

4.2 CULTURAL AND TRIBAL CULTURAL RESOURCES

This section analyzes potential impacts to cultural and tribal cultural resources of the proposed Riverfront Project (Project). Under the California Environmental Quality Act (CEQA), the term “cultural resources” encompasses archaeological and historic (built environment-architectural) resources. Pursuant to Assembly Bill (AB) 52, CEQA also considers a project’s potential impacts on tribal cultural resources. Cultural resources are further defined as follows:

- ❑ Archaeological resources are objects or structures, often below ground, that relate to previous human use of an area. Archaeological resources are often distinguished by whether they are “prehistoric” or “historic.” Prehistoric archaeological resources are connected to people who occupied the land prior to European settlement; historic archaeological resources are connected to the period of continuous European settlement forward (in much of California, this generally starts from the date of the Portolá expedition in the year 1769).
- ❑ Historic or architectural resources, sometimes referred to as built environment resources, are buildings or structures that have significant associations with historical events, or the lives of people important in the past. Architectural buildings or engineering structures can also be found significant as a distinctive representation of property type that possesses high artistic values, or a representative example work of a master in architecture or engineering.
- ❑ Tribal cultural resources, defined in Section 21074(a) of the Public Resources Code, are sites, features, places, cultural landscapes, sacred places, or objects which are of cultural value to a California Native American tribe.

The section is based on a review of cultural resource evaluations conducted for the Project and Project site, including California Department of Parks and Recreation (DPR) historic survey forms that were completed in 2009 and evaluations prepared for the Project in 2018 and 2019 by Page & Turnbull and FBA, Inc., Structural Engineers. This section also draws from the other City of Santa Cruz plans and reports, including the City’s Historic Building Survey and the City of Santa Cruz *General Plan 2030* EIR (SCH#2009032007), which was certified on June 26, 2012, regarding background information on city-wide cultural resources. The General Plan EIR is incorporated by reference in accordance with section 15150 of the State CEQA Guidelines. The relevant sections that are relied upon and incorporated by reference in this EIR are identified in section 4.4.1. The General Plan EIR is available online on the City’s website at: <http://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/long-range-policy-planning/general-plan> or is available for review at the City of Santa Cruz Planning and Community Development Department (809 Center Street, Room 101, Santa Cruz, California) by appointment¹.

¹ Contact Samantha Haschert at SHaschert@cityofsantacruz.com or by phone at (831)-420-5196 to make an appointment to review the EIR. See section 1.4.2 of this EIR for further information.

Public and agency comments related to cultural resources impacts were received during the public scoping period in response to the Notice of Preparation (NOP). Issues raised in these comments include:

- The Native American Heritage Commission (NAHC) provided information on tribal consultations that may be required pursuant to state law and recommended consultation with California Native tribes that are traditionally and culturally affiliated with the geographic area of the proposed Project.
- The NAHC also provided recommendations for cultural resources assessments.
- Concern was expressed for the potential loss of the community and cultural diversity that The 418 Project provides.
- Questions were raised at the scoping meeting about whether an archaeological study had been completed and historical value of the buildings to be demolished.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the California Environmental Quality Act (CEQA) and/or are raised by responsible agencies, they are identified and addressed within this EIR. Public comments received during the public scoping period are included in Appendix A.

4.2.1 Environmental Setting

Regulatory Setting

Federal

Federal regulations for cultural resources are primarily governed by Section 106 of the National Historic Preservation Act (NHPA) of 1966, which applies to actions taken by federal agencies. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in Title 36 of the Code of Federal Regulations (CFR) Part 60. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and affords the federal Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings.

National Register of Historic Places. The NRHP is the United States' official list of districts, sites, buildings, structures, and objects worthy of preservation. Overseen by the National Park Service (NPS) under the U.S. Department of the Interior, the NRHP was authorized under the National Historic Preservation Act (NHPA), as amended. Its listings encompass all National Historic Landmarks and historic areas administered by the NPS.

A historic property is defined as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the

Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the NRHP criteria” (36 Code of Federal Regulations (CFR) Sections 800.16(i)(1)).

For a property to be listed in or determined eligible for listing, it must be demonstrated to possess integrity and to meet at least one of the following criteria listed below:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

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

To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have “integrity”. Integrity is defined in NRHP guidance, *How to Apply the National Register Criteria*, as “the ability of a property to convey its significance”. NRHP guidance further asserts that properties be completed at least 50 years ago to be considered for eligibility.

As per the National Register criteria, the associated features of a subject property are assessed individually on the basis of their historic integrity, followed by a determination of it constituting either a contributing or non-contributing resource. The National Park Service defines “contributing” and “non-contributing” as follows:

- Contributing resources are the buildings, objects, sites, and structures that played a role or, more simply, existed at the time the event(s) associated with the proposed National Historic Landmark occurred.
- Non-contributing resources are the buildings, objects, sites, and structures that did not exist at the time the event(s) associated with the proposed National Historic Landmark occurred or have lost integrity from that historic period.

State

California Register of Historical Resources. The California Register of Historical Resources (CRHR) is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The CRHR helps government agencies identify, evaluate, and

protect California’s historical resources, and indicates which properties are to be protected from substantial adverse change (Pub. Resources Code, Section 5024.1[a]). The CRHR is administered through the State Office of Historic Preservation (SHPO) that is part of the California State Parks system.

In California, the term “historical resource” includes “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code (PRC), Section 5020.1(j)). In 1992, the California legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1(a)).

The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP, enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

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

Integrity is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance.” In addition, the CRHR requires that sufficient time must have passed to allow for scholarly perspective, which is generally 50 years according to SHPO publications. Archaeological resources can sometimes qualify as “historical resources” (CEQA Guidelines, Section 15064.5[c][1]). In addition, Public Resources Code Section 5024 requires consultation with SHPO when a project may impact historical resources located on state-owned land.

Two other programs are administered by the state: California Historical Landmarks and California Points of Interest. California Historical Landmarks are buildings, sites, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other historical value. California Points of Interest are buildings, sites, 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 historical value.

California Public Resources Code. California Public Resources Code Section 5097.5 prohibits excavation or removal of any “vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.” Unauthorized disturbance or removal is a misdemeanor.

Native American Consultation. Senate Bill 18 (SB 18; Government Code Sections 65352.3, 65352.4) requires that prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The City complied with SB 18 when it considered and approved the *General Plan 2030* that preceded this Project. The Project does not require an amendment to the City’s General Plan, and the City is not required to comply with the requirements of SB 18 for the review of this Project.

Assembly Bill 52 (AB 52) went into effect July 1, 2015, and requires lead agencies to consult with all California Native American tribes that have requested formal consultation at the onset of a project, or when a Notice of Preparation (NOP) is released. AB 52 also established a new class of resources to be evaluated under CEQA: Tribal Cultural Resources.

Human Remains. California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the County Coroner has examined the remains (California Health and Safety Code Section 7050.5b). PRC Section 5097.98 outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours (California Health and Safety Code Section 7050.5c). The NAHC would notify the most likely descendant (MLD). With the permission of the landowner, the MLD may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the MLD by the NAHC. The MLD may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

California Environmental Quality Act. State CEQA Guidelines Section 15064.5 defines a “historical resource.” State CEQA Guidelines Section 15064.5 defines a *historical resource* as:

- A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR);
- A resource listed in a local register of historical resources.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering,

scientific, economic, agricultural, educational, social, political, military, or cultural annals of California...Generally, a resource shall be considered by the lead agency to be "historically significant." Generally, a resource is considered historically significant if it meets criteria for listing in the California Register of Historical Resources, including:

- Is associated with events that made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of people important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, represents the work of an important creative individual, or possesses high artistic values.
- Has yielded or may be likely to yield information important in prehistory or history; OR
- A resource determined to be a historical resource by a project's lead agency.

If a cultural resource in question is an archaeological resource, CEQA Guidelines Section 15064.5(c)(1) requires that the lead agency first determine if the resource is a historical resource as defined in Section 15064.5(a). If the resource qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource (California Office of Historic Preservation 2001a:5). If the archaeological resource does not qualify as a historical resource but does qualify as a "unique archaeological resource," then the archaeological resource is treated in accordance with Public Resources Code Section 21083.2 (see also CEQA Guidelines Section 15069.5(c)(3)).

CEQA defines a "*unique archaeological resource*" as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC §21083.2(g)).

Local

The City, as part of its status as a Certified Local Government, has a historic preservation ordinance. The historic preservation ordinance (HPO) provides for the protection, enhancement, and perpetuation of significant cultural resources in the GP Area. The HPO provides the statutory framework for local preservation decisions and includes sections in the City's Municipal Code governing the following topics:

- Historic District Designation (Part 2, Chapter 24.06);
- Historic Landmark Designation (Section 24.12.420);
- Archaeological Resource Procedures (Section 24.12.430);
- Procedure for Amending Historic Building Survey (Section 24.12.440);
- Procedure: New Construction in Historic Districts (Section 24.12.450);
- Historic Alteration Permit (Part 10, Chapter 24.08);
- Historic Demolition Permit (Part 11, Chapter 24.08); and
- Historic Overlay District (Part 22, Chapter 24.10).

Overview of Cultural Resources in the City

The City's General Plan 2030 EIR provides a description of prehistory, ethnography, and archaeological and historical resources throughout the City. The following overview is summarized from the General Plan 2030 Draft EIR (pages 4.9-6 to 4.9-16), which is incorporated by reference. (For details on the prehistory and history of the area see pages 4.9-6 to 4.9-9.)

Archaeological Resources

Approximately 30 archaeological sites have been identified within the City's General Plan planning area, of which 20 sites are prehistoric archaeological sites and seven sites are archaeological sites with both a prehistoric and historical component (City of Santa Cruz, April 2012-DEIR volume). Radiocarbon and obsidian hydration data indicate that present-day Santa Cruz was occupied beginning in the Early Period, from at least 1750 B.C. and quite possibly earlier. Two sites are considered eligible for listing in the National Register of Historic Places based on the important information they contain for understanding the prehistory of the region. The Native American Heritage Commission (NAHC) sacred lands file did not list cultural resources in the City (Ibid.). The City's cultural resources review prepared for the General Plan was updated in 2018 (City of Santa Cruz 2018).

Tribal Cultural Resources

State Assembly Bill 52, effective July 1, 2015, recognizes that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities. The law establishes a new category of resources in the CEQA called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation. Public Resources Code section 21074 defines a "tribal cultural resource" as either:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

Historic Archaeological Resources

Most of the City has the potential to contain historical archaeological deposits. However, some areas exceed this nominal potential and are categorized as sensitive, and other areas have heightened sensitivity due to the presence or proximity of recorded archaeological deposits. There are documented occurrences of archaeological deposits dating to the Spanish and Mexican periods in California. These eras are of high interest due to the relative paucity of intact, recoverable deposits associated with these periods. Sites associated with similar communities have had significant archaeological research value and have been found to be historically significant (City of Santa Cruz, October 2017).

Historic development trends affect whether historical archeological deposits may be present. Two prominent historical periods occurred in Santa Cruz – the Mission Period and American Period. Mission Santa Cruz was established on the banks of the San Lorenzo River in September 1791, and quickly absorbed the surrounding Native American Ohlone population. Another colonial institution, Villa de Branciforte, was established on the other side of the San Lorenzo River across from Mission Santa Cruz in 1797. In 1834, the California missions were secularized, and Mission Santa Cruz lands came under the control of Villa de Branciforte. The second period began in 1848 when California succeeded to the United States under the Treaty of Guadalupe Hidalgo (City of Santa Cruz, April 2012-DEIR volume).

Historical Resources in City of Santa Cruz

As one of California’s oldest settlements, founded in 1791, Santa Cruz has many historical buildings. As a result of the City’s *Historic Preservation Plan*, adopted in 1974 as an element of the General Plan, the Historic Preservation Commission and the Historic Preservation Ordinance (Section 24.12.400 of the City’s Zoning Ordinance) were established to protect the City’s historical resources. Historic districts may be designated pursuant to criteria and procedures in the Zoning Ordinance as further described below. The City of Santa Cruz has designated historic buildings and landmarks as further described below. Permits are required for alteration or demolition of listed historic buildings or landmarks pursuant to the City of Santa Cruz Municipal Code Chapter 24.08 requirements.

Historical Districts. City of Santa Cruz historic districts may be designated pursuant to criteria and procedures in the Zoning Ordinance (Part 2 of Section 24.06). A proposed historic district must be a geographically definable area possessing a significant concentration or continuity of sites, buildings,

structures, or objects unified by past events, or aesthetically by plan or physical development, and the collective value of the historic district taken together may be greater than the value of each individual structure. The City of Santa Cruz has two existing designated local and national historic districts with similar boundaries (Mission Hill and Downtown Neighborhood) and one other National Register district (Cowell Lime Works District). There are also two neighborhoods that have been identified as potential historic districts; the Beach Hill and Ocean View Street neighborhoods (City of Santa Cruz, April 2012-DEIR volume). The proposed Project site is not located within any of these previously identified designated historic districts.

Historic Buildings and Landmarks. In 1976, the City completed a “Historic Building Survey,” which identified and evaluated historic and architecturally significant buildings and that has been updated over the years. The City’s Historic Building Survey now includes three volumes. The Survey’s evaluation of individual buildings considered historical and architectural significance, importance to the neighborhood, desecration of original design, and physical condition, and assigned each an overall rating of exceptional, excellent, good or fair (City of Santa Cruz 2013b).

Currently, 623 buildings (569 from Survey I/II and 54 from Survey III), 27 walls, stairways, steps or curbs, as well as 5 hitching posts, hitching rails or mounting blocks are listed in the City’s Historic Survey. Buildings of greatest historical and architectural significance have been designated “landmarks” pursuant to section 24.12.430 of the City’s Zoning Ordinance. Currently there are 24 designated landmarks in the City. Fourteen properties are listed on the National Register of Historic Places and the following three sites are listed in the California Historical Landmarks: Site of Mission Santa Cruz, Site of Center of Villa Branciforte and the Santa Cruz Beach Boardwalk.

Project Site Conditions

Archaeological Resources

According to maps developed for the City’s General Plan 2030 and included in the General Plan EIR, the Project site is located in an area identified as sensitive for archaeological and historical archaeological resources (DEIR Figures 4.9-1 and 4.9-3). The City’s cultural resources review prepared for the General Plan was updated in 2018, and the Project site is within a mapped sensitive archaeological area as identified in the General Plan Cultural Resources update (City of Santa Cruz 2018). The Project area is not within a mapped sensitive archaeological area as shown in the City’s Local Coastal Plan (City of Santa Cruz 1994-Map CR-2).

An archaeology review was conducted for the Project site in August 2018 by Basin Research Associates that included a records search, contact to the Native American Heritage Commission (NAHC) for review of Sacred Lands, and review of existing studies. Historic archaeological resources associated with turn of the century and later commercial and retail enterprises could be present within the Project site, including former foundations, trash disposal pits, and isolated historic artifacts, although overbank flooding of the adjacent San Lorenzo River at various times could have removed any materials. However, it is probable that any turn of the 20th century historic deposits

will not contain information needed to answer important scientific research questions or provide data pertinent to the early and middle 20th century history of the City of Santa Cruz. Thus, there appears to a low potential for the exposure of significant historic resources (Basin Research Associates 2013).

The archaeological investigation concluded that the site has a low sensitivity for both prehistoric and historic archaeological materials (Basin Research Associates 2018). There are no recorded or reported prehistoric, combined prehistoric/historic and/or historic era archaeological sites in or within 500 feet of the proposed Project site based on records search conducted for the Project, and no known prehistoric sites were identified. The investigation concluded that there appears to be a low potential for the exposure of significant historic resources and/or unique archaeological sites during ground disturbing construction (Ibid.).

Native American Consultation

The proposed Project does not include a General Plan amendment that would require consultation with Native American tribes pursuant to SB 18. To date, no request has been made to the City of Santa Cruz for notification pursuant to AB 52. Therefore, no consultations were required or conducted as part of the preparation of this EIR. However, as part of the archaeological investigation conducted for the Project, the Native American Heritage Commission (NAHC) was contacted for a review of the Sacred Lands Files. The NAHC responded that the records search yielded negative results, but recommended contacting five culturally affiliated local Native Americans or tribes that may knowledge of resources not on file. The five parties were contacted via letter, but no responses were received (Basin Research Associates 2018).

Built Environment

Front Street History. While initial development of the city center was near the Santa Cruz Mission and the plaza, after 1853 Main Street (later Front Street) developed as the main business street. The prominence of Main Street was short lived, and by 1866, with the Foreman & Wright survey, the name was changed to Front Street and it was designated as a secondary street. Front Street did not initially connect to the wharves, but eventually connected to Pacific Avenue at the bottom of Beach Hill in 1932. Businesses began to move to Pacific Avenue and newly vacant buildings along Front Street were occupied for a time by the Chinese ethnic community. The Front Street Chinatown was the largest in the city and lasted until 1894 when it was destroyed by fire. After the 1894 fire, the displaced Chinese community moved closer to the San Lorenzo River. They continued to reside in this area until the December 1955 flood (City of Santa Cruz 2013b).

The north end of Front Street had served as a municipal center providing the site for the county jail and the extant Hall of Records in the late nineteenth century, as well as Santa Cruz City Hall, Fire Department, and Bell Tower. Later, as the automobile became increasingly prevalent in urban centers during the interwar period, commercial sales and services clusters began to appear in Santa Cruz, primarily on Front Street. Prominent local architects such as Lee Dill Esty and C. J. Ryland designed

buildings for clients in the automobile business, including auto repair shops (Huston & Weymouth Garage, 418 Front Street) and auto showrooms (Thrash Pontiac Motors, 429 Front Street). Today, Front Street has lost most of its auto related businesses and continues to serve as a secondary street to Pacific Avenue. However, it retains many structures associated with commercial development during the first half of the twentieth century (City of Santa Cruz 2013b).

Three buildings in the Project area, including two on the Project site, are described in the City's Historic Building Survey. These include two buildings on the Project site, 418 and 428 Front Street, which are described in the following section, and the building across the street from the Project site at 429 Front Street. Another former building at 420 Front Street was identified in Volume I of the City's Historic Building Survey, but has since been removed.

- *429 Front Street:* This building is described in Volume III of the City's Historic Building Survey as a post-World War II auto dealership building. Thrash Motors occupied this Art Moderne building after taking over the local Pontiac dealership about 1934. The building features a large curved aluminum storefront that was designed to better display the latest Pontiacs. Arizona Fieldstone planters are signature design elements for the period, as is the vertical monument sign inserted into the building form. Sylvan Thrash commissioned Columbus J. Ryland to construct this Pontiac showroom and garage in 1948. Garages, automotive supply stores, and auto sales and showrooms were prevalent on this street beginning in the 1920s and lasting to the early 1980s. Thrash Pontiac was in business until the early 1960s, when ownership changes to Marina Pontiac-Cadillac. In 1986, George Ow and Larry Chew opened Pontiac Grill in this building with a retro-style theme related to the early days of the dealership. More recently it was Café La Vie and is now occupied by the Surfrider Café (City of Santa Cruz 2013b).

In addition, a records search was conducted within a 500-foot radius of the Project site (Basin Research Associates 2018) identified one built environment resource (P-44-000227 Hotel Metropole) and two historic districts (P-44-000853 Pacific Avenue Historic District and, P-44-000939 Santa Cruz Downtown Historic District).

Structures on Project Site. None of the three existing structures on the Project site are listed in either the NRHP or the CRHR. Two of the existing structures (418 and 428 Front Street) on the Project site are included and described in the City's Historic Building Survey, Volume III. However, the structure at 418 Front Street ultimately was not included on the City's Historic Building Survey because the property owner opted-out of listing the building, which was an option provided by the City during the preparation of Volume III. The third building on the Project site at 504 Front Street was evaluated for potential historic significance, and it was concluded that this building does not qualify for listing on the NRHP, the CRHR or the City of Santa Cruz Historic Building Survey, and is not a historic resource under CEQA (PAST Consultants 2020). The City's Descriptions of the buildings in the Survey are provided below.

- *418 Front Street:* Mission Revival with Art Deco influence - As the automobile became increasingly prevalent in urban centers during the interwar period, commercial sales and services clusters began to appear. In Santa Cruz, this occurred primarily along Front Street. This 1925 building was designed by prominent local architect Lee Dill Esty; it was one of the first auto facilities to provide machine shop and repair service. Huston & Weymouth remained at this site for about 30 years. The Mission Revival design has remained intact, although the building was converted to commercial uses in 1984.
- *428 Front Street:* This Art Moderne building was constructed in 1948 by contractor Orlo Hackbarth as an auto body shop. It operated for only a few years as an auto body shop and by 1950, the building was occupied by Fulmer's Furniture Store. F. Roy Fulmer was the mayor of Santa Cruz from 1943–1946 and operated various businesses around the Santa Cruz area. In 1950, he opened Fulmer's Furniture at 428 Front St., which was billed at the time as Santa Cruz's largest furniture store. Eventually the store was sold to R. O. McMahan and was called Haber's Thrift Store. It was later occupied by the Appliance Service Center and University Copy. It is occupied today by several businesses, including a yoga studio.

State of California Department of Parks and Recreation (DPR) historic resource survey forms were completed in 2009 for the buildings by Archives & Architecture, LLC. The buildings were determined to be eligible for listing in the CRHR under Criterion 3. For the building at 418 Front Street, eligibility was due to the building being a "distinctive representative of its time – a Moderne commercial building." For the building at 428 Front Street, eligibility was also due to the building being "distinctive representative of its time – an architect-designed Mission Revival-style commercial building."

In December 2016, Page & Turnbull conducted additional historic research relating to the construction chronology and significance of each building within the historic context of the City of Santa Cruz. The review found that the DPR forms prepared in 2009 for both buildings provided concise histories of each building as well as brief architectural descriptions. In the case of 418 Front Street, the building was designed by notable Santa Cruz area architect Lee Dill Esty, whose impact on Santa Cruz's architectural history is well-established in the City's historic building surveys, historic context statement, and through prior scholarly research (Page & Turnbull 2016). Page & Turnbull provided contextual background and additional detail relating to relevant architectural styles of each building, a list of character-defining features, and significance diagrams for each building.

The Page & Turnbull review also indicated that a number of alterations were previously made to the buildings. The alterations did not affect the overall footprint of each building, but did result in notable changes to the interiors and visible exterior changes including replacement of original windows, and creation of new openings in secondary façades. Neither building was designated as historic on local, statewide, or national historic registers at the time of alterations (Page & Turnbull 2016).

Character-defining features (CDF) enable a property to convey its historic identity. Generally, CDFs can be defined as materials, forms, location, spatial configurations, or uses that contribute to an individual historic resource's historic significance. CDFs often relate to a particular architectural

typology, style, or period of construction. The CDFs for each building were identified by Page & Turnbull and are summarized below. Graphic representations of the buildings' CDFs are included in Appendix C.

418 Front Street (Period of Significance: 1925-1955)

- Placement at front of lot line
- One-story rectangular plan and box massing
- Stepped and shaped parapet, recalling Mission style curved parapets
- Smooth stucco-clad primary façade, a common feature of Mission Revival designs
- Art Deco ornamentation, including: Raised cement plaster arrowhead motifs

428 Front Street (Period of Significance: 1948-1954)

- Placement at front of lot line
- Main two story, T-shaped volume and secondary one-story volumes
- Symmetrical composition along primary façade
- Multiple planes along primary façade
- Streamlined Horizontality
- Combination of materials of varying texture

Evaluation as Historical Resources. Two structures on the Project site (418 and 428 Front Street) are considered historical resources under CEQA due to listing in the City's Historic Building Survey and potential eligibility for listing in the CRHR. The building at 418 Front is included in the Historic Building Survey, but the property owner "opted out" from listing. However, the City does treat "opt-outs" as historic resources for the purpose of CEQA because the structure has been identified as a historic resource even though property owner opted out of listing it and gaining the benefit of the historic incentives.

4.2.2 Impacts and Mitigation Measures

Thresholds of Significance

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines (including Appendix G), City of Santa Cruz plans, policies, and/or guidelines, and agency and professional standards, a project impact would be considered significant if the project would:

- CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5;
- CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- CUL-3 Disturb any human remains, including those interred outside of formal cemeteries; or
- CUL-4 Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural

landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020(k); or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

CEQA Guidelines Section 15064.5(b) defines a “*substantial adverse change*” to a historical resource as: “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* when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources or in registers meeting the definitions in Public Resources Code 5020.1(k) or 5024.1(g).

Impacts and Mitigation Measures

Impact CUL-1: Historical Resources. The proposed Project would cause a substantial adverse change in the significance of a historical resource due to demolition. This is a *significant* impact.

The proposed Project would result in demolition of two existing structures that are considered historic resources due to listing in the City’s Historical Building Survey (428 Front Street) and for eligibility for listing in the California Register of Historical Resources (both buildings). Based on review of the 2009 DPR forms and additional research and site documentation by Page & Turnbull in 2016, the buildings at 418 and 428 Front Street have been identified as buildings individually eligible for listing to the CRHR. As such, each building qualifies as an historical resource under CEQA.

According to CEQA, a “project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment.” Substantial adverse change is defined as: “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired.” The significance of an historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance” and that justify or account for its inclusion in, or eligibility for inclusion in, the California Register. Thus, the proposed Project would result in a substantial adverse change in the significance of the CEQA historical resources, due to demolition of both buildings in order to construct the proposed Project.

According to the State CEQA Guidelines section 15064.5(b)(3), generally, a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for

Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995, Weeks and Grimmer), shall be considered as mitigated to a level of less than a significant impact on the historical resource. With designs that meet the Secretary of Interior's Standards, any impacts would be considered less than significant. In the present case, the buildings would be completely demolished and would not be restored or rehabilitated. Discussion of potential alternatives to preserve or restore the buildings is presented in Chapter 6.

Demolition of CEQA Historical Resources cannot be mitigated to a less-than-significant level, although mitigation measures can be required. Common mitigation measures for demolition consist of documentation of the resource, typically to the standards of the Historic American Buildings Survey (HABS) and/or interpretation that may include the installation of an interpretive display or video. Section 15126.4(b)(2) of the CEQA Guidelines is clear in this regard: "In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur" (Page & Turnbull 2016).

Mitigation Measures

Implementation of Mitigation Measures CUL-1 and CUL-2 would reduce the impact, but not to a less-than-significant level; therefore, the impact would remain *significant and unavoidable*. Alternatives to rehabilitate and/or protect the buildings are discussed in Chapter 6.

Mitigation CUL-1: Complete documentation of buildings at 418 and 428 Front Street prior to alteration or demolition in accordance with Historic American Buildings Survey (HABS) standards, which includes the following:

- Project proponent shall work with a qualified architectural historian to prepare local-level HABS documentation, as detailed below. HABS level photographs must be completed prior to demolition and construction of the project. The full HABS documentation must be complete prior to completion of the proposed Project. Copies of the HABS shall be provided to local Santa Cruz repositories.
- *Measured Drawings:* Select existing drawings, where available, should be reproduced on mylar. If existing historic drawings do not exist, a digital and hard copy set of measured drawings that depict the existing size, scale, and dimension of the subject property shall be produced. The measured drawing set shall include a site plan, sections, and other drawings as needed to depict existing conditions of the property. The scope of the drawing package will be reviewed and approved by local Planning Department staff prior to commencement of the task. All drawings shall be created according to the latest HABS Drawings Guidelines by the National Park Service. The measured drawings shall be produced by a qualified professional who meets the

standards for architecture set forth by the Secretary of the Interior’s Professional Qualification Standards (36 Code of Federal Regulations, Part 61).

- *HABS-Level Photographs:* Black and white large format negatives and prints of the interior, exterior, and setting of the subject property shall be produced. The photographs must adequately document the character-defining features and setting of the historic resource. Planning Department staff will review and approve the scope (including views and number) of photographs required prior to the commencement of this task. All photography shall be conducted according to the latest HABS Photography Guidelines by the National Park Service. The photographs shall be produced by a qualified professional photographer with demonstrated experience in HABS photography.
- *HABS Historical Report:* A written narrative historical report, per HABS Historic Report Guidelines, shall be produced. The report shall include historical information, including the physical history and historic context of the building, and an architectural description of the site setting, exterior, and interior of the building. The report shall be prepared by a qualified professional who meets the standards for history or architectural history set forth by the Secretary of the Interior’s Professional Qualification Standards (36 Code of Federal Regulations, Part 61). Archival copies of the drawings, photographs, and report shall be submitted to the Planning Department, and to repositories including but not limited to the San Francisco Public Library, Northwest Information Center, and California Historical Society. This mitigation measure would create a collection of reference materials that would be available to the public and inform future research.

MITIGATION CUL-2: Prior to the start of Project construction and demolition, the Project proponent shall hire a qualified architectural historian to create an interpretative display plan that addresses the historical significance of the two historical buildings that are being demolished. The interpretative display must be located within the proposed Project boundary along a pedestrian walkway or attached to the new building so that it is visible to the general public. Interpretation typically involves development of interpretive displays about the history of the affected historical resources. These displays may include a high-quality permanent digital interpretive website, or a temporary exhibition or interpretive display installed at a local cultural institution or publicly accessible location on or near the Project site. The interpretive displays illustrate the contextual history and the architecture of the buildings, and of the general building typology (e.g. Commercial Buildings Design in the Automobile Age), and shall include, but not be limited to, historic and contemporary photographs, narrative text, historic news articles and memorabilia, salvaged materials, and maps.

Impact CUL-2: Archaeological Resources. The proposed Project would not cause a substantial adverse change in the significance of an archaeological resource. Therefore, this is a *less-than-significant* impact.

According to maps developed for the City's *General Plan 2030* and included in the General Plan EIR, many existing parks and facilities are located within a mapped "sensitive" archaeological area and/or within a "sensitive" historical archaeological area. The City's General Plan (Action HA1.2.2) requires preparation of archaeological investigations on sites proposed for development within designated sensitive archaeological and/or historical archaeological areas.

An archaeological investigation was conducted for the Project, and it indicated that the Project site appears to have a low sensitivity for both prehistoric and historic archaeological materials. No prehistoric sites are known and development since turn of the 20th century does not appear to have exposed any prehistoric cultural materials. Historic archaeological resources associated with turn of the century and later commercial and retail enterprises within the Project site could be present including former foundations, trash disposal pits and isolated historic artifacts although overbank flooding of the adjacent San Lorenzo River at various times could have removed any materials. However, it is probable that any turn of the 20th century historic deposits would not contain information needed to answer important scientific research questions or provide data pertinent to the early and middle 20th century history of the City of Santa Cruz. The investigation concluded that there appears to be a low potential for the exposure of significant historic resources and/or unique archaeological sites during ground disturbing construction. At present, Project redesign, capping, additional archaeological testing and/or archaeological monitoring during ground disturbing construction were not recommended (Basin Research Associates 2013).

The investigation indicated that application of City regulations in the event of an unexpected discovery appear adequate and appropriate for the parcel's perceived sensitivity (Basin Research Associates 2018). The City's accidental discovery procedures (Municipal Code Section 24.12.430) would apply in the event construction encounters unidentified archaeological deposits. This regulation requires that construction be stopped if archaeological resources are encountered during construction, and that the Planning Director be notified and the discovery analyzed. If determined to not be an archaeological resource, then construction could proceed, but, if determined to be a resource, then implementation of appropriate measures would be required.

Based on the findings of the archaeological investigation and required compliance with the City's regulations, the Project would result in a *less-than-significant* impact.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

Impact CUL-3: Human Remains. The proposed Project would not disturb human remains. Therefore, this is a *less-than-significant* impact.

The archaeological investigation conducted for the Project did not identify archaeological resources and concluded that there appears to be a low potential for the exposure of significant historic

resources and/or unique archaeological sites during ground disturbing construction (Basin Research Associates, August 2013). The investigation indicated that application of City regulations in the event of an unexpected discovery appear adequate and appropriate for the parcel's perceived sensitivity (Basin Research Associates 2013). However, compliance with the City's policies and regulations ensure that human burials are addressed in accordance with state laws. The City's accidental discovery procedures (Municipal Code Section 24.12.430) would also apply to properties in the study area in the event construction encounters unidentified human remains. This regulation requires that construction be stopped if human remains are encountered during construction and sets forth the procedures to be followed upon discovery of human remains. Therefore, the City's policies and regulations ensure that human remains, if identified or found, are addressed and mitigated as part of further development proposals. Thus, the Project would not indirectly lead to potentially significant impacts.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.

Impact CUL-4: Tribal Cultural Resources. The proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource. Therefore, this is a *less-than-significant* impact.

The California Public Resources Code section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” The Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed Project. To date, no such request has been made to the City of Santa Cruz.

As discussed in Impact CUL-2, the Project would not result in adverse impacts to archaeological resources. As part of the archaeological investigation conducted for the Project, the Native American Heritage Commission (NAHC) was contacted for a review of the Sacred Lands Files, and none were identified. As a result of this process, five culturally affiliated local Native Americans or tribes that may have knowledge of resources were contacted as recommended by NAHC., but no responses were received (Basin Research Associates 2018). Therefore, no tribal cultural resources have been identified. Compliance with City regulations also would ensure that archaeological resources are addressed and mitigated if unknown resources are encountered during construction. Thus, the Project would result in no impact to tribal cultural resources.

Mitigation Measures

No mitigation measures are required as a significant impact has not been identified.