

5.4 Cultural Resources

5.4.1 Methodology

The following section summarizes the pertinent findings of a series of archaeological and paleontological investigations conducted under contract to the project applicant by SWCA environmental consultants. These include:

1. "Cultural Resources Literature Review and Monitoring for Hartley Center – North, City of Brea, California," April 2004;
2. "Paleontological Assessment of the La Floresta/Birch Hills Golf Course Development Project, Brea, Orange County, CA," February 2006;
3. "Cultural Resources Reconnaissance Survey for the Birch Hills Golf Course/La Floresta Development Project, City of Brea, Orange County, CA," February 2006.
4. "Cultural Resources Survey for the Hartley Center – La Floresta Project, City of Brea, Orange County, California," July 2006.
5. "Paleontological Resources Survey and Assessment of the Hartley Center-La Floresta Project, Brea, Orange County, California," July 2006.
6. "Evaluation and Recommendations on Surviving 1911 Pacific Electric Railroad Roadbed through Birch Hills Golf Course in Brea, Orange County, California," September 2006.

These studies are contained in their entirety in Appendix C to this EIR.

5.4.2 Setting

PROJECT SITE CONDITIONS

General Background

Both Sites

The archaeological heritage of California is considered quite rich; however, knowledge of early native Californians is scarce. The date of arrival of people in southern California is unknown; however, radiocarbon dating of resources recovered from a deeply buried archaeological site in southern Orange County indicates an occupation as early as 11,000 BP (before present). The La Floresta Village site lies within an area occupied during the late prehistoric period by Native American societies known as the Gabrielino. The name "Gabrielino" denotes those people who were administered by the Spanish from Mission San Gabriel. Gabrielino lands encompassed the greater Los Angeles basin and

three Channel Islands. Other ethnic or tribal groups present in the general area include the Tongva and the Juaneño.

The first Europeans to view Orange County were members of the 1542 expedition of Juan Rodriguez Cabrillo. The first permanent settlement occurred after San Juan Capistrano was made the site of a mission in 1776. With the founding of the Pueblo of Los Angeles in 1781, civilian settlers arrived. The Mexican Revolution, which began in 1821, overthrew Spanish imperial control, and the new Mexican government accelerated the granting of mission rancho lands to a few influential Mexican families. In 1846, as result of the Mexican-American War, California was formally annexed by the United States. A complete pre-historic and ethnographic context is described in detail in Appendix C to this EIR.

Local History

The Brea area was included in the San Juan Cajon De Santa Ana Rancho in 1837. In 1894, 1,200 acres of the rancho, including part of what was to become Brea, were acquired by the Union Oil Company. In 1908, a Subdivision Map was filed by the Ontario Investment Company for the Town of Randolph, which was renamed "Brea" in 1911. Brea was incorporated in 1917, the eighth city In Orange County.

La Floresta Village Site

The proposed La Floresta Village site is approximately 119 acres in size and is bounded by Imperial Highway (State Route 90) on the south, Valencia Avenue (State Route 142) on the west, and Rose Drive on the north and east, and is the former location of the Unocal Hartley Research Center, as illustrated in Exhibit 3.3-1 – Local Vicinity Map (page 3-5). A literature review was conducted in December 2002 by SWCA to determine if any prehistoric or historic sites were previously recorded within the La Floresta Village site. The record search revealed that 24 cultural resources studies have been completed within a one-mile radius of the site. Of these, three resource studies are in proximity or within the boundaries of the La Floresta Village site. These studies are summarized below:

- A field survey in 1977 by Scientific Resource Surveys, Inc. recorded no archaeological resources within a 100-foot pipeline corridor located along Rose Drive.
- A second field survey in 1977 crossed the southeast terminus of the La Floresta Village site where Rose Drive intersects Carbon Canyon Creek. Remnants of the settlement of Olinda were identified within what is now the Carbon Canyon Regional Park.
- In 1993, a survey by the Archaeological Advisory Group included a portion of the southern half of the La Floresta Village site along Imperial Highway. No archaeological sites were identified within the study corridor in the vicinity of the La Floresta Village site.

The structures and improvements on the La Floresta Village site were removed in March 2005. SWCA was contracted during 2002 and 2003 to conduct a literature review and

field reconnaissance, and to monitor ground-disturbing activities associated with remediation of a two-acre area in the northern portion of the site where hydrocarbon-impacted soils were found.

Fifty-four artifacts, consisting primarily of glass bottles, glass fragments, glass insulators, and domestic ceramics ranging in date of manufacture from approximately 1920 to the present, were recovered in the upper four to five feet of historic fill during field investigations in 2004. Evaluation of these artifacts by SWCA personnel determined that the artifacts had been redeposited from an unknown location and that none of the artifacts collected met any of the criteria established to determine historical significance. For this reason, these artifacts were not recorded as an archaeological site.

Additional field investigation of the remainder of the La Floresta Village site was conducted by SWCA in July 2006. The southern portion of the site is considered "highly disturbed," and the ground in general is covered with a light scattering of construction debris from structural demolition and rough grading, which has occurred recently. Approximately 20 percent of the southern portion of the site is covered in grasses or gravel, and the ground surface is not visible. A majority of the remaining area is covered by weeds, which also reduce visibility of the soil surface. In the southeast area of the La Floresta Village site along Rose Avenue, 21.3 acres are devoted to agricultural row crops. The northernmost portion of the site, however, retains its natural rolling topography, although it has been disturbed by oil production activities and access roads.

No prehistoric or historic cultural materials were observed within the La Floresta Village site during recent surveys. The La Floresta Village site is, however, characterized by Pleistocene-age alluvial deposits, which are considered to have a high paleontological sensitivity, although no fossils were observed during field surveys.

Birch Hills Site

The proposed Birch Hills site is approximately 91.3 acres in size and is located at the southwest corner of Birch Street and Kraemer Boulevard. The Birch Hills Golf Course currently occupies the site. A literature review was conducted in January 2006 by SWCA to determine if any prehistoric or historic sites were previously recorded within the Birch Hills site. The record search revealed that 18 cultural resources studies have been completed within a one-mile radius of the site, but none have occurred within the site boundaries. No pre-historic cultural resources have been identified within the Birch Hills site, though one historic and three archaeological sites are recorded within one mile of the study area. The character of these sites is described in Appendix C to this EIR in the report entitled "Cultural Resources Reconnaissance Survey for the Birch Hills Golf Course/La Floresta Development Project, City of Brea, Orange County, CA," February 2006.

SWCA archaeologists conducted field reconnaissance of areas of the Birch Hills site that are not landscaped in January 2006. No pre-historic cultural material was observed within the accessible area surveyed, and no surficial evidence of habitation by Native Americans was observed. The presence of Pacific Electric Railway tracks within the site was, however, considered to be of "local historical interest." The Birch Hills site is also

characterized by Pleistocene-age alluvial deposits, which are considered to have a high paleontological sensitivity, although no fossils were observed during field surveys.

The railroad roadbed on the Birch Hills site was examined in detail by SWCA Environmental Consultants in September 2006 for its historic significance under the criteria of CEQA and the California Register of Historic Places (CRHR). The railroad roadbed is the former Pacific Electric inter-urban route constructed in 1911, and was part of the La Habra Line, which originated in Los Angeles and terminated in Yorba Linda. The line provided passenger service with "Red Cars" as well as freight service to nearby oil fields and farms in the 1920s and 1930s. In the mid-60s, Pacific Electric's parent company, Southern Pacific Railroad, absorbed the former inter-urban line and abandoned the La Habra/Yorba Linda Line. Since 1968, the tracks ended at the former Collier Chemical Plant, now developed as Brea Plaza and the southern portion of the Birch Hills Golf Course. The expansion of the golf course south of the Loftus Channel did not, however, alter the "distinctive topography of the 1911 Pacific Electric cuts, fills, drainages, and grade," according to SWCA consultants report (contained in Appendix C to this EIR). SWCA noted that rails remain embedded in the paved golf cart road that connects the north and the south portions of the existing course, and that "roadbed gravel ballast and a few original wood ties mark the right-of-way across the length of the golf course."

REGULATORY SETTING

Both Sites

City of Brea General Plan: Community Resources Element – Historic Resources

The Community Resources Element does not address archaeological or paleontological resources. The Historic Resources subsection, however, contains the following goals and policies that may be applicable to the proposed Project:

Citywide Policies

- *Goal CR-14: Preserve historically significant landmarks and/or sites, individual structures, objects, and neighborhoods, and encourage appropriate rehabilitation.*
- *Policy CR-14.3: Review all development and rehabilitation proposals affecting historic structures, landmarks, and objects in terms of site design and building design.*
- *Policy CR-14.7: Preserve and enhance the City's history and tradition through inclusion of historic sites and other resources in the City's parklands.*

California Environmental Quality Act (CEQA)- §15064.5 (A)(3)(a-d)

CEQA Guidelines state that a resource is considered “historically significant” if it meets at least one of the following criteria:

- *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
- *Is associated with the lives of persons important in our past;*
- *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; or*
- *Has yielded, or may be likely to yield, information important to prehistory or history.*

5.4.3 Thresholds of Significance

The following criteria are extracted from most recent update of the California Environmental Quality Act (CEQA) and the Environmental Checklist Form pertaining to Cultural Resources. Would the project:

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

Because additional investigation has been conducted since preparation of the Initial Study, giving rise to questions regarding potential historic resources on the Birch Hills site, this topic will also be addressed in this EIR. The CEQA Checklist contains the following threshold of significance pertaining to historical resources. Would the project:

- *Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5.*

Cultural Resources impacts could also be considered significant if aspects of the project were found to be inconsistent with applicable plans and policies as outlined in the preceding subsection. Thus the following threshold is added:

- *Substantially conflict with applicable plans and regulations presented in this EIR.*

5.4.4 Project Impacts and Mitigation Measures

CONSISTENCY WITH APPLICABLE PLANS AND REGULATIONS

City of Brea General Plan: Community Resources Element – Historical Resources

Historical resource goals and policies that may be found applicable to the proposed Project are listed in Section 5.4.2, Setting and are discussed below.

La Floresta Village Site

No structures remain on the La Floresta Village site; consequently there is no potential for historic resources to be located on the site. General Plan Historical Goals and Policies do not apply to this area.

Birch Hills Site

Field reconnaissance conducted by SWCA in July 2006 suggested that remnants of the Pacific Electric Railway tracks through the property may be of local historical interest and historically significant. SWCA recommended that further research and recordation of the Pacific Electric Railway tracks be conducted to evaluate their historical significance. This additional research was conducted in September, 2006.

Additional investigation and field reconnaissance determined that the Pacific Electric roadbed segment through the Birch Hills Golf course meets the California Registry of Historic Resources (CRHR) criterion for association with historic events and is eligible for listing in the California Register of Historical Resources. Under CEQA Guidelines, this would be considered a "significant resource" requiring mitigation.

A community trail link is proposed to run through the site and would generally follow the path of the old Pacific Electric Railway, linking up with the former rail line off-site. An accurate alignment will be determined during Precise Development Plan review.

Level of Significance: Potentially significant.

Mitigation Measures:

CR-1 Design Plans

Final design plans shall maintain the former Pacific Electric Railroad roadbed as a straight sightline axis through the Birch Hills development project unless determined physically infeasible by the City of Brea.

CR-2 Retention of Historical Age Features

Portions of rails embedded in the existing golf cart path and other historic age features such as the roadbed profile and drainage pipes shall be retained in final Birch Hills project design to the extent feasible and consistent with any new drainage or other essential improvements that may

be required for physical safety purposes by the City of Brea or other public agencies.

CR-3 Public Viewing Facilities

Appropriate facilities for public viewing with identifying plaques shall be incorporated into final Birch Hills project design at locations to be determined by the City of Brea Development Services Department.

Level of Significance after Mitigation: Less than significant.

SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE

La Floresta Village Site

No structures remain on the La Floresta Village site; consequently there is no potential for impacts to historic resources to occur on the site.

Birch Hills Site

The preceding discussion of consistency with General Plan Historical Resources goals and policies addresses the potential for historical resources on the Birch Hills site and identifies appropriate mitigation measures. No further discussion is needed.

SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE

La Floresta Village Site

Field investigations conducted in 2004 and 2006 did not reveal any archaeological or historic cultural resources. Because of the potential for archaeological material to be located within the La Floresta Village development site area, however, it is recommended by the project archaeologist that a qualified monitor be present during any future ground-disturbing activities in native soils/sediments. In the event that cultural resources are exposed during construction, the monitor must be empowered to temporarily halt activities in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could, however, continue in other areas. If the discovery proves to be significant, additional analysis such as evaluation and recovery excavation may be warranted.

Level of Significance: Potentially significant.

Mitigation Measures:

CR-4 Archaeological Monitor

An Orange County certified archaeologist monitor shall be present during all ground-disturbing construction activities occurring in native sediments/soils. In the event that cultural resources are exposed during construction,

the monitor shall be empowered to temporarily halt activities in the immediate vicinity of the discovery while it is evaluated for significance. If the archeologist determines that they are unique archeological resources as defined by §21083.2 of CEQA, then the archeologist shall conduct additional excavations to avoid impacts to these resources by the development. If they are not "unique," then no further mitigation would be required. Unique cultural resources shall be determined based on the criteria set forth in §21083.2 of CEQA.

CR-5 Disposition of Any Human Remains

If previous human remains are uncovered during site preparation, grading, or excavation, the archeologist monitor shall have the authority to temporarily halt or divert grading in the immediate area of the discovery, and shall notify the County Coroner within 24 hours of the discovery. If the Coroner determines that the remains are not recent, the Coroner shall notify the Native American Heritage Commission. The project applicant shall comply with the procedures set forth in §5097.98 of the California Public Resources Code and shall consult with the most likely descendant designated by the Native American Heritage Commission to obtain recommendations on the treatment and disposition with appropriate dignity of the human remains and associated grave goods.

Level of Significance after Mitigation: Less than significant.

Birch Hills Site

The Birch Hills site is considered to have the potential for buried archaeological resources, although none were observed during field investigations due to groundcover and other improvements and structures. The project archaeologist recommended that a qualified archaeologist monitor all ground disturbing construction activities occurring in native sediments/soils. In the event that cultural resources are exposed during construction, the monitor must be empowered to temporarily halt activities in the immediate vicinity of the discovery while it is evaluated for significance. Construction activities could, however, continue in other areas. If the discovery proves to be significant, additional analysis such as evaluation and recovery excavation may be warranted.

Level of Significance: Potentially significant.

Mitigation Measures: See Mitigation Measures CR-4 and CR-5 above.

Level of Significance after Mitigation: Less than significant.

**DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR
UNIQUE GEOLOGIC FEATURE**

Both Sites

The La Floresta Village site and the Birch Hills site are considered to have the potential for paleontological resources. Pre-construction excavations on the project sites are considered “highly likely” to result in adverse impacts to significant paleontological resources unless proper mitigation measures are implemented due to the presence of paleontologically sensitive geologic sediments throughout the general vicinity.

Level of Significance: Potentially significant.

Mitigation Measures:**CR-6 Paleontological Monitor**

All construction-related ground disturbance related to the Hartley Center-La Floresta Village development project that could potentially impact the paleontologically sensitive Quaternary Older Alluvium will be monitored by a qualified paleontological monitor on a full-time basis. Ground disturbances in Holocene-age alluvium will be monitored on a part-time basis to ensure that underlying paleontologically sensitive sediments are not impacted.

CR-7 Paleontological Mitigation Plan

An Orange County Certified Paleontologist will be retained to supervise monitoring of construction excavations and to produce a mitigation plan for the proposed La Floresta Village development project. Paleontological monitoring will include inspection of exposed rock units during active excavations. The monitor will have authority to temporarily divert grading away from exposed fossils in order to professionally and efficiently recover the fossil specimens and collect associated data.

CR-8 Progress Reports

The Certified Paleontologist will prepare monthly progress reports to be filed with the client and the lead agency.

CR-9 Recordation of Fossil Localities

At each fossil locality, pertinent geologic data will be recorded on field data forms, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.

CR-10 Recovery of Fossils

Recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and repositied in a designated paleontological curation facility. Potential repositories include

the Natural History Museum of Los Angeles County and the San Bernardino County Museum.

CR-11 Final Monitoring and Mitigation Report

The Certified Paleontologist will prepare a final monitoring and mitigation report to be filed with the client, the lead agency, and the repository.

Level of Significance after Mitigation: Less than significant.

DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE FORMAL CEMETERIES

Both Sites

The City of Brea has consulted with the Native American Heritage Commission to request a Sacred Lands File Search and a Native American Contact List. (Appendix C to this EIR contains the contact letter sent and a distribution list of tribes to which it was sent.) No responses to correspondence seeking additional information from area tribes were received. Native Americans may, however, have inhabited the Project area in prehistoric times; therefore, cultural resources may exist in the vicinity. During grading operations, it is possible that human remains could be discovered. Mitigation Measures CR-4 and CR-5 above would reduce potential impacts to a less than significant level.

Level of Significance: Potentially significant.

Mitigation Measures: See Mitigation Measures CR-4 and CR-5 above.

Level of Significance after Mitigation: Less than significant.

5.4.5 Cumulative Impacts

Impacts to cultural resources are by their nature confined to a localized setting. Virtually all development has the potential to disrupt cultural resources. Such impacts are, however, site specific. Both sites are located within an urban setting and have been previously developed or disturbed over the majority of the area involved. No development projects are pending or anticipated in proximity to the Birch Hills site. A sports complex/K-6 school is anticipated at the northwest corner of Birch Street at Valencia Avenue adjacent to the La Floresta Village site.

CONSISTENCY WITH APPLICABLE REGULATIONS AND PLANS

City of Brea General Plan: Community Resources Element – Historical Resources

La Floresta Village Site

No structures remain on the La Floresta Village site; consequently, there is no potential for historic resources to be located on the site. General Plan Historical Goals and Policies do not apply to this area.

Birch Hills Site

Investigation and field reconnaissance determined that the "Pacific Electric" roadbed segment through the Birch Hills Golf course meets the California Registry of Historic Resources (CRHR) criterion for association with historic events and is eligible for listing in the California Register of Historical Resources. Under CEQA Guidelines, this would be considered a "significant resource" requiring mitigation. Mitigation Measures CR-1 through CR-3 require the preservation of remaining artifacts and features related to the former "Pacific Electric" rail line. These measures would reduce potential project specific impacts to cultural resources to a less than significant level. Similar mitigation measures are required of other development projects under CEQA where cultural resources are identified. In consideration of the preceding factors, the contribution of the Birch Hills development project to cumulative impacts to historical resources would be rendered less than considerable, and therefore, less than cumulatively significant.

Level of Significance: Potentially significant.

Mitigation Measures: See Mitigation Measures CR-1 through CR-3.

Level of Significance after Mitigation: Less than significant.

SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE

La Floresta Village Site

No structures remain on the La Floresta Village site; consequently, there is no potential for impacts to historic resources to occur on the site.

Birch Hills Site

The preceding discussion of consistency with General Plan Historical Resources goals and policies addresses the potential for historical resources on the Birch Hills site and identifies appropriate mitigation measures. These measures would reduce potential project-specific impacts to cultural resources to a less than significant level. Similar mitigation measures are required of other development projects under CEQA where cultural resources are identified. In consideration of the preceding factors, the contribution of the Birch Hills development project to cumulative impacts to historical resources would be rendered less than considerable, and therefore, less than cumulatively significant.

Level of Significance: Potentially significant.

Mitigation Measures: See CR-1 through CR-3.

Level of Significance after Mitigation: Less than significant.

SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE

Both Sites

Cultural resource impacts are site specific. All development projects have the potential for disrupting cultural resources. Investigations conducted on the La Floresta Village and Birch Hills sites did not reveal any surface resources. Mitigation Measures, as described in Section 5.4.4 of this EIR, require monitoring of site preparation activities and appropriate measures to protect subsurface resources if any are discovered. These measures would reduce potential project-specific impacts to cultural resources to less than significant levels. Similar mitigation measures are typically required of all development projects under CEQA. In consideration of the preceding factors, the contribution of the La Floresta Development Proposal to cumulative impacts to archaeological resources would be rendered less than cumulatively significant.

Level of Significance: Less than significant

Mitigation Measures: None are required.

Level of Significance after Mitigation: Not applicable.

DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE

Both Sites

Cultural resource impacts are site specific. All development projects have the potential for disrupting cultural resources. Investigations conducted on the Village and Birch Hills sites did not reveal any surface resources. Mitigation Measures, as described in Section 5.5-4 of this EIR, require monitoring of site preparation activities and appropriate measures to protect subsurface resources if any are discovered. These measures would reduce potential project-specific impacts to cultural resources to less than significant levels. Similar mitigation measures are typically required of all development projects under CEQA. In consideration of the preceding factors, the contribution of the La Floresta Development Proposal to cumulative impacts to paleontological resources would be rendered less than cumulatively significant.

Level of Significance: Less than significant

Mitigation Measures: None are required.

Level of Significance after Mitigation: Not applicable.

DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE FORMAL CEMETERIES

Both Sites

Cultural resource impacts are site specific. All development projects have the potential for disrupting cultural resources. Investigations conducted on the La Floresta Village and Birch Hills sites did not reveal any surface resources. Mitigation Measures, as described in Section 5.5-4 of this EIR, require monitoring of site preparation activities and appropriate measures to protect subsurface resources if any are discovered. These measures would reduce potential project-specific impacts to cultural resources to less than significant levels. Similar mitigation measures are typically required of all development projects under CEQA. In consideration of the preceding factors, the contribution of the La Floresta Development Proposal to cumulative impacts related to disturbing human remains would be rendered less than cumulatively significant.

Level of Significance: Less than significant.

Mitigation Measures: None are required.

Level of Significance after Mitigation: Not applicable.

5.4.6 Significant Unavoidable Impacts

No significant unavoidable impacts to Cultural Resources have been identified on either the La Floresta Village site or the Birch Hills site.

