SUMMARY

ArchaeoPaleo Resource Management, Inc. (APRMI) conducted a cultural resource survey of the project site which included an archival record search conducted at the local California Historic Resource Information System (CHRIS) repository at the South Central Coastal Information Center (SCCIC) located on the campus of California State University, Fullerton. The paleontologic archival search was conducted at the Los Angeles County Museum of Natural History. In November 2009, a survey of the proposed project site and possible area of potential effect (APE) location which included the intersections of Railroad Avenue at 13th Street and Railroad Avenue at Lyons Avenue was conducted. The cultural and paleontologic resource report can be found in Appendix 5.2. Mitigation measures are recommended which would reduce potential impacts to buildings adjacent to the project site and potential impacts to archeological resources, paleontological resources, and the discovery of human remains during construction to less than significant.

PROJECT BACKGROUND

Geologic Context

Topographically, the project area lies within the Santa Clara River Valley. Geologically, the region of the project site lies within the Transverse Range Province, and is characterized by east-west–trending mountains (i.e., the San Gabriel Mountain Range), and two fault systems (San Andreas Fault system and the Transverse Range fault system). The Santa Clara River Valley has a similar history to the Los Angeles Basin given that they were part of the same large marine basin at the beginning of Miocene Era; with the mountains and hills separating the northeast Ventura Basin, San Fernando Valley, the Los Angeles Basin and San Gabriel Valley having not yet risen. The marine sedimentary deposits were covered by continental deposits as the land rose due to movement of plate tectonics.

Part of plate tectonics included the clockwise rotation of many of the area’s land segments and the development of a series of fault systems, each further eastward as the transformational contact between the Pacific and the North American Plates moved eastward. The San Gabriel fault, which lies just beyond the top of the hills lying along the north edge of the project area, once marked the contact between the

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two plates.\textsuperscript{2} These rotations led to the deepening and sediment filling of basins as the base rocks were stretched.\textsuperscript{3} By the beginning of the Pliocene, 5.3 to 1.8 million years ago (MYA), the extensional forces had largely subsided and compressional forces were beginning to occur in the general area. The basins and valleys were filling with the sediments from the mountains rising from these compressional forces, often at some of the fastest rates in the world, though they were also fast eroding because of the highly unconsolidated nature of the rock materials.\textsuperscript{4} Both valley and basin locations were raised above the sea causing these deposits to become continental in nature.

The Santa Clara River Valley is comprised of rugged terrain, as shown by its high ridgelines and steeply cut and eroded canyons of sedimentary sandstone formations, that trend northeast to southwest. This is the result of the Coast Range Orogeny of the Late Pliocene, though the process continues today. The Coast Ranges Orogeny was a period of intensive geologic activity; major deformation, metamorphism, and volcanic activity which resulted in mountain building and earthquake faulting activity in the region.\textsuperscript{5} This is a geologic transitional zone between the San Gabriel Mountain Range in the north, and the San Fernando Valley in the south. The San Gabriel Mountain Range rises to the north of the San Fernando, San Gabriel, Pomona and Cucamonga Valleys to elevations in excess of 10,000 feet above sea level. The San Gabriel Mountains are a transverse mountain range, and form a natural divide between the Mojave Desert and the Los Angeles Basin and the Greater Los Angeles Region. The northwest trending San Andreas Fault marks the northernmost terminus of the San Gabriel Mountain Range as it “toes” northward into the western periphery of the Antelope Valley, located to the north of the Project location.

**Paleontological Context**

Most surface geological deposits of the project area consist of younger Quaternary (recent and perhaps late Pleistocene) gravel and alluvium. Generally, such recent deposits do not contain significant vertebrate fossils, at most, a few random fossils that are carried from surrounding hillsides and further upstream. The older deposits north of the project area may contain fossil remains.


The hills near the project site show exposed and dissected older Quaternary (perhaps early Pleistocene) fluvial and fan deposits and exposed sections of the terrestrial Pliocene Saugus Formation that can be observed. The closest recorded fossil site to the project area is located south of Bouquet Junction and east of Bouquet Canyon Road in Saugus, California. This site is about 2 miles north of the project area and the fossil remains include camel (*Camelidae*) and horse (*Equus*) that are located within the Saugus Formation, or possibly the older Quaternary sediments. The relevance of this fossil locality to the project site is reflected in the high probability that these deposits underlie the surficial deposits that are the same sediment designation as those observed on the project site.

### Ethnographic Setting

**Tataviam**

The project site is located in a region where prehistoric cultural history is minimally documented and/or understood. At the time of the arrival of the Spanish, the Native American people, named the Tataviam, included the Santa Clara River Valley and northward to the southern Antelope Valley as part of their homeland. However, various Native American culture groups, including the Chumash to the west, and the Gabrielino/Tongva to the south, may have included this area as part of their homeland as well.

Ethnographically, very little data exists describing the life way of the Tataviam a remnant Takic language group, ethnographically identified as a Serrano division of the Shoshonean. It appears that the Tataviam lived in close contact with their eastern-Chumash and Gabrielino/Tongva neighbors to the south as hunter and gatherers. The Tataviam people were a socially complex hunter/gatherer group that occupied the area. Culturally, they were very similar to their Chumash and Gabrielino/Tongva neighbors. Unfortunately, most of the culturally significant information, such as religious beliefs, traditions, oral histories, and folklore of the Tataviam and Gabrielino/Tongva people was lost during the Mission Period. This was the result of forced cultural assimilation by the Spanish, and the decline of population due to the introduction of European diseases to the region.

Like many Californian culture groups known as hunter/gatherers, the Tataviam lived in small villages and satellite camps near water sources originating in the local mountains, foothills, and adjacent desert areas. Seasonal settlement and resource exploitation rounds may have included natural spring areas as

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well as the foothill creeks that drain into the Santa Clara River. These hunter/gatherer groups were prolific lithic tool manufacturers and basket makers, as evinced in the archaeological record.

**Historic Context**

**Prehistoric Period**

Prior to the Shoshonean immigration from the Great Basin, and subsequent Tataviam habitation in the Santa Clara River Valley circa 2,500 years before present (BP), the entire Los Angeles region which would include the San Gabriel, San Fernando, and Santa Clara River Valley’s, were possibly occupied by humans in excess of 20,000 years, as evinced by the archaeological discoveries at Ballona Creek, the La Brea Tar Pits, Malaga Cove, and the Los Angeles Basin in general.  

**Historic Period**

Historic cultural resources are generally more than 45 years of age and range from the earliest time of contact with Europeans to around the year 1960. This near 500-year span of time gives ample opportunity for the development of numerous types of cultural resources that may be recorded and possibly evaluated as significant, important, or unique under current cultural resource protection laws.

**Local Historic Context**

Newhall is a community located within the jurisdiction of the City of Santa Clarita. The City of Santa Clarita is very young, having incorporated in 1987. This region of Southern California was visited by Gaspar de Portola in 1769, and Father Crespi “named the valley Santa Clara in honor of Saint Clare of Assisi, co-founder of the Franciscan Order of Poor Clares.”

The Newhall area was once part of the larger historic Rancho San Francisco granted in January 1839 by then Mexican Period Governor, Alvarado to Antonio del Valle, to himself, and consisted of 48,612 acres of land encompassing the Placerita and Newhall Creeks. Additionally, del Valle owned the neighboring Camulos Rancho, which included a large portion of the Santa Clara River. Within two years the Rancho San Francisco was a place of activity, as a minor gold rush had incited a run on the Placerita Creek. Oil production was a feature in 1875 as evidenced by a local oil refinery. In 1876 the Southern Pacific Railroad

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9 Starzak, Richard Historic Properties Survey Report for the Proposed Alameda Corridor from the Ports of Long Beach and Los Angeles to Downtown Los Angeles, in Los Angeles County. On file, South Central Coast Information Center, California State University-Fullerton. 1994.
had established a station in Saugus, named for Henry M. Newhall, then owner of the former Rancho San Francisco, having purchased the land in 1875.\textsuperscript{10}

The heirs of Henry Newhall formed The Newhall Land and Farming Company following Newhall’s death in 1882. In 1936, Atholl McBean, grandson-in-law of Henry Newhall, struck oil on the family land. The Newhall Ranch underwent a radical change from its early days as a ranching and agriculture enterprise to that of a short-lived oil drilling endeavor from the late 1930s through the mid-1950s, though remnants of the earlier oil drilling days remain as a result of some of the still-pumping derricks. In the late 1950s McBean, observant of the post World War II housing trends of Southern California, and as a strategic financial investment, shifted the Newhall Ranch into the land-development sector.\textsuperscript{11}

Thus was the transition of the Newhall region from open land to master-planned community. Historic properties, part of the Old Town section of Newhall, are west of the project site. While some of the older buildings have been torn down, others are still being used and maintained today. As an example, a flower shop was housed in the old jail at 24522 Spruce Street, north of the Lyons Avenue and Main Street intersections, until recently.

As western movie makers used the Newhall area for their films in the 1930s and 1940s, some of the actors and producers bought Newhall land. To this day, due to the local preservation laws, some of the historic Tom Mix cottages still exist. The William S. Hart’s residence, now part of the Natural History Museum of Los Angeles County’s family of museums, is south of the project site at Railroad Avenue and Newhall Avenue.

The project site is located within part of the original Old Town section of Newhall.

**EXISTING CONDITIONS**

**Geologic**

The general surface geology of the project site is best described as unconsolidated deposits of quaternary alluvium (Qa), artificial fill, and railroad ballast. The property is situated west and south of Newhall Creek, to the east of Railroad Avenue, to the north of adjacent commercial land uses. The project site is at an elevation of approximately 1,300 feet above sea level.

\textsuperscript{10} McKenna, Jeannette et al, *A Phase I Cultural Resources Investigation for the Proposed Newhall Community Center Project Area in the City of Santa Clarita, Los Angeles County, CA*, (2003) 8–9.

\textsuperscript{11} Ibid., 10–11.
5.2 Cultural Resources

Paleontological

The Natural History Museum of Los Angeles County (NHMLAC) provided the initial *Vertebrate Paleontologic Records Check* for the project site and did not identify any recorded fossil vertebrate localities within the boundaries of the project area. Additionally, no recorded vertebrate fossils were documented in other younger quaternary alluvial deposits nearby. Geologic maps of the project location and additional research documents were also reviewed by APRMI who confirmed the finding. While no fossil deposits were located within the Newhall creek beds on the property, deeper subsurface excavation could uncover older fluvial or fan deposits or exposures of the Pliocene Saugus Formation. Additional research and review of the 7.5-minute geologic map of Newhall confirmed that the subsurface geology denotes potential fossil recovery in the Saugus Formation.

The NHMLAC rates the paleontologic sensitivity of the project area as moderate, according to the guidelines of the Society of Vertebrate Paleontology.

Archeological Conditions

The proposed project is located in the Downtown Newhall Specific Plan zone. This region was the traditional homeland of the Tataviam, and possibly the Gabrieleno/Tongva and Chumash Native American culture groups. The Native American Heritage Commission (NAHC) in Sacramento, California, was queried for input as to a listing of potentially interested parties of individuals of California Indian descent. Additionally, the NAHC was asked to provide a list of any known Sacred Sites from their Sacred Lands File that may exist within the project APE. Once the requested documents were received from the NAHC, preliminary Native American contact was initiated.

In terms of cultural resources, no new sites and/or isolates of prehistoric or historic archaeological type were identified within the project site. The archival research and literature reviewed in support of the proposed project did not indicate a prehistoric site or isolate within 1 mile, though historic architectural resources are located within 0.25 mile of the project area and adjacent to the APE alignment. However, there has been very little archaeological investigation within a 1-mile radius of the project site.

The lack of archaeological sites and/or visible at the surface level does not preclude their potential existence subsurface. The location of the project property with respect to its proximity to Newhall Creek 75 feet to the northeast, is of significance, for the river and creek corridors, as well as, natural springs, as indicated in the Ethnographic Setting, above, would have provided an ecological environment conducive to the ancient hunting-and-gathering lifestyle of the Tataviam and neighboring cultural groups.
5.2 Cultural Resources

Historic Conditions

The document titled Downtown Newhall Historic Survey and Specific Plan Impact Analysis, discusses that “the buildings in the Downtown Newhall Specific Plan area lack the historic coherence and architectural cohesion necessary to form a historic district.”

However, the City has worked to retain the remaining character within the built environment in the Old Town Newhall area and consider many of the local buildings to be City Points of Historical Interest, as designated in the City of Santa Clarita General Plan. None of the properties or buildings that are considered to be within the project APE are listed on the California Registry of Historical Resources (CRHR), the National Register of Historic Places (NRHP), or considered by the City as properties or buildings of Points of Local Historical Interest.

The four buildings located on the west side of Railroad Avenue at 13th Street, built between 1961 and 1972, are not considered historically significant, nor will they be impacted by construction-related activities. These properties are located at 24707, 24715, 24725, and 24727 Railroad Avenue. The three properties located on 13th Street between Railroad Avenue and Arch Street were built between 1952 and 1955, and are not considered historically significant. These properties are located at 22428 and 22414 13th Street and at 24639 Arch Street. Three properties adjacent to the APE were built between 1946 and 1980. None of these properties or buildings has been previously recorded. California Department of Parks and Recreation (CDPR) Forms for 22520 Lyons Avenue and 24522 Railroad Avenue will be completed before construction commences. There is a modern 6-foot-tall sign for the “Western Walk of the Stars” located at the north corner of the 22522 Railroad Avenue. This sign is not located on the project site, but is located on city owned property. It appears to have been built in the 1980s or 1990s.

There are a total of 10 properties/buildings adjacent to the project site, but these properties do not meet the California Environmental Quality Act (CEQA) criteria to be deemed historically significant properties.

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REGULATORY SETTING

Federal Regulations

National Historic Preservation Act

Enacted in 1966, the National Historic Preservation Act (NHPA) has become the foundation and framework for historic preservation in the United States.\(^{13}\) Briefly, the NHPA authorizes the Secretary of the Interior to expand and maintain an NRHP; it establishes an Advisory Council on Historic Preservation as an independent federal entity, requires federal agencies to take into account the effects of their undertakings on historic properties, and affords the Advisory Council a reasonable opportunity to comment on any undertaking that may affect historic properties listed, or eligible for listing, in the NRHP; and makes the heads of all federal agencies responsible for the preservation of historic properties owned or controlled by their agencies. In addition, the NHPA authorizes funding for state programs with provisions for pass-through funding and participation by local governments. In summary, the NHPA provides the legal framework for most state and local preservation laws.

National Park Service

The National Park Service has issued regulations governing the NRHP.\(^{14}\) Among the topics covered in detail in these regulations are the effects of listing under federal law, definition of key terms (e.g., building, site, structure, and district), nomination procedures, nomination appeals, and removing properties from the NRHP. Importantly, the regulations present the following criteria by which historic properties are evaluated for the NRHP.\(^{15}\)

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

\[
(a) \text{ That are associated with events that have made a significant contribution to the broad patterns of our history; or}
\]

\[
(b) \text{ That are associated with the lives of persons significant in our past; or}
\]

\[
(c) \text{ That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or}
\]

\[
(d) \text{ That have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).}
\]

\(^{13}\) U.S. Code, Title 16, Part 470 \textit{et seq.}, Public Law 890665, National Historic Preservation Act.

\(^{14}\) U.S. Code, Title 36, Chapter I, Part 60, National Register of Historic Places, revised July 1, 2004.

\(^{15}\) Ibid., Section 60.4.
A historic property does not have to be nominated for, or listed in, the NRHP to be afforded protection under the NHPA. Most of the properties managed under this and other federal historic-preservation authorities have never been nominated for the NRHP. The significance of a historic district, site, building, structure, or object—and thus its required consideration under the law—is determined by the property’s eligibility for the NRHP with respect to the criteria set forth in 36 Code of Federal Regulations (CFR) 60.4.

**NHPA Section 106 Review**

The NHPA established the Section 106 review procedure to protect historic and archaeological resources that are listed in or eligible for listing in the NRHP from impacts of projects by a federal agency, projects funded or permitted by a federal agency, or projects located on federally owned land or Native American-owned land. The responsible federal agency first determines whether it has an undertaking that is a type of activity that could affect historic properties. Historic properties are properties that are included in the NRHP or that meet the criteria for listing in the NRHP. If so, it must identify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) to consult during the process.

**Native American Consultation**

In 2008, the Advisory Council on Historic Preservation (ACHP) issued a handbook to guide and assist lead agencies, and other entities, with the federal Native American consultation process, within the regulatory framework of Section 106 of the NHPA.

**State Regulations**

**California Environmental Quality Act**

Cultural resources management work conducted as part of the project must comply with the CEQA statutes and the *State CEQA Guidelines*, and any potential historic and prehistoric resources that might exist within the proposed project area would have to be evaluated under these guidelines. Enacted in 1971, CEQA and the *State CEQA Guidelines* direct lead agencies to determine whether an archaeological site is a “historically significant” cultural resource.

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16 Ibid., Title 16, Part 800, National Historic Preservation Act, Section 106.
17 California Public Resources Code, Title 14, Division 6, Chapter 3, *California Environmental Quality Act Guidelines*, Section 15064.5.
For purposes of this section, the term "historical resources" shall include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR.\(^{18}\)

2. A resource included in a local register of historical resources, as defined the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.\(^{19}\)

3. 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 may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. 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 including the following:\(^{20}\)

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

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 does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code.\(^ {21}\)

The term “unique archaeological resource” has the following meaning under CEQA:\(^ {22}\)

> 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 any of the following criteria:

> (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

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\(^{18}\) California Public Resources, *California Register of Historical Resources* Section 4850 et seq.

\(^{19}\) California Public Resources, *California Register of Historical Resources*, Sections 5020.1(k) and 5024.1(g).

\(^{20}\) Ibid., Section 4852.

\(^{21}\) Ibid., Section 5020.1 and 5024.1; *State CEQA Guidelines* Section 15064.5.

\(^{22}\) California Environmental Quality Act, Section 21083.2(g).
(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historical event or person.

A project with an effect that may cause a substantial adverse change in the significance of a historical resource or unique archaeological resource is a project that may have a significant effect on the environment. Effects on cultural properties that qualify as historical resources or unique archaeological resources can be considered adverse if they involve physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The cited statutes and guidelines specify how cultural resources are to be managed in the context of projects. Briefly, archival and field surveys must be conducted, and identified cultural resources must be inventoried and evaluated in prescribed ways. Prehistoric and historical resources deemed historically significant would be considered in the context of the proposed project’s planning and development. As well, any proposed undertaking that may affect historically significant cultural resources must be submitted to the SHPO for review and comment prior to project approval by the responsible agency (in this case the County) and prior to construction. Subsequent sections of the State CEQA Guidelines detail methods by which significant effects may be mitigated, and discuss procedures for treatment of human remains discovered in the course of project development.

**Office of Historic Preservation**

The mission of the Office of Historic Preservation (OHP) and the State Historical Resources Commission (SHRC), in partnership with the people of California and governmental agencies, is to preserve and enhance California’s irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.

The OHP is responsible for administering federally and state-mandated historic preservation programs to further the identification, evaluation, registration, and protection of California’s irreplaceable archaeological and historical resources under the direction of the SHPO and the SHRC. OHP’s responsibilities include

- identifying, evaluating, and registering historic properties;

- ensuring compliance with federal and state regulatory obligations;
• encouraging the adoption of economic incentives programs designed to benefit property owners; and

• encouraging economic revitalization by promoting a historic preservation ethic through preservation education and public awareness and, most significantly, by demonstrating leadership and stewardship for historic preservation in California.

OHP reviews and comments on several thousand federally sponsored projects and state programs and projects annually pursuant to Section 106 of NHPA.

**California Register of Historic Places**

The California Register of Historical Resources (California Register) is an authoritative guide to California’s significant historical and archaeological resources to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state, and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change. The State of California OHP administers the California Register of Historic Places program. As a recipient of federal funding, the OHP meets the requirements of the NHPA, as it has a SHPO who enforces a designation and protection process, has a qualified historic preservation review commission, maintains a system for surveys and inventories, and provides for adequate public participation in its activities. As the recipient of federal funds that require pass-through funding to local governments, the OHP administers the Certified Local Government program for the State of California. The OHP also administers the California Register of Historical Landmarks and California Points of Local Historical Interest programs.

The NRHP and CRHR criteria mirror each other in terms of determination of site significance and listing eligibility. As previously stated, an NRHP eligible historic property qualifies for CRHR eligibility; however, the CEQA addresses local resources of historical significance, provided the local resource meets the criteria set forth in Title 14, California Code of Regulations Section 15064.5(a)(3).

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Health and Safety Code

It should also be noted that sites that may contain human remains important to Native Americans must be identified and treated in a sensitive manner, consistent with the California Health and Safety Code and Public Resources Code as reviewed below:\textsuperscript{24}

\textit{In the event that human remains are encountered during project development and in accordance with the Health and Safety Code Section 7050.5, the County Coroner must be notified if potentially human bone is discovered. The Coroner will then determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) by phone within 24 hours, in accordance with Public Resources Code Section 5097.98. The NAHC will then designate a Most Likely Descendant (MLD) with respect to the human remains. The MLD then has the opportunity to recommend to the property owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and associated grave goods.}

Public Resources Code Sections

Public Resources Code Section 21083.2(a) pertains to archaeological resources, specifically, those determined significant per the CEQA.

\textit{“(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact shall address the issue of the resources. An environmental impact report, if necessary, shall not address the issue of non-unique resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.”}

A “significant effect” upon an historic resource, is considered a “substantial adverse change” per CEQA 15064.5(b)(1,2); “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,” possibly resulting in a determination of ineligibility for the CRHR.

Public Resources Code 21084.1 also addresses CEQA compliance and archaeological resources:

\textit{“A project 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. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the CRHR. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g)\textsuperscript{24} 24 California Health and Safety Code, Sections 7050.5 and 5097.98}
5.2 Cultural Resources

Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of evidence demonstrates that the resource is not historically or culturally significant.

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, or not deemed significant pursuant to criteria set for in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.”

California State Historical Building Code, CCR Title 24, Part 8

The intent of the California State Historic Building Code (SHBC) is the appropriate treatment of historical buildings while simultaneously providing for the health and safety of potential occupants, and energy conservation.25

It is the purpose of the State Historical Building Code to provide regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation as applicable to all historical buildings, structures and properties deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. Such standards and regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored elements and features, to encourage energy conservation and a cost effective approach to preservation, and to provide for reasonable safety from fire, seismic forces or other hazards for occupants and users of such "buildings, structures and properties" and to provide reasonable availability and usability by the physically disabled.

Tribal Consultation (Senate Bill 18)

Cities and counties are required, pursuant to Senate Bill (SB) 18, to notify and consult with California Native American Tribes about proposed local land use planning decisions for protecting Traditional Tribal Cultural Places.26 Cities and counties must obtain a list of the California Native American tribes from the NAHC whose traditional lands within the agency’s jurisdiction may be affected by a proposed adoption or amendment of a General Plan or Specific Plan. Prior to the adoption or any amendment of a General Plan or Specific Plan, a local government must notify the appropriate tribes of the opportunity to conduct consultations on the proposed action. Prior to the adoption or substantial amendment of the General Plan or Specific Plan, a local government must refer the proposed action to those tribes on the Native American contact list that have traditional lands within the agency’s jurisdiction.

To help local officials meet these new obligations, SB 18 requires the Governor’s Office of Planning and Research (OPR) to amend its General Plan Guidelines to include advice to local government on how to consult with California Native American tribes.

26 California Senate Bill 18, Chapter 905, Statutes of 2004.
Developed in consultation with the NAHC, the OPR guidelines include advice for consulting with California Native American Tribes for

- the preservation of, or the mitigation of impacts to, cultural places;
- procedures for identifying through the NAHC the appropriate California Native American tribes;
- procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of cultural places; and
- procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location character, and use of cultural places.\(^{27}\)

**Local Regulations**

**City of Santa Clarita General Plan**

Review of the General Plan did not indicate specific policies, goals, or reference to ordinances with respect to paleontologic resources. However, the City of Santa Clarita also complies with the preservation measures put forth in the CEQA for paleontologic and cultural resources. The policies, mitigation measures, and management strategies employed by the City of Santa Clarita for paleontologic and cultural resources are provided below. These policies and mitigation measures are located within the Environmental Impact Report (EIR), Chapter 5 of the General Plan, as well as incorporated in the Preservation of Natural Resources policies and Goals of the Open Space and Conservation Element.

- **Policy 10.1** to promote the preservation and rehabilitation of significant historic structures and architectural amenities through implementation of the Historic Preservation/Cultural Resources Ordinance.
- **Policy 10.2** which considers relocation of valuable historic structures to Heritage Park whenever they are unavoidably endangered by incompatible development.
- **Policy 10.3** to continue to support implementation programs established by the Santa Clarita Historical Society and others to identify and preserve historical sites.
- **Policy 10.4** to establish development guidelines to identify and preserve significant archeological sites.
- **Policy 10.5** to integrate historic sites with recreational and open space areas whenever possible.
- **Policy 10.6** to incorporate historic sites into proposed development whenever possible in such a manner as to preserve the integrity of the site whenever possible.

\(^{27}\) California Government Code, Section 65040.2(g).
One Valley One Vision General Plan

Review of the proposed One Valley One Vision (OVOV) General Plan did not identify specific goals, objectives, and policies related to paleontological resources. However, the proposed OVOV General Plan did identify goals, objectives, and policies pertaining to historical resources and archeological resources. These goals, objectives, and policies are located within Section 5.2, Cultural Resources, of the public draft EIR and identified below.

Goal CO 5: Protection of historical and culturally significant resources that contribute to community identity and a sense of history.

Objective CO 5.2: Protect and enhance the historic character of Downtown Newhall.

Policy CO 5.2.1: In keeping with the Downtown Newhall Specific Plan policies, ensure that the scale and character of new development is compatible with and does not detract from the context of historic buildings and block patterns.

Policy CO 5.2.3: Ensure that all aspects of community design in Newhall, including street furniture, lighting, trash collection and storage areas, seating, and other accessory structures, are of a design and scale appropriate for the historic character of the district, while maintaining a sense of authenticity.

Objective CO 5.3: Encourage conservation and preservation of Native American cultural places, including prehistoric, archaeological, cultural, spiritual, and ceremonial sites on both public and private lands, throughout all stages of the planning and development process.

Policy CO 5.3.2: For any proposed development project that may have a potential impact on Native American cultural resources, provide notification to California Native American tribes on the contact list maintained by the Native American Heritage Commission that have traditional lands located within the City’s jurisdiction, and consider the input received in the development decision.

Policy CO 5.3.3: Review and consider a cultural resources study for any new grading or development in areas identified as having a high potential for Native American resources, and incorporate
recommendations into the project approval as appropriate to mitigate impacts to cultural resources.

Santa Clarita Municipal Code

The Property Development Standards\(^{28}\) of the City of Santa Clarita includes the requirement that all historical points of interest, as identified in the Open Space and Conservation Element of the Santa Clarita General Plan, shall be shown on the site plan. Any development that would detrimentally affect the historical point of interest shall comply with the requirements of City, state, and federal law.

The purpose of the Historic Preservation Review is to promote the economic and general welfare of the City of Santa Clarita by preserving and protecting public and private historic, cultural, and natural resources which are of special historic or aesthetic character or interest, or relocating such resources where necessary for their preservation and for their use, education, and view by the general public. Through historic preservation review, the Director of Community Development shall ensure that the project complies with all of the provisions of the Unified Development Code, the General Plan, specific plans and other legislative planning documents.\(^{29}\)

**PROJECT IMPACTS**

**Thresholds of Significance**

In order to assist in determining whether a project will have a significant effect on the environment, the State CEQA Guidelines, Appendix G identify criteria for conditions that may be deemed to constitute a substantial or potentially substantial adverse change in physical conditions. Specifically, Appendix G of the State CEQA Guidelines (Environmental Checklist Form) lists the following items to be considered when determining whether a project may be deemed to have a significant impact on cultural resources if it would:

- cause a substantial adverse change in the significance of an archaeological resource, as defined in Section 15064.5 of the State CEQA Guidelines;
- disturb any human remains, including those interred outside of formal cemeteries;
- cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5 of the State CEQA Guidelines; or
- directly or indirectly destroy a unique paleontological resource of site or unique geologic feature.

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\(^{28}\) City of Santa Clarita. Municipal Code. Title 17 Zoning Section 17.15.020. “Property Development Standards.”

Impact Analysis

Impact 5.2-1 Cause a substantial adverse change in the significance of an archaeological resource, as defined in Section 15064.5 of the State CEQA Guidelines

As described above in Existing Conditions, the Santa Clarita Valley region was the traditional homeland of the Tataviam, and possibly the Gabrieleno/Tongva and Chumash Native American culture groups. The NAHC in Sacramento was queried for input as to a listing of potentially interested parties of individuals of California Indian descent. Additionally, the NAHC was asked to provide a list of any known Sacred Sites from their Sacred Lands File that may exist within the project APE.

The location of the project site, with respect to its proximity to Newhall Creek 75 feet to the northeast, is of significance, for the river and creek corridors, as well as, natural springs, as indicated in the Ethnographic Setting, would have provided an ecological environment conducive to the ancient hunting-and-gathering lifestyle of the Tataviam and neighboring cultural groups.

In terms of cultural resources, no new sites and/or isolates of prehistoric or historic archaeological type were identified within the project site. The archival research and literature reviewed in support of the proposed project did not indicate a prehistoric site or isolate within 1 mile, though historic architectural resources are located within 0.25 mile of the project area and adjacent to the APE alignment. However, there has been very little archaeological investigation within a 1-mile radius of the project site.

As described in the Section 5.3, Geology and Soils, the soils underneath the project site contain Quaternary alluvium, artificial fill, and railroad ballast. The project site was graded and leveled for the development of the railroad tracks. As a result, the likelihood for discovery of archaeological resources would be low due to previous earth disturbance of the site. However, as the proposed project would involve earth moving operations there is the potential for accidental discovery of archeological resources.

Mitigation Measures

The following mitigation measures shall be implemented.

MM 5.2-1 An archaeologist shall be on site during earth moving activities. Upon completion of all archaeological construction monitoring, the applicant shall complete and submit a final Report of Findings, which documents the results of monitoring service activities, to the Department of Community Development Planning Division. If isolated artifacts, archaeological sites (prehistoric and/or historic), or features are located; laboratory preparation, analysis, cataloging, curation, and final acceptance to a legal repository will be required, and those findings shall be included in the aforementioned Report of Findings, in order to fulfill the federal and state regulations and requirements.
5.2 Cultural Resources

MM 5.2-2 If archaeological features or sites are uncovered, a Native American monitor of Tataviam descent should be retained, per the recommendations of the Native American Comment Letters and the Native American Heritage Commission. Upon completion of all cultural resource construction monitoring, the applicant shall complete and submit a final Report of Findings, which documents the results of monitoring service activities, to the Department of Community Development Planning Division. If isolated artifacts, archaeological sites (prehistoric and/or historic), or features are located; laboratory preparation, analysis, cataloging, curation, and final acceptance to a legal repository will be required, and those findings shall be included in the aforementioned Report of Findings, in order to fulfill the federal and state regulations and requirements.

Residual Impacts

Impacts would be less than significant with mitigation.

Impact 5.2-2 Disturb any human remains, including those interred outside of formal cemeteries

The project site has previously been disturbed from the construction of the existing railroad tracks. The cultural and paleontological report conducted for the proposed project (see Appendix 5.3) concluded that there were no known formal cemeteries on the project site. As described above in Ethnographic Setting, the project area was used, specifically along the local waterways, by the Tataviam and neighboring cultural groups. Therefore, there is the potential for discovery of human remains during grading activities. Construction of the at-grade rail crossing would involve additional earth moving activities and therefore, a potentially significant impact to human remains.

Mitigation Measures

The following mitigation measure shall be implemented.

MM 5.2-3 If human remains are encountered during a public or private construction activity, other than at a cemetery, State Health and Safety Code 7050.5 states that no further disturbance shall occur until the Los Angeles County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The Los Angeles County Coroner must be notified within 24 hours.

a. If the coroner determines that the burial is not historic, but prehistoric, the Native American Heritage Commission (NAHC) or other represented ethnic groups, must be contacted to determine the most likely descendent (MLD) for this area. The MLD may become involved with the disposition of the burial following scientific analysis.
Residual Impacts

Impacts would be less than significant with mitigation.

Impact 5.2-3 Cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5 of the State CEQA Guidelines

Historic Properties

The proposed project is located in the Downtown Newhall Specific Plan area in the City of Santa Clarita. Multiple field surveys have determined that there are 10 properties adjacent to the existing 13th Street at-grade rail crossing and the proposed project. The four properties located at 24727, 24725, 24715, and 24707 Railroad Avenue by the 13th Street intersection do not meet any of the criteria set forth in CEQA to be deemed as historically significant properties and will not be impacted by construction-related activities. These properties do not abut the project APE.

Additionally, the three properties located at 22428, 22414, and 24639 13th Street do not meet any of the criteria set forth by CEQA to be deemed as historically significant properties and will not be impacted by construction-related activities.

The Old Newhall Jail at 24522 Spruce Street, built in 1906, is located nearby but is not part of the intersection realignment or street closure and will not be impacted by construction-related activities. There is a modern 6-foot-tall sign for the “Western Walk of the Stars” located at the north corner of the 22522 Railroad Avenue. It appears to have been built in the 1980s or 1990s. This signage is not considered historic nor will be altered during construction-related activities.

The three properties located at the Lyons Avenue and Railroad Avenue intersection are historic in age but do not meet the criteria by CEQA as historically significant properties.

Buildings and/or businesses that abut the APE that have the potential for impact or damage due to construction-related activities are:

- Billy’s at 22600 Lyons Avenue, built in 1980 for commercial use;
- Insurance Auto Collision Center at 22520 Lyons Avenue, built in 1946 which was originally a service station; and
- Auto Service Plus at 24522 Railroad Avenue built for car repair.

The only building/business that would have the potential to be impacted from construction of the proposed project would be the Auto Service Plus located at 24522 Railroad Avenue (prior address in the
same location was 24510 San Fernando Road). The southern section of the building is located within the city-owned right-of-way and is currently pending court litigation for approval to be dismantled. Regardless, this building does not fit any of the criteria under the State CEQA Guidelines 15064.5(a) to be considered a significant historic property or cultural resource.

The Southern Pacific Railroad itself is considered a historical resource, but since it will not be adversely affected by construction-related activities, and both Southern Pacific and the Los Angeles County Metropolitan Transportation Authority (Metro) use the tracks and do not consider this section of trackway significant, no CDPR Forms for the State of California are required. All alterations to the railroad trackways, railroad property, and grade crossings must be approved by Metro and Southern Pacific Railroads.

There are a total of 10 properties/buildings adjacent to the proposed project; however, these properties do not meet the CEQA criteria to be deemed historically significant properties. Only one property, located at 24522 Railroad Avenue, will be potentially impacted by construction-related activity. However, as this property does not qualify under CEQA as a historical resources, impacts would be less than significant.

**Mitigation Measures**

No mitigation measures are required.

**Residual Impacts**

Impacts would be less than significant with mitigation.

**Impact 5.2-4 Directly or indirectly destroy a unique paleontological resource of site or unique geologic feature**

The project site is geologically situated on a surficial deposit of alluvium consisting of younger Quaternary gravels and sands, artificial fill, and railroad ballast. Alluvial deposits are known to be fossiliferous and may contain paleontologic remains although fossil bearing soil in this location is within the deeper Saugus Formation.

A search of the NHMLAC provided the initial Vertebrate Paleontologic Records Check for the project site which did not identify any recorded fossil vertebrate localities within the boundaries of the project area. Additionally, no recorded vertebrate fossils were documented in other younger quaternary alluvial deposits nearby. Therefore, the likelihood to discover paleontologic resources is low during earth moving activities. However, because the proposed project will involve earthmoving activities, there is the potential to accidentally discover paleontological resources, which could result in significant impacts.
Mitigation Measures

The following mitigation measures shall be implemented.

**MM 5.2-4** During grading activities, in the unlikely event that paleontological resources are found, a paleontologist will be notified to stabilize, recover, include laboratory preparation, analysis, cataloging, curation, and final acceptance to a legal repository will be required. Those findings shall be included in the aforementioned Report of Findings, in order to fulfill the federal and state regulations and requirements. All work shall be strictly adhered to Society of Vertebrate Paleontology standards.

**MM 5.2-5** Prior to grading activities, a paleontologist shall be retained to monitor construction activities.

Residual Impacts

Impacts would be less than significant with mitigation.

CUMULATIVE IMPACTS

Impacts upon cultural and paleontological resources tend to be site specific and are assessed on a site-by-site basis. Where resources exist, implementation of cumulative development in the region would represent an incremental adverse impact to cultural resources. However, provided that proper mitigation, as defined by *State CEQA Guidelines* Section 15126.4(b) and as defined in mitigation measures **MM 5.2-1** to **MM 5.2-5**, is implemented in conjunction with development of related projects in the City of Santa Clarita, no significant cumulative impacts are anticipated.

CUMULATIVE MITIGATION MEASURES

No mitigation measures are required.

UNAVOIDABLE SIGNIFICANT IMPACTS

No unavoidable significant cultural resource impacts would result with implementation of the proposed project.