Trabuco Creek, Oso Creek and Horno Creek. The sediments consist of unconsolidated silt, sand and gravel that incorporate material from older formations cut by the creeks. This formation is too young to contain fossils.

At depths on average between 75 and 200 feet below existing grades, underlying the Alluvial layers, are sediments of the Capistrano Formation. This rock unit consists of light brown to dark gray massive siltstone deposited 9-5 million years ago when the area was beneath the ocean. It has produced a wide variety of fossil marine life including whale, dolphin, walrus, sea lion, sea cow, shark, ray, fish and other animals and plants (Scott and Gust 2006b). While no known

surface outcrops of the Capistrano Formation bedrock exist within the Project area, these materials are present along the margins of the northern edge of the site.

While not present in the Project area, the higher areas adjacent to the Project site consist of Quaternary Terrace sediments (Morton and Miller 2004). These are sediments deposited by older rivers and date 2.5 million to 10 thousand years before present. Within the City limits, a partial mammoth skeleton was recovered east of I-5 and north of Ortega Highway (Scott and Gust 2006a). The mammoth was only about three feet below the modern surface. Other Late Pleistocene Epoch fossils are known from these sediments in Mission Viejo, Laguna Niguel, Laguna Hills, San Clemente, Dana Point and Foothill Ranch (Scott and Gust 2006b).

5.5.2 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the California Environmental Quality Act (CEQA) Guidelines, a project will normally have a significant adverse environmental impact on cultural resources if it will:

- Threshold CLT-1** Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the CEQA Guidelines.
- Threshold CLT-2** Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 of the CEQA Guidelines.
- Threshold CLT-2** Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Threshold CLT-3** Disturb any human remains, including those interred outside of formal cemeteries.

CEQA Guidelines §15064.5

According to CEQA Guidelines, a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

Substantial adverse change in the significance of an historical resource 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.

The significance of an historical resource is materially impaired according to CEQA Guidelines §15064.5(4)(b)(2) when a project:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historic resource that convey its historic significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

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

National Register and California Register of Historical Resources: Criteria for Listing

The California Register of Historical Resources (CRHR) is a state version of the National Register of Historic Places (NRHP) program. The CRHR program was enacted in 1992, and became official January 1, 1998. Potential historic resources are evaluated for inclusion in the CRHR using virtually the same four criteria as the NRHP (though the CRHR criteria are numbered (1-4) rather than lettered (A-D) and have some minor text differences). A historical resource must be significant at the local, state or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;
4. It has yielded or has the potential to yield information important to the prehistory or history of the local area, California, or the nation.

All resources nominated for listing must have integrity, which is the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Resources, therefore, must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for nomination.

City of San Juan Capistrano Cultural Resources

Within the City of San Juan Capistrano, there are three basic categories into which significant cultural resources are designated (City of San Juan Capistrano 2011b):

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.

The City has enacted Council Policies 601, 602, 603 and 606 all of which pertain to cultural resources. These can be accessed on the City's website.

5.5.3 ENVIRONMENTAL IMPACTS

Existing Plans, Program, and Policies

The following measures are existing plans, programs, or policies that apply to the proposed Project and will help to reduce and avoid potential impacts related to cultural resources.

PPP-CLT-1 City Council Policy 601, which addresses the management of Historic, Archaeological and Paleontological Resources including known, previously unknown, and accidentally discovered, resources shall be followed during HTC Master Plan implementation of site-specific projects. Municipal Code Section 9-2.327, Historic and Cultural Landmark Site Plan Review, shall apply to site-specific projects affecting sites listed on the City's Inventory of Historic and Cultural Landmarks. In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

- a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Orange County Coroner is contacted to determine

if the remains are prehistoric and that no investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the Native American Heritage Commission within 24 hours, and the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or

- b. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the property in a location not subject to further subsurface disturbance:
1. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;
 2. The identified descendent fails to make a recommendation; or
 3. The landowner or his/her authorized representative rejects the recommendation of the descendent, and mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner. [CEQA Guidelines Section 15064.5(e)]

Impacts Analysis

Threshold CLT-1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the CEQA Guidelines?

Threshold CLT-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 of the CEQA Guidelines?

Historic Town Center Master Plan

Since the 1990's, the City has been working to identify a plan and strategy for making the historic center of San Juan Capistrano into the downtown district that has the potential to become by recognizing the place's role as a major regional crossroads and enabling it to become a vibrant town center for City residents and the hundreds of visitors that the Mission draws to town every day. In support of that effort, the HTC Master Plan recognizes the importance of preserving and enhancing the downtown's historic buildings and archeological resources. A few of the District-wide policies that directed the development of the HTC Master Plan included the following:

1. *Support the Mission's role as a civic and cultural focus for the District;*
2. *Promote the District's historic character while allowing for compatible contemporary design through a variety of architectural styles (i.e. agricultural, Spanish, moderne, commercial brick)*

Within the context of these policies, the Master Plan will serve to guide future site-specific development within the entire HTC Project area.

Native American Consultation

A Sacred Lands File Search was requested from the Native American Heritage Commission (NAHC) on April 2, 2010. On April 27, 2010, the Commission replied that there were no known sacred lands within the HTC Project Area or within a 0.5-mile radius. On February 15, 2011, the NAHC again notified the City that a Sacred Lands File Search identified no Native American cultural resources within a 0.5-mile radius of the HTC Project Area but acknowledged some in close proximity. (It should be noted that for prior projects dating back to 2007, the City had received information from the NAHC stating that Mission San Juan Capistrano is on the Sacred Lands File as the ancient village of Acjachema.)

Because no federal permits or federal funds are needed for the preparation of the HTC Master Plan, consultation in accordance with Section 106 of the National Historic Preservation Act is not required. The project includes a General Plan Amendment, so the City initiated formal tribal consultation under the requirements of Senate Bill 18. The NAHC provided a list of five Native American tribal leadership entities with the Juaneño Band of Mission Indians, Acjachemen Nation. The City extended invitations for consultation to the five entities on February 17, 2011. One of the entities responded to the invitation, and met with the City on May 5, 2011, to share

information and concerns related to Native American cultural resources. The invitation to consult period ended at the end of May 2011 with no other entities requesting to meet. The City has completed its obligations under Senate Bill 18 for the HTC Master Plan.

The NAHC provided a list of eight Native American tribes and individuals to contact for further information regarding the environmental analysis for the HTC Master Plan. Letters requesting information on any heritage sites and containing maps and project information were sent on April 28, 2010 to the eight Native American contacts. Two of the Juaneño Band of Mission Indians, Acjachemen Nation, entities responded. Jim Rivera stated that the tribe possesses information regarding their ancestral territory and elected to share this information directly with the agencies. Joyce Perry expressed concern about the sensitivity of the Project area. In addition, David Belardes, of the Blas Aguilar Adobe Museum, shared his knowledge of local archaeological sites and his collection of historic maps and photos of San Juan Capistrano.

Revitalization Area

Historic Resources

Two large parking structures are proposed near historic resources listed in the NRHP and the CRHR. One would be located north and to the rear of the Blas Aguilar Adobe and a second would be located in the backyard of the Domingo Yorba/Manuel Garcia Adobes.

The parking structure proposed near the Blas Aguilar Adobe would not have a direct physical impact on the historic resource. However, the location of the proposed parking structure would reduce visibility of, and visually impose on, the Blas Aguilar Adobe, resulting in indirect impacts. MM-CLT-1 has been incorporated to ensure that measures are included to reduce indirect visual impacts on the Blas Aguilar Adobe, such as to lower the height of the proposed structure and/or provide screening through planting of native trees. Incorporation of MM-CLT-1 would reduce indirect visual impacts to the Blas Aguilar Adobe to less than significant. Further, the Project would not cause a substantial adverse change in the significance of the historic Blas Aguilar Adobe. Therefore, impacts are less than significant.

The HTC Master Plan shows a parking structure near the Yorba/Garcia Adobes which would replace at least one historic resource (barn) that is a contributing element of the Yorba/Garcia Adobes NRHP record. Physical impacts, including demolition or relocation, of the barn would result in a significant impact to an historic resource. The barn was originally constructed in 1880 using wood planks and wood shingles. In the 1930s, the barn was altered when the sides, back and roof were replaced with corrugated metal so that only the original front wall remains, but even so, it was considered to retain sufficient integrity to be included in the National Register (Yorba/Garcia NRHP form). Specific design of this parking structure should seek to avoid impacting contributing elements of the Yorba/Garcia Adobes property.

Site-specific development plans are required to evaluate the feasibility of preserving the barn and/or other contributing structures in place, and the impacts associated with demolition of the barn or relocation of the barn for permanent preservation. Prior to approving a future site-specific development project that could result in a significant adverse impact to a historic

resource; the project proponent shall complete a historic resource evaluation to provide an updated historic integrity determination of the Yorba/Garcia Adobes site pursuant to the requirements of the CEQA Guidelines. In the event the site retains its historic integrity, the requirements governing the significance of impacts and mitigation of historical resources set forth in CEQA Guidelines Sections 15064.5 (b) and 15126.4(b) shall be addressed, as set forth in MM-CLT-1). Compliance with MM-CLT-1 will reduce those potential adverse impacts to the Yorba/Garcia Adobes site that are associated with the HTC Master Plan to a less than significant level.

New structures are proposed adjacent to historic resources listed on the NRHP and the CRHR including but not limited to the Esslinger Building, Blas Aguilar Adobe and the Yorba/Garcia Adobes. Future site-specific development plans shall be evaluated to determine if the design of the structures is compatible with the adjacent historic resource in accordance with the Secretary of the Interior's Standards and CEQA Guidelines Sections 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. Incorporation of MM-CLT-1 will reduce those potential adverse impacts to these sites that are associated with the HTC Master Plan to a less than significant level.

Archaeological Resources

The Project adds three roadways to connect between El Camino Real and Del Obispo Street. The most northern proposed roadway extending Yorba Street slightly north of its existing alignment could impact known archaeological resources including the foundations of the former Casa Tejada (formerly joined to Blas Aguilar Adobe by a shared courtyard and courtyard walls). The central proposed roadway would extend Forster Street crossing the edge of the Historic Town Center Park and could impact known archaeological resources including the foundations of the former Burreuel Adobe. The southernmost roadway extending El Camino Real south may also impact archaeological resources associated with former historic sites and habitation. Site specific development plans are required to evaluate if the future design of the roadways can avoid impacts to archaeological sites. Section 15126.4 of the CEQA Guidelines notes that preservation in place is the preferred manner of mitigating impacts to archaeological sites, which can be accommodated by planning construction to avoid archaeological sites; incorporating sites within parks, greenspace, or other open space as has already been done with Historic Town Center Park; covering the archaeological sites with a layer of chemically stable soil before building roadways on the site; or deeding the site into a permanent conservation easement. If sites cannot be avoided, then data recovery may be the only feasible mitigation but such a determination shall be made after the preferred manner of mitigation is fully evaluated. With incorporation of MM-CLT-2 and MM-CLT-3, those potential impacts to archaeological resources that are associated with the HTC Master Plan will be reduced to a less than significant level.

All proposed construction activities within the Revitalization Area have the potential to impact subsurface archaeological resources, both Native American and historical. Archaeological and Native American monitoring shall be implemented for all projects with subsurface impacts. Proponents of projects within the Revitalization Area are encouraged to engage the services of a

qualified historical archaeologist with more than 20 years of experience and a specialty in Spanish Colonial archaeology for all archaeological monitoring, testing and data recovery. . With incorporation of MM-CLT-2, those potential impacts to archaeological resources associated with the HTC Master Plan will be reduced to a less than significant level.

Repositioning Area

The proposed retail development along upper Del Obispo Street would not impact any known historic or archaeological resources. However, construction activities associated with the proposed mixed-use and residential development along the southern portion of Del Obispo Street have the potential to impact previously unknown subsurface archaeological resources. Juaneño homes, the Mission orchard and other Mission facilities were known to exist in this general area from historic maps. Archaeological and Native American monitoring shall be implemented for all projects with subsurface impacts. With incorporation of MM-CLT-2, potential impacts related to the accidental discovery of archaeological resources will be less than significant.

Connectivity Area

There is no proposed building construction within the Connectivity area. Therefore, there are no potential impacts to historical or archaeological resources.

Threshold CLT-3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The Project site is underlain by sediments of quaternary alluvium and colluvium. These sediments are less than 10 thousand years old and were deposited by local creeks and rivers including San Juan Creek, Trabuco Creek, Oso Creek and Horno Creek. The sediments consist of unconsolidated silt, sand and gravel that incorporate material from older formations cut by the creeks. Therefore, the formation is too young to contain fossils. As a result, impacts are less than significant.

There are no known surface outcrops of the Capistrano Formation bedrock or Terrace Deposits within the Project area. These are considered materials that have a high potential for paleontological resources. However, these formations may be present at below the quaternary alluvium and colluvium. Shallow excavations have a low potential to impact paleontological resources but the potential of deep excavations should be considered potentially high. Once site-specific development projects are proposed more detailed geotechnical reports are required in accordance with MM-GEO-1. If the report finds materials of the Capistrano Formation or Terrace Deposits within the construction limits, then a paleontological monitor will be required in accordance with MM-CLT-4. Implementation of MM-CLT-4 will ensure impacts are less than significant.

Threshold CLT-4: Would the project disturb any human remains, including those interred outside of formal cemeteries?

Based on the results of this study, there are no known human remains within the Project site boundaries. The proposed Project would not cause substantial adverse change to known human remains. It is possible, but not likely, that buried human remains are present within the Project site boundaries. Implementation of PPP-CLT-1 would provide the measures necessary to appropriately address such a situation by stopping further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Orange County Coroner is contacted. The Orange County Coroner will in turn contact the appropriate persons or groups whom have the authority to determine treatment or disposing of the human remains as provided in Public Resources Code Section 5097.98. As such, the proposed Project's potential to impact human remains, if any, would be reduced to a level less than significant.

5.5.4 CUMULATIVE IMPACTS

As described above, potential impacts related to historical, archaeological, and paleontological resources would be reduced to a level that is less than significant through 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. 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 cultural or paleontological resources, an investigation will be required to determine the nature and extent of the resources and identify appropriate mitigation measures, including existing requirements such as PPP-CLT-1 and mitigation measures MM-CLT-1 through MM-CLT-4.

Neither the proposed Project, nor other cumulative development in accordance with the General Plan are expected to result in significant impacts to cultural or paleontological resources provided site-specific surveys and test and evaluation excavations are conducted to determine whether the resources are “unique archaeological resources” or “historical resources,” and appropriate mitigation including, but not limited to, compliance with existing requirements. As such, no significant cumulative impacts to cultural resources are expected to occur from the Project.

5.5.5 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

There are potential significant impacts to historic resources in the Revitalization area and archaeological resources during construction within the Revitalization and Repositioning Areas.

5.5.6 MITIGATION MEASURES

MM-CLT-1 Prior to the approval of discretionary entitlements and associated CEQA review for future site-specific development associated with the HTC Master Plan that either 1) impacts an historic structure [including but not

limited to the structures (barn(s) and shed) which are contributing elements of the Yorba/Garcia Adobes NRHP record) or 2) is located adjacent to an historic structure (including structures proposed adjacent to the Blas Aguilar Adobe and the Esslinger Building), the project applicant shall complete, or cause to be completed, the following:

- a. Prepare a historic resource evaluation to provide an updated historic integrity evaluation of the Yorba/Garcia Adobes 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 Sections 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 the future site specific project 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 structure or building; increased setbacks and screening of the structure with native trees.

MM-CLT-2

Prior to the issuance of any grading permit, and for any subsequent permit involving excavation to increased depth, the project applicant shall provide and comply with the following:

- a. The applicant shall submit to the Development Services Department documentation that a qualified archaeologist (defined as an archaeologist on the List of Certified Archaeologists for Orange

County) has been retained to monitor site clearing, grading, and excavation activities, stating the name, qualifications, and contact information for the archaeologist. Proponents of projects within the Reviatilization Area are encouraged to engage the services of a qualified historical archaeologist with more than 20 years of experience and a specialty in Spanish Colonial archaeology for all archaeological testing, monitoring and/or data recovery.

- b. The qualified archaeologist shall be present at pre-construction meetings to advise construction contractors about the sensitive nature of cultural resources located on and/or in the vicinity of the project site, as well as monitoring requirements. A qualified monitor (defined as an individual with a bachelors degree in anthropology with archaeological monitoring experience), supervised by the qualified archaeologist, shall observe on- and off-site construction activities that result in grading, and/or excavating in undisturbed, native sediments (including during project-related off-site utility [natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements). Should nonhuman cultural resources be discovered, the monitor shall have the power to temporarily halt or divert construction activities until the qualified archaeologist can determine if the resources are significant and, if significant, until recovered by the archaeologist. In the event that human remains are discovered, construction activities shall be halted or diverted until the provisions of §7050.5 of the Health and Safety Code and §5097.98 of the Public Resources Code have been implemented.
- c. During construction/grading activities, a Native American monitor shall observe construction/grading activities that result in grading, excavating, and/or trenching on or below the original ground surface (including during project-related off-site utility [e.g., natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements). The Native American monitor shall consult with the archaeological monitor regarding objects and remains encountered during grading that may be considered sacred or important. In the event that evidence of human remains is discovered, the Native American monitor shall verify that the archaeologist has notified the Coroner.
- d. Prior to final inspection by the Development Services Department, the applicant shall submit evidence that final reports for any historical, cultural or archaeological resources recovered from the project site during grading or construction have been filed with the appropriate information repository. Reports shall include information on disposition of resources.

MM-CLT-3 Prior to award of construction contracts or discretionary entitlement approvals, whichever occurs first, for the Yorba, Forster and El Camino street extensions and development within HTC Park, testing, evaluation and preparation of a data recovery plan shall be prepared by the historical archaeologist in accordance with CEQA Guidelines Section 15126.4. Testing and evaluation, following scraping and clearing activities, may consist of surface collection and mapping, limited subsurface excavations, and the appropriate analyses and research necessary to characterize the artifacts and deposit from which they originated. Upon completion of the test level investigations, for sites determined to be unique archaeological sites or historical resources as set forth in CEQA Guidelines Section 15064.5, the report shall be forwarded to the City Cultural Heritage Commission in accordance with City Council Policy 601. Project plans and/or CEQA analysis shall take into account the recommended measures as approved by the City. Appropriate measures for unique archaeological resources or historical resources could include preservation in place through planning construction to avoid archaeological sites; incorporation of sites within parks, greenspace, or other open space; covering the archaeological sites with a layer of chemically stable soil before building the roadway on the site or deeding the site into a permanent conservation easement. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared in accordance with the State of California Office of Historic Preservation's Archaeological Resource Management Reports Guidelines, Guidelines For Archaeological Research Design and Guidelines for the Curation of Archeological Collections and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code and §5097.98 of the Public Resources Code.

MM-CLT-4 In the event a site-specific development project's detailed geotechnical report finds materials of the Capistrano Formation or Terrace Deposits within the construction limits, then the following shall be implemented:

- a. prior to issuance of a grading permit involving excavation that would impact materials from the Capistrano Formation or Terrace Deposits, then a qualified paleontologist (defined as a paleontologist on the List of Certified Paleontologists for Orange County) shall be retained by the project applicant and shall be present at pre-construction meetings to advise construction contractors about the potential occurrence of paleontological resources located on and/or in the vicinity of the project site, as well as monitoring requirements.

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- b. A qualified monitor (defined as an individual with a bachelors degree in paleontology and monitoring experience), supervised by the qualified paleontologist, shall be on-site during construction activities that result in the grading and/or excavating of current surface material (including during project-related off-site utility [e.g., natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements) to monitor for paleontological resources. Should paleontological resources be discovered, the monitor shall have the authority to temporarily halt or divert construction activities until the qualified paleontologist can determine if the resources are significant. Significant paleontological resources shall be recovered by the qualified paleontologist.
 - c. Prior to final inspection by the Development Services Department, the applicant shall submit evidence that final reports for any paleontological resources recovered from the project site during grading or construction have been filed with the appropriate information repository. Reports shall include information on disposition of resources.

5.5.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Adherence to mitigation measures will reduce potential impacts to cultural, historic, archaeological, and paleontological resources associated with adoption of the HTC Master Plan to a less than significant level.

5.5.8 REFERENCES

All notes and references listed below are available for public review at the City of San Juan Capistrano, Community Development Department, 32400 Paseo Adelanto, San Juan Capistrano, California.

1. City of San Juan Capistrano. *General Plan*. December 1999.
2. Cogstone, *Cultural Resources Assessment for the San Juan Capistrano Historic Town Center Master Plan Area, City of San Juan Capistrano, California*, April 2011.