

## 4.4 Cultural Resources

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This section assesses potential impacts to cultural resources. This section includes a brief summary of cultural resources background information and a review of known archaeological, built environmental, and historical resources as well as potential impacts to these resources as a result of implementation of the 2045 General Plan.

### 4.4.1 Setting

#### **a. Indigenous Setting**

The project lies in the Central Coast archaeological region (Jones et al. 2007; Glassow et al. 2007) which has been defined as extending from south of San Francisco Bay to the northern edge of the California Bight (Jones et al. 2007:125). Following Jones et al. (2007:137), the precontact cultural chronology for the Central Coast can be generally divided into six periods: Paleo-Indian (ca. 10000–8000 before common era [BCE]), Millingstone/Early Archaic (8000-3500 BCE), Early (3500-600 BCE), Middle (600 BCE- 1000 common era [CE]), Middle-Late Transition (1000-1250 CE), and Late (1250 CE-contact [ca. 1769 CE]).

#### **Paleo-Indian Period (ca. 10,000 – 8000 BCE)**

When Wallace developed the Early Man horizon (referred to herein as the Paleo-Indian period) in the 1950s, little evidence of human presence along the California coast prior to 6000 BCE existed. Archaeological work in the intervening years has identified numerous sites older than this date, and it is likely that more Paleo-Indian coastal sites are presently under water as it is estimated that 10,000 years ago sea levels were 15 – 20 meters lower than sea levels are today (Bickel 1978:7; McLaren et al. 2019).

Most of the earliest accepted dates for occupation within the Central Coast are located in San Luis Obispo County. CA-SLO-1764 (Lebow et al. 2001), Cross Creek (CA-SLO-1797; Jones et al. 2002), and CA-SLO-832 (Jones and Ferneau 2002) near Pismo Beach, have produced radiocarbon dates from approximately 9,000 years ago (Jones and Ferneau 2002). One occupation site located in the Monterey Bay area, the Scotts Valley Site (CA-SCR-177), and one occupation site located in southern Santa Clara Valley (unnamed), have produced debated radiocarbon dates more than 9,000 years ago, ranging from 7,180 to 10,080 years ago (Cartier 1989; Fitzgerald and Porcassi 1966).

Typically, artifact assemblages from the Paleo-Indian period lack groundstone implements and an abundance of faunal remains. However, assemblages at CA-SLO-1764 and CA-SLO-1797 indicate early use of millingstone technology alongside flaked stone artifacts (Lebow et al. 2001; Jones et al. 2002). Flaked stone tools are common in this period, such as the eccentric crescent, present in CA-SCR-177 abundantly, which is thus far exclusive to the Paleo-Indian period (Cartier 1989). Furthermore, this period shows use of large side-notched points of the Central Coast Stemmed series which date to as early as 8,000 years ago (Justice 2002). Points of this type have been recovered at Cross Creek (CA-SLO-1797; Jones et al. 2002) and Little Pico Creek (CA-SLO-175; Jones and Waugh 1995). Additionally, a fluted point was reportedly found on the surface in Nipomo, San Luis Obispo County (Mills et al. 2005; Jones et al. 2007).

### **Millingstone/Early Archaic Period (8000 – 3500 BCE)**

The Millingstone period, as defined by Wallace (1955, 1978), is characterized by an ecological adaptation to collecting suggested by the appearance and abundance of well-made milling implements. Millingstones occur in large numbers for the first time in the region's archaeological record and are even more numerous near the end of this period. Aside from millingstones, typical artifacts during this period include crude core and cobble-core tools, flake tools, large side-notched projectile points, and pitted stones (Jones et al. 2007).

The Millingstone period within the Central Coast corresponds with King's (1990) Early period of the Santa Barbara Channel area, although King's Early period starts later and lasts longer (5,500 – 1,350 BCE). The Cross Creek site (CA-SLO-1797) in San Luis Obispo County is a Millingstone occupation site that returned radiocarbon dates as old as 8,350 BCE. This site represents one of the oldest expressions of the Millingstone pattern (Jones et al. 2002; Jones et al. 2007;). Within the Elkhorn Slough of the Monterey Bay Area, CA-MNT-229 produced radiocarbon dates between 6,200 and 4,000 BCE (Jones and Jones 1992), and younger examples of the pattern can be found in CA-MNT-1232/H and CA-SCR-177 in the Monterey Bay area (Jones et al. 2007).

No less than 42 sites dating to this period have been identified in various settings, including rocky coasts, estuaries, and nearshore interior valleys (Jones et al. 2007). The larger sites usually contain extensive midden deposits, possible subterranean house pits, and cemeteries. Most of these sites probably reflect intermittent use over many years of local cultural habitation and resource exploitation, with an emphasis on marine resources. Evidence at Elkhorn Slough (CA-MNT-229) confirms an early preference for estuarine and lacustrine settings. A lack of shell beads and flaked obsidian tools suggests low intensity inter-regional exchange (Jones and Jones 1992).

### **Early Period (3500 – 600 BCE)**

An extensive series of shoreline midden deposits within the Central Coast region date to the Early period, suggesting an increase in tribal settlement on the open coast (Jones and Waugh 1995, 1997; Jones et al. 2003). These include estuarine sites in San Luis Obispo County (CA-SLO-165) and open-coast sites in the Monterey Bay area (CA-MNT-73, CA-MNT-108, and CA-MNT-1228). Sites dating to this period are marked by large lithic artifact assemblages consisting of Central Coast Stemmed Series and side-notched projectile points. Square-stemmed and side-notched points have also been found in deposits at Willow Creek in Big Sur (CA-MNT-282), and Little Pico II on the San Luis Obispo coast (CA-SLO-175) (Jones and Ferneau 2002). This trend, first identified by Rogers (1929), has since become apparent at numerous sites throughout the Central Coast. In many cases, manifestations of this trend are associated with the establishment of new settlements (Jones et al. 2007).

The material culture recovered from Early period sites within the Central Coast region provides evidence for continued use of inland plant and coastal marine resources. Artifacts include milling slabs and handstones, as well as mortars and pestles, which were used for processing a variety of plant resources. Bipointed bone gorge hooks were used for fishing. Assemblages also include a suite of *Olivella* beads, bone tools, and pendants made from talc schist. Square abalone shell (*Haliotis* spp.) beads have been found in Monterey Bay, but not in the Big Sur or San Luis Obispo areas (Jones and Waugh 1997:122).

Shell beads and obsidian are hallmarks of the trade and exchange networks of the central and southern California coasts. The archaeological record indicates a substantial increase in the abundance of obsidian at Early period sites in the Monterey Bay and San Luis Obispo areas (Jones

and Waugh 1997:124–126). Obsidian trade continued to increase during the following the Middle period.

The Early Period shows an increase in hunting and fishing over the Millingstone Period, as evidenced by CA-SLO-165, with rabbits and fish remains present in greater concentrations (Jones et al. 2007).

### **Middle Period (600 BCE – 1000 CE)**

The Middle Period saw a population increase as a number of new settlements spanned throughout the Central Coast. Newly established settlements of this period include CA-MNT-108, CA-MNT-391, CA-MNT-1228, CA-SCR-7, CA-SLO-165, and CA-SLO-175 (Jones et al. 2007). During this period, evidence from CA-MNT-391 shows burials in a flexed position and associated burial items, including projectile points and bone gorges. Olivella shell beads are found in abundance associated with burials dating to the Middle Period (Hildebrandt 1997; Jones et al. 2007).

The Middle-Period is generally characterized by a shift in subsistence patterns, including more abundant use of mortars and pestles as well as higher use of larger stemmed and notched projectile points. Additionally, the first appearance of circular shell and bone fishhooks and notched net sinkers were observed within sites dating to this period. Evidence shows that marine resources were still abundantly utilized, with an increase in pinniped faunal remains, such as fur seals (Jones and Ferneau 2002; Boone 2012). Faunal assemblages show that marine diets were supplemented with small mammals, such as rabbits (Jones et al. 2007). Additionally, evidence from macro botanical analysis indicates a shift from small seeds to a heavy reliance on acorns (Wohlgemuth 1996; Hildebrandt 1997).

### **Middle-Late Transition Period (1000 – 1250 CE)**

The Middle-Late Transition period is marked by relative instability and change, with major changes in diet, settlement patterns, and interregional exchange. The relatively ubiquitous Middle period shell midden sites found along the Central Coast were abandoned by the end of the Middle-Late Transition period; therefore, most Transition period and Late period sites were first occupied at this time (Jones and Ferneau 2002:213, 219). Instead of large year-round habitation patterns, Middle-Late and Late period sites show smaller seasonal settlements (Boone 2012). CA-SLO-239 has been tentatively dated to the Middle-Late Transition Period and contains the only residential feature, a circular house floor (Jones et al. 2007).

During the Middle-Late Transition period within the Central Coast region, projectile points diagnostic of both the Middle and Late periods are found (Jones and Ferneau 2002:217). The points include large, contracting-stemmed types typical of the Middle period, as well as Late period small, leaf-shaped points, which likely reflect the introduction of the bow and arrow.

### **Late Period (1250 CE – Historic Contact)**

Late period sites are marked by small, finely worked projectile points, such as Desert side-notched and Cottonwood points, as well as temporally diagnostic shell beads. Although shell beads were typical of coastal sites, trade brought many of these maritime artifacts to inland locations, especially during the latter part of the Late period (Jones et al. 2007).

Common artifacts identified at Late Period sites include bifacial bead drills, bedrock mortars, hopper mortars, lipped and cupped Olivella shell beads, and steatite disk beads. The presence of beads and bead drills suggests low-level bead production was widespread throughout the Central Coast region (Jones et al. 2007).

Unlike the large Middle period shell middens, Late period sites are more frequently single-component deposits. There are also more inland sites, with fewer and less visible sites along the Pacific shore during the Late period. However, one Late Period shell midden has been identified on the coast in Morro Bay (CA-SLO-23). The settlement pattern and dietary reconstructions indicate a lesser reliance on marine resources than observed for the Middle and Middle-Late Transition periods, as well as an increased preference for deer and rabbit (Jones et al. 2003). An increase in sites with bedrock mortars during the Late period further suggests that nuts and seeds began to take on a more significant dietary role (Jones et al. 2007).

## **b. Historical Setting**

### **Early History**

Present day Solvang consists of land that was once part of the Rancho San Carolos de Jonata, a land grant given to Joaquin Carrillo and Jose Maria Covarrubias by Mexican Governor Pio Pico in 1845. The land grant covered approximately 26,600 acres and was predominately used for agriculture and cattle. In 1872, Carrillo and Covarrubias sold the entire Rancho to Vermont native Rufus Thompson Buell, who was forced to sell approximately 11,000 acres of the Rancho due to severe drought in the late 1870s.

In 1910, three Danish immigrants (Reverend Benedict Nordentoft, Reverend J.M. Gregersen and Professor P.P. Hornsyld) established the Danish American Colony corporation in hopes of creating the first Danish-American colony on the west coast. In January 1911, the corporation purchased nearly 9,000 acres of land once owned by Buell from the Santa Ynez Development Company. The new colony was named Solvang, meaning “Sunny Fields” in Danish (City of Solvang 2021).

### **Early Growth, 1911-1930**

Early settlers moved fast to create a strong and independent community, and by 1914, the town was developed with a hotel, multiple schools, a general store, a bank, and a vehicle repair shop. During this period, Solvang established itself as a self-reliant agricultural community, in which many of the early settlers founded dairies. With the arrival of electricity and the automobile in the 1920s, Solvang continued to grow. To meet the needs of the growing community, more homes and businesses were constructed. This growth ultimately shaped Solvang into the city it is today. Many businesses were located on Main Street (today’s Copenhagen Drive) and Gaviota Road (today’s Alisal Road), and some residences were built along Lompoc Road, which is known today as Mission Drive/Highway 246 (City of Solvang 2021).

### **Danish Capital of America 1930-1960**

By the 1930s, Solvang had become the largest town in the Santa Ynez Valley. Lumber yards, drugstores, feed stores, meat markets, and car dealerships were all added to serve the growing population. In 1936, the 25th anniversary of Solvang’s founding, the residents held a three-day celebration honoring their Danish heritage. The celebration (June 5-7) included a torchlight procession, plays, pageants, a parade, and folk dancing and singing. In 1937, Solvang organized another community-wide celebration tied to its Danish history and the tradition of Danish Days was created (City of Solvang 2021).

During World War II, many residents either joined the war effort or moved out of the area to find better job opportunities. By the mid to late 1940s, Solvang was losing its economic base; however, visitors traveled to Solvang after being named “Little Denmark” by the Saturday Evening Post

magazine in 1947 which highlighted the town's Danish culture. Solvang decided to fully embrace the concept of tourism. Businesses remodeled their storefronts and new buildings in the downtown were constructed in Old World Danish style. Building facades were updated with half-timbering to reflect a "Danish Provincial" style, Danish street names became commonplace in the 1950s, and the first of the town's three iconic Danish windmills was constructed (City of Solvang 2021).

### **c. Previously Identified Cultural Resources**

Due to extensive Native American settlement in the Santa Ynez Valley, archaeological resources are regularly uncovered in the vicinity of Solvang, predominately near waterways including the Santa Ynez River. Documentation on file with the City identifies four known archaeological resources within the Planning Area. Additionally, a review of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and the California State Office of Historic Preservation Built Environment Directory (BERD), and City provided documentation identified 16 known built environment historical resources within the Planning Area. One of these, the Mission Santa Inés, is listed in the NRHP as and in the CRHR. Mission Santa Inés was established on September 17, 1804, by father Estévan Tapis as part of the expansion of the mission system by Spanish missionaries. The mission was constructed as a mid-point between Mission Santa Barbara and Mission La Purísima Concepción and is significant as one of the best-preserved Spanish mission complexes in the United States (City of Solvang 2021). The remaining 15 historical resources identified by the City include:

- Wulff's Windmill
- Phelp's Farm
- Russell Farm
- Merrill Farm
- Bethania Lutheran Church
- Solvang Women's Club
- Marcus Neilson Home
- Hornslyd Home
- Hayne Brother Adobe
- Rasmussen Farm
- Easter Cross
- Solvang Cemetery
- Solvang School
- Elverhoy Museum/Brandt-Ericksen House
- Milk Bottle

## 4.4.2 Regulatory Setting

### d. Federal Regulations

#### National Register of Historic Places

The National Register of Historic Places (NRHP) was established by the National Historic Preservation Act of 1966 as “an authoritative guide to be used by federal, State, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment” (36 Code of Federal Regulations 60.2). The NRHP recognizes properties that are significant at the national, state, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it meets any one of the following criteria:

- **Criterion A:** Are associated with events that have made a significant contribution to the broad patterns of our history
- **Criterion B:** Are associated with the lives of persons significant in our past
- **Criterion C:** Embody the distinctive characteristics of a type, period, or method of installation, 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
- **Criterion D:** Have yielded, or may be likely to yield, information important in prehistory or history

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined in the following manner:

- **Location:** The place where the historic property was constructed or the place where the historic event occurred
- **Design:** The combination of elements that create the form, plan, space, structure, and style of a property
- **Setting:** The physical environment of a historic property
- **Materials:** The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
- **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
- **Feeling:** A property’s expression of the aesthetic or historic sense of a particular period of time
- **Association:** The direct link between an important historic event or person and a historic property

## e. State Regulations

### California Environmental Quality Act

CEQA requires that a lead agency determine whether a project could have a significant effect on historical resources and tribal cultural resources (Public Resources Code [PRC] Section 21074 [a][1][A]-[B]). A historical resource is a resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR) (Section 21084.1), a resource included in a local register of historical resources (Section 15064.5[a][2]), or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (Section 15064.5[a][3]).

PRC Section 5024.1 requires an evaluation of historical resources to determine their eligibility for listing in the CRHR. The purpose of the register is to maintain listings of the state's historical resources and to indicate which properties are to be protected from substantial adverse change. 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, as enumerated according to CEQA and quoted below.

**Section 15064.5(a)(3) [...]** Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC, Section 5024.1, Title 14 California Code of Regulations, Section 4852) including the following:

- (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

**Section 15064.5(a)(4)** The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the PRC), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

**Section 15064.5(b)** A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

In addition, if a project can be demonstrated to cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a], [b], and [c]).

PRC Section 21083.2(g) defines a unique archaeological resource as an 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 does one or more of the following:

- a. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information

- b. Has a special and particular quality such as being the oldest of its type or the best available example of its type
- c. Is directly associated with a scientifically recognized important prehistoric or historic event or person

Impacts to significant cultural resources that affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from 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 (CEQA Guidelines Section 15064.5 [b][1]). Material impairment is defined as demolition or alteration in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion or eligibility for inclusion in the CRHR (CEQA Guidelines Section 15064.5[b][2][A]).

### **California Health and Safety Code Section 7050.5**

Section 7050.5(b) of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area responsibly suspected to overlie adjacent remains until the County Coroner for the area in which the remains are discovered has determined that the remains are not subject to provisions concerning the investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. Section 7050.5(c) goes on to state if the remains are of Native American origin, the coroner must notify the NAHC within 24 hours of identification.

### **California Public Resources Code Section 5097.98**

PRC Section 5097.98 states the NAHC, upon notification of the discovery of human remains from a county coroner pursuant to California Health and Safety Code Section 7050.5(c), shall immediately notify those persons it believes to be the Most Likely Descendant (MLD) from the deceased. With the permission of the landowner, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

## **f. Local Regulations**

### **City of Solvang Municipal Code**

The Solvang Municipal Code Section 11-4-2 requires project design to avoid impacts to known archaeological and cultural sites, and where avoidance is infeasible, Section 11-4-2 requires mitigation to be implemented pursuant to State Office of Historic Preservation and the State Native American Heritage Commission. In addition, Section 11-4-2 requires Native American consultation when development proposals are submitted which could impact significant archaeological or cultural sites. The Solvang Municipal Code Section 11-4-6 states development should be prohibited

in all cases on lands that are existing parks and recreation sites, historic sites, and archaeological sites.

Solvang Municipal Code Chapter 4 establishes the Design Review Committee which is intended to preserve and enhance the historical Danish and northern European architectural styles and historic assets of Solvang. The Design Review Committee makes findings on all discretionary applications regarding compliance with design standards, building shapes, building layout, and harmony to adjoining development.

### 4.4.3 Impact Analysis

#### **a. Methodology and Significance Thresholds**

##### **Methodology**

The assessment of potential impacts to historic and archaeological resources were informed based on a review of readily available information from sources including, but not limited to, the State Office of Historic Preservation website and the National Parks Service. As a programmatic document, this EIR presents a citywide assessment of the 2045 General Plan. Because the Program EIR is a long-term document intended to guide actions up to 2045, this analysis relies on program-level evaluation.

##### **Significance Thresholds**

The following thresholds of significance are based on Appendix G to the CEQA Guidelines. For the purposes of this EIR, implementation of the project may have a significant adverse impact on cultural resources if it would do any of the following:

1. Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
3. Disturb any human remains, including those interred outside of dedicated cemeteries

The significance of a cultural resource and, subsequently, the significance of any impact are determined by consideration of whether that resource can increase our knowledge of the past. The determining factors are site content and degree of preservation. A finding of archaeological significance follows the criteria established in the CEQA Guidelines.

CEQA Guidelines Section 15064.5 (Determining the Significance of Impacts to Archaeological Resources) states:

- (3) [...] Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the CRHR (PRC Section 5024.1, Title 14 CCR Section 4852).
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in an historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) and 5024.1.

- (b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

Historical resources are “significantly” affected if there is demolition, destruction, relocation, or alteration of the resource or its surroundings. Generally, impacts to historical resources can be mitigated to below a level of significance by following the Secretary of the Interior’s Guidelines 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 (Guidelines Section 15064.6(b)). In some circumstances, documentation of a historical resource by way of historic narrative photographs or architectural drawings will not mitigate the impact of demolition below the level of significance (Guidelines Section 15126.4(b)(2)). Preservation in place is the preferred form of mitigation for archaeological resources as it retains the relationship between artifact and context, and may avoid conflicts with groups associated with the site (Guidelines Section 15126.4 (b)(3)(A)). If an archaeological resource does not meet either the historical resource or the more specific “unique archaeological resource” definition, impacts do not need to be mitigated (Guidelines Section 15064.5(e)). Where the significance of a site is unknown, it is presumed to be significant for the purpose of the EIR investigation.

## **b. Project Impacts and Mitigation Measures**

<b>Threshold 1:</b> Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?
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### **Impact CUL-1 DEVELOPMENT FACILITATED BY THE 2045 GENERAL PLAN HAS THE POTENTIAL TO CAUSE ADVERSE CHANGES TO THE SIGNIFICANCE OF HISTORICAL RESOURCES. IMPACTS WOULD BE SIGNIFICANT AND UNAVOIDABLE.**

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As discussed in Section 4.4.1, *Setting*, one NRHP- and CRHR-listed resource, Mission Santa Inés, is located in the Planning Area (National Park Service 2022; State Office of Historic Preservation 2022). In addition to these known historical and historic-period resources, there may be other yet unidentified historic resources which are eligible for inclusion in the NRHP or CRHR.

The 2045 General Plan would guide the general distribution, location, and extent of the various land uses in Solvang. Currently, there are no development plans included in the 2045 General Plan which would substantially alter the historical resource; however, the 2045 General Plan could facilitate development on parcels containing buildings that meet the age threshold (45 years or older) for potential historical resources, pursuant to CEQA.

New residential, commercial, and industrial uses would be implemented by new development and the conversion of existing properties to new land use designations. As noted in the 2045 General Plan, Solvang is primarily a built-out community, limiting new development within underutilized land or on parcels built with existing uses. Potential future development occurring under the 2045 General Plan may include site preparation, demolition, and construction activities. In addition, such changes could occur over a 22-year planning period through 2045, during which additional structures would meet the 45-year age threshold and therefore would be included in the category of potential historical resource. As such, these activities could have the potential to result in the physical demolition, destruction, relocation, or alteration of potential historical resources. Policies included in the Environment and Sustainability Element of the 2045 General Plan, listed below, would reduce impacts to a historical resource.

- **ENV-5.1: Protect Significant Sites and Buildings.** The City shall protect and enhance Solvang’s historically and architecturally significant sites and buildings.
- **ENV-5.2: Support Property Owners.** The City shall encourage the efforts of property owners to preserve and renovate historic and architecturally significant structures. Where such buildings cannot be preserved intact, the City shall seek to preserve the building facades and ensure renovations are consistent with the applicable standards set forth in the Community Design Element and design guidelines.

The goals and policies included in the Environment and Sustainability Element would reduce the potential for historical resources to be adversely impacted from the development facilitated by the 2045 General Plan. Future development facilitated by the 2045 General Plan would also be subject to the provisions of applicable federal and State cultural resource regulations, as well as Chapter 4 and Section 11-4-6 of the City’s Municipal Code. However, there would still be potential for development to impact historical resources.

As such, development facilitated by the 2045 General Plan could result in substantial alterations to or demolition of historical resources. Implementation of Mitigation Measure CUL-1 would reduce impacts to historical resources by identifying and evaluating significant historical resources and managing relocation, rehabilitation, or alteration in compliance with the Standards as applicable. Nonetheless, even with implementation of Mitigation Measure CUL-1, existing and eligible historical resources could still be materially impaired by future development that would be carried out under the 2045 General Plan. While Historic American Building Survey (HABS) documentation would reduce impacts to the greatest extent feasible in cases where compliance with the Standards or avoidance is not possible, legal precedent has established that such a measure cannot mitigate impacts to a level of less than significant, because the loss of historical fabric cannot be readily compensated for by commemorative mitigation.<sup>1</sup> Therefore, 2045 General Plan impacts related to historical resources would be significant and unavoidable with mitigation.

## Mitigation Measures

### *CUL-1 Historical Resources*

Prior to project approval of a development project carried out under the 2045 General Plan, City staff shall determine the age of the structure(s) present. If a structure is determined to be greater than 45 years of age, the project applicant shall submit preliminary information (i.e., photographs) identifying any historical age features (i.e., structures over 45 years of age) proposed to be substantially altered, relocated, or demolished. If a building, structure, object, or other built environment feature that is 45 years of age or older is proposed to be substantially altered, relocated, or demolished, and after reviewing this documentation, the Planning Manager or their designee, supported by an architectural historian as needed, shall make a preliminary determination as to whether the building qualifies as a historical resource. “Historical resource” shall mean a property listed or found eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or identified as historically and/or architecturally significant by the City pursuant to Section 15064.5(a) of the CEQA Guidelines. A property that is eligible for listing in the National Register of Historic Places or the California Register of Historical Resources must retain its historic integrity and meet one of the following eligibility criteria:

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<sup>1</sup> League For Protection of Oakland's Architectural and Historic Resources, Plaintiff and Appellant, v. City of Oakland et al., Montgomery Ward & Co., Inc., et al. No. A074348. First District, Division One. Feb 10, 1997.

- Is associated with events that have made a significant contribution to the broad patterns of our history.
- Is associated with the lives of persons significant in our past.
- Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
- Has yielded, or may be likely to yield, information important in history or prehistory.

If the Planning Manager or their designee determines the built environment resource may have the potential to qualify as a historical resource, then a historical resources evaluation shall be required. The evaluation shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices promulgated by the State Office of Historic Preservation to identify potential historical resources within the proposed development site. All properties 45 years of age or older shall be evaluated within their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report will be submitted to the City for review and concurrence. If the property is already listed in the NRHP or CRHR, the historical resources evaluation described above shall not be required.

If historical resources are identified through the survey and evaluation within the development site of a proposed development, efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with a development application that may affect the historical resource, the historical resources evaluation report shall also identify and specify the treatment of character-defining features and construction activities.

Efforts shall be made to the greatest extent feasible to ensure that the relocation, rehabilitation, or alteration of the resource is consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence. As applicable, the report shall demonstrate how the project complies with the Standards and be submitted to the City for review and approval prior to the issuance of permits.

If significant historical resources are identified on a development site and compliance with the Secretary of the Interior's Standards for the Treatments of Historic Properties and or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey report. The report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the Historic American Building Survey Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be

completed by a qualified architectural historian or historian who meets the Professional Qualifications Standards as defined by 36 CFR Part 61 and submitted to the City prior to issuance of any permits for demolition or alteration of the historical resource.

### Significance After Mitigation

Implementation of Mitigation Measure CUL-1 would reduce potential adverse impacts on historical resources to the extent feasible by requiring an identification of historic-age built environment features, an evaluation of historical resources in compliance with the State Office of Historic Preservation, and, if necessary, compliance with the Secretary of the Interior's Standards for the Treatments of Historic Properties. However, it cannot be guaranteed that historical resources would not be demolished as a result of development facilitated by the 2045 General Plan, therefore impacts remain significant and unavoidable.

<b>Threshold 2:</b> Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
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**Impact CUL-2 GROUND DISTURBING ACTIVITIES ASSOCIATED WITH DEVELOPMENT FACILITATED BY THE 2045 GENERAL PLAN COULD RESULT IN DISTURBANCE OR DAMAGE TO ARCHAEOLOGICAL RESOURCES. IMPLEMENTATION OF APPLICABLE 2045 GENERAL PLAN POLICIES, STATE AND FEDERAL REGULATIONS, AND THE SOLVANG MUNICIPAL CODE WOULD MINIMIZE OR AVOID POTENTIAL ADVERSE IMPACTS TO ARCHAEOLOGICAL RESOURCES. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.**

As discussed in Section 4.4.1, *Setting*, there are three known archaeological resources located in the Planning Area. In addition to these known archaeological resources, there may be other yet unidentified archaeological resources which may be eligible for inclusion in the NRHP or CRHR.

Effects on archaeological resources can only be determined once a specific project has been proposed because the effects are highly dependent on both the individual project site conditions and the characteristics of the proposed ground disturbing activities. However, ground disturbing activities associated with development facilitated by the 2045 General Plan have the potential to damage or destroy previously unknown archaeological resources that may be present on or below the ground surface. Potential impacts to archaeological resources are most likely to occur in areas that have not been previously developed with urban uses, have not been studied through a cultural resource investigation, or when excavation extends to depths lower than previous disturbance. Consequently, damage to or destruction of previously unknown subsurface cultural resources could occur as a result of development facilitated by the 2045 General Plan.

Policies included in the Environment and Sustainability Element of the 2045 General Plan that are applicable to archaeological resources in Solvang include the following:

**Goal ENV-4: To protect the historic and cultural resources in order to preserve the heritage of native peoples and the area's earliest settlers.**

- **Policy ENV-4.1: Protect Archaeological Resources.** The City shall provide for the protection of both known and potential archaeological resources citywide. To avoid significant damage to important archaeological sites, all available measures shall be explored at the time of a development proposal. Where such measures are not feasible and development would adversely affect identified archaeological or paleontological resources, mitigation shall be required in accordance with the relevant provisions of federal and State laws.

The goal and policy are intended to preserve and protect site-specific archaeological resources. Development facilitated by the 2045 General Plan would be subject to the provisions of applicable federal and State cultural resource regulations, as well as the requirements of Section 11-4-2 of the City's Municipal Code. These regulations require project-specific avoidance of archaeological resources, or if an archaeological resource cannot be avoided, mitigation would be implemented in accordance with applicable federal and State law regarding data collection and preservation of archaeological resources. However, there is potential for unknown historic-aged and prehistoric archaeological resources to exist throughout the Planning Area which could be damaged or destroyed during ground-disturbing activities. Therefore, the 2045 General Plan's impact on archaeological resources is potentially significant.

## **Mitigation Measures**

### *CUL-2 Archaeological Resources Assessment*

Prior to approval of a project carried out under the 2045 General Plan that will involve ground disturbance activities in native or previously undisturbed soils that may include, but are not limited to, pavement removal, potholing, grubbing, tree removal, excavation or grading, an archaeological resources assessment shall be prepared under the supervision of an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards (PQS) in either prehistoric or historic archaeology. Assessments shall include a California Historical Resources Information System (CHRIS) records search at the Central Coast Information Center (CCIC) and of the Sacred Lands File Search maintained by the Native American Heritage Commission (NAHC). The records searches shall characterize the results of previous cultural resource surveys and disclose any cultural resources that have been recorded and/or evaluated in and around the project site. A Phase I pedestrian survey shall be undertaken in proposed project areas that are on previously undeveloped land to locate any surface cultural materials. By performing a records search, consultation with the NAHC, and a Phase I survey, a qualified archaeologist shall be able to classify the project area as having high, medium, or low sensitivity for archaeological resources.

If the Phase I archaeological survey identifies resources that may be affected by the project, the archaeological resources assessment shall also include Phase II testing and evaluation. If resources are determined significant or unique through Phase II testing and site avoidance is not possible, appropriate site-specific mitigation measures shall be identified in the Phase II evaluation. These measures shall include, but would not be limited to, a Phase III data recovery program, avoidance, or other appropriate actions to be determined by a qualified archaeologist. If significant archaeological resources cannot be avoided, impacts may be reduced to less-than-significant levels by filling on top of the sites rather than cutting into the cultural deposits. Alternatively, and/or in addition, a data collection program may be warranted, including mapping the location of artifacts, surface collection of artifacts, or excavation of the cultural deposit to characterize the nature of the buried portions of sites. Curation of the excavated artifacts or samples would occur as specified by the archaeologist.

### *CUL-3 Archaeological Monitoring*

For projects whose Phase I archaeological survey identifies archaeological resources that may be affected, the applicant shall retain a qualified cultural resource specialist to monitor construction activities that involve ground-disturbing activities greater than 12 inches in depth and occur within 60 feet of a potentially significant cultural resource.

#### CUL-4 *Unanticipated Discoveries*

In the event that archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, then a Chumash representative shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Chumash representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource proves to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, a qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of the CEQA Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Chumash representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The City shall review and approve the treatment plan and archaeological testing as appropriate, and the resulting documentation shall be submitted to the regional repository of the CHRIS at the CCIC, per CEQA Guidelines Section 15126.4(b)(3)(C).

#### **Significance After Mitigation**

Implementation of Mitigation Measures CUL-2 through CUL-4 would reduce potential impacts to a less-than-significant level by requiring the identification and evaluation of any archaeological resources that may be present prior to construction and by providing steps for the evaluation and protection of unanticipated finds encountered during construction.

<b>Threshold 3:</b> Would the project disturb any human remains, including those interred outside of formal cemeteries?
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**Impact CUL-3** GROUND DISTURBING ACTIVITIES ASSOCIATED WITH DEVELOPMENT FACILITATED BY THE 2045 GENERAL PLAN COULD RESULT IN DISTURBANCE OF HUMAN REMAINS. COMPLIANCE WITH STATE HEALTH AND SAFETY CODE SECTION 7050.5 AND PUBLIC RESOURCES CODE SECTION 5097.8 WOULD ENSURE THE 2045 GENERAL PLAN'S IMPACT TO HUMAN REMAINS WOULD BE LESS THAN SIGNIFICANT.

Human burials outside of formal cemeteries can occur in prehistoric archaeological contexts, and the Solvang Cemetery and the cemetery at Mission Santa Inés lie within the Planning Area. Excavations during construction activities facilitated by the 2045 General Plan could have the potential to disturb human remains in the Planning Area which could include Native American burial sites.

Pursuant to California Health and Safety Code Section 7050.5, if human remains are found, the County Coroner must be notified immediately, and no further disturbance would occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. If the human remains are determined to be of Native American origin, the County Coroner will notify the NAHC, which will determine and notify an MLD. The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in a location that would not be affected by future ground-disturbing activities. Development facilitated by the

2045 General Plan would comply with the provisions set forth pursuant to California Health and Safety Code Section 7050.5 and PRC Section 5097.98. Therefore, although it is possible ground-disturbing activities related to project construction could disturb human remains beneath the project site, adherence to California Health and Safety Code Section 7050.5 would ensure impacts would be less than significant.

### **Mitigation Measures**

No mitigation measures are required because impacts are less than significant.

#### **4.4.4 Cumulative Impacts**

Regional cumulative impacts consider the City-wide impacts together with similar impacts of future development in and around Santa Barbara County. The general approach to cumulative impact analysis used in this EIR is discussed in Section 3, *Environmental Setting*.

Although impacts to historical resources are generally site-specific, cumulative impacts to historical resources may occur when a project, combined with other nearby projects, substantially diminish the number of historical resources within the same or similar context or property types. In addition, a significant cumulative impact could occur if the combined effect of other projects in the vicinity of a project site would result in alterations to the setting or other impacts that would affect the integrity of historical resources within the cumulative setting.

As stated under Impact CUL-1, known historical resources exist within Solvang, and sites with potential historical resources that have not yet been evaluated and could be eligible for listing on the NRHP, CRHR, or local listing. Development facilitated by the 2045 General Plan could cause a substantial adverse change to a historical resource if development were to be located on, within, or near a historical resource. Although Mitigation Measure CUL-1 would be required to reduce impacts to these resources to the maximum extent feasible, cumulative development and redevelopment could nonetheless cause the loss of built-environment historical resources. Alteration or demolition of historical resources remains a possibility throughout the Planning Area and immediate surroundings with potentially cumulative impacts. As such, the incremental effect of the 2045 General Plan would be cumulatively considerable. Therefore, the cumulative impact related to historical resources would be significant and unavoidable.

As described in Impact CUL-2, an increase in development in previously undisturbed areas contributes to regional impacts on existing and previously undisturbed areas where archaeological resources could be present. While impacts to archaeological resources generally occur on a project-specific basis, certain archaeological resources may have regional significance. For example, an archaeological resource that represents a last known example of its kind would constitute a regional impact if it were affected by proposed development. As such, cumulative impacts to archaeological resources would be significant. The 2045 General Plan would implement Mitigation Measures CUL-2 through CUL-4 to ensure that project-level impacts to unknown archaeological resources are adequately mitigated. These mitigation measures provide for archaeological assessment, testing, cultural resources training, and archaeological, as recommended for projects with ground disturbance. These measures also identify the steps to be taken if archaeological resources are encountered. Therefore, the 2045 General Plan's contribution to cumulative impacts to archaeological resources would not be cumulatively considerable.

The disturbance of human remains is largely site-specific, and the disturbance of remains at one site is generally not considered additive at another site. In addition, the disturbance of human remains is

regulated under the California Health and Safety Code Section 7050.5 and PRC Section 5097.98. Together, these regulations set standard procedures for the discovery of human remains and further evaluation if the remains are determined to be of Native American origin. While cumulative development has at least the possibility of uncovering unidentified human remains, all cumulative development would be subject to the requirements set forth within California Health and Safety Code Section 7050.5 and PRC Section 5097.98. Consequently, the cumulative disturbance of human remains would not be significant.

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