

## 2.7 Cultural Resources

### 2.7.1 Regulatory Setting

“Cultural resources” as used in this document refers to all “built environment” resources (structures, bridges, railroads, water conveyance systems, etc.), culturally important resources, and archaeological resources (both prehistoric and historic), regardless of significance. Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act of 1966, as amended, (NHPA) sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places (National Register). Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 CFR 800). On January 1, 2004, a Section 106 Programmatic Agreement (PA) between the Advisory Council, FHWA, State Historic Preservation Officer (SHPO), and the Department went into effect for Department projects, both state and local, with FHWA involvement. The PA implements the Advisory Council’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to the Department. The FHWA’s responsibilities under the PA have been assigned to the Department as part of the Surface Transportation Project Delivery Pilot Program (23 CFR 327) (July 1, 2007).

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties.

Historical resources are considered under the California Environmental Quality Act (CEQA), as well as California Public Resources Code (PRC) Section 5024.1, which established the California Register of Historical Resources. PRC Section 5024 requires state agencies to identify and protect state-owned resources that meet National Register listing criteria. It further specifically requires the Department to inventory state-owned structures in its rights-of-way.

## **2.7.2 Affected Environment**

This section is based on the *Historic Property Survey Report* (HPSR; September 2010), *Archaeological Survey Report* (ASR; September 2010), and *Historical Resources Evaluation Report* (HRER; September 2010).

### **2.7.2.1 Area of Potential Effects**

The Area of Potential Effects (APE) within the project includes all areas in which the project has the potential to directly or indirectly affect historic properties, if any such properties exist. These include the horizontal and vertical areas proposed for (1) direct effects associated with ground-disturbing activities, including but not limited to existing and proposed ROW, temporary and permanent construction easements, and staging areas; and (2) indirect effects that are the result of visual, noise, or other effects. The area of indirect effects generally includes all developed properties that are adjacent to the proposed direct effects unless those effects are limited to minor improvements (such as pavement striping) that have no potential to indirectly impact adjacent properties. The APE extends around the entirety of those parcels where the built environment may be directly or indirectly affected. The APE is shown as Map 3 in the HPSR.

### **2.7.2.2 Records Search**

On October 21, 2009, a records search was conducted by personnel at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System (CHRIS), located at California State University, Fullerton. It included a review of all recorded historic and prehistoric archaeological sites within a 0.25 mi radius of the APE as well as a review of known cultural resource survey and excavation reports. In addition, the following inventories were examined:

- National Register;
- California Register of Historical Resources (California Register);
- California Historical Landmarks;
- California Points of Historical Interest; and
- Caltrans Historic Highway Bridge Inventory

Thirteen archaeological sites and four isolated artifacts were identified within 0.25 mi of the APE. However, only five of these archaeological sites and two of the isolated artifacts are plotted within or adjacent (within 30 ft) to the APE.

The records search and literature review indicated that 82 cultural resources studies have been conducted within 0.25 mi of the APE. Of these, 37 include portions of the

APE, resulting in approximately 30 percent of the APE having been previously surveyed.

In addition to the information obtained from the records search discussed above, the Department provided information that a historic refuse dump was discovered during construction of the Avenida Vista Hermosa off-ramp. The historic refuse dump site, located within the APE, contained burned material consisting of primarily glass containers and small amounts of ceramic artifacts, metal cans, and car parts. The site was largely destroyed during construction of the off-ramp, and the Department determined that the site was ineligible for the National Register and not considered a historical resource under CEQA.

Background research was also conducted for the study area using online resources and published literature regarding the history and development of Orange County and the Cities of San Juan Capistrano, Dana Point, and San Clemente. Historical aerial photographs and maps of the study area and vicinity were also used. On the basis of this research, the primary historical themes in the study area were developed. The following repositories, sources, and persons were consulted in the process of preparing this report:

- City of San Clemente, Community Development Department, Building Division. Research conducted in November 2009.
- City of Dana Point. Building permit research conducted by Windy Robles, City Clerk Specialist, November 2009.
- City of Dana Point, Community Development Department, Planning Division. Email communication with Evan Langan, Associate Planner, on December 16, 2009. Mr. Langan indicated that the property at 34262 Via Velez is listed on the City's (circa 1997) Historic Inventory and that the property was subsequently added to the Historic Registry (formally recognized as a "local historic resource" by the City at the request of the property owner). Mr. Langan stated that no other addresses are cited within the inventory and so at present are not eligible for listing on the Registry. He further indicated that the City has no designated historic districts, and accordingly, no historic district maps.
- Orange County Archives. Accessed online in October and December 2009.
- Dana Point Public Library. Telephone conversation with the Information Desk staff person on December 17, 2009.
- San Clemente Public Library. Telephone conversation with the Information Desk staff person on December 17, 2009.

- Faith Lutheran Church. Email correspondence sent October 2, 2009. No response received.
- Armet Davis Newlove Architects. Email correspondence sent December 16, 2009. Email response received December 23, 2009. According to Steven Shaw, Armet Davis Newlove designed approximately 400 Denny's Restaurants and estimates that approximately 300 remain, although there is no way of knowing for sure. Mr. Shaw verified that his company designed one in San Clemente and, based on a photograph provided, Mr. Shaw believes it is probably the one in the project APE.
- San Clemente High School. Telephone conversation with the school librarian in October 2009. She indicated that she did not have any historical information about the school.
- Capistrano Unified School District. Telephone conversation with Carol Schwimmer, Staff Secretary, on December 17, 2009. Ms. Schwimmer provided some background on the high school and explained that the high school has an upper and lower campus.
- Capistrano Unified School District. Voicemail message left for Cary Brockman, Planning Director, on December 17, 2009. No response received.
- Historical *Los Angeles Times*. Accessed through the Los Angeles Public Library online databases in October and December 2009.
- City of San Clemente Community Development Department, Jennifer Gates, Planning Division. Letter mailed December 2, 2009. No response received.
- City of San Juan Capistrano Community Development Department, Teri Delcamp, Historic Preservation Manager. Letter mailed December 2, 2009. Email correspondence conducted in January and February 2010. Ms. Delcamp provided considerable information regarding the Pablo Pryor Adobe/Hide House, which is approximately 180 ft west of I-5 and outside of the project APE. Ms. Delcamp indicated that it was designated a long time ago, but no detailed historic report about the property had ever been completed. Ms. Delcamp also stated that to her knowledge no formal determination of eligibility for listing in the National Register had been made. Ms. Delcamp recommended that if such an evaluation was made as part of this project, potential adverse impacts should also be assessed. Ms. Delcamp also suggested that the Juaneño Band of Mission Indians, Acjachemen Nation, be consulted.
- San Juan Capistrano Historical Society. Letter mailed December 2, 2009. No response received.
- San Clemente Historical Society, Raad Ghantous, Preservation Chair. Letter mailed December 2, 2009. No response received.

- Dana Point Historical Society, Carlos Olvera, President. Letter mailed December 2, 2009. No response received.
- Orange County Historical Society, Greg Rankin, President. Letter mailed December 2, 2009. No response received.
- Orange County Historical Commission, Griselda Castillo. Letter mailed December 2, 2009. No response received.
- Dr. Tony Chung, LSA Associates, Inc. (LSA), February 8, 2010, regarding vibration impacts. Dr. Chung prepared a memorandum assessing potential vibration impacts on the Pablo Pryor Adobe/Hide House, which is located approximately 180 ft west of I-5 and outside of the project APE. Based on his analysis, Dr. Chung concluded that vibration from construction activities associated with the proposed I-5 HOV Lane Extension Project, including those from pile driving or cast-in-drilled hole (CIDH) piles, would not result in substantial vibration levels at this adobe structure. Dr. Chung further concluded that groundborne vibration from on-road vehicles that will use the completed project would not result in any measureable changes in vibration level compared to the existing conditions and that no substantial vibration impacts would occur as a result of the proposed project.
- Historical aerial photographs.
- Sanborn Fire Insurance maps.
- United States Geological Survey (USGS) topographic maps.
- Caltrans Historic Highway Bridge Inventory.

### **2.7.2.3 Field Survey**

An architectural survey of the project APE was conducted on October 9, 2009. The APE was later expanded to address potential noise impacts to Capistrano Terrace mobile home park and one residence located at 33511 Valle Road in San Juan Capistrano as well as the location of a possible soundwall in San Clemente. A follow-up survey of these areas was conducted on August 31 and September 7, 2010. Some of the buildings in the APE were determined to meet the criteria for classification under Property Types 2–4 and 6, as defined in Attachment 4 (Properties Exempt from Evaluation) in the Caltrans Section 106 PA, and therefore were not further documented. Most of the buildings that were found to be exempt were modern or significantly altered.

The remaining buildings were photographed from the public ROW, and detailed notations were taken regarding each of the buildings' structural and architectural

characteristics and current condition, as well as its setting and associated features. When possible, owners and area residents were interviewed to ascertain more detailed information regarding the buildings and the development of the area.

An archaeological reconnaissance windshield survey of the APE was conducted on December 11, 2009. The purpose of the windshield survey was to inspect the plotted locations of previously identified cultural resources within the APE and determine whether the locations had been developed, or whether any portion of the resource **remained** extant. Based on the results of the windshield survey, an archaeological pedestrian survey of the APE was conducted on December 31, 2009. During the pedestrian survey, areas within the APE were systematically surveyed along the northeastern side of I-5 between Camino de Estrella on the north and East Avenida Pico on the south.

Additionally, on May 11, 2010, a focused pedestrian survey was conducted at the locations of the archaeological resources plotted within and adjacent to the APE. The purpose of the survey was to document the current status of the resources, take photographs of the resource locations, and prepare site record updates as appropriate. On September 7, 2010, the Area of Direct Impact (ADI) was expanded to include additional possible soundwall locations. A pedestrian survey of this area was conducted on the same date. The focused pedestrian survey confirmed that the locations of these resources have been either completely developed or disturbed to such a degree that the presence of an intact archaeological deposit is extremely unlikely.

The results of windshield, pedestrian, and focused pedestrian surveys determined that no archaeological resources were identified within or immediately adjacent to the APE. All cultural resources identified as being within the APE by the records search have been destroyed by modern development.

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

On November 17, 2009, a letter was sent to the Native American Heritage Commission (NAHC) requesting a search of the Sacred Lands File (SLF) in order to identify areas of religious or cultural significance to Native Americans. The NAHC responded on December 1, 2009, to say that the SLF search indicated the presence of Native American cultural resources within a 0.5 mi radius of Sections 12 and 13 of Township 8 South, Range 8 West, but not in Township 8 South, Range 7 West of the APE. The letter recommended that seven Native American individuals/groups that

may have additional information be contacted. A letter was drafted that discussed the project and requested information on Native American heritage resources. The following groups and individuals were contacted by letter on December 7, 2009:

- Juaneño Band of Mission Indians, Acjachemen Nation: David Belardes, Chairperson
- Juaneño Band of Mission Indians: Anita Espinoza
- Juaneño Band of Mission Indians: Alfred Cruz, Cultural Resources Coordinator
- United Coalition to Protect Panhe (UCPP): Rebecca Robles
- Juaneño Band of Mission Indians: Adolph 'Bud' Sepulveda
- Juaneño Band of Mission Indians, Acjachemen Nation: Joyce Perry
- Juaneño Band of Mission Indians: Sonia Johnston, Chairperson

The letters discussed the project and requested information on Native American heritage resources.

Ms. Perry responded on behalf of the Acjachemen Nation on January 5, 2010. Ms. Perry requested that an archaeologist and Native American monitor be present during all ground disturbances. Ms. Perry also requested a meeting to discuss known sensitive sites. The requested meeting was held on May 18, 2010, with Mr. Belardes, Chairperson of the Acjachemen Nation. After viewing the project APE maps with known cultural resources plotted on them, Mr. Belardes concluded that the APE was completely disturbed, and any archaeological site remnants would likely be in a redeposited context. Mr. Belardes retracted the monitoring recommendation but requested that the Acjachemen Nation tribe be notified immediately of any discoveries.

No responses were received from the other Native Americans contacted. Contact with each group/individual was attempted by telephone on January 21, 2010. At the request of Ms. Rebecca Robles from UCPP, an email containing project information was sent on January 21, 2010. However, Ms. Robles did not respond. Mr. Cruz, Resources Coordinator for the Juaneño Band of Mission Indians, responded on January 22, 2010, indicating that he had knowledge of sensitive sites in the project area. Mr. Cruz recommended monitoring by a Native American and an archaeologist, and indicated that he would be available for such monitoring.

A second attempt to contact individuals not reached by the first call was made by telephone on February 12, 2010. During the second attempt, Ms. Anita Espinoza from

the Juaneño Band of Mission Indians was reached. Ms. Espinoza also indicated that the area within the study area is very sensitive and recommended monitoring by an archaeologist. Ms. Espinoza also requested that she be notified of any discoveries.

### **2.7.2.5 Properties Identified within the APE**

As a result of the field surveys, a total of 16 historic-period built environment resources in the APE were identified and evaluated for eligibility for listing in the National Register and as historical resources under CEQA. Evaluated resources in the project APE reflect the Spanish Eclectic, California Ranch, and Googie architectural styles and are identified below.

#### ***Spanish Eclectic***

Two evaluated resources in the project APE were constructed in the Spanish Eclectic style. Revival and Eclectic styles were popular from approximately 1880 to 1955. Character-defining features of the Spanish Eclectic style include a low-pitched roof sheathed with red tile; little or no eave overhang; usually at least one prominent arch over a door or window; most often stucco wall cladding; an asymmetrical facade; and sometimes French doors and wrought-iron accents.

#### ***California Ranch***

Thirteen evaluated resources in the project APE were constructed in the California Ranch style or the Modern Ranch subtype. Character-defining features of California Ranch-style residences include a one-story configuration; a sprawling layout, often constructed in an L or U shape to create backyard privacy; a low-pitched hip, gable, or gable-on-hip roof with wide eaves; a variety of wood, brick, and stucco siding, often in combination; wood-frame double-hung windows, often with multiple lights or diamond panes; a large picture window in the facade, often flanked by narrower windows; and an attached two-car garage. Decorative features include scalloped vergeboards, false cupolas and dovecotes, extended gable eaves, and turned porch supports. Later examples of the style incorporate aluminum-framed vertical slider windows instead of wood-framed double-hung windows.

#### ***Googie Style***

Googie style was popular in Southern California primarily during the 1950s and early 1960s. The Googie style, which is sometimes called Populuxe, is a Mid-Century Modern subtype that is perhaps most closely associated with Southern California and coffee shops. The Googie style was applied to signs as well as buildings with the intention of being eye-catching and easily recognizable from the road. Character-

defining features of the Googie style include: upswept roofs; curvaceous, geometric shapes; and bold use of glass, steel, and neon, as well as Space-Age designs that depict motion, such as boomerangs, flying saucers, atoms and parabolas, and free-form designs such as “soft” parallelograms and the ubiquitous artist’s palette motif (Anonymous 2010). Exposed steel beams, rock, and terrazzo are also popular elements.

Thirteen California Ranch-style residences constructed between 1949 and 1963; two Spanish Eclectic-style residences constructed in 1928; and a Googie-style Denny’s Restaurant designed by Armet & Davis and constructed in 1964 were identified within the APE.

Of these 16 properties, none appear to meet the criteria for listing in the National Register. In a letter issued by the SHPO on November 10, 2010, SHPO concurred that these 16 properties were not eligible for listing on the National Register, and as a result, the proposed project would receive a finding of No Historic Properties Affected. A copy of this SHPO letter can be found in Appendix B of this environmental document.

Although none of the 16 properties qualified as a historical resource under NEPA, one Spanish Eclectic-style residence (located in the City of Dana Point) appears to qualify as a historical resource pursuant to CEQA.

Because no publicly owned historic properties were identified in the APE, there are no Section 4(f) historic sites or properties affected by this project.

#### **2.7.2.6 Archaeological Sites Identified within the APE**

Thirteen archaeological sites and four isolated artifacts have been identified within 0.25 mi of the APE. Five of these archaeological sites and two of the isolated artifacts are plotted within or adjacent (within 30 ft) to the APE. Four additional historic resources have been identified within 0.25 mi of the APE. However, these sites are plotted outside the APE. No existing archaeological resources were identified within or immediately adjacent to the APE. All cultural resources identified by the records search no longer exist on site, as the areas have been developed.

#### **2.7.2.7 Section 4(f) Resources**

Historic properties are protected under Section 4(f) of the United States (U.S.) Department of Transportation Act, which regulates the “use” of land from historic properties by transportation facilities.

## 2.7.3 Environmental Consequences

### 2.7.3.1 Temporary Impacts

#### ***Build Alternative 4 with Design Option A (Preferred Alternative)***

Build Alternative 4 with Design Option A would require ground disturbance and modification to existing freeway structures. These construction activities could result in impacts to unknown buried cultural materials or human remains. Any direct or indirect impacts to buried resources would be considered permanent; therefore, an analysis of direct or indirect temporary impacts to cultural resources is not applicable.

### 2.7.3.2 Permanent Impacts

#### ***Build Alternative 4 with Design Option A (Preferred Alternative)***

Based on the results of the HPSR, ASR, and HRER it was determined that one historical built residential property within the project APE qualifies as a “historical resource” pursuant to CEQA. This historical resource is located within a residential neighborhood outside of the project ADI. As such, this property will not be altered or otherwise impacted by Build Alternative 4 with Design Option A. All other historic-period properties within the APE meet the criteria for Caltrans Section 106 PA (Properties Exempt from Evaluation).

The ADI is extensively disturbed by development, and the likelihood of encountering intact archaeological resources during the construction of Build Alternative 4 is low. The areas that are minimally disturbed are located on marine terrace landforms where archaeological remains should be at or near the ground surface, which does not appear to be sensitive in terms of archaeological resources.

Although considered unlikely, there is the potential to encounter unknown buried cultural materials or human remains within the APE during construction of Build Alternative 4 with Design Option A. In the event that previously unknown buried cultural materials or human remains are encountered during construction, compliance with standard Measures CR-1 and CR-2, provided below, would avoid and/or minimize potential direct or indirect impacts to previously unknown cultural resources or human remains.

Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties. The proposed project would not cause a direct or indirect adverse effect on any property that falls under this designation.

#### **2.7.4 Avoidance, Minimization, and/or Mitigation Measures**

The measures below are required to reduce the potential project impacts related to the discovery of previously unknown cultural materials and human remains during construction:

- CR-1** If cultural materials are discovered during construction, all earthmoving activity within and around the immediate discovery area shall be diverted until a qualified archaeologist can assess the nature and significance of the find.
- CR-2** If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner shall be contacted. Pursuant to Public Resources Code (PRC) Section 5097.98, if the remains are thought to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall then notify the Most Likely Descendant (MLD). At this time, the person who discovered the remains shall also contact the District 12 Environmental Branch Chief so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.

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