

## 4.4 CULTURAL RESOURCES

Significant prehistoric and historic resources include Native American traditional cultural properties, buildings and neighborhoods of historic architectural significance, archaeological sites, and paleontological resources. The archaeological literature on the San Francisco Peninsula region indicates that expected archaeological resources could have important research value and would therefore be significant under both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). This section presents the regulatory framework for cultural resources, includes an overview of the prehistory and history of San Carlos, and provides an evaluation of the effects the Draft 2030 General Plan and Climate Action Plan (CAP) would have on these sensitive resources.

### *A. Regulatory Framework*

There are several federal, State and local laws and regulations applicable to historical and architecturally significant resources, as well as paleontological and archaeological resources in the City of San Carlos. The key regulations are discussed briefly below.

#### **1. Federal Laws and Regulations**

##### **a. National Historic Preservation Act (1966)<sup>1</sup>**

The National Historic Preservation Act, adopted in 1966 and most recently amended in 2000, is the most influential federal law addressing historic preservation. In addition, Congress has enacted numerous other statutes that affect historic properties. One of the most important provisions of the Act is the establishment of the National Register of Historic Places (NRHP), the official record of historical resources. Districts, sites, buildings, structures and objects are eligible for listing in the Register. Nominations are listed if they are significant in American history, architecture, archeology, engineering and

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<sup>1</sup> National Park Service website. National Historic Preservation Act of 1966, as Amended through 1992. <http://www.nps.gov/history/local-law/nhpa1966.htm>, accessed March 19, 2009.

culture. The NRHP is administered by the National Park Service (NPS). To be eligible for the NRHP, a property must be significant under criterion A (history), B (persons) or C (design/construction); possess integrity; and ordinarily be 50 years of age or more.

Listing in the NRHP does not guarantee specific protection or assistance for a property, but it does ensure its recognition in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. The NRHP is influential beyond its statutory role because it achieves uniform standards of documentation and evaluation. Additionally, project effects on properties listed in the NRHP must be evaluated under the California Environmental Quality Act (CEQA).

## 2. State Laws and Regulations

### a. California Register of Historic Resources<sup>2</sup>

The California Register of Historical Resources (CRHR) establishes a list of properties that are to be protected from substantial adverse change (Public Resources Code Section 5024.1). A historical resource may be listed in the CRHR if it meets any of the following criteria:

- ◆ It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- ◆ It is associated with the lives of persons important in California's past.
- ◆ It embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic value.
- ◆ It has yielded or is likely to yield information important in prehistory or history.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks and

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<sup>2</sup> California State Office of Historic Preservation web site, accessed April 22, 2009. <http://ohp.parks.ca.gov>.

eligible Points of Historical Interest. Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Other resources require nomination for inclusion in the CRHR. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Officer (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.<sup>3</sup>

b. CEQA Regulations Regarding Human Remains

Section 15064.5 of the State CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on nonfederal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism and inadvertent destruction; establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

c. California State Health and Safety Code, Section 7052 and 7050.5

Section 7052 of the California State Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are

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<sup>3</sup> CEQA and Historical Resources: CEQA Technical Advise Series, Background on Historical Resources Preservation, accessed April 22, 2009, [http://ceres.ca.gov/topic/env\\_law/ceqa/more/tas/page2.html](http://ceres.ca.gov/topic/env_law/ceqa/more/tas/page2.html).

those of a Native American. If determined to be Native American, the coroner must contact the California NAHC.<sup>4</sup>

d. Local and Tribal Intergovernmental Consultation (Senate Bill 18)  
Implementation of Senate Bill 18 (SB 18), which went into effect January 1, 2005, sets forth new requirements for local governments (city and county) to consult with Native American tribes to aid in the protection of traditional tribal cultural places through local land use planning.<sup>5</sup> The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use designations are made by a local government.

e. California Native American Historical, Cultural and Sacred Sites Act  
The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The Act stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

f. California State Public Resource Code, Section 5097  
Public Resources Code Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

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<sup>4</sup> The California Environmental Resources Evaluation System's website. <http://ceres.ca.gov>, accessed on March 19, 2009.

<sup>5</sup> SB 18 amends Government Sections (GC) 65040.2, 65092, 65351 and 65560, while adding GC sections 65352.3, 65352.4 and 65562.5.

No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority, or public corporation, or any agency thereof. Consequently, the City of San Carlos is required to comply with Public Resource Code Section 5097.5 for its activities.<sup>6</sup>

g. Public Resources Code, Section 21083.2

This code specifies the responsibilities of the lead agency to determine whether a project may have a significant effect on archaeological resources. If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. The code also details required mitigation measures if unique archaeological resources are not preserved in place or not left in an undisturbed state. A project applicant must provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state.

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<sup>6</sup>California Department of Transportation’s website.

<http://www.dot.ca.gov/ser/vol1/sec3/physical/Ch08Paleo/chap08paleo.htm#statelaws>. Accessed on March 19, 2009.

### 3. Local Regulations and Policies

The San Carlos Municipal Code, a codification of the General Ordinances of the City of San Carlos, California, currently does not contain a title for Cultural Resources.<sup>7</sup> Similarly, at the date of this publication the California Environmental Resources Evaluation System (CERES) program does not contain a specific listing for the City of San Carlos.<sup>8</sup> The lack of specific listings for San Carlos in these databases, however, does not diminish the significance of the city's historical resources.

#### *B. Existing Conditions*

Based on archaeological research and historical documentation, a variety of cultural resources are expected to exist within San Carlos. The City's name means "Saint Charles" in Spanish, since the explorers presumably saw San Francisco Bay for the first time from the local hills on November 4, 1769, the feast day of Saint Charles. On the basis of common historical, typological and functional commonalities, cultural resources can be grouped into specific archaeological types. In this section, the term "prehistoric resource" is synonymous with "Native American resource," which typically dates back to pre-Euroamerican contact. Historic (or "historic-period") resources typically date back no further than the time of Euroamerican contact. Resources may contain both historic- and prehistoric-period components.

The first known human inhabitants of the San Carlos area were the Costanoans, or Ohlone, hunter-gatherers subsisting on a diet of crushed acorns, nuts, grass seeds, berries, game, fish and seafood. There were about 1,500 Ohlone in San Mateo County when the Spanish first arrived. Historians believe that two sub-tribes existed in and near San Carlos, the Salson to the north of Bel-

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<sup>7</sup> City of San Carlos' website.

<http://www.codepublishing.com/CA/sancarlos>. Accessed March 19, 2009.

<sup>8</sup> The California Environmental Resources Evaluation System's website.

[http://ceres.ca.gov/geo\\_area/counties/San\\_Mateo/history.html](http://ceres.ca.gov/geo_area/counties/San_Mateo/history.html). Accessed March 19, 2009.

mont Creek and Lhamshin in the San Carlos area. More specifically, a concentration of Ohlone is believed to have lived in the Carmelita area of San Carlos, which lies in part of the city's Planning Area. Native American archaeological sites tend to be located near waterways, as well as along ridge tops, midslope hill terraces, alluvial flats, the base of hills, and where two vegetation communities meet. San Francisco Peninsula's proximity to both bay and marine resources led to the rapid rise in Native American tribe and tribelet populations.

#### **1. Archaeological Resources**

Due to its large prehistoric populations, the San Francisco Peninsula region is considered archaeologically sensitive for buried sites. All archaeological deposits in San Carlos associated with Native American are potentially eligible for listing in the CRHR for their research potential (Criterion D). Literature on the archaeological resources of the San Carlos region indicates that expected archaeological resources could have important research value and would therefore be significant under CEQA.

##### **a. Prehistoric Archaeological Resources**

Archaeological literature about the San Francisco Peninsula has tended to place significance on archaeological resources associated with prehistoric populations. Since intact prehistoric archaeological deposits are scarce on the Peninsula, sites with these associations may be considered significant (Criterion D). Potential archaeological remains in San Carlos could be eligible for listing in the CRHR on the basis of their association with the Spanish/Mexican Period, the Franciscan missionization of California Native Americans (Criterion A). Archaeological sites and artifacts would have a high degree of interpretive value relative primarily to Native Americans. The Spanish/Mexican period of San Carlos history may also be represented under prehistoric archaeological resources.

#### **CA-SMA-303**

In 1990, Stanford professor and archaeologist, Barbara Bocek, recorded an archaeological deposit near the bank of Cordilleras Creek. The prehistoric

site is described as the remains of an earth mound on the creek bank with black midden soils. Fire cracked rock and a large burned mammal bone, as well as chert flakes and shellfish were all found in association with the midden site. The area surrounding the site has since been developed into a housing division and it is possible that the site extended into the privately owned parcels. Some land owners have also found projectile points within the area.

#### **CA-SMA-310**

In 1990, Ms. Bocek recorded an additional prehistoric midden site located on the banks of the Pulgas Creek. The site consisted of several large, non-contiguous patches of black shell-laden earth, stretching along nearly 300 meters of the creek bank, stone flakes, and a possible hammerstone. Most of the site was destroyed during the construction of San Carlos Avenue and nearby residential development.

#### **b. Historic Archaeological Resources**

Archaeological sites and artifacts in San Carlos may have a high degree of interpretive value relative to the Spanish/Mexican period of the San Francisco Peninsula, California architectural history, the history of missionization in California, and the history of the American Southwest in general (Criterion A). Resources in the built environment may be considered significant for their architectural and technological history (Criterion C), or may be associated with an important individual such as Leland Stanford (Criterion B).

### **2. Historic Resources (Built Environment)**

Since the San Francisco Peninsula reflects a number of historical periods, events and persons, San Carlos has a unique and special importance in the historical period extending from 1776 until the mid-1850s. Based on historical documentary research and archaeological investigations, cultural resources in San Carlos are known to be associated with diverse ethnic and religious groups, such as Native Americans, Californios, Franciscan missionaries, and Euroamerican settlers. In the mid-20<sup>th</sup> century, San Carlos rapidly expanded, due significantly to the Dalmo Victor and Eitel McCullough electronics plants' construction in 1944. Home of such companies as Dalmo Victor,

Ampex, and Varian, San Carlos holds an important place in the history of the electronics industry. Remaining resources that are associated with the surge in the technology industry are of special merit.

It is important to bear in mind that California's Historic Resources Inventory (HRI) and the NRHP are constantly evolving lists. As properties reach 50 years of age, or when projects that may affect them are proposed, properties are examined and evaluated for their eligibility. The HRI is updated about four times per year.

a. California Historic Resources Inventory/National Register of Historic Places

**Southern Pacific Depot-San Carlos, 559 El Camino Real.** The Southern Pacific Railroad Station in San Carlos was constructed in the Richardsonian Romanesque Style in 1888. The station, formally located at 599 El Camino Real, San Carlos was included within the National Register in 1984 and received a status code of "1S," or "individual property listed in National Register by the Keeper, Listed in California Register."

**Nathanial Brittan Party House, 125 Dale Avenue.** The Nathanial Brittan Party house at 125 Dale Avenue in the city of San Carlos was constructed in 1872 and included within the National Register of Historic Properties in 1994 (NPS-940011500-9999). The property is listed with status codes of both "1S," or "individual property listed in National Register by the Keeper, Listed in California Register" and "1D," or "contributor to a district or multiple resource property listed in the NR by the Keeper; listed in the CR." According to the site record, the "Party House" is a two-and-half story redwood framed octagonal "folly" and was constructed for the purposes of entertaining fellow members of the Bohemian Club away from the main home of Mr. Brittan and his wife. The home is significant in the architectural history of California under Criterion C as one of the few remaining examples of the nineteenth century Octagon Mode of building design. The garage was given a status code of "6X," or "determined ineligible for the NR by SHRC or Keeper."

**Bridge #35-56.** According to the Office of Historic Preservation Inventory on file at the Northwest Information Center, the bridge at State Route 101 over Pulgas Creek was constructed in 1930 by Fredrickson & Watson Construction Company and is listed within the National Register with a status code of “3S,” or “appears eligible for National Register as an individual property through survey evaluation.” The bridge is a single 10 feet span, 12 feet long and 165 feet wide. The file on record states that the bridge is “essentially a 10 feet by 6 feet box culvert of reinforced concrete, under 3.5 feet of embankment fill with straight stepped wing walls at the upstream end, and straight walls at the downstream end.” The bridge was widened in 1958 on the downstream side.

b. Local Historical Landmarks

In 1990, a group of volunteers identified and researched the historic resources in San Carlos. The volunteers’ efforts led to the creation of the 1991 Historic Resources Inventory. The inventory contains 52 listings which include residential and commercial structures and one public park. For descriptive purposes, the inventory also identifies two Historic districts - the Hacienda Gardens Apartments at 1315 San Carlos Avenue and the 1000 Block of Elm Street between Morse Boulevard and Brittan Avenue.

Hacienda Gardens, constructed in 1931, was the first apartment complex in the city. Built in the Spanish Eclectic style, the apartments were well suited for the suburban commuter and are an indicator of development trends during the Great Depression. The fourteen units in six buildings of the complex are located on the city’s main thoroughfare at 1315 San Carlos Avenue. In 2005 it received a status code of 7J, or received by *OHP for evaluation but not yet evaluated.*

The 1000 block of Elm Street, which consists of structures mainly built between 1926 and 1929, represents a mixture of architectural styles including Spanish Eclectic and Tudor Revival. A noteworthy characteristic of the houses on the street is the general intactness. It is also a symbol of a major period of development in the city.

Although these resources are highly valued by the City, San Carlos has no historic preservation ordinance, nor formal designation. Protection of historic resources is provided through CEQA, which requires that any potential impacts to historical properties be sufficiently evaluated, but does not necessarily prohibit demolition of or damage to a potentially historically significant property.

### *C. Standards of Significance*

The San Carlos Draft 2030 General Plan would create a significant impact with regard to cultural resources if it would:

- a. Cause a substantial adverse change in the significance of an archaeological resource.
- b. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- c. Cause a substantial adverse change in the significance of a historical resource.
- d. Disturb any human remains, including those interred outside of formal cemeteries.

### *D. Impact Discussion*

The Draft 2030 General Plan includes guiding principles, goals, policies and actions that focus on preserving and protecting significant archaeological, paleontological, and historic resources, as well as protecting both designated landmarks and neighborhoods with unique characteristics. This discussion responds to each of the potential impacts identified in the Standards of Significance, above, for the Draft 2030 General Plan, and then the CAP.

## 1. Draft 2030 General Plan Project Impacts

The Draft 2030 General Plan would not, in and of itself, result in physical construction that could impact cultural resources. Future projects, however, have the potential to result in impacts on cultural resources in a variety of ways. Ground-disturbing activities such as grading, leveling, and sub-grade excavation have clear potential to damage or destroy several types of cultural resources, including paleontological and both prehistoric and historic archaeological sites. Other potential impacts to cultural resources include direct alteration of historic structures and the alteration of the historic setting of cultural resources in or adjacent to the planning area. Potential impacts are discussed in greater detail below.

### a. Archaeological Resources

Future development and construction activities proposed under the Draft 2030 General Plan may result in direct or indirect impacts to both prehistoric and historic resources. Construction activities such as grading and excavation may result in the accidental destruction or disturbance of archaeological sites. Additionally, development may draw the public to gather in areas with visible archaeological resources, resulting in destruction, illicit collection or prospecting by unauthorized persons.

Policies LU-12.1 and LU-12.2 and Action LU-12.1 of the Land Use Element require the evaluation, protection and preservation of historic and cultural resources. Policy LU-12.1 requires early evaluation of historic and cultural resources in the development review process. Policy LU-12.2 calls for fostering the preservation of historically significant sites. Action LU-12.1 requires compliance with CEQA provisions in relation to cultural and historic resources.

Implementation of the policies and action identified above as well as compliance with federal and State law would reduce potential impacts to archaeological resources to a *less-than-significant* level.

b. Human Remains

Native American resources include prehistoric period archaeological sites, burials, sacred sites, and Traditional Cultural Properties (TCPs). TCPs can be defined generally as an area that is significant because of its association with cultural practices or beliefs of a living community that are rooted in that community's history, and are important in maintaining the continuing cultural identity of the community. Under most circumstances consultation with the Native American community is necessary to identify and avoid these resources. Policy LU-12.5 of the Land Use Element calls for treating the discovery of human remains with treatment and respect and requires compliance with California Native Graves Protection, the Repatriation Act and other appropriate laws.

The disturbance or destruction of a significant Native American resource is considered a significant impact. Implementation of Policy LU-12.5 and compliance would reduce potential impacts to human remains to a *less-than-significant* level.

c. Paleontological Resource or Unique Geologic Features

Future development proposed under the Draft 2030 General Plan may result in impacts to paleontological resources or unique geological features. Ground disturbing activities in sensitive areas may result in damage to or destruction of paleontological resources. Additionally, development of previous undeveloped areas may attract people and result in illicit collection of fossils, prospecting, or damage to a unique geological feature through use. If these resources were significant, this would be considered a significant impact.

Goal LU-12 of the Land Use Element calls for the protection of historic and cultural resources. If paleontological resources were found on a potential development site, Public Resources Code, Section 21083.2 would regulate the treatment of the resources. The code requires reasonable efforts to preserve the resources and requires mitigation measures if the resources cannot be preserved or left in an undisturbed state. Implementation of Goal LU-12 and

compliance with federal and State laws would reduce potential impacts to a *less-than-significant* level.

d. Historic Architectural Resources

Future development may lead to physical demolition, destruction, relocation, or alteration of potential historical resources that are 50 years old or older. Given the age of these resources, it is possible they are historically significant and eligible for listing in the CRHR or the NRHP. At the time a development project is proposed, further studies would be required to determine the level of significance of this impact.

Implementation of the policies and actions in the Land Use Element would help to offset potential impacts to cultural resources. Policy LU-12.1 requires interested parties be consulted early in the development review process in relation to cultural resources. Consultation with the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) and local information repositories would be necessary to determine if proposed development sites contain or have the potential to contain historic architectural resources. Action LU-2.1 ensures that potential development projects would be in compliance with CEQA in relation to potential impacts to cultural and historical resources. Policy LU-12.1 also calls for the development of a mitigation plan in cases where resources are present.

Compliance with Policy LU-12.1 and Actions LU-12.2, LU-12.3, and LU-12.4 would ensure that potential impacts to cultural resources are minimized. This policy framework would serve to prevent impacts from occurring and would reduce the significance of impacts to cultural resources to a *less-than-significant* level.

**2. Climate Action Plan Project Impacts**

The CAP does not include measures that would affect archaeological, paleontological or historical resources in San Carlos. Therefore, implementation of the CAP would have *no impact* to cultural resources in San Carlos.

### 3. Cumulative Impacts

Since investigations for Native American and archaeological sites plus resources in the built environment are not comprehensive for the subject area, cumulative impacts to cultural, historic, or paleontological resource sites are difficult to quantify and assess. In general, these cumulative impacts would occur when a series of actions leads to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative effect. This is most obvious in historic districts, where destruction or alteration of a percentage of the contributing elements may lead to a loss of integrity for the district overall. Changes to the setting or atmosphere of an area, for example, by adding modern structures on all sides of a historically significant building, thus altering the aesthetics of the streetscape, would create a significant impact. Destruction or relocation of historic buildings would also significantly impact the setting.

As discussed in this section, however, development in areas both within and outside the Project Area would be subject to federal and state laws protecting cultural resources. The goals and policies of the Land Use Element protecting historic architectural resources, archaeological and paleontological resources, human remains, and historic architectural resources – in combination with the actions put forth in that Element – would result in *less-than-significant* cumulative impacts to cultural resources.

The CAP would have *no cumulative* impact to cultural resources.

#### *E. Impacts and Mitigation Measures*

Since there are no significant impacts related to cultural resources as a result of the Draft 2030 General Plan, no mitigation measures are required.

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